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STATE OF NEW YORK
CONSERVATION DEPARTMENT



WATER RESOURCES COMMISSION

Water Supply Application No. 4972

THREE HILLS TERRACE WATER DISTRICT

D E C I S I O N

State of New York

Department of Conservation

WATER RESOURCES COMMISSION

Water Supply Application No. 4972

In the Matter of the Application

- of -

Town of Guilderland on behalf of
Three Hills Terrace Water District
for approval of its proposed water
supply and distribution system.

THREE HILLS TERRACE WATER DISTRICT

D E C I S I O N

Application filed July 2, 1965

Hearing held in
Guilderland August 4, 1965

Decision September 1, 1965

DECISION ON WATER SUPPLY APPLICATION NO. 4972

PROCEEDINGS

Gordon Robinson, Supervisor of the town of Guilderland, Albany County, acting in the name of the town and on behalf of Three Hills Terrace Water District in that town, on July 2, 1965 made application to the Water Resources Commission for approval of the plans of the town for the construction of a water supply system in Three Hills Terrace Water District and for the taking of a supply of water on a temporary basis for this system from the facilities of McKownville Water District of the town through the distribution facilities of the town's Birchmont Water District. This application was filed in the office of the Commission on July 2, 1965.

After due notice published in the Knickerbocker News of Albany, the hearing on this application was held before David D. Morey, Associate Engineer of the Commission, in the Town Hall of the Town of Guilderland on August 4, 1965 at 1:00 o'clock in the afternoon. At this hearing the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments pertaining to the project. The petitioner was represented at the hearing by Frank J. Williams, Jr., Esq., its attorney. Objections or Notices of Appearance were filed by: James J. Barber, James Bruce, Marshall Miller, Durward Brewer, Herbert Sunshine, Joseph Jazenboski, Fred Abele and Hugh Prytherch, residents of the town, all of whom appeared at the hearing with the exception of Mr. Jazenboski.

PROJECT

The town of Guilderland now proposes to construct a water supply system within a part of the area of Three Hills Terrace Water District of the town and to take a supply of water for this system on a temporary basis from the facilities of the McKownville Water District through the distribution system of the town's Birchmont Water District. A metered connection will be made to the existing mains of Birchmont Water District on West Dillenbeck Drive and an 8-inch transmission line will be constructed from this point to the boundaries of the Three Hills Terrace Water District where it will connect to a proposed distribution system covering part of the area of the district. The distribution system now to be constructed consists of approximately 5,500 feet of 6-inch pipe, 920 feet of 2-inch pipe and approximately 8 fire hydrants. It is proposed to install a pressure regulating valve in the proposed line between the systems of the Birchmont Water District and the present district to prevent pressures in the Birchmont Water District falling below a predetermined acceptable level. The estimated cost of this project is \$66,000.

OBJECTIONS AND NOTICES OF APPEARANCE

Fred Abele and Hugh Pytherch do not oppose approval of the project if services are to be provided on a temporary basis only until service is available from the proposed Westmere Water District or until January 1, 1968 and on conditions that the supply is limited to lots currently occupied and meters are installed. James J. Barber considers that a pressure control device should be installed between the system of Birchmont Water

District and the system of the proposed district to protect residences of the Birchmont area against loss of pressure in the system. All other persons appearing at the hearing, in accordance with statutory notices of appearances, were in favor of the project.

After due study of the petition and its exhibits and of the evidence and arguments given at the hearing, the Commission finds as follows:

FINDINGS OF FACT

1. Three Hills Terrace Water District is located near the southeastern corner of the town of Guilderland, Albany County. It is bounded on the northeast by the corporate limits of the City of Albany, on the southeast by the Guilderland - Bethlehem town line and on the southwest by the right of way of the New York State Thruway.

2. There are approximately 75 existing homes within the district and it is estimated that the population of the area is 275. The built-up section of the district is located generally in its northeasterly portion and the presently proposed distribution system covers this area. Additional lots for residential construction are available at various locations within the built-up area. The southwesterly portion of the district is presently vacant land which might be available for real estate development in the future.

3. The Water District was established under Article 12A of the Town Law. After holding a public hearing to consider the proposition, the Town Board by a resolution dated May 4, 1965, approved of the formation of the district and authorized an application to the State Comptroller requesting the permission of that official for the district's formation. The permission of the State Comptroller for the formation of the district was given on June 8, 1964.

4. Water supply for the homes in this present water district is taken from both deep and shallow individual wells. During the durrent period of low rain fall and of lowering ground water table, approximately 40 per cent of the families in the district have at times during the last year been without water completely or have not had sufficient water to meet minimum requirements.

5. It is estimated that the water supply requirements of the residents of the district under ordinary conditions would be 17,000 gallons per day. However in a petition signed by approximately 72 per cent of the residential users of water in the district it is stated that the signers would agree to any restrictions on the use of water imposed by McKownville Water District. With the restrictions which the McKownville Water District has proposed to impose within the area, it is estimated that average requirements of the district will be 10,000 gallons per day.

6. McKownville Water District of the town, the primary supplier of water under this proposed application, was formed in 1947. The district covers the community of McKownville and an area immediately adjacent to the city of Albany. Birchmont

Water District, which is now supplied with water from the system of McKownville Water District, is located between that water district and Three Hills Terrace Water District and the complete supply for this latter district must be delivered through the distribution system of Birchmont Water District.

7. The main source of water supply for McKownville Water District is an impounding reservoir located on a small stream just west of Fuller Road. Water is pumped from this reservoir to an adjacent rapid sand filter plant having a normal rated capacity of 288,000 gallons per day. After treatment at this plant, the water is stored in a clear well from which it is again pumped by high lift pumping equipment to the distribution system and to a 200,000-gallon elevated storage tank.

8. In 1960, the main source of water supply of McKownville Water District was supplemented by the construction of a recharge basin immediately adjacent to the filter plant. A low lift pump was installed in the filter building to pump water from the existing reservoir to this recharge basin and well points were installed around the basin. These well points were connected through common headers to a second pump located in the filter building which pumps water collected by the well points into a clear well of the filter plant from which water is pumped to the distribution system by the high lift pumping equipment. It is estimated that this recharge basin provides approximately 50 gallons per minute.

9. During 1964 and 1965, an accumulation of silt was removed from the impounding reservoir of McKownville Water District. Approximately 10,000 cubic yards of silt were removed resulting in a net increase in the usable storage capacity in the reservoir from 1.25 to 3.16 million gallons. At this same time a new intake was installed in the reservoir.

10. The town is now installing additional low lift pumping equipment at the existing filter plant of McKownville Water District together with a diatomaceous earth filter having a normal operating rate of 200 gallons per minute. The work on these additions is practically completed.

11. The construction of a water supply system within the McKownville Water District and the taking of the initial and the additional sources of water supply for the system were approved by this Commission under several prior applications of the town. The most recent application pertaining to the McKownville Water District has covered the taking of an additional source of water supply by the installation of the new diatomaceous earth filter and its appurtenant equipment. This application was approved in a decision dated May 6, 1965 on Water Supply Application No. 4890.

12. All water served by the McKownville Water District system is treated with chlorine before being pumped to the distribution system and after this treatment meets requirements of satisfactory sanitary quality.

13. Average use of water by customers now supplied by the McKownville Water District system and the proposed use by the present residents of Three Hills Terrace Water District, is estimated to be 200,000 gallons per day. The maximum daily requirement is estimated at 390,000 gallons per day.

14. It is estimated that further water requirements of the system served by McKownville Water District might average 280,000 gallons per day and that maximum daily requirements might exceed 500,000 gallons per day. The applicant's engineer considers that under extreme drought conditions, the present facilities would not provide sufficient water to meet such requirements over an extended period without very strict restrictions on the use of water.

15. Flow tests conducted by the applicant's engineer near the point of the proposed connection to the Birchmont system have indicated that, at a rate of flow of 160 gallons per minute, pressures near the point of connection would be reduced from 77 pounds per square inch to 37 pounds per square inch. The proposed regulating valve will be set so that pressures in the Birchmont system near the point of connection will not fall below 40 pounds per square inch.

16. Under conditions of high demands in the McKownville and Birchmont systems, it is expected that there will be times when completely adequate domestic service will not be available within the Three Hills Terrace Water District. The supply will not be capable of providing acceptable fire protection in this district.

17. The taking of a supply of water from the system of the City of Albany through a connection to the system of the city was investigated by the applicant's engineer. He found that a connection to the city's system would provide an ample supply of water for general purposes as well as for reasonable fire protection and had previously recommended that this plan be carried out. This plan was discussed with officials of the city and it was decided by these officials that service could not be provided in the area from the city's system because of the current water supply situation with respect to the city's system caused by the present drought.

18. The town of Guilderland is now taking steps to create the Westmere Water District to serve the easterly section of the town extending from the Guilderland Water District on the west to the McKownville Water District on the east. It is proposed to construct a water supply system in this district and to develop a permanent source of water supply for it and for the system of Three Hills Terrace Water District. The Town Board has adopted a resolution approving of the new district. This resolution, however, is subject to the result of a permissive referendum and a request for such a referendum recently has been received by the Town Board.

19. In view of the fact that the formation of Westmere Water District is subject to approval by a permissive referendum, there is now no assurance that the plans for that water district will be carried out and a permanent source of water supply provided for it and for the present district. No alternate plan for supplying the present district on a permanent basis has been presented and the district could conceivably be left without a source of water supply if supply from the McKownville District is terminated.

20. The project covered by this present application appears to afford the only means of alleviating the serious condition which now exists in the Three Hills Terrace Water District area. The town officials and residents of this district are aware of the limited supply to be provided and of the doubtful situation existing with respect to a permanent source of water supply. The Commission will approve the application so that the Town Board may provide immediate relief should the Board consider it advisable to proceed with the project under these conditions. The Commission will, however, place a limiting date of January 1, 1968 on the taking of a supply from the present facilities of McKownville Water District.

21. The Commission considers that the installation of the pressure regulating valve in the system and strict restrictions of outside use of water will, for a limited period at least, assure the maintenance of adequate pressure in the Birchmont and McKownville Water Districts and provide a fair grade of domestic service within the Three Hills Terrace Water District.

22. The Commission does not consider that service should eventually be limited to existing homes only, as requested by persons filing notices of appearance. Because of the limited service to be provided it can not be expected that there will be a significant number of new homes constructed within the area now to be supplied with water. Service in the presently unoccupied area of the district, possibly to supply a prospective real estate development, is dependent upon extensions of the proposed distribution system and on the approval of the Department of Health. To protect the interests of the prospective customers, the Commission will require that the town make no further extensions to the distribution system covered by the present project until a permanent source of water supply has been made available.

23. As its engineer in connection with this project, the applicant has retained J. Kenneth Fraser, a consulting engineer duly licensed under the laws of this State. The works, if built, will be constructed under the supervision of this engineer.

24. The carrying out of this project will have no adverse effect on the water supply interests of any other municipality or civil division of the State.

25. The legal damages which may be caused by the execution of the plans of the petitioner are not such as to require any special consideration or legislative enactment in order that they equitably may be determined and paid.

CONDITIONS

The Commission finds it necessary, in order to protect the water supply and the interests of the applicant and of the inhabitants of the territory supplied by it with water and to protect the water supply and interests of any other municipal corporation or other civil division of the State and the inhabitants thereof, that the application, maps and plans submitted should be modified to conform to the following:

- A. Under this decision and approval the town of Guilderland is authorized to provide from the facilities of its McKownville Water District a supply of water on a temporary basis for a proposed distribution system in a part of the area of the Three Hills Terrace Water District as shown on a map prepared by J. Kenneth Fraser dated February, 1965 and filed as Exhibit B in this proceeding. The furnishing of this supply may be continued until the Three Hills Terrace Water District has obtained a permanent source of supply but not after January 1, 1968.
- B. Use of this supply within Three Hills Terrace Water District for sprinkling, car washing and other outside purposes must be prohibited and the pressure control valve to be installed under this application shall be kept in operating condition at all times to maintain in the system of Birchmont Water District sufficient pressure to provide adequate service in that district.
- C. The applicant may not extend the distribution system as shown on Exhibit B referred to above until a permanent source of water supply of adequate capacity has been provided for the district area.
- D. The applicant must require that, before the household pumping system of any customer is connected to the system of the district, all other sources

of supply must be permanently disconnected from this customer's pumping system and the district must not permit any cross-connection between the system of the district and any other source of supply.

- E. Nothing in this decision and approval contained shall be held to dispense with a requirement that the town of Guilderland obtain the approval of this Commission of all applications, maps and plans of the Westmere Water District or of any other plans pertaining to a permanent source of water supply for the present district. Generally this authority shall not be held in any way to restrict this Commission in taking such action as it may deem suitable and proper on any water supply applications which may come before it affecting the area.
- F. Nothing in this decision and approval contained shall be held to abrogate the provisions of Section 480 of the Conservation Law, which forbid the operation of any of these works until as constructed they have been approved by the Commission. Such final approval will be given only on due petition therefor. In general such approval will not be given except for a fully completed system, and it never will be given until all provisions affecting quality of the water and safety of the works fully have been complied with.

STATUTORY DETERMINATIONS

The Water Resources Commission, having given due consideration to the said petition and its exhibits and the proofs and arguments submitted at the hearing, determines and decides as follows:

First. That the application, maps and plans submitted are modified as set forth above and, as so modified, are the plans hereinafter mentioned.

Second. That the plans proposed are justified by public necessity.

Third. That said plans provide for the proper and safe construction of all work connected therewith.

Fourth. That said plans provide for the proper protection of the supply and the watershed from contamination and for the proper treatment of such supply.

Fifth. That said plans are just and equitable to the other municipalities and civil divisions of the State affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.

Sixth. That said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.

DECISION

WHEREFORE, the Water Resources Commission does hereby approve the said application, maps and plans of the Town of Guilderland on behalf of Three Hills Terrace Water District as thus modified.

IN WITNESS WHEREOF, the Water Resources Commission has caused this determination and approval to be signed and has caused its official seal to be affixed hereto and has filed the same with all maps, plans, reports, and other papers relating thereto in its office in the city of Albany, this 1st day of September, 1965.

WATER RESOURCES COMMISSION

CECIL E. HEACOX

Secretary to the Conservation
Dept., Alternate - Acting
Chairman

(L.S.)

Attest:

ROBERT A. COOK
Secretary to the Commission

STATE OF NEW YORK)
CITY AND COUNTY OF ALBANY) ss.

I, ROBERT A. COOK, Secretary to the Water Resources Commission, State of New York do hereby certify that the foregoing is a true copy of the original decision "In the matter of the application of Town of Guilderland on behalf of Three Hills Terrace Water District for approval of its proposed water supply and distribution system," duly filed in the office of said Water Resources Commission on the 1st day of September, 1965, and remaining on file therein.

I FURTHER CERTIFY that the said copy has been compared by me with the original thereof and that the same is a correct transcript therefrom and of the whole of said original.

WITNESS my hand and the seal of
said Water Resources Commission
this 13th day of September,
1965.



Secretary to the Commission