Intro. Res. No. 2034-2011 Laid on Table 11/22/2011
Introduced by Presiding Officer Lindsay, Deputy Presiding Officer Viloria-Fisher and Legislators Cooper, Gregory, Kennedy, Montano, Nowick, Schneiderman

RESOLUTION NO. 1110 -2011, ADOPTING LOCAL LAW NO. 15 -2012, A LOCAL LAW TO INCREASE APPLICATION FEES TO THE SUFFOLK COUNTY PLANNING COMMISSION

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 22, 2011, a proposed local law entitled, "**A LOCAL LAW TO INCREASE APPLICATION FEES TO THE SUFFOLK COUNTY PLANNING COMMISSION**;" now, therefore be it

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

LOCAL LAW NO. 15 -2012, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO INCREASE APPLICATION FEES TO THE SUFFOLK COUNTY PLANNING COMMISSION

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 Article 12-B of the New York General Municipal Law requires towns and villages to refer certain zoning, subdivision and planning-related actions to the Suffolk County Planning Commission.

This Legislature also finds and determines that The County of Suffolk, in accordance with state law, has adopted local laws requiring towns and villages to refer certain zoning, subdivision and planning matters to the Planning Commission. These laws are codified in Article 14 of the Suffolk County Administrative Code.

This Legislature further finds and determines that Local Law No. 30-1991 authorized the Suffolk County Department of Planning to charge application fees in connection with certain applications for municipal zoning and subdivision actions referred to the Suffolk County Planning Commission.

This Legislature finds that the fee schedule established in the Administrative Code has not been updated since 1995.

This Legislature determines that the Department of Planning has conducted a review of fee schedules of other counties in the region and has proposed revisions to § A14-26 of the Suffolk County Administrative Code.

Therefore, the purpose of this law is to amend §A14-26 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to set a new fee schedule for the Planning Commission that is consistent with the fees charged by other counties.

Section 2. Amendments.

Article XIV of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

ARTICLE XIV, Department of Planning

****

§ A14-26. Fees for matters referred to the Planning Commission

Each zoning or subdivision action referred to the Planning Commission pursuant to this article, with the exception of comprehensive plans, shall be subject to a fee [of $100 plus $10 for each acre, or fraction thereof, over 10 acres.] in accordance with the following fee schedule:

Referral Action:	**Review Fee**
Subdivision/residential	
Minor	$50 per lot
Major	85 per lot
Condominium	50 per unit
Subdivision/non-residential	
Minor	$55 per lot
Major	95 per lot
Attached unit projects (apartments)	$50 per unit
Zoning Action	$200 for first 5 acres + $20/each additional acre
Change of zone	200 for first 5 acres + $20/each additional acre
Site plan	200 for first 5 acres + $20/each additional acre
Conditional Use	200 for first 5 acres + $20/each additional acre
Variance	200 for first 5 acres + $20/each additional acre
Area	200 for first 5 acres + $20/each additional acre
Use	200 for first 5 acres + $20/each additional acre
Resubmissions	50% of original fee.

The fee for an action referred to the Planning Commission may be reduced upon request of the Planning Department, pursuant to a duly enacted resolution of the County Legislature.

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Section 3. Applicability.

This law shall apply to all applications made 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.

[ ] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: December 20, 2011

APPROVED BY: VETOED

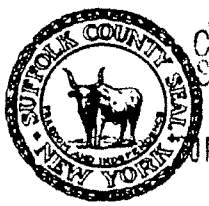
County Executive of Suffolk County

Date: 12-27-11

VETO OVERRIDE ADOPTED ON FEBRUARY 7, 2012

After a public hearing duly held on December 27, 2011
Filed with the Secretary of State on February 23, 2012

COUNTY OF SUFFOLK



PRESIDING OFFICER
COUNTY LEGISLATURE
SUFFOLK COUNTY, NY
2011 DEC 27 PM 4:04
RECEIVED

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

December 27, 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 NO. 1110-2011, A LOCAL LAW TO INCREASE APPLICATION FEES TO THE SUFFOLK COUNTY PLANNING COMMISSION.

Dear Presiding Officer Lindsay and Members of the Legislature:

I AM RETURNING HEREIN RESOLUTION 1110 -2011, A LOCAL LAW TO INCREASE APPLICATION FEES TO THE SUFFOLK COUNTY PLANNING COMMISSION vetoed in its entirety.

These are extraordinarily hard conditions our taxpayers are facing. Too many of our residents are losing their jobs, paying more into their benefits and some even seeing their pensions reduced. Major tax and fee increases are the last thing our residents wish to see in these very difficult economic times.

The tax and fee increases passed by the Legislature over the past month were, and are, avoidable. Had we simply closed the nursing home by January 1st and required employees to contribute to their healthcare, as I recommended in my proposed budget, the taxpayers could be given a break.

Over the last month the Legislature increased the property tax, removed the cap on gasoline taxes, increased fees charged to individuals seeking access to our parks; increased fees for services provided to the public through our Medical Examiner's office and our County Clerk's office, and increased fees for individuals seeking applications to our Suffolk County Planning Commission. Additionally, the Legislature is poised to vote for a $0.50 increase in bus fares, which has a disproportionately high impact on the poor and working class.

Hopefully, the Legislature can work in the upcoming year toward moving the huge loses of the nursing home off of our books and require employees to pay a fair share into their healthcare costs. Every month that goes by without these measures being

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

implemented is millions of dollars that are wasted. We cannot tax and fee our way out of difficult economic times.

For these reasons, I urge the Legislature to sustain my veto.

Sincerely,

Steve Levy
County Executive of Suffolk County

Intro. Res. Veto Override 2034 Res. No. 1110 February 7, 2012

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

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

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

Roll Call___Voice Vote X

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 February 7, 2012 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. 2034 Res. No. 1110 December 20, 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	11	5	-	2	-

MOTION

X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature