



TOWN OF DEERPARK

KARL A. BRABENEC, SUPERVISOR
DAVID M. HOOVLER, COUNCILMAN
GARY SPEARS, COUNCILMAN
ARTHUR T. TROVEI, COUNCILMAN
DAVID M. DEAN, COUNCILMAN

RESOLUTION #35 OF 2011 **Opposition to NYS DEC Wetlands Expansion Proposal**

WHEREAS, the state Department of Environmental Conservation is proposing an updated wetlands map that would designate about 20,000 additional acres in the region as wetlands, and

WHEREAS, the amendments include additions to existing wetlands and entirely new wetlands, and

WHEREAS, the 100-foot buffer around a wetland could add approximately 50 percent or more acreage to the wetland area or nearly seven additional acres to every circular 12.4-acre wetland, effectively rendering that property or portion of a property useless, and

WHEREAS, if the new maps are adopted, wetlands in Orange County, without factoring in the 100-foot buffer, would increase from 28,815 acres to 44,815 acres, and

WHEREAS, the members of Deer Park Town Board believe that this action is equivalent to a government confiscation of private property without due compensation, which is unconstitutional according to the Eminent Domain Clause in the 5th Amendment of the United States Bill of Rights, and

WHEREAS, there are already ample wetlands and buffers to protect the natural beauty of the area, and

WHEREAS, there are no practical means for affected property owners to appeal the DEC map amendments.

WHEREAS, certain parcels in the Town of Deer Park will have to be reassessed and will lose value, forcing an additional tax burden on other properties to cover the shortfall, and

WHEREAS, being in a distressed economy and real estate market, our government should be encouraging private business development to create jobs and generate more revenue for our town and county, and

NOW THEREFORE BE IT RESOLVED, that the Deer Park Town Board opposes the proposed updates to the NYS Department of Environmental Conservation's Wetlands Map which substantially increases of the amount of Wetlands and Buffer Zone by 20,000 acres in Orange County. The proposed DEC actions will ultimately restrict landowners rights, diminish property value, and cause a further burden to the taxpayers in these hard economic times; and

BE IT FURTHER RESOLVED, that the Deer Park Town Board urges passage of this resolution by additional municipalities to show a strong voice of opposition to the DEC's Wetland Expansion proposal based on the factors stated above; and.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Governor Andrew M. Cuomo, State Senator John J. Bonacic, State Senator William J. Larkin, State Senator David Carlucci, Assemblywoman Nancy Calhoun, Assemblywoman Annie Rabbitt, Assemblywoman Aileen Gunther and Commissioner Joe Martens of the NYS Department of Environmental Conservation.

Drafted/Sponsored by: **David M. Dean, Councilman**
Karl A. Brabenec, Town Supervisor