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AMENDED COPY AS OF 9/15/2011

Intro. Res. No. 1703-2011
Introduced by Legislator Schneiderman

Laid on Table 8/2/2011

RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A LOCAL LAW TO ESTABLISH THE
GABRESKI AIRPORT CONSERVATION AND ASSESSMENT
COMMITTEE

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 2, 2011, a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH THE GABRESKI AIRPORT CONSERVATION AND ASSESSMENT COMMITTEE**;" now, therefore be it

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

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ESTABLISH THE GABRESKI AIRPORT
CONSERVATION AND ASSESSMENT COMMITTEE

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 the County of Suffolk, through its Department of Economic Development and Workforce Housing, owns and operates the Francis S. Gabreski Airport in Westhampton Beach.

This Legislature further finds that the Suffolk County Airport Lease Screening Committee was created in 1998 to make determinations as to the "feasibility, viability and desirability" of any proposed lease of buildings, land or facilities at the Airport and, in most cases, these determinations were not subject to legislative approval.

This Legislature also determines that the Airport Lease Screening Committee has been abolished and, therefore, this Legislature now reviews and votes on all leases at the County Airport.

This Legislature further finds that the citizens and businesses that live and operate near Gabreski Airport have a special interest in the future development of the Airport.

This Legislature also finds that there should be a community-based panel that reviews proposed leases and licenses at Gabreski Airport and issues advisory recommendations to this Legislature, the County Executive and the Council on Environmental Quality ("CEQ").

This Legislature further determines that the County Executive created an advisory panel by Executive Order in 2006, but this group lacks the formal, statutory authority to advise the County Legislature and the ("CEQ").

Therefore, the purpose of this local law is to create the Gabreski Airport Conservation and Assessment Committee to advise and review the airport's proposed leases and licenses and provide recommendations to this Legislature, the County Executive, and the CEQ.

Section 2. Amendments.

Article 34 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is amended by the addition of a new Section A34-2, which will read as follows:

§ A34-2. Gabreski Airport Conservation and Assessment Committee.

- A. There is hereby established a Gabreski Airport Conservation and Assessment Committee ("Committee") which shall be composed of the following eight members:
1. one (1) member to be appointed by the Suffolk County Executive.
 2. one (1) member to be appointed by the Presiding Officer of the Suffolk County Legislature.
 3. three (3) members to be appointed to represent community, civic and neighborhood organizations that serve communities in close proximity to the Airport, with one member to be appointed by the Supervisor of the Town of Southampton; one member to be appointed by the Mayor of the Village of Quogue; and one member to be appointed by the Mayor of the Village of Westhampton Beach.
 4. one (1) member to represent the aviation community, to be appointed by the County Executive, subject to approval by the County Legislature.
 5. one (1) member to represent the local business community surrounding the Airport, to be appointed by the County Executive subject to approval by the County Legislature.
 6. one (1) member to represent an environmental group serving the east end towns of Suffolk County, to be appointed by the County Executive, subject to approval by the County Legislature.
- B. All members of the Committee shall be appointed for a term of three (3) years. The Chairman shall be appointed by the Committee at its first meeting.
- C. The Department of Economic Development and Workforce Housing shall forward to the Committee all applications for leases, lease renewals, lease extensions, lease modifications, licenses, license renewals, license extensions and license modifications at Gabreski Airport for review by the Committee. Upon completing its review of an application, the Committee shall make its findings and recommendations, which shall be advisory in nature.
- D. The scope of the Committee's review shall be limited to an examination of the environmental, economic and community impacts of an application.
- E. Five (5) members of the Committee shall constitute a quorum to transact the business of the Committee at both regular and special meetings. The Committee shall promulgate rules and regulations to govern its proceedings. Members shall receive no

salary or compensation for their services. Clerical services involving the operation of this Committee, as well as supplies and postage as necessary, will be provided by the Department of Economic Development and Workforce Housing.

- F. The Committee shall keep a record of its transactions, findings and recommendations, which shall be public record. The Committee meetings shall be open to the public in compliance with the New York State Open Meetings Law.
- G. The Committee's findings and recommendations shall be forwarded to the County Executive and the County Legislature for consideration. The findings and recommendations shall be forwarded to the Council on Environmental Quality (CEQ) as backup to the submission of the Department of Economic Development and Workforce Housing's request for SEQRA review.
- H. The Committee's findings and recommendations shall be rendered within forty-five (45) days of its receipt of the application from the Department of Economic Development and Workforce Housing. If the Committee does not render findings and recommendations within this forty-five (45) day period, then the application shall be deemed to have been recommended for approval by the Committee.
- I. The County Legislature may not act on a resolution to approve a lease, lease renewal, lease extension, lease modification, license, license renewal, license extension, or license modification at Gabreski Airport, unless the Committee has issued its findings and recommendations as set forth in subsection (H) herein.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. 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 5. 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 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: