

**RESOLUTION NO. 191 -2013, AUTHORIZING FUNDING OF INFRASTRUCTURE IMPROVEMENTS AND OVERSIGHT OF REAL PROPERTY UNDER THE SUFFOLK COUNTY AFFORDABLE HOUSING OPPORTUNITIES PROGRAM AND EXECUTION OF AGREEMENTS (WYANDANCH RISING)**

**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 provide assistance in creating affordable housing and established the Suffolk County Affordable Housing Opportunities Program; and

**WHEREAS**, SCAC §A-36-2(D) provides a statutory framework for land to be acquired and infrastructure improvements to be made by Suffolk County’s Workforce Housing Program through the use of capital bond proceeds; and

**WHEREAS**, the Suffolk County Department of Economic Development and Planning and the Town of Babylon have identified a site in the County of Suffolk which would be appropriate for development as affordable housing and is identified by Suffolk County Tax Map Numbers: p/o 0100-040.00-02.00-010.003; p/o 0100-040.00-02.00-010.004 and p/o 0100-040.00-02.00-012.000 (the “Subject Premises”); and

**WHEREAS**, the affordable housing development contemplates the construction of 60 affordable rental units all as more particularly described in the Development Plan attached hereto as Schedule “A” (the “Development Plan”), as part of a broader redevelopment project known as Wyandanch Rising; and

**WHEREAS**, the Subject Premises will require infrastructure improvements to facilitate the construction of the affordable housing development and, in connection therewith, the Town of Babylon and the Albanese Organization, as developer of the Subject Premises, have requested infrastructure funding from the County in the amount of up to One Million Seven Hundred Twenty-Three Thousand Eight Hundred Dollars (\$1,723,800.00); and

**WHEREAS**, the Town of Babylon, the developer and the County are negotiating a development agreement to be executed by the Town, the developer and the County (the “Development Agreement”) which will incorporate the provisions of the Development Plan and which will set forth the funding requirements of certain infrastructure improvements to the Subject Premises and the subsequent development of the 60 affordable rental units; and

**WHEREAS**, pursuant to Resolution No. 347-2009, the Town Board of the Town of Babylon, as lead agency, issued a SEQRA negative declaration which completed the environmental review; and further the negative declaration issued by the Town Board of the Town of Babylon 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)(iii) and, therefore, SEQRA is complete; and

**WHEREAS**, Resolution No. 1192-2009 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 Affordable Housing Opportunities Program subject to further Legislative approval of a resolution

authorizing the funding of specific infrastructure improvements to be made in connection with such affordable housing developments; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the Suffolk County Legislature, on behalf of the County, hereby finds and determines that the development of this affordable housing project meets the requirements of the Suffolk County Affordable Housing Opportunities Program and the need to fill the critical shortage of affordable housing in the County and, accordingly, authorizes the development of this affordable housing project and the requested funding thereof in the amount of up to One Million Seven Hundred Twenty Three Thousand Eight Hundred Dollars (\$1,723,800.00) for infrastructure improvements in accordance with the Development Plan; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the County Executive, the Department of Economic Development and Planning, its Commissioner, its Director of Real Estate and the County Attorney are authorized, empowered and directed to negotiate, execute and deliver a Development Agreement (the "Development Agreement") which incorporates the provisions of the Development Plan substantially in the form presented herewith, with such changes thereto and such other terms and provisions which are necessary or desirable to effectuate this overall affordable housing project and transaction, and to pay such additional expenses in connection therewith 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 authorizations and duties referred to herein; and be it further

**3<sup>rd</sup>** **RESOLVED**, that, subject to the terms of a fully executed Development Agreement, the County Comptroller and County Treasurer are hereby authorized to reserve and pay up to One Million Seven Hundred Twenty Three Thousand Eight Hundred Dollars (\$1,723,800.00) in connection with infrastructure costs associated with the within development from previously appropriated funds in Capital Project No. 525-CAP-6411.312; and be it further

**4<sup>th</sup>** **RESOLVED**, that the County Executive, the County Attorney, the Commissioner of the Department of Economic Development and Planning and the Director of Real Estate 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 affordable housing development referred to in this Resolution; and be it further

**5<sup>th</sup>** **RESOLVED**, pursuant to its Resolution No. 347-2009, the Town Board of the Town of Babylon, as lead agency, issued a SEQRA negative declaration which completed the environmental review; and further, the negative declaration issued by the Town Board of the Town of Babylon 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)(iii) and, therefore, SEQRA is complete.

DATED: March 19, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: March 21, 2013