

**RESOLUTION NO. 262 -2016, ADOPTING LOCAL LAW
NO. 11 -2016, A CHARTER LAW TO ENSURE BALANCED
REPRESENTATION ON THE PLANNING COMMISSION**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 1, 2016 a proposed local law entitled, "**A CHARTER LAW TO ENSURE BALANCED REPRESENTATION ON THE PLANNING COMMISSION**"; now, therefore be it

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

LOCAL LAW NO. 11 -2016, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO ENSURE BALANCED REPRESENTATION
ON THE 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 the State of New York authorized the creation of county and regional planning boards to encourage regional perspectives and planning on issues like economic development, environmental protection, transportation and housing.

This Legislature further finds that since its inception in 1970, the Suffolk County Planning Commission has played an important role in regional planning by reviewing site plans and zoning actions meeting certain jurisdictional requirements, establishing a Comprehensive Plan and recommending land use and planning policies to the County's towns and villages.

This Legislature also finds that state law provides that county planning boards should include members from a broad cross section of interests. Accordingly, the Suffolk County Charter mandates that environmental organizations, organized labor and experts in transportation, workforce housing and municipal planning be represented on the Planning Commission.

This Legislature further determines that farming is an important part of Suffolk County's history and identity and agriculture continues to be an important industry in our County, vital to our local economy and quality of life.

This Legislature finds that agriculture is an important interest in Suffolk County and its future liability depends, to some degree, on planning decisions made at the local and regional levels. Accordingly, this Legislature concludes that Suffolk County's agricultural industry merits representation on the Suffolk County Planning Commission.

This Legislature further finds that the County Charter presently provides that one member of the Planning Commission must represent the real estate industry and/or the

business community. This Legislature believes the real estate and business communities should each have representation on the Planning Commission at all times.

Therefore, the purpose of this law is to ensure that the Planning Commission's membership is balanced and representative of the County's many diverse interests and communities.

Section 2. Amendments.

Article 35 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

Article XXXV. Department of Economic Development and Planning.

§ C35-5. Qualifications for membership on Planning Commission.

* * * *

In selecting the [12] members [who are not chosen from the County at large], the following criteria shall apply:

- (1) At least one member shall be a representative from a nationally renowned and/or publicly acknowledged environmental organization and/or from a nationally renowned and/or publicly recognized civic association;
- (2) At least one member shall be an individual with a background or expertise in municipal planning and/or an individual with a law degree and experience in land use litigation, the law of land use regulation, or environmental law;
- (3) At least one member shall be a representative from the real estate industry [and/or from the business community];
- (4) At least one member shall be a representative from a labor organization;
- (5) At least one member shall be an individual with a background in the field of transportation;
- (6) At least one member shall be an individual with a background or expertise in workforce housing; [and]
- (7) At least one member shall be an individual recommended by the Association of Town Supervisors[.];
- (8) At least one member shall be an individual with a background or expertise in agriculture; and
- (9) At least one member shall be a representative of the business community.

* * * *

Section 3. Applicability.

This law shall apply to the membership of the Suffolk County Planning Commission 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 will take effective on January 1, 2017.

___ Underlining denotes addition of new language.

[] Brackets denote deletion of existing language

DATED: April 12, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 2, 2016

After a public hearing duly held on April 25, 2016
Filed with the Secretary of State on May 24, 2016