

Intro. Res. No. 1030-2010
Introduced by Legislators Browning, Eddington, Romaine and Muratore

Laid on Table 1/4/2010

**RESOLUTION NO. 460 -2010, ADOPTING LOCAL LAW
NO. 28 -2010, A LOCAL LAW TO EXEMPT PROPERTIES IN
THE TOWN OF BROOKHAVEN FROM REQUIREMENTS OF
LOCAL LAW NO. 3-2009**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on January 4, 2010, a proposed local law entitled, "**A LOCAL LAW TO EXEMPT PROPERTIES IN THE TOWN OF BROOKHAVEN FROM REQUIREMENTS OF LOCAL LAW NO. 3-2009**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 28 -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO EXEMPT PROPERTIES IN THE TOWN OF
BROOKHAVEN FROM REQUIREMENTS OF LOCAL LAW NO. 3-
2009**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Local Law No. 3-2009 authorized and directed the Department of Energy and Environment to offer certain substandard lots, acquired by the County by tax defaults for sale at public auctions to persons and entities willing to seek relief from local zoning requirements in order to construct affordable housing.

This Legislature also finds and determines that the Town of Brookhaven has expressed serious concern that Local Law No. 3-2009 would negatively impact the Town by generating additional applications for variances, additional costly litigation resulting from the denial of variances and more construction on substandard lots.

This Legislature further finds and determines that the County of Suffolk should work cooperatively with other political subdivisions and avoid taking actions that negatively impact local governments.

Therefore, the purpose of this local law is to exempt parcels located within the Town of Brookhaven from the requirements set forth in Local Law No. 3-2009.

Section 2. Amendments.

Article XLII of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**Article XLII
Department of Energy and Environment**

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§ A42-4. Disposition of property acquired through Suffolk County Tax Act.

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H. The Commissioner, or his or her designee, in the case of a parcel which does not meet the minimum zoning code requirements of the municipal zoning district in which the parcel is located, in order to promote the development of residential dwellings for first-time homebuyers and/or occupants, shall offer to convey such parcel to the highest bidder at a special auction who: (i) agrees, in writing, within 60 days of the date of such auction, to apply for and diligently pursue, using best efforts and at such bidder's sole cost and expense, a building permit, to allow the construction of a single-family residential dwelling on such parcel that substantially conforms in size and appearance to the residential dwellings located within the immediately surrounding residential community; (ii) agrees, in writing, within 180 days of the date of such auction, to apply for and diligently pursue, using best efforts and at such bidder's sole cost and expense, any and all variances and/or other relief from such minimum zoning requirements; and (iii) agrees, in writing, to accept title to such parcel subject to the covenants contained in this Subsection H. The requirement to offer and convey such parcel to such highest bidder at a special auction under this subsection shall apply only to parcels located substantially within a residential zoning district that have a lot area of not less than 5,000 square feet and street frontage of not less than 50 feet and that substantially conform in size to the developed and/or undeveloped parcels located within the immediately surrounding residential community. The provisions of this subsection shall not apply to parcels situated within the Town of Brookhaven.

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Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration,

management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: May 11, 2010

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED JUNE 11, 2010

After a public hearing duly held on May 25, 2010
Filed with the Secretary of State on June 23, 2010