

**RESOLUTION NO. 45 -2010, MAKING A SEQRA
POSITIVE DECLARATION IN CONNECTION WITH A
DECLARATION AS SURPLUS AND AUTHORIZING THE
EXECUTION OF A CONTRACT FOR THE SALE OF ~255
ACRES IN YAPHANK TO LEGACY VILLAGE REAL ESTATE
GROUP, LLC FOR MIXED USE DEVELOPMENT**

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Declaration as Surplus and Authorizing the Execution of a Contract for the Sale of ~255 acres in Yaphank to Legacy Village Real Estate Group, LLC for Mixed Use Development," pursuant to Section 6 of Local Law No. 22-1985; and

WHEREAS, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Planning and subsequently sent out to involved agencies; and

WHEREAS, at its December 9, 2009 meeting, the CEQ reviewed the EAF and information presented by the Suffolk County Department of Planning; and

WHEREAS, the CEQ recommended via a duly adopted Resolution No. 51-09 that the above activity should be classified as a Type I action, pursuant to the provisions of Title 6 NYCRR, Part 617.4(b)(4) and advised that a Draft Generic Environmental Impact Statement (DGEIS) or Draft Environmental Impact Statement (DEIS) should be prepared; and

WHEREAS, the CEQ has advised the County Legislature, the County Executive and initiating unit by memo dated December 9, 2009 of said recommendations; and

WHEREAS, consistent with the CEQ recommendations, an amended EAF and coordinated review letter in which the County asserted lead agency status was transmitted on December 18, 2009 to other involved permit and approval granting agencies; and

WHEREAS, the other involved permit and approval granting agencies had thirty (30) days to contest the County's lead agency status; and

WHEREAS, no other permit and approval granting agency has timely contested the County's lead agency status; and

WHEREAS, Section 279-5(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 the County of Suffolk shall be the SEQRA lead agency; and be it further

2nd **RESOLVED**, that this Legislature hereby determines that the proposed action "Adoption of a Local Law Declaring as Surplus and Authorizing the Execution of a Contract for

the Sale of ~ 255 Acres in Yaphank to Legacy Village Real Estate Group, LLC for Mixed Use Development," constitutes a Type I action, pursuant to the provisions of Title 6 NYCRR, Part 617.4(b)(4) and Chapter 279 of the Suffolk County Code, since it involves the sale of more than 100 acres of land; and be it further

3rd **RESOLVED**, that this Legislature, hereby determines that the above stated action may have a significant impact on the environment as identified within SEQRA, because it will exceed the criteria set forth in Title 6 NYCRR Part 617.7(c)(1)(i),(ii),(v),(vi),(viii),(ix),(x),(xi) and (xii), (2) and (3); and be it further

4th **RESOLVED**, that the Legislature and the County Executive adopt a SEQRA determination of significance (positive declaration) requiring the preparation of a Draft Generic Environmental Impact Statement (DGEIS) which will analyze all of the short term, long term and cumulative effects that will result from the proposed action; and be it further

5th **RESOLVED**, that the County of Suffolk conduct a public scoping process on the DGEIS; and be it further

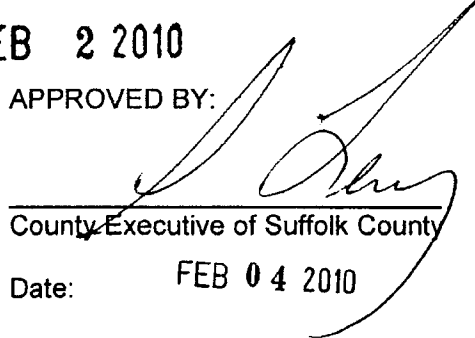
6th **RESOLVED**, that this positive declaration has been prepared in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law; and be it further

7th **RESOLVED**, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the CEQ and the initiating unit; and be it further

8th **RESOLVED**, that in accordance with Section C-1(4)(1)(d) of the Suffolk County Charter and Section 279-5 C4 of the Suffolk County Code, the CEQ is hereby directed to prepare and circulate a SEQRA Notice of Determination in accordance with this Resolution and file it pursuant to title 6 NYCRR part 617.12.

DATED: **FEB 2 2010**

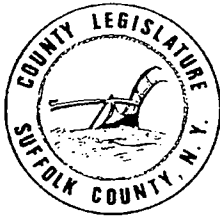
APPROVED BY:


County Executive of Suffolk County

Date:

FEB 04 2010

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 February 2, 2010 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.

A handwritten signature in cursive script that reads "Tim Laube".

Clerk of the Legislature

Intro. Res. ON 1183 Res. No. 45

February 2, 2010

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

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

Second:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 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	Daniel P. LOSQUADRO					
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	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