

RESOLUTION NO. 635 -2014, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IN RELATION TO MODIFYING THE PLAN OF SERVICE FOR SUFFOLK COUNTY SEWER DISTRICT NO.4 - SMITHTOWN GALLERIA

WHEREAS, in 2005, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York, established a County sewer district designated and known as Suffolk County Sewer District No. 4 - Smithtown Galleria; and

WHEREAS, pursuant to Article 5-A of the New York County Law, Suffolk County subsequently notified the New York State Comptroller's Office of the establishment of Suffolk County Sewer District No. 4 - Smithtown Galleria; and

WHEREAS, while said District was established in 2005, due to costs not accounted for in the original plan for the District, the rate charges to the residents of Suffolk County Sewer District No. 4 - Smithtown Galleria would have been prohibitive; and

WHEREAS, as a result, the County did not take over the operation and maintenance of the wastewater treatment plant that served said District and the residents were never charged for District services; and

WHEREAS, after extensive review of the cost of operation and maintenance, the Suffolk County Sewer Agency has approved a modified plan, July 2013 Report, Map, Plan of Service and Recommendations for the Formation of Suffolk County Sewer District No. 4 - Smithtown Galleria and submitted this modified plan to the Legislature for review and approval; and

WHEREAS, consistent with the provisions of New York County Law Section 253-b, the Suffolk County Legislature, duly adopted Resolution No. 251-2014, 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 29th day of April 2014, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing regarding the modification of the plan of service for Suffolk County Sewer District No.4 - Smithtown Galleria; and

WHEREAS, notice of said public hearing was duly published in the manner and within the time provided by Article 5-A of the New York County Law, said public hearing was duly held at the time and place aforesaid, at which all persons desiring to be heard were duly heard.

NOW, THEREFORE, be it and it hereby is

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 amended maps and plans, report, recommendations and other data filed with it, the Suffolk County Legislature hereby finds and determines as follows:

a. The modified plan for said Suffolk County Sewer District No. 4 – Smithtown Galleria as set forth in the Suffolk County Sewer Agency’s July 2013 Report, Map, Plan of Service and Recommendations for the Formation of Suffolk County Sewer District No. 4 - Smithtown Galleria is satisfactory, sufficient, adequate and appropriate;

b. That all the property and property owners within the proposed district are benefited by the modified plan;

c. That all the property and property owners benefited continue to be included within the limits of Suffolk County Sewer District No. 4 - Smithtown Galleria; and

d. That the modification of the original plan is in the public interest.

Section 2. Said Suffolk County Sewer District No. 4 - Smithtown Galleria continues as originally established to 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 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.

Section 3. Pursuant to New York County Law Section 253-b, the Clerk of the Legislature shall cause the amended plan for Suffolk County Sewer District No. 4 - Smithtown Galleria to be filed for preservation in the Office of the Suffolk County Clerk, to be open to inspection by all persons interested.

and be it further

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: July 29, 2014

APPROVED BY:

County Executive of Suffolk County

Date: