

# 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  
DEPUTY COUNTY EXECUTIVE AND COMMISSIONER

SARAH LANSDALE  
CHAIRPERSON, SCFC

### MINUTES OF THE SUFFOLK COUNTY FARMLAND COMMITTEE (Adopted by SCFC Res. No. FC-01-2018)

DATE: November 16, 2017

#### MEMBERS PRESENT:

Russell K. Barnett (Smithtown)  
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)  
Eugene Murphy (Islip)  
Bob Nolan (Brookhaven)  
Jeffrey Rottkamp, Sr. (Riverhead)  
August Ruckdeschel (Ex-Officio, SC Dept. of EDP)  
Charles F. Scheer, Jr. (At-Large)  
Albert Schmitt (At-Large)  
Herb Strobel (At-Large)  
Mark Zaweski (At-Large)

#### MEMBERS ABSENT:

Alex Balsam (East Hampton)  
Vincent Biondo (Babylon)  
Ronald Bush (At-Large)  
Stephen Mudd (Southold)

#### 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)  
Robert Braun, Deputy Bureau Chief, SC Dept. of Law (Committee Counsel)  
Lauretta R. Fischer, Chief Environmental Analyst, SC Division of Planning and  
Environment (Committee Staff)

GUESTS:

<u>NAME</u>	<u>ORGANIZATION</u>
Al Krupski	Suffolk County Legislator, 1 <sup>st</sup> District
Catherine Stark	Aide to Legislator Al Krupski

I. ORDER OF BUSINESS

*Call to Order*

Sarah Lansdale called the meeting of the Suffolk County Farmland Committee (“Committee”) to order at 5:33 pm at the Kermit W. Graf Cornell Cooperative Extension Building 2<sup>nd</sup> Floor Conference Room 423 Griffing Ave., Riverhead, NY 11901.

*Approval of Minutes – September 28, 2017*

A motion was put forth by Charlie Scheer, and seconded by Al Schmitt, to approve the minutes of the September 28, 2017 meeting of the Committee, as outlined in Committee Resolution FC-37-2017. Motion carried: 11-0-3 [See Exhibit “A” for Committee Resolution FC-37-2017]

*Committee member Jeff Rottkamp arrived after the approval of the minutes.*

*Approval of 2018 Schedule of Meetings*

A motion was put forth by Augie Ruckdeschel, and seconded by Howard Johnson, to approve the Suffolk County Farmland Committee 2018 Schedule of Meetings, as outlined in Committee Resolution FC-38-2017. Motion Carried: 14-1-0 [See Exhibit “B” for Committee Resolution FC-38-2017]

*Correspondence –*

Lauretta Fischer read a letter that was received by the Division of Planning and Environment on November 14, 2017 and signed a “Concerned Water Mill Resident”. The letter expressed concern about alleged nonagricultural activities occurring on a County PDR property in Water Mill.

Lauretta Fischer stated that the Division of Planning and Environment would follow up. Lee Foster commented that she knew the farm and would reach out to him.

## 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

SC 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 there has been some progress and discovery should be completed by February of next year.

## IV. AGRICULTURAL IMPROVEMENT APPLICATIONS

### A. OPL NURSERY LLC

Union Avenue, Aquebogue, Town of Riverhead

Tax Map #: 0600-066.00-04.00-001.004 (26.4 ± acres)

The applicant requests a dry stack cement block wall and recycled concrete aggregate backfill that have been installed on the property to provide a level area for container nursery stock production and to address drainage, in association with a commercial agricultural operation. (Application No. 2017007)

Lauretta Fischer presented the application.

Corey Humphrey made comments about the cement block retaining wall. He stated that there was a severe soil erosion issue on a sloped portion of the property and the landowner put up the retaining wall to keep the area in production for container stock. Corey stated that he felt without the remediation there would be more soil erosion.

Dale Moyer asked if soil had been moved around or removed, and if there were grade changes. Lauretta Fischer stated that according to the applicant, concrete aggregate was specifically brought in and placed behind the retaining wall.

Charlie Scheer commented on the use of recycled concrete aggregate materials on farms in Riverhead and asked whether the materials were free of contaminated materials. Mark Zaweski commented on possible sampling done on the recycled concrete aggregate.

Bob Braun stated that whether the material has been sampled properly is not an issue for

the Committee, and that they are only determining if building a retaining wall and leveling with any material is a standard agricultural practice. He stated that the sampling is a Town issue.

Al Kilb asked if the crushed concrete was placed on top of agricultural soils or if soils had been removed.

Lauretta Fischer stated that she is not aware of anything being removed. She also stated that according to their application, 60 cubic yards of aggregate were used to backfill the wall for drainage and to level the area.

Sarah Lansdale asked the Committee if they would like to table the application and request the landowner appear at the next Committee meeting.

Mark Zaweski suggested contacting Ann Marie Prudenti at the Town of Riverhead to find out what information she has regarding the property and the materials being used on it.

Lauretta Fischer stated she would contact Ann Marie Prudenti for further information. She added that if she was unable to get information regarding the aggregate she would request the information from the landowner, as well as ask him to come to the next Committee meeting to address any questions.

A motion was put forth by Herb Strobel, and seconded by Howard Johnson, to table the agricultural improvement application (Application No. 2017007). Motion Carried: 15-0-0

## V. OTHER BUSINESS

### A. CHAPTER 8 APPEAL UPDATE

Bob Braun stated the organizations that wanted to file an amicus brief were granted permission from the court and that they have been filed. He stated that he believes the briefs will be helpful to the County's case. He added that there is no date for oral arguments yet.

### B. DRAFT UPDATE TO NEW SC FARMLAND RATING FORM FOR THE FARMLAND PURCHASE OF DEVELOPMENT RIGHTS (PDR)

Lauretta Fischer discussed the examples of proposed or acquired farm PDR properties and how they scored on the current Farmland Rating Form as compared to the "Draft Update to New SC Farmland Rating Form for the Farmland Purchase of Development Rights (PDR)" that was presented to the Committee at the September meeting. Lauretta Fischer added that when rating the properties using the updated rating form, the information about AEMs and agricultural assessments were not readily available. Therefore all ratings done with the updated farmland rating form could potentially be up to 17 points higher.

Dale Moyer made comments regarding the draft updated rating. He stated that “Section E – Other Considerations,” makes up almost half the points that can be received compared to other important items such as soils and vistas. He also stated that unless you are in a west end town, you only have the opportunity for 90 points. Dale Moyer also discussed the open space rating form as compared to the updated farmland rating form.

A motion was put forth by Lee Foster, and seconded by Bob Nolan, not to approve the “Draft Update to New SC Farmland Rating Form for the Farmland Purchase of Development Rights (PDR),” as outlined in Committee Resolution FC-39-2017. Motion Carried: 15-0-0 [See Exhibit “C” for Committee Resolution FC-39-2017]

#### C. STATUS OF PENDING APPLICATIONS

Lauretta Fischer stated that the four pending applications for proposed agricultural improvements discussed at September’s Committee meeting are still pending. She discussed the status of the pending applications and the items the Division of Planning and Environment are waiting to receive to complete the applications.

#### D. OTHER

Lauretta Fischer gave updates on the violations that were brought to the Committee’s attention at the September meeting. She also discussed the site inspections that were conducted on the properties.

Lauretta Fischer gave an update on pending farmland PDR acquisitions.

Charlie Scheer stated there have been a number of new owners buying PDR properties and he recommended sending out letters to update the list of owners and to inform property owners of what the requirements are with regard to improvements on the property.

Sarah Lansdale asked if the County should give an update on Chapter 8 at the agricultural forum in January. Rob Carpenter stated it has already been scheduled for someone from the County to give an update at the agricultural forum.

### VI. ADJOURNMENT

A motion was put forth by Howard Johnson, and seconded by Bob Nolan to adjourn the meeting at 6:44 PM. Motion carried: 15-0-0. [See Exhibit “D” for Committee Resolution FC-40-2017]

#### **NEXT SCHEDULED REGULAR MEETING**

The next meeting of the Committee is scheduled for 11:00 a.m., Thursday, January 25, 2018, at the H. Lee Dennison Building, 2<sup>nd</sup> Floor Conference Room, 100 Veterans Memorial Highway, Hauppauge, NY 11788.

**RESOLUTION NO. FC-37-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING THE SEPTEMBER 28, 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 September 28, 2017; and

**WHEREAS**, the minutes of said meeting were considered by the Committee at its meeting on November 16, 2017; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Committee hereby adopts the September 28, 2017 meeting minutes.

Motion by: Charlie Scheer

Seconded by: Al Schmitt

Committee Vote:     Ayes         11  
                               Nays            0  
                               Abstentions  3

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, Bob	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	0	3	5

Date:           November 16, 2017

Location:    Kermit W. Graf Cornell Cooperative Extension Building, 2<sup>nd</sup> Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, NY

**RESOLUTION NO. FC-38-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING THE SUFFOLK COUNTY FARMLAND COMMITTEE 2018 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 November 16, 2017; and

**WHEREAS**, the Suffolk County Farmland Committee (“Committee”) 2018 Schedule of Meetings were considered by the Committee at its meeting on November 16, 2017; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Committee hereby approves said Schedule of Meetings.

Motion by: August Ruckdeschel

Seconded by: Howard Johnson

Committee Vote:     Ayes         14  
                               Nays          1  
                               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, Bob	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	1	0	4

Date:           November 16, 2017

Location:    Kermit W. Graf Cornell Cooperative Extension Building, 2nd Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, NY

**RESOLUTION NO. FC-39-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING A "DRAFT UPDATE TO NEW SC FARMLAND RATING FORM FOR THE FARMLAND PURCHASE OF DEVELOPMENT RIGHTS (PDR)"**

**WHEREAS**, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws ("Chapter 8"), the Suffolk County Farmland Committee ("Committee") convened a meeting on November 16, 2017; and

**WHEREAS**, the Committee reviewed and considered a "Draft Update to New SC Farmland Rating Form for the Farmland Purchase of Development Rights (PDR)"; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Committee hereby does not approve a "Draft Update to New SC Farmland Rating Form for the Farmland Purchase of Development Rights (PDR)," as amended.

Motion by: Lee Foster

Seconded by: Bob Nolan

Committee Vote:      Ayes            15  
                              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, Bob	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		15	0	0	4

Date: November 16, 2017

Location: Kermit W. Graf Cornell Cooperative Extension Building, 2<sup>nd</sup> Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, NY



**RESOLUTION NO. FC-40-2017 OF THE SUFFOLK COUNTY  
FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF  
THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS,  
ADJOURNING THE NOVEMBER 16, 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 November 16, 2017; and

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

**1<sup>st</sup> RESOLVED**, that the Committee hereby adjourns the November 16, 2017 meeting.

Motion by: Howard Johnson

Seconded by: Bob Nolan

Committee Vote:     Ayes         15  
                          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, Bob	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		15	0	0	4

Date: November 16, 2017

Location: Kermit W. Graf Cornell Cooperative Extension Building, 2<sup>nd</sup> Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, NY