

MINUTES OF THE SUFFOLK COUNTY FARMLAND COMMITTEE
Suffolk County Planning Department

Date: April 22, 2008

Members Bennett Orłowski, Jr., Chairman (At-Large)

Present: Ronald Bush (At-Large)
Nate Corwin (At-Large)
Lee Foster (Southampton)
Dan Fricke (At-Large)
Thomas A. Isles, Suffolk County Planning Department Director (At-Large)
Alfred J. Kilb, Jr. (Shelter Island)
Jeffrey Rottkamp (Riverhead)
Charlie Scheer (At-Large)
Albert Schmitt (At-Large)
John Turner (Brookhaven)
Mark Zaweski (At-Large) (came late; after approval of minutes, before next vote)

Advisors Allan S. Connell, USDA Natural Resources Conservation Service

Present: Joseph M. Gergela, III, LI Farm Bureau

County Staff Jessica L. Kalmbacher, Suffolk County Planning Department

George Proios, Suffolk County Soil and Water Conservation District

Present: Linda Spahr, SCFC Counsel, Suffolk County Law Department
Robert J. Zaher, Suffolk County Real Property Acquisition and Management Division

Guests Mary Jane Asato, Counsel, WM Investments, Inc.

Present: Alexander Balsam, EECO Farm
Peter Dankowski
David Fink, Castle Court, LLC
Michelle Fink, Castle Court, LLC
Tom Stevenson, Oysterponds Farm
Peter Garnham, EECO Farm
Guy Germano, Counsel, Kurt Weiss Greenhouses, Inc.
William Hoffman, Kurt Weiss Greenhouses, Inc.
Charles McKenna, Abbess Farm
David McLarin, Jamesport Gardens
Melissa Spiro, Southold Town
Marie Tooker, Abbess Farm
Russell Weiss, Kurt Weiss Greenhouses, Inc.

Members Russell Barnett (Smithtown)

Absent: Olney M. Gardiner (East Hampton)
Joseph Krukowski (Southold)
Dale D. Moyer (At-Large)
Eugene Murphy (Islip)

Advisors William Sanok, Cornell Cooperative Ext. (retired)

Absent:

ORDER OF BUSINESS

CALL TO ORDER

Chairman Orłowski called the meeting of the Suffolk County Farmland Committee to order at 6:00 p.m. at the Long Island Horticultural Research & Extension Center.

APPROVAL OF MINUTES

A motion was put forth by Charles Scheer and _____ seconded to approve the minutes of the January 22, 2008 meeting. Motion carried. 10-0-0.

CORRESPONDENCES

Dankowski (0300 19700 0400 012000 et al)

Tom Isles discussed a letter sent to the Suffolk County Farmland Committee (committee) by Alex Balsam, landowner's counsel, on behalf of Peter Dankowski, landowner, regarding a property in the Suffolk County Purchase of Development Rights (SCPDR) program. In the letter, Mr. Balsam inquired about the possibility of conducting a lot line modification whereby land encumbered by the county's interest in the development rights would be swapped with unencumbered land. The letter has been forwarded to the Suffolk County Law Department for legal review by counsel.

Alexander Balsam (EECO Farms) introduced himself. Although he came to the meeting regarding another matter, he was available for questions regarding the Dankowski property.

POLICY MATTERS

Member Appointment

John Turner was appointed to the committee as a representative from Brookhaven Town.

Farmland Working Group Update

Mr. Isles gave the committee an update of the Farmland Working Group's progress. An interdepartmental group had been formed to review Chapter 8 of the Suffolk County Administrative Local Laws. Mr. Isles, Linda Spahr, and Jessica Kalmbacher are members of the group. Chairman Orłowski expressed that enforcement is a big issue and should be addressed in the proposed amendments to Chapter 8. Ms. Spahr, Suffolk County Assistant Attorney, told the committee that the range of enforcement needs to be discussed and that it might be good to have a code in place with graduated penalties and fines.

PERMITS/COMPLAINTS/VIOLATIONS/STATUS

Wade, Colonial Springs Farm & Nursery (0100 01300 0200 039001 et al)

Mr. Isles informed the committee that after the last committee meeting Suffolk County Planning Department staff spoke with Gustave Wade. Mr. Wade would prefer not to proceed with having his property considered for inclusion in the SCPDR program. Thus, the property has been withdrawn from consideration. Furthermore, a subdivision of the subject property has been filed with the Suffolk County Health Services Department.

Quintal, Brightwaters Farms & Nursery (0500 22300 0100 021001)

During a site inspection on a nearby property, staff from the Real Property Acquisition and Management Division noticed potential violations on the property. These range from heavy-truck storage to large-scale composting. Whether or not violations have occurred is yet to be determined. In addition, Islip Town is pursuing legal action against the owner.

WM Investments, LLC (former Heilbut property) (0900 06700 0100 006003)

- Ms. Kalmbacher, Suffolk County Planner, conducted a site inspection (4/18/08) during which she took pictures that showed the dirt road, on the parcel to which the county has purchased the development rights (PDR), is still being used by construction vehicles to gain access to the adjacent residential lot. In addition, Ms. Kalmbacher spoke with neighbors, Edson and Grania Brolin. A letter from them describing the continued use of the dirt road was included in the handout. It was noted that the barn had been relocated as was discussed previously.
- Mary Jane Asato, counsel for WM Investments, LLC, stated that the dirt road continued to be used because of the health/safety/welfare issues associated with using Scuttle Hole Rd. Ms. Asato said that it was a temporary situation and that she would like the committee to grant her client and others permission to access the residential parcel by means of the dirt road on the PDR. Mr. Isles told everyone that the committee does not have the authority to grant Ms. Asato's client such permission.
- Chairman Orłowski acknowledged that all the committee members agreed that this violation should not continue.
- Ms. Spahr told the committee that thousands of dollars had been paid by the county to purchase the development rights to this property and that it is the committee's right and obligation to protect the spirit of the law and the integrity of the program, and they are not willing to allow the access to continue for nonagricultural uses.
- Ms. Asato said that Southampton Town would be notified of the committee's decision.

Fink/Simone, Castle Court, LLC (fka Corey Pond) (0600 13400 0100 008003)

After an inspection by county staff, to determine whether or not farming had been recommended on the subject property, Mr. Isles told the committee that all conditions declared at the January 22, 2008 committee meeting had been met. The property has been recommended to the Suffolk County Legislature for consideration for inclusion in the SCPDR program. In addition, the parcel had been recommended for inclusion in the Agricultural District during the 2008 Open Enrollment Period. David Fink said that a large variety of crops will be farmed on the land and the crops are to be used to subsidize the material sold at the farm stand on a nearby parcel. Presently, the goods sold at the farm stand have been from other local farming operations.

Loughlin, Loughlin Vineyards (0500 35700 0300 033000)

As per the approval condition mandated at the January 22, 2008 meeting, William Garbarino, counsel for Bernard Loughlin, contacted Allan Connell of the USDA Natural Resources Conservation Service. The proposed site plan will be sent to and reviewed by Mr. Connell.

Weiss, Kurt Weiss Greenhouses, Inc. (0200 67800 0200 002007, 002008, 002010)

- The final greenhouse plan, approved by Mr. Connell, although differing slightly from the initial plan, was presented to the committee. This plan delineates proposed summer fields. It will be several years before all of the structures are completed. Mr. Connell met with William Hoffman, the engineer for Kurt Weiss Greenhouses, Inc., and determined that all Natural Resource Conservation Service and committee recommendations were incorporated into the presented site plan. Swales were used instead of piping. There will be no unnecessary excavation.
- John Turner, representative of Brookhaven Town and new to the committee, asked for and received background information.
- Ms. Spahr asked Guy Germano, Counsel for Kurt Weiss Greenhouses, Inc., if his client would be willing to sign an agreement stating that he acknowledges that the committee has authority over this matter and other similar matters. Mr. Germano stated Russell Weiss would be willing to sign such an agreement.

A motion for a SEQRA determination Type II Action was made by Nate Corwin and seconded by Al Kilb. Motion carried. 12-0-0. A motion for approval was made by Charles Sheer and seconded by Nate Corwin. Motion carried. 11-1-0 (John Turner voted against the motion). ["Exhibit A"]

Tooker, Abbess Farm, Ltd. (0600 11700 0200 012008) – Horse Training Track

- Charles McKenna submitted a proposed grading plan for lands on which a proposed 15-acre horse training track would be located. The plan called for the leveling of the property. DeChiaro Contracting Corp. has removed twenty (20) 20-yard trucks worth of material from the site. Ninety-five percent (95%) of that material will be returned to the site as fine sand. Mr. McKenna read parts of the purchase agreement regarding incidental sand mining. Marie Tooker claimed that the property had been graded/is being graded in order to send runoff into the woods.
- Mr. Isles asked what the limit of soil disturbance was, as defined by that agreement, and was told by Mr. McKenna that the document limit was two (2) acres. Mr. McKenna added that there has not been any recent activity on the property.
- Charles Scheer questioned whether Riverhead Town was in litigation regarding this property. Mr. McKenna said that Ms. Tooker came to the committee for permission regarding this matter and that he believed that the summons issued by Riverhead Town would be lifted upon approval by the committee.
- Chairman Orłowski said that the submitted proposed grading plan will be reviewed and then discussed at the next committee meeting.

Tooker, Abbess Farm, Ltd. (0600 11700 0200 012008) – Special Event: USA Music Festival

Chairman Orłowski spoke saying that all events on PDR require approval by the committee and that this approval must be granted prior to event commencement. Ms. Tooker told the committee that the proposed USA Music Festival event to be held on July 26, and 27, 2008 will not encroach on PDR. Therefore, no event application was submitted to the committee.

ECCO Farm (0300 18500 0100 020001) – Structure Permit: hoop house

Mr. Balsam, who farms the western portion of ECCO Farm and is an EECO Farm Board member, requests permission, on behalf of the board, to build a hoop house. The proposed structure will be located at the southerly corner of the property adjacent to the existing tractor storage structure (30' x 60'). This proposed structure will be used to extend the growing season and to store farm equipment during the off season. The size of the structure may be either 30' x 45' or 30' x 60', which is the size of the neighboring structure.

A motion for a SEQRA determination Type II Action was made by Chairman Orłowski and seconded by Al Kilb. Motion carried. 12-0-0. A motion for approval was made by Charles Scheer and seconded by Lee Foster. Motion carried. 12-0-0. [“Exhibit B”]

ECCO Farm (0300 18500 0100 020001) – Structure Permit: farm stand

The ECCO Farm Board requests permission to erect a 10' x 20' shed that can be locked up at night to protect the produce in lieu of the current farm stand structure. It was stated that at least eighty percent (80%) of the goods sold at the farm stand structure must be from the subject parcel. Mr. Balsam said the ECCO Farm Board had already mandated a similar restriction for the structure.

A motion for a SEQRA determination Type II Action was made by Chairman Orłowski and seconded by Al Kilb. Motion carried. 12-0-0. A motion for approval was made by Charles Scheer and seconded by Lee Foster. Motion carried. 12-0-0. [“Exhibit C”]

ECCO Farm (0300 18500 0100 020001) – Special Event: Blue Moon Ball

- Mr. Balsam told the committee that the event would be similar to last year's, that it would be held at the southwestern section of the parcel, and that it would include tours around the property.
- Peter Garnham, also from EECO Farm, said the event is a fundraiser run by a nonprofit organization (EECO Farm) that will use the money raised to operate the farm.
- Joe Gergela told the committee that the Long Island Farm Bureau does not support nonagricultural events. Agri-education events are appropriate. No event should be permitted that would disturb the principal use of the property. Permitting an event such as that proposed would establish a precedent.
- Mark Zaweski felt that there were several problems with the proposed event such as the live entertainment, buffet dinner, and hours of operation (6:00 – 10:00 p.m.).
- Chairman Orłowski felt that if the event could be run similar to last year's there would not be a problem. The ECCO Farm Board should adjust their agenda so that the event is similar to the event held last year. Mr. Balsam said the event could be modified to include seminars, tours, and perhaps have Michael Pollen as a keynote speaker to discuss the importance of local fresh foods.
- Mr. Zaweski said that committee should determine the criteria and limits associated with special events on PDR.

A motion for a SEQRA determination Type II Action was made by Chairman Orłowski and seconded by Charles Scheer. Motion carried. 12-0-0. A motion for approval was made by John Turner and seconded by Al Kilb with the understanding that there will only be one (1) event per year (August 9 with rain date), ¼ acre for tent, recognition that it is “not for profit” with proceeds returned to the farm, will include an educational and awareness component and parking will be off site. Motion carried. 12-0-0. [“Exhibit D”]

Laurel Lake Vineyard (1000 12500 0100 002032) – Structure Permit: deck

The property survey indicates that the existing deck is one and one half feet (1.5') east of the PDR boundary. A site inspection by Suffolk County Planning staff revealed that the PDR parcel is being used in connection with the wine tasting activities being conducted on the adjacent parcel as evidenced by the picnic table situated on the PDR. Mr. Scheer told the committee that the vineyard is used for weddings and other events. Mr. Isles stated that a wedding is not agricultural production. Lee Foster reminded the committee that, at the time of recommendation for inclusion in the program, the committee asked the landowner if he wanted to retain the development rights to a larger portion of the property. The landowner declined.

A motion to deny permission was made by Lee Foster and seconded by Nate Corwin. Motion carried. 12-0-0. [“Exhibit E”]

Apostle/Stevenson (1000 01800 0600 005000) - Structure Permit: deer fence

The applicant seeks permission to construct three (3) deer fence structures. Fencing exists along the eastern boundary of the property and along a segment of the northern boundary. A deer fence structure is proposed across the remainder of the northern boundary and along the western boundary.

A motion for a SEQRA determination Type II Action was made by Chairman Orłowski and seconded by Mark Zaweski. Motion carried. 12-0-0. A motion for approval was made by Mark Zaweski and seconded by John Turner. Motion carried. 12-0-0. [“Exhibit F”]

NEW PARCELS [“Exhibit G”]

Schlauch (0200 40200 0100 015001, 0200 40200 0100 015002)

Located in Middle Island in Brookhaven Town and scored 4.5 by the committee.

A motion for disapproval of the two (2) parcels, with the comment added that the parcel should be considered for an open space acquisition, was made by Mark Zaweski and seconded by Ron Bush. Motion carried. 12-0-0.

Gregor (0200 58900 0300 008002)

Located in Manorville in Brookhaven Town and scored 6.5 by the committee. John Turner felt that the parcel is important to the agricultural preservation efforts going on in Brookhaven Town. **A motion for approval was made by Ron Bush and seconded by John Turner. Motion carried. 12-0-0.**

Haarmann (0600 04500 0100 013003)

The subject parcel might have been protected during a preceding subdivision. Suffolk County Planning staff will look into the matter.

The parcel is *tabled* pending further research.

VW Enterprises, LLC (0900 05000 0100 005000)

Located in Water Mill in Southampton Town and scored 11 by the committee.

A motion for approval was made by Charles Scheer and seconded by Nate Corwin. Motion carried. 12-0-0.

82 Sagaponack Main LP (Hopping Farm) (0908 00100 0400 011000)

Located in the Village of Sagaponack. The committee rating was amended to 9.5 because it is located in an area where there is limited agricultural land available given the significant development pressures.

A motion for approval was made by Lee Foster and seconded by Ron Bush. Motion carried. 12-0-0.

Wickham (1000 10200 0600 020002, 1000 10300 1100 022000)

Located in Cutchogue in Southold Town and scored 13.3 by the committee. The landowner is looking to include only a segment of the main parcel in the program, not the entire 20-acre lot.

A motion for approval, subject to total acreage verification, was made by Al Kilb and seconded by Jeffrey Rottkamp. Motion carried. 12-0-0.

PUBLIC COMMENTS

Development Rights Sale

Peter Dankowski and Suffolk County will be closing on the sale/purchase of the development rights to his property soon. Mr. Dankowski also felt that other farmers will not sell development rights if the greenhouse guidelines are too strict. Greenhouses are an important issue.

OTHER BUSINESS

Farming of PDR Parcels

Mr. Gergela told the committee that they should discuss options on how to limit the land being bought by non-farmers to be used as estate lawns and that they should talk with Peconic Land Trust. Mr. Isles told the committee that the Suffolk County Planning staff has already discussed these issues with Peconic Land Trust and is researching other options in conjunction with the proposed amendments to Chapter 8.

Soil on PDR Parcels

There was further discussion on the committee’s responsibility to protect the soil (sand mining, etc.) and on the options available.

Greenhouse Guidelines

Mr. Scheer questioned whether there was or was not a vote taken at the January 22, 2008 meeting to approve the greenhouse guidelines. Chairman Orłowski reminded the committee that a motion to approve the greenhouse guidelines, as amended during that meeting, had passed. Thus, the greenhouse guidelines had been adopted. Mr. Gergela said he was not aware that a vote had been taken.

Lease-backs

George Proios stated that leasing options should be considered by the Farmland Working Group as a means to ensure that PDR is farmed.

Proposed USA Music Festival

Mr. Scheer felt that parking for the proposed USA Music Festival on Abbess Farm should be monitored during the event to ensure it does not encroach on PDR.

Potential Violation on Finn Farm

Al Schmitt told the committee that there has been digging on the old Finn Farm.

ADJOURNMENT

A motion to adjourn was made by Al Kilb and seconded by Jeffrey Rottkamp. Motion carried. 12-0-0.

NEXT MEETING

July 22, 2008 at 6:00 P.M. at the Long Island Horticultural Research & Extension Center, 3059 Sound Ave., Riverhead, NY.

EXHIBIT A

RESOLUTION NO. FC-03-2008, AUTHORIZING MODIFICATION TO THE PROPERTY OF WHICH SUFFOLK COUNTY OWNS THE DEVELOPMENT RIGHTS – KURT WEISS GREENHOUSES, INC. - (SCTM NO. 0200 67800 0200 002007, 002008, 002010) – TOWN OF BROOKHAVEN – PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws, a proposed modification was received by the Suffolk County Farmland Committee with respect to the farm of Kurt Weiss Greenhouses, Inc. for the approval of the site plan titled “Grading Plan” and dated April 21, 2008 and for the issuance of a permit for construction of the structures depicted the aforementioned site plan; and

WHEREAS, said application was considered by the Suffolk County Farmland Committee at its meeting on April 22, 2008; now, therefore, be it

RESOLVED, that the Suffolk County Farmland Committee hereby approves said application.

Motion by: Charles Scheer Seconded by: Nate Corwin

Committee Vote:	Present – 12	Ayes	11
		Nays	1 (Turner)
		Abstentions	0

Absent: Russell Barnett
 Olney M. Gardiner
 Joseph Krukowski
 Dale D. Moyer
 Eugene Murphy

Dated: April 22, 2008
L.I. Horticultural Research and Extension Center, 3059 Sound Avenue, Riverhead, N.Y. 11901
Suffolk County Farmland Committee

EXHIBIT G

PARCELS OFFERED FOR THE SUFFOLK COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

Approved at the 4/22/08 Suffolk County Farmland Committee Meeting

Farm No.	Score	Farm	Town	Hamlet/ Village	DSBL	Ag. Dist.	Soil Class	Total Acres	Ag. Use
2008-12	6.5	Gregor, Louanne	Brookhaven	Manorville	0200 58900 0300 0080002	No	RdA, RdB	10.4	Nursery Stock
2008-14	11.0	VW Enterprises, LLC	Southampton	Water Mill	0900 05000 0100 0050000	No	HaB, BgA, HaA	23.8	Row crops
2008-15	9.5	82 Sagaponack Main LP (Hopping Farm)	Southampton	Sagaponack	0908 00100 0400 0110000	No	BgA, BgB, Ra	7.6	Vegetables
2008-16	13.25 p/o	Wickhams Fruit Farm (Wickhams Fruit Farm)	Southold	Cutchogue	1000 10200 0600 0200002 p/o	1	HaA, RdB, RdC, HaB	3.0	Vegetables
2008-16	13.25 p/o	Wickham, Jonathan (Wickhams Fruit Farm)	Southold	Cutchogue	1000 10300 1100 0220000	1	RdB, RdA, RdC	6.0	Vegetables

Rejected at the 4/22/08 Suffolk County Farmland Committee Meeting

Farm No.	Score	Farm	Town	Hamlet/ Village	DSBL	Ag. Dist.	Soil Class	Total Acres	Ag. Use
2008-11	4.5 p/o	Jack Schlauch Irrevocable Trust	Brookhaven	Middle Island	0200 40200 0100 0150001	No	RdA, HaA, RdB	10.3	Unknown
2008-11	4.5 p/o	Schlauch, Dorothy E.	Brookhaven	Middle Island	0200 40200 0100 0150002	No	PmB3, RdB, RdA, PtB	5.1	None

Tabled at the 4/22/08 Suffolk County Farmland Committee Meeting

Farm No.	Score	Farm	Town	Hamlet/ Village	DSBL	Ag. Dist.	Soil Class	Total Acres	Ag. Use
2008-13	8.5	Haarmann, Peter	Riverhead	Northville	0600 04500 0100 0130003	7	HaB, RdC	5.5	Unknown