



# TOWN OF DEERPARK

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

## RESOLUTION #12 OF 2012

### Memorialisation of Opposition to NYS DEC Wetlands Expansion Proposal

**WHEREAS**, the state Department of Environmental Conservation is proposing an updated wetlands map that would designate about 18,000 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 Deerpark 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 5<sup>th</sup> 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 Deerpark 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 Deerpark Town Board memorializes Resolution 35 of 2011 and continues to oppose 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

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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 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.

**DATED: May 7, 2012**

**Motion by: David Dean 2<sup>nd</sup> by Gary Spears**

**Roll Call: 5 Ayes:**

**Councilman: Gary Spears  
Councilman: David Dean  
Supervisor: Karl Brabenec**

**Councilman: David Hoovler  
Councilman: Art Trovei**

**MOTION CARRIED**

**IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the**

**Town of Deerpark this 7th day of May 2012.**

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**Florence T. Santini, Town Clerk**

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**Town Seal**