

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

PHILIP A. BERDOLT
DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

DARNELL TYSON, P.E.
DEPUTY COMMISSIONER

MEMORANDUM

TO: Dennis Cohen, Chief Deputy County Executive, Honorable DuWayne Gregory, Presiding Officer of the Suffolk County Legislature, Honorable Legislators; Al Krupski, Chairman of the Public Works, Transportation, & Energy Committee, Louis D'Amaro, the Sewer Agency Legislator-At-Large; Schneiderman, Browning, Muratore, Hahn, Anker, Calarco, Lindsay, Martinez, Cilmi, Barraga, Trotta, McCaffrey, Stern, Spencer; Michael Cavanaugh, representing Presiding Officer Gregory; Walter Hilbert, P.E., Principal Public Health Engineer, representing the Commissioner of the Suffolk County Department of Health Services; Sarah Lansdale, AICP, Director, Suffolk County Planning Department; Lisa Broughton, representing County Executive Steven Bellone

FROM: Gilbert Anderson, P.E., Commissioner, SCDPW and Chairman, Suffolk County Sewer Agency

DATE: January 13, 2015

SUBJECT: Please see the attached minutes of the Special Sewer Agency meeting of January 6, 2015.

GA/JD/cap – Attachments

cc: Jon Schneider, Deputy County Executive
Philip A. Berdolt, Deputy Commissioner SCDPW
Darnell Tyson, P.E., Deputy Commissioner SCDPW
John Donovan, P.E., Chief Engineer, Division of Sanitation, SCDPW
Janice McGovern, P.E., Principal Civil Engineer, Division of Sanitation, SCDPW
Robert A. Braun, Esq., SC Department of Law
Walter Dawydiak, P.E., SC Department of Health
James Meyers, P.E. SC Department of Health
Kathy Negri, SC Department of Health
Catherine Stark, Aide to Legislator Al Krupski
Ted Klein, SC Planning Department
Tim Laube, Clerk of the SC Legislature
Justin Littell, Aide to Legislator Louis D'Amaro
Karen Klaffer, Aide to Legislator Louis D'Amaro
Debbie Colonna, County Executive's Office
Tony Leung, NYSDEC
Craig A. Platt, Secretary, SC Sewer Agency

The Suffolk County Sewer Agency meets at 11:00 AM at the offices of the Suffolk County Department of Public Works - 335 Yaphank Avenue - Yaphank, NY

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Suffolk County Sewer Agency Special Meeting Minutes January 6, 2015

The meeting was called to order at 1:35 PM by Commissioner Gilbert Anderson, P.E. In attendance were Catherine Stark, representing Legislator Krupski, Chairman of the Public Works, Transportation, & Energy Committee; Justin Littell, representing Legislator D'Amaro, the Sewer Agency Legislator-At-Large; Michael Cavanagh, representing Presiding Officer DuWayne Gregory; Walter Hilbert, P.E., representing the Commissioner of the Department of Health Services; Lisa Broughton, representing County Executive Steven Bellone; Ted Klein, representing Sarah Lansdale, AICP, Director, Suffolk County Planning Department.

Also present were John Donovan, P.E., Chief Engineer, Division of Sanitation, SCDPW; Robert A. Braun, Esq., Suffolk County Department of Law; Christina DeLisi, Aide to Legislator Schneiderman; and Craig A. Platt, Secretary, Suffolk County Sewer Agency.

(See the attached sign-in sheet for others in attendance.)

Commissioner Anderson welcomed attendees to the meeting of the Suffolk County Sewer Agency. A Roll Call was then taken.

- I. **Roll Call** - (see above)
- II. **Minutes of Previous Meeting**
N/A

III. Public Portion – There were Three (3) requests to address the Agency.

1. Christina DeLisi, Aide to Legislator Schneiderman; Ms. DeLisi read a prepared statement from Legislator Schneiderman, a sponsor of Local Law 20-2007 (*attachment A*).
2. Jim Tsunis, developer of Bayport Meadows. Mr. Tsunis gave a brief history of the property (Bayport Meadows site & affordable housing site) and explained the affordable housing site was blighted and would be improved by the affordable housing development. Mr. Tsunis added that the Town of Islip was in favor of cleaning up and redeveloping the affordable housing site and supported the Bayport Meadows site, both of which were currently (or had been) zoned industrial. Mr. Tsunis added that there was a need for affordable senior housing. Mr. Tsunis mentioned that he had been unaware of the affordable housing requirement when obtaining approvals for connecting to a County Sewer District. Mr. Tsunis stated that he was willing to agree to the withholding of Thirty (30) S-9s from the Bayport Meadows project as a guarantee that the affordable housing would be constructed.
3. Charlie Bartha, P.E., engineer representing Bayport Meadows. Mr. Bartha mentioned that sales of units had been good at the Bayport Meadows site and models were under construction. Mr. Bartha added that the owner had considered an alternative connection, such as the Village of Patchogue but preferred to go to Suffolk County Sewer District.

Exhibit A

Legislator Schneiderman's Statement

(Legislator Schneiderman was a sponsor of Local Law 20-2007)

The intention of the law was to create affordably priced housing. A study by Rutgers University's Urban Policy Research Institute recommended that 1/4 of all new housing created fall within an affordable price range. This bill comprised at 20% as the requirement. The intention was that the development project include an affordable component mixed in with market rate dwellings. By doing so, we create mixed income communities and avoid the stigmatization of affordable housing projects that often occurs. Certainly, there may be circumstances that warrant off-site affordable housing such as the Bulova Watch Case Factory Re-development in Sag Harbor (non-County sewer district). In that case, the per unit costs to renovate the Brownfield Site and Historic Structure exceeded One Million Dollars per unit. In general, however, I think it is a bad practice to designate certain communities as "affordable" and others as exclusive gated communities.

IV. Old Business:

Local Law 20-2007

Affordable Housing

John Donovan explained the history of the Bayport Meadows project and the County requirement for Twenty percent (20%) affordable housing when connecting to a County District. John added that in questions was, must the affordable housing be on-site or is it permissible for the affordable housing to be at another location? Mr. Braun read from Section 740-45 Subsection C (*attachment B*) "*Affordable housing considerations*"; which states that the Director of Affordable Housing ... certify that the requirements outlined in Subsection C(1) are being complied with. Mr. Braun added that this included a covenant for Fifteen years (15). Mr. Braun mentioned that at hand were Three (3) issues;

1. Is this is to be senior housing, does it meet the HUD affordability requirement?
2. Can the Affordable Housing be built at another site?
3. How is the number of Affordable Housing units to be calculated?

Commissioner Anderson added that the Legislature must approve the connection agreement and had the final say. Ms. Broughton asked when the S-9s were issued, to which John replied, the S-9s were released as the individual units were completed and ready for connection. Ms. Broughton asked if it were possible to withhold the issuance of the S-9s until the Affordable Housing was constructed, to which John replied, Yes, and that the S-9s were not within the jurisdiction of the Town, but the Health Department and Public Works, which oversee the installation of the sewer and water and the Town cannot issue a CO without the S-9. Ms. Broughton mentioned that before the Agency meeting she met with Jill Rosen-Nikoloff, the Director of Affordable Housing. Ms. Broughton added that Ms. Rosen-Nikoloff's initial impression was that the affordable housing units were required to be within the project site and after consultation with the law department and review of the overall policy to achieve additional affordable housing as well as consideration of the economic aspect, thought otherwise. An issue, Ms. Rosen-Nikoloff thought, is that a precedent would be set. Commissioner Anderson asked if Mr. Tsunis could furnish documentation from the Town of Islip's Planning Board that the offsite location for the Affordable Housing was a requirement, to which Mr. Tsunis replied that he would try, Mr. Braun mentioned that covenants had been established. Mr. Tsunis mentioned that the covenants had been filed and added that the connection fee to the County sewers would be around One Million Five Hundred Thousand (1,500,000) million dollars. Commissioner Anderson stated that the Agency would follow the letter of the law. Ms. Broughton mentioned the Town of Islip's Planning Board's meeting minutes of April 19, 2014 (*attachment C*). Ms. Broughton mentioned the minutes proposed alternatives and were not clear and that the law (LL 20-2007) does not specify whether or not the affordable units have to be onsite. Mr. Braun asked if the affordable units were permitted at another location; how many affordable units would be required. Ms. Stark asked if this (affordable units permitted at another location) would require a waiver of the law, to which Commissioner Anderson replied, no, the legislature would make the decision as to approve or disapprove the project based on the law. Mr. Tsunis stated that the component of the proposed Bayport Meadows project consisted of One Hundred Forty-Eight (148) units and that Twenty percent (20%) of affordable units was Thirty (30) units. Ms. Broughton said that Ms. Rosen-Nikoloff mentioned that the hearing date had been set for the change of zone by the Town's Planning Board. Mr. Cavanagh asked about the component mentioned

by Mr. Tsunis and asked whether or not the affordable units had to be built at the Bayport Meadows site? Commissioner Anderson mentioned that he thought that the Agency should not over-rule the Town's zoning. Mr. Braun added that the Agency could make the recommendation to the legislature. Ms. Broughton added that research showed that the State of New York and local Towns differ in the requirements for affordable housing, however, County law is not specific. Mr. Klein mentioned that one purpose of the law was to obtain a public benefit for the people in the County. However, the site was not within walking distance to transportation or shopping centers. Mr. Klein added that he thought the number of affordable units should be based on the total number of units in the project(s). Mr. Bartha mentioned that he thought that Ms. Rosen-Nikoloff was satisfied with the proposal and it was not up to the Agency to waive the law. Ms. Broughton mentioned that Ms. Rosen-Nikoloff would be inclined to approve the proposal once the Town had approved the zoning change. Ms. Stark mentioned that Legislator Krupski thought that the Agency should defer to the Town and would work with Legislator Schneiderman to clarify this aspect of the law. Ms. Broughton suggested that the Town Planning Board should contact the Agency and supply documentation. Mr. Tsunis responded by saying that the Town Planning Board can only state what is being considered but that he would try to get something in writing. Ms. Broughton asked what the town required for affordable housing and Mr. Tsunis replied that the Town required Thirty (30) affordable units and that an additional Six (6) units would halt the project. John suggested that maybe six (6) could be onsite and Thirty (30) offsite to which Mr. Tsunis replied, no, that Fifty (50) units had already been sold. Mr. Braun asked for the type of units and whether or not County financing was involved, to which Mr. Tsunis replied, planned retirement condominiums for both projects, and no, County funds would not be involved. Commissioner Anderson added that this issue would not be resolved by the Agency at this time. Mr. Braun asked if the Bayport Meadows project could be on the Agency agenda for the next meeting, to which John replied, yes. Mr. Klein asked if there was a cut-off date for Agency applications, to which John replied, yes. Mr. Klein added that sometime there is not enough time to thoroughly review the application prior to the Agency meeting. Commissioner Anderson mentioned that there were a number of issues at hand; does the law say that the affordable units must be constructed at the Bayport Meadows site and how many affordable units will be required? Mr. Braun mentioned that the law requires Twenty (20%) percent of the units connected to the County sewers. Discussion ensued as to the particulars of the law. Ms. Stark mentioned that Legislator Krupski would work with Legislator Schneiderman. Mr. Klein asked if the Director of Affordable Housing would approve the project prior to the Agency meeting and Mr. Braun said that the law stated "*Prior to the approval of a contract with the Administrator, the Director of Affordable Housing ...deem that the requirements outlined in Subsection C(1) of this section are being complied with*" and that is prior to the Administrator (Commissioner Anderson) signing the contract (connection agreement). Mr. Braun added that the process includes; Agency approval, the County Attorney's office review and negotiations with the developer's attorney, legislative review and approval, and the signature of the Administrator. Mr. Klein added that also certification from the Director of Affordable Housing prior to the Administrator's signature. Commissioner Anderson mentioned that the affordable project would also be subject to Agency approval and maybe there was a possibility that the Agency would not approve the application. Mr. Tsunis and Mr. Bartha mentioned that their proposal was for the Agency to withhold Thirty (30) S-9s as a guarantee. Mr. Braun mentioned that yes that was the developer's proposal, however,

the Agency could insist that no S-9 be issued until the ground breaking of the affordable project or something similar as determined by the Agency. Discussion ensued as to the merits of withholding the S-9s and how many. Commissioner Anderson mentioned that the Agency must follow the letter of the law and not overstep its bounds. Commissioner Anderson asked what guarantee the County had that the affordable units would be constructed, to which Mr. Tsunis added that the units were being sold for Five Hundred Thousand (\$500,000.00) Dollars each, so there was incentive (for the developer) to construct the affordable units. Discussion ensued as to release responsibility, the legislators working together for clarification, the number of affordable units, aspects of the local law, certification from Director of Affordable Housing, and the policy of sewer connections set by the legislature.

Commissioner Anderson asked if there were any additional questions or comments; seeing none; made a motion to end the discussion; the motion was seconded by Mr. Cavanagh and approved unanimously.

Note: At 2:32 PM a five (5) minute recess was declared.

Note: At 2:37 PM the meeting was called to order.

§ 740-45. Connection by premises outside district.

C.

Affordable housing considerations.

[Added 6-12-2007 by L.L. No. 20-2007]

(1)

No contract between the Administrator and an applicant from outside the geographical boundaries of a district may be entered into unless, in the case of a residential housing development or a development that includes a residential component, which consists of 10 or more units only, the housing development or component is comprised of no less than 20% of units that are set aside for homebuyers or renters whose income does not exceed 120% of the HUD-established median income limit for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA) adjusted by family size.

(2)

Prior to the approval of a contract with the Administrator, the Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing shall be provided with such documentation and certification as he or she deems necessary in order to certify that the requirements outlined in Subsection **C(1)** of this section are being complied with.

(3)

Upon approval of a contract with the Administrator, a covenant shall be filed on the deed of those units that are required to be set aside pursuant to Subsection **C(1)** of this section, which covenant or covenants shall contain the following restrictions:

(a)

Said unit or units shall be restricted for use as affordable housing units, defined for purposes of this section as units which are set aside for homebuyers or renters whose income does not exceed 120% of the HUD-established median income limit for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA) adjusted by family size, for a period of 15 years from the date of filing of the covenant or covenants.

(b)

Said unit or units shall remain the principal residence of the individual or individuals who occupy the unit or units during the fifteen-year restriction described above.

(c)

All covenants filed pursuant to this subsection shall be in a form approved by the Suffolk County Attorney.

D.

Any contracts or agreements negotiated by the administrative head of any Suffolk County sewer district shall be subject to the final review, approval and ratification of the Suffolk County Legislature.

E.

Contracts for connection of out-of-district areas meeting the definition of a municipal satellite collection system shall be in compliance with New York State Department of Conservation regulations, as amended, if applicable.

[Added 8-21-2012 by L.L. No. 53-2012]

TO: TOWN OF ISLIP PLANNING BOARD

DATE: April 19, 2012

RE: Bayport Meadow Estates, LLC, CZ2011-07 (SCTM#0500-239.00-02.00-010.003,239.00-03.00-007.000,008.000, 012.003, 013.002, 013.003, 020.001, 021.001,022.000,023.003,024.000,025.000,026.000,027.000,028.000,029.000, 030.001,036.001,037.000,038.000,039.000,040.000,041.000).

Applicant requests a change of zone from Industrial 1 District to Residence C District in order to construct 150 age-restricted condominiums.

If the above application is granted by the Town Board, the applicant agrees to record the following covenants and restrictions with the Suffolk County Clerk within 90 days of the Town Board's decision. It is understood that the grant will be ineffective and that no Building Permits or Certificates of Occupancy will be issued for the above application until such restrictions are properly recorded and verified.

DEED COVENANTS AND RESTRICTIONS

1. A change of zone from Industrial 1 District to Residence C District is deemed granted as part of this application.
2. The use of the subject parcel(s) shall be limited to senior citizen residential townhouses. The number of townhouses on the subject parcel shall be limited to a maximum of 148.
3. All units shall be owner occupied.
4. Prior to the sale of any lots/units or the issuance of a Certificate of Occupancy, there shall exist in accordance with the general laws of the State of New York an Association of Homeowners that shall consist of all property owners. Each dwelling unit owner(s), by virtue of his/her/their holding of a unit shall be a member of the said Association and shall hold (or share) one membership for each unit so owned, and shall be bound by the by-laws of said Association; all unit owners shall be obligated to pay the common charges assessed by the Association.

The Association of Homeowners shall provide for supervision, restoration and maintenance of the common areas and internal roadway system. All responsible areas shall be indicated on the subdivision plan submitted to the Islip Planning Board.

The Association of Homeowners shall be responsible for all maintenance and repair associated with the common area and all landscaping improvements on the subject property in accordance with the approved subdivision, building, and site plans. These shall include, but not be limited to, the internal roadways, the sidewalks, provision of garbage collection, landscaping, and buffer installation maintenance and replacement.

Upon issuance of a Certificate of Occupancy, the Association of Homeowners shall assume all responsibility to comply with covenants provided herein.

5. The internal roadway servicing the units shall not be offered for dedication. The applicant/owner agrees to install and permanently maintain all aspects of the roadway to the satisfaction of the Planning Board, or its designee. Said maintenance shall include, but not be limited to, snow removal, all repair and maintenance, lighting, walkways, etc.
6. The subject parcel shall be kept neat, clean, graffiti and litter free. Any proposed garbage dumpster shall be located as shown on the approved site plan and shall be enclosed in compliance with the Subdivision and Land Development Regulations. Dumpsters shall be emptied on a regular basis to prevent overflow.
7. Applicant/owner shall provide regular solid waste collection services to residents of the Townhouses. Said collection services shall include separation of solid waste into recyclable components, including but not limited to newspapers, corrugated cardboard, ferrous metal, aluminum beverage containers, plastic beverage containers and glass. As part of this requirement, applicant/owner shall provide designated containers for recyclable materials. Said containers shall be regulated in the same manner as garbage dumpsters, including regular servicing and enclosure within a decorative or split faced concrete block enclosure with opaque gates.
8. Prior to the issuance of any building permits or Certificates of Occupancy, there shall be submitted to the Town of Islip Planning Department for review and subject to approval the following items:
 - a. Exterior architectural drawings of all proposed buildings. The Planning Department shall review said drawings for overall design, color, materials, and exterior mechanical equipment. The submitted architectural drawings shall be in substantial conformance to the plan(s) prepared by NY Architectural Renderings and which is dated received February 23, 2012. Said plan shall also show the following design elements:
 - i. All exterior mechanical equipment shall be screened from public view and for sound attenuation purposes.
 - ii. All accessory structures, including those associated with on-site sewage treatment facilities, shall have a pitched roof line and shall be constructed with similar materials.
 - iii. Building(s) shall be designed to have a projected energy use 30% (thirty percent) in excess of the current New York State Energy Conservation Code requirements. Building(s) designed to meet all of the following requirements will be accepted in lieu of this requirement subject to the approval of the Commissioner of Planning:
 - a. R-value for insulation in walls, ceilings and floors shall exceed New York State Code requirements.
 - b. All windows shall be constructed with insulated glass.

- c. Indoor lighting shall be a florescent, low voltage and/or LED design including but not limited to T5 or T8 ballasts.
 - d. All heating, cooling and water systems shall include premium efficiency motors, with SEER ratings that exceed New York State Code Requirements.
- b. A landscaping plan indicating in detail the proposed landscaping treatment in accordance with the Subdivision and Land Development Regulations. Said plan shall indicate the maintenance or installation of native plant species to the greatest extent possible. For the purposes of landscape plan review, only the standard required buffer shall be excluded from the available landscaping calculation. Additional buffer area described herein, shall not be excluded. Said landscaping shall be designed to the reasonable satisfaction of the Planning Board, or its designee and shall include the following plantings/design elements:
- i. Applicant/owner shall make every effort to preserve the existing mature trees on the subject property. Applicant/owner shall install, at time of construction, temporary fencing in order to protect vegetated areas to remain natural.
 - ii. The following areas shall be maintained as landscaped buffer areas, with existing vegetation maintained to the maximum extent possible. Applicant/owner agrees not to clear, or disturb in any way, all areas of the property that are designated as landscaped or buffer areas. Supplemental planting may be done in these areas at the direction and to the satisfaction of the Planning Board.
 - 60' to 80' Adjacent to Sunrise Highway
 - 50', prior to any dedication, adjacent to Church Street (the first 10' may be cleared in order to install fencing)
 - 40' adjacent to the eastern property line.
 - iv. All plantings shall be maintained to the reasonable satisfaction of the Planning Board and all plant material shall be kept in a healthy well maintained condition. The subject property shall also be kept clean of litter, graffiti and debris at all times. The Planning Board shall be solely responsible for the determination regarding adequate maintenance and litter clean up. The applicant/owner shall be solely responsible for the cost of the maintenance and litter clean up. In the event applicant/owner fails to maintain the landscaping or clean up litter and debris as so directed, the Town of Islip also reserves the right to enter onto the subject parcel and complete the required maintenance and assess all costs associated with same to the applicant/owner's next tax bill.

c. A site plan showing the improvements specified in the Subdivision and Land Development Regulations including but not limited to: building locations, parking, curbs, sidewalks, curb cuts, landscaping, and drainage. Said plan shall be in substantial conformance to those prepared by Barrett Bonacci & Van Weele, PC and which is dated revised 02/15/12, and shall also include the following elements:

- i. The minimum setback, prior to any dedications, for all buildings from the property lines shall be as follows:
 - 60' to 80' adjacent to Sunrise Highway
 - 50' adjacent to Church Street
 - 40' adjacent to the eastern property line.
- ii. A minimum of 326 parking spaces shall be provided on site, 266 driveway spaces and 60 visitor stalls. Any additional parking beyond these 326 stalls shall be designated as land-banked parking on the approved site plan, and shall not be constructed without the review and approval of the Planning Department.
- iii. A pedestrian path shall be required at the northeast corner of the site to the adjoining properties to the east. Cross access agreements shall be maintained with these properties. In the event that this cross access is denied by the owners of SCTM 0500-239.00-04.00-007.003, the Planning Board shall have the right to modify or remove this requirement.
- iv. All stormwater drainage shall be contained on-site in accordance with the current Subdivision and Land Development Regulations. In addition, applicant/owner agrees to incorporate non-point source pollution mitigation into the overall drainage plan by incorporating one or more of the following stormwater mitigation techniques:
 - a. Natural retention area(s) such as vegetated swales and bioretention cells/rain gardens and ponds
 - b. Permeable/porous pavement surfaces
 - c. Manufactured treatment devices, i.e. catch basin inserts designed to filter hydrocarbons and other pollutants from stormwater runoff

The Planning Board reserves the right to modify any site plan requirements with the consent of the applicant/owner after due public hearing. The Commissioner of Planning is hereby authorized to waive the requirement for such public hearing if any future site plan modification is reasonable, is evident within the documentation submitted as part of this application, and is within the spirit and intent of this grant.

9. All sanitary waste shall be handled on-site by an appropriate treatment and disposal facility or connection to a sewage treatment plant regulated by the Suffolk County Department of Public Works. Applicant/owner agrees to meet all Suffolk County requirements with regard to sanitary waste.

11. Improvements to Church Street shall be at the Direction of Town Engineer and shall include the following:

- a) The applicant/developer shall provide improvements to the full width of Church Street, ultimately providing a 60 foot right-of-way and 40 foot pavement width, as described herein:
 - i. Improvements shall be along the length of Church Street solely fronting and owned by the applicant/developer of the subject property.
 - ii. The applicant/developer shall offer to the Town of Islip a dedication of property, approximately 5 feet in width, ultimately providing a right-of-way width of 60 feet, along the length of Church Street fronting and owned by the applicant/developer of the subject property. (see changes to 8bii and 8ci)
 - iii. The applicant/developer shall refer to the road plan and profile of Bayport Ridge, an existing subdivision prepared by Barrett, Bonacci & VanWeele, P.C. on the south side of Church Street, approved by the Town of Islip, and signed by the Town Engineer November 27, 2001, for information in developing design and engineering plans and profiles the proposed northern curb line for Bayport Meadows.
 - iv. The applicant/developer shall design and install drainage improvements along the proposed northern curb line of the subject property as required by Town standards and specifications for road construction, and as defined in the Town of Islip's *Subdivision and Land Development Regulations*.
 - v. The applicant/developer shall refer to the road plan, *Sheet 1 of 4, Grading and Drainage Plan*, for Bayport Ridge (described above), showing a sawcut line 17 feet north of the existing southern curb line, to establish the limits of full depth asphalt improvement to be provided. The applicant/developer for Bayport Meadows shall improve, to full-depth, from the proposed northerly curb line, approximately 24 feet south, to a line that is no less than 1 foot south of the sawcut line provided by Bayport Ridge. Full depth reconstruction of the road shall consist of one of the two following:
 - For a full depth reconstruction, the applicant/developer shall provide: 6" of RCA, 2 ½" NYS type 3 binder and 1 ½" NYS type 6 F top (final top course provided from north curb face to south curb face) all constructed on newly compacted subgrade.

--or--

- For mix in place, the applicant/developer shall provide 6" of recycled base stabilized with asphalt emulsion (mix design required to be submitted to Town of Islip Department of Public Works for approval) compacted and tested according to Town of Islip specifications with 2" of NYS 6F top (final top course provided from north curb face to south curb face). If the subgrade material beneath the road is found to be in substandard condition, as determined by the Town Engineer, the applicant/developer will be required to improve the subgrade conditions to acceptable standards of Town road construction specifications.
- vi. The applicant/developer shall mill the pavement along existing flow line along the existing southerly curb line and across the north entrances to Vitamin Drive in order to provide for a 6" reveal on the existing curb, prior to the installation of the final top course.
- vii. The applicant/developer shall seal all sawcut lines prior to installation of the top course.
- viii. The applicant/developer shall provide top soil and seed within the right-of-way as defined by the Town specifications for the construction of roads.
- b) The applicant/developer shall provide concrete curb and sidewalk in accordance with the *Subdivision and Land Development Regulations* along the length of Church Street solely fronting and owned by the applicant/developer. Additionally, applicant/developer shall extend the concrete curb and sidewalk to meet the existing curb and sidewalk adjacent to SCTM#0500-261.00-02.00-015.000.
 - c) The applicant/developer shall provide curb and sidewalk at the northwest and southwest corners of the intersection of Church Street and Sylvan Avenue.
 - d) The applicant/developer shall coordinate the proposed construction with the Town of Islip Department of Public Works.
- 12. At least 20% (30 units) of the dwelling units shall be set aside as affordable units. An alternative plan to provide the necessary affordable housing component may be approved by the Commissioner of Planning or designee.
- 13. Applicant/owner agrees to submit a community mitigation fee to the Bayport Blue Point School District in the sum of \$18,000/year.
- 14. Prior to the issuance of any sign permits, all exterior signs shall be subject to review and approval by the Town of Islip Planning Department. The Planning Department shall review the signs for design compatibility, color, materials, height, and size.
- 15. Except as provided herein, applicant/owner agrees to comply in all respects with the Subdivision and Land Development Regulations and the Islip Town Code.

16. All required permits, plan submissions, and physical property improvements described herein shall be completed within 48 months of the date of the Town Board resolution approving this application. Applicant/owner or The Association of Homeowners, further agrees to permanently maintain all improvements and landscaping to the satisfaction of the Planning Board. If the applicant fails to comply with this restriction then the Town Board reserves the right, after due public hearing, to enter onto the subject parcel and complete the required maintenance and assess all costs associated with same to the applicant/owner's next tax bill.
17. The above-mentioned covenants and restrictions shall be and constitute real covenants running with the land and shall be binding upon the Declarant and any and all subsequent owners of the said real property or any part thereof, and upon their heirs, executors, and administrators (or their successors and assignees) subject, however, to the right of the Town of Islip after a public hearing to amend, alter, annul or repeal any or all of the foregoing covenants and /or restrictions at any time with the consent of the owner or owners for the time being of the premises herein described, and such right shall be effectual and may be exercised without the consent of any adjacent owners or other owners or lienors of any other property.

By: Bayport Meadows Estates, LLC
Demetrios A. Tsunis Member
 Notary -

5/25/12
 Date

 Property Owner
 Notary -

 Date

Sworn to before me by Demetrios A. Tsunis
 on May 25, 2012

Scott Zamek

SCOTT ZAMEK
 Notary Public, State of New York
 Qualified in Suffolk County
 0227 No. 4894049
 Commission Expires April 20, 2015

V. New Business - A. Formal Approval

Summary of Map & Plan for Sewer District No. 3 - Southwest Outfall Replacement Beneath the Great South Bay (CP 8108)

John mentioned the specifics of the project and that there was a danger of the current outfall failing. John added that the engineering design report provided for the rehabilitation and replacement of the ocean outfall. The details on the various alternatives that were explored with the conclusion that tunneling beneath the Bay would minimize environmental impacts and provide the reliable system for replacement is included within the report. The project is to replace Fourteen Thousand (14,000') feet of pipe beneath the Great South Bay at a cost of \$207 million, which is included in the adopted Capital Program and Budget for 2015. With the completion of an application to NYS Environmental Facilities Corporation by June 1, 2015, funding by grant and zero interest loan can be provided in an accumulative amount approaching \$50 million. The prerequisites for the funding application include the Agency approval, a public hearing resolution followed by findings, appropriation, and bonding resolutions.

Mr. Braun asked for an explanation of why a new line and not the replacement of the old line. John explained that the proposal was to replace the line from Bergen Point to Fire Island and the most efficient way was to tunnel Ten (10') feet beneath the bay between the STP and Fire Island. Mr. Klein asked if the outfall was vented and John, replied, no, it is not. Commissioner Anderson mentioned that the NYSDEC said it would take Eight (8) years to get DEC approval to open cut the line so tunneling was the best way to go. John added that the Department had CEQ approval and the next order of business was to complete the legislative approval process to submit the application by June 1, 2015.

Commissioner Anderson asked if there were any additional questions or comments; seeing none; made a motion to approve the motion; the motion was seconded by Mr. Hilbert and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 1 - 2015 APPROVING THE MAP & PLAN FOR REPLACING THE SECTION OF THE OUTFALL BENEATH THE GREAT SOUTH BAY SUFFOLK COUNTY SEWER DISTRICT NO. 3 – SOUTHWEST (CP 8108)

WHEREAS, the Agency with the assistance of the Department of Public Works Staff prepares the necessary maps, plans, specifications and other relevant material for improvements to the district. Pursuant to the map, plan and report the Agency finds that it is in the public interest to improve the district by replacing the section of outfall beneath the Great South Bay; and

WHEREAS, the Map and Plan for outfall replacement beneath the Great South Bay in Suffolk County Sewer District No. 3 – Southwest (CP 8108) has been prepared; and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Map and Plan for outfall replacement beneath the Great South Bay in Suffolk County Sewer District No. 3 – Southwest (CP 8108) be approved; and it is further

2nd RESOLVED, that the Administrative Head of the Sewer Districts be and hereby is authorized, directed, and empowered to take whatever steps are necessary for the implementation of this project and proceed with the steps necessary to secure grants and loans.

3rd RESOLVED, That the Suffolk County Department of Public Works is hereby authorized, directed, and empowered to take whatever steps are necessary, pursuant to C8-2 (L&M) of the Suffolk County Charter.

(Suffolk County Sewer Agency Special Meeting, January 6, 2015)

Seeing no further business, Commissioner Anderson made a motion to adjourn the meeting. The motion was seconded by Mr. Hilbert and approved unanimously at 2:45 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Platt". The signature is stylized with a large initial "C" and a long horizontal stroke extending to the right.

Craig A Platt
Secretary, SCSA