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NEW YORK STATE DEPARTMENT OF STATE
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Local Law Filing

DEPARTMENT OF STATE

SUFFOLK COUNTY, NEW YORK
LOCAL LAW NO. 26-2024

A LOCAL LAW TO AMEND CHAPTER 1005 OF THE SUFFOLK COUNTY CODE TO ALLOW NOT-FOR-PROFIT ORGANIZATIONS TO ALSO PARTNER FOR LAND PRESERVATION ACQUISITIONS

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 the Land Preservation Partnership Program serves as an important and vital present and future protection of our natural environment and our ecological and historical communities of Suffolk County.

This Legislature finds and determines that currently there is an issue preventing the County from partnering with and sharing appraisals with Peconic Land Trust "PLT" and other potential not-for-profit organizations during the land preservation acquisition procedure.

Therefore, the purpose of this local law is to amend by including not-for-profit organizations to three sections of the Land Preservation Chapter of the Suffolk County Code to provide the ability for the County to also partner with and share appraisals with not-for-profit organizations on certain land preservation property acquisitions.

Section 2. Amendments.

Chapter 1005 of the SUFFOLK COUNTY CODE is hereby amended as follows:

CHAPTER 1005 LAND PRESERVATION

ARTICLE I PARTNER PROGRAM

* * * *

§1005-3. Eligibility for consideration.

Properties shall only be eligible for consideration by the County of Suffolk upon receipt by the County Executive of a Town [Board] or [a] Village Board resolution proposed by a Town or Village Board or by a not-for-profit organization Board of Directors which represents that the property is eligible for acquisition under one of the above categories; authorizes acquisition of fee title or a lesser interest therein to be held by the County of Suffolk and/or the relevant town or village as hereinafter noted; and appropriates funds for the acquisition in the amount of 50% of the total cost of acquisition, including but not limited to survey, appraisal, environmental audit, title insurance, tax adjustment and taxes prior to exemption and recommends management and use of the property in accordance with existing or new County land preservation and management categories, as listed hereinafter. If no other recommendation is made, the recommended use shall be parks and recreation.

§1005-4. Review procedure.

Upon receipt of the town or village resolution proposed by a Town or Village Board or by a not-for-profit organization, the Department of Planning shall review the property for eligibility. The Director of Planning shall make a recommendation to the County Executive and County Legislature as to the desirability of acquisition and the proposed management and use of the property. The Planning Department shall initiate SEQRA review of the acquisition and proposed use.

* * * *

§1005-7. Appraisal.

The relevant town or village or not-for-profit organization may authorize retention of a County-approved appraiser to certify an appraisal to the town or village and the County of Suffolk. Prior to acceptance, the appraisal would be subject to an in-house appraisal review process conducted by the County's Division of Real Estate. Such appraisal shall be subject to a confidentiality agreement between the relevant town or village or not-for-profit organization, and the County of Suffolk.

* * * *

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)(26), (27) and (33) 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 in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. 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 its filing in the Office of the Secretary of State.

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

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2024 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 2024 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 26 of 2024 the (County) of _____ Suffolk was duly passed by the County Legislature on July 30, 2024, and was approved by the County Executive _____ and was deemed duly adopted on August 15, 2024, in accordance with the applicable provisions of law.

3. (Final adoption by referendum).

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2024 of the County of _____ Suffolk was duly passed by the Suffolk County Legislature _____ on _____, 2024 and was approved by the _____ County Executive _____ on _____, 2024. Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general election held on November ___ 2024, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2024 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 2024, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____, 2024. Such local (Elective Chief Executive Officer*) law was submitted to permissive referendum and no valid petition requesting such referendum was filed as of _____, 2024 in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2024 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 2024 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2024 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 2024, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 2 _____, above.

FT

Clerk of the County legislative body, City, Town, or Village Clerk or officer designated by local legislative body

(Seal)

Date: September 20, 2024

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Suffolk

I, the undersigned, hereby certify that the foregoing local law contains the correct text and the all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Chrys

Signature

County Attorney

Title

County of Suffolk

Date: 10/18/24