

## MINUTES OF FARMLAND COMMITTEE

### Suffolk County Planning Department

- Date: October 24, 2000
- Present: Bennett Orłowski, Jr. (At-Large), Acting Chairman  
Charlie Scheer (At-Large)  
Elmer Zeh (Brookhaven)  
Albert Schmitt (At-Large)  
Joseph Krukowski (Southold)  
Nate Corwin (At-Large)  
Jacob Rottkamp (Riverhead)  
Roy Fedelem, S.C. Dept. of Planning  
Olney M. Gardiner (East Hampton)  
Mark Zaweski (At-Large)  
Dan Fricke (Riverhead)  
Jenny Kohn, Esq., Counsel
- Guests: Richard Bartel (Representing Theresa Dilworth)  
Hoot Sherman  
Peter Danowski (Representing John Sipala)  
John Sipala  
David McLarin  
Michael McKay  
Donald McKay  
Claire Santangelo  
Fred Lee (Sang Lee Farms)  
Melissa Spiro (Southold Town Land Preservation Coordinator)  
Richard Ryan (Southold Land Preservation Committee)  
Joe Annunziata  
Jim Burke, S.C. Div. of Real Estate
- Absent: Brian Zitani (Babylon)  
Anthony Brand, Jr., (Huntington)  
Lee Foster (Southampton)  
William Rutkoske (Islip)  
Russell Barnett (Smithtown)  
Albert Kilb, Jr. (Shelter Island)  
Stephen M. Jones, Chairman

The meeting of the Farmland Committee was called to order by the Acting Chairman, Bennett Orłowski, at 6:45 at Riverhead Town Hall, Riverhead, NY.

## **Approval of Minutes**

**A motion was put forth by Charles Scheer and seconded by Nate Corwin to approve the minutes of the July 25, 2000 meeting of the Farmland Committee. Motion carried.**

## **Sang Lee Farms**

Mr. Lee is requesting permission to replace 4 overwintering greenhouses with gutter connected greenhouse and to build a 30' x 80' barn. **A motion was made by Elmer Zeh to permit the building of the greenhouses with half the NRCS recommended drainage. Motion was seconded by Jacob Rottkamp. Motion carried.**

## **PDR on Delalio Property in the Town of Brookhaven**

The parcel is located on the corner of Eastport Manor Rd. and Sunrise Highway and rated a 17 by Committee standards. It consists of 57.9 acres. **A motion for approval was made by Elmer Zeh and seconded by Nate Corwin. Motion carried.**

## **Theresa Dilworth-Subdivision of PDR Parcel**

Richard Bartel was present representing Theresa Dilworth requesting approval to subdivide and sell 25 acres of a 40 acre PDR parcel, keeping the remaining 15 acres to grow grapes. **Elmer Zeh made a motion to approve and it was seconded by Olney Gardiner. Motion carried.**

## **Lustgarten Property**

Joe Annunziata is interested in purchasing 207 acres in Yaphank to be sold in an auction. His intention is to create an indoor horse facility for the stalls, raising, boarding and training of quarter horses. He also would like to put up an indoor facility (150'-200' by 300' wide) for events and training that would be open to the public with no admission charged. There will be, however, a charge to the competitors. He would like to have horse shows every two (2) weeks from June to October. The Committee felt that the horse shows would be a problem.

The second person interested in purchasing the 207 acres would like to erect gutter connected greenhouse. It would be necessary for him to come before the Committee to erect the greenhouses.

## **Criteria for Farmstand Permits and Application**

All land owners will be given an application for a farmstand permit to be filled out if they choose to have a farmstand (copies distributed to the Committee). There will be no charge for this application and it will be reviewed by the Committee. A discussion followed regarding the term of renewal of the application. Elmer Zeh questioned what the 20% allowance of merchandise not grown on the property covers and whether it is based on the total for the year or at any given time.

One town interprets it as 20% of what is at a farmstand at any given time. Dan Fricke felt it should be 20% of the merchandise sold in a year. The question was discussed as to the term of the permit. **Nate Corwin made a motion for the term of the permit to be three (3) years, subject to all local rules. It was seconded by Olney Gardiner. Motion carried.**

### **Rules & Procedures Under the 70/30 Greenways Fund**

Jim Burke regarding the 70/30 Greenways Program is progressing. There was an initial discussion regarding the coordination between the Farmland Committee and the Towns. The intention is to keep it as streamlined and simple as possible keeping the jurisdiction with the Towns. The Committee should not come into conflict with the Town's Charter provisions. However, the Farmland Committee cannot abrogate its responsibilities.

Melissa Spiro spoke to the Committee. Southold is interested in purchasing parcels that are not on the Greenways list in conjunction with other parcels. She is requesting that parcels be added to the Greenways list. Bennett Orłowski suggested that a Resolution be sent to the Legislature to open up the 70/30 Greenways list to anyone who would like to participate. **A motion was made by Elmer Zeh. It was seconded by Nate Corwin. Motion carried.** Bennett Orłowski reminded the Committee that at a previous meeting there had been a discussion of the creation of sub-committees to review parcels. Also, if there are several parcels, the Committee could have special meetings to move acquisitions along faster.

### **Signs Denoting Farms in the County PDR Program**

The issue of PDR Program signs was discussed at a previous meeting. George Priois feels there should be signs denoting that you are entering PDR areas, but there should not be signs on individual farms.

### **Real Estate Transaction Update**

Jim Burke, Division of Real Estate, gave an update. He informed the Committee that there is \$2.5 million in contract, \$1.8 million in accepted offers and \$11 million in negotiations. In the original law a bid process was used, not an appraisal process. Before an appraisal the land owner is asked for a bid then the County will try to match that bid. A question was asked as to whether or not there is a bargaining point. The County has an appraisal number they consider fair that is offered to the landowner. If the landowner feels it is a fair price, they will make a deal.

### **Other Business**

A change was made in the wording of the Talmage Resolution. The Committee at its July 25, 2000 meeting was asked to ratify the division of property into an 80 and 50 acre parcel. It was re-worded into a two step process. The first step was to approve the initial subdivision which the Town of Riverhead had approved without benefit of the County Legislature and the second was to give permission to subdivide into the 80 acre and 50 acre piece. **A motion was made by Charles Scheer and seconded by Olney Gardiner. Motion carried.**

William Rutkowski (Islip) has handed in a letter of resignation. There will be a replacement with someone from Islip.

Pete Danowski, the lawyer for John Sipala, spoke regarding Suffolk County's lawsuit alleging that Mr. Sipala and Mr. McLarin are not adhering to requirements of Chapter 8 of the County Law. Mr. Sipala and Mr. McLarin were told they need a use variance before they can move the farmstand from development rights property to the adjoining non-development rights property. There are two issues: does a farmer in an agricultural zone have the right to have a farmstand and if a farmstand is put up on an ag rights parcel, does he have the right to display material. A prepared statement was handed out by Dave McLarin regarding what dates they are open as a retail operations and what they raise.

Mr. Danowski feels the issue is not the farmstand but the display area (what is sold and the percentage). He feels that a use variance is not warranted. He also feels that the law should be more defined. He also questions whether or not this is being uniformly enforced.

Mr. Sipala spoke. He wants to know what constitutes a display. He feels that his display is being interpreted as a retail operation as a "garden center". Mr. Danowski feels that if the solution is a use variance through County Planning he would like the support of the Farmland Committee. No action was taken by the Committee.

**A motion to accept the meeting schedule for 2001 was made by Elmer Zeh and seconded by Jake Corwin. Motion carried.**

**Next Meeting: Tuesday, January 23, 2001 in the H. Lee Dennison Bldg., 4th Fl., Hauppauge at 3:00 P.M.**

**Elmer Zeh made a motion to adjourn at 8:35 P.M. It was seconded by Nate Corwin. Motion carried.**