

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

STEVE LEVY
COUNTY EXECUTIVE

2011-07-07 P 4:04
SUFFOLK COUNTY
CLERK OF THE LEGISLATURE
HAUPPAUGE, NY

July 7, 2011

Mr. Timothy Laube
Clerk of the Legislature
Suffolk County Legislature
Veterans Memorial Highway
Hauppauge, New York 11788

RE: - June 21, 2011 – Legislative General Meeting

**Vetoed 2011 Resolution: #531-2011 – Approving Master List V and Planning
Steps for the Acquisition of Environmentally Sensitive Properties Known as
East Quogue Partners, LLC**

Dear Mr. Laube:

Attached please find the above resolutions, which have been acted upon as indicated.

Very truly yours,

Brendan Chamberlain
Intergovernmental Relations Director

Received by Michael Howard Date 7/7/11 Time 4:04P

BC:gg
Enclosure

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

07/06/11 P 4:04

OFFICE OF THE COUNTY EXECUTIVE
100 VETERANS MEMORIAL HIGHWAY
SMITHTOWN, NY 11787

July 6, 2011

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 531-2011

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **Resolution No. 531-2011, Approving Master List V and Planning Steps for the Acquisition of Environmentally Sensitive Properties Known as East Quogue Partners, LLC**, vetoed.

While I share the goal of preserving the areas of this parcel existing within the Pine Barrens, there is a way to do so at no cost to the county. This parcel totals approximately 425 acres. Part of this tract is environmentally sensitive, the northern 93 acres within the Pine Barrens Core that already have approved planning steps. The southern portion of the property, however, is not environmentally sensitive.

It has already been determined that up to 70 percent of this parcel, including all of the acreage existing within the Pine Barrens Core and the Special Groundwater Protection Area, can be preserved forever through a proposed clustering of the use of the property at no cost to the taxpayer.

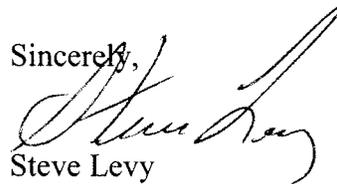
The proposed preliminary plans call for 82 single family units clustered upon approximately 125 acres in the southern portion of this property. The balance will be dedicated open space. This is an opportunity to preserve approximately 300 acres of Pine Barrens at no cost to the taxpayers, as opposed to having to expend anywhere from \$15 to \$30 million on this one closing. Think of how many other Pine Barrens properties we could purchase with the money that would be freed up.

It has often been said that merely passing planning steps is a pro forma gesture that does not lock the county into moving forward with the parcel. But once planning steps are approved, offers must be made to the property owner and once a fair market value is accepted, the purchase is

almost always consummated. Now is the time to determine whether or not the county wishes to embark down this path.

Remember, we can preserve 300 of these acres—including all of the Pine Barrens acreage within this parcel—without having to expend a single dime. I therefore ask that you support this veto.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Levy". The signature is written in a cursive style with a large, sweeping initial "S".

Steve Levy

County Executive of Suffolk County

Intro. Res. 1308

Res. No. 531

June 21, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Sarah S. ANKER					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17	1			

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

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

**RESOLUTION NO. 531 -2011, APPROVING MASTER LIST V
AND PLANNING STEPS FOR THE ACQUISITION OF
ENVIRONMENTALLY SENSITIVE PROPERTIES KNOWN AS
EAST QUOGUE PARTNERS, LLC**

WHEREAS, the Environmental Legacy Program was approved under the adopted 2007-2009 Capital Program allocating fifty million dollars for the acquisition of environmentally sensitive lands, active recreation sites, historic properties, and farmland development rights where there is a partner who will provide a 50% matching contribution; and

WHEREAS, the 5th RESOLVED clause of 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 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. 603-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County 1/4% Drinking Water Protection Program for Environmental Protection," authorizes the use of 31.10 per cent of sales and compensating use tax proceeds generated each year for Specific Environmental Protection including acquisition of open space; environmentally sensitive lands; farmland development rights; hamlet parks; active recreational parks; or historic/cultural parks, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, Resolution No. 591-1996, approved by the electorate on November 5, 1996, amended the Suffolk County 1/4% Drinking Water Protection Program so as to allocate nearly two-thirds (2/3) of the surplus funds under this Program to the acquisition of land in accordance with Section 12-5(A) of the SUFFOLK COUNTY CHARTER, as determined by a duly enacted Resolution by the County of Suffolk; and

WHEREAS, the County's nationally acclaimed land preservation programs have been enhanced by the approval of master lists of important and significant environmentally sensitive lands, farmland, and recreationally important lands; it is now necessary to add additional parcels to the master list for acquisition of environmentally sensitive lands; now, therefore be it

1st RESOLVED, that the master list identified by Exhibit "A" for the acquisition of environmentally sensitive land and recreationally important lands in Suffolk County, is hereby approved and/or confirmed, as a supplement to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk; and be it further

I.) ENVIRONMENTAL LEGACY PROGRAM

2nd RESOLVED, that the following parcel(s) listed below, in addition to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County

of Suffolk, is(are) hereby approved for preliminary planning steps (i.e., survey, appraisal, title search, and environmental audit) and ultimate inclusion in the Suffolk County Environmental Legacy Program, approved under the ADOPTED 2007-2009 CAPITAL PROGRAM:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District Section SET FORTH IN EXHIBIT "A" ATTACHED Block HERETO AND MADE A PART HEREOF Lot		East Quogue Partners LLC c/o Wayne D. Bruyn 250 North Sea Road Southampton, NY 11968

and be it further

3rd RESOLVED, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

5th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C), of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the subject parcel(s), the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

6th RESOLVED, that the cost of such surveys, title searches, audits, maps, and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to the Suffolk County Environmental Legacy Program, as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

7th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

II.) MULTIFACETED LAND PRESERVATION PROGRAM

8th RESOLVED, that the following parcel(s) listed below, in addition to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk, is(are) hereby approved for preliminary planning steps (i.e., survey, appraisal, title search, and environmental audit) and ultimate inclusion in the Suffolk County Multifaceted Land

Preservation Program, according to the provisions of the 5th RESOLVED clause of Resolution No. 459-2001:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District Section Block Lot	SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF	East Quogue Partners LLC c/o Wayne D. Bruyn 250 North Sea Road Southampton, NY 11968

and be it further

9th RESOLVED, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

10th RESOLVED, that the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

11th RESOLVED, that the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the subject parcel(s), the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

12th RESOLVED, that the cost of such surveys, title searches, audits, maps, and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to the provisions of the 5th RESOLVED clause of Resolution No. 459-2001, as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

13th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

III.) NEW DRINKING WATER PROTECTION PROGRAM (AS AMENDED BY LOCAL LAW NO. 24-2007, EFFECTIVE DECEMBER 1, 2007)

14th RESOLVED, that the following parcel(s) listed below, in addition to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk, is(are) hereby approved for preliminary planning steps (i.e., survey, appraisal, title

search, and environmental audit) and ultimate inclusion in the Suffolk County New Drinking Water Protection Program:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District Section SET FORTH IN EXHIBIT "A" ATTACHED Block HERETO AND MADE A PART HEREOF Lot		East Quogue Partners LLC c/o Wayne D. Bruyn 250 North Sea Road Southampton, NY 11968

and be it further

15th RESOLVED, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

16th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

17th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the subject parcel(s), the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

18th RESOLVED, that the cost of such surveys, title searches, audits, maps, and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Section C12-2(A) (1)(a,b,c,d,e,g,h) of the SUFFOLK COUNTY CHARTER, as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

19th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

**IV.) ACQUISITION OF LAND/1989-2000
DRINKING WATER PROTECTION PROGRAM (12-5(A))**

20th RESOLVED, that The Director of the Division of Real Estate or his or her designee, is hereby authorized, empowered, and directed, pursuant to Section 14-10(B) or Section 14-10(E) 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 to acquire fee title to the parcels listed herein below from the reputed owners for

inclusion into the County's Open Space or Parkland Preservation Program, in addition to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk, as the case may be:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District Section SET FORTH IN EXHIBITS "A" ATTACHED Block HERETO AND MADE A PART HEREOF Lot		East Quogue Partners LLC c/o Wayne D. Bruyn 250 North Sea road Southampton, NY 11968

and be it further

21st RESOLVED, that The Director of the Division of Real Estate or his or her designee, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire fee simple absolute or a lesser interest (i.e. conservation easement) of the subject parcels, the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

22nd RESOLVED, that The Director of the Division of Real Estate or his or her designee, is hereby authorized to use such appraisals as may be made available by other municipalities for the purpose of such acquisition, if deemed cost effective and appropriate by the Department; and be it further

23rd 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), (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, 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: June 21, 2011

APPROVED BY:
VETOED
County Executive of Suffolk County

Date: 7/7/11 JUL 07 2011

East Quogue Partners Property

District	Section	Block	Lot	Acres
0900	203.00	01.00	025.000	25
0900	203.00	01.00	027.000	17.3
0900	203.00	01.00	030.000	37.73
0900	219.00	01.00	004.000	0.39
0900	219.00	01.00	005.000	0.21
0900	219.00	01.00	006.000	1.48
0900	219.00	01.00	007.000	0.37
0900	219.00	01.00	008.000	0.85
0900	219.00	01.00	009.000	0.37
0900	219.00	01.00	010.000	0.4
0900	219.00	01.00	023.000	0.96
0900	219.00	01.00	024.000	1.18
				86.24
0900	219.00	01.00	011.001	1.15
0900	219.00	01.00	012.000	1.15
0900	219.00	01.00	020.001	4.2
0900	219.00	01.00	022.000	1.07
				7.57
0900	219.00	01.00	013.000	2.3
0900	219.00	01.00	021.000	15.9
0900	250.00	03.00	001.000	78
0900	250.00	03.00	002.000	17
0900	250.00	03.00	003.000	28
0900	288.00	01.00	061.000	24.3
0900	288.00	01.00	141.001	94.7
				260.2
0900	219.00	01.00	014.000	0.09
0900	219.00	01.00	015.000	0.25
0900	219.00	01.00	016.000	0.2
0900	219.00	01.00	017.000	0.25
0900	219.00	01.00	018.000	0.1
0900	219.00	01.00	019.000	0.89
0900	219.00	01.00	047.000	0.35
0900	219.00	01.00	048.000	0.1

0900	219.00	01.00	049.000	0.4
0900	219.00	01.00	050.000	0.1
0900	250.00	03.00	04.000	3.9
0900	250.00	03.00	005.000	0.09
0900	250.00	03.00	006.000	1.01
0900	250.00	03.00	009.000	0.46
0900	250.00	03.00	011.000	2.39
0900	250.00	03.00	013.000	0.02
0900	250.00	03.00	014.000	3.99
0900	250.00	03.00	017.000	2.8
0900	250.00	03.00	030.000	0.02
0900	288.00	01.00	121.000	27
0900	288.00	01.00	122.000	1.03
0900	288.00	01.00	123.000	2.02
0900	288.00	01.00	125.000	0.96
0900	288.00	01.00	127.000	0.09
0900	288.00	01.00	130.000	0.69
0900	288.00	01.00	132.000	1.5
0900	288.00	01.00	133.000	1.04
0900	288.00	01.00	136.000	0.6
0900	288.00	01.00	138.000	2.48
0900	288.00	01.00	140.002	0.1
0900	314.00	02.00	020.005	5.7
				60.62
0900	340.00	01.00	002.000	0.64
0900	340.00	01.00	005.000	0.44
				1.08
			TOTAL ACRES	415.71

Exhibit "A"