

**RESOLUTION NO. 812 -2011, ADOPTING LOCAL LAW  
NO. 51 -2011, A CHARTER LAW TO AUTHORIZE THE USE OF  
DEVELOPMENT RIGHTS FOR MUNICIPAL FIRE, AMBULANCE  
AND POLICE DISTRICTS IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on August 16, 2011, a proposed local law entitled, "A CHARTER LAW TO AUTHORIZE THE USE OF DEVELOPMENT RIGHTS FOR MUNICIPAL FIRE, AMBULANCE AND POLICE DISTRICTS IN SUFFOLK COUNTY;" now, therefore be it

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

**LOCAL LAW NO. 51 -2011, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO AUTHORIZE THE USE OF DEVELOPMENT  
RIGHTS FOR MUNICIPAL FIRE, AMBULANCE AND POLICE  
DISTRICTS IN SUFFOLK COUNTY**

**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's Save Open Space (SOS) and New Drinking Water Protection Program 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 in addition to workforce housing, these development rights could be used to further other policy goals, including the creation and expansion of the facilities of municipal fire, ambulance and police districts.

This Legislature finds that municipal fire, ambulance and police districts need to expand periodically to meet the demand for increased services in growing districts, including the need to store new or additional equipment and personnel.

This Legislature determines that transferring development rights for municipal fire, ambulance and police districts would allow for the growth of these organizations, which provide vital services protecting the health and safety of the residents of Suffolk County.

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 municipal fire, ambulance and police districts.

**Section 2. 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 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 the facilities of municipal fire, ambulance or police districts. [pursuant to a program established by the Suffolk County Department of Planning and via subsequent duly enacted resolution of the County of Suffolk.] 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 No. 412-2005, as amended. A program to govern the transfer of development rights for the creation or expansion of municipal fire, ambulance or police districts shall be established by the Department of Planning via subsequent duly enacted resolution of the County of Suffolk and each individual use or sale of development rights for these purposes shall be subject to approval by duly enacted resolution of the County of Suffolk.

**Section 3. 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 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. Form of Proposition.**

The question to be submitted to the electorate pursuant to Section 7 of this law shall read as follows:

**Shall Resolution No. -2011, Adopting A Charter Law to Authorize the Use of Development Rights for Municipal Emergency, Fire and Public Safety Corporations, Be Approved?**

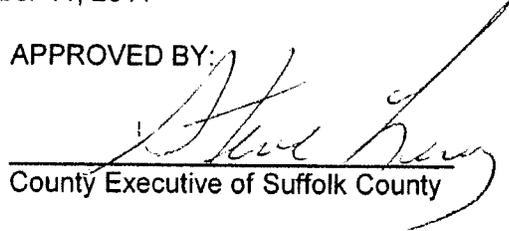
**Section 7. Effective Date.**

This law shall not take effect until the first day of the first calendar 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.

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

DATED: October 11, 2011

APPROVED BY:

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

Date: **NOV 10 2011**

After a public hearing duly held on October 25, 2011  
Filed with the Secretary of State on December 28, 2011

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*

October 11, 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*

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Clerk of the Legislature

Intro. Res.

1772

Res. No.

812

October 11, 2011

**Motion:**

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

**Co-Sponsors:**

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

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-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
<input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

*Tim Laube*

Roll Call \_\_\_\_\_ Voice Vote

Tim Laube, Clerk of the Legislature