

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-20-2018)*

DATE: July 26, 2018

MEMBERS PRESENT:

Vincent Biondo (Babylon)
Russell K. Barnett (Smithtown)
Ronald Bush (At-Large)
Nate Corwin (At-Large)
Lee Foster (Southampton)
Howard Johnson (Huntington)
Alfred J. Kilb, Jr. (Shelter Island)
Al Krupski (SC Legislature)
Sarah Lansdale (SC Director of Planning/Chair)
Dale D. Moyer (At-Large)
Stephen Mudd (Southold)
Bob Nolan (Brookhaven)
Jeffrey Rottkamp, Sr. (Riverhead)
August Ruckdeschel (SC Dept. of EDP)
Albert Schmitt (At-Large)
Herb Strobel (At-Large)

MEMBERS ABSENT:

Alex Balsam (East Hampton)
Eugene Murphy (Islip)
Charles F. Scheer, Jr. (At-Large)
Mark Zaweski (At-Large)

ADVISORS PRESENT:

Rob Carpenter, Long Island Farm Bureau
William Sanok, Cornell Cooperative Extension (Retired)
Corey Humphrey, SC Soil and Water Conservation District

COUNTY STAFF PRESENT:

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

GUESTS:

<u>NAME</u>	<u>ORGANIZATION</u>
Holly Sanford	Peconic Land Trust
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 6:30 p.m. at the Suffolk County Farm and Education Center, Agricultural Exhibit Hall, 350 Yaphank Avenue, Yaphank, New York.

Approval of Minutes – May 31, 2018

A motion was put forth by Howard Johnson, and seconded by Al Schmitt, to approve the minutes of the May 31, 2018 meeting of the Committee, as outlined in Committee Resolution FC-17-2018. Motion carried: 13-0-2 [See Exhibit “A” for Committee Resolution FC-17-2018]

Correspondence –

There was 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

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 the litigation is once again proceeding. Since the landowner has retained new counsel there has been one conference and another has been scheduled.

IV. PROPOSED FARMLAND PDR ACQUISITION PARCELS

A. LOWERRE PARTNERS LP AND LITTLE BEAR REALTY INC.

Oregon Road, Mattituck, Town of Southold

SCTM #: 1000-095.00-01.00-001.001 p/o, 1000-095.00-01.00-002.000 p/o, 1000-095.00-01.00-003.001 p/o (87.29 ± acres of 110.5 ± acres)

The applicant requests that the above referenced parcels be considered for inclusion in the Suffolk County Farmland Purchase of Development Rights Program. (Application No. FPDRP-2018-02)

Lauretta Fischer presented the application involving three different PDR plan proposals for the property:

The first proposed plan would create 3 PDR parcels: two parcels with frontage along Oregon Road and one northern parcel with shared access from Oregon Road via a 50-foot wide access strip on an adjacent development rights intact lot.

The second proposed plan would also create 3 PDR parcels but would differ from the first proposal by providing the northern parcel with single and separate access from Oregon Road via a 25-foot wide access strip.

The third plan proposed would create 2 PDR parcels each with frontage along Oregon Road.

Herb Strobel asked whether there were any utility easements or any other types of easements on the proposed acquisition parcels. Lauretta Fischer stated that the Division did not know at this time and that easements are typically reviewed later on in the acquisition process.

Holly Sanford, of the Peconic Land Trust, discussed the three different proposed plans and lot configurations for the property.

Herb Strobel asked a number of questions including: how many residences would be built on the northern portion of the property to be retained as a cut out; whether the residences would all be serviced by the single roadway; and whether all the utilities would run along the roadway. Holly Sanford stated that there would be 8 to 9 residences serviced by a

single 15-foot wide roadway and that all utilities would run along the roadway.

Holly Sanford stated that since there have been concerns regarding the one access road, it could be possible to place restrictions on it.

Lauretta Fischer stated that the second plan reflected the County's request for single and separate access to the northern PDR parcel to provide direct access from a public road for current and future landowners to farm the property and to avoid conflicts with using an adjacent residential private accessway. Lauretta Fischer stated that the third proposed plan for two PDR parcels would give both parcels direct access to Oregon Road.

Jeff Rottkamp asked who would maintain the road leading to the residences. Melissa Spiro stated that it would not be a public road and it would be up to the homeowners to maintain the road.

Lauretta Fischer stated that it was requested the landowner add the other 25 foot right-of-way in order to avoid conflicts with the residential use of the access way.

Al Kruski made a motion to approve the first proposed plan, in which the northern most PDR parcel would share a private road with the non-PDR parcel to the north of it.

Russell Barnett asked if the width of the access road was the only difference between the first proposed plan and the second proposed plan. Bob Braun stated that in the second plan, there are two separate access roads, one access road goes to the PDR parcel while the other access road goes to the northernmost non-PDR parcel.

Augie Ruckdeschel asked why the first proposed plan, consisting of three PDR parcels, is superior to the third proposed plan which has only two PDR parcels. Holly Sanford stated the two PDR parcels in the third proposed plan would be more difficult to market and that the parcels would be less diversified.

Committee Member Al Kilb arrived prior to the vote regarding Application No. FPDRP-2018-02.

A motion was put forth by Al Kruski, and seconded by Russell Barnett, to recommend SCTM Nos. 1000-095.00-01.00-001.001 p/o, 1000-095.00-01.00-002.000 p/o, 1000-095.00-01.00-003.001 p/o, the first plan, consisting of 87.29 ± acres of 110.5 ± acres in size, for consideration by the Suffolk County Legislature for the Purchase of Development Rights, as outlined in Committee Resolution FC-18-2018. Motion Carried: 15-0-1 [See Exhibit "B" for Committee Resolution FC-18-2018]

V. OTHER BUSINESS

A. CHAPTER 8 APPEAL UPDATE

Bob Braun stated there is currently no pending litigation regarding Chapter 8 and that Chapter 8 as amended in 2013 is in effect.

Dale Moyer asked if the County was involved in changing New York State General Municipal Law § 247. Bob Braun stated that the County had proposed a change, but the State Legislature did not want to consider it while the decision regarding Chapter 8 was on appeal. Bob stated that the appeal has been resolved and he does not know if anyone is actively pressing for change in the statute. Rob Carpenter stated that the Long Island Farm Bureau and a number of land trust programs throughout New York State are pushing to amend New York State General Municipal Law 247. Bob Braun stated that Suffolk County still supports the proposal to amend the current State legislation.

B. STATUS OF PENDING APPLICATIONS

Lauretta Fischer stated that there have been two changes since the last meeting. First, the Boom Development property is being acquired by another individual and the County has been working with this individual regarding proposed improvements to the property. There has also been a new application for deer fencing from John Sipala, but the property contains structures that were not approved by the Committee so the applicant is working on submitting a new application for those structures.

C. STATUS OF VIOLATIONS

Lauretta Fischer stated that there have been no changes in the status of violations.

VI. ADJOURNMENT

A motion was put forth by Sarah Lansdale, and seconded by August Ruckdeschel, to adjourn the meeting at 7:07 p.m. Motion carried: 16-0-0. [See Exhibit "C" for Committee Resolution FC-19-2018]

NEXT SCHEDULED REGULAR MEETING

The next meeting of the Committee is scheduled for 6:30 p.m., Thursday, September 27, 2018, 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-17-2018 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING THE MAY 31, 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 May 31, 2018; and

WHEREAS, the minutes of said meeting were considered by the Committee at its meeting on July 26, 2018; now, therefore, be it

1st RESOLVED, that the Committee hereby adopts the May 31, 2018 meeting minutes.

Motion by: Howard Johnson

Seconded by: Al Schmitt

Committee Vote: Ayes 13
 Nays 0
 Abstentions 2

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				✓
KRUPSKI, Al	S.C. Legislature	✓			
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	2	5

Date: July 26, 2018

Location: Suffolk County Farm and Educational Center, Agricultural Exhibit Hall, 350 Yaphank Avenue, Yaphank, NY 11980

"Exhibit B"

RESOLUTION NO. FC-18-2018 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 – LOWERRE PARTNERS LP AND LITTLE BEAR REALTY INC. (1000-095.00-01.00-001.001 p/o, 1000-095.00-01.00-002.000 p/o, 1000-095.00-01.00-003.001 p/o) – TOWN OF SOUTHOLD

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 Lowerre Partners LP and Little Bear Realty Inc.; and

WHEREAS, the Lowerre Partners LP and Little Bear Realty Inc. property is located on land situated north of Oregon Road and west of Duck Pond Road in the hamlet of Mattituck, Town of Southold, identified by Suffolk County Tax Map (“SCTM”) Nos. 1000-095.00-01.00-001.001 p/o, 1000-095.00-01.00-002.000 p/o and 1000-095.00-01.00-003.001 p/o; and

WHEREAS, approximately 87.29 acres out of 110.5 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 17.5 points out of 25 possible points; and

WHEREAS, the Committee reviewed and determined, at its July 26, 2018 meeting, that said application meets Chapter 8 requirements for Program consideration; now, therefore, be it

1st RESOLVED, that the Committee hereby recommends SCRPTM numbers 1000-095.00-01.00-001.001 p/o, 1000-095.00-01.00-002.000 p/o, and 1000-095.00-01.00-003.001 p/o, the first plan, consisting of approximately 87.29 acres out of 110.5 acres, as indicated on the attached two maps A and B, to the Suffolk County Legislature for inclusion in the Suffolk County Farmland Purchase of Development Rights Program, subject to the following condition:

1. Prior to closing, the landowner shall merge portions of the three lots being considered to form three separate County Farmland PDR tax map lots as follows: one tax map lot consisting of 40 ± acre, a second tax map lot consisting of 27.29 ± acres, and a third tax map lot consisting of 20 ± acres; and
2. Prior to closing, the landowner shall demonstrate to the satisfaction of the County that permanent legal access (i.e., a filed legal access easement agreement) is provided from a public right-of-way (i.e., Oregon Road) to the proposed 20.0 acre northern PDR parcel to allow current and successive landowners to access the parcel for farming purposes and to allow the County to access the parcel for program inspection purposes.

Motion by: Al Krupski

Seconded by: Russell Barnett

Committee Vote: Ayes 15
 Nays 0
 Abstentions 1

"Exhibit B," Cont'd.

Committee Member	Appointment	Yes	No	Abstained	Not Present
BALSAM, Alex	Town of East Hampton				✓
BARNETT, Russell K.	Town of Smithtown	✓			
BIONDO, Vincent	Town of Babylon	✓			
BUSH, Ronald	At-Large	✓			
CORWIN, Nate	At-Large	✓			
FOSTER, Lee	Town of Southampton	✓			
JOHNSON, Howard	Town of Huntington	✓			
KILB, Alfred J., Jr.	Town of Shelter Island	✓			
KRUPSKI, Al	S.C. Legislature	✓			
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MUDD, Stephen	Town of Southold	✓			
MURPHY, Eugene	Town of Islip				✓
NOLAN, Bob	Town of Brookhaven	✓			
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
RUCKDESCHEL, August	Ex-Officio, SCEDP	✓			
SCHEER, Charles F., Jr.	At-Large				✓
SCHMITT, Albert	At-Large	✓			
STROBEL, Herb	At-Large			✓	
ZAWESKI, Mark	At-Large				✓
Totals		15	0	1	4

Date: July 26, 2018

Location: Suffolk County Farm and Education Center, Agricultural Exhibit Hall, 350 Yaphank Avenue, Yaphank, NY

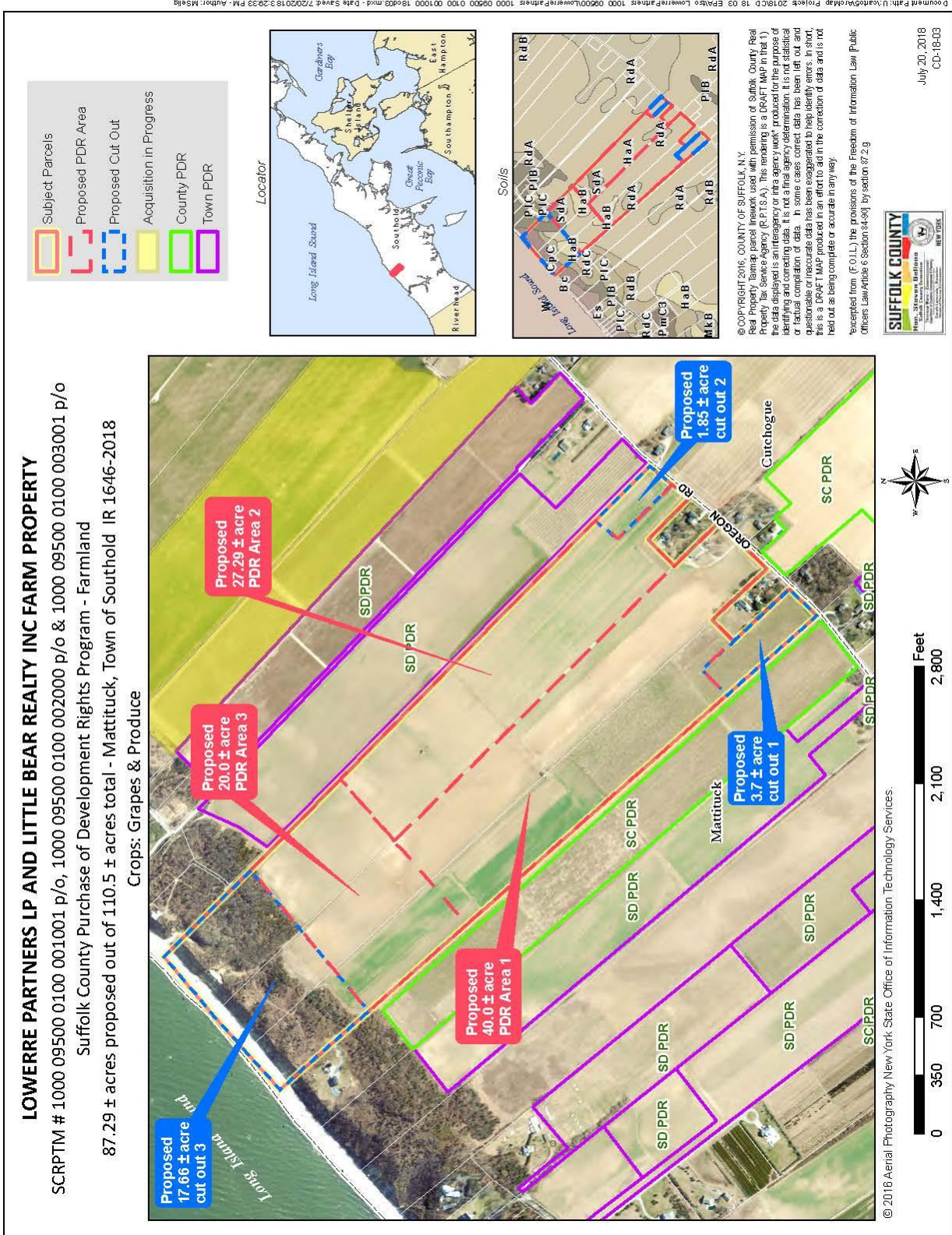
FIRST PLAN – MAP A: Proposed Lot-Line Modification



 <p>PECONIC LAND TRUST 299 Hampton Road PO Box 1776 Southampton, New York 11969 (631) 290-2100 Prepared by: Matthew J. Swain; 19 July 2018 www.PeconicLandTrust.org</p>	<p>Lands of Lowere Town of Southold Suffolk County, New York</p>	<p>Lot Line Modification 75% Preservation (4 Farmsteads)</p>	<p>Lowere Lands SCTMA: 1000-99-04.1, 4.2 1000-99-1, 1.2, 3.1 Total Acreage: 146.48</p>
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Source: Suffolk County Real Property Tax Service Agency; NYSDOT; Service Layer Credits: Google, Bing, HERE, DeLorme, Intermap, iPlanet, swisstopo © Copr. GEBCO, UNOLS, FAO, NPS, NGA/CAN, GEBCO, NPS, Ordnance Survey, Esri, DeLorme, AeroMap, NICTD, Swisstopo, Mapbox, Mapbox, © OpenStreetMap contributors, and the GIS User Community

**FIRST PLAN – MAP B:
Aerial Map on Existing Tax Map Base**



"Exhibit C"

RESOLUTION NO. FC-19-2018 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADJOURNING THE JULY 26, 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 July 26, 2018; and

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

1st RESOLVED, that the Committee hereby adjourns the July 26, 2018 meeting.

Motion by: Sarah Lansdale

Seconded by: August 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	✓			
KRUPSKI, Al	S.C. Legislature	✓			
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		16	0	0	4

Date: July 26, 2018

Location: Suffolk County Farm and Education Center, Agricultural Exhibit Hall, 350 Yaphank Avenue, Yaphank, NY