

RESOLUTION NO. 217 -2012, ADOPTING LOCAL LAW NO. 20 -2014, A CHARTER LAW TO AMEND RESOLUTION NO. 812-2011, 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 February 7, 2012, a proposed local law entitled, "**A CHARTER LAW TO AMEND RESOLUTION NO. 812-2011, 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. 20 -2014, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO AMEND RESOLUTION NO. 812-2011, 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 of Suffolk has a program where developers can acquire development rights credits from the County for the purposes of building affordable housing.

This Legislature also finds and determines that Resolution No. 812-2011, a Charter Law, broadens this program to allow municipal fire, ambulance and police districts to obtain free development rights credits in connection with growth of their organizations, as they provide vital services to their communities.

This Legislature further finds and determines that libraries also provide vital services to their communities and are funded through taxpayer dollars.

This Legislature finds that libraries provide the public with access to employment resources and educational materials free of charge, a critical function that is in high demand as the County and Nation continue to experience fiscal difficulties.

This Legislature determines that Resolution No. 812-2011 is subject to a referendum, which will be voted upon by the electorate this November.

This Legislature also finds that Resolution No. 812-2011 should be amended to include library districts as organizations authorized to obtain development credits from the County for

the purposes of expanding their facilities and services to the public and modify the referendum question to reflect same.

Therefore, the purpose of this law is to amend Resolution No. 812-2011 to allow library districts to obtain development rights credits from the County without charge.

Section 2. Amendment.

- I. The title of Resolution No. 812-2011 is hereby amended to read as follows:

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 AND LIBRARY DISTRICTS IN SUFFOLK COUNTY

- II. Section 2 of Resolution No. 812-2011 is hereby amended to read as follows:

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 library districts and 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 library districts or 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.

- III. Section 6 of Resolution No. 812-2011 is hereby amended to read as follows:

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. 812-2011, Adopting A Charter Law to Authorize the Use of Development Rights for Municipal Emergency, Fire and Public Safety Corporations and Library Districts, Be Approved?

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 its filing in the Office of the Secretary of State.

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

DATED: March 27, 2012

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: April 12, 2012

After a public hearing duly held on April 9, 2012
Filed with the Secretary of State on August 6, 2014