

RESOLUTION NO. 600 -2016, AMENDING RESOLUTION NO. 869-2015, AUTHORIZING PUBLIC HEARINGS PURSUANT TO ARTICLE 2 OF THE EMINENT DOMAIN PROCEDURE LAW OF THE STATE OF NEW YORK IN CONNECTION WITH THE ACQUISITION OF PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY NEW YORK (CP 5382)

WHEREAS, [this] Capital Project 5382 involves a public works project and thus, pursuant to Suffolk County Administrative Code § A8-7, the hearing officer designated shall be the Commissioner of Public Works or in his absence the Chief Deputy Commissioner of the Department of Public Works; and

WHEREAS, the public hearing pursuant to Resolution No. 869-2015 has not yet been scheduled; now, therefore be it

1st **RESOLVED**, that the Sixth Whereas clause is amended to read as follows:

WHEREAS, following the above, additional lands were identified [and determined to be necessary to be acquired, in part,] for acquisition and or temporary easements due to the need [in order] to provide emergency vehicular access as well as private access to parcels that are losing access due to construction of the Project or because field inspections have revealed that the improvements interfere with the construction of the Project; and be it further

2nd **RESOLVED**, that the Eighth Whereas clause is amended to read as follows:

WHEREAS, said maps were prepared on or about October 5, 2015 and revised on or about June 1, 2016, and are entitled "SUPPLEMENTAL ABSTRACT REQUEST MAP SHOWING PROPERTIES TO BE [PARTIALLY] ACQUIRED FOR THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY NEW YORK" ("Supplemental Abstract Request Map"); and

3rd **RESOLVED**, the following Whereas clauses are added to read as follows:

WHEREAS, pursuant to the State Environmental Quality Review Act, N.Y. Env. Conserv. Law Art. 8 ("SEQRA") and Title 6 New York Code of Rules and Regulations ("NYCRR") Part 617, the New York State Department of Environmental Conservation, acting as lead agency, classified the Project as a Type I action under 6 NYCRR §617.4, determined that implementation of the Project as proposed will not result in any significant adverse environmental impacts and issued a negative declaration ("Amended Negative Declaration") regarding the Project; and

WHEREAS, a coordinated SEQRA review was performed; and

WHEREAS, the County of Suffolk, as an involved agency, following coordinated review, is bound by the Negative Declaration (see 6 NYCRR Section 617.6(b)(3)(iii)); now, therefore be it

and be it further

4th RESOLVED, that the 1st RESOLVED clause is amended to read as follows:

1st RESOLVED, that, in addition, the Commissioner of the Suffolk County Department of [Economic Development and Planning, or in her absence, the Director of Real Property of the Suffolk County Division of Real Property Acquisition and Management], Public Works, or in his absence, the Chief Deputy Commissioner of the Suffolk County Department of Public Works, shall be deemed Hearing Officer with full authority to conduct public hearings and make Determination and Findings pursuant to Section 204 of the Eminent Domain Procedure Law; and be it further

and be it further

5th RESOLVED, that the 2nd RESOLVED clause is amended to read as follows:

2nd RESOLVED, that [upon conclusion of the aforesaid hearings,] pursuant to Eminent Domain Procedure Law, the Hearing Officer shall file written Determination and Findings with the Clerk of the Legislature within 90 days of the conclusion of the Public Hearing provided for in Article 2 of the Eminent Domain Procedure Law; and be it further

and be it further

6th RESOLVED, that the following RESOLVED clauses be added to read as follows:

7th RESOLVED, this Legislature finds that_pursuant to the State Environmental Quality Review Act, N.Y. Env. Conserv. Law Art, 8 ("SEQRA") and Title 6 New York Code of Rules and Regulations ("NYCRR") Part 617, the New York State Department of Environmental Conservation, acting as lead agency, classified the Project as a Type I action under 6 NYCRR §617.4, determined that implementation of the Project as proposed will not result in any significant adverse environmental impacts and issued a negative declaration ("Amended Negative Declaration") regarding the Project; and be it further

8th RESOLVED, this Legislature, pursuant to SEQRA and Chapter 450 of the Suffolk County Code, hereby finds and determines that the County is bound by the Amended Negative Declaration issued by NYSDEC on May 17, 2016 and that, the Legislature has no further responsibilities under SEQRA; and be it further

9th RESOLVED, that the Suffolk County Department of Law in conjunction with the Departments of Public Works and Economic Development and Planning are authorized to perform all acts necessary to acquire, either voluntarily or pursuant to the provisions of the Eminent Domain Procedure Law any additional lands and easements indicated in the Supplemental Abstract Request Map.

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

DATED: June 21, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: July 1, 2016