

# COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

## FARMLAND COMMITTEE

Bennett S. Orlowski, Jr.  
CHAIRMAN

Thomas A. Isles, A.I.C.P.  
DIRECTOR OF PLANNING

## **NOTICE OF PUBLIC MEETING**

**Notice is hereby given that the Suffolk County Farmland Committee will convene a regular public meeting at 6:00 p.m. on Tuesday, November 25<sup>th</sup>, 2008 at the L.I. Horticultural Research and Extension Center, 3059 Sound Avenue, Riverhead, N.Y. Pursuant to the Citizens Public Participation Act, all citizens are invited to submit testimony, either orally or in writing at the meeting. Written comments can also be submitted prior to the meeting to the attention of:**

**Thomas A. Isles, Director  
Suffolk County Planning Department  
P.O. Box 6100  
Hauppauge, N.Y. 11788**

**Suffolk County Farmland Committee  
Bennett S. Orlowski, Jr.**

# Suffolk County Farmland Committee

c/o Suffolk County Planning Department  
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099  
T: (631) 853-5191 F: (631) 853-4044

## *Chairman*

Bennett S. Orlowski, Jr.

## *Members*

Bennett S. Orlowski, Jr.  
Russell K. Barnett  
Ronald Bush  
Nate Corwin  
Lee Foster  
Daniel Fricke  
Olney M. Gardiner  
Thomas A. Isles  
Howard Johnson  
Ann Marie Jones  
Alfred Kilb, Jr.  
Joseph Krukowski  
Dale D. Moyer  
Eugene Murphy  
Jeffrey Rottkamp  
Charles Scheer  
Albert Schmitt  
John Turner  
Mark Zaweski

## *Counsel*

Linda Spahr

## *Advisors*

Allan S. Connell  
Joseph M. Gergela, III  
William Sanok

## *Staff*

Jessica L. Kalmbacher

## AGENDA

Long Island Horticultural Research & Extension Center

3059 Sound Ave., Riverhead, N.Y. 11901

Tuesday, November 25, 2008

6:00 P.M.

### 1. ORDER OF BUSINESS:

- A. Chairman Orlowski calls the Suffolk County Farmland Committee meeting to order
- B. Review of general correspondences received since the September 23, 2008 meeting
- C. Scheduling of next meeting

### 2. MEETING OPEN FOR PUBLIC COMMENTS

### 3. POLICY MATTERS:

- A. Farmland Working Group update (status of proposed amendments to Chapter 8)
- B. Suffolk County Agricultural Districts (status of 2009 Open Enrollment Period)
- C. Suffolk County Purchase of Development Rights Program New Parcel Application
- D. YMCA facility proposed within a Suffolk County Agricultural District

### 4. STATUS UPDATE:

- A. Quintal, Brightwaters Farms & Nursery (0500 22300 0100 021001)
- B. WM Investments, LLC; former Heilbut property (0900 06700 0100 006003)
- C. Vitti (1000 05900 0300 027000)

### 5. COMPLAINTS/POTENTIAL VIOLATIONS:

- A. Steele (1000 08300 0200 010018)

### 6. SUBDIVISION:

- A. Corwith (0900 11500 0200 022015): Tabled (09/23/2008)

### 7. PERMITS:

- A. 353 Manor Lane, LLC (0600 04700 0100 003007): Tabled (09/23/2008)
- B. Shoreline Development Corp. (0600 05800 0200 013001, 014002): Tabled (09/23/2008)
- C. Warner Nursery (0600 06200 0200 002000)
- D. K & E Land Corp., East Coast Nurseries (0600 06300 0300 005004): Tabled (09/23/2008)
- E. Schlecht, Schlecht Nursery (0600 07900 0200 007006)
- F. Tooker, Abbess Farm (0600 11700 0200 012008)

### 8. OTHER BUSINESS

### 9. ADJOURNMENT

**NEXT MEETING:** Tuesday, January 27, 2009, at 12:00 noon, at the H. Lee Dennison Building – 4<sup>th</sup> floor, 100 Veterans Memorial Highway, Hauppauge, N.Y. 11788

**MINUTES OF THE SUFFOLK COUNTY FARMLAND COMMITTEE**  
**Suffolk County Planning Department**

**Date:** November 25, 2008

**Members** Bennett Orłowski, Jr., Chairman (At-Large)

**Present:** Russell K. Barnett (Smithtown)  
Nate Corwin (At-Large)  
Lee Foster (Southampton)  
Daniel Fricke, (At-Large)  
Thomas A. Isles, (At-Large)  
Howard Johnson (Huntington)  
Alfred J. Kilb, Jr. (Shelter Island)  
Dale D. Moyer, (At-Large)  
Jeffrey Rottkamp (Riverhead)  
Charlie Scheer (At-Large)  
Albert Schmitt (At-Large)  
John Turner (Brookhaven)  
Mark Zaweski (At-Large)

**Advisors** Allan S. Connell, USDA Natural Resources Conservation Service

**Present:** Joseph M. Gergela, III, LI Farm Bureau

**County Staff** Jessica L. Kalmbacher, Planner, SC Planning Department (Committee Staff)

Janet Longo, Acquisition Supervisor, SC Real Property Acquisition & Mgmt. Div.

**Present:** Linda Spahr, Assistant County Attorney, SC Law Department (Committee Counsel)  
Robert J. Zaher, Land Management Specialist, SC Real Property Acquisition & Mgmt. Div.

**Guests** Frank J. Blangiardo, Blangiardo Farm (fka 353 Manor Lane Farm/Totino's Nursery)

**Present:** Charles Cuddy, Shoreline Development Corp  
Pete Schembri, Shoreline Development Corp.  
Emily Stevens, Shoreline Development Corp.  
Barry VanOstrand, Shoreline Development Corp.  
Cathy VanOstrand, Shoreline Development Corp.  
Gregory VanOstrand, Shoreline Development Corp.  
Austin H. Warner, Warner Nursery  
Bill Kelly, Warner Nursery  
Robert Schlecht, Schlecht Nursery  
Barry Block, Block Nursery  
Beth-Ann Block, Block Nursery  
Stephen Searl, Peconic Land Trust  
Hoot Sherman, Peconic Land Trust

**Members** Ronald Bush, (At-Large)

**Absent:** Olney M. Gardiner (East Hampton)  
Ann Marie Jones, (Babylon)  
Joseph Krukowski (Southold)  
Eugene Murphy, (Islip)

**Advisors** William Sanok, Cornell Cooperative Extension (Retired)

**Absent:**

## ORDER OF BUSINESS

### *Call To Order*

Chairman Orlowski called the meeting of the Suffolk County Farmland Committee (Committee) to order at 6:02 P.M. at the Long Island Horticultural Research and Extension Center in Riverhead, NY.

### *Correspondences*

The Committee was not in receipt of any correspondences unrelated to items on the agenda.

### *Scheduling of 2009 Meetings*

The Committee set the schedule of meetings for the 2009 calendar year. [Exhibit "A"]

## PUBLIC COMMENTS

Chairman Orlowski opened the meeting for public comments.

### *Block's Nursery (0200 50700 0400 012000)*

Mr. Barry Block presented a site plan to the Committee, which delineated the new proposed location for a barn structure Mr. Block said had been previously approved by the Committee but not constructed. The subject property is a 20-acre parcel located in the Town of Brookhaven, hamlet of Manorville. After a brief discussion, Chairman Orlowski requested the Suffolk County Planning Department (Planning) staff research the matter and analyze the application in preparation for a formal presentation and review at the next meeting of the Committee.

### *Richter's Orchard Development Rights Acquisition Press Conference (0400 08700 0300 007006 et al)*

The County of Suffolk will be announcing formally its intent to partner with the Town of Huntington on the acquisition of development rights to a 16-acre portion of the Richter's Orchard located in the Town of Huntington, hamlet of Fort Salonga. The press conference is scheduled to be held at Richter's Orchard on Monday, December 1, 2008, at 10:30 A.M. All Committee members were invited to attend the event.

## POLICY MATTERS

### *Farmland Working Group Update (Status of Proposed Amendments to Chapter 8)*

The interdepartmental farmland working group continues to work on proposed amendments to Chapter 8 of the Suffolk County Administrative Local Laws, "Development Rights to Agricultural Lands." The farmland working group anticipates that the proposed amendments will be completed by the end of the year.

### *Suffolk County Agricultural Districts (Status of 2009 Open Enrollment Period)*

January is the Suffolk County Agricultural Districts Open Enrollment Period (OEP), the month during which landowners of viable agricultural lands may submit applications to have their properties considered for inclusion in existing certified agricultural districts. Applications are available at the Planning office and on the Planning website. All applications must be received by Planning during the month of January

in order to be considered. After the close of the OEP, the Suffolk County Agricultural and Farmland Protection Board (Board) will review the submitted applications. Upon recommendation by the Board, the Suffolk County Legislature (Legislature) will review and submit the requests for inclusion to the Commissioner of the New York State Department of Agriculture and Markets. All parcels approved by the Commissioner will then be included in the appropriate agricultural districts, effective immediately. Applications were distributed to the Committee and guests.

***Suffolk County Purchase of Development Rights Program New Parcel Application***

Planning staff designed new application forms to be completed by landowners interested in selling the development rights to lands on which they operate viable agricultural operations. Applications are available at the Planning office and on the Planning website. Any property for which an application has not been submitted by the landowner, or authorized representative, to Planning will not be considered by the Committee for inclusion in the Suffolk County Purchase of Development Rights Program (Program). Applications were distributed to the Committee and guests.

***YMCA Facility proposed within a Suffolk County Agricultural District (0600 04600 0300 005000)***

A YMCA facility is proposed on an actively farmed parcel of property owned by the Riverhead Central School District. The subject property is located within a 500-acre block of predominately preserved farmland, most of which is within Suffolk County Agricultural District number seven. Interested parties oppose the plan based on the proposed location of the facility, citing the high potential for land-use conflicts. The Committee agreed that since a goal of the Program is to protect large, continuous blocks of viable agricultural land while reducing land-use conflicts, the Committee should express its concern about the proposal.

**A motion was put forth by Mark Zaweski and seconded by Howard Johnson to direct the Suffolk County Planning Department staff to prepare a letter stating the Suffolk County Farmland Committee's position and forward it to the YMCA of Long Island, the Riverhead Central School District, and the New York State Education Department. Motion carried: 14-0-0. [Exhibit "B"]**

STATUS UPDATE

***Quintal, Brightwaters Farms & Nursery (0500 22300 0100 021001)***

The subject property is approximately 11 acres located in the Town of Islip, hamlet of North Bay Shore. Planning staff was notified that violations may have occurred or may be occurring on the property. On November 21, 2008, Planning staff conducted a site inspection. The site inspection revealed that permanent playground structures, excessive mounds of material, and parking structures may be on the property. Planning staff sent a letter to the landowner requesting a guided tour of the site and clarification of the activities being conducted.

***WM Investments, LLC; former Heilbut property (0900 06700 0100 006003)***

The former Heilbut property is approximately 39 acres located in the Town of Southampton, hamlet of Water Mill. There have been repeated complaints by neighbors indicating that the dirt farm road, which intersects Cooks Lane, is being used to access the adjacent residential lot. Planning staff conducted a site inspection on November 21, 2008. Although Planning staff did not witness nonagricultural vehicles using the dirt farm road to access the residential lot, as was witnessed during two prior site inspections, Planning staff did find evidence that it continues to be used for nonagricultural purposes. Such evidence included a "JC Construction Management Corp., 81 Newtown Lane, East Hampton, New York 11937" sign posted at the entrance to the dirt farm road from Cooks Lane. Subsequently, a cease and desist letter

was issued regarding the use of the dirt farm road for nonagricultural purposes. The landowner's attorney contacted the Suffolk County Law Department and indicated that dirt farm road will only be used for agricultural purposes moving forward.

***Vitti (1000 05900 0300 027000)***

The subject property consists of approximately 21 acres located in the Town of Southold, hamlet of Southold. The property was approved by the Committee in 2002 for recommendation to the Legislature for the consideration of a development rights acquisition. During the September 23, 2008 meeting, the Committee discussed the modified plan depicting lands to be excluded from the development rights acquisition. The Committee made and approved a motion to request that the Suffolk County Real Property Acquisition and Management Division staff contact the landowner to discuss alternative configurations, to be presented to the Committee for its consideration at a subsequent meeting. No modified plan was submitted by the landowner.

**COMPLAINTS/POTENTIAL VIOLATIONS**

***Steele (1000 08300 0200 010018)***

The subject property is approximately 11 acres located in the Town of Southold, hamlet of Peconic. The property was before the Committee during the September 23, 2008 meeting regarding complaints of excessive composting, which were unfounded. Subsequently, Planning staff received a complaint that the property was being used for motocross activities. The Planning staff site inspection conducted on November 21, 2008 revealed no evidence of motocross activities. Therefore, Planning staff believes there is no basis for the claim and will not be pursuing the matter any further.

**SUBDIVISION**

***Corwith (0900 11500 0200 022015)***

The subject property consists of approximately 34 acres located in the Town of Southampton, hamlet of Water Mill. The applicant seeks permission to subdivide the property into two 17-acre lots. This request was before the Committee during the September 23, 2008 meeting. The Committee had requested that the applicant present alternative methods to reduce his liability in the property, in lieu of subdividing, during the November 25, 2008 meeting. No alternative methods were submitted and the applicant was not present. Chairman Orłowski requested that Planning staff contact the applicant to determine the status of the proposal.

**PERMITS**

***353 Manor Lane, LLC (0600 04700 0100 003007)***

***Horse Barn, Fencing, Underground Utilities Infrastructure***

The subject property is approximately 38 acres located in the Town of Riverhead, hamlet of Jamesport. The applicant seeks permission to relocate one Lester Building structure onto the property to be used as a horse barn, to erect horse fencing structures associated with the horse barn, and to disturb the soil to install electric and water utilities infrastructure intended to service the horse barn. The proposed horse barn is approximately 3,000 square feet. The proposed paddock area to be created by the horse fencing is approximately six acres, increased from five acres as previously presented. The proposed soil disturbance for the installation of the proposed utilities infrastructure is approximately 600 feet from Manor Lane to the proposed horse barn. The application was before the Committee during the September 23, 2008 meeting but was tabled in order to ascertain the Town of Riverhead Farmland Preservation Committee's (Riverhead Committee's) determination regarding the proposed improvements to the property. Member Zaweski informed the Committee that the applicant had since been granted a verbal approval from the

Riverhead Committee for the proposed improvements pending the Committee's approval. The applicant, Mr. Frank Blangiardo, was in attendance to present the proposal. A dialogue ensued. The Committee expressed concern as to whether the proposed operation constitutes a commercial horse boarding operation pursuant to New York State Agriculture and Markets Law or a recreational use, presumably accessory to the residential use proposed on the adjacent lot also owned by the applicant. The Committee has the authority to permit structures associated with the current agricultural operation: the nursery. However, the requested improvements are not for the current agricultural operation; they are for an agricultural operation that has not yet been established. Thus, the applicant must present evidence that a commercial horse boarding operation will be implemented before the Committee may grant permits for the proposed improvements. The applicant was unable to demonstrate to the satisfaction of the Committee that the intended use of the property would be a bona fide commercial horse boarding operation as claimed. Furthermore, the Committee expressed concern over the overstocking that would occur on the portion of the property designated for the equine activities in the event that the applicant expanded the proposed operation to include the boarding of 20 horses as expressed. Advisor Connell indicated that such overstocking, approximately four horses per acre, would greatly degrade the soil.

**A motion was put forth by Charles Scheer and seconded by Russell Barnett to table the matter pending more information from the Town of Riverhead. Motion carried: 14-0-0.**

*Shoreline Development Corp. (0600 05800 0200 013001, 014002)*

***Fencing, Parking, Nursery Sales Structure, Nursery Storage Structure, Equipment Storage Structure***

The subject property is approximately 33 acres located in the Town of Riverhead, hamlet of Calverton. The applicant seeks ex post facto permission to relocate two fence structures and permission to install new fence structures, to create a gravel parking area, to construct a nursery sales structure, to construct a nursery stock storage structure, and to construct a farm equipment storage structure. The proposed gravel parking area is approximately 9,000 square feet. The proposed nursery sales structure is approximately 500 square feet, reduced from 880 square feet to be in compliance with the ordinance. The proposed nursery stock storage structure is approximately 315 square feet. Lastly, the proposed farm equipment storage structure is approximately 890 square feet. The Committee reviewed the applicant's initial proposal during the September 23, 2008 meeting, which included only the proposed fence relocation and the proposed gravel parking area. During said meeting, the Committee requested the applicant submit a comprehensive plan describing the intended use of the property and a detailed site plan delineating all proposed structures necessary for the agricultural operation. The applicant submitted the amended application. Mr. Charles Cuddy, counsel to the applicant, was in attendance to present the proposal. A dialogue ensued. The Committee expressed concern over the need for such a large gravel parking area. Member Scheer cautioned the Committee to considered carefully such improvement and whether or not its approval would set a precedent for other preserved farmland. The Committee also expressed concern over the possibility that construction business activities were being conducted on the premises. Mr. Cuddy assured the Committee that no construction business activities were being conducted on the premises and that Schembri Homes was not operating from the property. When asked about the "Sales & Construction Office" sign seen on the office building structure, Mr. Cuddy informed the Committee that it had been removed.

**A motion was put forth by Mark Zaweski and seconded by Nate Corwin to table the matter pending more information from the applicant. Motion carried: 14-0-0.**

*Warner, Warner Nursery (00600 06200 0200 002000)*

***Barn Structure***

The subject property is approximately 40 acres located in the Town of Riverhead, hamlet of Riverhead. The applicant seeks permission to erect one 7,300 square-foot agricultural building to be used to store agricultural equipment and bareroot nursery stock. The applicant was present.

**A motion was put forth by Bennett S. Orlowski, Jr. and seconded by Thomas A. Isles finding and determining that this proposal constitutes a Type II action pursuant to 6 NYCRR § 617.5 (c) (3), which completes the SEQRA review. Motion carried: 14-0-0.**

**A motion was put forth by Nate Corwin and seconded by Lee Foster to issue a permit for one (1) agricultural storage structure, not to exceed 54' x 16' x 135', situated in the southwest corner of Suffolk County Real Property Tax Map lot 0600-062.00-02.00-002.000 to be used for the storage of agricultural equipment and for the storage of bareroot nursery stock. Motion carried: 14-0-0. [Exhibit "C"]**

*K & E Land Corp., East Coast Nurseries (0600 06300 0300 005004)*

***Drainage Basins***

The subject property is approximately 165 acres located in the Town of Riverhead, hamlet of Riverhead. The applicant seeks permission to install five vertical drain basins. This application was before the Committee during the September 23, 2008 meeting; however, the applicant was not present to discuss the proposal. Again, the applicant was not present. According to Advisor Connell, conversations with the applicant had indicated that the project might be on hold. Upon Advisor Connell's recommendation, the Committee requested that Planning staff contact the applicant to determine the status of the proposal.

**A motion was put forth by Thomas A. Isles and seconded by Mark Zaweski to table the matter and to direct Planning staff to contact the landowner to determine whether the landowner would like to pursue the submitted application or withdraw it. Motion carried: 14-0-0.**

*Schlecht, Schlecht Nursery (0600 07900 0200 007006)*

***Pot-In-Pot System***

The subject property is approximately 29 acres located in the Town of Riverhead, hamlet of Calverton. The property was before the Committee during the September 23, 2008 meeting on two accounts: an unauthorized dumping claim, which was unfounded, and a development permit for an underground water main, which was conditionally approved. Currently, the applicant seeks permission to disturb soil in conjunction with the installation of a pot-in-pot system on the northern portion of the property. The applicant, Mr. Robert Schlecht, identified the benefits of such system—the reduced probability that strong winds would knock over nursery stock, the increased insulation of root balls, and the increased year-round marketability resulting from the decreased probability of transport shock. Mr. Schlecht stated further that any soil disturbed would remain onsite.

**A motion was put forth by Bennett S. Orlowski, Jr. and seconded by Alfred Kilb, Jr. finding and determining that this proposal constitutes a Type II action pursuant to 6 NYCRR § 617.5 (c) (3), which completes the SEQRA review. Motion carried: 14-0-0.**

**A motion was put forth by Charles Scheer and seconded by Nate Corwin to issue a permit for the installation of a pot-in-pot system, along the northern segment of Suffolk County Real Property Tax Map lot 0600-079.00-02.00-007.006, that will have five-foot centers with green patches between the pots. Motion carried: 14-0-0. [Exhibit "D"]**

***Tooker, Abbess Farm, Ltd. (0600 11700 0200 0120008)  
Regrading, Drainage Structures (Horse-Training Track)***

The property is approximately 86 acres located in the Town of Riverhead, hamlet of Calverton. The applicant seeks permission to regrade the property and to install drainage improvements associated with a horse-training track. Planning staff was notified of potential violations that may have occurred on the site in October of 2007. Sufficient evidence was found to support the claims; thus, Planning staff issued a cease and desist letter on October 5, 2007. The landowner submitted an application for permission to execute improvements associated with the installation of a horse-training track. Such improvements included property regrading and drainage structures installation. Correspondence from the Town of Riverhead Engineering Consultant dated May 14, 2008 recommended that the landowner provide the Committee with a narrative about the project and the intended disposition of surplus soils. Planning staff conducted a site inspection on June 5, 2008 that revealed extensive unauthorized excavation of the property. Correspondence from the Natural Resources Conservation Service (NRCS) District Conservationist dated June 18, 2008 indicated that the excavation conducted had significantly reduced the agricultural viability of the property and recommended that the stockpiled material be replaced in order to return the property to its original grade. In a letter, dated August 29, 2008, Planning staff requested additional information from the landowner but received no response. In a second letter, dated September 29, 2008, Planning staff requested additional information from the landowner but received no response.

**A motion was put forth by Thomas A. Isles and seconded by Charles Scheer to deny the request for a permit to excavate and regrade approximately 17 acres of land and to install drainage improvements associated with a horse-training track on Suffolk County Real Property Tax Map lot 0600-117.00-02.00-012.008, as delineated on the survey titled “Grading Plan, Tooker Property, situated at Calverton, Town of Riverhead, Suffolk County, New York, District 600 Section 117 Block 2 Lot 12.4” and dated January 17, 2008. Motion carried: 14-0-0. [Exhibit “E”]**

**OTHER BUSINESS**

***Open Meetings Law***

Member Zaweski requested clarification from counsel about the New York State Open Meetings Law, specifically the circumstances under which the Committee may conduct an executive session. Counsel Spahr informed the Committee that an executive session may be conducted when the Committee wishes to discuss certain topics including pending litigation, negotiations, and personnel matters, among others.

***Wind Power Systems***

Member Scheer suggested the Committee consider establishing guidelines for wind power generating structures given the interest in such technology. The Town of Riverhead recently adopted legislation permitting said structures, with limitations: 1) the rating capacity of each wind power generating structure may not exceed 110% of the agricultural operation’s electrical demand and 2) each wind power generating structure may not exceed a height of 125 feet. Member Scheer expressed the importance of enabling landowners of protected farmlands to have the same economic opportunities as landowners of unprotected farmlands; the ability to generate power onsite is one such economic opportunity.

***Commercial Horse Boarding Operations***

Advisor Connell suggested the Committee consider establishing guidelines for commercial horse boarding operations, specifically stocking rates, to ensure that each operation is handled in a consistent manner. For reference, the NRCS recommends an equine stocking rate of only one horse per two acres because the soil compaction and erosion associated with horses is significant. The Committee was directed to the Town of Southold code, which has an ordinance that may serve as a model for such guidelines.

ADJOURNMENT

**A motion to adjourn was put forth by Mark Zaweski and seconded by Charles Scheer. Motion carried: 14-0-0.**

NEXT MEETING

**Tuesday, January 27, 2009 at noon at the H. Lee Dennison Building, 4<sup>th</sup> Floor, Department of Planning, Arthur Kunz Memorial Library, 100 Veterans Memorial Highway, Hauppauge, NY 11788.**

## EXHIBIT A

### Suffolk County Farmland Committee Meeting Schedule for Calendar Year 2009

<i>Date</i>	<i>Time</i>	<i>Location</i>
<b>Tuesday, January 27, 2009</b>	12:00 noon	H. Lee Dennison Bldg. – 4th floor 100 Veterans Memorial Highway, Hauppauge, NY
<b>Tuesday, March 24, 2009</b>	6:00 PM	L. I. Horticultural Research and Extension Center 3059 Sound Avenue, Riverhead, NY
<b>Tuesday, May 26, 2009</b>	6:00 PM	L. I. Horticultural Research and Extension Center 3059 Sound Avenue, Riverhead, NY
<b>Tuesday, July 28, 2009</b>	6:00 PM	L. I. Horticultural Research and Extension Center 3059 Sound Avenue, Riverhead, NY
<b>Tuesday, September 22, 2009</b>	6:00 PM	L. I. Horticultural Research and Extension Center 3059 Sound Avenue, Riverhead, NY
<b>Tuesday, November 24, 2009</b>	6:00 PM	L. I. Horticultural Research and Extension Center 3059 Sound Avenue, Riverhead, NY

**EXHIBIT B**

**RESOLUTION NO. FC-15-2008, ADOPTING A POSITION AGAINST SITING A YMCA FACILITY WITHIN A BELT OF PRESERVED AGRICULTURAL LAND – RIVERHEAD CENTRAL SCHOOL DISTRICT NO 2 – (SCRPTM NO. 0600-046.00-03.00-005.000) – TOWN OF RIVERHEAD – PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS**

**WHEREAS**, the Suffolk County Farmland Committee was informed at its November 25, 2008 meeting that a YMCA facility has been proposed on a property owned by Riverhead Central School District Number Two, identified by Suffolk County Real Property Tax Map lot number 0600-046.00-03.00-005.000, on land northeast of Tuthills Lane, southeast of Peacock Path, and north of North Apollo Drive; and

**WHEREAS**, said property is located within the Town of Riverhead Agricultural Protection Zone; and

**WHEREAS**, said property is 27 ± acres of land in active agricultural production sited within an agricultural belt; and

**WHEREAS**, said property is bordered on four sides by land to which the County of Suffolk has acquired the development rights; and

**WHEREAS**, the Suffolk County Farmland Committee at its meeting on November 25, 2008 discussed said agricultural resource; and

**WHEREAS**, the Suffolk County Farmland Committee at its meeting on November 25, 2008 discussed the impact of conflicting land uses on viable agricultural production; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Farmland Committee finds that the said proposal will conflict with the existing land uses on adjacent parcels and, consequently, said proposal is a threat to viable agricultural production; and be it further

**2<sup>nd</sup> RESOLVED**, that the Suffolk County Farmland Committee hereby directs the Suffolk County Planning Department staff to prepare a letter stating the Suffolk County Farmland Committee's position against the proposal and forward said letter to the YMCA of Long Island, the Riverhead Central School District, and the New York State Education Department.

**Motion by:** Mark Zaweski                      **Seconded by:** Howard Johnson

**Committee Vote:**            **Ayes**            **14**  
   **Nays**            **0**  
   **Abstentions** **0**

**Members Present:**        14        (Russell K. Barnett, Nate Corwin, Lee Foster, Daniel Fricke, Thomas A. Isles, Howard Johnson, Alfred J. Kilb, Jr., Dale D. Moyer, Bennett S. Orłowski, Jr., Jeffrey Rottkamp, Charles Scheer, Albert Schmitt, John Turner, Mark Zaweski)

**Members Absent:**        5        (Ronald Bush, Olney M. Gardiner, Ann Marie Jones, Joseph Krukowski, Eugene Murphy)

**Dated: November 25, 2008**  
L.I. Horticultural Research and Extension Center, 3059 Sound Avenue, Riverhead, N.Y. 11901

**EXHIBIT C**

**RESOLUTION NO. FC-17-2008, APPLICATION FOR A MODIFICATION TO THE PROPERTY OF WHICH SUFFOLK COUNTY OWNS THE DEVELOPMENT RIGHTS – WARNER NURSERY, LLC. – (SCRIPTM NO. 0600-062.00-02.00-002.000) – TOWN OF RIVERHEAD – PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS**

**WHEREAS**, an application was received by the Suffolk County Farmland Committee at its November 25, 2008 meeting, regarding “Warner Nursery, LLC.,” seeking a permit to erect one (1) agricultural structure, not to exceed 135’L x 54’W x 16’H, situated in the southwest corner of Suffolk County Real Property Tax Map lot 0600-062.00-02.00-002.000 to be used for the storage of agricultural equipment and for the storage of bareroot nursery stock; and

**WHEREAS**, said application was considered by the Suffolk County Farmland Committee at its meeting on November 25, 2008; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Farmland Committee hereby finds and determines that this proposal constitutes a Type II action pursuant to 6 NYCRR §617.5(c)(3)(1995), which completes the SEQRA review; and be it further

**2<sup>nd</sup> RESOLVED**, that the Suffolk County Farmland Committee hereby approves said application.

**Motion by:** Nate Corwin                      **Seconded by:** Lee Foster

Committee Vote:            **Ayes            14**  
   **Nays             0**  
   **Abstentions 0**

Members Present:        14        (Russell K. Barnett, Nate Corwin, Lee Foster, Daniel Fricke, Thomas A. Isles, Howard Johnson, Alfred J. Kilb, Jr., Dale D. Moyer, Bennett S. Orlowski, Jr., Jeffrey Rottkamp, Charles Scheer, Albert Schmitt, John Turner, Mark Zaweski)

Members Absent:        5        (Ronald Bush, Olney M. Gardiner, Ann Marie Jones, Joseph Krukowski, Eugene Murphy)

**Dated: November 25, 2008**  
L.I. Horticultural Research and Extension Center, 3059 Sound Avenue, Riverhead, N.Y. 11901

**EXHIBIT D**

**RESOLUTION NO. FC-19-2008, APPLICATION FOR A MODIFICATION TO THE PROPERTY OF WHICH SUFFOLK COUNTY OWNS THE DEVELOPMENT RIGHTS – “SCHLECHT NURSERY” – (SCRPTM NO. 0600-079.00-02.00-007.006) – TOWN OF RIVERHEAD – PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS**

**WHEREAS**, an application was received by the Suffolk County Farmland Committee at its November 25, 2008 meeting, regarding Schlecht Nursery, seeking a permit to install a pot-in-pot system along the northern segment of Suffolk County Real Property Tax Map lot 0600-079.00-02.00-007.006 that will have five-foot centers with green patches between the pots; and

**WHEREAS**, said application was considered by the Suffolk County Farmland Committee at its meeting on November 25, 2008; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Farmland Committee hereby finds and determines that this proposal constitutes a Type II action pursuant to 6 NYCRR §617.5(c)(3)(1995), which completes the SEQRA review; and be it further

**2<sup>nd</sup> RESOLVED**, that the Suffolk County Farmland Committee hereby approves said application.

**Motion by:** Charles Scheer      **Seconded by:** Nate Corwin

Committee Vote:      **Ayes      14**  
                                 **Nays      0**  
                                 **Abstentions 0**

Members Present:      14      (Russell K. Barnett, Nate Corwin, Lee Foster, Daniel Fricke, Thomas A. Isles, Howard Johnson, Alfred J. Kilb, Jr., Dale D. Moyer, Bennett S. Orłowski, Jr., Jeffrey Rottkamp, Charles Scheer, Albert Schmitt, John Turner, Mark Zaweski)

Members Absent:      5      (Ronald Bush, Olney M. Gardiner, Ann Marie Jones, Joseph Krukowski, Eugene Murphy)

**Dated: November 25, 2008**  
L.I. Horticultural Research and Extension Center, 3059 Sound Avenue, Riverhead, N.Y. 11901

## **EXHIBIT E**

**RESOLUTION NO. FC-20-2008, APPLICATION FOR A MODIFICATION TO THE PROPERTY OF WHICH SUFFOLK COUNTY OWNS THE DEVELOPMENT RIGHTS – ABBESS FARM, LTD. – (SCRPTM NO. 0600 11700 0200 012008) – TOWN OF RIVERHEAD – PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS**

**WHEREAS**, Riverhead Town conducted an investigation on October 3, 2007 and charged Abbess Farm, Ltd., DeChiaro Contracting Corp., Thomas A. DeChiaro, George M. Conserva, Jr., and Eugene Fernandez with illegal excavation and other zoning ordinance violations associated with the removal of approximately 30 yards of material from an approximately 200-foot by 400-foot area in the rear section of the lot identified by SCRPTM number 0600-117.00-02.00-012.008 without the required Riverhead Town approvals and permits; and

**WHEREAS**, on October 3, 2007 Suffolk County received notice that there were violations of Chapter 8 of the Suffolk County Administrative Local Laws on Abbess Farm, Ltd. regarding the removal of soil; and

**WHEREAS**, Suffolk County agents issued a cease and desist letter to Marie Tooker on October 5, 2007; and

**WHEREAS**, an application was received by the Suffolk County Farmland Committee at its April 22, 2008 meeting, regarding Abbess Farm, Ltd., seeking a permit to excavate and regrade approximately 17 acres of land and to install drainage improvements associated with a horse-training track on Suffolk County Real Property Tax Map (SCRPTM) lot 0600-117.00-02.00-012.008 as delineated on the survey titled "Grading Plan, Tooker Property, situated at Calverton, Town of Riverhead, Suffolk County, New York, District 600 Section 117 Block 2 Lot 12.4" and dated January 17, 2008; and

**WHEREAS**, in a correspondence dated May 14, 2008, the Riverhead Town Engineering Consultant, after reviewing the proposed plan, estimated that 17 acres are proposed to be disturbed and that approximately 140,000 cubic yards of soil are proposed to be excavated and recommended that a narrative be provided and that the intended disposition of the surplus soils be identified; and

**WHEREAS**, Suffolk County agents conducted a site inspection on June 5, 2008, which revealed extensive excavation of the property encompassing an area 245 feet by 800 feet and having a depth up to seven feet; and

**WHEREAS**, in a correspondence dated June 18, 2008, the United State Department of Agricultural Natural Resources Conservation Service District Conservationist, after reviewing the proposed plan and attending the aforementioned site inspection, reasoned that the proposed grading plan is excessive given the proposed use and that the excavation conducted has significantly diminished the agricultural viability of the parcel and recommended that the stockpiled sand be replaced and that the missing material be returned to the site to bring the elevation of the property back to the original subsoil elevation; and

**WHEREAS**, Suffolk County staff requested additional information from Marie Tooker in a letter dated August 29, 2008, which was not received; and

**WHEREAS**, Suffolk County staff required additional information from Marie Tooker in a letter dated September 29, 2008, which was not received; and

**WHEREAS**, said application was considered by the Suffolk County Farmland Committee at its meeting on November 25, 2008; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Farmland Committee hereby finds that there is insufficient evidence to approve said application and hereby denies said application; and be it further

**2<sup>nd</sup> RESOLVED**, that the Suffolk County Farmland Committee hereby finds that violations of Chapter 8 of the Suffolk County Administrative Local Laws have occurred on the site and that the land has been damaged by the excavation and removal of surface and subsurface soil; and be it further

**3<sup>rd</sup> RESOLVED**, that the Suffolk County Farmland Committee hereby recommends the Suffolk County Attorney take whatever actions are necessary and/or appropriate to seek reparation of the land, to prevent further damage to the land, and to prevent further violations of Chapter 8 of the Suffolk County Administrative Local Laws.

**Motion by:** Thomas A. Isles      **Seconded by:** Charles Scheer

Committee Vote:      **Ayes**      **14**  
                                 **Nays**      **0**  
                                 **Abstentions** **0**

Members Present:      14      (Russell K. Barnett, Nate Corwin, Lee Foster, Daniel Fricke, Thomas A. Isles, Howard Johnson, Alfred J. Kilb, Jr., Dale D. Moyer, Bennett S. Orlowski, Jr., Jeffrey Rottkamp, Charles Scheer, Albert Schmitt, John Turner, Mark Zaweski)

Members Absent:      5      (Ronald Bush, Olney M. Gardiner, Ann Marie Jones, Joseph Krukowski, Eugene Murphy)

**Dated: November 25, 2008**  
L.I. Horticultural Research and Extension Center, 3059 Sound Avenue, Riverhead, N.Y. 11901