

RESOLUTION NO. 819 -2012, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE VILLAGE OF MASTIC BEACH FOR AFFORDABLE HOUSING PURPOSES

WHEREAS, the County of Suffolk is the fee owner of certain parcels which are particularly described in Exhibit "A" attached hereto; and

WHEREAS, said parcels are surplus to the needs of the County of Suffolk; and

WHEREAS, Section 72-h of the General Municipal Law permits the sale of real property between Municipal Corporations; and

WHEREAS, the Village of Mastic Beach, has requested the County of Suffolk convey the above-described parcel to it. See annexed Resolution hereto marked as Exhibit "B"; and

WHEREAS, the transfer of these parcels are pursuant to and in accordance with Local Law Nos. 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing has approved the use of these parcels for the purposes stated above; now, therefore be it

1st RESOLVED, the subject parcels shall be conveyed to the Village of Mastic Beach, for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed and, additionally, if any one or more of the following occurs, the subject premises shall revert to the grantor as herein provided and as provided in any deed evidencing the transfer of the subject premises from the grantor to the grantee:

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;
2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two-year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;
4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;
5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;
6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;
7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee
 - a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and
 - b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and
 - c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and
 - d. the affordable housing unit or units meet local building and zoning codes;
8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2012, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or
9. If any subsequent grantee fails to comply with all applicable State, Federal, and Local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

and be it further

2nd **RESOLVED**, the grantee will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for affordable housing with all right title and interest reverting to the County of Suffolk in the event that the grantee at any time, uses or attempts to use said subject parcels for other than affordable housing or attempts to sell, transfer or otherwise dispose of or does, in fact, sell transfer or otherwise dispose of said subject parcels with said parcels being used thereafter for other than affordable housing; and be it further

3rd **RESOLVED**, that neither grantee nor any subsequent grantee shall bill or charge back to grantor any cost incurred or projected to be incurred for the cleaning up, removal and disposal of any debris, waste and /or contamination on said properties. In the event that such charge back or bill is rendered to the grantor the transfer shall be void ab initio and the realty shall revert to the grantor; and be it further

4th **RESOLVED**, that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof; and be it further

5th **RESOLVED**, the conveyance of the parcel described to the Village of Mastic Beach, for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs; and be it further

6th **RESOLVED**, that the Director of Real Estate, and/or her designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described properties upon the above-described terms and conditions; and be it further

7th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II Action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.5(c) (20) and (27)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)).

DATED: September 13, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 9.26.12

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Exhibit "A"

Tax Map No.	Location	Acre
0209-017.00-02.00-002.000	W/S/O Woodland Drive, 100' S/O Queen Road, Mastic Beach	0.14
0209-022.00-08.00-008.000	N/W/C/O Hockey Road & Jefferson Drive, Mastic Beach	0.23
0209-025.00-02.00-028.000	160 Huguenot Drive, Mastic Beach	0.18
0209-026.00-03.00-006.000	135 Jefferson Drive, Mastic Beach	0.14
0209-026.00-09.00-009.000	S/E/C/O Elfin Place and Mckinley Drive, Mastic Beach	0.23
0209-026.00-09.00-017.000	N/E/C/O Fawn Place & Mckinley Drive, Mastic Beach	0.23
0209-032.00-05.00-019.000	E/S/O Maywood Road, 95' N/O Goosberry Road, Mastic Beach	0.14

Exhibit "B"

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**BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MASTIC BEACH**

**REQUESTING THE ACQUISITION OF
COUNTY-OWNED REAL PROPERTY WITHIN
THE VILLAGE OF MASTIC BEACH
FOR THE PURPOSE OF AFFORDABLE HOUSING**

At a Regular Meeting of the Village Board of the Incorporated Village of Mastic Beach, held the 10th day of July 2012, the following resolution was offered by Trustee Cappiello and was seconded by Trustee Morrow with Trustee Bissonette voting in the negative and was duly carried:

WHEREAS, a number of parcels of real property within the Village are owned by the County of Suffolk, and are either in a vacant state or are improved with a residential structure, and;

WHEREAS, the Village Board of Trustees desires to see such properties placed in useful and taxable status as residential homes, and;

WHEREAS, the Board of Trustees also are agreeable to the construction or rehabilitation of residential structures on such parcels, with the ultimate sale or lease of such structures being made to persons who qualify for "affordable housing" under County of Suffolk guidelines, and;

WHEREAS, the County of Suffolk has indicated, by letter dated June 20, 2012 (annexed hereto) that it would agree to convey certain of such parcels to the Village, pursuant to section 72-h of the General Municipal Law, for the ultimate construction or rehabilitation of residential structures thereon, with such construction efforts to be undertaken by a not-for-profit entity of the Village's choosing, and;

WHEREAS, there has been prepared a Long Environmental Assessment Form, Part 1 and 2, in regard to this proposal;

NOW, THEREFORE BE IT RESOLVED:

That pursuant to, and in accordance with, the provisions of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations (6NYCRR Part 617), the Board of Trustees of the Incorporated Village of Mastic Beach hereby make the following determinations and classifications with respect to the acceptance of the conveyance of certain parcels of property by the County of Suffolk, and their ultimate development as affordable housing residential units (herein referred to as the "Action"):

1. The Board of Trustees of the Village of Mastic Beach hereby determine that the Action is subject to review under the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law, and its implementing regulations;
2. The Board of Trustees hereby determine that the Action does not involve a Federal agency, does not immediately involve binding permit decisions of other state or county agencies;
3. The Board of Trustees have reviewed the Long Environmental Assessment Form, dated June 26, 2012, and hereby make a preliminary classification of the Action as an "Unlisted" Action and establish themselves as Lead Agency for this determination;
4. The Board of Trustees hereby find and determine that a coordinated review of the potential environmental impacts of the Action is not required;

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5. The Board of Trustees hereby resolve that the proposed action does not require further environmental review and issue a Negative-Declaration in regard to this action, and;

BE IT FURTHER RESOLVED:

That the Board of Trustees do hereby express their interest in acquiring the following parcels of property located within the Village of Mastic Beach from the County of Suffolk, by gift-transfer pursuant to section 72-h of the General Municipal Law, such parcels being identified as follows:

Vacant Land, Woodland Drive	SCTM: 0209-017.00-02.00-002.000
160 Huguenot Drive	SCTM: 0209-025.00-02.00-028.000
135 Jefferson Drive	SCTM: 0209-026.00-03.00-006.000
Vacant Land, McKinley Drive	SCTM: 0209-026.00-09.00-009.000
Vacant Land, McKinley Drive	SCTM: 0209-026.00-09.00-017.000
85 Maywood Drive	SCTM: 0209-032.00-05.00-019.000

and, additionally;

Vacant Land, Hockey Rd./Jefferson Dr.	SCTM: 0209-022.00-08.00-008.000
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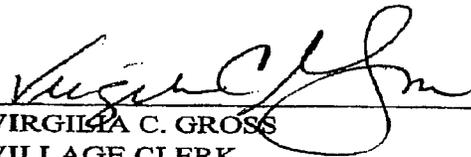
Additionally offered by the County for gift-transfer by correspondence dated July 7, 2012;

And the Board of trustees of the Village of Mastic Beach hereby request that the County of Suffolk transfer such parcels to the Village pursuant to the terms of section 72-h of the General Municipal Law, and;

BE IT FURTHER RESOLVED:

That the Board of Trustees do hereby select and express their intent to engage the services of Habitat for Humanity, Inc. as the not-for-profit entity to develop the above-referenced parcels in accordance with the purposes intended by the gift-transfer of such parcels by the County, as noted in the letter of June 20, 2012.

DATED: MASTIC BEACH, NEW YORK
JULY 10, 2012



 VIRGILIA C. GROSS
 VILLAGE CLERK



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 September 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. 1848

Res. No. 819

September 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
<input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
NOT ADOPTED _____

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote