

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
DIVISION OF PLANNING AND ENVIRONMENT

SUFFOLK COUNTY FARMLAND COMMITTEE

THERESA WARD
DEPUTY COUNTY EXECUTIVE AND COMMISSIONER

SARAH LANSDALE
CHAIRPERSON, SCFC

MINUTES OF THE SUFFOLK COUNTY FARMLAND COMMITTEE *(Adopted by SCFC Res. No. FC-04-2018)*

DATE: January 25, 2018

MEMBERS PRESENT:

Vincent Biondo (Babylon)
Nate Corwin (At-Large)
Lee Foster (Southampton)
Howard Johnson (Huntington)
Alfred J. Kilb, Jr. (Shelter Island)
Sarah Lansdale (SC Director of Planning/Chair)
Dale D. Moyer (At-Large)
Stephen Mudd (Southold)
Eugene Murphy (Islip)
Jeffrey Rottkamp, Sr. (Riverhead)
August Ruckdeschel (SC Dept. of EDP)
Albert Schmitt (At-Large)
Herb Strobel (At-Large)
Mark Zaweski (At-Large)

MEMBERS ABSENT:

Alex Balsam (East Hampton)
Russell K. Barnett (Smithtown)
Ronald Bush (At-Large)
Bob Nolan (Brookhaven)
Charles F. Scheer, Jr. (At-Large)

ADVISORS PRESENT:

Rob Carpenter, Long Island Farm Bureau

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

COUNTY STAFF PRESENT:

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

GUESTS:

<u>NAME</u>	<u>ORGANIZATION</u>
Mark Fisher	OPL Nursery
Al Krupski	Suffolk County Legislator, 1 st District
Paul Rogers	Rogers Farm
Sam Rogers	Rogers Farm
Catherine Stark	Aide to Legislator Al Krupski
Bill Zalakar	Kurt Weiss Greenhouses

I. ORDER OF BUSINESS

Call to Order

Sarah Lansdale called the meeting of the Suffolk County Farmland Committee (“Committee”) to order at 11:03 a.m. at the H. Lee Dennison Building, 2nd Floor Conference Room, 100 Veterans Memorial Highway, Hauppauge, New York 11788.

Approval of Minutes – November 16, 2017

A motion was put forth by Al Schmitt, and seconded by Augie Ruckdeschel, to approve the minutes of the November 16, 2017 meeting of the Committee, as outlined in Committee Resolution FC-01-2018. Motion carried: 13-0-0 [See Exhibit “A” for Committee Resolution FC-01-2018]

Committee member Al Kilb arrived after the approval of the minutes.

Correspondence –

Lauretta Fisher stated there was correspondence related to a violation and that it would be read later in the meeting.

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

SCTM #: 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 discussion between the Town and the landowner has ceased due to the Fonseca's attorney being elected to the Town Board. Once the Fonseca's retain a new attorney, discussion should resume. Bob Braun also stated that discovery is complete and they are talking about scheduling the next phases of the litigation.

IV. AGRICULTURAL IMPROVEMENT APPLICATIONS

A. OPL NURSERY LLC

Union Avenue, Aquebogue, Town of Riverhead

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

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

Lauretta Fischer stated the application had been tabled at the last meeting and informed the Committee that Mark Fischer, the landowner, was present to answer any questions. Lauretta stated that one of the questions was whether the backfill used was clean and had undergone testing.

Mark Fisher stated that the backfill was clean and soil testing was done. He had provided the results to the Division of Planning and Environment.

Dale Moyer asked about movement of topsoil and whether it was kept onsite. Mr. Fisher stated that no soil was removed from the site and that they built the wall and brought the level of soil up with the concrete aggregate.

A motion was put forth by Dale Moyer, and seconded by Nate Corwin, to adopt the Staff Report for the agricultural improvement application (Application No. 2017007) and determined that the proposed improvements constitute a standard agricultural practice that maintains or enhances agricultural lands, as outlined in Committee Resolution FC-

V. OTHER BUSINESS

A. STATUS OF PENDING APPLICATIONS

Lauretta Fischer discussed the status of the pending agricultural improvement applications and the items the Division of Planning and Environment are waiting to receive to complete the applications. She also discussed the status of the pending proposed farmland PDR applications.

B. STATUS OF VIOLATIONS

Lauretta Fischer discussed the status of violations for County PDR properties.

1. Paul Rogers Property
SCTM # 0900-082.00-02.00-006.013

The Division of Planning and Environment received an anonymous letter, which was read to the Committee at its last meeting, alleging a commercial excavation business and illegal sand mining operation occurring on the property. The Division reached out to the landowner, Paul Rogers, for an explanation regarding the alleged activities. Lauretta Fischer discussed Mr. Rogers' response letter. Mr. Rogers was present to inform the Committee of the activities occurring on the property.

2. Margaret Hanley/Grace Marie Collins, H. Eberhard Dairy Farm, and Moriches I LLC properties
SCTM #s 0200-678.00-02.00-003.002, 0200-678-02.00-003.003, 0200-678.00-02.00-003.004 & 0200-678.00-02.00-003.006

The Division of Planning and Environment was advised of potential violations of the Suffolk County and Town of Brookhaven PDR properties. On December 19, 2017, County and Town of Brookhaven staff, conducted a site inspection of the property and observed a number of non-agricultural uses and materials on the property. This included use of the property as a transfer station for receiving and/or transferring solid waste; storage of garbage trucks, dumpsters and pails; storage of construction and demolition debris; storage of solid waste material; storage of stone/crushed materials; storage and processing of firewood; storage of tree trunks and logs; storage of a boat and parking of non-agricultural vehicles; installation of a fire pit; installation of storage container/office; two trailers; two storage containers; and one modular home/office.

On December 20, 2017, the County issued a compliance letter to the owners setting a deadline to remove the unauthorized non-agricultural materials.

The County received a response letter from Gracemarie Collins which stated she

would be removing a majority of the items from her properties. On January 24, 2018, the County conducted a follow up site inspection of the properties and observed that certain progress had been made in removing materials from the property.

The Town of Brookhaven has issued tickets to the property owner which is being processed by the Town Court.

The County has received information from NYS DEC regarding confirmed violations on the property. DEC has issued a Warning Letter against the property for violations of Environmental Conservation Law.

Initially the County identified properties to the south of the above mentioned parcels in the letter of compliance. However, the County was contacted by Bill Zalakar, general manager of Kurt Weiss Greenhouses (SCTM #s 0200-678.00-02.00-002.007, 0200-678.00-02.00-002.008 & 0200-678.00-02.00-002.010). Staff met with Mr. Zalakar on January 10, 2018 and found that his properties were not where the violations were taking place. The County also received a response letter on January 23, 2018 from Mr. Zalakar, which stated that Kurt Weiss Greenhouses do not have any connections or ties to the Hanley or Collins parcels.

Mr. Zalakar was present at the meeting to inform the Committee that Moriches I LLC (Kurt Weiss Greenhouses) are in compliance and involved in agricultural production on their parcels. Mr. Zalakar also answered questions from Committee members.

3. Sefbro Properties property
SCTM # 0600-046.00-03.00-003.001

The Division of Planning and Environment was informed by the Town of Riverhead that truckloads of RCA were dumped on the property. County staff conducted a site inspection on December 22, 2017 and confirmed the storage of piles of RCA on the property. The Town of Riverhead has issued a violation ticket but has not gotten a response back from the owner.

4. Wells Farm property
SCTM # 0600-020.00-03.00-003.000, 0600-020.00-03.00-007.002 & 0600-020.00-03.00-008.002

The Division of Planning and Environment received an anonymous complaint alleging use of the Wells property for commercial hunting purposes. County staff conducted a site inspection of the property and observed a sign advertising “Elite Long Island Outfitter” located on or near County PDR (lot # 7.2). Staff also observed an “Elite Long Island Outfitter” trailer on County PDR (lot # 3). The County will be sending out a letter to the landowner advising that such activities on County PDR land are not permitted.

5. 5489 Sound Avenue Farm, LLC property
SCTM # 0600-021.00-02.00-002.002

At the November 16, 2017 Farmland Committee meeting, staff informed the Committee of its site inspection of the property. Staff had observed that an existing building had been restored. According to the landowner, the original footprint and frame of the building remained the same, but the roof, siding and windows were replaced and the floor was raised with poured concrete. The County spoke with the Town of Riverhead who confirmed that the applicants have come in and are now talking to the town to remedy plans for the renovated building.

C. CHAPTER 8 UPDATE APPEAL

Bob Braun stated that the appeal was fully argued and they are now waiting for a decision from the court.

VI. ADJOURNMENT

A motion was put forth by Howard Johnson, and seconded by Steve Mudd to adjourn the meeting at 12:10 p.m. Motion carried: 15-0-0. [See Exhibit "D" for Committee Resolution FC-40-2017]

NEXT SCHEDULED REGULAR MEETING

The next meeting of the Committee is scheduled for 5:30 p.m., Thursday, March 22, 2018, at the Kermit W. Graf Cornell Cooperative Extension Building, 1st Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, New York.

RESOLUTION NO. FC-01-2018 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING THE NOVEMBER 16, 2017 SUFFOLK COUNTY FARMLAND COMMITTEE MEETING

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

WHEREAS, the minutes of said meeting were considered by the Committee at its meeting on January 25, 2018; now, therefore, be it

1st RESOLVED, that the Committee hereby adopts the November 16, 2018 meeting minutes.

Motion by: Al Schmitt Seconded by: Augie Ruckdeschel
 Committee Vote: Ayes 13
 Nays 0
 Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BALSAM, Alex	Town of East Hampton				✓
BARNETT, Russell K.	Town of Smithtown				✓
BIONDO, Vincent	Town of Babylon	✓			
BUSH, Ronald	At-Large				✓
CORWIN, Nate	At-Large	✓			
FOSTER, Lee	Town of Southampton	✓			
JOHNSON, Howard	Town of Huntington	✓			
KILB, Alfred J., Jr.	Town of Shelter Island				✓
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MUDD, Stephen	Town of Southold	✓			
MURPHY, Eugene	Town of Islip	✓			
NOLAN, Bob	Town of Brookhaven				✓
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
RUCKDESCHEL, August	Ex-Officio, SCEDP	✓			
SCHEER, Charles F., Jr.	At-Large				✓
SCHMITT, Albert	At-Large	✓			
STROBEL, Herb	At-Large	✓			
ZAWESKI, Mark	At-Large	✓			
Totals		13	0	0	6

Date: January 25, 2018

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

RESOLUTION NO. FC-02-2018 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, DETERMINING A STANDARD AGRICULTURAL PRACTICE ON THE OPL NURSERY LLC PROPERTY (SCTM# 0600-066.00-04.00-001.004), 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 OPL Nursery LLC has been received by the Suffolk County Farmland Committee (“Committee”), where such proposal is known by application number 2017007; and

WHEREAS, the property is located on land situated east of Union Avenue and north of Main Road in the hamlet of Aquebogue, Town of Riverhead, identified by Suffolk County Real Property Tax Map (“SCRPTM”) No. 0600-066.00-04.00-001.004; and

WHEREAS, the applicant’s request is for the installation and maintenance of a dry stack cement block wall and recycled concrete aggregate backfill that have been installed on the property to provide a level area for container nursery stock production/storage and to address drainage, in association with a nursery operation; and

WHEREAS, the dry stack cement block wall has an average height of 3 ½ feet and measures approximately 135 feet in length with a south return of 16 feet and a north return of 8 feet for a total of 159 linear feet. According to the applicant, the wall is being used to level an area for container plant production/storage consisting of approximately 135 feet in length by 60 feet in width (or approximately 8,100 square feet); and

WHEREAS, the cement block wall is reinforced by recycled concrete aggregate backfill measuring approximately 6 feet in width at the north end of the wall and approximately 12 feet in width at the south end with an average depth of 18 to 24 inches. According to the applicant a total of 60 cubic yards of aggregate have been used to backfill the wall for drainage and to level the area; and

WHEREAS, the aforementioned dry stack cement block wall is located on the property approximately 175 feet from Union Avenue, as depicted in the map received by the County on November 1, 2017 and attached as Attachment 1; and

WHEREAS, the Committee, at its January 25, 2018 meeting, reviewed and considered whether the aforementioned proposed improvements constitute a standard agricultural practice that maintains or enhances agricultural lands; 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 approves and adopts the report of its staff, as may be amended; and be it further

3rd RESOLVED, that the Committee hereby determines that the aforementioned proposed improvements constitute a standard agricultural practice that maintains or enhances agricultural lands.

Motion by: Dale Moyer

Seconded by: Nate Corwin

Committee Vote: Ayes 14
 Nays 0
 Abstentions 0

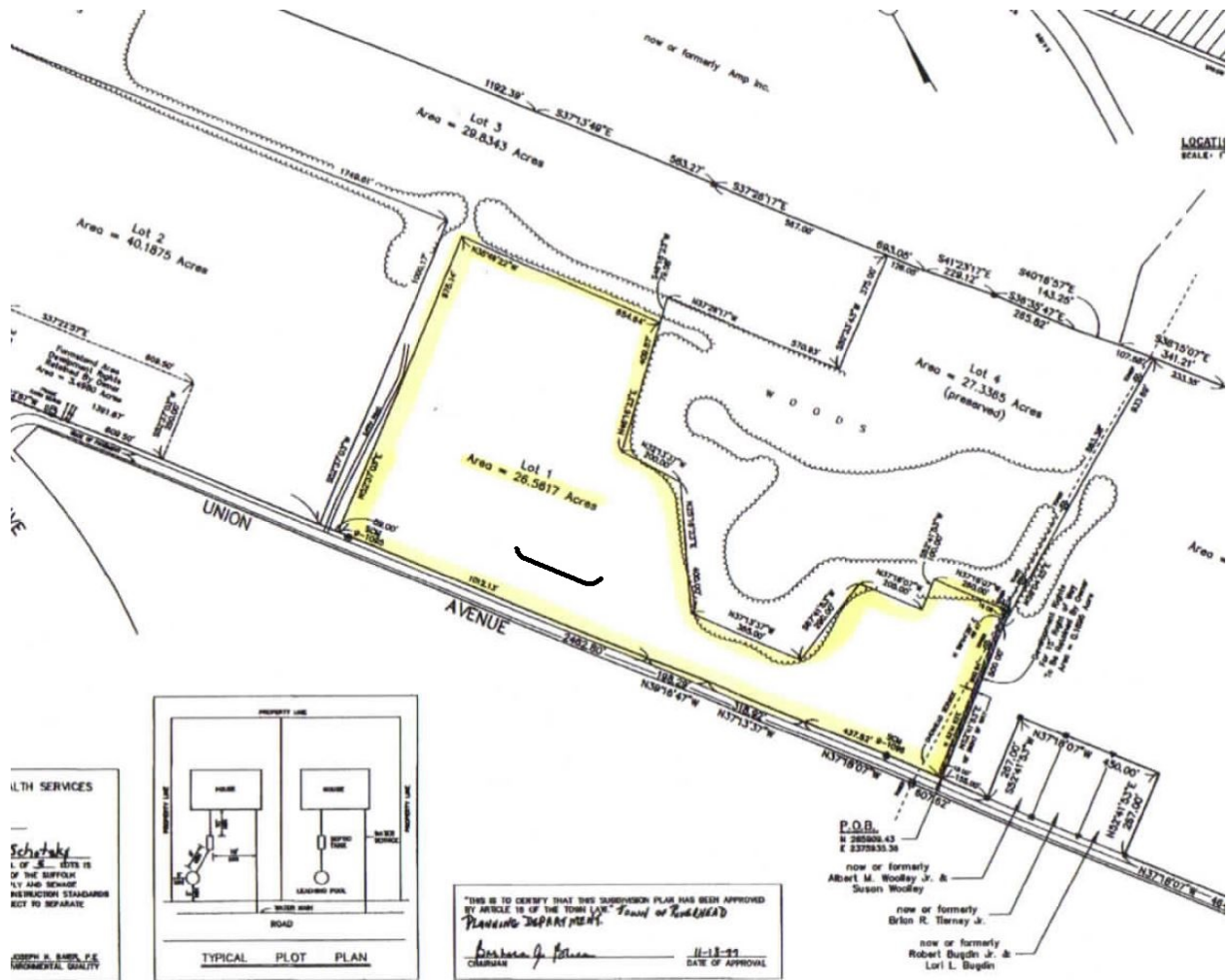
"Exhibit B," Cont'd.

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, Bob	Town of Brookhaven				✓
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
RUCKDESCHEL, August	Ex-Officio, SCEDP	✓			
SCHEER, Charles F., Jr.	At-Large				✓
SCHMITT, Albert	At-Large	✓			
STROBEL, Herb	At-Large	✓			
ZAWESKI, Mark	At-Large	✓			
Totals		14	0	0	5

Date: January 25, 2018

Location: H. Lee Dennison Building, 100 Veterans Memorial Highway, Hauppauge, NY 11788

ATTACHMENT 1



**RESOLUTION NO. FC-03-2018 OF THE SUFFOLK COUNTY
FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF
THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS,
ADJOURNING THE JANUARY 25, 2018 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 25, 2018; and

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

1st RESOLVED, that the Committee hereby adjourns the January 25, 2018 meeting.

Motion by: Howard Johnson

Seconded by: Steve Mudd

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, Bob	Town of Brookhaven				✓
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
RUCKDESCHEL, August	Ex-Officio, SCEDP	✓			
SCHEER, Charles F., Jr.	At-Large				✓
SCHMITT, Albert	At-Large	✓			
STROBEL, Herb	At-Large	✓			
ZAWESKI, Mark	At-Large	✓			
Totals		14	0	0	5

Date: January 25, 2018

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