

RESOLUTION NO. 827 -2014, AUTHORIZING FUNDING OF INFRASTRUCTURE IMPROVEMENTS AND OVERSIGHT OF REAL PROPERTY UNDER THE SUFFOLK COUNTY AFFORDABLE HOUSING OPPORTUNITIES PROGRAM AND EXECUTION OF AGREEMENTS (CONCERN-MIDDLE ISLAND)

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 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 County Department of Economic Development and Planning and Concern for Independent Living, Inc. a New York State not for profit corporation (the “Developer”) have identified an approximate 39.4 acre site in Middle Island in the County of Suffolk which would be appropriate for development as affordable housing and is identified by Suffolk County Tax Map Number: 0200-378.00-02.00-033.005 (the “Subject Premises”); and

WHEREAS, the affordable housing development contemplates the construction of 123 rental units which will be marketed to veterans and households under certain income limits all as more particularly described in the Development Plan attached hereto as Schedule A (the “Development Plan”); and

WHEREAS, the Subject Premises will require infrastructure improvements to facilitate the construction of the affordable housing development and, in connection therewith, the Developer has requested infrastructure funding from the County in the amount of up to One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00); and

WHEREAS, the Developer and the County are negotiating the terms of a Development Agreement (the “Development Agreement”) which will incorporate the provisions of the Development Plan and which will set forth the funding requirements of the infrastructure improvements to the Subject Premises and the development of 123 rental units consistent with Article XXXVI of the Suffolk County Administrative Code and the Development Plan; and

WHEREAS, pursuant to Resolution, the Town Board of the Town of Brookhaven, as lead agency, on April 16, 2009, adopted a positive Findings Statement for the proposed action which completed the environmental review; and further the determination of significance issued by the Town Board of the Town of Brookhaven (that the adverse environmental impacts will be avoided or minimized to the greatest extent practical by incorporating as conditions to the decision, those mitigation measures that were identified as practical during the environmental review process) 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. 1134-2008, 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

1st RESOLVED, that the Suffolk County Legislature, on behalf of the County, hereby finds and determines that the development referred to herein 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 referred to herein and the requested funding thereof in the amount of up to One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) in accordance with the Development Plan; and be it further

2nd 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 the Development Agreement, which shall incorporate the provisions of the Development Plan substantially in the form presented herewith, consistent with ARTICLE XXXVI of the Suffolk County Administrative Code, and each other document contemplated to be executed and delivered in connection therewith, with such changes thereto as may be necessary or desirable, consistent herewith, in order to effectuate this overall affordable housing project and transactions contemplated hereby; and be it further

3rd 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 take such further actions and execute such additional documents as may be necessary or desirable, consistent with the Development Plan, and ARTICLE XXXVI of the Suffolk County Administrative Code, in order to effectuate the purposes and intent of the foregoing resolutions, including, but not limited to, payment of expenses such as costs associated with surveys, appraisals, environmental audits, title reports and insurance; and be it further

4th RESOLVED, that, subject to the terms of the fully executed Development Agreement, the County Comptroller and County Treasurer are hereby authorized to reserve and pay up to One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) in connection with infrastructure costs associated with the construction of the development referred to herein from previously appropriated funds in Capital Project No. 525-CAP-6411.311; and be it further

5th RESOLVED, pursuant to Resolution, the Town Board of the Town of Brookhaven, as lead agency, on April 16, 2009, adopted a positive Findings Statement for the proposed action which completed the environmental review; and further the determination of significance issued by the Town Board of the Town of Brookhaven (that the adverse environmental impacts will be avoided or minimized to the greatest extent practical by incorporating as conditions to the decision, those mitigation measures that were identified as practical during the environmental review process) 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.

DATED: October 7, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: October 16, 2014