

**STRICKEN AS OF 11/11/2010**

Intro. Res. No. 1534-2010  
Introduced by Legislator Schneiderman

Laid on Table 5/11/2010

**RESOLUTION NO.                   -2010, ADOPTING LOCAL LAW  
NO.                   -2010, A CHARTER LAW TO AUTHORIZE THE  
TRANSFER OF DEVELOPMENT RIGHTS FOR NON-PROFIT  
COMMUNITY CENTERS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2010 a proposed local law entitled, "**A CHARTER LAW TO AUTHORIZE THE TRANSFER OF DEVELOPMENT RIGHTS FOR NON-PROFIT COMMUNITY CENTERS**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO.           -2010, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO AUTHORIZE THE TRANSFER OF  
DEVELOPMENT RIGHTS FOR NON-PROFIT COMMUNITY  
CENTERS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Suffolk County's Save Open Space (SOS) and New Drinking Water Protection Programs authorized the transfer of development rights from lands acquired under these programs for the purpose of providing workforce housing.

This Legislature also finds and determines that few of the development rights that have been banked under these programs have been utilized to create housing.

This Legislature further finds and determines that these development rights could also be used to further other policy goals, including the creation and expansion of non-profit community centers.

This Legislature finds that transferring development rights for non-profit community centers would allow for growth of these programs, which are experiencing greater demand for their services.

Therefore, the purpose of this law is to amend Article XII of the SUFFOLK COUNTY CHARTER to authorize the transfer of development rights to promote the growth of non-profit community centers.

**Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

“NON-PROFIT COMMUNITY CENTER” shall mean any not-for-profit community program which provides a service to the public and whose location is open to the community, which shall include, but not be limited to, youth centers, day care centers, nutritional centers, health clinics, recreational centers, libraries, learning and resource centers, performing arts centers, museums, food pantries, and public gathering halls.

### **Section 3. Amendment.**

Section 12-2(A)(2)(c) of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

(c) The County of Suffolk Hereby reserves the right to dedicate and transfer development rights from land acquired under this law (exclusive of transactions involving farmland development rights, active parkland, hamlet parks and historic parks), and hold for use or transfer for the [sole] purposes of providing workforce housing, as defined in Article XXXVI of the Suffolk County Administrative Code or the creation and expansion of non-profit community centers [pursuant to a program established by the Suffolk County Department of Planning and via subsequent duly enacted resolution of the County]. In each individual use or sale of such development rights for the purpose of providing workforce housing, such use or sale shall be subject to approval by duly enacted resolution of the County of Suffolk and shall be consistent with Resolution 412-2005, as amended. A program to govern the transfer of development rights for non-profit community centers shall be established by the Department of Planning via subsequent duly enacted resolution of the County of Suffolk. Transfers of development rights for non-profit community centers will be subject to sewer agency approval, a public hearing and approval by duly enacted resolution of the County of Suffolk. If the use for the subject property changes following the transfer of development rights to a non-profit community center, the recipient non-profit community center must reimburse the County for the credits received at fair market value.

### **Section 4. Applicability.**

This law shall apply to development rights that are derived from land acquisitions occurring on or after the effective date of this law.

### **Section 5. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

### **Section 6. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND

REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 7. Form of Proposition.**

The question to be submitted to the electorate pursuant to Section 8 of this law shall read as follows:

**Shall Resolution No. -2010, Adopting A Charter Law Amending the Suffolk County ¼% Sales Tax Drinking Water Protection Program to Authorize the Transfer of Development Rights for Non-Profit Community Centers, Be Approved?**

**Section 8. Effective Date.**

This law shall not take effect until the first day of the first fiscal year after its approval by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting upon a proposition for its approval in conformity with the provisions of Section 34 of the NEW YORK MUNICIPAL HOME RULE LAW. After approval by the electorate, this law, as well as any other law converted into a mandatory referendum pursuant to Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW, by a vote of the County Legislature, may only be amended, modified, repealed, or altered by enactment of an appropriate Charter law subject to mandatory referendum in accordance with prevailing law.

[ ] Brackets denote deletion of existing language.  
\_\_\_ Underlining denotes addition of new language.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: