

RESOLUTION NO. 568-2022, AUTHORIZING THE INCLUSION OF NEW PARCEL(S) INTO AN EXISTING CERTIFIED AGRICULTURAL DISTRICT(S) IN THE COUNTY OF SUFFOLK – 2022 – EMERALD FLORA LLC (SCTM NO. 0200-675.00-01.00-018.000)

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, Suffolk County does contain Agricultural Districts; and

WHEREAS, Resolution No. 688-2013 designated March as the thirty-day period starting in 2014 within which a land owner may submit a request for inclusion of land that is predominantly viable agricultural land within a certified Agricultural District; and

WHEREAS, fourteen (14) applications totaling 28 parcels of land were received from land owners during the 2022 annual enrollment period; and

WHEREAS, Emerald Flora LLC, the applicant, submitted one (1) parcel(s) for inclusion into an existing certified Agricultural District, as listed in Exhibit "A"; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Board, at its meeting held on April 21, 2022, found that the parcel(s) identified in Exhibit "A" consist of predominately viable agricultural land as defined in New York Agriculture and Markets Law § 301(7) and that inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the existing certified Agricultural District No. 3; and

WHEREAS, after the Suffolk County Agricultural and Farmland Protection Board meeting on April 21, 2022, a draft Environmental Assessment Form (EAF) and related documentation was prepared and submitted to the Suffolk County Council on Environmental Quality (CEQ) by the Suffolk County Department of Economic Development and Planning for the proposed inclusion of the parcel(s) identified in Exhibit "A" into an existing certified Agricultural District (the proposed action); and

WHEREAS, upon receipt of the draft EAF and related documentation, the CEQ staff sent out a memorandum, with the draft EAF enclosed, to the relevant State Environmental Quality Review Act (SEQRA) Involved/Interested Agencies (including the local Town/Village where the subject parcel(s) are located) informing the Involved/Interested Agencies of the CEQ's upcoming review of the proposed action and requesting any comments the Involved/Interested Agencies would like to provide in regards to CEQ's SEQRA recommendation to the Suffolk County Legislature; and

WHEREAS, at its May 11, 2022 meeting, the CEQ reviewed the draft EAF, the information presented by the Suffolk County Department of Economic Development and Planning as well as any information provided by the relevant Involved/Interested Agencies and by the general public and recommended to the Suffolk County Legislature pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 450 of the Suffolk County Code that the proposed action should be classified by the Suffolk County Legislature as an Unlisted Action and that the proposed action will not have any significant adverse environmental impacts; now, therefore be it

1st **RESOLVED**, that the Suffolk County Legislature has reviewed and considered the EAF for the proposed action, CEQ's SEQRA recommendation for the proposed action, and any information provided by the relevant Involved/Interested Agencies and the general public on the proposed action at the Suffolk County Legislature's Public Hearing, the Suffolk County Legislature's Environment, Parks & Agriculture Committee meeting and the Suffolk County General Legislative meeting; and be it further

2nd **RESOLVED**, that Suffolk County, as SEQRA Lead Agency, hereby classifies the inclusion of the parcel(s) identified in Exhibit "A" into an existing certified Agricultural District (the proposed action) as an Unlisted Action under the provisions of Title 6 NYCRR Part 617 and Chapter 450 of the Suffolk County Code; and be it further

3rd **RESOLVED**, that Suffolk County, as SEQRA Lead Agency, hereby finds and determines that the proposed action, pursuant to Title 6 NYCRR Part 617 and Chapter 450 of the Suffolk County Code, will not have significant adverse impacts on the environment for the following reasons:

1. the impacts that may be reasonably expected to result from the proposed action were compared against the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, and as demonstrated in the Environmental Assessment Form; and
2. the proposed action does not appear to 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 Code; and
3. the subject property does not appear to suffer from any severe environmental development constraints (limiting soil properties, a high groundwater table, and/or unmanageable slopes); and

4. the inclusion of parcel(s) in a certified existing Agriculture District directs local municipalities, when exercising their powers to enact or administer local laws or regulations, to exercise these powers in such manners as may realize the goals of Article 25-AA of the Agricultural and Markets Law and to avoid unreasonable restrictions in the regulation of farm operations within agricultural districts, but preserves the power of local municipalities to review future uses of the parcel(s) that may require zoning or land use approvals and environmental quality review; and
5. based on this proposal to include the subject property into an existing agricultural district, the subject property's environmental characteristics and an assessment of the reasonable, probable and potential unique impacts of including the subject property into an existing agricultural district, the proposed action will not result in significant environmental impacts to the subject property, adjacent properties or to the regional environment;

and be it further

4th **RESOLVED**, that Suffolk County hereby adopts a determination of non-significance (negative declaration) and the Council of Environmental Quality staff is hereby directed to sign the Part III of the EAF and to circulate and file all necessary notices in accordance with this resolution; 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 to include the parcel(s) identified by Exhibit "A" into the existing certified Agricultural District No. 3, as recommended by the Suffolk County Agricultural and Farmland Protection Board; and be it further

6th **RESOLVED**, that the inclusion of the parcel(s) identified in Exhibit "A" in existing certified Agricultural District No. 3 is hereby approved, adopted, and referred to the Commissioner of the New York State Department of Agriculture and Markets for review and certification as required by Section 303(B)(4) of Article 25-AA of the New York State Agriculture and Markets Law; and be it further

7th **RESOLVED**, that the Clerk of the Suffolk County Legislature is hereby directed to submit this resolution including the list of parcel(s) in Exhibit "A", 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.

DATED: July 26, 2022

APPROVED BY:

/s/ Lisa Black
Chief Deputy County Executive of Suffolk County

Date: July 27, 2022

Exhibit A

Parcel(s) Approved for Inclusion in Existing Certified
Agricultural District(s)

Tax Map Number	Name	Acres	Agricultural District Number
0200-675.00-01.00-018.000	Robert and Maryann Anderson	5.0	3
	TOTAL ACRES	5.0	