

RESOLUTION NO. 651 -2012, AUTHORIZING THE INCLUSION OF NEW PARCELS INTO EXISTING CERTIFIED AGRICULTURAL DISTRICTS IN THE COUNTY OF SUFFOLK

WHEREAS, Article 25-AA of the New York State Agriculture and Markets Law provides for a locally-initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance; and

WHEREAS, Article 25-AA of the New York State Agriculture and Markets Law established and articulates the Agricultural Districts Program, wherein viable agricultural land included within a certified agricultural district receives certain benefits and protections in order to perpetuate farming; and

WHEREAS, Article 25-AA of the New York State Agriculture and Markets Law was amended in 2003 to include Section 303-B which allows county legislative bodies the opportunity to designate an annual thirty-day period within which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within an existing certified agricultural district; and

WHEREAS, fifteen (15) applications were received from land owners during the 2012 annual enrollment period; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Board found that the parcels identified by "Exhibit A" consist of predominately viable agricultural land and that inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the existing certified agricultural districts; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Board found that the parcels identified by "Exhibit B" do not consist of predominately viable agricultural land and that inclusion of such land would not serve the public interest; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Board was unable to garner a majority vote to pass a motion regarding the parcels identified by "Exhibit C"; now, therefore be it

1st **RESOLVED**, that this Legislature hereby finds that it is in the best interest of the people of the County of Suffolk to include the parcels identified by "Exhibit A" into existing certified agricultural districts, as recommended by the Suffolk County Agricultural and Farmland Protection Board; and be it further

2nd **RESOLVED**, that the petition for inclusion of the parcels identified by "Exhibit A" in existing certified agricultural districts is hereby approved, adopted, and referred to the Commissioner of the New York State Department of Agriculture and Markets for review of the petition as required by Section 303(B)(4) of Article 25-AA of the New York State Agriculture and Markets Law; and be it further

3rd **RESOLVED**, that the Clerk of the Suffolk County Legislature is hereby directed to submit said petition including this resolution, the report of the Suffolk County Agricultural and Farmland Protection Board, the tax map identification numbers, and tax maps for each parcel of land to be included in an agricultural district to the Commissioner of the New York State Department of Agriculture and Markets; and be it further

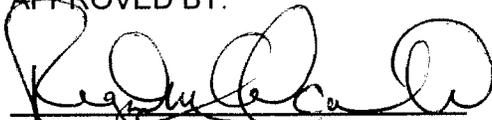
4th **RESOLVED**, that this Legislature hereby finds that it is in the best interest of the people of the County of Suffolk not to include the parcels identified by "Exhibit B" into existing certified agricultural districts, as recommended by the Suffolk County Agricultural and Farmland Protection Board; and be it further

5th **RESOLVED**, that this Legislature hereby finds that it is in the best interest of the people of the County of Suffolk not to include the parcels identified by "Exhibit C" into existing certified agricultural districts due to the failure of the Suffolk County Agricultural and Farmland Protection Board to garner a majority vote; and be it further

6th **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) and (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: August 7, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 8.10.2012

CHIEF DEPUTY COUNTY EXECUTIVE

Exhibit A

Parcels Approved for Inclusion in Existing Certified Agricultural Districts

Tax Map Number	Name	Acres	Agricultural District Number
0200-288.00-01.00-005.001	Frederick Malik Revocable Trust	25.2	3
0200-288.00-01.00-007.000	Frederick Malik Revocable Trust	0.4	3
0200-288.00-01.00-024.000	Frederick Malik Revocable Trust	11.0	3
0200-698.00-01.00-009.001	Howard F. Flynn & Deborah Siegel	0.9	3
0200-698.00-01.00-009.002	Howard F. Flynn & Deborah Siegel	4.1	3
0200-781.00-02.00-025.000	Christopher Magee	14.8	3
0200-974.20-02.00-021.001	Post-Morrow Foundation, Inc	24.7	3
0200-974.20-02.00-021.003	Jennifer P. Clement	1.2	3
0200-974.20-02.00-021.004	Jennifer P. Clement	10.9	3
0200-976.40-01.00-016.001	Dennis Puleston et al	3.6	3
0300-143.00-01.00-003.001	Thomas & Lianne Miller	14.7	5
0300-159.00-01.00-010.001	Anthony S. Iacono	7.7	5
0300-159.00-04.00-019.001	Andreas & Christine DeLeyer	14.8	5
0300-200.00-03.00-038.005	William A. Babinski, Jr.	20.0	5
0300-200.00-03.00-040.005	William Babinski & William A. Babinski, Jr.	7.1	5
0401-001.00-01.00-001.001	Eatons Neck LLC	400.3	3
0401-001.00-01.00-001.002	Eatons Neck LLC	41.2	3
1000-100.00-04.00-005.003	Charles & Barbara Smithen	2.0	1
1001-006.00-08.00-001.002	Isabel Jen & Michael Osinski	2.1	1
1001-006.00-08.00-001.003	Isabel Jen & Michael Osinski	0.2	1
1001-006.00-08.00-001.004	Isabel Jen & Michael Osinski	0.2	1
	TOTAL ACRES	607.1	

Exhibit B

Parcels Disapproved for Inclusion in Existing Certified Agricultural Districts

Tax Map Number	Name	Acres
0200-916.00-01.00-003.004	Cedar Tree Farms, Inc	8.3
0200-916.00-01.00-003.006	Cedar Tree Farms, Inc	0.4
0800-045.00-04.00-028.001	KPE II, LLC	5.0
0800-045.00-04.00-029.001	KPE II, LLC	7.5
0800-045.00-04.00-030.000	KPE II, LLC	6.7
	TOTAL ACRES	27.9

Exhibit C

Parcels Disapproved for Inclusion in Existing Certified Agricultural Districts

Tax Map Number	Name	Acres
0200-976.10-03.00-027.002	South Country Farms, LLC	26.8
	TOTAL ACRES	26.8

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 August 7, 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

Clerk of the Legislature

Intro. Res.

1566

Res. No.

651

August 7, 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	1				
2	Jay H. SCHNEIDERMAN	1				
3	Kate M. BROWNING				/	
4	Thomas MURATORE	1				
5	Kara HAHN	1				
6	Sarah S. ANKER	1				
7	Rob CALARCO	1				
9	Ricardo MONTANO	1				
10	Thomas CILMI	1				
11	Thomas F. BARRAGA	1				
12	John M. KENNEDY, JR.	1				
13	Lynne C. NOWICK	1				
15	DuWayne GREGORY	1				
16	Steven H. STERN	1				
17	Lou D'AMARO	1				
18	William SPENCER	1				
14	Wayne R. HORSLEY, D.P.O.	1				
8	William J. LINDSAY, P.O.	1			/	
	Totals	16			2	

MOTION	
<input checked="" type="checkbox"/> Approve	
Table: _____	
<input type="checkbox"/> Send To Committee	
<input type="checkbox"/> Table Subject To Call	
<input type="checkbox"/> Lay On The Table	
<input type="checkbox"/> Discharge	
<input type="checkbox"/> Take Out of Order	
<input type="checkbox"/> Reconsider	
<input type="checkbox"/> Waive Rule _____	
<input type="checkbox"/> Override Veto	
<input type="checkbox"/> Close	
<input type="checkbox"/> Recess	
APPROVED <input checked="" type="checkbox"/> FAILED _____	
No Motion _____ No Second _____	

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Roll Call _____ Voice Vote

Tim Laube

Tim Laube, Clerk of the Legislature