

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy  
COUNTY EXECUTIVE

October 3, 2011

2011 OCT -3 P 4:18  
COUNTY EXECUTIVE  
SUFFOLK COUNTY, NY  
HAUPPAUGE

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 NO. 740 – 2011, DEDICATING CERTAIN PROPERTY IN YAPHANK AS COUNTY PARKLAND AND AUTHORIZING ITS TRANSFER TO THE SUFFOLK COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION FOR OPEN SPACE PRESERVATION.**

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 740 – 2011, DEDICATING CERTAIN PROPERTY IN YAPHANK AS COUNTY PARKLAND AND AUTHORIZING ITS TRANSFER TO THE SUFFOLK COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION FOR OPEN SPACE PRESERVATION** vetoed in its entirety.

My administration strongly supports the preservation and rejuvenation of our waterways. That is why we have invested so heavily in preserving land along the Forge River. It is also why we initiated a new program that will reduce nitrogen from septic systems, and construct and upgrade sewers to prevent effluent from seeping into our groundwater.

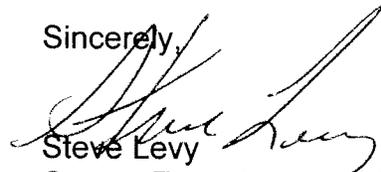
Many areas along the Carmans River are not served by sewers and should be shielded from development. However, the 29-acre parcel carved out in this resolution is within a sewer district, meaning the river will be protected from any future development.

While one might be able to make the case that the parcel is closest to the river should be preserved, this resolution includes portions on the corner of Yaphank Avenue and the Long Island Expressway. Ironically, the parcel is surrounded by a Department of Public Works fueling station, maintenance garage, storage yard and other county buildings. (See Attachment.)

Removing the ability of the county to one day sell this land is an over-reaction. Proper development – with runoff controls and in an area which is already served by a sewage treatment plant to the west – would not have a negative impact on the area’s watershed.

Consequently, the Legislature may wish to consider preserving the easternmost portions of the 29 acres, while maintaining the western portion within the county’s holdings, with future consideration for the type of smart, environmentally neutral development for this property that can bring revenue and generate economic growth for the county.

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

Sincerely,  
  
Steve Levy  
County Executive of Suffolk County

- 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  
Christopher Kent, Chief Deputy County Executive  
Edward Dumas, Chief Deputy County Executive  
Eric Naughton, Deputy County Executive for Finance and Management  
Ken Crannell, Deputy County Executive  
Connie Corso, Budget Director  
Eric Kopp, Assistant Deputy County Executive  
Dan Aug, Director of Communications  
Mark L. Smith, Deputy Director of Communications

Intro. Res. 1267

Res. No. 740

September 15, 2011

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

**Co-Sponsors:**  
Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**  
Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-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		18					

**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. 740 -2011, DEDICATING CERTAIN PROPERTY IN YAPHANK AS COUNTY PARKLAND AND AUTHORIZING ITS TRANSFER TO THE SUFFOLK COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION FOR OPEN SPACE PRESERVATION**

**WHEREAS**, Suffolk County is dedicated to protecting the environment; and

**WHEREAS**, the Carmans River is one of the few rivers on Long Island that is relatively pristine and unpolluted; and

**WHEREAS**, the Carmans River contains significant natural resources, including rare and endangered plant and animal species and important habitats for a wide variety of organisms, and

**WHEREAS**, the Carmans River is a major contributor of freshwater to Great South Bay and therefore its condition affects the quality and health of the Great South Bay, one of the most important estuaries in Suffolk County, and

**WHEREAS**, in recognition of its significance among Long Island waterways, the State of New York has designated the Carmans as a Wild, Scenic and Recreational River, and

**WHEREAS**, in order to preserve the current condition of the Carmans River and prevent further degradation, development in the immediate vicinity of the river must be strictly controlled; and

**WHEREAS**, the County of Suffolk is the owner of certain real property referred to and described more fully in the attached Exhibit "A"; this property is located in close proximity to the Carmans River; and

**WHEREAS**, the aforesaid parcel of real property is located adjacent to the Core Preservation Area of the Central Pine Barrens, an area of great environmental value in which development is to be prohibited; and

**WHEREAS**, Department of Public Works buildings are located on a part of this property; and

**WHEREAS**, development on the remaining balance of this County-owned parcel would have a significant adverse impact on the Carmans River; and

**WHEREAS**, the County should preserve the undeveloped section of this parcel as parkland to help ensure the continued health of the Carmans River; now, therefore be it

**1st RESOLVED**, that the undeveloped section of the parcel described herein, as shown more specifically on the map attached hereto as Exhibit "B", is hereby dedicated as County parkland for preservation as open space; and be it further

**2nd RESOLVED**, that the Director of Real Property Acquisition and Management is hereby authorized, empowered and directed to prepare a survey of the land to be dedicated as parkland, in accordance with the boundaries shown in the attached Exhibit "B"; and be it further

**3rd**           **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, be authorized to transfer to the Suffolk County Department of Parks, Recreation and Conservation, PO Box 144, Montauk Highway, West Sayville, New York 11796 the interest of Suffolk County in the parcel described herein for preservation as passive parkland and to be added to Southaven County Park; and be it further

**4th**           **RESOLVED**, that the Suffolk County Department of Parks, Recreation and Conservation, once it takes possession of the parcel described herein, is hereby directed to not undertake any additional clearing of existing vegetation on the parcel nor to install any sanitary systems, waste storage systems, fuel storage facilities nor store any other materials or install any infrastructure on the parcel which could potentially introduce contaminants or pollutants to the contributing groundwater or surface water of the Carmans River nor to allow any activities on the parcel which could also cause similar harm to the contributing groundwater and surface waters of the Carmans River, and be it further

**5th**           **RESOLVED**, that the Suffolk County Legislature supports the addition of the parcel described herein to the Core Preservation Area of the Central Pine Barrens and to the New York State Wild, Scenic and Recreational River corridor; and be it further

**6th**           **RESOLVED**, that in the event that it is determined that an abutting property becomes landlocked, or access is denied thereto, such occurrence was not the intention of this dedication, and the Suffolk County Legislature shall provide such easements and/or rights-of-way as it deems are just and proper to effectuate the intent of this resolution, without the necessity of a mandatory referendum, solely by a duly adopted resolution by a majority of its members; and be it further

**7th**           **RESOLVED**, that said parcel is held in public use and free of taxation under Section 406(1) of the New York Real Property Tax Law and the Assessor of the Town of Brookhaven and all other assessors having jurisdiction thereof, be and they are hereby directed to mark the assessment rolls of their jurisdiction to show that said property is owned by the County of Suffolk and is exempt from taxation and exempt from special ad valorem levies and special assessments to the extent permitted by law, and further that the Clerk of the Legislature shall transmit a copy of this resolution to the aforementioned assessors for this purpose; and be it further

**8th**           **RESOLVED**, that the designation of such property to the Suffolk County Department of Parks, Recreation and Conservation is a Type II action under the provisions of Title 6 NYCRR Part 617.5(c)(20), routine or continuing agency administration, with no further environmental review necessary.

DATED: September 15, 2011

APPROVED BY:  
**VELOED**  
County Executive of Suffolk County

Date:           **OCT 03 2011**

COUNTY OF SUFFOLK – DEPARTMENT OF PUBLIC WORKS

Tax Map No. 0200-665.00-02.00-001.000

Map No. 1- Parcel A

All that piece or parcel of land situate in the Hamlet of Yaphank, in the Town of Brookhaven, County of Suffolk, State of New York as shown on Map No. 1 and as described as follows:

Beginning at a point at the intersection on the easterly side of Yaphank Avenue, County Road 21 and the southerly boundary of the Long Island Expressway, NYS495. Thence easterly along the southerly boundary of the Long Island Expressway, NYS495 the following six (6) courses and distances:

- 1) S 84°19'55" E a distance of 19.13 feet.
- 2) N 87°19'24" E a distance of 6.01 feet.
- 3) along a curve to the left having a radius of 1475.00 feet an arc distance of 437.73 feet said curve having a chord length of 436.13 feet and a bearing of N 70°51'08" E.
- 4) N 61°29'00" E a distance of 324.07 feet.
- 5) along a curve to the right having a radius of 2104.00 feet an arc distance of 174.63 feet said curve having a chord length of 174.58 feet and a bearing of N 62°44'01" E.
- 6) along a curve to the right having a radius of 970.00 feet an arc distance of 80.80 feet said curve having a chord length of 80.69 feet and a bearing of N 66°10'27" E., to a point on the division line between the subject parcel on the west and other lands of Suffolk County (Cemetery) on the east.

Thence southerly and easterly along said division line the following two (2) courses and distances:

- 1) S 18°54'36" E a distance of 290.82 feet.
- 2) N 73°37'14" E a distance of 201.69 feet to a point.

Thence S 27°19'55" E through the lands of Suffolk County a distance of 1049.23 to a point on the division line between the subject parcel on the north, the lands now or formerly of Maurice A. Thomas on the south, and the lands now or formerly of Frank J. Johnson on the east.

Thence S 82°38'59" W along the division line between the subject parcel on the north and the lands now or formerly of Maurice A. Thomas on the south, a distance of 736.05 feet to a point on the division line between the lands of Suffolk County on the north and west and the lands of Maurice A. Thomas on the south and east.

Thence, through the lands of Suffolk County the following two (2) courses and distances:

- 1) N 06°29'21" W a distance of 71.70 feet.
- 2) S 84°14'13" W a distance of 973.82 feet to a point on the aforementioned easterly boundary of Yaphank Avenue, County Road 21.

Thence northerly along said easterly boundary of Yaphank Avenue, County Road 21, the following Three (3) course and distance:

- 1) N 05°28'22" W a distance of 411.54 feet.
- 2) N 04°23'35" W a distance of 124.03 feet
- 3) Along a curve to the right having a radius of 1146.00 feet an arc distance of 332.07 feet said curve having a chord length of 330.91 feet and a bearing of N 6°09'08" E, to the Point of Beginning, being 1,488,616.66 square feet or 34.173± acres more or less.

Excepting also and reserving to any and all utilities the right of access at all times for the update, maintenance and service of their facilities.

described by: FPF date: 11/16/2009

checked by: KS date: 11/16/2009

*Exhibit "A"*

*1/12/67-2011*

COUNTY OF SUFFOLK – DEPARTMENT OF PUBLIC WORKS

Tax Map Nos. 0200-742.00-01.00-003.003

0200-742.00-01.00-003.004

0200-742.00-01.00-003.006

Map # 2- Parcel B

All that piece or parcel of land situate in the Hamlet of Yaphank, Town of Brookhaven, County of Suffolk, State of New York as shown on Map No. 2 and as described as follows:

Beginning at a point on the division line between the lands of the County of Suffolk, on the east, and the lands now or formerly of Harvey A. Auerbach on the west; said point also being on the division line between the lands of the County of Suffolk on the south, and the lands of the Metropolitan Transportation Authority and the Long Island Railroad on the north;

Thence from said Point of beginning N 82°56'16" E along said division line between the land of Suffolk County on the south and the lands of the Metropolitan Transportation Authority and the Long Island Railroad on the north a distance of 1995.02 feet to a point.

Thence, through the lands of the County of Suffolk the following eight (8) courses and distances:

1. S 05°31'21" E, a distance of 463.10 feet to a point;
2. N 82°28'41" E, a distance of 1087.46 feet to a point;
3. S 04°34'53" E, a distance of 751.92 feet to a point;
4. S 29°31'27" E, a distance of 182.36 feet to a point;
5. N 89°54'23" E, a distance of 42.42 feet to a point;
6. S 03°56'07" E, a distance of 444.56 feet to a point
7. S 09°48'13" E, a distance of 103.01 feet to a point
8. S 84°38'50" W, a distance of 3179.20 feet to a point on the division line between the lands of Suffolk County on the east and the lands now or formerly of Harvey A. Auerbach on the west;

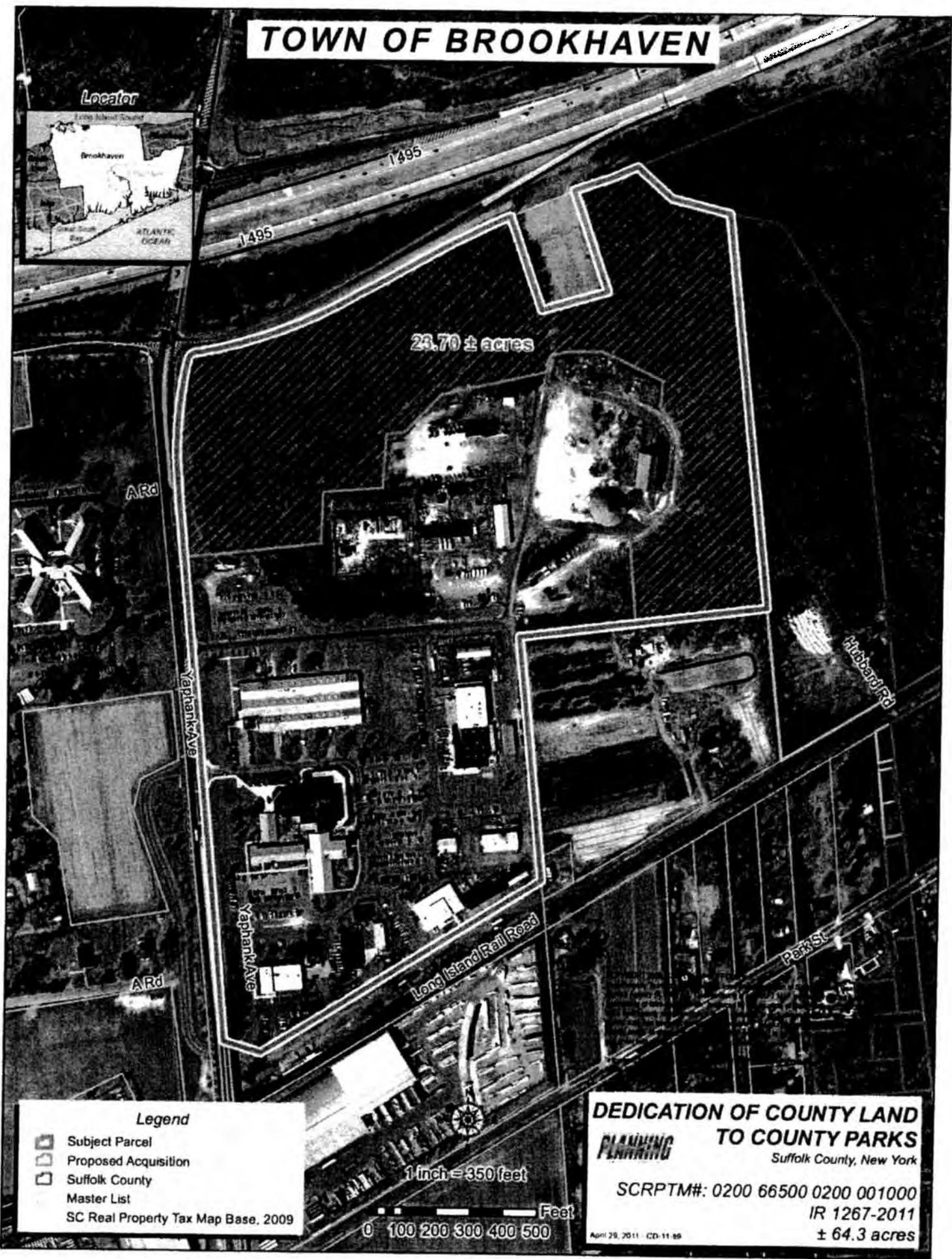
Thence, N 05°33'52" W along said division line a distance of 1831.67 feet to the Point of Beginning, being 5,338,527.85± square feet or 122.56± acres more or less.

Excepting also and reserving to any and all utilities the right of access at all times for the update, maintenance and service of their facilities.

described by: FPF date: 11/16/2009

checked by: KS date: 11/16/2009

# TOWN OF BROOKHAVEN



23.70 ± acres

ARd

ARd

Yaphank Ave

Yaphank Ave

Long Island Rail Road

Herbert Rd

Park St

**Legend**

- Subject Parcel
- Proposed Acquisition
- Suffolk County Master List
- SC Real Property Tax Map Base, 2009

1 inch = 350 feet

0 100 200 300 400 500 Feet

**DEDICATION OF COUNTY LAND TO COUNTY PARKS**  
*PLANNING*

Suffolk County, New York

SCRPTM#: 0200 66500 0200 001000

IR 1267-2011

± 64.3 acres

April 29, 2011 CD-11 89

*Exhibit "B"*