

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 127 -2012, AUTHORIZING THE
RETIREMENT AND USE OF WORKFORCE HOUSING
DEVELOPMENT RIGHTS BANKED IN THE SUFFOLK COUNTY
SAVE OPEN SPACE BOND ACT WORKFORCE HOUSING
TRANSFER OF DEVELOPMENT RIGHTS PROGRAM
REGISTRY FOR USE IN THE TOWN OF HUNTINGTON**

WHEREAS, Resolution No. 840-2004, created the Save Open Space Bond Act (the "Act") which authorized the County's acquisition of land for open space preservation, active parkland, farmland development rights and environmental protection purposes; and

WHEREAS, the Act also authorized the County to transfer development rights ("Development Rights") from properties acquired pursuant to the Act to non-environmentally sensitive properties in order to facilitate the construction of affordable ownership and rental housing as defined in Article XXXVI of the Suffolk County Administrative Code; and

WHEREAS, to administer the transfer of Development Rights, there has been created the Suffolk County Save Open Space Bond Act Workforce Housing Transfer of Development Right Program Registry (the "WHDR Registry") which tracks the Development Rights from creation of the credits to utilization of the credits for an affordable housing project; and

WHEREAS, 215 Depot Road Realty Corp., the developer, has requested the utilization of Development Rights in connection with the development of three affordable apartments, one at 600 SF, one at 1,125 SF and one at 1,138 SF, to be constructed above 3,325 square feet of ground floor office space as part of a mixed use professional office – residential complex to be located at 215 Depot Road, Huntington Station, New York (the "Project"); and

WHEREAS, approval by the Suffolk County Department of Health Services requires an additional 1.19 sewage rights to offset the increase in sanitary flow as a result of the inclusion of three apartments in the Project; and

WHEREAS, the Project proposes to utilize a portion of the three and one half (3.5) Development Rights existing in the WHDR Registry and acquired by the County from property identified by SCTM No. 0400-134.00-02.00-007.001 (the "Sending Parcel") and to apply such Development Rights to the Project property identified by SCTM Nos. 0400-145.00-03.00-107.000 and 0400-145.00-03.00-109.000 (the "Receiving Parcels"); and

WHEREAS, the Sending Parcel and the Receiving Parcels are within the same Groundwater Management Zone (Zone I); and

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing and the Suffolk County Department of Planning have reviewed the application for utilization of 1.19 Development Rights and determined that the request meets the requirements of the Act for the development of affordable housing in compliance with Article XXXVI of the Suffolk County Administrative Code; now, therefore be it

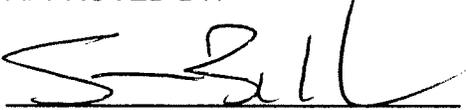
1st **RESOLVED**, that 1.19 Development Rights shall be subtracted from the aggregate 3.5 Development Rights generated from SCTM No. 0400-134.0-02.00-007.001, and inventoried in the WHDR Registry, to be retired and attached to the Project for use in connection with the of development of affordable workforce housing in connection with the Project; and be it further

2nd **RESOLVED**, that the County Executive, the County Attorney, the Commissioner of the Department of Economic Development and Workforce Housing, the Director of Affordable Housing, the Director of Planning and the Commissioner of the Department of Health Services are hereby authorized, respectively, to take such further actions as may be necessary or desirable to effectuate the purposes and intent of this Resolution and to execute any and all documents necessary and/or desirable to effectuate the purpose and intent of this Resolution; and be it further

3rd **RESOLVED**, this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8 and Chapter 279 of the Suffolk County Code, hereby finds and determines that this law constitutes a Type II action, pursuant to Title 6 of the New York Code of Rules and Regulations Part 617.5 (c)(9) and (20). Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: **MAR 13 2012**

APPROVED BY:


County Executive of Suffolk County

Date: 3-27-2012

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on March 13, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1128

Res. No. 127

March 13, 2012

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

MOTION

Approve

___ Table: _____

___ Send To Committee

___ Table Subject To Call

___ Lay On The Table

___ Discharge

___ Take Out of Order

___ Reconsider

___ Waive Rule _____

___ Override Veto

___ Close

___ Recess

APPROVED FAILED ___

No Motion ___ No Second ___

RESOLUTION DECLARED

ADOPTED

___ NOT ADOPTED

Roll Call ___ Voice Vote

Tim Laube

Tim Laube, Clerk of the Legislature