

Introduced by the Presiding Officer and Legislators Cilmi, Kennedy, Nowick

RESOLUTION NO. 765 -2013, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED DEMOLITION OF THE BAVARIAN INN BUILDING STRUCTURE, TOWN OF SMITHTOWN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Demolition of the Bavarian Inn Building Structure, Town of Smithtown", pursuant to Section 6 of Local Law No. 22-1985 which project involves the demolition of the old Bavarian Inn building structure located on the property identified by the Suffolk County Map Number 0800-171.00-05.00-015.000; and

WHEREAS, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Public Works and subsequently sent out to all concerned parties; and

WHEREAS, at its July 17, 2013 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

WHEREAS, the CEQ recommended that the above activity be considered an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 450 of the Suffolk County Code; and

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated July 17, 2013 of said recommendations; and

WHEREAS, Section 450-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

WHEREAS, the Suffolk County Legislature has reviewed the EAF and the CEQ recommendations; now, therefore be it

1st RESOLVED, that this Legislature hereby determines that the Proposed Demolition of the Bavarian Inn Building Structure, Town of Smithtown, constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 450 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria set forth in Title 6 NYCRR, Part 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
2. The proposal does not significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and the Suffolk County Code;

3. The proposed action will eliminate an abandoned and dilapidated structure that negatively impacts the area view shed;
4. All necessary permits and approvals will be obtained from New York State Department of Conservation prior to demolition; and
5. The removal of any toxic and/or hazardous substances will be in compliance with all applicable rules and regulations;

and be it further

2nd RESOLVED, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with the CEQ; and be it further

3rd RESOLVED, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 450-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: September 12, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: September 18, 2013