

**RESOLUTION NO. 390 -2010, AMENDING THE 2010  
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING  
FUNDS IN CONNECTION WITH THE DEVELOPMENT OF  
COUNTY OWNED LAND IN YAPHANK FOR AN  
ENVIRONMENTAL IMPACT STATEMENT (CP 6420)**

**WHEREAS**, the Director of Planning has requested funds for an environmental impact statement (EIS) in connection with the development of County owned land in Yaphank; and

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) recommended via CEQ Resolution No. 51-09 that the development of County owned land in Yaphank be classified as a Type 1 action and the County declare itself lead agency status; and

**WHEREAS**, the County declared a positive declaration via Adopted Resolution No. 45-2010 and has legally declared itself as the lead agency pertaining to SEQRA for this project; and

**WHEREAS**, an EIS needs to be prepared by the County; and

**WHEREAS**, sufficient funds are not included in the 2010 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C4-13, an offsetting authorization must be provided from another capital project; and

**WHEREAS**, Resolution No. 471-1994 and as amended by Resolution No. 461-2006 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$411,000 in Suffolk County Serial Bonds; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5C (18), in that the law authorizes information collection, including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund, or approve any Type I or unlisted action, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action; (20), routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; (21), conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action; (27), adoption of regulations, policies, procedures, and local legislature decisions in connection with any action on this list; since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-nine (59) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the 2010 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5539  
 Project Title: CR 7, Wicks Road Corridor Study and Improvements

	<u>Total Est'd Cost</u>	<u>Current 2010 Capital Budget &amp; Program</u>	<u>Revised 2010 Capital Budget &amp; Program</u>
3. Construction	<u>\$ 6,089,000</u>	<u>\$5,300,000B</u>	<u>\$ 4,889,000B</u>
TOTAL	\$ 7,921,000	\$5,300,000	\$ 4,889,000

and be it further

**4<sup>th</sup>** **RESOLVED**, that the proceeds of \$411,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-6420.111 (Fund 001-Debt Service)	20	Development of County Owned Land - Environmental Impact Statement (EIS) and Associated Ancillary Engineering Costs	\$411,000

and be it further

**5<sup>th</sup>** **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered, and directed to take such actions as may be necessary pursuant to Section C8-2(A) of the Suffolk County Charter to complete this project.

DATED: May 11, 2010

APPROVED BY:

/s/ Steve Levy  
 County Executive of Suffolk County

Date: May 26, 2010