

**RESOLUTION NO. 216 -2012, ADOPTING LOCAL LAW  
NO. 25 -2012, A LOCAL LAW EXPANDING THE COUNTY'S  
FARMLAND DEVELOPMENT RIGHTS ACQUISITION  
PROGRAM TO INCLUDE COMMERCIAL EQUINE  
OPERATIONS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on February 7, 2012, a proposed local law entitled, "**A LOCAL LAW EXPANDING THE COUNTY'S FARMLAND DEVELOPMENT RIGHTS ACQUISITION PROGRAM TO INCLUDE COMMERCIAL EQUINE OPERATIONS;**" now, therefore be it

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

**LOCAL LAW NO. 25 -2012, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW EXPANDING THE COUNTY'S FARMLAND  
DEVELOPMENT RIGHTS ACQUISITION PROGRAM TO INCLUDE  
COMMERCIAL EQUINE OPERATIONS**

**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 there is a strong equestrian industry in the County of Suffolk.

This Legislature determines that commercial equine operations include horse riding lessons, trail riding activities, and horse training.

This Legislature further finds and determines that Chapter 8 of the SUFFOLK COUNTY CODE sets forth the County's program to acquire development rights to agricultural properties.

This Legislature finds that the State of New York recently amended § 301 of the Agriculture and Markets Law to include commercial equine operations in the definition of farm operations.

This Legislature also finds that Chapter 8 of the SUFFOLK COUNTY CODE should be amended to reflect the updated language in State Law and allow the County to acquire the development rights to commercial equine operations.

This Legislature further finds that including commercial equestrian operations in the farmland development rights program will preserve and strengthen the County's equestrian industry.

Therefore, the purpose of this law is to amend Chapter 8 of the SUFFOLK COUNTY CODE to authorize the County's acquisition of development rights to properties being used for commercial equine operations.

**Section 2. Amendments.**

Chapter 8 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 8. AGRICULTURAL LAND, DEVELOPMENT OF**

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**§ 8-2. Definitions.**

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**BUILDING** - Any building, as defined in § 372 of the New York State Executive Law, as may be amended, such as barns, farm stands and greenhouses.

**COMMERCIAL EQUINE OPERATION** - A commercial equine operation as defined in § 301 of the New York State Agriculture and Markets Law, as may be amended.

**COMMERCIAL HORSE BOARDING OPERATION** - A commercial horse boarding operation as defined in § 301 of the New York State Agriculture and Markets Law, as may be amended.

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**FARM OPERATION** - A single commercial agricultural operation, a single commercial horse boarding operation, a single commercial equine operation or an enterprise that combines a single commercial agricultural operation with a single commercial horse boarding operation or a single commercial equine operation, including all parcels, contiguous and/or noncontiguous, that are owned and/or rented for the production, preparation and marketing of agricultural products for said operation.

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**§ 8-5. Acquisition of development rights.**

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**B. Acquisitions.**

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(2) Criteria for consideration. Only lands able to sustain an economically viable commercial agricultural enterprise, as determined by the Committee, shall be considered for inclusion in the Purchase of Development Rights Program. Land eligible for inclusion shall either be used in agricultural production, [or] in support of a commercial horse boarding operation, or in support of a commercial equine operation and shall meet the following criteria:

\*\*\*\*

(c) Commercial equine operation.

[1] All development rights to the subject land shall be intact.

[2] The subject land shall be actively used in support of a commercial equine operation.

[3] The subject land shall be at least seven acres and the associated farm operation shall have an average annual gross sales value of at least \$10,000.

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**Section 3. Applicability.**

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

**Section 4. 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 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law 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. 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 law.

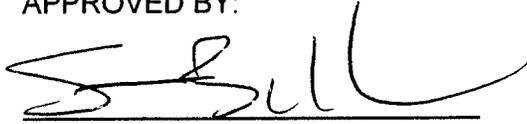
**Section 6. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED: March 27, 2012

APPROVED BY:



County Executive of Suffolk County

Date:

APR 12 2012

After a public hearing duly held on April 9, 2012  
Filed with the Secretary of State on May 17, 2012

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I*, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on March 27, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

*Tim Laube*

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Clerk of the Legislature

Intro. Res. 1059

Res. No. 216

March 27, 2012

**Motion:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Second:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

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

Roll Call \_\_\_ Voice Vote

*Tim Laube*

Tim Laube, Clerk of the Legislature