

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-17-2017)*

DATE: March 16, 2017

MEMBERS PRESENT:

Alexander Balsam (East Hampton)
Russell K. Barnett (Smithtown)
Vincent Biondo (Babylon)
Ronald Bush (At-Large)
Nate Corwin (At-Large)
Lee Foster (Southampton)
Howard Johnson (Huntington)
Alfred J. Kilb, Jr. (Shelter Island)
Sarah Lansdale (SC Director of Planning/Chair)
Stephen Mudd (Southold)
Bob Nolan (Brookhaven)
Jeffrey Rottkamp, Sr. (Riverhead)
Charles F. Scheer, Jr. (At-Large)
Albert Schmitt (At-Large)
Herb Strobel (At-Large)
Mark Zaweski (At-Large)

MEMBERS ABSENT:

Dale D. Moyer (At-Large)
Eugene Murphy (Islip)
August Ruckdeschel (Ex-Officio, SC Dept. of EDP)

ADVISORS PRESENT:

Rob Carpenter, Long Island Farm Bureau
Corey Humphrey, SC Soil and Water Conservation District (Via Phone)

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)

Lauretta R. Fischer, Chief Environmental Analyst, SC Division of Planning and
Environment (Committee Staff)

GUESTS:

| <u>NAME</u> | <u>ORGANIZATION</u> |
|------------------|---|
| William Colavito | Suffolk County Department of Public Works |
| Drew Dillingham | Town of Riverhead |
| Al Krupski | Suffolk County Legislator, 1 st District |
| Daniel McCormick | Town of Riverhead |
| Karl J. Novak | Long Island Farm Bureau |
| Ernesto Rosini | Town of Riverhead |
| Catherine Stark | Aide to Legislator Al Krupski |
| George Woodson | Town of Riverhead Highway Superintendent |

I. ORDER OF BUSINESS

Call to Order

Sarah Lansdale called the meeting of the Suffolk County Farmland Committee (“Committee”) to order at 5:37 pm at the Kermit W. Graf Cornell Cooperative Extension Building 2nd Floor Conference Room 423 Griffing Ave., Riverhead, NY 11901.

Approval of Minutes – January 26, 2017

A motion was put forth by Howard Johnson, and seconded by Lee Foster, to approve the minutes of the January 26, 2017 meeting of the Committee, as outlined in Committee Resolution FC-08-2017. Motion carried: 14-0-0 [See Exhibit “A” for Committee Resolution FC-08-2017]

Approval of Minutes – February 28, 2017

A motion was put forth by Al Kilb, and seconded by Howard Johnson, to approve the minutes of the February 28, 2017 meeting of the Committee, as outlined in Committee Resolution FC-09-2017. Motion carried: 14-0-0 [See Exhibit “B” for Committee Resolution FC-09-2017]

Member Russ Barnett arrived at 5:40 pm after the Meeting Minutes 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

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 the discovery is still continuing and it is unknown when it will be completed.

IV. AGRICULTURAL IMPROVEMENT APPLICATION REQUESTS

A. POTATO ACRES, LLC

Church Lane, Aquebogue, Town of Riverhead

SC Tax Map #: 0600-021.00-02.00-018.002 (59.4 ± acres)

The applicant has proposed to construct a storm water drainage system on County PDR property. The applicant is also proposing to enter into a Storm Water Drainage Easement Agreement with the Town of Riverhead to improve the existing flooding conditions onto the adjacent property. (Application No. 2017001)

Committee Counsel Bob Braun told the Committee that permits may no longer be issued, however the Committee may still provide advice as to whether or not a proposal is a standard acceptable agricultural practice. The Division can then prepare a letter to the landowner reflecting the Committee's opinion, after analysis by the Division.

Member Nate Corwin arrived prior to the presentation of the Staff Report.

Lauretta Fischer presented the Staff Report.

Daniel McCormick, Deputy Town Attorney for the Town of Riverhead, provided a PowerPoint presentation and discussed the need for a berm and swale stormwater drainage system on the PDR farm property due to soil erosion. Mr. McCormick described the system stating the swale would be designed to divert storm water and capture the soil that would be flowing to the southwest corner of the farm and trap it in the swale. A backup would be a piping system in which overflow would be transported

into a kettle hole to capture any additional overflow and maintain it on the PDR farm property. The soil would remain on the PDR farm and will stay out of the Town's recharge basin.

Herb Strobel asked how long the problem has been going on and when the residences were built near the PDR farm. Mr. McCormick stated that the problem has been occurring since the early 2000's but has recently become a more significant problem and that the residences were built around the same time. The Committee member asked what has changed that is causing the flooding conditions. Mr. McCormick stated there are things going on in the subsurface and there are more frequent storms, which both could be contributing to the issue. The runoff had not been a problem before the subdivision was constructed.

Mark Zaweski confirmed that there is an issue on that corner of the farm PDR property.

Steve Mudd asked when the Town put a pipe in to help take the water out and go into the Town sump. Mr. McCormick stated that it was in the early 2000s and that the pipe has popped out of the ground on at least one occasion, due to pressure from the water and silt. George Woodson, Highway Superintendent for the Town of Riverhead, stated the storm conditions cause flooding on the road and affect the whole community. Mr. Woodson stated that it is important to protect the farmer from losing a lot of topsoil. He stated that if farmers did more subsoiling before the winter that would help.

Howard Johnson asked where the soil for the berm would come from. Mr. Woodson stated the material from digging the hole would be used.

Mr. McCormick stated that the kettle hole would be used, the water would go from the swale to the kettle hole via a pipe.

Jeff Rottkamp stated that he, Laretta Fischer, Dale Moyer and Nate Corwin conducted a site inspection of the property on January 31, 2016. He stated they could see the kettle hole and it would be a good idea to get the water into it. He also stated they also saw the pipe in the ground between the homes, but he felt the pipe could not take on such a heavy volume of water. He stated it would be a good idea to put in the additional pipe and lead it to the kettle hole in the woods.

A Committee Member asked if the Town was trying to eliminate the original pipe that is currently there. Mr. McCormick stated that that was the intent of the new proposal, but that they intend to leave the present pipe in the ground and maintain it while the new proposal is implemented as a backup and then view the surrounding circumstances. He stated there is no intention to take the present pipe out until they determine the kettle hole and berm system can handle it.

A Committee Member asked if a boring had been done to find out if there is clay under the kettle hole because the kettle hole will not drain if there is clay there. A Town representative stated that it is a b soil and that it does drain but drains slowly, it would sit there for a while but will drain.

Herb Strobel asked if the proposed easement gave the Town of Riverhead the right to maintain the proposed infrastructure at any point in time. Bob Braun stated that according to the proposed easement, the Town has the right to enter the property and maintain the system but there are still questions on how the agreement would operate. Herb Strobel offered suggestions to revise the easement for the landowner and future landowner's benefit. Discussion among the Committee ensued. It was determined that portions of the easement need to be refined to include the following: notice to the farmer for access, road access and maintenance schedule.

Corey Humphrey was asked to discuss whether SC Soil and Water Conservation District supports the plan. Corey Humphrey stated that it is an issue that needs to be addressed and there is a runoff issue as well. He stated that it is a common practice in agriculture to divert water or to use conveyance pipes.

Lauretta Fischer stated she went to the site on January 31, 2017 with members of the Committee and went to the site again on March 2, 2016 with Corey Humphrey, Bill Colavito, people from the Town and Legislator Krupski.

Herb Strobel asked who in the County makes the final determination as to whether or not the County is satisfied with the final draft agreement set before them. Bob Braun stated that he would be looking at it from a legal point of view and that Soil and Water, the Departments of Public Works and Planning would also be looking at the plan as well. Bob Braun stated there could be a motion to adopt an opinion of the Committee as to whether they feel the plan proposed is an appropriate standard agricultural practice. Discussion ensued regarding the Committee acting in an advisory role versus issuing permits.

Bill Colavito, Suffolk County Department of Public Works, stated that he viewed videos of the flooding that is occurring on the property and there is a significant public safety issue. The force of the water could pop manhole covers and in the winter when the water freezes it can cause issues for getting police or ambulances into the area. He stated there is only so much that can be done with the kettle hole and with the system. He believes a system will need to be designed to overflow into the other pipe. He stated he is happy with the concept but there are some engineering fundamentals that need to be worked on.

A motion was put forth by Howard Johnson, and seconded by Mark Zaweski to adopt the Staff Report for Application No. 2017001 and determined that the proposed stormwater drainage system constitutes a standard agricultural practice and directs the County Division of Planning and Environment, County Attorney and Department of Public Works to work with the applicant to establish final plan specifications and legal documents required to accomplish the aforementioned proposal, as outlined in Committee Resolution FC-10-2017. Motion Carried: 16-0-0 [See Exhibit "C" for Committee Resolution FC-10-2017].

V. PROPOSED FARMLAND PDR ACQUISITION PARCELS

A. JEFFERY AND JUDITH ROTTKAMP

Sound Avenue, Calverton, Town of Riverhead
SC Tax Map #: 0600-061.00-02.00-007.001 p/o
(19.5 ± of 21.3 ± 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. FPDRP-2017-02)

Member Jeffery Rottkamp recused himself from the discussion and vote.

Ms. Fischer presented the proposed acquisition.

The property received a rating score of 18.25 out of a possible 25 points.

A motion was put forth by Howard Johnson, and seconded by Herb Strobel, to recommend SCTM No. 0600-061.00-002.00-007.001 p/o, consisting of 19.5 acres in size, for consideration by the Suffolk County Legislature for the Purchase of Development Rights as outlined in Committee Resolution FC-11-2017. Motion Carried: 15-0-1 [See Exhibit "D" for Committee Resolution FC-11-2017].

VI. OTHER BUSINESS

A. DISCUSSION

Sarah discussed forming a subcommittee to develop draft rules and regulations before the next meeting. It was requested that the County Attorney's Office be involved as well. The subcommittee volunteers include: Herb Strobel, Charlie Scheer, Alex Balsam, Mark Zaweski, Al Kilb, and Rob Carpenter (advisor).

A motion was put forth by Howard Johnson, and seconded by Al Kilb to create a subcommittee to draft rules and regulation, as outlined in Committee Resolution FC-12-2017. Motion Carried: 16-0-0 [See Exhibit "E" for Committee Resolution FC-12-2017]

Lee Foster asked what the status of the stay is with regard to the judge's decision on the Chapter 8 lawsuit. Bob Braun stated that the judge's ruling is in affect and there has been no stay granted by the trial court or the appellate division.

Bob Braun discussed how the Chapter 8 lawsuit ruling has affected permitting authority and that the Farmland Committee may no longer issue permits but may review and make a recommendation to the County. He stated that permits that were issued prior to the decision are still valid.

Lee Foster asked who is handling the appeal for the County. Bob Braun told the Committee that outside counsel is handling the appeal. Committee members discussed the appeal and requested the Committee be updated by outside counsel through the subcommittee.

Steve Mudd expressed concerns about farmers being unable to borrow money from

creditors on PDR land because their appraisers are unable to determine the value of the land due to the uncertainty of Chapter 8.

VII. ADJOURNMENT

A motion was put forth by Charlie Scheer, and seconded by Howard Johnson to adjourn the meeting at 7:42 PM. Motion carried: 16-0-0. [See Exhibit "F" for Committee Resolution FC-12-2017]

NEXT SCHEDULED REGULAR MEETING

The next meeting of the Committee is scheduled for 7:00 p.m., Thursday, May 18, 2016, 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-08-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING 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 minutes of said meeting were considered by the Board at its meeting on March 16, 2017; now, therefore, be it

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

Motion by: Howard Johnson

Seconded by: Lee Foster

Committee Vote: Ayes 14
 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 | | 14 | 0 | 0 | 5 |

Date: March 16, 2017

Location: Kermit W. Graf Cornell Cooperative Extension Building, 1st Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, NY

"Exhibit B"

RESOLUTION NO. FC-09-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING THE FEBRUARY 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 special meeting on February 28, 2017; and

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

1st RESOLVED, that the Committee hereby adopts the February 28, 2017 meeting minutes.

Motion by: Al Kilb

Seconded by: Howard Johnson

Committee Vote: Ayes 14
 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 | | 14 | 0 | 0 | 5 |

Date: March 16, 2017

Location: Kermit W. Graf Cornell Cooperative Extension Building, 1st Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, NY

"Exhibit C"

RESOLUTION NO. FC-10-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, DETERMINING A STANDARD AGRICULTURAL PRACTICE ON THE POTATO ACRES, LLC PROPERTY (SCTM# 0600-021.00-02.00-018.002), TO WHICH THE COUNTY OF SUFFOLK OWNS THE FARMLAND DEVELOPMENT RIGHTS

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws ("Chapter 8"), a "Request for Review of Proposed Agricultural Improvement(s)" on property owned by Potato Acres, LLC has been received by the Suffolk County Farmland Committee ("Committee"), where such proposal is known by application number 2017001; and

WHEREAS, the property is located on land situated north of Church Avenue and east of Vineyard Way in the hamlet of Aquebogue, Town of Riverhead, identified by Suffolk County Real Property Tax Map ("SCRPTM") No. 0600-021.00-02.00-018.002 ("premises"); and

WHEREAS, the applicant has proposed to construct a storm water drainage system on the County PDR property to address drainage issues, as depicted in the updated site plan received by the County, by email, on March 7, 2017 according to specifications received by the County and attached as Attachments 1 and 2 and subsequent PowerPoint presentation provided at the meeting and attached as Attachment 3; and

WHEREAS, the applicant is also proposing to enter into a Storm Water Drainage Easement Agreement with the Town of Riverhead to improve the existing flooding conditions onto the adjacent property, as described in the draft document received by the County on March 3, 2017 and attached as Attachment 4; and

WHEREAS, the Committee, at its March 16, 2017 meeting, reviewed and considered whether the aforementioned proposal constitutes a standard agricultural practice; now, therefore, be it

1st RESOLVED, that the Committee hereby finds and determines that this proposal constitutes a Type II action pursuant to 6 NYCRR §617.5(c)(3), which completes the SEQRA review; and

2nd RESOLVED, that the Committee hereby determines the aforementioned proposal to be a standard agricultural practice; and

3rd RESOLVED, that the Committee directs the County Division of Planning and Environment, County Attorney and Department of Public Works to work with the applicant to establish final plan specifications and legal documents required to accomplish the aforementioned proposal.

| | | | |
|-----------------|----------------|--------------|--------------|
| Motion by: | Howard Johnson | Seconded by: | Mark Zaweski |
| Committee Vote: | Ayes | 16 | |
| | Nays | 0 | |
| | Abstentions | 0 | |

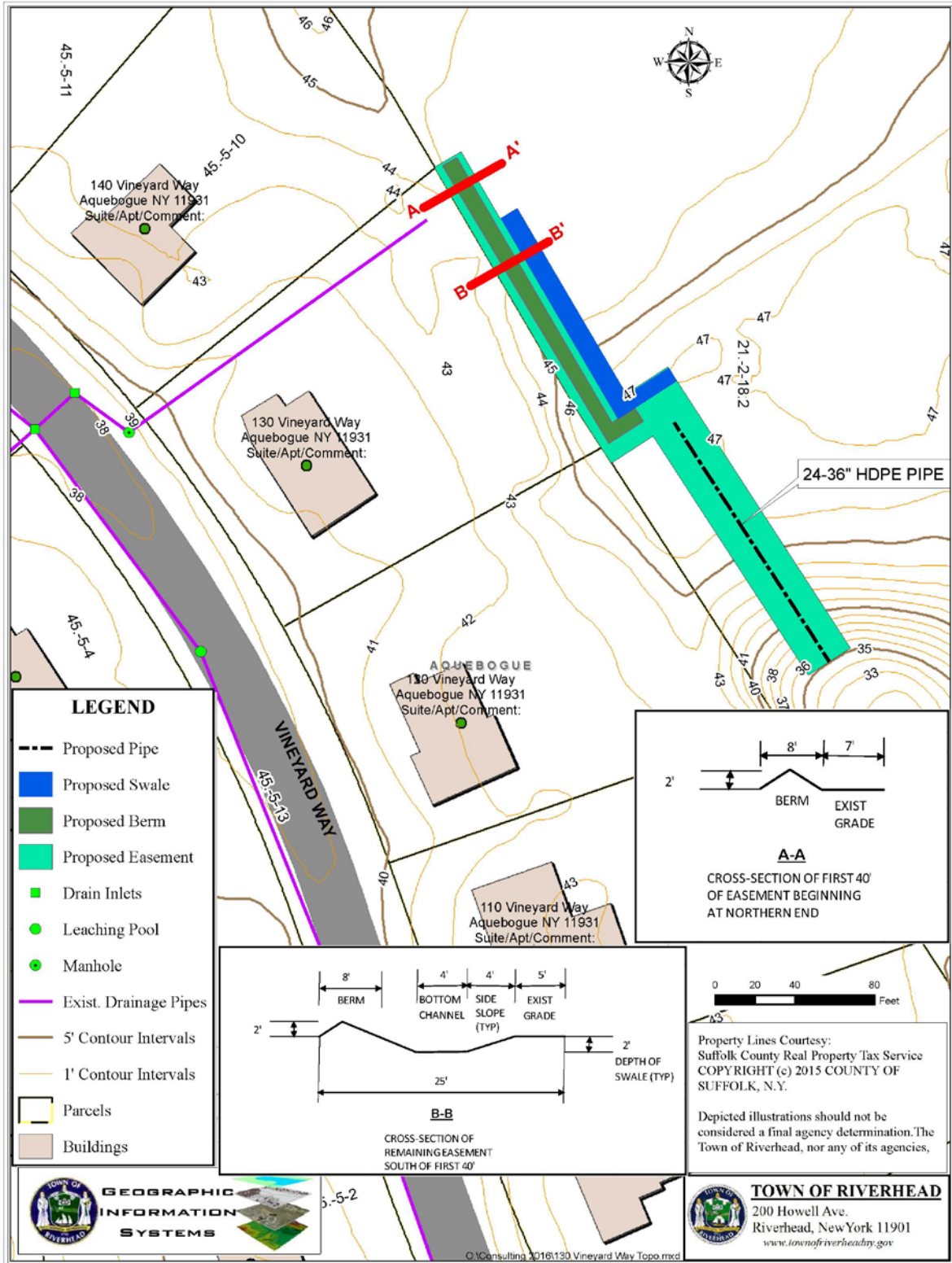
"Exhibit C," Cont'd.

| Committee Member | Appointment | Yes | No | Recused | 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 | | 16 | 0 | 0 | 3 |

Date: March 16, 2017

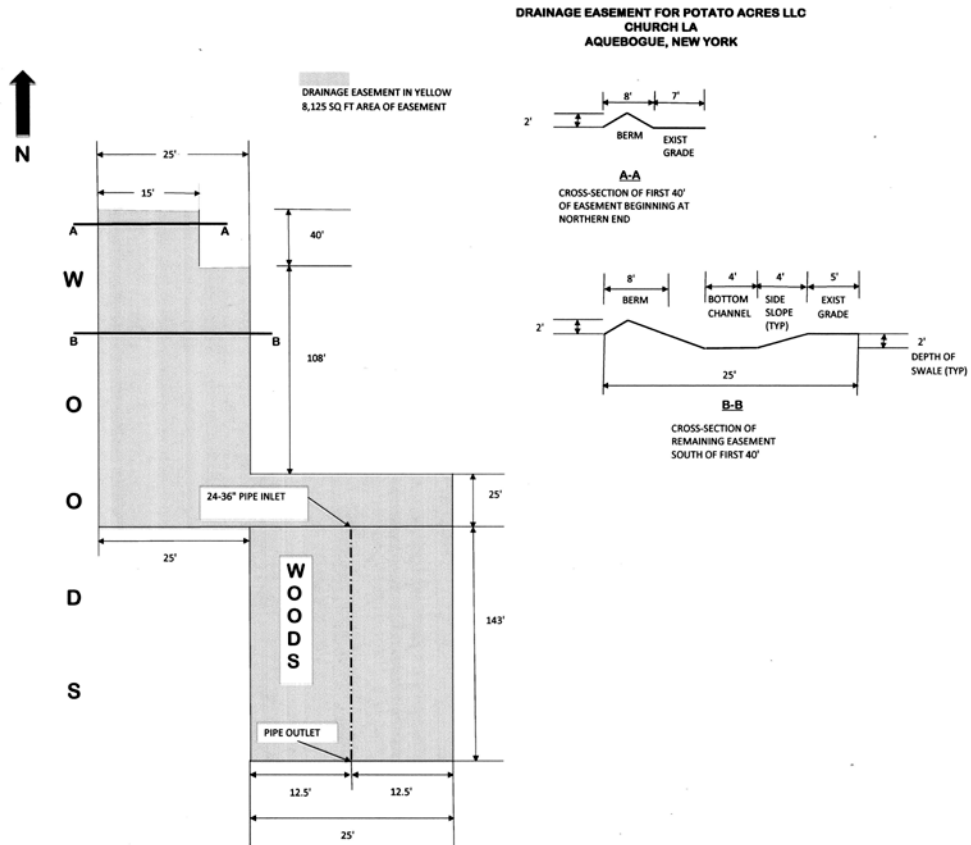
Location: Kermit W. Graf Cornell Cooperative Extension Building, 423 Griffing Avenue, Suite 100, Riverhead, NY 11901

ATTACHMENT 1

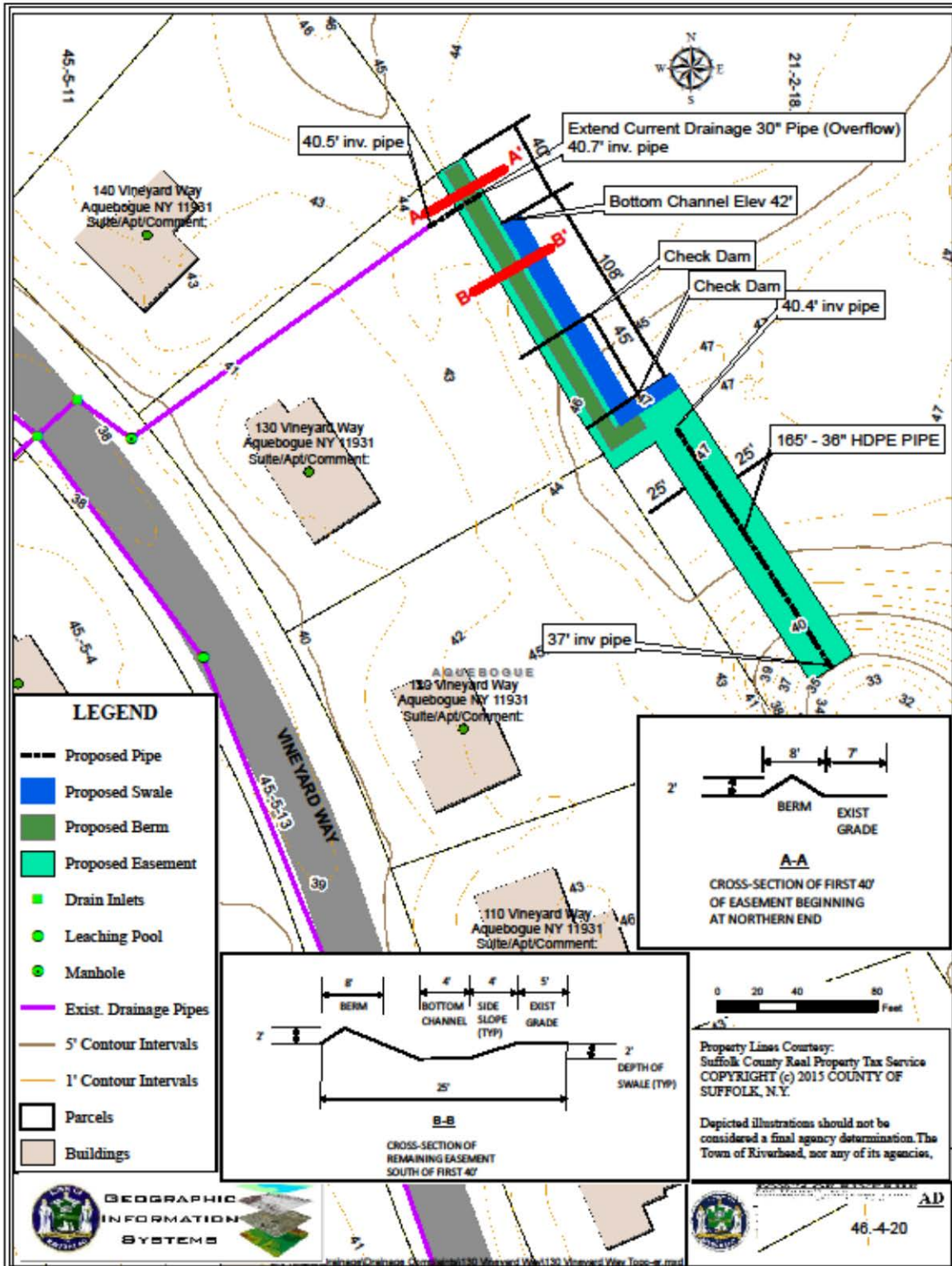


"Exhibit C," Cont'd.

ATTACHMENT 2

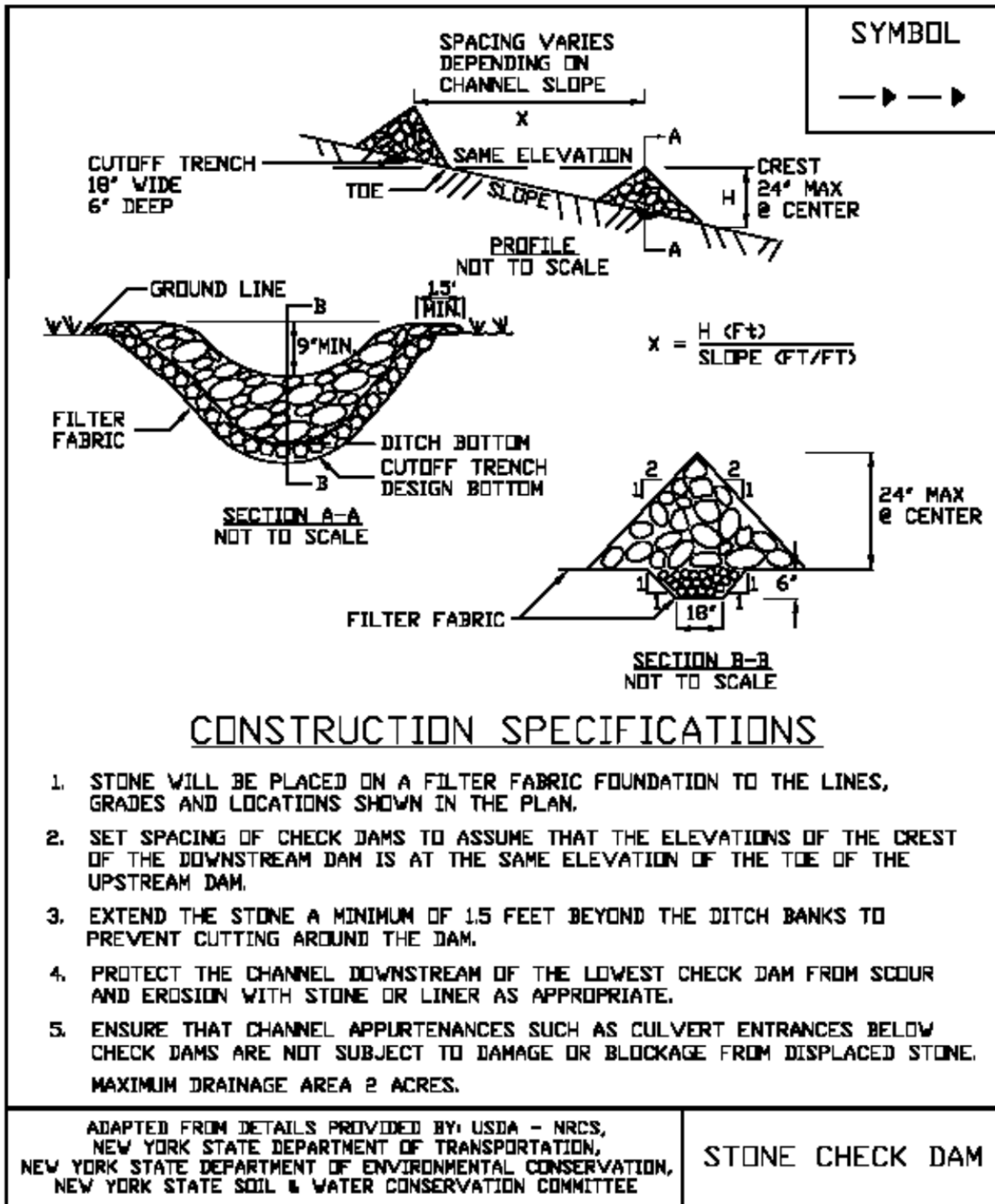


ATTACHMENT 3



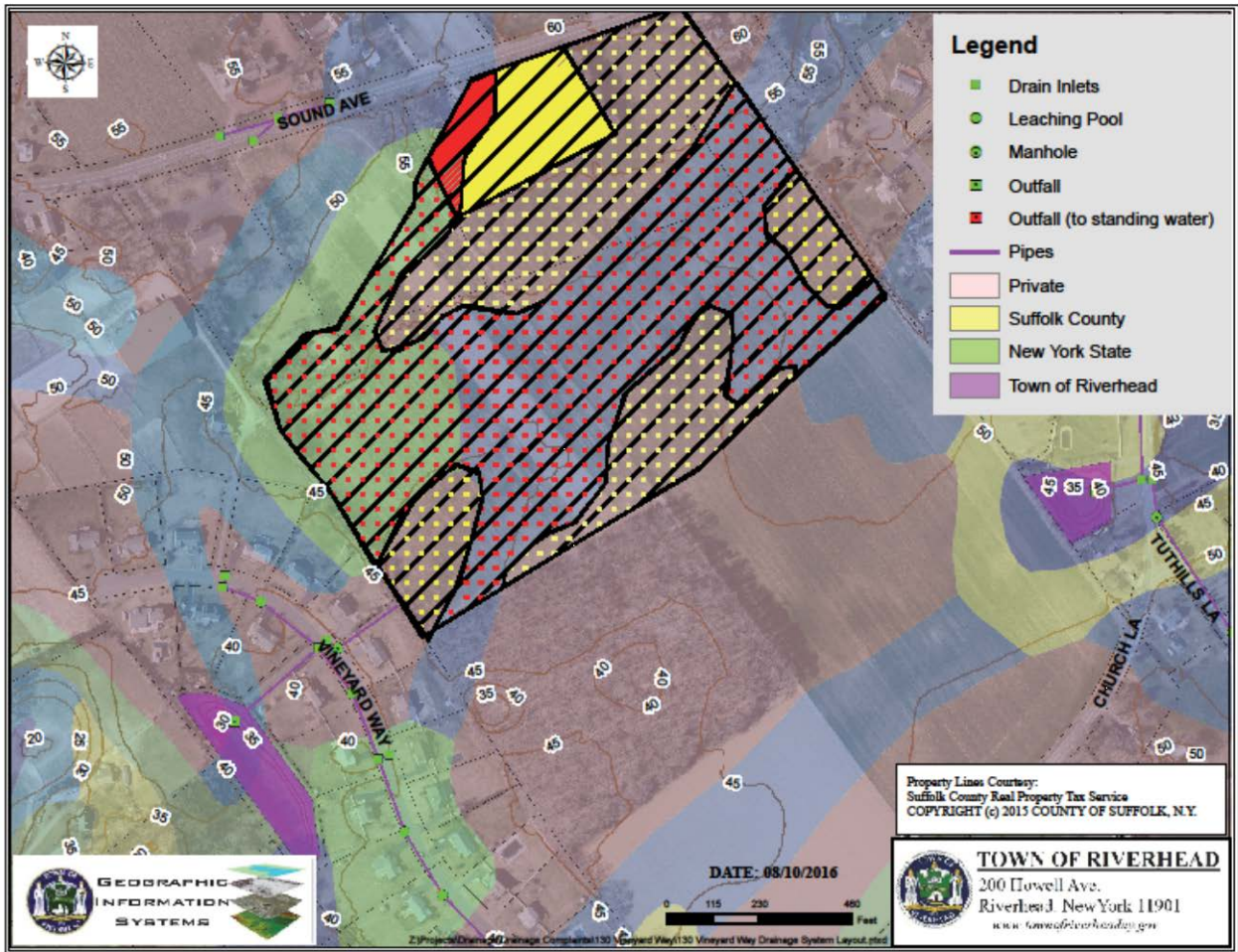
"Exhibit C," Cont'd.

ATTACHMENT 3 (Cont'd)



"Exhibit C," Cont'd.

ATTACHMENT 3 (Cont'd)



"Exhibit C" Cont'd.

ATTACHMENT 3 (Cont'd)

| Hydrologic Soil Group | Cover Description | CN | Area (Acres) | Product | |
|------------------------------|------------------------------|----------------------|---------------------|----------------|--|
| A | Lawn (sod farm) | 49 | 16.2 | 793.8 | |
| B | | 69 | 11.3 | 779.7 | |
| A | Housing (1 Acre Lot) | 51 | 0.6 | 30.6 | |
| B | | 68 | 1.9 | 129.2 | |
| | | | 30 | 1733.3 | |
| | | AVG CN = 57.7 | | | |
| | | | | | |
| | | | | | |

"Exhibit C," Cont'd.

ATTACHMENT 3 (Cont'd)

| Storm Water Frequency | Rainfall (24 Hr IN) | Curve Number | Drainage Area | Runoff inches | Peak Discharge Cubic Feet per Sec | Basin Volume CuFT | Storage Volume Required | Channel Flow | Channel Depth | 24in Pipe Velocity | 24in Pipe Water Depth |
|-----------------------|---------------------|--------------|---------------|---------------|-----------------------------------|-------------------|-------------------------|--------------|---------------|--------------------|-----------------------|
| 1 Year | 3 | 58 | 30 Acres | 0.27 | 1.523 | 49564 | 29403 | 1.42 ft/sec | 0.25 | 5.67 ft/sec | .29 ft |
| 90th Percentile Storm | 1.5 | 98 | 30 Acres | 1.28 | 10.23 | 46954 | 139392 | 2.61 ft/sec | 0.73 | 9.71 ft/sec | .74 ft |

ATTACHMENT 4

STORM WATER DRAINAGE EASEMENT AGREEMENT

THIS STORM WATER DRAINAGE EASEMENT AGREEMENT made as of the ____ day March, 2017, by Potato Acres LLC, a New York Limited Liability Company, having an address of P.O. Box 855, Aquebogue, Town of Riverhead, Suffolk County, New York 11931 (hereinafter referred to as the "Grantor") and Town of Riverhead, a municipal corporation of the State of New York, having its principal office at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as "Riverhead" or "Grantee").

WITNESSETH:

WHEREAS, the Grantor is the owner in fee of a certain parcel of land located in the Town of Riverhead, Suffolk County, New York, which land is identified on the Suffolk County Tax Map as District 600, Section 21, Block 2 and Lot 18.002, and is more particularly described in Schedule A attached hereto and incorporated herein ("Grantor's Parcel"); and

WHEREAS, the Town of Riverhead Highway Superintendent has recommended, proposed and agreed to construct a swale, construct a berm and install a 24"-36" storm water drainage pipe, as depicted on the drainage plan attached hereto as Schedule B, on a portion of Grantor's Parcel more particularly described in Schedule C, attached hereto and incorporated herein (the "Easement Area"), for the multiple purposes of storm water drainage, including alleviation of storm water flooding conditions in the vicinity of Vineyard Way, a Town roadway, and agricultural soil retention; and

WHEREAS, the Grantor has agreed to grant certain storm water drainage easement rights to Riverhead over the Easement Area for the benefit of the Grantee.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the Grantor and Grantee agree as follows:

1. Grantor hereby grants to Riverhead a permanent and perpetual stormwater drainage easement over the Easement Area for the following purposes and/or uses: isolated clearing for construction, installation and access to a swale, berm and storm water drainage pipe, including but not limited to inspection and maintenance of same, utilizing equipment and/or vehicles to excavate and/or repair/replace pipe(s), perform repair work, including replacement in kind or provision of an extension thereto, inclusive of any relevant materials or resulting property improvement necessary, if warranted, regarding the swale, berm and storm water drainage pipe and surrounding area. Riverhead shall restore the Grantor's Parcel to its original condition after construction, installation, maintenance, repair, inspection and/or replacement of such drainage system in the Easement Area. The cost of construction, installation, restoration, periodic inspection, maintenance and repair of said swale, berm and storm water drainage pipe and accessory structures shall be borne solely by Riverhead.
2. The Grantor, his/her heirs, successors and assigns, retain unto herself all rights to fully enjoy the Grantor's Parcel and the Easement Area subject to the easement rights

"Exhibit C," Cont'd.

ATTACHMENT 4 (Cont'd)

granted herein to Riverhead.

3. The grant of this easement shall run with the land and shall be binding upon the Grantor, its heirs, successors, and assigns, upon the terms, provisions, and conditions set forth herein in perpetuity and may not be terminated, revoked or amended without the written consent of the Grantor or its successor in interest and the Grantee.

4. Riverhead agrees to indemnify and hold Grantor, its heir, successors and assigns harmless from and against any and all loss, cost, liability or damage arising out of or occasioned by Grantee's use of the easement herein granted and Riverhead shall name Grantor as additional insured on all liability insurance carried by Grantee.

5. If any section, subsection, paragraph, clause, phrase or provision of this easement agreement shall, by a court of competent jurisdiction, be adjudged illegal, unlawful, invalid, or held to be unconstitutional, the same shall not affect the validity of this easement agreement as a whole, or any other part or provision hereof other than the part so adjudged to be illegal, unlawful, invalid, or unconstitutional.

6. This easement agreement shall be construed pursuant to the laws of the State of New York.

7. This Easement Agreement may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute one agreement.

IN WITNESS WHEREOF, the parties have executed this Declaration the day and year first above written.

Potato Acres, LLC

By: Fay Young, Grantor and Member

By: Avery Young, Grantor and Member

Town of Riverhead

By: Sean M. Walter, Town Supervisor

"Exhibit D"

RESOLUTION NO. FC-11-2017 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 – JEFFREY AND JUDITH ROTTKAMP (0600-061.00-02.00-007.001 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 by Jeffrey and Judith Rottkamp; and

WHEREAS, the Jeffrey and Judith Rottkamp property is located on land situated east of Twomey Avenue and south of Sound Avenue in the hamlet of Calverton, Town of Riverhead, identified by Suffolk County Tax Map (“SCTM”) No. 0600-061.00-02.00-007.001 p/o; and

WHEREAS, Approximately 19.5 acres out of 21.3 acres are being considered for inclusion in the Suffolk County Farmland PDR Program; and

WHEREAS, pursuant to the Suffolk County Farmland Rating System, said property received a score of 18.25 points out of 25 possible points; and

WHEREAS, the Committee reviewed and determined, at its March 16, 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 0600-061.00-02.00-007.001 p/o consisting of approximately 19.5 acres out of 21.3 acres, as indicated on the attached map, to the Suffolk County Legislature for the Purchase of Farm Development Rights.

| | | | |
|-----------------|----------------|--------------|--------------|
| Motion by: | Howard Johnson | Seconded by: | Herb Strobel |
| Committee Vote: | Ayes | 15 | |
| | Nays | 0 | |
| | Abstentions | 0 | |
| | Recusals | 1 | |

"Exhibit D," Cont'd.

| Committee Member | Appointment | Yes | No | Recused | 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 | | 15 | 0 | 1 | 3 |

Date: March 16, 2017

Location: Kermit W. Graf Cornell Cooperative Extension Building, 1st Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, NY

"Exhibit E"

RESOLUTION NO. FC-12-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, FORMING A SUB-COMMITTEE FOR PROPOSED RULES AND REGULATIONS

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws (“Chapter 8”), the Suffolk County Farmland Committee (“Committee”) convened a regular meeting on March 16, 2017; and

WHEREAS, the Committee reviewed “Proposed Draft Rules and Regulations” for the review of requests for proposed agricultural improvement(s) on County PDR land; and

WHEREAS, a Sub-committee was recommended to be formed to draft proposed rules and regulations for the review of requests for proposed agricultural improvement(s) on County PDR land; and

WHEREAS, Committee members Herb Strobel, Charlie Scheer, Alex Balsam, Mark Zaweski, Al Kilb, and Committee advisor Rob Carpenter volunteered to be on the Sub-committee; now, therefore, be it

1st RESOLVED, that the Committee hereby finds and determines that this proposal constitutes a Type II action pursuant to 6 NYCRR §617.5(c)(3), which completes the SEQRA review; and

2nd RESOLVED, that the Committee hereby creates a Sub-committee to draft proposed rules and regulations for the review of requests for proposed agricultural improvement(s) on County PDR land.

Motion by: Howard Johnson Seconded by: Al Kilb

Committee Vote: Ayes 16
 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 | | 16 | 0 | 0 | 3 |

Date: March 16, 2017

"Exhibit E," Cont'd.

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

"Exhibit F"

**RESOLUTION NO. FC-13-2017 OF THE SUFFOLK COUNTY
FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF
THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS,
ADJOURNING THE MARCH 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 March 16, 2017; and

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

1st RESOLVED, that the Committee hereby adjourns the March 16, 2017 meeting.

Motion by: Charlie Scheer

Seconded by: Howard Johnson

Committee Vote: Ayes 16
 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 | | 16 | 0 | 0 | 3 |

Date: March 16, 2017

Location: Kermit W. Graf Cornell Cooperative Extension Building, 1st Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, NY