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**DEPARTMENT REPORTS**

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the supply and the watershed from contamination and that filtration is at the present time unnecessary.

*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 Power and Control Commission does hereby approve the said application, maps and plans of Scotts Beach Country Club, Inc., as thus modified.

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In the Matter of Application of the CITY OF ROCHESTER, for Approval of Financial and Engineering Plans for Improvement, Extension, Rehabilitation and Enlargement of Water Supply System. MODIFYING DECISION. EXTENSION OF TIME

#### Water Supply Application No. 1609

(December 12, 1950)

#### Application, maps and plans modified.

BY THE COMMISSION.—On October 2, 1945, the Water Power and Control Commission approved of the water supply application of the city of Rochester involving an increase in the supply of water taken to the city from Hemlock and Canadice lakes. In the decision approving this application, the Commission imposed several conditions, two of which read as follows:

“3. On or before January 1, 1947, the city must submit to this Commission for its approval maps showing the actual boundaries of the land to be acquired by it in connection with this project and thereafter and prior to January 1, 1949, it must have submitted to the Commission evidence that such lands already actually have been acquired or that the proceedings necessary to bring about such acquisition have been started.”

“9. Unless the works authorized by this decision shall have been fully completed by September 1, 1953, or within such extended time as may have been applied for and granted by the Commission, then and on that date this decision shall be deemed to have lapsed and to be of no further force and effect.”

On November 13, 1948, the city requested certain modifications in that decision, particularly with respect to one of the time limits referred to in *Condition 3* as quoted above and at that time alleged that because of difficulties encountered in clearing titles to lands proposed to be taken and in contacting various persons involved in these procedures, it would be impossible to meet the Commission's

requirements by the time set in that condition. The Commission, therefore, on December 7, 1948 revised *Condition 3* to read as follows:

“3. On or before January 1, 1947, the city must submit to this Commission for its approval maps showing the actual boundaries of the land to be acquired by it in connection with this project and thereafter and prior to January 1, 1951, it must have submitted to the Commission evidence that such lands already actually have been acquired or that the proceedings necessary to bring about such acquisition have been started.”

This action extended the time for completing the land acquisition required under the original decision or for starting the proceedings necessary to complete such acquisition from January 1, 1949 to January 1, 1951. At the time of this modifying decision, it was believed by the Commission and by the city that such an extension would be more than sufficient for the purpose.

On November 25, 1950, a further request by the city, made through Louis B. Cartwright, its city manager, was filed with this Commission. In this request, which was accompanied by a memorandum to the city manager from the office of the corporation counsel of the city on the subject, the city has requested a further extension of the time limit imposed in *Condition 3* and also an extension of the time limit included in *Condition 9* of that decision for full completion of the work contemplated under the application. The memorandum attached to this request indicates that the city, through the proper bureau of its corporation counsel's office, has been busily engaged in operations on a more recently approved project for the development of Lake Ontario as a source of water supply for the city with a consequent lull in its efforts to obtain the remaining land necessary to meet the Commission's requirements on the project covered by this older application. It, therefore, requests that the Commission grant the further extensions of time asked for it in the city manager's latest communication.

After due study of the recent request and of the information contained therein, and after further study of the original papers filed in this case, the Commission finds as follows:

#### Findings of Fact

1. The Commission, on August 1, 1950, approved of a subsequent application by the city in connection with the proposed development of Lake Ontario as a source of city water supply (*Water Supply Application No. 2030*). It is the Commission's understanding that the city is now carrying out the project approved under that later application.

2. In the proceedings on that application, it was indicated that upon completion of the project proposed thereunder, the city might never fully complete the project formerly approved. The Commission has no official information from the city as to the correctness of such an implication and believes that such information should be

made available to it before any extension of the time limit imposed in *Condition 9* could be granted.

3. In its original decision on the earlier application, the Commission, in imposing the various time limits referred to, had in mind the interests of the various property owners of or tenants on the lands required to be taken and of other municipalities or civil divisions of the State which probably might be affected by the plans of the city in developing an additional supply of water from these lakes.

4. The time limit in *Condition 9* was included so as to preclude the possibility of the city of Rochester tying up the use of the additional waters of Hemlock and Canadice lakes indefinitely to the detriment of others in the State. Unless it can be shown that the city intends to proceed in the near future with the full completion of this project, no such extension of time as requested will be given. It is directed that the city advise the Commission as promptly as possible of its decision on such a matter.

5. The time limit in *Condition 3* was included so as to protect the interests of the owners or occupants of the lands required to be taken. It has not been thought advisable to permit the city to delay unduly the taking of such lands, and the time limit imposed, and as later extended, has been of sufficient duration to have permitted the required actions to be taken.

6. On the other hand, the Commission recognizes that the press of other matters, some of which may result in the abandonment of the city's plan to acquire at least some of the land previously thought necessary to be acquired, may to some extent justify the city's delay in this direction. The Commission, however, still believes that this phase of the project could have been completed within the time allotted and that no justification now exists for any extensive increase in the time for completion of it.

7. The Commission, therefor, will grant an extension of this time limit but for a period of one year only and directs that the acquisition of the necessary land or the beginning of the necessary proceedings to bring about such acquisition shall have been entirely completed by January 1, 1952.

#### Conditions

The Commission, therefore, finds that *Condition 3* of its decision in this case dated October 2, 1945 and as later modified on December 7, 1948 may be and hereby is again revised to read as follows:

"3. On or before January 1, 1947, the city must submit to this Commission for its approval maps showing the actual boundaries of the land to be acquired by it in connection with this project and thereafter and prior to January 1, 1952, it must have submitted to the Commission evidence that such lands already actually have been acquired or that the proceedings necessary to bring about such acquisition have been started."

In all other respects the original decision is to remain as written or as modified on December 7, 1948.

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**Order**

Wherefore, the Water Power and Control Commission does hereby modify the said application, maps and plans of the city of Rochester, as indicated above.

In the Matter of Application of the CITY OF NEW YORK to the Water Power and Control Commission for Approval of Plans for Replacing Lost Well Capacity and Deteriorated Wells at Douglaston Pumping Station by Substituting for Said Lost Capacity Two Existing Shallow Deep Well Units. 28TH APPLICATION. MODIFYING DECISION

Water Supply Application No. 1956  
(December 12, 1950)

**Application, maps and plans modified and approved.**

BY THE COMMISSION.—On November 1, 1949, this Commission approved of a water supply application by the city of New York (*Water Supply Application No. 1956*) involving the abandonment of certain wells in its suction field at Douglaston pumping station and the substitution of other wells therefor. The decision also provided that the abandoned wells should be sealed, the connecting piping removed and the pumping equipment removed from *Well Q-278*, which well is to be retained solely as an observation well for the recording of water levels.

This approval was granted subject, among others, to the following condition:

“C. Unless all work in connection with this project shall have been completed by December 1, 1950 or within such extended time as may have been applied for and granted by the Commission, then and on that date this decision shall be deemed to have lapsed and to be of no further force and effect.”

On November 29, 1950, the city of New York department of water supply, gas and electricity filed a letter signed by Stephen J. Carney, commissioner, requesting this Commission to extend the time limit set up in the decision, stating that the connecting suction piping of the well field and the pumping equipment in *Well Q-278* has not been completely removed.

After due study of the applicant's request, this Commission finds that a one-year extension of the time limit may be granted.

In all other respects the said decision shall remain as originally written.

**Decision**

Wherefor, the Water Power and Control Commission does modify the said application, maps and plans of the city of New York, Douglaston Pumping Station, as above set forth and does hereby approve the same, as so modified.

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