

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
DIVISION OF PLANNING AND ENVIRONMENT

SUFFOLK COUNTY FARMLAND COMMITTEE

THERESA WARD
COMMISSIONER

SARAH LANSDALE
CHAIRPERSON, SCFC

MINUTES OF THE SUFFOLK COUNTY FARMLAND COMMITTEE

(Adopted by SCFC Res. No. FC-08-2017)

DATE: January 26, 2017

MEMBERS PRESENT:

Alexander Balsam (East Hampton)
Russell K. Barnett (Smithtown)
Vincent Biondo (Babylon)
Nate Corwin (At-Large)
Lee Foster (Southampton)
Howard Johnson (Huntington)
Alfred J. Kilb, Jr. (Shelter Island)
Sarah Lansdale (SC Director of Planning/Chair)
Dale D. Moyer (At-Large)
Stephen Mudd (Southold)
Eugene Murphy (Islip)
Jeffrey Rottkamp, Sr. (Riverhead)
August Ruckdeschel (Ex-Officio, SC Dept. of EDP)
Herb Strobel (At-Large)

MEMBERS ABSENT:

Bob Nolan (Brookhaven)
Ronald Bush (At-Large)
Charles F. Scheer, Jr. (At-Large)
Albert Schmitt (At-Large)
Mark Zaweski (At-Large)

ADVISORS PRESENT:

Rob Carpenter, Long Island Farm Bureau

Corey Humphrey, SC Soil and Water Conservation District
William Sanok, Cornell Cooperative Extension (Retired)

COUNTY STAFF PRESENT:

Andrew Amakawa, Research Technician, SC Division of Planning and Environment
(Committee Staff)
Colleen Badolato, Secretarial Assistant, SC Division of Planning and Environment
(Committee Staff)
Robert Braun, Deputy Bureau Chief, SC Dept. of Law (Committee Counsel)
Dennis Brown, County Attorney, SC Dept. of Law
Lauretta R. Fischer, Chief Environmental Analyst, SC Division of Planning and
Environment (Committee Staff)

GUESTS:

<u>NAME</u>	<u>ORGANIZATION</u>
Richard Amper	Long Island Pine Barrens Society
Jessica Anson	Long Island Farm Bureau
Matthew Kapell	Suffolk County
Al Krupski	Suffolk County Legislator, 1 st District
Katie Muether	Long Island Pine Barrens Society
Stephen Searl	North Shore Land Alliance
Catherine Stark	Aide to Legislator Al Krupski
Marty Wieseahn	Windy Hill Stable

I. ORDER OF BUSINESS

Call to Order

Sarah Lansdale called the meeting of the Suffolk County Farmland Committee (“Committee”) to order at 11:04 am at the H. Lee Dennison Building, 2nd Floor Conference Room, 100 Veterans Memorial Highway, Hauppauge, New York 11788.

Approval of Minutes – November 17, 2016

A motion was put forth by Howard Johnson, and seconded by Nate Corwin, to approve the minutes of the November 17, 2016 meeting of the Committee, as outlined in Committee Resolution FC-01-2017. Motion carried: 11-0-0 [See Exhibit “A” for Committee Resolution FC-01-2017]

2017 Suffolk County Farmland Committee Meeting Schedule

A motion was put forth by Howard Johnson, and seconded by Dale Moyer, to approve the 2017 Committee Meeting Schedule, as outlined in Committee Resolution FC-2-2017. Motion carried: 11-0-0 [See Exhibit “B” for Committee Resolution FC-2-2017]

Member Lee Foster arrived at 11:08 am after the Meeting Schedule vote.

Correspondence –

There were none.

II. PUBLIC COMMENTS

There were none.

III. TABLED PERMIT APPLICATIONS

A. BRANDYWINE TRUST COMPANY, TRUSTEE FOR THE FONSECA 2010 FAMILY TRUST AND THE FONSECA QTIP TRUST

(f/k/a TRUSTEE FOR THE RICHARD CORNUELLE 2010 MARITAL TRUST)

149 Long Lane, East Hampton North, Town of East Hampton

Tax Map #: 0300-157.00-03.00-011.004 (28.7 ± acres)

The applicant seeks a Special Use Permit for the installation and maintenance of a drainage structure, in association with a commercial agricultural operation. The land has been excavated and soil has been removed from the premises prior to submission of this application. (Application No. 2012025)

Bob Braun stated that the County is still in the middle of discovery and there still is ongoing discussion between the Town of East Hampton and the owner about the depth of soil to be restored to the property.

A motion was put forth by Howard Johnson, and seconded by Lee Foster to table Application No. 2012025. Motion Carried: 12-0-0

IV. PROPOSED FARMLAND PDR ACQUISITION PARCELS

A. BAITING HOLLOW MEADOW, LLC

2477 Sound Avenue, Calverton, Town of Riverhead

Tax Map #: 0600-062.00-04.00-002.000 p/o

(91.5 ± of 98.2 ± acres)

The applicant requests that the above referenced parcel be considered for inclusion in the Suffolk County Farmland Purchase of Development Rights Program. (Application No. (NFP-2017-01)

Lauretta Fischer presented the proposed acquisition.

The location of the applicant's proposed 6.7-acre cut out was reconsidered and relocated to the northeast portion of the property, as recommended by Jeff Rottkamp.

Access to the proposed 6.7-acre cut out would be provided from Sound Avenue by an approximate 28.4 foot wide accessway to run south along the eastern side of the flag strip of SCRPTM number 0600-062.00-04.00-002.000.

Access to the proposed 91.5-acre PDR area would be provided from Sound Avenue by an

approximate 28.4 foot wide accessway to run south along the western side of the flag strip of SCRPTM number 0600-062.00-04.00-002.000.

A motion was put forth by Jeff Rottkamp, and seconded by Nate Corwin, to recommend SCRPTM # 0600-062.00-04.00-002.000 p/o, as amended, consisting of 91.5 acres out of 98.2 acres in size, for consideration by the Suffolk County Legislature for inclusion in the Suffolk County Farmland Purchase of Development Rights Program, as outlined in Committee Resolution FC-3-2017. Motion Carried: 14-0-0 [See Exhibit "C" for Committee Resolution FC-3-2017].

Member Al Kilb arrived at 11:12 am during the discussion and prior to the vote.

Member Russell Barnett arrived at 11:17 am during the discussion and prior to the vote.

V. VIOLATIONS

B. VERNON F. WELLS, JR. ET AL.

Sound Avenue, Northville, Town of Riverhead

Tax Map #: 0600-020.00-03.00-003.000, 007.002, 008.002 and 0600-045.00-02.00-002.003 (116.3 ± acres)

Lauretta Fischer informed the Committee that the County received a copy of a New York State Department of Environmental Conservation (NYS DEC) Notice of Violation letter, dated November 21, 2016, that was issued to the landowners of nine parcels located in Northville, in the Town of Riverhead. The Notice states that inspections by NYS DEC indicate that the landowners are in violation of Article 27 of NYS Environmental Conservation and its implementing Codes, Rules and Regulations.

The County is specifically concerned with four County PDR parcels which are owned by Vernon F. Wells, Jr. and others. NYS DEC documented violations of receiving and stockpiling solid waste materials consisting of construction and demolition debris that had been received for onsite road grading and had already been spread in some areas.

On January 24, 2017, the County conducted a site inspection of the four County PDR parcels and observed materials on them consistent with NYS DEC's observations.

On January 25, 2017, NYS DEC indicated that a case referral had been prepared for their legal office to review and possibly prepare a Consent Order. The County will continue to work with NYS DEC and will keep the Committee informed as further information is received from DEC.

VI. OTHER BUSINESS

A. DISCUSSION

POTATO ACRES, LLC

Church Lane, Town of Riverhead

Tax Map # 0600-021.00-02.00-018.002

Proposed Town Stormwater drainage easement – preliminary conversation

Lauretta Fischer discussed a preliminary request from the Town of Riverhead for the installation of a proposed stormwater system on County PDR land known as "Potato Acres" to address drainage issues. The proposed stormwater system along the western boundary of the property would include a 143-foot long pipe, two 2-foot high berms and

a 2-foot high swale. The two berms and swale would individually be 8 feet wide by 40 feet long. The Town is proposing to enter into a drainage easement with the landowner to install and maintain a drainage system in perpetuity at the Town's expense.

According to Chapter 8, prior to the recent court decision, the County would have requested a permit for these improvements. (Berms are considered structures and would have required an Agricultural Development Permit and drainage systems are utilities which would have required a Special Use Permit.) There is a question as to whether the Farmland Committee can move forward with an application regarding these improvements at this time. A second question is whether this type of easement would be allowed on a County PDR property where the County has obtained the deed of development rights.

Lauretta Fischer scheduled a site inspection for next Tuesday, January 31, 2017, to evaluate the site with Corey Humphrey from the SC Soil and Water Conservation District. Ms. Fischer requested Farmland Committee members to attend, if available. Corey Humphrey provided some preliminary comments regarding the proposed stormwater system.

B. CHAPTER 8 LAWSUIT - UPDATE

County Attorney Dennis Brown provided an update regarding the Chapter 8 lawsuit. He stated that the final judgement has finally been signed and served and that the County's appeal will be proceeding from this final judgement. Introductory Resolution No. 1025-2017 has been laid on table at the Legislature for the proposed adoption of a local law to ensure continuity of farmland preservation and agricultural production on SC PDR farmland.

A motion was put forth by August Ruckdeschel, and seconded by Howard Johnson to move into Executive Session.

A motion was put forth by August Ruckdeschel, and seconded by Howard Johnson to move out of Executive Session.

Dennis Brown answered questions from the Committee members.

VII. ADJOURNMENT

A motion was put forth by Howard Johnson Alex Balsam, and seconded by Al Kilb to adjourn the meeting at 12:49 PM. Motion carried: 13-0-0. [See Exhibit "D" for Committee Resolution FC-04-2017]

Member Alex Balsam left the meeting at 12:38 pm prior to the Adjournment vote.

NEXT SCHEDULED REGULAR MEETING

The next meeting of the Committee is scheduled for 5:30 p.m., Thursday, March 16, 2017, at the Kermit W. Graf Cornell Cooperative Extension Building, 1st Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, New York.

"Exhibit A"

RESOLUTION NO. FC-01-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING THE NOVEMBER 17, 2016 SUFFOLK COUNTY FARMLAND COMMITTEE MEETING

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws, the Suffolk County Farmland Committee ("Committee") convened a regular meeting on November 17, 2016; and

WHEREAS, the minutes of said meeting were considered by the Board at its meeting on January 26, 2017; now, therefore, be it

1st RESOLVED, that the Committee hereby adopts the November 17, 2016 meeting minutes.

Motion by: Howard Johnson Seconded by: Nate Corwin
Committee Vote: Ayes 11
 Nays 0
 Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BALSAM, Alex	Town of East Hampton	✓			
BARNETT, Russell K.	Town of Smithtown				✓
BIONDO, Vincent	Town of Babylon	✓			
BUSH, Ronald	At-Large				✓
CORWIN, Nate	At-Large	✓			
FOSTER, Lee	Town of Southampton				✓
JOHNSON, Howard	Town of Huntington	✓			
KILB, Alfred J., Jr.	Town of Shelter Island				✓
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MUDD, Stephen	Town of Southold	✓			
MURPHY, Eugene	Town of Islip	✓			
NOLAN, Rob	Town of Brookhaven				✓
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
RUCKDESCHEL, August	Ex-Officio, SCEDP	✓			
SCHEER, Charles F., Jr.	At-Large				✓
SCHMITT, Albert	At-Large				✓
STROBEL, Herb	At-Large	✓			
ZAWESKI, Mark	At-Large				✓
Totals		11			8

Date: January 26, 2017

Location: H. Lee Dennison Building, 2nd Floor Conference Room
 100 Veterans Memorial Highway, Hauppauge, NY

"Exhibit B"

RESOLUTION NO. FC-02-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING THE SUFFOLK COUNTY FARMLAND COMMITTEE 2017 SCHEDULE OF MEETINGS

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws, the Suffolk County Farmland Committee ("Committee") convened a regular meeting on January 26, 2017; and

WHEREAS, the Suffolk County Farmland Committee ("Committee") 2017 Schedule of Meetings were considered by the Committee at its meeting on January 26, 2017; now, therefore, be it

1st RESOLVED, that the Committee hereby approves said Schedule of Meetings.

Motion by: Howard Johnson Seconded by: Dale Moyer
 Committee Vote: Ayes 11
 Nays 0
 Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BALSAM, Alex	Town of East Hampton	✓			
BARNETT, Russell K.	Town of Smithtown				✓
BIONDO, Vincent	Town of Babylon	✓			
BUSH, Ronald	At-Large				✓
CORWIN, Nate	At-Large	✓			
FOSTER, Lee	Town of Southampton				✓
JOHNSON, Howard	Town of Huntington	✓			
KILB, Alfred J., Jr.	Town of Shelter Island				✓
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MUDD, Stephen	Town of Southold	✓			
MURPHY, Eugene	Town of Islip	✓			
NOLAN, Rob	Town of Brookhaven				✓
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
RUCKDESCHEL, August	Ex-Officio, SCEDP	✓			
SCHEER, Charles F., Jr.	At-Large				✓
SCHMITT, Albert	At-Large				✓
STROBEL, Herb	At-Large	✓			
ZAWESKI, Mark	At-Large				✓
Totals		11			8

Date: January 26, 2017

Location: H. Lee Dennison Building, 2nd Floor Conference Room
 100 Veterans Memorial Highway, Hauppauge, NY

Suffolk County Farmland Committee

c/o Suffolk County Department of Economic Development and Planning
 Division of Planning and Environment
 100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
 T: (631) 853-5191 F: (631) 853-4044

2017 SCHEDULE OF MEETINGS

<i>Date</i>	<i>Time</i>	<i>Location</i>
Thursday, January 26, 2017	11:00 a.m.	H. Lee Dennison Building - 2 nd Floor Conference Room 100 Veterans Memorial Highway, Hauppauge, NY
Thursday, March 16, 2017	5:30 p.m.	Kermit W. Graf Cornell Cooperative Extension Building- 1 st Floor Conference Room 423 Griffing Ave., Riverhead, NY
Thursday, May 18, 2017	7:00 p.m.	Kermit W. Graf Cornell Cooperative Extension Building- 1 st Floor Conference Room 423 Griffing Ave., Suite 100, Riverhead, NY
Thursday, July 20, 2017	7:00 p.m.	Kermit W. Graf Cornell Cooperative Extension Building- 1 st Floor Conference Room 423 Griffing Ave., Suite 100, Riverhead, NY
Thursday, September 28, 2017	6:30 p.m.	Kermit W. Graf Cornell Cooperative Extension Building- 1 st Floor Conference Room 423 Griffing Ave., Suite 100, Riverhead, NY
Thursday, November 16, 2017	5:30 p.m.	Kermit W. Graf Cornell Cooperative Extension Building- 1 st Floor Conference Room 423 Griffing Ave., Suite 100, Riverhead, NY

Please be advised that the deadline to file an application with the Department is two weeks before the scheduled Committee meeting date. However, it is recommended that all applications be filed with the Department at least four weeks before the scheduled meeting to allow for processing and to provide the applicant with the sufficient time to submit any additional material that may be necessary to review the application.

"Exhibit C"

RESOLUTION NO. FC-03-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, RECOMMENDING THE LANDS FROM WHICH FARMLAND DEVELOPMENT RIGHTS MAY BE ACQUIRED – BAITING HOLLOW MEADOW, LLC (0600-062.00-04.00-002.000 p/o) – TOWN OF RIVERHEAD

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws (“Chapter 8”), an application for inclusion in the Suffolk County Farmland Purchase of Development Rights Program (“Program”) was received by the Suffolk County Farmland Committee (“Committee”); and

WHEREAS, the application includes property owned Baiting Hollow Meadow, LLC; and

WHEREAS, the Baiting Hollow Meadow, LLC property is located on land situated south of Sound Avenue and east of Twomey Avenue in the hamlet of Calverton, Town of Riverhead, identified by Suffolk County Real Property Tax Map (“SCRPTM”) numbers 0600-062.00-04.00-002.000 p/o; and

WHEREAS, Approximately 91.5 acres out of 98.2 acres are being considered for inclusion in the Suffolk County Farmland PDR Program; and

WHEREAS, The location of the applicant’s proposed 6.7-acre cut out was reconsidered and relocated to the northeast portion of the property, as recommended by Jeff Rottkamp; and

WHEREAS, Access to the proposed 6.7-acre cut out would be provided from Sound Avenue by an approximate 28.4 foot wide accessway to run south along the eastern side of the flag strip of SCRPTM number 0600-062.00-04.00-002.000; and

WHEREAS, Access to the proposed 91.5-acre PDR area would be provided from Sound Avenue by an approximate 28.4 foot wide accessway to run south along the western side of the flag strip of SCRPTM number 0600-062.00-04.00-002.000; and

WHEREAS, pursuant to the Suffolk County Farmland Rating System, said property received a score of 12.5 points out of 25 possible points; and

WHEREAS, the Committee reviewed and determined, at its January 26, 2017 meeting, that said application meets Chapter 8 requirements for Program consideration; now, therefore, be it

1st RESOLVED, that the Committee hereby recommends SCRPTM number 0600-062.00-04.00-002.000 p/o consisting of approximately 91.5 acres out of 98.2 acres, as indicated on the attached map, to the Suffolk County Legislature for inclusion in the Suffolk County Farmland Purchase of Development Rights Program.

Motion by:	Jeff Rottkamp	Seconded by:	Nate Corwin
Committee Vote:	Ayes	14	
	Nays	0	
	Abstentions	0	

"Exhibit C," Cont'd.

Committee Member	Appointment	Yes	No	Abstained	Not Present
BALSAM, Alex	Town of East Hampton	✓			
BARNETT, Russell K.	Town of Smithtown	✓			
BIONDO, Vincent	Town of Babylon	✓			
BUSH, Ronald	At-Large				✓
CORWIN, Nate	At-Large	✓			
FOSTER, Lee	Town of Southampton	✓			
JOHNSON, Howard	Town of Huntington	✓			
KILB, Alfred J., Jr.	Town of Shelter Island	✓			
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MUDD, Stephen	Town of Southold	✓			
MURPHY, Eugene	Town of Islip	✓			
NOLAN, Rob	Town of Brookhaven				✓
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
RUCKDESCHEL, August	Ex-Officio, SCEDP	✓			
SCHEER, Charles F., Jr.	At-Large				✓
SCHMITT, Albert	At-Large				✓
STROBEL, Herb	At-Large	✓			
ZAWESKI, Mark	At-Large				✓
Totals		14			5

Date: January 26, 2017

Location: H. Lee Dennison Building, 2nd Floor Conference Room
100 Veterans Memorial Highway, Hauppauge, NY

"Exhibit D"

**RESOLUTION NO. FC-04-2017 OF THE SUFFOLK COUNTY
FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF
THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS,
ADJOURNING THE JANUARY 26, 2017 SUFFOLK COUNTY
FARMLAND COMMITTEE MEETING**

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws, the Suffolk County Farmland Committee ("Committee") convened a regular meeting on January 26, 2017; and

WHEREAS, the Committee heard all items on the meeting agenda; now, therefore, be it

1st RESOLVED, that the Committee hereby adjourns the January 26, 2017 meeting.

Motion by: Howard Johnson Seconded by: Al Kilb
Committee Vote: Ayes 13
 Nays 0
 Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BALSAM, Alex	Town of East Hampton				✓
BARNETT, Russell K.	Town of Smithtown	✓			
BIONDO, Vincent	Town of Babylon	✓			
BUSH, Ronald	At-Large				✓
CORWIN, Nate	At-Large	✓			
FOSTER, Lee	Town of Southampton	✓			
JOHNSON, Howard	Town of Huntington	✓			
KILB, Alfred J., Jr.	Town of Shelter Island	✓			
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MUDD, Stephen	Town of Southold	✓			
MURPHY, Eugene	Town of Islip	✓			
NOLAN, Rob	Town of Brookhaven				✓
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
RUCKDESCHEL, August	Ex-Officio, SCEDP	✓			
SCHEER, Charles F., Jr.	At-Large				✓
SCHMITT, Albert	At-Large				✓
STROBEL, Herb	At-Large	✓			
ZAWESKI, Mark	At-Large				✓
Totals		13			6

Date: January 26, 2017

Location: H. Lee Dennison Building, 2nd Floor Conference Room
 100 Veterans Memorial Highway, Hauppauge, NY