

**DAMIECKI**  
**Purchase of Development Rights**  
**Baseline Documentation**



**Suffolk County Tax Map**  
**300-157-3-1.3 29.1761 Acres**

**Town of East Hampton**  
**New York**

**Purchased in partnership with the County of Suffolk and the**  
**Town of East Hampton**

**The Community Preservation Fund Law was enacted to help protect and preserve open and undeveloped lands in the Town of East Hampton and the Incorporated Villages, including wetlands, woodlands, agricultural lands, shorelands and the other natural resources of the town; for the purposes of protecting historic places and properties within the town; and for the purpose of providing the town's visitors and residents with outdoor recreational opportunities.**



*Purchase Of Development Rights*

**TOWN OF EAST HAMPTON**  
**SCTM #300-157.000-0003-001.003**

**Damiecki Property**  
**176 Long Lane**

**East Hampton School District**



Prepared by  
**THE TOWN OF EAST HAMPTON**  
 Suffolk County, New York



**(610) AUTHORIZE ACQUISITION OF DEVELOPMENT RIGHTS –INCREASE IN TOWN FUNDING**

Property of John Damiecki, as Trustee of a Revocable Trust Agreement dated December 14, 1998, situate Long Lane & Stephen Hand's Path, East Hampton /  
**SCTM #300-157-3-1**

The following resolution was offered by Councilwoman D. Weir seconded by Councilman P. Hammerle and adopted:

**WHEREAS**, by Resolution No. 1497 of 2001, adopted December 20, 2001, the Town Board authorized the acquisition of farmland development rights, jointly with the County of Suffolk, to approximately 29.12 acres of prime farmland owned by John Damiecki, as trustee, which farmland is located on the northeast side of Long Lane and southeast side of Stephen Hand's Path, in East Hampton, and is part of a larger parcel of land constituting approximately 35.79 acres and identified on the Suffolk County Tax Map as SCTM #300-157-3-1; and

**WHEREAS**, the seller proposes to divide the existing 35.79-acre property into four parcels, consisting of two one-acre residential building lots at the north end of the property, an agricultural reserve area parcel of approximately 4.67 acres, and the 29.12-acre parcel to which development rights will be purchased; and

**WHEREAS**, because of the lengthy delay in consummating the purchase of development rights to this property, the seller has requested that the purchase price be increased to \$3,500,000.00, which price is subject to adjustment on a pro rata basis upon receipt of a guaranteed survey; and

**WHEREAS**, Suffolk County officials have stated that, for various reasons, the County is unable to increase its authorized portion of the purchase price; and

**WHEREAS**, pursuant to § 247 of the General Municipal Law and § 64-e of the Town Law of the State of New York, the Town Board held a public hearing on **May 2, 2003** to consider increasing the Town's contribution to the purchase price for the development rights to this property by \$500,000.00 – some of which is expected to be offset by a New York State farmland preservation grant; and

**WHEREAS**, the acquisition of the subject property is classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Town Board repeats its earlier finding pursuant to § 64-e (8) of the New York Town Law, made in Resolution No. 1497 of 2001, that acquisition of development rights to the subject property by purchase is the best alternative, of all reasonable alternatives available to the Town, for protection of the community character of the Town of East Hampton, and that such acquisition would be in the best interests of the Town;

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor is hereby authorized and directed, jointly with the County of Suffolk, to execute an extension and modification of the prior contract of sale or to execute a new and revised contract of sale, as may be necessary to purchase the development rights to the above-described 29.12 acres of farmland from its record owner, now or formerly John Damiecki, as Trustee of a Revocable Trust Agreement

dated December 14, 1998, for a total purchase price of **\$3,500,000.00** but at a cost to the Town of East Hampton not to exceed **\$1,400,000.00**, plus the Town's proportionate share of survey, title, environmental audit, prorated tax, and recording charges and subject to adjustment on a pro rata basis upon proof of the actual surveyed acreage of the property; and be it further

**RESOLVED**, that the purchase of development rights authorized herein shall be conditional upon the Planning Board's approval of a subdivision which creates a parcel of approximately 29.12 acres, as described herein, which parcel shall have frontage on Long Lane and Stephen Hand's Path; and be it further

**RESOLVED**, that pursuant to contract the Supervisor is authorized and directed to execute any documents and the Town Budget Officer is authorized and directed to pay the purchase price for the development rights and any and all reasonable survey, title, environmental audit, prorated tax, and recording charges, which charges or expenses are to be shared between the Town of East Hampton and County of Suffolk on a proportionate basis, as may be necessary to effect the transfer of title; and be it further

**RESOLVED**, that the Supervisor is authorized and directed to execute – at no additional cost to the Town – an agreement granting the Town a right-of-first-refusal to purchase the fee title to the subject property, under which right-of-first-refusal the Town will have the right to match within sixty (60) days any contract by seller to convey the underlying fee title to the property; and be it further

**RESOLVED**, the monies to be expended for purchase of development rights to the foregoing property, together with related expenses, shall be drawn from the Town of East Hampton Community Preservation Fund Budget Account; and be it further

**RESOLVED**, that copies of this resolution shall be forwarded to:

Town Attorney Theresa K. Quigley;  
Assistant Town Attorney Richard A. Hammer;  
Assistant Town Attorney Richard E. Whalen;  
Town Budget Officer Len Bernard;  
Planning Department;  
David Fishbein, Esq., Suffolk County Department of Law, P.O. Box 6100,  
Hauppauge, New York 11788;  
Mr. Bob Zaher, Suffolk County Department of Planning, Division of Real  
Estate, P.O. Box 6100, Hauppauge, New York 11788-0099;  
Jim Burke, Esq., Suffolk County Department of Planning, Division of Real  
Estate, P.O. Box 6100, Hauppauge, New York 11788-0099;  
Ms. Kathleen Kennedy, Peconic Land Trust, P.O. Box 2088, Southampton, New  
York,  
11968; and  
Thomas J. Osborne, Esq., Osborne & McGowan, P.C., P.O. Box 5011, East  
Hampton, New York 11937.

(1243) SCHEDULE PUBLIC HEARING - ACQUISITION OF DEVELOPMENT RIGHTS

Property of John Damiecki, as Trustee of a Revocable Trust Agreement dated December 14, 1998, situate Long Lane & Stephen Hand's Path, East Hampton  
**SCTM #300-157-3-1**

The following resolution was offered by: Councilman J.. Potter, seconded by Councilwoman D.Weir, and adopted:

**WHEREAS**, for the purpose of preserving farmland and open space, the Town of East Hampton is considering the joint purchase, together with the County of Suffolk, of development rights to approximately 29.12 acres of prime farmland located on the northeast side of Long Lane and southeast side of Stephen Hand's Path, in East Hampton, which land is part of a larger parcel of land constituting approximately 35.79 acres and being identified on the Suffolk County Tax Map as SCTM #300-157-3-1; and

**WHEREAS**, said property is located in East Hampton Town's principal agricultural area, the Long Lane district, and consists of Class I farm soils (Bridgehampton silt loam, BgA) as categorized by the United States Department of Agriculture; and

**WHEREAS**, the seller proposes to divide the existing 35.79-acre property into four parcels, consisting of two one-acre residential building lots at the north end of the property, an agricultural reserve area parcel of approximately 4.67 acres, and the 29.12-acre parcel to which development rights will be purchased; and

**WHEREAS**, the proposed purchase of development rights to the 29.12-acre parcel would forever restrict the use of that property to agriculture, as defined in § 301 of the New York Agriculture & Markets Law; and

**WHEREAS**, the proposed purchase price for the development rights is \$ 3,000,000.00, which price is based upon a reputed acreage of 29.12 acres and is subject to adjustment on a pro rata basis upon receipt of a guaranteed survey, plus survey, title, environmental audit, prorated tax, and recording charges, which expenses are to be shared between the Town of East Hampton and County of Suffolk on a 30:70 proportionate basis; and

**WHEREAS**, subject to adjustment on the basis of changes in the actual surveyed acreage, and to the additional transactional expenses itemized above, the Town's proportionate share of the proposed purchase price will be \$ 900,000.00, or 30% of the total purchase price of \$ 3,000,000.00; and

**WHEREAS**, the proposed purchase of development rights shall be conditional upon the Planning Board's approval of a subdivision which creates a parcel of approximately 29.12 acres, as described herein, which parcel shall have frontage on Long Lane and Stephen Hand's Path;

***NOW, THEREFORE, BE IT RESOLVED***, that pursuant to § 247 of the General Municipal Law of the State of New York, the Town Board will hold a public hearing to consider the acquisition, on a 30:70 basis jointly with the County of Suffolk, of the development rights to an approximately 29.12-acre portion of the above-described property, now or formerly owned by **John Damiecki, as Trustee of a Revocable Trust Agreement dated December 14, 1998**, at a cost to the Town of East Hampton not to exceed **\$900,000.00**, subject to adjustment on the basis of changes in the actual surveyed acreage, plus the Town's proportionate share of survey, title, environmental audit, prorated tax, and recording charges, said public hearing to be held at the Town Hall Court Room, East Hampton Town Hall, 159 Pantigo Road, East Hampton, New York, on Thursday, **October 18, 2001, at 7:30 p.m.** or as soon thereafter as this matter may be heard; and be it

***FURTHER RESOLVED***, that the Town Clerk is hereby directed to publish a Notice of Public Hearing in the **October 11, 2001** edition of the East Hampton Star; and be it

***FURTHER RESOLVED***, that the Town Clerk is hereby directed to forward copies of this resolution to:

Town Attorney Eric Bregman;  
Deputy Town Attorney Richard E. Whalen;  
Town Budget Officer Len Bernard;  
Planning Department;  
David Fishbein, Esq., Suffolk County Department of Law, P.O. Box 6100,  
Hauppauge, New York 11788;  
Mr. Bob Zaher, Suffolk County Department of Planning, Division of Real  
Estate, P.O. Box 6100, Hauppauge, New York 11788-0099;  
Jim Burke, Esq., Suffolk County Department of Planning, Division of Real  
Estate, P.O. Box 6100, Hauppauge, New York 11788-0099;  
Ms. Kathleen Kennedy, Peconic Land Trust, P.O. Box 2088, Southampton,  
New York,  
11968; and  
Thomas J. Osborne, Esq., Osborne & McGowan, P.C., P.O. Box 5011, East  
Hampton, New York 11937.

\* Councilman Hammerle absent from vote