Intro. Res. No. 1308-2011
Introduced by Legislator Schneiderman

Laid on Table 3/22/2011

RESOLUTION NO. 531 -2011, APPROVING MASTER LIST V AND PLANNING STEPS FOR THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE PROPERTIES KNOWN AS EAST QUOGUE PARTNERS, LLC

WHEREAS, the Environmental Legacy Program was approved under the adopted 2007-2009 Capital Program allocating fifty million dollars for the acquisition of environmentally sensitive lands, active recreation sites, historic properties, and farmland development rights where there is a partner who will provide a 50% matching contribution; and

WHEREAS, the 5th RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 603-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County 1/4% Drinking Water Protection Program for Environmental Protection," authorizes the use of 31.10 per cent of sales and compensating use tax proceeds generated each year for Specific Environmental Protection including acquisition of open space; environmentally sensitive lands; farmland development rights; hamlet parks; active recreational parks; or historic/cultural parks, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, Resolution No. 591-1996, approved by the electorate on November 5, 1996, amended the Suffolk County 1/4% Drinking Water Protection Program so as to allocate nearly two-thirds (2/3) of the surplus funds under this Program to the acquisition of land in accordance with Section 12-5(A) of the SUFFOLK COUNTY CHARTER, as determined by a duly enacted Resolution by the County of Suffolk; and

WHEREAS, the County's nationally acclaimed land preservation programs have been enhanced by the approval of master lists of important and significant environmentally sensitive lands, farmland, and recreationally important lands; it is now necessary to add additional parcels to the master list for acquisition of environmentally sensitive lands; now, therefore be it

1st **RESOLVED**, that the master list identified by Exhibit "A" for the acquisition of environmentally sensitive land and recreationally important lands in Suffolk County, is hereby approved and/or confirmed, as a supplement to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk; and be it further

I.) ENVIRONMENTAL LEGACY PROGRAM

2nd **RESOLVED**, that the following parcel(s) listed below, in addition to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County

of Suffolk, is(are) hereby approved for preliminary planning steps (i.e., survey, appraisal, title search, and environmental audit) and ultimate inclusion in the Suffolk County Environmental Legacy Program, approved under the ADOPTED 2007-2009 CAPITAL PROGRAM:

PARCEL:	SUFFOLK COUNTY TAX MAP NUMBER:	ACRES:	REPUTED OWNER AND ADDRESS:
No. 1	District Section Block Lot	SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF	East Quogue Partners LLC c/o Wayne D. Bruyn 250 North Sea Road Southampton, NY 11968

and be it further

3rd **RESOLVED**, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

4th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

5th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C), of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the subject parcel(s), the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

6th **RESOLVED**, that the cost of such surveys, title searches, audits, maps, and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to the Suffolk County Environmental Legacy Program, as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

7th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

II.) MULTIFACETED LAND PRESERVATION PROGRAM

8th **RESOLVED**, that the following parcel(s) listed below, in addition to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk, is(are) hereby approved for preliminary planning steps (i.e., survey, appraisal, title search, and environmental audit) and ultimate inclusion in the Suffolk County Multifaceted Land

Preservation Program, according to the provisions of the 5th RESOLVED clause of Resolution No. 459-2001:

PARCEL:	SUFFOLK COUNTY TAX MAP NUMBER:	ACRES:	REPUTED OWNER AND ADDRESS:
No. 1	District Section Block Lot	SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF	East Quogue Partners LLC c/o Wayne D. Bruyn 250 North Sea Road Southampton, NY 11968

and be it further

9th **RESOLVED**, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

10th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

11th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the subject parcel(s), the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

12th **RESOLVED**, that the cost of such surveys, title searches, audits, maps, and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to the provisions of the 5th RESOLVED clause of Resolution No. 459-2001, as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

13th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

III.) NEW DRINKING WATER PROTECTION PROGRAM (AS AMENDED BY LOCAL LAW NO. 24-2007, EFFECTIVE DECEMBER 1, 2007)

14th **RESOLVED**, that the following parcel(s) listed below, in addition to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk, is(are) hereby approved for preliminary planning steps (i.e., survey, appraisal, title

search, and environmental audit) and ultimate inclusion in the Suffolk County New Drinking Water Protection Program:

PARCEL:	SUFFOLK COUNTY TAX MAP NUMBER:	ACRES:	REPUTED OWNER AND ADDRESS:
No. 1	District Section Block Lot	SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF	East Quogue Partners LLC c/o Wayne D. Bruyn 250 North Sea Road Southampton, NY 11968

and be it further

15th **RESOLVED**, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

16th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

17th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the subject parcel(s), the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

18th **RESOLVED**, that the cost of such surveys, title searches, audits, maps, and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Section C12-2(A)(1)(a,b,c,d,e,g,h) of the SUFFOLK COUNTY CHARTER, as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

19th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

IV.) ACQUISITION OF LAND/1989-2000 DRINKING WATER PROTECTION PROGRAM (12-5(A))

20th **RESOLVED**, that The Director of the Division of Real Estate or his or her designee, is hereby authorized, empowered, and directed, pursuant to Section 14-10(B) or Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate to acquire fee title to the parcels listed herein below from the reputed owners for

inclusion into the County's Open Space or Parkland Preservation Program, in addition to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk, as the case may be:

PARCEL:	SUFFOLK COUNTY TAX MAP NUMBER:	ACRES:	REPUTED OWNER AND ADDRESS:
No. 1	District Section Block Lot	SET FORTH IN EXHIBITS "A" ATTACHED HERETO AND MADE A PART HEREOF	East Quogue Partners LLC c/o Wayne D. Bruyn 250 North Sea road Southampton, NY 11968

and be it further

21st **RESOLVED**, that The Director of the Division of Real Estate or his or her designee, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire fee simple absolute or a lesser interest (i.e. conservation easement) of the subject parcels, the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

22nd **RESOLVED**, that The Director of the Division of Real Estate or his or her designee, is hereby authorized to use such appraisals as may be made available by other municipalities for the purpose of such acquisition, if deemed cost effective and appropriate by the Department; and be it further

23rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution 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, and 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 resolution.

DATED: June 21, 2011

APPROVED BY:

VETOED

County Executive of Suffolk County

Date: 7/7/11 JUL 0 7 2011

VETO OVERRIDE ADOPTED ON AUGUST 2, 2011

East Quogue Partners Property

District	Section	Block	Lot	Acres
0900	203.00	01.00	025.000	25
0900	203.00	01.00	027.000	17.3
0900	203.00	01.00	030.000	37.73
0900	219.00	01.00	004.000	0.39
0900	219.00	01.00	005.000	0.21
0900	219.00	01.00	006.000	1.48
0900	219.00	01.00	007.000	0.37
0900	219.00	01.00	008.000	0.85
0900	219.00	01.00	009.000	0.37
0900	219.00	01.00	010.000	0.4
0900	219.00	01.00	023.000	0.96
0900	219.00	01.00	024.000	1.18
				86.24
0900	219.00	01.00	011.001	1.15
0900	219.00	01.00	012.000	1.15
0900	219.00	01.00	020.001	4.2
0900	219.00	01.00	022.000	1.07
				7.57
0900	219.00	01.00	013.000	2.3
0900	219.00	01.00	021.000	15.9
0900	250.00	03.00	001.000	78
0900	250.00	03.00	002.000	17
0900	250.00	03.00	003.000	28
0900	288.00	01.00	061.000	24.3
0900	288.00	01.00	141.001	94.7
				260.2
0900	219.00	01.00	014.000	0.09
0900	219.00	01.00	015.000	0.25
0900	219.00	01.00	016.000	0.2
0900	219.00	01.00	017.000	0.25
0900	219.00	01.00	018.000	0.1
0900	219.00	01.00	019.000	0.89
0900	219.00	01.00	047.000	0.35
0900	219.00	01.00	048.000	0.1

0900	219.00	01.00	049.000	0.4
0900	219.00	01.00	050.000	0.1
0900	250.00	03.00	04.000	3.9
0900	250.00	03.00	005.000	0.09
0900	250.00	03.00	006.000	1.01
0900	250.00	03.00	009.000	0.46
0900	250.00	03.00	011.000	2.39
0900	250.00	03.00	013.000	0.02
0900	250.00	03.00	014.000	3.99
0900	250.00	03.00	017.000	2.8
0900	250.00	03.00	030.000	0.02
0900	288.00	01.00	121.000	27
0900	288.00	01.00	122.000	1.03
0900	288.00	01.00	123.000	2.02
0900	288.00	01.00	125.000	0.96
0900	288.00	01.00	127.000	0.09
0900	288.00	01.00	130.000	0.69
0900	288.00	01.00	132.000	1.5
0900	288.00	01.00	133.000	1.04
0900	288.00	01.00	136.000	0.6
0900	288.00	01.00	138.000	2.48
0900	288.00	01.00	140.002	0.1
0900	314.00	02.00	020.005	5.7
				60.62
0900	340.00	01.00	002.000	0.64
0900	340.00	01.00	005.000	0.44
				1.08
			TOTAL ACRES	415.71

Exhibit "A"

COUNTY OF SUFFOLK

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

July 6, 2011

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

RE: Resolution 531-2011

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **Resolution No. 531-2011, Approving Master List V and Planning Steps for the Acquisition of Environmentally Sensitive Properties Known as East Quogue Partners, LLC,** vetoed.

While I share the goal of preserving the areas of this parcel existing within the Pine Barrens, there is a way to do so at no cost to the county. This parcel totals approximately 425 acres. Part of this tract is environmentally sensitive, the northern 93 acres within the Pine Barrens Core that already have approved planning steps. The southern portion of the property, however, is not environmentally sensitive.

It has already been determined that up to 70 percent of this parcel, including all of the acreage existing within the Pine Barrens Core and the Special Groundwater Protection Area, can be preserved forever through a proposed clustering of the use of the property at no cost to the taxpayer.

The proposed preliminary plans call for 82 single family units clustered upon approximately 125 acres in the southern portion of this property. The balance will be dedicated open space. This is an opportunity to preserve approximately 300 acres of Pine Barrens at no cost to the taxpayers, as opposed to having to expend anywhere from $15 to $30 million on this one closing. Think of how many other Pine Barrens properties we could purchase with the money that would be freed up.

It has often been said that merely passing planning steps is a pro forma gesture that does not lock the county into moving forward with the parcel. But once planning steps are approved, offers must be made to the property owner and once a fair market value is accepted, the purchase is

LOCATION:
H. LEE DENNISON BUILDING, 12th FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS:
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099

OFFICE (631) 853-4000
FAX (631) 853-4818

almost always consummated. Now is the time to determine whether or not the county wishes to embark down this path.

Remember, we can preserve 300 of these acres—including all of the Pine Barrens acreage within this parcel—without having to expend a single dime. I therefore ask that you support this veto.

Sincerely,

Steve Levy
County Executive of Suffolk County

Intro. Res. 1308 Res. No. 531 June 21, 2011

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	✓				
2	Jay H. SCHNEIDERMAN	✓				
3	Kate M. BROWNING	✓				
4	Thomas MURATORE	✓				
6	Sarah S. ANKER	✓				
7	Jack EDDINGTON	✓				
9	Ricardo MONTANO	✓				
10	Thomas CILMI	✓				
11	Thomas F. BARRAGA		✓			
12	John M. KENNEDY, JR.	✓				
13	Lynne C. NOWICK	✓				
14	Wayne R. HORSLEY	✓				
15	DuWayne GREGORY	✓				
16	Steven H. STERN	✓				
17	Lou D'AMARO	✓				
18	Jon COOPER	✓				
5	Vivian VILORIA-FISHER, D.P.O.	✓				
8	William J. LINDSAY, P.O.	✓				
	Totals	17	1			

MOTION

✓ Approve
____ Table: _____
____ Send To Committee
____ Table Subject To Call
____ Lay On The Table
____ Discharge
____ Take Out of Order
____ Reconsider
____ Waive Rule ____
____ Override Veto
____ Close
____ Recess

APPROVED ✓ FAILED____
No Motion___ No Second___

RESOLUTION DECLARED

✓ ADOPTED
____ NOT ADOPTED

Roll Call____ Voice Vote ✓

Tim Laube

Tim Laube, Clerk of the Legislature

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on Aug 2,2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1308 Res. No. 531 August 2, 2011

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	✓				
2	Jay H. SCHNEIDERMAN	✓				
3	Kate M. BROWNING	✓				
4	Thomas MURATORE	✓				
6	Sarah S. ANKER	✓				
7	Jack EDDINGTON	✓				
9	Ricardo MONTANO	✓				
10	Thomas CILMI	✓				
11	Thomas F. BARRAGA		✓			
12	John M. KENNEDY, JR.	✓				
13	Lynne C. NOWICK	✓				
14	Wayne R. HORSLEY	✓				
15	DuWayne GREGORY	✓				
16	Steven H. STERN	✓				
17	Lou D'AMARO	✓				
18	Jon COOPER	✓				
5	Vivian VILORIA-FISHER, D.P.O.	✓				
8	William J. LINDSAY, P.O.	✓				
	Totals	17	1	—	—	—

MOTION
____Approve
____Table:_____
____Send To Committee
____Table Subject To Call
____Lay On The Table
____Discharge
____Take Out of Order
____Reconsider
____Waive Rule ____
X Override Veto
____Close
____Recess
APPROVED X FAILED____
No Motion___ No Second___

RESOLUTION DECLARED
X ADOPTED
____NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call X Voice Vote____