

WITHDRAWN AS OF 7/19/2016

Intro. Res. No. 1479-2016
Introduced by Legislator Browning

Laid on Table 5/10/2016

**RESOLUTION NO. -2016, ADOPTING LOCAL LAW
NO. -2016, A LOCAL LAW TO PERMIT COUNTY-OWNED
AGRICULTURAL LAND TO BE UTILIZED FOR ALTERNATIVE
ENERGY PURPOSES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 10, 2016, a proposed local law entitled, "**A LOCAL LAW TO PERMIT COUNTY-OWNED AGRICULTURAL LAND TO BE UTILIZED FOR ALTERNATIVE ENERGY PURPOSES**"; now, therefore be it

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

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

**A LOCAL LAW TO PERMIT COUNTY-OWNED AGRICULTURAL
LAND TO BE UTILIZED FOR ALTERNATIVE ENERGY PURPOSES**

**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 Resolution No. 1105-2003 dedicated the Suffolk County Farm in Yaphank to the conservation of agricultural lands pursuant to Section C1-9(A) of the SUFFOLK COUNTY CHARTER.

This Legislature also finds and determines that, while some of the County Farm is actively used for agricultural purposes, portions of the dedicated land are not in active use.

This Legislature further finds and determines that approximately 25 acres of cleared land at the County Farm has not been actively farmed for a number of years.

This Legislature finds that the County of Suffolk is considering the siting of alternative energy generating systems on County-owned properties.

This Legislature determines that, in considering potential sites for alternative energy systems, some proposed locations would require the removal of trees to be viable. Removing trees has environmental impacts which may reduce the net sustainability of these projects in the long term.

This Legislature also finds that the 25 acres of land described herein, previously dedicated to the conservation of agricultural lands, may be a suitable location for alternative energy uses that would not require the clearing of trees.

This Legislature further finds that to encourage the use of County property for alternative energy purposes, the existing restriction on the use of the 25 acres of inactive agricultural land described in this law should be lifted in accordance with Section C1-9 of the

SUFFOLK COUNTY CHARTER. Such an action would be subject to a mandatory voter referendum.

Therefore, the purpose of this law is to alienate the portion of the Suffolk County Farm identified in this local law from the conservation of agricultural lands pursuant to Section C1-9(A) of the SUFFOLK COUNTY CHARTER.

Section 2. Alienation of Agricultural Land.

Pursuant to Section C1-9(A) of the SUFFOLK COUNTY CHARTER, the real property owned by Suffolk County and identified and described in the Exhibit "A", attached hereto and made a part of this law, shall be alienated from the County Conservation of Agricultural Lands, the existing restriction on the use of the property shall be lifted and the property may be considered as a site for alternative energy uses.

Section 3. Authority of the Division of Real Property Acquisition and Management.

The Division of Real Property Acquisition and Management is hereby authorized, empowered and directed to prepare and record documents and to take any other action appropriate and necessary to lift the existing restriction on the use of the property identified and described in the attached Exhibit "A".

Section 4. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 5. 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 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that being the lead agency under the State Environmental Quality Review Act (SEQRA), N.Y. Env'tl. Conserv. Law Art. 8, and Chapter 450 of the Suffolk County Code, hereby determines that this resolution constitutes a Type I Action, pursuant to Title 6 NYCRR Part 617 and Chapter 450 of the Suffolk County Code and further determines that the implementation of this action will not have a significant adverse impact on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in 6 N.Y.C.R.R. § 617.7, which sets forth thresholds for determining significant adverse impacts on the environment, as demonstrated in the Environmental Assessment Form;

2. The proposal does not 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 the Suffolk County Charter and Code;
3. The parcels do not appear to suffer from any severe environmental development constraints (limiting soil properties, a high groundwater table and/or unmanageable slopes);

and be it further

RESOLVED, that this Legislature hereby adopts a determination of non-significance (negative declaration) and directs, in accordance with Section 450-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality to prepare and circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Form of Proposition.

The proposition to be submitted to the electorate, pursuant to Section 7 of this law, shall be in the following form:

RESOLUTION NO. -2016, A Local Law To Permit County-Owned Agricultural Land To Be Utilized For Alternative Energy Purposes

RESOLUTION NO. -2016, is a local law that would allow 25 acres of County-owned land in Yaphank, which currently may only be used for agricultural purposes, to be utilized to site alternative energy facilities, including, but not limited to, solar power.

Shall Resolution No. -2016 be approved?

Section 8. Effective Date.

This law shall not take effect until it has been approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting upon a proposition for its approval in conformity with the provisions of Section C1-9(B) of the SUFFOLK COUNTY CHARTER and has been filed in the Office of the Secretary of State.

Section 9. Conflicting Referenda.

In the event that there are other referenda on the ballot, pertaining to or addressing substantially the same issues as are contained in this law, then the provisions of the measure approved by the electorate receiving the greatest number of affirmative votes, shall prevail, and the alternative measure, or measures, as the case may be, shall be deemed null and void.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

Legal Description

All that certain piece or parcel of land situated at Yaphank, Town of Brookhaven, Suffolk County, New York, being more particularly described as follows:

Beginning at a point on the southerly right of way line of the Long Island Railroad, said point being on the boundary line of property now or formerly of Pauline Glowicki to the east, and the County of Suffolk on the west; thence along said line, South 14 Degrees 36 Minutes 15 Seconds East, for a distance of 389.22 feet; thence through the lands of the County of Suffolk for the following seven courses and distances;

1. South 78 Degrees 12 Minutes 46 Seconds West, 669.89 feet.
2. South 04 Degrees 13 Minutes 23 Seconds East, 979.06 feet.
3. South 90 Degrees 00 Minutes 00 Seconds West, 173.04 feet.
4. North 29 Degrees 37 Minutes 04 Seconds West, 182.36 feet.
5. North 04 Degrees 40 Minutes 30 Seconds West, 751.92 feet.
6. South 82 Degrees 23 Minutes 04 Seconds West, 1087 46 feet.
7. North 05 Degrees 36 Minutes 58 Seconds West, 463.10 feet, to the southerly right of way line of the Long Island Railroad; thence along said line North 82 Degrees 50 Minutes 39 Seconds East, for a distance of 1,595.00 feet, to the point of curvature of a circular curve to the left, that has a radius of 2,854.40 feet, for and arc length of 357.07 feet, to the **Point of Beginning. Said tract contains 25.176 Acres, more or less.**

Exhibit "A"