

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 1200 -2013, A RESOLUTION
MAKING CERTAIN FINDINGS AND DETERMINATIONS IN
RELATION TO THE ESTABLISHMENT OF SUFFOLK COUNTY
SEWER DISTRICT NO. 4 – SMITHTOWN GALLERIA**

WHEREAS, the Suffolk County Legislature, duly adopted Introductory Resolution No. 1666-2013, calling a public hearing held at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 8th day of October 2013, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the establishment of Suffolk County Sewer District No. 4 – Smithtown Galleria to comprise the area hereinafter described in accordance with certain maps, plans and a report filed with the Suffolk County Legislature by the Suffolk County Sewer Agency; and

WHEREAS, notice of said public hearing was duly published in the manner and within the time provided by law and said public hearing was duly held at the time and place aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, the Suffolk County Legislature has duly considered the maps, plans and report, recommendations and other data filed with it by the Suffolk County Sewer Agency; now, therefore be it

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

Section 1. Upon the evidence presented at the aforesaid public hearing, and after due consideration of the maps and plans, report, recommendations and other data filed with it, Suffolk County Legislature, hereby finds and determines as follows:

- a. 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;
- b. That all the property and property owners within the proposed district are benefited thereby;
- c. That all the property and property owners benefited are included within the limits of said proposed district; and
- d. That the proposed district and the facilities are in the public interest.

Section 2. The establishment of said proposed Suffolk County Sewer District No. 4 – Smithtown Galleria, are approved and Suffolk County Sewer District No. 4 – Smithtown Galleria, as established, shall comprise all that certain plot, piece or parcel of land, with improvements erected thereon situate, lying and being in the Hamlet of Smithtown, Town of Smithtown, County of Suffolk, State of New York as shown on a Map prepared for Suffolk County and on file in the Office of the Commissioner and described as follows:

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;
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.

Section 3. Upon this resolution taking effect, the Clerk of the Suffolk County Legislature shall file a notice, pursuant to Section 256 of the New York State County Law in the office of the State Department of Audit and Control in Albany, New York.

Section 4. Pursuant to County Law §§ 256 and 257, this resolution is adopted subject to permissive referendum.

2nd **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.

DATED: December 17, 2013

APPROVED BY:

/s/ Dennis M. Cohen
Chief Deputy County Executive of Suffolk County

Date: December 19, 2013