

Intro. Res. No. 1665-2010

Laid on Table 6/8/2010

Introduced by Presiding Officer, on request of the County Executive and Legislators  
Schneiderman, Muratore, Romaine, Losquadro, Vilorio-Fisher

**RESOLUTION NO. 631 -2010, AUTHORIZING FUNDING,  
ACQUISITION, CONVEYANCE, DEVELOPMENT,  
INFRASTRUCTURE IMPROVEMENTS AND OVERSIGHT OF  
REAL PROPERTY UNDER SUFFOLK COUNTY AFFORDABLE  
HOUSING OPPORTUNITIES PROGRAM (SUMMERWIND  
SQUARE - RIVERHEAD)**

**WHEREAS**, Local Law No. 13-2000 as amended in its entirety by Local Law No. 17-2004, known as Suffolk County Administrative Code (“SCAC”) Article XXXVI, as amended, found and determined that there was a need for the County to aid municipalities in providing affordable housing and established the Suffolk County Affordable Housing Opportunities Program; and

**WHEREAS**, SCAC § A36-2(C) provides a statutory framework for land to be acquired and infrastructure improvements to be made for Suffolk County’s Workforce Housing Program through the use of capital bond proceeds; and

**WHEREAS**, the County Department of Economic Development and Workforce Housing and the Town of Riverhead have identified three sites in the County of Suffolk, to be known as “Summerwind Square,” which would be appropriate for development as workforce housing and are identified by the Suffolk County Tax Map Nos. as follows: 0600-128.00-060.00-081.000; 0600-128.00-06.00-082.000; and 0600-128.00-06.00-086.003 (the “Subject Premises”); and

**WHEREAS**, pursuant to Section 36-2 (C) of Article XXXVI of the Suffolk County Administrative Code, it is proposed that the County acquire the Subject Premises at a purchase price of One Million Nine Hundred Seventy Six Thousand Dollars (\$1,976,000) and transfer the Subject Premises to Eastern Property Investor Consultants, LLC (the “Developer”); and

**WHEREAS**, the Environmental Trust Review Board reviewed the appraisals, reviewed the report of the Internal Appraisal Review Board, approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition, on February 19, 2010; and

**WHEREAS**, Summerwind Square will require infrastructure improvements to facilitate the construction of the workforce housing development and, in connection therewith, the Developer has requested infrastructure funding from the County in the amount of Three Hundred Thirteen Thousand Dollars (\$313,000); and

**WHEREAS**, Resolution No. 560-2009 authorized planning steps for acquisition of the Subject Premises for the Summerwind Square affordable housing development; and

**WHEREAS**, the Developer and the County have negotiated a development agreement to be executed by the Developer and the County (the “Development Agreement”), which incorporates a development plan (the “Development Plan”), each of which is in substantially final form, as attached hereto, detailing the proposed purchase by the County of

the Subject Premises, the funding of certain infrastructure improvements, and the subsequent development of 52 affordable rental units; and

**WHEREAS**, pursuant to Resolution No. 1168 dated December 15, 2009, the Town of Riverhead Board, as lead agency, issued a negative SEQRA declaration which completed the environmental review; and further the negative declaration issued by the Town Board is binding on the County, as an involved agency, pursuant to Title 6 of the New York Codes, Rules and Regulations (NYCRR) § 617.6 (b) (3) (ii) and, therefore, SEQRA is complete; and

**WHEREAS**, Resolution Nos. 277-2007 and 83-2008 appropriated the proceeds of \$1,500,000 and \$4,500,000, respectively, in Suffolk County Serial Bonds for Workforce Housing acquisitions under the Suffolk County Workforce Housing Program subject to further Legislative approval of a resolution authorizing the planning, funding and/or acquisition of specific projects; and

**WHEREAS**, Resolution No. 1421-2005, appropriated the proceeds of \$5,000,000 in Suffolk County Serial Bonds to fund the infrastructure improvements in connection with the properties acquired, funded, constructed, reconstructed or rehabilitated in connection with the Workforce Housing Program subject to further Legislative approval of a resolution authorizing the funding of specific infrastructure improvements to be made in connection with such workforce housing acquisitions; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the Suffolk County Legislature, on behalf of the County, hereby finds and determines that Summerwind Square meets the requirements of the Suffolk County Affordable Housing Opportunities Program for its Workforce Housing Program and the need to fill the critical shortage of affordable housing in the County and, accordingly, authorizes the development of Summerwind Square; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Development Agreement and the Development Plan are hereby approved in substantially the same form as attached hereto; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the Subject Premises are hereby authorized to be acquired, conveyed, developed, supervised and managed subject to the Development Agreement and Development Plan, subject to a final survey, for a total purchase price of One Million Nine Hundred Seventy Six Thousand Dollars (\$1,976,000); and be it further

**4<sup>th</sup>** **RESOLVED**, that pursuant to Suffolk County Charter §§ C35-2(V) and (Y), and SCAC § A36-2(C), the Department of Economic Development and Workforce Housing and its Commissioner, and the Division of Affordable Housing and its Director of Affordable Housing, are hereby authorized to acquire and convey the Subject Premises, as necessary, and the same are hereby further authorized, empowered and directed to take such other actions, make such changes, enter into such other agreements, and execute such other documents as are required to effectuate this overall affordable housing project and transaction, and to pay such additional expenses which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, as may be necessary and appropriate to accomplish the aforesaid authorizations and duties; and be it further

**5<sup>th</sup>** **RESOLVED**, that, subject to the terms of the Development Agreement, the County Comptroller and County Treasurer are hereby authorized to reserve and pay One Million Nine Hundred Seventy Six Thousand Dollars (\$1,976,000) for the purchase price of the Subject

Premises from previously appropriated funds in Capital Project Nos. 525-CAP-8704.211 and 525 –CAP-8704.212; and be it further

**6<sup>th</sup>** **RESOLVED**, that, subject to the terms of the Development Agreement, the County Comptroller and County Treasurer are hereby authorized to reserve and pay Three Hundred Thirteen Thousand Dollars (\$313,000) in connection with infrastructure costs associated with the development of Summerwind Square from previously appropriated funds in Capital Project No. 525-CAP-6411.310; and be it further

**7<sup>th</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management or her designee, pursuant to Suffolk County Charter § C42-2C(3)(d), is hereby authorized and empowered, and her actions are hereby ratified and adopted, to negotiate the purchase price for the initial acquisition of the Subject Premises, in accordance with the terms of the Development Agreement, and further to provide whatever additional support is requested by the Department of Economic Development and Workforce Housing and its Division of Affordable Housing, and by the County Attorney pursuant to Suffolk County Charter §C16-2 and the Department of Public Works pursuant to Suffolk County Charter §C8-2(W); and be it further

**8<sup>th</sup>** **RESOLVED**, that the County Executive, the County Attorney, the Commissioner of the Department of Economic Development and Workforce Housing and the Director of Affordable Housing are hereby authorized, respectively, to take such further actions as may be necessary or desirable to effectuate the purposes and intent of the foregoing resolutions and to execute any and all documents necessary and/or desirable to effectuate the purpose and intent of the workforce housing development referred to in this Resolution; and be it further

**9<sup>th</sup>** **RESOLVED**, pursuant to Resolution No. 1168, dated December 15, 2009, the Town of Riverhead Board, as lead agency, issued a negative SEQRA declaration which completed the environmental review; and further the negative declaration issued by the Town Board is binding on the County, as an involved agency, pursuant to Title 6 of New York Codes, Rules and Regulations (NYCRR) § 617.6 (b) (3) (ii) and, therefore, SEQRA is complete.

DATED: June 22, 2010

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 30, 2010