

Intro. Res. No. 1737-2015
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 9/9/2015

**RESOLUTION NO. 799-2015, AUTHORIZING A LEASE
AMENDMENT WITH SHELTAIR WESTHAMPTON, LLC AT
FRANCIS S. GABRESKI AIRPORT**

WHEREAS, Suffolk County owns and through its Department of Economic Development and Planning operates and maintains Francis S. Gabreski Airport in Westhampton; and

WHEREAS, this Legislature adopted Resolution No. 1236-2007 which authorized the County Executive to sign a lease with Long Island Jet Center East, Inc. for the construction, operation, and maintenance of a Fixed Base Operation at Francis S. Gabreski Airport for a 40 year lease term ending in the year 2048; and

WHEREAS, in accordance with the provisions of the Lease Agreement, Long Island Jet Center East, Inc. subsequently assigned the lease to SheltAir Westhampton, LLC; and

WHEREAS, this Legislature adopted Resolution No. 781-1979 and Resolution No. 285-1990 which authorized the County Executive to sign a lease with the Malloy Air East, Inc. to operate as a Fixed Base Operator at Francis S. Gabreski Airport for a term ending in the year 2019; and

WHEREAS, in accordance with the provisions of the Lease Agreement, Malloy Air East, Inc. assigned their lease with Suffolk County to Sheltair Westhampton, LLC in 2014; and

WHEREAS, SheltAir Westhampton, LLC has proposed amending their current lease, to include a total of 22.981 acres encompassing their current site, the former Malloy Air East, Inc. site, and 6.16 additional previously developed acres; and

WHEREAS, SheltAir Westhampton, LLC will make \$6.6 million in capital improvements at the site within 7 years of lease commencement; and

WHEREAS, this project is in compliance with the Gabreski Airport Proposed Land Use Plan, the adopted 1990 Airport Master Plan Update, the 2008 Airport Master Plan Draft Update, the 1995 Central Pine Barrens Comprehensive Land Use Plan, the 1992 Long Island Comprehensive Special Groundwater Protection Area Plan, the 1999 Town of Southampton Comprehensive Update Implementation Strategies Plan and the Town of Southampton Aquifer Protection Overlay District requirements; and

WHEREAS, this Legislature adopted Local Law No. 24-2012, establishing the Airport Conservation and Assessment Committee (ACAC), comprised mostly of local community group representatives, to evaluate applications for proposed leases, lease renewals, lease extensions, lease modifications and licenses and to issue formal recommendations to the County Executive, the CEQ and the County Legislature; and

WHEREAS, ACAC reviewed the proposed development and recommends that the lease be approved as noted in ACAC's written recommendations attached as Exhibit "A"; and

WHEREAS, the current annual rate for the lease which began in 2008 at the SheltAir Westhampton, LLC site is \$15,100 per acre and the current annual rate for the lease which began in 1979 is \$6,800 per acre at the former Malloy Air East, Inc. site; and

WHEREAS, Suffolk County conducted an appraisal in January of 2015 of the sites and found fair market value to be in the range of \$15,000 and \$17,500 per acre; and

WHEREAS, the lease amendment will be for a term of 25 years with two 5-year options and increase the initial annual lease payment to \$17,000 per acre annually at the current SheltAir Westhampton, LLC site and the former Malloy Air East, Inc. site; and

WHEREAS, the lease amendment will also increase the revenue sharing component of the lease by changing the share percentage from a flat 5% of gross receipts to a sliding scale starting at 5% of gross receipts and increasing to 8% of gross receipts based on annual revenue; now, therefore be it

1st RESOLVED, the Suffolk County Legislature as SEQRA Lead Agency hereby classifies the proposal as an Unlisted Action under the provisions of Title 6 NYCRR Part 617 and Chapter 450 of the Suffolk County Code; and, be it further

2nd RESOLVED, that Suffolk County, as SEQRA Lead Agency, hereby finds and determines that the proposal, pursuant to Title 6 NYCRR Part 617 and Chapter 450 of the Suffolk County Code, will not have significant adverse impacts on the environment for the following reasons:

1. the proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
2. the parcels do not appear to suffer from any severe environmental development constraints (limiting soil properties, a high groundwater table, and/or unmanageable slopes);
3. the proposed action is in conformance with the Francis S. Gabreski Airport's adopted 1990 Airport Master Plan Update and the 2008 Airport Master Plan Draft Update;
4. the proposed action has been reviewed by the Gabreski Airport Conservation Assessment Committee (GACAC) which found that the project will not result in any significant adverse impacts on the environment;
5. all necessary permits and approvals will be obtained for the proposed action;
6. a demolition and construction disposal plan will be developed for the proposed action to insure that the demolition and construction of hangars will be done in accordance with all applicable regulations and that all demolition/construction debris will be properly transported and disposed of at an approved landfill facility;

7. a pre and post construction water management and sediment control plan will be developed for the proposed action;
8. a detailed landscaping, signage and lighting plan will be developed for the proposed action;
9. SheltAir Westhampton, LLC is aware of the Gabreski Airport Voluntary Noise Abatement Procedures and will put a link to any noise abatement procedures on their website and will send a representative to the Noise Mitigation Committee;
10. all waste oil will be handled in accordance with NYSDEC and Suffolk County Department of Health regulations;

and be it further

3rd RESOLVED, that Suffolk County hereby adopts a determination of non-significance (negative declaration) and the Council of Environmental Quality is hereby directed to circulate and file all necessary notices in accordance with this resolution; and be it further

4th RESOLVED, that the County Executive or his designee, is authorized to execute a lease amendment for the use of the above described property between the SheltAir Westhampton, LLC and the County of Suffolk, in substantial accordance with the agreement annexed as Exhibit "B".

DATED: October 6, 2015

APPROVED BY:

/s/ Dennis M. Cohen
Chief Deputy County Executive of Suffolk County

Date: October 8, 2015