

**RESOLUTION NO. 598 -2011, AUTHORIZING THE INCLUSION
OF NEW PARCELS INTO EXISTING CERTIFIED
AGRICULTURAL DISTRICTS IN THE COUNTY OF SUFFOLK**

WHEREAS, Article 25-AA of the New York State Agriculture and Markets Law provides for a locally-initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance; and

WHEREAS, Article 25-AA of the New York State Agriculture and Markets Law established and articulates the Agricultural Districts Program, wherein viable agricultural land included within a certified agricultural district receives certain benefits and protections in order to perpetuate farming; and

WHEREAS, Article 25-AA of the New York State Agriculture and Markets Law was amended in 2003 to include Section 303-B which allows County Legislative bodies the opportunity to designate an annual thirty-day period within which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within an existing certified agricultural district; and

WHEREAS, this Legislature designated the month of January as the annual enrollment period during which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within an existing certified agricultural district; and

WHEREAS, ten applications were received from land owners during the 2011 annual enrollment period; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Board found the parcels identified by Exhibit "A" consist of predominately viable agricultural land and that inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the existing certified agricultural districts; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Board found the parcels identified by Exhibit "B" do not consist of predominately viable agricultural land and that inclusion of such land would not serve the public interest; and

WHEREAS, the parcels identified by Exhibit "C" were recommended for disapproval for inclusion in existing certified agricultural districts by staff but failed to garner a majority vote by the Suffolk County Agricultural and Farmland Protection Board and, therefore, received no action; now, therefore be it

1st **RESOLVED**, that this Legislature hereby finds that it is in the best interest of the people of the County of Suffolk to include the parcels identified by Exhibit "A" into existing certified agricultural districts, as recommended by the Suffolk County Agricultural and Farmland Protection Board; and be it further

2nd **RESOLVED**, that the petition for inclusion of the parcels identified by Exhibit "A" in existing certified agricultural districts is hereby approved, adopted, and referred to the

Commissioner of the New York State Department of Agriculture and Markets for review of the petition as required by Section 303(B)(4) of Article 25-AA of the New York State Agriculture and Markets Law; and be it further

3rd **RESOLVED**, that the Clerk of the Suffolk County Legislature is hereby directed to submit said petition including this resolution, the report of the Suffolk County Agricultural and Farmland Protection Board, the tax map identification numbers, and tax maps for each parcel of land to be included in an agricultural district to the Commissioner of the New York State Department of Agriculture and Markets; and be it further

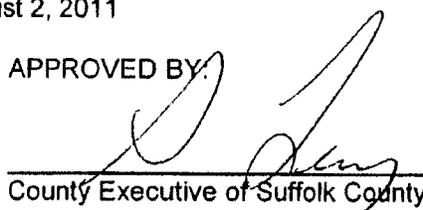
4th **RESOLVED**, that this Legislature hereby finds that it is in the best interest of the people of the County of Suffolk not to include the parcels identified by Exhibit "B" into existing certified agricultural districts, as recommended by the Suffolk County Agricultural and Farmland Protection Board; and be it further

5th **RESOLVED**, that this Legislature hereby finds that it is in the best interest of the people of the County of Suffolk not to include the parcels identified by Exhibit "C" into existing certified agricultural districts due to the failure of the Suffolk County Agricultural and Farmland Protection Board to garner a majority vote; and be it further

6th **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) and (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: August 2, 2011

APPROVED BY:


County Executive of Suffolk County

Date:

AUG 11 2011

Exhibit A

Parcels Approved for Inclusion in Existing Certified Agricultural Districts

Tax Map Number	Name	Acres	Ag. District Number
0200 13300 0100 007000	Robert F. & Jean S. Benner	0.7	3
0200 13300 0100 008002	Robert F. & Jean S. Benner	0.2	3
0200 13300 0100 008003	Robert F. & Jean S. Benner	0.5	3
0200 13300 0100 009001	Robert F. & Jean S. Benner	0.3	3
0200 13300 0100 020002	Robert F. & Jean S. Benner	7.1	3
0200 13300 0100 023000	Robert F. & Jean S. Benner	1.2	3
0200 13300 0300 027002	Robert F. & Jean S. Benner	0.3	3
0200 13300 0300 028000	Robert F. & Jean S. Benner	0.5	3
0200 13300 0300 029000	Robert F. & Jean S. Benner	0.5	3
0200 13300 0300 030000	Robert F. & Jean S. Benner	0.5	3
0300 15700 0300 008002	Dorothy V. Osborn	13.3	5
1000 01300 0200 007012	PJH Realty Corp	11.9	1
1000 01300 0200 007014	PJH Realty Corp	2.5	1
1000 03100 0100 001003	Ghassemi & Co LLC	22.9	1
1000 06900 0500 007001	William J. Bergrath	10.0	1
	TOTAL ACRES	72.4	

Exhibit B

Parcels Disapproved for Inclusion in Existing Certified Agricultural Districts

Tax Map Number	Name	Acres
0200 13300 0100 021000	Robert F. & Jean S. Benner	0.8
0200 13300 0300 031000	Robert F. & Jean S. Benner	0.3
0900 31600 0100 023000	East Quogue Development LLC	0.2
0900 31600 0100 029000	C&C Shorelands INC	1.0
0900 31600 0100 030000	East Quogue Development LLC	33.1
0900 31700 0100 024000	Coastal Vision LLC	0.4
0900 31700 0100 025000	C&C Shorelands INC	1.1
0900 31700 0100 026000	Swan Acres LLC	4.9
0900 31700 0100 027000	Coastal Vision LLC	22.2
	TOTAL ACRES	64.0

Exhibit C

Parcels Disapproved for Inclusion in Existing Certified Agricultural Districts

Tax Map Number	Name	Acres
0401 00100 0100 001001	Eatons Neck LLC	400.3
0401 00100 0100 001002	Eatons Neck LLC	41.2
0900 25100 0100 090000	Swan Acres LLC	55.7
0900 28900 0200 010000	Coastal Vision LLC	3.2
0900 28900 0200 011000	Coastal Vision LLC	6.3
	TOTAL ACRES	506.7

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

Free

Intro. Res.

1515

Res. No.

598

August 2, 2011

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

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

Second:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Eddington, Montano, Cilmi, Lindsay, Vilorla-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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote