

# 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

### **DRAFT MINUTES OF THE SUFFOLK COUNTY FARMLAND COMMITTEE** *(Adopted by SCFC Res. No. FC-24-2017)*

DATE: May 18, 2017

#### MEMBERS PRESENT:

Alexander Balsam (East Hampton)  
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)  
Dale D. Moyer (At-Large)  
Stephen Mudd (Southold)  
Eugene Murphy (Islip)  
Bob Nolan (Brookhaven)  
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:

Russell K. Barnett (Smithtown)  
Jeffrey Rottkamp, Sr. (Riverhead)

#### ADVISORS PRESENT:

Rob Carpenter, Long Island Farm Bureau

William Sanok, Cornell Cooperative Extension (Retired)

ADVISORS ABSENT:

Corey Humphrey, SC Soil and Water Conservation District

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)

Theresa Ward, Deputy County Executive and Commissioner of Economic Development  
and Planning

GUESTS:

<u>NAME</u>	<u>ORGANIZATION</u>
Jessica Anson	Long Island Farm Bureau
Al Krupski	Suffolk County Legislator, 1 <sup>st</sup> District
Peter Schembri	Roanoke Avenue Farm
Stephen Searl	Conservation and Farm Consultant
Gerald Simone	Roanoke Avenue Farm
Melissa Spiro	Town of Southold
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 7:10 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 – March 16, 2017*

A motion was put forth by Charlie Scheer, and seconded by Mark Zaweski, to approve the minutes of the March 16, 2017 meeting of the Committee, as outlined in Committee Resolution FC-17-2017. Motion carried: 16-0-0 [See Exhibit “A” for Committee Resolution FC-17-2017]

*Approval of Minutes – April 26, 2017*

A motion was put forth by Herb Strobel, and seconded by Vincent Biondo, to approve the minutes of the April 26, 2017 meeting of the Committee, as outlined in Committee Resolution FC-18-2017. Motion carried: 16-0-0 [See Exhibit “B” for Committee Resolution FC-18-2017]

*Committee Member Alex Balsam arrived after the approval of the minutes.*

*Correspondence –*

There were none.

## II. PUBLIC COMMENTS

Peter Schembri and Gerald Simone, of Roanoke Avenue Farm, spoke about selling the development rights to their property in 2016 and asked questions regarding the Chapter 8 lawsuit and what is allowed on SC Farm PDR property.

Committee Counsel Bob Braun discussed the Chapter 8 lawsuit, stating that the 2010 and 2013 amendments are now invalidated, which sets the program back to the 1999 version of Chapter 8. He stated there is an appeal pending which could result in the 2010 and 2013 amendments being reinstated. In the interim, the County is pursuing legislation in New York to specifically allow the things that the trial court said weren't authorized. Bob stated that right now we are all bound by the 1999 version of Chapter 8 as it existed before the 2010 amendment. Bob stated that on the cut-out you can do what local zoning permits you to do, but on preserved property a farmstand is currently limited to 500 square feet. Bob stated that Mr. Schembri and Mr. Simone could make an appointment with Laretta Fischer and himself, to discuss the specifics of their Contract of Sale and Deed of Development Rights.

Committee member Steve Mudd asked if the 2010 and 2013 amendments are now null and void and the Committee is now reverting back to the 1999 version of Chapter 8.

Bob Braun stated that when the judge threw out the 2010 and 2013 amendments he also said the Farmland Committee cannot issue permits. The Committee can now only recommend improvements as an agricultural practice, they are no longer allowed to issue farmland permits. The Committee is currently developing a process where the Farmland Committee analyzes an application from the perspective of whether or not what is proposed is a standard agricultural practice and the Committee makes a recommendation that either what's proposed is or is not a standard agricultural practice. The Division of Planning is going to say it's been analyzed by the Farmland Committee, and determined to be a standard agricultural practice, and therefore we have no objection. Bob stated that the Committee would not be approving or rejecting any applications at least until the motion for a preference has been submitted.

Melissa Spiro, from the Town of Southold, spoke about subdivisions with respect to SC Farm PDR properties. She stated that the County's requirement of a formal (legal) subdivision on a property in Southold may be an issue with the Town of Southold Planning Department. She suggested to allow the cut-out area be left out of the development rights sale without the requirement that they be legally subdivided.

Laretta Fischer stated that the County has been requesting subdivisions for the last 5 years due to the fact that it should be clear as to the portion of the property where the development rights have been purchased by the County. Laretta stated that the County has been successful in subdividing out the parcel that is going to be considered for acquisition for the County PDR program. She stated that it is not a formal subdivision, it's a land division and every town handles them differently. The subdivided land gets a separate tax map lot number and that's what makes it clear as to what the County owns. Laretta discussed a few farms where the cut-out was not subdivided out and it can be very difficult to determine the portion of the property where the

development rights were purchased.

The Committee members discussed subdivisions of farms being considered for the SC Farm PDR program. Bob Braun stated that there is no requirement in the law itself but there is a history of having done these types of cut-outs. The Division is asking that the cut-out be of such size that it support the future use, according to existing zoning regulations. If someone wished to sell the cut-out separately they would then have to do a formal subdivision. There has to be a survey showing what the County is buying and not buying for the Real Property Tax Service Agency to assign Suffolk County Tax Map numbers, accordingly.

Sarah Lansdale suggested amending the “Draft Guidance Document for the Purchase of Development Rights” to include clarity regarding cut-outs.

Sarah Lansdale asked if there was anyone else who would like to speak. There was not, so Ms. Lansdale closed the public portion.

A motion was put forth by Howard Johnson, and seconded by Al Kilb to go into executive session. Motion carried 16-0-0.

A motion was put forth by Sarah Lansdale, and seconded by Howard Johnson to close executive session. Motion carried 16-0-0.

### III. DRAFT GUIDANCE DOCUMENT FOR THE PURCHASE OF DEVELOPMENT RIGHTS

Sarah Lansdale stated that although the Subcommittee suggested striking the definition of agricultural lands in the Draft Guidance Document, the County Attorney advised keeping it in because it is the specific definition used in the pre-2010 version of Chapter 8. It does not preclude the Committee from considering land that is not currently in active agricultural production.

Bob Braun stated that the definition is intended to make it clear that agricultural lands don't mean beautiful vistas that happen to have crops growing on them, but rather they are lands that are being worked or could be worked, and leaving that definition in would support that.

Herb Strobel agreed with Bob that he doesn't want to see open space be equated with agricultural lands because agricultural lands are working landscapes. He agrees that the definition reinforces that point.

Al Krupski suggested adding a paragraph on cut-outs. Sarah Lansdale asked Catherine Stark to type up the suggested paragraph for the Committee's review and postponed further discussion of the Draft Guidance Document until later in the meeting.

### IV. DRAFT UPDATE OF THE SC FARMLAND RATING SYSTEM FORM FOR THE FARMLAND PURCHASE OF DEVELOPMENT RIGHTS (PDR)

Lauretta Fischer presented the changes made to the “Draft Update of the SC Farmland Rating System Form for the Farmland Purchase of Development Rights (PDR).”

Al Kilb asked about the factor awarding points for being contiguous to protected open space property. He stated that he was concerned with farmland being considered as parkland.

Alex Balsam stated that he would like to see the whole vistas section struck because it is working lands, not open space. Herb Strobel agreed with this statement. Gene Murphy stated that he felt

the vistas were an important part of the rating.

The Committee discussed the contiguity section and suggested that the maximum number of points allowable for contiguity be 15 points. It was also suggested to list the maximum points attainable in each category to the title rows.

Rob Carpenter made a suggestion to allow points for a property that has gotten an agricultural assessment. Sarah Lansdale suggested adding this factor and giving it a value of 5 points.

Al Krupski suggested increasing the number of points received for a confirmed partnership with a municipality or not-for-profit. Sarah Lansdale suggested increasing the point value to 12.

Herb Strobel suggested that being located within an existing certified Agricultural District should receive more points. He also stated he felt the point value was too high for having an AEM Plan Tier 3 or higher. Laretta suggested changing the point value for Tier 3 to 10 points. Sarah Lansdale suggested making the agricultural assessment factor worth 10 points.

A motion was put forth by Augie Ruckdeschel, and seconded by Robert Nolan, to approve the "Draft Update of the SC Farmland Rating System Form for the Farmland Purchase of Development Rights (PDR)," as amended, as outlined in Committee Resolution FC-19-2017. Motion carried: 17-0-0 [See Exhibit "C" for Committee Resolution FC-19-2017]

#### V. DRAFT UPDATE OF THE SC FARMLAND COMMITTEE PROPOSED FARMLAND PDR APPLICATION FORM

Laretta Fischer presented the "Draft Update of the SC Farmland Committee Proposed Farmland PDR Application Form."

A Committee member suggested asking on the application if any development rights have been transferred.

A Committee member pointed out there was no grain crops listed under the Agricultural Operation Details section.

A Committee member suggested making the business plan optional.

Committee members discussed the new section identifying the items and/or products grown on the property. Sarah Lansdale suggested rather than asking for annual gross sales, list the minimum threshold and ask the applicant if they meet it.

A motion was put forth by Steve Mudd, and seconded by Robert Nolan, to approve the "Draft Update of the SC Farmland Committee Proposed Farmland PDR Application Form," as amended, as outlined in Committee Resolution FC-20-2017. Motion carried: 17-0-0 [See Exhibit "D" for Committee Resolution FC-20-2017]

The Committee returned to the discussion about the "Draft Guidance Document for the Purchase of Development Rights" and discussed the suggestion to add in a paragraph about cut-outs. The Committee agreed on language stating "Cut-out areas may be excluded from the Suffolk County PDR program. The cut-out should be identified and delineated on a survey and the area calculated. The Division staff suggests the applicant contact the local municipality for guidance on size and location of the cut-out during the County Farmland Committee review process. A cut-out does not create a separate parcel without a formal subdivision approval from the local municipality."

A motion was made by Lee Foster, and seconded by Charlie Scheer, to approve the "Draft Guidance Document for the Purchase of Development Rights," as amended, as outlined in Committee Resolution FC-21-2017. Motion carried: 17-0-0 [See Exhibit "E" for Committee Resolution FC-21-2017]

*Committee member Ron Bush left after the vote.*

## VI. 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 litigation is moving slowly and there is nothing new to report. He told the Committee he would try to get a more precise status from the litigation bureau.

## VII. PROPOSED FARMLAND PDR ACQUISITION PARCELS

### A. DAMAGHI FAMILY PARTNERSHIP ET AL.

Main Road (S.R. 25), Jamesport, Town of Riverhead

Tax Map #: 0600-068.00-03.00-032.005

(37.6 ± 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-2017-04)

Lauretta Fischer presented the application.

A site inspection revealed a number of structures and improvements on the northern portion of the property. A farm stand with associated display and concrete-paved areas are located approximately 130 feet south of Main Road toward the center of the property. A second building or farm stand structure with an associated concrete-paved area is located to the northwest along Main Road. There is also an extensive gravel parking area.

Only one farm stand, with a maximum square footage of 500 square feet, is allowed, pursuant to Chapter 8 as amended by local law 25-1999. All other farm stands, display areas, and paved areas would need to be removed prior to closing.

A Committee member asked about a possible cut out on the property. Committee members discussed the possibility of a cut-out.

Steve Mudd expressed concern about farmers entering the program with the Chapter 8 lawsuit appeal going on.

Al Krupski stated that he had limited discussions with the property owner but he would reach out to the landowners again and inform them of the lawsuit and discuss a possible cut out.

A motion was put forth by Alex Balsam, and seconded by Charlie Scheer, to recommend SCTM No. 0600-068.00-03.00-032.005, consisting of 37.6 acres in size, for consideration by the Suffolk County Legislature for the Purchase of Development Rights with a condition that Legislator Krupski's office will reach out to the landowner to inform them of the Chapter 8 lawsuit and to discuss a possible cut-out as outlined in Committee Resolution FC-22-2017. Motion Carried: 13-0-3 [See Exhibit "F" for Committee Resolution FC-22-2017]

#### VIII. OTHER BUSINESS

None.

#### IX. ADJOURNMENT

A motion was put forth by Sarah Lansdale, and seconded by Augie Ruckdeschel to adjourn the meeting at 10:05 PM. Motion carried: 16-0-0. [See Exhibit "G" for Committee Resolution FC-23-2017]

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

The next meeting of the Committee is scheduled for 7:00 p.m., Thursday, July 20, 2017, at the Kermit W. Graf Cornell Cooperative Extension Building, 1<sup>st</sup> Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, New York.

# "Exhibit A"

**RESOLUTION NO. FC-17-2017 OF THE SUFFOLK COUNTY  
FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF  
THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS,  
ADOPTING 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 minutes of said meeting were considered by the Board at its meeting on May 18, 2017; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Committee hereby adopts the March 16, 2017 meeting minutes.

Motion by:     Charlie Scheer                                 Seconded by:     Mark Zaweski

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:            May 18, 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-18-2017 OF THE SUFFOLK COUNTY  
FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF  
THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS,  
ADOPTING THE APRIL 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 special meeting on April 26, 2017; and

**WHEREAS**, the minutes of said meeting were considered by the Board at its meeting on May 18, 2017; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Committee hereby adopts the April 26, 2017 meeting minutes.

Motion by: Herb Strobel

Seconded by: Vincent Biondo

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:         May 18, 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-19-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING A "DRAFT UPDATE OF THE SC FARMLAND RATING SYSTEM 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 May 18, 2017; and

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

**1<sup>st</sup> 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

**2<sup>nd</sup> RESOLVED**, that the Committee hereby adopts a "Draft Update of the SC Farmland Rating System Form for the Farmland Purchase of Development Rights (PDR)," as amended.

Motion by: Augie Ruckdeschel                      Seconded by: Robert Nolan

Committee Vote:        Ayes        17  
                                  Nays        0  
                                  Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BARNETT, Russell K.	Town of Smithtown				✓
BALSAM, Alex	Town of East Hampton	✓			
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, ROBERT	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		17	0	0	2

Date:            May 18, 2017

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

Name \_\_\_\_\_

Introductory Resolution No. \_\_\_\_\_

SCTM No. \_\_\_\_\_



**SUFFOLK COUNTY FARMLAND RATING SYSTEM  
FOR THE FARMLAND PURCHASE OF DEVELOPMENT RIGHTS (PDR)**

This rating system for farmland is designed to clarify the recommendation and acquisition process for parcels where the Development Rights of Farmland might be acquired with funds from the New Drinking Water Protection Program (effective December 1, 2007) and any other County open space program that is designed for the protection of farmland under Chapter 8 of the SUFFOLK COUNTY CODE.

**NEW DRINKING WATER PROTECTION PROGRAM**

If the property is being recommended for acquisition under the **New Drinking Water Protection Program (effective December 1, 2007)**, then it must meet the following criteria per Section C12-2(A)(1):

- f. Farmland development rights pursuant to Chapter 8 of the Suffolk County Code

**OTHER OPEN SPACE PROGRAM(S)**

Program(s) that provide funding for the Purchase of Development Rights for Farmland, as per Chapter 8:

Name of Program(s): \_\_\_\_\_

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**SUFFOLK COUNTY FARMLAND RATING SYSTEM  
FOR THE FARMLAND PURCHASE OF DEVELOPMENT RIGHTS (PDR)**

**FARMLAND PRESERVATION FACTORS**

<b>A. PRIME AGRICULTURAL SOILS (Maximum of 15 points)</b>		
<b>CLASS I SOILS (BgA, HaA, Mka)</b>		
1. The farm consists of $\geq$ 80% to 100% prime agricultural Class I soils (15 pts.)		
2. The farm consists of $\geq$ 50% to < 80% prime agricultural Class I soils (13 pts.)		
3. The farm consists of $\geq$ 30% to < 50% prime agricultural Class I soils (11 pts.)		
<b>CLASS II SOILS (BgB, BhB, HaB, He, MfA, MfB, MkB, RdA, RdB, ScB, SdA, SdB, Su)</b>		
4. The farm consists of $\geq$ 80% to 100% prime agricultural Class II soils (10 pts.)		
5. The farm consists of $\geq$ 50% to < 80% prime agricultural Class II soils (8 pts.)		
6. The farm consists of > 30% to < 50% prime agricultural Class II soils (6 pts.)		
<b>CLASS I and II SOILS</b>		
7. The farm consists of combined Class I and II soils that are > 45% to $\leq$ 60% (8 pts.) <u>OR</u> > 30% to $\leq$ 45% (6 pts.)		0
*Note: No combination of Class I and II soils can be greater than 13 points.		
<b>B. CONTIGUITY: PROXIMITY TO PRESERVED FARM PROPERTIES (Maximum of 15 points)</b>		
1. The farm is contiguous ( $\leq$ 50 feet) to protected farmland PDR property(s) (15 pts.) <u>OR</u> the farm is near to other protected farmland PDR property(s) ( $\leq$ 500 feet) (10 pts.)		
2. The farm is contiguous ( $\leq$ 50 feet) to other non-protected farmland property(s) (9 pts.) <u>OR</u> the farm is near to other non-protected farmland property(s) ( $\leq$ 500 feet) (5 pts.)		
3. The farm is contiguous to protected open space property(s) and has at least 500 linear feet contiguous to the farm (i.e., federal, state, county, town, village parkland, etc.) (3 pts.)		0
*Note: No combination of B1, B2, and B3 can be greater than 15 points.		
<b>C. FARM PROPERTY SIZE (Maximum of 10 points)</b>		
1. The farm is $\geq$ 30 acres in size <u>OR</u> is $\geq$ 15 acres in a Census Designated Place with a population density of $\geq$ 1,000 persons per square mile. (10 pts.)		
2. The farm is $\geq$ 15 and < 30 acres in size <u>OR</u> is $\geq$ 10 and < 15 acres in a Census Designated Place with a population density of $\geq$ 1,000 persons per square mile. (5 pts.)		
3. The farm is $\geq$ 10 and < 15 acres in size <u>OR</u> is $\geq$ 7 and < 10 acres in a Census Designated Place with a population density of $\geq$ 1,000 persons per square mile. (3 pts.)		0
<b>D. VISTAS (Maximum of 13 points)</b>		
1. Long road frontage ( $\geq$ 1,000 linear feet). (8 pts.)		
2. Medium road frontage ( $\geq$ 500 and < 1,000 linear feet). (5 pts.)		
3. Small road frontage ( $\geq$ 200 and < 500 linear feet). (3 pts.)		
4. Located along a designated scenic/historic corridor and/or major roadway (e.g., Sound Ave, Main Rd, Montauk Hwy). (3 pts.)		
5. Unobstructed scenic view of farm from road with road frontage $\geq$ 500 linear feet. (e.g., no landscape screens and/or structures, clear viewshed of farmland, etc.). (2 pts.)		0
<b>E. OTHER CONSIDERATIONS (Maximum of 47 points)</b>		
1. The application has completed a SC Soil and Water Conservation District Agricultural Environmental Management (AEM) Plan: $\geq$ Tier 3 completed or letter from SC SWCD certifying Tier 3 completion within 6 months (10 pts.) <u>OR</u> Tier 2 completed. (5 pts.)		
2. The farm is included in the "Suffolk County Agricultural and Farmland Protection Plan – 2015" as "Active Farmland – Not Protected". (10 pts.)		
3. The farm is receiving an Agricultural Assessment. (10 pts.)		
4. The farm is located within an existing certified Agricultural District. (5 pts.)		
5. Confirmed partnership with a municipality and/or not-for-profit conservation organization for PDR farmland acquisition. (12 pts.)		0
<b>TOTAL SCORE (maximum = 100 points)</b>		0

# "Exhibit D"

**RESOLUTION NO. FC-20-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING A “DRAFT UPDATE OF THE SC FARMLAND COMMITTEE PROPOSED FARMLAND PDR APPLICATION FORM”**

**WHEREAS**, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws (“Chapter 8”), the Suffolk County Farmland Committee (“Committee”) convened a meeting on May 18, 2017; and

**WHEREAS**, the Committee reviewed and considered a “Draft Update of the SC Farmland Committee Proposed Farmland PDR Application Form”; now, therefore, be it

**1<sup>st</sup> 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

**2<sup>nd</sup> RESOLVED**, that the Committee hereby adopts a “Draft Update of the SC Farmland Committee Proposed Farmland PDR Application Form,” as amended.

Motion by: Stephen Mudd

Seconded by: Robert Nolan

Committee Vote:      Ayes            17  
                              Nays             0  
                              Abstentions    0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BARNETT, Russell K.	Town of Smithtown				✓
BALSAM, Alex	Town of East Hampton	✓			
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, ROBERT	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		17	0	0	2

Date:            May 18, 2017

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

# Suffolk County Farmland Committee

## Proposed Farmland Purchase of Development Rights Application

*This form is to be completed by the landowner(s) expressing interest in the Suffolk County Farmland Purchase of Development Rights (PDR) Program. The information obtained from this form will be used by the Suffolk County Farmland Committee (Committee) to evaluate the appropriateness of such request. The Committee will evaluate said request as part of the review process as described in Chapter 8 of the Suffolk County Administrative Local Laws. A recommendation by the Committee does not guarantee or imply that the Suffolk County Legislature will authorize Appraisal Steps / Planning Steps or that the parcel(s) will be acquired. Submission of this form to the Committee grants the Committee and/or its designee, permission to enter and inspect the entire parcel(s).*

**PART I: PROPERTY DETAILS**

FOR INTERNAL USE ONLY  
SCFC Meeting Date: \_\_\_\_\_

1. Town: \_\_\_\_\_

2. Hamlet / Village: \_\_\_\_\_

3. Physical Location: \_\_\_\_\_

District: \_\_\_\_\_ Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: \_\_\_\_\_

District: \_\_\_\_\_ Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: \_\_\_\_\_

District: \_\_\_\_\_ Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: \_\_\_\_\_

District: \_\_\_\_\_ Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: \_\_\_\_\_

District: \_\_\_\_\_ Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: \_\_\_\_\_

4. The property is located within:

Zoning District(s) \_\_\_\_\_

Overlay District(s)     Yes  No    If yes, which zone(s)? \_\_\_\_\_

Agricultural District     Yes  No

5. Are all development rights of the property intact?     Yes  No    If no, please explain: \_\_\_\_\_

6. Have any development rights or SC Department of Health Service development density credits of the property been transferred?

Yes  No    If yes, please explain: \_\_\_\_\_

7. Are there any easements, covenants, and/or restrictions filed with the property?     Yes  No

If yes, please explain: \_\_\_\_\_

8. Is the property receiving an agricultural assessment?     Yes  No    *If yes, please attach documentation.*

9. How many acres of the subject property are actively being used in agricultural production? \_\_\_\_\_

10. The property contains:

Woodlands                             Yes  No    If yes, please specify acreage: \_\_\_\_\_

Wetlands                                 Yes  No    If yes, please specify acreage: \_\_\_\_\_

Slopes greater than 15%             Yes  No    If yes, please specify acreage: \_\_\_\_\_

11. The property is improved with:

(Check all that apply. Identify the number of structures and improvements and their corresponding dimensions and square footages)

House     Farm stand     Barn     Shed     Greenhouse     Irrigation System     Other    Details: \_\_\_\_\_

Please attach a survey of the property depicting the existing structures and improvements and their corresponding dimensions and square footages.

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**PART I: PROPERTY DETAILS (Continued)**

12. Has a SC Soil and Water Conservation District Agricultural Environmental Management (AEM) Plan been completed for this property?  Yes  No

If yes, please check the Tier Level(s) completed: Tier 1  Tier 2  Tier 3  Tier 4

13. Is there an exclusion/cut-out area proposed for this property?  Yes  No *If yes, please attach a copy of the property survey depicting the cut-out(s) and their corresponding dimensions and square footages on a copy of the survey.*

*Please be advised that non-agricultural structures/improvements (e.g., a residence) will not be considered for the SC PDR Program and must be excluded in the form of a cut-out. The cut-out should be in conformance with local zoning and subdivision requirements.*

14. Total Acreage of Subject Parcel(s): \_\_\_\_\_ Total Acreage Offered for Acquisition: \_\_\_\_\_ Total Acreage of Cut-Out: \_\_\_\_\_

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**PART II: AGRICULTURAL OPERATION DETAILS**

1. Farm Name: \_\_\_\_\_ Website: \_\_\_\_\_

2. Current Crop(s): \_\_\_\_\_

3. Is the property farmed by someone other than the landowner (i.e., agricultural lessee)?  Yes  No *If yes, please attach a copy of a current lease agreement.*

**4. Please identify whether one or more of the following items and/or products are grown on the property:**

*Refer to Attachment A for full definitions of the below-listed items and products, as defined in Section 301 of the NYS Agriculture and Markets Law, as part of the Suffolk County Farmland Committee's "Guidance Document for the Purchase of Development Rights of Farmland".*

- **Unique and irreplaceable agricultural land**  Yes  No
- **Viable agricultural land**  Yes  No
- **Crops, livestock and livestock products:**
  - **Field crops**  Yes  No
  - **Fruits**  Yes  No
  - **Vegetables**  Yes  No
  - **Horticultural specialties**  Yes  No
  - **Livestock and livestock products**  Yes  No
  - **Maple sap**  Yes  No
  - **Christmas trees**  Yes  No
  - **Aquaculture products**  Yes  No
  - **Woody biomass**  Yes  No
  - **Apiary products**  Yes  No
  - **Actively managed log-grown woodland mushrooms**  Yes  No
- **Farm woodland**  Yes  No
- **Commercial horse boarding operation**  Yes  No
  - **Are 10 or more horses boarded?**  Yes  No
  - **Is the average annual gross sales value at least ten thousand dollars (\$10,000)?**  Yes  No
  - **Years in operation?** \_\_\_\_\_

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**PART II: AGRICULTURAL OPERATION DETAILS (Continued)**

- **Timber operation**       Yes  No
  - **Average annual gross sales value of crops, livestock and livestock products?** \_\_\_\_\_
  - **Average annual gross sales value of processed woodland products?** \_\_\_\_\_
- **Apiary products operation**  Yes  No
- **Compost, mulch or other organic biomass crops**  Yes  No
- **Commercial equine operation**  Yes  No
  - **Are 10 or more horses stabled?**  Yes  No
  - **Is the average annual gross sales value at least ten thousand dollars (\$10,000)?**  Yes  No
  - **Years in operation?** \_\_\_\_\_

5. Please provide any additional relevant information or plans about the property and its agricultural operation or, if the property is not currently farmed, indicate what the future farm use(s) will be (e.g., historical farming activities, business plan, current and future plans for farming the property, etc.):

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**PART III: CONTACT INFORMATION**

**LANDOWNER**

Name: \_\_\_\_\_ E-mail: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**ATTORNEY** (if applicable)

Name: \_\_\_\_\_ E-mail: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**AGENT** (if applicable)

Name: \_\_\_\_\_ E-mail: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

*If an agent, other than the landowner's attorney, will be representing the landowner, please submit a letter or other written permission signed by the landowner (1) confirming that the landowner is familiar with this application and (2) authorizing the submission of the application.*

**LESSEE** (if applicable)

Name: \_\_\_\_\_ E-mail: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

*Please provide a copy of the current lease agreement.*



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**PART IV: LANDOWNER CERTIFICATION OF APPLICATION**

I, \_\_\_\_\_ (print full name), the undersigned, certify that I am the owner of the land identified in this application and that this application form including any attached documentation constitutes a true statement of facts to the best of my knowledge.

Landowner Signature \_\_\_\_\_ Date \_\_\_\_\_

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**PART V: SUPPORTING DOCUMENTATION**

Please submit the following documentation in addition to this application:

- Survey (existing survey is sufficient), and if applicable, identified exclusions/cut-outs on a copy of survey
- Written permission authorizing an agent to represent the application on behalf of the landowner (if applicable)
- Lease agreement (if applicable)
- Business plan (if applicable)

Please note that additional information may be required and requested to complete your application.

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**PART VI: APPLICATION SUBMISSION**

Please submit this application with supporting documentation to:

**Andrew Amakawa, Research Technician**  
**Suffolk County Division of Planning & Environment**  
**P.O. Box 6100, Hauppauge, NY 11788-0099**

**Questions?** Contact the Suffolk County Division of Planning & Environment at (631) 853-4863.

## Attachment A

### Definitions of Items and Products

*Pursuant to Section 301 of the New York State Agriculture and Markets Law (as of January 1, 2017):*

2. "Crops, livestock and livestock products" shall include but not be limited to the following:
  - a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
  - b. Fruits, including apples, peaches, grapes, cherries and berries.
  - c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
  - d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
  - e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.
  - f. Maple sap.
  - g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
  - h. Aquaculture products, including fish, fish products, water plants and shellfish.
  - i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.
  - j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.
  - k. Actively managed log-grown woodland mushrooms.
  
3. "Farm woodland" means land used for the production of woodland products intended for sale, including but not limited to logs, lumber, posts and firewood. Farm woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products.
  
6. "Unique and irreplaceable agricultural land" means land which is uniquely suited for the production of high value crops, including, but not limited to fruits, vegetables and horticultural specialties.
  
7. "Viable agricultural land" means land highly suitable for a farm operation as defined in this section.
  
13. "Commercial horse boarding operation" means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation.

14. "Timber operation" means the on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

16. "Apiary products operation" means an agricultural enterprise, consisting of land owned by the operation, upon which bee hives are located and maintained for the purpose of producing, harvesting and storing apiary products for sale.

17. "Compost, mulch or other organic biomass crops" means the on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this section, "compost" shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

18. "Commercial equine operation" means an agricultural enterprise, consisting of at least seven acres and stabling at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses or through the production for sale of crops, livestock, and livestock products, or through both the provision of such commercial equine activities and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing notwithstanding any other provision of this subdivision, an agricultural enterprise that is proposed or in its first or second year of operation may qualify as a commercial equine operation if it consists of at least seven acres and stables at least ten horses, regardless of ownership, by the end of the first year of operation.

# "Exhibit E"

**RESOLUTION NO. FC-21-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, TABLING A “DRAFT GUIDANCE DOCUMENT FOR THE PURCHASE OF DEVELOPMENT RIGHTS”**

**WHEREAS**, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws (“Chapter 8”), the Suffolk County Farmland Committee (“Committee”) convened a meeting on May 18, 2017; and

**WHEREAS**, the Committee reviewed and considered a “Draft Guidance Document for the Purchase of Development Rights”; now, therefore, be it

**1<sup>st</sup> 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

**2<sup>nd</sup> RESOLVED**, that the Committee hereby adopts a “Draft Guidance Document for the Purchase of Development Rights,” as amended.

Motion by: Lee Foster

Seconded by: Charlie Scheer

Committee Vote:      Ayes          17  
                              Nays            0  
                              Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BARNETT, Russell K.	Town of Smithtown				✓
BALSAM, Alex	Town of East Hampton	✓			
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, ROBERT	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		17	0	0	2

Date: May 18, 2017

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

# COUNTY OF SUFFOLK



**Steven Bellone**  
SUFFOLK COUNTY EXECUTIVE  
Department of  
Economic Development and Planning

**Theresa Ward**  
Deputy County Executive and Commissioner

Division of Planning and Environment

**SUFFOLK COUNTY FARMLAND COMMITTEE**

**GUIDANCE DOCUMENT FOR THE  
PURCHASE OF DEVELOPMENT RIGHTS OF FARMLAND**  
*(Adopted, as amended, on May 18, 2017 by SCFC Res. No. FC-21-2017)*

**Purpose:**

This document provides guidance to members of the Suffolk County Farmland Committee (“Committee”) and the Department of Economic Development and Planning, Division of Planning and Environment (“Division”) staff to evaluate parcels being considered for the purchase of development rights by Suffolk County for farmland preservation.

**Background:**

The 1999 version of Chapter 8 - §8-3 Procedure for purchase of development rights states:

“A. When authorized by the Suffolk County Legislature, the County Executive shall solicit offers for the sale of development rights in agricultural lands to the county.”

Agricultural Lands are defined as “Lands used in bona fide agricultural production.”

Agricultural production is defined as “The production for commercial purposes of all those items and products as defined in the New York State Agriculture and Markets Law §301, as may be amended”

In 2015 Suffolk County adopted Resolution No. 1103-2015 “Accepting and Approving the Suffolk County Agricultural and Farmland Protection Plan” that identified over 19,500 acres of farmland with no protection, of which, over 18,500 acres are active farmlands.

**Guidance:**

Suffolk County’s Purchase of Development Rights is a voluntary farmland preservation program, initiated by the landowner.

The Committee and Division staff will use the information contained in the 2015 Suffolk County Agricultural and Farmland Protection Plan, specifically parcels labeled as “Active Farmland, Not Protected” to guide the review of the purchase of development rights applications. The Committee reserves the right to review and recommend any application whether or not the land was included in the 2015 Suffolk County Agricultural and Farmland Protection Plan.

Further, the following definitions in New York State Agriculture and Markets Law §301 shall be utilized when reviewing applications: “crops, livestock and livestock products,” “farm woodland,”

“unique and irreplaceable agricultural land,” “viable agricultural land,” “commercial horse boarding operation,” “timber operation,” “apiary products operation,” “compost, mulch, or other organic biomass crops.” and “commercial equine operation.” Please note that the list of definitions may change as the New York State Agriculture and Markets Law §301 may be amended in the future.

Cut-out areas may be excluded from the Suffolk County Farmland PDR Program. The cut-out should be identified and delineated on a survey map and the area calculated. The Division staff will suggest the applicant contact the local municipality for guidance on size and location of the cut-out, during the SC Farmland Committee review process. For purposes of the County Farmland PDR Program, a cut-out does not create a separate parcel without a subdivision approval from a local municipality, although a separate tax map parcel number may be assigned.

## Definitions of Items and Products

*Pursuant to Section 301 of the New York State Agriculture and Markets Law (as of January 1, 2017):*

2. "Crops, livestock and livestock products" shall include but not be limited to the following:
  - a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
  - b. Fruits, including apples, peaches, grapes, cherries and berries.
  - c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
  - d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
  - e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.
  - f. Maple sap.
  - g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
  - h. Aquaculture products, including fish, fish products, water plants and shellfish.
  - i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.
  - j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.
  - k. Actively managed log-grown woodland mushrooms.
3. "Farm woodland" means land used for the production of woodland products intended for sale, including but not limited to logs, lumber, posts and firewood. Farm woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products.
6. "Unique and irreplaceable agricultural land" means land which is uniquely suited for the production of high value crops, including, but not limited to fruits, vegetables and horticultural specialties.
7. "Viable agricultural land" means land highly suitable for a farm operation as defined in this section.
13. "Commercial horse boarding operation" means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, a commercial horse boarding operation that is proposed or in its first or



second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation.

14. "Timber operation" means the on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

16. "Apiary products operation" means an agricultural enterprise, consisting of land owned by the operation, upon which bee hives are located and maintained for the purpose of producing, harvesting and storing apiary products for sale.

17. "Compost, mulch or other organic biomass crops" means the on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this section, "compost" shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

18. "Commercial equine operation" means an agricultural enterprise, consisting of at least seven acres and stabling at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses or through the production for sale of crops, livestock, and livestock products, or through both the provision of such commercial equine activities and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing notwithstanding any other provision of this subdivision, an agricultural enterprise that is proposed or in its first or second year of operation may qualify as a commercial equine operation if it consists of at least seven acres and stables at least ten horses, regardless of ownership, by the end of the first year of operation.

# "Exhibit F"

**RESOLUTION NO. FC-22-2017 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 – DAMAGHI FAMILY PARTNERSHIP ET AL. (0600-068.00-03.00-032.005) – 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 Damaghi Family Partnership et al.; and

**WHEREAS**, the Damaghi Family Partnership et al. property is located on land situated south of Main Road (S.R. 25) and west of Washington Avenue in the hamlet of Jamesport, Town of Riverhead, identified by Suffolk County Tax Map (“SCTM”) No. 0600-068.00-03.00-032.005; and

**WHEREAS**, Approximately 37.6 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 14 points out of 25 possible points; and

**WHEREAS**, the Committee reviewed and determined, at its May 18, 2017 meeting, that said application meets Chapter 8 requirements for Program consideration; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Committee hereby recommends SCRPTM number 0600-068.00-03.00-032..005 consisting of approximately 37.6 acres, as indicated on the attached map, to the Suffolk County Legislature for inclusion in the Suffolk County Farmland Purchase of Development Rights Program, subject to the following conditions:

1. Pursuant to the Committee’s recommendation and request, Legislator’s Krupski’s office will reach out to the landowner to inform them of the Chapter 8 lawsuit and to discuss a possible cut-out.
2. Only one farm stand, with a maximum square footage of 500 square feet, is allowed, pursuant to Chapter 8 as amended by Local Law 25-1999. All other farm stands, display areas, and paved areas shall be removed prior to closing.

Motion by: Alex Balsam

Seconded by: Charlie Scheer

Committee Vote:     Ayes         14  
                          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, 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	3	2

Date: May 18, 2017

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

# "Exhibit G"

**RESOLUTION NO. FC-23-2017 OF THE SUFFOLK COUNTY  
FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF  
THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS,  
ADJOURNING THE MAY 18, 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 May 18, 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 May 18, 2017 meeting.

Motion by: Sarah Lansdale

Seconded by: Augie Ruckdeschel

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:            May 18, 2017

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