

WHELAN

Baseline Documentation



Suffolk County Tax Map 300-133-2-2.1

767 Route 114

Area 5.51 Acres

Town of East Hampton, New York

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.

The East Hampton Town Code categorizes a Nature Preserve as any area of land or water owned by the Town which is formally dedicated to being maintained as nearly as possible in its natural condition. These lands are chosen for preservation based on the unique and valuable ecological assets situated within their boundaries. They are protected not only as a means to preserve the land in its natural state, but to create a multi-use recreational resource to be enjoyed by all.



CPF Property

LOCATION MAP



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

TOWN OF EAST HAMPTON
SCTM #300-133.000-0002-002.001
 Whelan - Northwest
 767 Route 114
 Wainscott School District



(492) **AUTHORIZE ACQUISITION**

**Property of David J. and Mary M. WHELAN, East Hampton-Sag Harbor Turnpike, Sag Harbor,
SCTM #300-133-2-2.1**

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

WHEREAS, pursuant to § 247 of the General Municipal Law of the State of New York, the Town Board held a public hearing on **April 4, 2003** to consider the acquisition of approximately 5.51 acres of land located on the east side of East Hampton-Sag Harbor Turnpike at Barcelona Neck, Sag Harbor, which land is identified on the Suffolk County Tax Map as SCTM #300-133-2-2.1; and

WHEREAS, the proposed purchase price for fee simple acquisition of the subject property is \$ **740,000.00**, plus survey, title, prorated tax, and recording charges; and

WHEREAS, said property consists of white pine and oak forest, as well as substantial pine swamp wetlands which drain into Little Northwest Creek, and is located between the State-owned Barcelona Neck Preserve and 37 acres of Town parkland; and

WHEREAS, the purpose of said acquisition is preservation of open space; 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 finds, pursuant to § 64-e (8) of the New York Town Law, that acquisition of 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 to enter into a contract of sale with the record owner of the subject property, reputedly **David J. & Mary M. Whelan**, for the purpose of acquiring said property at a cost to the Town of East Hampton not to exceed \$ **740,000.00**, plus reasonable survey, title, prorated tax, and recording charges; 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 directed to pay the purchase price and any and all reasonable survey, title, prorated tax, and recording charges, as may be necessary to effect the transfer of title; and be it further

RESOLVED, that the land so acquired may be taken as two separate parcels, by separate deeds, with funding for the eastern portion to come from the Town of East Hampton Community Preservation Fund and funding for the western portion to come from general Town funds for land acquisition, so as not to restrict the western portion of the property to park use and to preserve the Town Board's options regarding the future use and disposition of the western portion of the property; and be it further

RESOLVED, the monies to be expended for purchase of the foregoing property shall be drawn partly from the Town of East Hampton Community Preservation Fund Budget Account and partly from the General Land Acquisitions Budget Account, in such proportions as may be directed by the Town Attorney; and be it further

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

Assistant Town Attorney Richard E. Whalen;

Town Budget Officer Len Bernard;

Planning Department;

Mr. Scott Wilson, Peconic Land Trust, P.O. Box 1776, Southampton, NY 11969; and

Mary M. Whelan, Esq., P.O. Box 2299, Sag Harbor, New York 11963.

Adopted 4/4/03

**(1016) ADOPT LOCAL LAW:
ADD PROPERTIES TO TOWN NATURE PRESERVE**

The following resolution was offered by Councilperson Councilman J. Potter seconded by Councilwoman P. Mansir and adopted:

WHEREAS, a public hearing was held by the Town Board of the Town of East Hampton on **July 15, 2004** regarding a Local Law amending Chapter 182 ("East Hampton Town Nature Preserve") of the East Hampton Town Code in order to add additional lands to the register of properties dedicated to the Town Nature Preserve, all as more fully set forth in the text of the Local Law; and

WHEREAS, the Town Board has considered the comments of all persons regarding this Local Law, either as submitted in writing or as presented orally at the public hearing; and

WHEREAS, both the Town Nature Preserve Committee and the Town Planning Department have reviewed the properties proposed to be dedicated to the Town Nature Preserve, and both agencies recommend that the properties described in this Local Law be so dedicated; and

WHEREAS, the proposed dedication of the properties to the Nature Preserve is either not an action subject to review pursuant to SEQRA or, alternatively, is a Type II action pursuant to 6 NYCRR Part 617.5 (c) (20) and requires no further SEQRA review; and

NOW, THEREFORE, BE IT RESOLVED, that the said Local Law is hereby enacted to read as follows:

**LOCAL LAW NO19 OF 2003
INTRODUCTORY NO 27 OF 2003**

A Local Law providing for the amendment of Chapter 182 ("East Hampton Town Nature Preserve") of the East Hampton Town Code in order to add additional properties to the register of lands dedicated to the Town Nature Preserve, as more fully set forth in the text of the Local Law, said Local Law to read as follows:

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION I. - FINDINGS AND OBJECTIVES:

This local law amends Chapter 182 of the Town Code to add additional properties to the Town Nature Preserve. The Register of Properties dedicated to the Nature Preserve will be amended to appear as shown in Section II below. The parcels proposed for dedication to the Nature Preserve consist of a diverse group of ecologically significant parcels containing wetlands, woodlands and waterfront parcels acquired by the Town for the purpose of open space preservation.

SECTION II. - TOWN CODE AMENDED:

Chapter 182 ("East Hampton Town Nature Preserve") of the East Hampton Town Code is hereby amended at Article IV, with respect to Table I, II, III, IV and V of the Register of Properties, said amended tables to include the following parcels by School District:

[AMEND TABLE I – “WAINSCOTT NATURE PRESERVE” TO ADD THE FOLLOWING PROPERTIES IN SEQUENTIAL FASHION]

<u>SCTM # 300-</u>	<u>PARCEL DESCRIPTION</u>	<u>ACRES</u>
133-1-3	183 Six Pole Highway	8.77
181-1-2.1	30 Middle Highway	4.98

[AMEND TABLE II “PARCELS WITHIN EAST HAMPTON SCHOOL DISTRICT” TO INCLUDE THE FOLLOWING PARCELS IN SEQUENTIAL FASHION]

91-1-16.41	Timber Lane	0.41
91-1-16.42	Timber Lane	0.61
91-1-16.43	Timber Lane	8.46

111-1-3.1	Swamp Road	3.24
126-1-12.4 & 13	69 Red Dirt Road	7.6
132-1-5	Town Line Road	15.06
133-2-2.1	767 Route 114	+/-3.0

[AMEND TABLE III – “PARCELS WITHIN SPRINGS SCHOOL DISTRICT” TO INCLUDE THE FOLLOWING PARCELS IN SEQUENTIAL FASHION]

59-1-3	15 Babes Lane	2.53
103-1-5	99 Neck Path	13.0
39-15-37	35 Cedar Drive	0.26

[AMEND TABLE IV -“PARCELS WITHIN AMAGANSETT SCHOOL DISTRICT” TO INCLUDE THE FOLLOWING PARCELS IN SEQUENTIAL FASHION]

110-2-10	53 Napeague Harbor Road	3.7
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[AMEND TABLE V – “PARCELS WITHIN MONTAUK SCHOOL DISTRICT” TO INCLUDE THE FOLLOWING PARCELS IN SEQUENTIAL FASHION]

28-2-12	24 Fairfield Drive	0.38
28-8-11 & 12	5 South Front Street	1.0
28-9-10	6 South Forbes Street	0.46

SECTION III. – SEVERABILITY:

Should any part or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION IV. – EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

AND BE IT FURTHER RESOLVED, that the Town Clerk is directed to forward copies of this resolution to:

Planning Director Marguerite Wolffsohn;
Senior Planner Joanne Pahwul;
Natural Resources Director Larry Penny;
Town of East Hampton Nature Preserve Committee, George Larsen, Chair.

DATED: July 15, 2004

**BY ORDER OF THE TOWN BOARD
TOWN OF EAST HAMPTON, NEW YORK
FRED L. OVERTON, TOWN CLERK**

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

SUPERVISOR WILLIAM McGINTEE	VOTE	AYE
COUNCILWOMAN DEBRA FOSTER	VOTE	AYE
COUNCILMAN JOB POTTER	VOTE	AYE
COUNCILMAN PETE HAMMERLE	VOTE	AYE
COUNCILWOMAN PAT MANSIR	VOTE	AYE

The resolution was declared duly adopted.