

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy  
COUNTY EXECUTIVE

January 2, 2008

Presiding Officer William J. Lindsay and  
Members of the Suffolk County Legislature  
William H. Rogers Legislative Building  
725 Veterans Memorial Highway  
Smithtown, New York 11787

RE: RESOLUTION 1367-07 [I.R. 1944-2007], AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM (BAVARIAN INN PROPERTY) TOWN OF SMITHTOWN (SCTM NO.0800-171.00-05.00-015.000).

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein Resolution No. 1367-07 [I.R. 1944-2007]; "Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Bavarian Inn property) Town of Smithtown (SCTM No.0800-171.00-05.00-015.000)" vetoed in its entirety. This legislation calls for the Suffolk County taxpayer to purchase a piece of property that was formerly used as a restaurant on the shore of Lake Ronkonkoma and is now in a state of disrepair due to flooding.

This bill is reminiscent of Resolution 282 of 2007 which sought to have the county bail out a homeowner whose house was flooded by a high water table. The bailout of the private residence was not an appropriate expenditure of county funds just as this resolution is a bailout for this commercial enterprise. The county taxpayer cannot become an insurer for private property owners. It is cause for dismay to see a homeowner or a business person incur damage to his or her property due to Mother Nature, but that is what private insurance is for.

The concern I raise is not only about the tremendous amount of money that taxpayers would have to put up to buy out these distressed properties, but also, about the hundreds of millions of dollars more that would be needed for other homeowners and businesses that meet a similar fate in the future. How do we say yes to bail out the Bavarian Inn and no to many of the others that would come to us thereafter?

An equally important point is that the Open Space Program was never intended to become a bailout program. The people of this county have said yes to invest their

dollars to preserve our groundwater and our precious open spaces. But, of course, there is only so much money in the pot at a time when there is tremendous pressure on the county to preserve as much open space from overdevelopment as possible. If millions of dollars are diverted for these types of bailouts, less money is available to preserve the truly valuable and sensitive parcels that will protect our groundwater and that go to the very heart of the Open Space Program.

Some have suggested that it is necessary to expend large sums of county taxpayer dollars to convert this restaurant into a boat ramp for the public. But it must be underscored that a county park exists just a few hundred yards to the west of the Bavarian Inn. The public also has access to the lake at town parks in Islip and Brookhaven. If legislators did have interest in this property, notwithstanding all of the negatives attached to it, it would be far more sensible to get the property for free should the owner fail to pay his taxes, which is a real possibility.

Legislators from outside of this particular district must remain vigilant and keep in mind the need for maintaining the overall health of our Open Space Program. When our limited resources are diverted for these non-priority parcels, the remainder of the program is weakened significantly.

For this and the other reasons enumerated above, I strongly urge the legislature to sustain my veto of this resolution.

Sincerely,

  
Steve Levy  
County Executive of Suffolk County

01/03/08

SL:jch

cc: All Suffolk County Legislators  
Tim Laube, Clerk of the Legislature  
Christine Malafi, Esq., Suffolk County Attorney  
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney  
James A. Morgo, Chief Deputy County Executive  
Frederick B. Pollert, Deputy County Executive for Finance and Management  
Jeffrey W. Szabo, Deputy County Executive and Chief of Staff  
Ben Zwirn, Deputy County Executive  
Connie Corso, Budget Director  
Dan Aug, Director of Communications  
Mark Smith, Deputy Director of Communications

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**RESOLUTION NO. 1367 -2007, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM (BAVARIAN INN PROPERTY) TOWN OF SMITHTOWN (SCTM NO. 0800-171.00-05.00-015.000)**

**WHEREAS**, Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE for farmland purposes; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

**WHEREAS**, there are sufficient revenues to fund land acquisition in Capital Project No. 7177, Project Name: "Suffolk County Multifaceted Land Preservation Program"; now, therefore be it

**1st RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, or his deputy, is hereby authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 2nd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 7177, to acquire fee title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Multifaceted Land Acquisition Program for acquisitions to be consummated for parkland purposes:

| <u>PARCEL:</u> | <u>SUFFOLK COUNTY TAX MAP NUMBER:</u>                         | <u>ACRES:</u> | <u>REPUTED OWNER AND ADDRESS:</u>  |
|----------------|---|---------------|--|
| No. 1          | District 0800<br>Section 171.00<br>Block 05.00<br>Lot 015.000 | 2.5           | Smithtown Boulevard Realty<br>422 Smithtown Blvd.<br>Lake Ronkonkoma, NY 11779 |

and be it further

**2nd RESOLVED**, that the County Department of Environment and Energy, Division of Real Property Acquisition and Management, the County Planning Department, the County Department of Public Works, and/or the County Department of Parks, Recreation and Conservation are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate, in connection with planning for such acquisition, to secure appraisals, obtain surveys, obtain engineering reports, and secure title insurance for such lands; and be it further

**3rd RESOLVED**, that any unencumbered, unallocated funds available at the conclusion of the consummation of the acquisition of these proposed parcels shall be

appropriated to future and subsequent acquisitions under the Suffolk County Multifaceted Land Preservation Program; and be it further

**4th RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) 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 continuing agency administration, management and information collection, and 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 resolution.

DATED: December 18, 2007

APPROVED BY:

**VETOED**

01/03/08

\_\_\_\_\_  
County Executive of Suffolk County

Date:

Intro. Res. 2087 Res. No. 1367

December 18, 2007

**Motion:**  
 Romaine, Schneiderman, Browning, Caracappa, Losquadro  
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Mystal, Stern, D'Amaro, Cooper

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Caracappa, Losquadro  
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Mystal, Stern, D'Amaro, Cooper

**Second:**  
 Romaine, Schneiderman, Browning, Caracappa, Losquadro  
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Mystal, Stern, D'Amaro, Cooper

| LD | Legislator                      | Yes | No | Abs | NP | R |
|----|---------------------------------|-----|----|-----|----|---|
| 1  | Edward P. ROMAINE               |     |    |     |    |   |
| 2  | Jay H. SCHNEIDERMAN             |     |    |     |    |   |
| 3  | Kate M. BROWNING                |     |    |     |    |   |
| 4  | Joseph CARACAPPA                |     |    |     |    |   |
| 6  | Daniel P. LOSQUADRO             |     |    |     |    |   |
| 7  | Jack EDDINGTON                  |     |    |     |    |   |
| 9  | Ricardo MONTANO                 |     |    |     |    |   |
| 10 | Cameron ALDEN                   |     |    |     |    |   |
| 11 | Thomas F. BARRAGA               |     | /  |     |    |   |
| 12 | John M. KENNEDY, JR. ①          |     |    |     |    |   |
| 13 | Lynne C. NOWICK                 |     |    |     |    |   |
| 14 | Wayne R. HORSLEY                |     |    |     |    |   |
| 15 | Elie MYSTAL                     |     |    |     |    |   |
| 16 | Steven H. STERN                 |     | /  |     |    |   |
| 17 | Lou D'AMARO                     |     |    |     |    |   |
| 18 | Jon COOPER                      |     |    |     |    |   |
| 5  | Vivian VILORIA-FISHER, D.P.O. ② |     |    |     |    |   |
| 8  | William J. LINDSAY, P.O.        |     |    |     |    |   |
|    | <b>Totals</b>                   | 16  | 2  |     |    |   |

**MOTION**

Approve

\_\_\_ Table: \_\_\_\_\_

\_\_\_ Send To Committee

\_\_\_ Table Subject To Call

\_\_\_ Lay On The Table

\_\_\_ Discharge

\_\_\_ Take Out of Order

\_\_\_ Reconsider

\_\_\_ Waive Rule \_\_\_

\_\_\_ Override Veto

\_\_\_ Close

\_\_\_ Recess

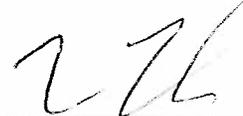
APPROVED  FAILED \_\_\_

No Motion \_\_\_ No Second \_\_\_

**RESOLUTION DECLARED**

ADOPTED

\_\_\_ NOT ADOPTED

  
 \_\_\_\_\_  
 Tim Laube, Clerk of the Legislature

Roll Call \_\_\_ Voice Vote