

**RESOLUTION NO. 749 -2013, CALLING FOR A PUBLIC HEARING UPON A PROPOSAL TO FORM SUFFOLK COUNTY SEWER DISTRICT NO. 4 - SMITHTOWN GALLERIA**

**WHEREAS**, the County Legislature of the County of Suffolk, New York, duly adopted Resolution No. 212 of 1973, on March 27, 1973, and approved by the County Executive on May 27, 1973, pursuant to Section 253 of the County Law, directing the County Sewer Agency to prepare maps and plans and a report in accordance with such section in relation to the formation of County sewer districts, one such action which presently serves the Smithtown area located in the vicinity of Nesconset-Port Jefferson Highway (NYS Route 347); and Terry Road (CR 16), in the Hamlet of Smithtown, Town of Smithtown; and

**WHEREAS**, the County Sewer Agency has duly caused such maps and plans to be prepared and has transmitted them to said County Legislature, together with a report of its proceedings and its recommendations in accordance with Section 254 of the County Law; and

**WHEREAS**, it is now desired to call a public hearing pursuant to Section 254 of the County Law upon the proposal to form said County sewer district, to comprise the area described and defined in said maps and plans; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

**Section 1.** A meeting of the County Legislature of the County of Suffolk, New York shall be held at the County Center in the meeting room of the County Legislature in, Riverhead, New York, in said County, on the 8<sup>th</sup> day of October at 2:30 p.m., Prevailing Time for the purpose of conducting a public hearing on the aforesaid proposal for the formation of Suffolk County Sewer District No. 4 – Smithtown Galleria in and for said County, to comprise the area described in the aforesaid maps and plans and as is hereinafter set forth, and for such other action on the part of said County Legislature in relation to said district as may be required by Law or proper in the premises.

**Section 2.** The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the office newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty days before the day set herein for said public hearing. Such notice shall be in substantially the following form, to wit:

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that, pursuant to Section 271 of the County Law, the County Legislature of the County of Suffolk, New York, will meet at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 8<sup>th</sup> day of October, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal for the formation of a County sewer district in and for said County, substantially in accordance with certain maps, plans, reports, and recommendations transmitted to said County Legislature by the Suffolk County Sewer Agency, at which time and place said County

Legislature will consider such proposal and hear all parties interested therein concerning the same.

It is proposed that such County Sewer district shall comprise an area lying entirely within the Town of Smithtown, known as the Smithtown Galleria STP, such being more particularly bounded and described as follows:

**COUNTY OF SUFFOLK -DEPARTMENT OF PUBLIC WORKS**

All that certain plot, piece or parcel of land, situate, lying and being at Smithtown, in the Town of Smithtown, County of Suffolk, and being more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Terry Road, said point being 444.89 feet northerly of the intersection of the easterly side of Terry Road with the northerly side of Nesconset-Port Jefferson Highway (NYS Route 347);  
THENCE along a curve on the easterly side of Terry Road bearing to the right having a radius of 1885.11 feet a distance of 28.61 feet;  
THENCE North 32°12'10" West 228.37 feet;  
THENCE North 61°01'53" East 356.33 feet;  
THENCE North 28°07'03" West 119.41 feet;  
THENCE South 61°52'57" West 355.77 feet to the easterly side of Terry Road;  
THENCE along a curve on the easterly side of Terry Road bearing to the right having a radius of 1885.11 feet a distance of 233.75 feet;  
THENCE along the easterly side of Terry Road North 18°12'00" West 67.99 feet;  
THENCE along a curve on the easterly side of Terry Road bearing to the left having a radius of 1661.77 feet a distance of 199.40 feet;  
THENCE North 65°36'33" East 350.41 feet;  
THENCE North 27°17'12" West 121.74 feet;  
THENCE South 66°36'42" West 350.76 feet to the easterly side of Terry Road;  
THENCE along a curve on the easterly side of Terry Road bearing to the left having a radius of 1661.77 feet a distance of 86.22 feet;  
THENCE along the easterly side of Terry Road the following three (3) courses:  
    (1) North 28°02'13" West 42.27 feet;  
    (2) North 37°07'18" West 618.20 feet;  
    (3) North 36°57'45" West 26.27 feet to land now or formerly of John Worrell;  
THENCE along said land the following three (3) courses:  
    (1) North 35°24'16" East 284.64 feet;  
    (2) North 32°35'20" West 146.31 feet  
    (3) South 60°52'30" West 299.04 feet to a point;  
THENCE North 12°07'20" West 151.99 feet;  
THENCE North 19°07'30" East 229.63 feet;  
THENCE North 86°00'20" East 4.12 feet;  
THENCE North 20°11'10" East 150.17 feet to land now or formerly of Frank H. Rowan;  
THENCE along said land the following two (2) courses:  
    (1) South 82°38'20" East 38.40 feet;  
    (2) South 85°35'50" East 156.20 feet to land now or formerly of Howard Silverman;  
THENCE along said land the following three (3) courses:  
    (1) North 67°41'00" East 91.37 feet;  
    (2) North 65°36'20" East 115.59 feet;  
    (3) North 50°25'30" East 85.43 feet;

THENCE South 61°16'40" East 150.00 feet;  
THENCE South 64°35'20" West 11.31 feet;  
THENCE South 61°16'40" East 83.17 feet;  
THENCE South 60°48'30" East 208.66 feet to the westerly side of Fairview Street West;  
THENCE along the westerly side of Fairview Street West South 07°35'50" East 15.63 feet;  
THENCE South 78°36'10" West 136.30 feet;  
THENCE South 17°23'50" East 186.21 feet;  
THENCE North 71°56'10" East 17.70 feet;  
THENCE South 18°03'50" East 135.00 feet to the northerly side of Fairview Street West;  
THENCE along the northerly side of Fairview Street West South 71°56'10" 225.00 feet;  
THENCE South 18°03'50" East 50.00 feet;  
THENCE along the southerly side of Fairview Street West North 71°56'10" East 25.00 feet;  
THENCE along the Map of Town Heights the following four (4) courses:  
    (1) South 18°03'50" East 135.00 feet;  
    (2) North 71°56'10" East 75.00 feet;  
    (3) South 18°03'50" East 65.00 feet;  
    (4) North 71°56'10" East 387.12 feet;  
THENCE North 72°00'08" East 233.28 feet;  
THENCE North 71°56'02" East 87.61 feet;  
THENCE North 74°40'23" East 156.29 feet;  
THENCE North 71°33'46" East 416.43 feet;  
THENCE North 71°36'12" East 147.04 feet;  
THENCE North 71°33'50" East 105.91 feet to Land of the Town of Smithtown;  
THENCE along said land the following two (2) courses:  
    (1) North 71°48'12" East 356.02 feet;  
    (2) South 23°12'06" East 1222.24 feet;  
THENCE South 54°21'30" West 281.59; feet;  
THENCE North 29°20'25" West 240.95 feet;  
THENCE South 58°09'10" West 1478.97 feet;  
THENCE North 43°43'20" West 70.02 feet;  
THENCE South 53°37'30" West 508.83 feet to the point, or place of BEGINNING.

Excepting, also and reserving to any and all utilities the right of access at all times for the update, maintenance, and service of their facilities.

A copy of the map and plan and estimate of costs relating to said proposed formation is on file in the Office of the Clerk of said County Legislature where the same may be examined during regular business hours.

The total proposed budget for said district will be Four Hundred Twenty Thousand Five Hundred Ninety Dollars (\$420,590) per year. The estimated annual residential user fee will be Six Hundred Eighty-Five Dollars (\$685) per Single Family Equivalent (SFE) per year.

The district proposed for said Suffolk County Sewer District No. 4 – Smithtown Galleria, consisting of a sewage treatment plant and gravity sewers and other appurtenant facilities are satisfactory, sufficient, adequate and appropriate; the property and property owners within the proposed district are benefited thereby; the property and property owners benefited are included within the limits of said proposed district; and that the proposed district and the facilities are in the public interest; and be it further

2<sup>nd</sup>           **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to Title 6 NYCRR Part 617.5(c)(20) and (27) as the proposal involves the adoption of regulations, policies, procedures and local legislative decisions in connection with routine or continuing agency administration and management; and be it further

3<sup>rd</sup>           **RESOLVED**, this Legislature proposes and recommends that all costs are to be assessed on a pro-rate basis. The District is to be formed pursuant to Section 271 of County Law; and be it further

4<sup>th</sup>           **RESOLVED**, this resolution shall take effect immediately.

DATED: September 12, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: September 25, 2013