

Introduced by Presiding Officer, on request of the County Executive and Legislator Calarco

**RESOLUTION NO. 1001 -2013, AUTHORIZING THE RETIREMENT AND USE OF WORKFORCE HOUSING DEVELOPMENT RIGHTS BANKED IN THE SUFFOLK COUNTY SAVE OPEN SPACE BOND ACT WORKFORCE HOUSING TRANSFER OF DEVELOPMENT RIGHTS PROGRAM REGISTRY FOR USE IN THE DEVELOPMENT OF AFFORDABLE HOUSING IN EAST PATCHOGUE**

**WHEREAS**, Resolution No. 840-2004, created the Save Open Space Bond Act (the "Act") which authorized the County's acquisition of land for open space preservation, active parkland, farmland development rights and environmental protection purposes; and

**WHEREAS**, the Act also authorized the County to transfer development rights ("Development Rights") from properties acquired pursuant to the Act to non-environmentally sensitive properties in order to facilitate the construction of affordable ownership and rental housing as defined in Article XXXVI of the Suffolk County Administrative Code; and

**WHEREAS**, to administer the transfer of Development Rights, there has been created the Suffolk County Save Open Space Bond Act Workforce Housing Transfer of Development Rights Program Registry (the "WHDR Registry") which tracks the Development Rights from creation of the credits to utilization of the credits for an affordable housing project; and

**WHEREAS**, Al Lofaso Realty, LLC, the developer, has requested the utilization of Development Rights in connection with the development of one (1) affordable home ownership unit, designated as Lot No. 5 (the "Affordable Unit"), in the seven (7) lot subdivision approved by the Town of Brookhaven Planning Board on February 25, 2013, to be constructed at 333 Munsell Road in East Patchogue and located on the parcel bearing tax map number 0200-978.00-01.00-003.000 (the "Development" or the "Receiving Parcel"); and

**WHEREAS**, approval by the Suffolk County Department of Health Services requires an additional 0.8325 sewage rights to offset the increase in sanitary flow as a result of the inclusion of the Affordable Unit in the Development; and

**WHEREAS**, the Project proposes to utilize a portion of the one (1) Development Right existing in the WHDR Registry and acquired by the County from property identified by SCTM No. 0200-837.00-01.00-030.000 (the "Sending Parcel") and to apply such Development Rights to the Receiving Parcel for sole purpose of enabling construction of the Affordable Unit; and

**WHEREAS**, the Sending Parcel and the Receiving Parcel are within the same Groundwater Management Zone (Zone VI); and

**WHEREAS**, the Suffolk County Department of Economic Development and Planning, following consultation with the Suffolk County Department of Health Services, has reviewed the application for utilization of 0.8325 Development Rights and determined that the request meets the requirements of the Act for the development of affordable housing in compliance with Article XXXVI of the Suffolk County Administrative Code; now, therefore be it

**1st**           **RESOLVED**, that 0.8325 Development Rights shall be subtracted from the aggregate one (1) Development Right generated from SCTM No. 0200-837.00-01.00-030.000, and inventoried in the WHDR Registry, to be retired and attached to the Development for use to enable construction of the Affordable Unit; and be it further

**2nd**           **RESOLVED**, that the Affordable Unit shall remain affordable in perpetuity, shall be sold for a purchase price not to exceed \$250,000 to a household with an annual income that does not exceed 120% of the HUD area median income for Suffolk County, adjusted for family size; and be it further

**3rd**           **RESOLVED**, that the County Executive, the County Attorney, the Director of Real Estate, the Director of Planning, the Commissioner of the Department of Economic Development and Planning and the Commissioner of the Department of Health Services are hereby authorized, respectively, to take such further actions as may be necessary or desirable to effectuate the purposes and intent of this Resolution and to execute any and all documents necessary and/or desirable to effectuate the purpose and intent of this Resolution; and be it further

**4<sup>th</sup>**           **RESOLVED**, this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8 and Chapter 279 of the Suffolk County Code, hereby finds and determines that this law constitutes a Type II action, pursuant to Title 6 of the New York Code of Rules and Regulations Part 617.5 (c)(9) and (20). Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: November 19, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: November 27, 2013