

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 179 -2015, AUTHORIZING EXECUTION OF AGREEMENT WITH THE LIRR IN CONNECTION WITH THE LIRR SECOND TRACK PROJECT AT LAKELAND COUNTY PARK (SCTM NOS. 0504-018.00-01.00-064.000, 0504-018.00-01.00-066.000, and 0504-019.00-01.00-001.000)

WHEREAS, the County of Suffolk owns certain property known as Lakeland County Park ("Lakeland Park") located in the Village of Islandia abutting Johnson Avenue and designated on the Suffolk County Tax Map Nos. as 0504-018.00-01.00-064.000, 0504-018.00-01.00-066.000, and 0504-019.00-01.00-001.000, and said property has been dedicated as parkland; and

WHEREAS, the Long Island Railroad Company ("LIRR") is in the process of constructing a second track of the Long Island Railroad within its existing right of way in Suffolk County from Farmingdale to Ronkonkoma (the "Second Track Project"); and

WHEREAS, a portion of the Second Track Project will run adjacent to and within Lakeland Park; and

WHEREAS, in order to complete that portion of the Second Track Project adjacent to and within Lakeland Park, the LIRR has requested from the Department of Parks, Recreation and Conservation (the "Department") an agreement for temporary access to Lakeland Park of approximately one (1) acre of land that is approximately twelve (12) feet in width and one (1) mile long, for the duration of the Second Track Project, which is expected to be eight (8) months; and

WHEREAS, also as part of the Second Track Project, the LIRR will need to fill in 0.1432 acres of wetlands within its right of way due to the construction of new retaining walls and the extension of culverts into the Connetquot River; and

WHEREAS, due to this impact on freshwater wetlands, the United States Army Corps of Engineers ("ACOE") and the New York State Department of Environmental Conservation ("DEC") has required the LIRR to create or enhance 0.15 acres of wetlands as compensatory mitigation; and

WHEREAS, the LIRR has proposed to perform such wetland compensatory mitigation within Lakeland Park ("Wetlands Mitigation Project") that will consist of enhancement of a combined total of 0.15 acres of palustrine scrub-shrub wetlands and such mitigation measures have been accepted by the Department and the ACOE and DEC as part of the permits issued for the Second Track Project; and

WHEREAS, the LIRR has also agreed to perform other improvements to Lakeland Park as part of the Wetlands Mitigation Project, including the construction of a dock at Honeysuckle Pond that will benefit the users of the park; and

WHEREAS, pursuant to section 1266(11) of the NEW YORK PUBLIC AUTHORITIES LAW, the LIRR, as a subsidiary of the Metropolitan Transit Authority, is exempt

from the requirement for environmental review under the State Environmental Quality Review Act ("SEQRA"), Article 8 of the NEW YORK ENVIRONMENTAL CONSERVATION LAW; and

WHEREAS, notwithstanding the LIRR's exemption from SEQRA review, the LIRR, as lead agency, has performed an "Environmental Assessment" for the Second Track Project dated October 3, 2013, and has found that the Second Track Project will not have any significant impact; and

WHEREAS, the County Legislature has independently considered the Environmental Assessment Form prepared by the LIRR for the Wetlands Mitigation Project and any oral or written testimony submitted in connection therewith; and

WHEREAS, this Legislature has determined that the Second Track Project will benefit the residents of Suffolk County; now, therefore be it

1st **RESOLVED**, that this Legislature hereby authorizes, empowers, and directs the County Executive, or his designee, to enter into an agreement in a form attached hereto as Exhibit "A", to allow completion of the Second Track Project and the Wetlands Mitigation Project within Lakeland Park in accordance with the plans submitted to and as approved by the Department and upon such other terms and conditions approved by the Department, and subject to the approval of the Department of Law; and be it further

2nd **RESOLVED**, that Suffolk County, as SEQRA Lead Agency for the Wetlands Mitigation Project, hereby classifies the proposal as an Unlisted Action under the provisions of Part 617 of Title 6 of the NYCRR and Chapter 450 of the Suffolk County Code; and be it further

3rd **RESOLVED**, that Suffolk County, as SEQRA Lead Agency, hereby finds and determines that implementation of this action, pursuant to Part 617 of Title 6 of the NYCRR and Chapter 450 of the Suffolk County Code, will not have a significant adverse impact on the environment for the following reason:

1. the proposed action will not exceed any of the criteria set forth in 6 N.Y.C.R.R. §617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
2. the proposed action does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or of the Suffolk County Charter and Code;
3. the access roads proposed to be used by the LIRR already exist and the use of said access roads will be temporary in nature;
4. the DEC has issued a Permit for the proposed Wetlands Mitigation Project;
5. prior to construction, Suffolk County Parks, Recreation and Conservation and the LIRR will carefully examine the construction elements and consider employing appropriate engineering products for the proposed boardwalk;

and be it further

4th **RESOLVED**, that Suffolk County hereby adopts a determination of non-significance (negative declaration) and the Suffolk County Council on Environmental Quality is hereby directed to circulate and file any appropriate notices or determinations in accordance with this resolution.

DATED: March 25, 2015

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: April 3, 2015