

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

RESOLUTION NO. 954-2014, 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 SOUND BEACH

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 Right 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, Landmark Properties of Suffolk, Ltd., the developer, has requested the utilization of Development Rights in connection with the development of two (2) affordable home ownership units, designated as Lots No. 1 and 2 (the "Affordable Units"), in a four (4) lot subdivision to be constructed fronting Tyler Avenue in Sound Beach and located on the parcels bearing Suffolk County Tax Map Nos. 0200-073.00-04.00-004.000 and 0200-073.00-04.00-017.000 (the "Development" or the "Receiving Parcels"); and

WHEREAS, approval by the Suffolk County Department of Health Services requires an additional two (2) sanitary flow credits to offset the increase in sanitary flow as a result of the inclusion of the Affordable Units in the Development; and

WHEREAS, the Project proposes to utilize two (2) Development Rights existing in the WHDR Registry and acquired by the County from property identified by SCTM No. 0200-037.00-04.00-037.001 (f/k/a 0200-037.00-04.00-037.000) (the "Sending Parcel") and to apply such Development Rights to the Receiving Parcels to enable construction of the Affordable Units; and

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

WHEREAS, the Suffolk County Department of Economic Development and Planning has reviewed the application for utilization of two (2) 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 two (2) Development Rights shall be subtracted from the aggregate nineteen (19) Development Rights generated from SCTM No. 0200-037.00-04.00-037.001 (f/k/a 0200-037.00-04.00-037.000) and inventoried in the WHDR Registry, to be retired and attached to the Development for use to enable construction of the Affordable Units; and be it further

2nd **RESOLVED**, that Affordable Units shall each remain affordable in perpetuity and shall each 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 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

4th **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 18, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 1, 2014