

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 PM on Tuesday, September 28, 2010 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

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

Counsel

Thomas Young

Advisors

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

Staff

Andrew Amakawa
Jessica L. Kalmbacher
Karen Timlin

AGENDA

Long Island Horticultural Research and Extension Center

3059 Sound Avenue, Riverhead, NY 11901

Tuesday, September 28, 2010

6:00 P.M.

1. ORDER OF BUSINESS:

- A. Chairman Orlowski calls the Suffolk County Farmland Committee meeting to order
- B. Approval of July 27, 2010 Suffolk County Farmland Committee Meeting Minutes
- C. Review of general correspondences sent/received since the July 27, 2010 meeting

2. MEETING OPEN FOR PUBLIC COMMENTS**3. POLICY MATTERS:**

- A. Suffolk County Agricultural Districts (status of 2010 Open Enrollment Period)
- B. Proposed amendments to Chapter 8, "Development Rights to Agricultural Lands"
- C. Suffolk County Aquaculture Lease Program
- D. Federal Farm and Ranch Lands Protection Program Implementation Grant

4. STATUS UPDATES:

- A. Frank J. Blangiardo (0600 04700 0100 003007)

5. POTENTIAL/CONFIRMED VIOLATIONS:

- A. Friar's Head Farm, LP and Traditional Links, LLC/Friar's Head Farm (0600 04100 0200 005005 and 0600 04100 0200 005006)
- B. Shoreline Development Corp. (0600 05800 0200 013001 and 0600 05800 0200 014002)
- C. SGDP, LLC (Mezynieski)/Driftwood Farms (1000 01900 0200 010001)
- D. Jeanne F. and Timothy T. Steele/Tandy Farm (1000 08300 0200 010018)

6. NEW PARCELS:

- A. 0200 51200 0100 017000 and 0200 51200 0100 018000 – Ringhoff Family Limited Liability Company/Ringhoff Family Farm, East
- B. 0400 25100 0400 005000 – Commack Union Free School District/Marion Carll Farm
- C. 1000 10800 0300 007000 – Elmer G. & Beatrice E. Tuthill/Tuthill Property

7. OTHER BUSINESS**8. ADJOURNMENT**

NEXT MEETING: Tuesday, November 23, 2010, at 6:00 P.M., at the Long Island Horticultural Research & Extension Center, 3059 Sound Avenue, Riverhead, N.Y. 11901

MINUTES OF THE SUFFOLK COUNTY FARMLAND COMMITTEE
Suffolk County Planning Department

Date: September 28, 2010

Members Present:

Bennett S. Orlowski, Jr., Chairman (At-Large)
Nate Corwin (At-Large)
Lee Foster (Southampton)
Daniel Fricke (At-Large)
Thomas A. Isles (At-Large)
Howard Johnson (Huntington)
Ann Marie Jones (Babylon)
Alfred J. Kilb, Jr. (Shelter Island)
Joseph Krukowski (Southold)
Dale D. Moyer (At-Large)
Albert Schmitt (At-Large)
John Turner (Brookhaven)
Mark Zaweski (At-Large)

Members Absent:

Russell K. Barnett (Smithtown)
Ronald Bush (At-Large)
Olney M. Gardiner (East Hampton)
Eugene Murphy (Islip)
Jeffrey Rottkamp (Riverhead)
Charles F. Scheer, Jr. (At-Large)

Advisors Present:

Allan S. Connell, USDA Natural Resources Conservation Service
William Sanok, Cornell Cooperative Extension (Retired)

Advisors Absent:

Joseph M. Gergela, III, Long Island Farm Bureau

County Staff Present:

Andrew Amakawa, Research Technician, SC Planning Department (Committee Staff)
Jessica L. Kalmbacher, Planner, SC Planning Department (Committee Staff)
Janet M. Longo, Acquisition Supervisor, SC Real Property Acquisition & Mgmt. Division
Karen Timlin, Clerk Typist, SC Planning Department (Committee Staff)
Thomas Young, Assistant County Attorney, SC Law Department (Committee Counsel)
Robert J. Zaher, Land Management Specialist, SC Real Property Acquisition & Mgmt. Division

Guests Present:

Andrews, Marie	R & M Andrews Farms
Blangiardo, Frank	Blangiardo Farm
Davis, Christine	Davis Peach Farm
Davis, David T.	Davis Peach Farm
Ferguson, James	Shoreline Development Corp.
Mezynieski, Gretchen	Driftwood Farms
Mezynieski, Steven	Driftwood Farms
Nickles, Kate	Blangiardo Farm
Schembri, Peter	Shoreline Development Corp.
Searle, Stephen	Peconic Land Trust
Stevens, Emily	Shoreline Development Corp.
Strobel, Herb	Hallockville Museum Farm
TeNyenhuis, Paul	Suffolk County SWCD
Van Ostrand, Greg	Shoreline Development Corp.

ORDER OF BUSINESS

Call to Order

Chairman Orlowski called the meeting of the Suffolk County Farmland Committee (“Committee”) to order at 6:04 P.M. at the Long Island Horticultural Research and Extension Center in Riverhead, New York.

Approval of Minutes – July 27, 2010

A motion was put forth by Howard Johnson and seconded by Nate Corwin to approve the minutes of the July 27, 2010 meeting of the Suffolk County Farmland Committee. Motion carried: 13-0-0

Correspondences - Letters from Marie Andrews

Re: Shoreline Development Corp. (0600 05800 0200 013001 and 0600 05800 0200 014002)

Planning Department staff received, from Marie Andrews, two correspondences in which Ms. Andrews made comments about structures and alleged activities on the above-captioned property. Furthermore, Ms. Andrews inquired about the status of the pending investigation on said property. Planning Department staff responded to Ms. Andrews in a correspondence also shared with the Committee.

PUBLIC COMMENTS

Chairman Orlowski opened the meeting for public comments about matters unrelated to items on the meeting agenda. There being none, Chairman Orlowski closed the public comment portion of the meeting.

POLICY MATTERS

Suffolk County Agricultural Districts (status of 2010 Open Enrollment Period)

The introductory resolution authorizing the inclusion of 138 parcels (2,312.1 ± acres) into existing certified agricultural districts (Introductory Resolution 1695-2010), as per the recommendation of the Suffolk County Agricultural and Farmland Protection Board, was adopted by the Suffolk County Legislature (“Legislature”) on September 16, 2010 (Resolution 865-2010). Certification by the Commissioner of the New York State Department of Agriculture and Markets is pending.

Proposed amendments to Chapter 8, “Development Rights to Agricultural Lands”

A local law amending Chapter 8 of the Suffolk County Code was laid on the table on August 3, 2010 (Introductory Resolution 1835-2010). The public hearing to consider said local law was held on August 17, 2010. The Legislature adopted the introductory resolution on September 16, 2010 (Resolution 867-2010). Member Isles thanked all those who provided instrumental support during the amendment process including Suffolk County Farmland Committee members and advisors, the Long Island Farm Bureau, the Peconic Land Trust and the town agricultural advisory committee members and staff. Member Isles recognized key staff member, Jessica Kalmbacher, for her managing role in developing the changes, as well as, the contributions of Law Department staff members Linda Spahr and Thomas Young. It is anticipated that the new law will be enacted within the next two months. Once enacted, copies of the new code will be distributed to those who participated in the amendment process and to property owners in the Suffolk County Purchase of Development Rights Program (“SCPDR Program”).

**Advisor Connell arrived during the discussion of the above item.*

Suffolk County Aquaculture Lease Program

Planning Department staff is in the process of completing surveys for approved Temporary Marine Underwater Assignments included in Lease Application Cycle # 1. The public comment period for private oyster grant owners included in Lease Application Cycle # 2 was closed on September 20, 2010 and will be followed by an Aquaculture Lease Board meeting during which comments received will be reviewed. It is anticipated that Lease Application Cycle # 3 for new applicants will begin in January of 2011.

Federal Farm and Ranch Lands Protection Program Implementation Grant

On August 16, 2010, the USDA Natural Resources Conservation Service awarded the County of Suffolk (“County”) a grant for \$1,095,600 pursuant to the Federal Farm and Ranch Lands Protection Program for the preservation of a 26.4-acre farm field at Sylvester Manor. Said farm field was recommended by the Committee on May 26, 2009 (Committee Resolution DR-9-2009). Planning Department staff hopes to apply for funding to preserve an additional 57.1 acres at Sylvester Manor in 2011.

STATUS UPDATES

Frank J. Blangiardo

(0600 04700 0100 003007)

Status of Compliance with Committee Resolution FC-6-2010

The subject property consists of approximately 37.7 acres in the hamlet of Jamesport, Town of Riverhead. The landowner, Frank Blangiardo, was in attendance and submitted an as-built survey. A conversation about the remaining conditions stipulated in Committee resolution FC-6-2010 ensued. The Committee advised Mr. Blangiardo to discuss and resolve the issues pertaining to the as-built survey and other conditions with Planning Department staff.

NEW PARCELS

Ringhoff Family Limited Liability Company/Ringhoff Family Farm, East
(0200 51200 0100 017000 and 0200 51200 0100 018000)

The subject property consists of 140.7 ± acres in the hamlet of Eastport, Town of Brookhaven. On July 28, 2009, the Committee approved the subject parcels in their entirety for recommendation for inclusion in the SCPDR Program (Committee Resolution DR-12-2009). The landowner is now interested in selling development rights to a portion (76.0 ± acres out of ± 140.7) of what was originally approved. The property received a new score of 6 out of 25 by the Committee.

A motion was put forth by John Turner and seconded by Albert Schmitt to deny the application, as outlined in Committee Resolution DR-6-2010. Motion carried: 13-0-0 [See Exhibit “A” for Committee Resolution DR-6-2010]

Union Free School District #10 (Commack)/ “Marion Carll Farm” Property
(0400 25100 0400 005000)

The subject property consists of approximately 8.7 ± acres in the hamlet of Commack, Town of Huntington. On July 27, 2010, the Committee tabled said proposal (See applicable Suffolk County Farmland Committee meeting minutes).

A motion was put forth by Mark Zaweski and seconded by Lee Foster to deny the application, as outlined in Committee Resolution DR-7-2010. Motion carried: 13-0-0 [See Exhibit “B” for Committee Resolution DR-7-2010]

Elmer G. and Beatrice E. Tuthill
(1000 10800 0300 007000)

The subject property consists of approximately 56.0 ± acres in the hamlet of Cutchogue, Town of Southold. The Committee approved 44 ± acres of the subject property for inclusion in the SC PDR Program subject to a demonstration of legal access (Committee Resolution DR-5-2010). The access easement since submitted by the landowner has been reviewed by Law Department staff and has been deemed insufficient and unacceptable because it does not: 1) grant permanent legal access to the County to ensure compliance with the SCPDR Program (e.g., site inspections) and 2) grant permanent legal access to successive landowners to farm the property. Since legal access has not been demonstrated, the County cannot commence the appraisal process.

POTENTIAL/CONFIRMED VIOLATIONS

Shoreline Development Corp.
(0600 05800 0200 013001 and 0600 05800 0200 014002)

Unauthorized Storage of Non-Agricultural Debris and Other Potential Violations

The subject property consists of approximately 33.0 ± acres in the hamlet of Calverton, Town of Riverhead. In accordance with Committee resolution FC-8-2010, County and Town of Riverhead staff along with several Committee members conducted a follow-up site inspection of the subject premises. A cease and desist order was issued to the landowner by the County and an investigation is pending. Peter Schembri, representative of the above-listed property, was in attendance and commented on the recent site inspections conducted. Subsequently, Mr. Schembri was advised that any applications he may wish to submit for structures and/or activities must be done so no later than November 5, 2010 to have them considered at the November 23, 2010 Committee meeting

SGDP, LLC (Mezynieski)/ “Driftwood Farms”
(1000 01900 0200 010001)

Unauthorized Non-Agricultural Activities

The subject property consists of approximately 31.9 ± acres in the hamlet of Orient, Town of Southold. Planning Department staff received evidence that unauthorized events had occurred and were continuing

to occur on the subject property. Subsequently, a cease and desist order was issued on July 13, 2010. Upon receipt of said order, the landowners brought the property into compliance. Landowners Gretchen Mezynieski and Stephen Mezynieski were in attendance. Said landowners expressed their willingness to comply and provided additional comments about the SCPDR Program.

OTHER BUSINESS

Executive Session

A motion was put forth by Mark Zaweski and seconded by Dale D. Moyer to go into executive session for the purpose of discussing potential litigation and to be heard only in front of the Board members and staff. Motion carried: 12-0-0

**Member Turner and Advisor Sanok left the meeting before the Executive Session was conducted.*

A motion was put forth by Albert J. Kilb, Jr. and seconded by Albert Schmitt to end the executive session. Motion carried: 12-0-0

ADJOURNMENT

A motion to adjourn was made by Howard Johnson and seconded by Alfred J. Kilb, Jr. Motion carried: 12-0-0

NEXT MEETING

The next meeting of the Committee is scheduled for 6:00 P.M. on Tuesday, November 23, 2010, at the Long Island Horticultural Research and Extension Center, 3059 Sound Avenue, Riverhead, NY 11901.

EXHIBIT A

SUFFOLK COUNTY FARMLAND COMMITTEE RESOLUTION NO. DR-6-2010 RECOMMENDING TO THE SUFFOLK COUNTY LEGISLATURE THE LANDS FROM WHICH DEVELOPMENT RIGHTS MAY BE ACQUIRED – “RINGHOFF FAMILY FARM, EAST” (SCRPTM NO. 0200-512.00-01.00-017.000 AND 0200-512.00-01.00-018.000 P/O) – TOWN OF BROOKHAVEN – PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws, an application to sell development rights was received by the Suffolk County Farmland Committee (“Committee”) with respect to “Ringhoff Family Farm, East” owned by Ringhoff Family Limited Liability Company on 140.7.0 ± acres of land north of Eastport Manor Rd. (CR 111), south of Hot Water St. (unimproved), east of Toppings Path (unimproved), and west of Moriches Riverhead Rd. (CR 51) in the Town of Brookhaven; and

WHEREAS, the subject property is identified by Suffolk County Real Property Tax Map (“SCRPTM”) lots 0200-512.00-01.00-017.000 and 0200-512.00-01.00-018.000; and

WHEREAS, on July 28, 2009, the Committee approved the subject property, consisting of 140.7 ± acres and having no identified exclusions, for recommendation to the Suffolk County Legislature (“Legislature”) for inclusion in the Suffolk County Purchase of Development Rights Program (“Program”); and

WHEREAS, the Legislature approved a preliminary review (“planning steps”) of the subject parcels (Legislative Resolution 1756-2009); and

WHEREAS, the landowner of the subject property failed to confirm interest in selling the development rights to the County of Suffolk (“County”) during the allotted offer period; and

WHEREAS, the legal representative to the landowner of the subject property expressed interest in selling development rights to the County in a correspondence dated August 11, 2010; and

WHEREAS, the legal representative of the landowner of the subject property submitted a site plan configuration identifying a significant exclusion; and

WHEREAS, said proposal was significantly different from that which had originally been approved by the Committee, therefore requiring a new review by the Committee; and

WHEREAS, the landowner now offers the development rights to 76.0 ± acres of active agricultural land to the County in the form of a 1-acre parcel identified by SCRPTM lot 0200-512.00-01.00-017.000 and the northern 75.0 ± acres of SCRPTM lot 0200-512.00-01.00-018.000;

WHEREAS, pursuant to the Suffolk County Farmland Rating System for the Purchase of Development Rights, said farm received a score of 6 points out of 25 possible points; and

WHEREAS, said application was considered by the Committee at its meeting on September 28, 2010; now, therefore, be it

1st RESOLVED, that the Suffolk County Farmland Committee hereby disapproves recommending a total of 76.0 ± acres of agricultural land on all of SCRPTM lot 1000-108.00-03.00-017.000 and part of SCRPTM lot 0200-512.00-01.00-018.000 for consideration by the Suffolk County Legislature for inclusion in the Suffolk County Purchase of Development Rights Program.

Motion by: John Turner **Seconded by:** Albert Schmitt

Committee Vote: **Ayes** **13**
 Nays **0**

Abstentions 0

Members Present: 13 (Nate Corwin, Lee Foster, Daniel Fricke, Thomas A. Isles, Howard Johnson, Ann Marie Jones, Alfred J. Kilb, Jr. , Joseph Krukowski, Dale D. Moyer, Bennett S. Orłowski, Jr., Albert Schmitt, John Turner, Mark Zaweski)

Members Absent: 6 (Russell K. Barnett, Ronald Bush, Olney Gardiner, Eugene Murphy, Jeffrey Rottkamp, Charles F. Scheer)

Dated: September 28, 2010

L.I. Horticultural Research and Extension Center, 3059 Sound Avenue, Riverhead, N.Y. 11901
Suffolk County Farmland Committee

EXHIBIT B

SUFFOLK COUNTY FARMLAND COMMITTEE RESOLUTION NO. DR-7-2010 RECOMMENDING TO THE SUFFOLK COUNTY LEGISLATURE THE LANDS FROM WHICH DEVELOPMENT RIGHTS MAY BE ACQUIRED – “MARION CARLL FARM” (SCRPTM NO. 0400-251.00-04.00-005.000) – TOWN OF HUNTINGTON – PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws, an application to sell development rights was received by the Suffolk County Farmland Committee with respect to the property known as “Marion Carll Farm;” and

WHEREAS, the “Marion Carll Farm” property is identified by Suffolk County Real Property Tax Map (“SCRPTM”) lot 0400-251.00-04.00-005.000; and

WHEREAS, the “Marion Carll Farm” property consists of 8.7 ± acres of land on the west side of Commack Road, south of Hauppauge Road, and north of Daly road in the hamlet of Commack, Town of Huntington; and

WHEREAS, the “Marion Carll Farm” property is owned by Union Free School District Number Ten (i.e., the Commack Union Free School District); and

WHEREAS, the landowner has not submitted documentation authorizing any agents to represent the “Marion Carll Farm” property on its behalf in this matter; and

WHEREAS, the Suffolk County Legislator representing the 12th District, John M. Kennedy, Jr., requests that the Suffolk County Farmland Committee recommends for acquisition the development rights to 8.7 ± acres of the “Marion Carll Farm” property, with no identified exclusions; and

WHEREAS, the “Marion Carll Farm” property is not in active commercial agricultural production; and

WHEREAS, recorded deed covenants and restrictions against the “Marion Carll Farm” property may preclude said property from being used for commercial agricultural production; and

WHEREAS, such use limitations conflict with the underlying purpose of the Suffolk County Purchase of Development Rights—to preserve farmland for active commercial agricultural production; and

WHEREAS, on July 27, 2010, the Suffolk County Farmland Committee tabled the review of the “Marion Carll Farm” property for inclusion in the Suffolk County Purchase of Development Rights Program until the applicable recorded deed covenants and restrictions have been compiled and reviewed; and

WHEREAS, the aforementioned deed covenants and restrictions against the “Marion Carll Farm” property were reviewed by Counsel and presented to the Committee at its meeting on July 27, 2010; now, therefore, be it

1st RESOLVED, that the Suffolk County Farmland Committee hereby disapproves recommending all of SCRPTM lot 0400-251.00-04.00-005.000 for consideration by the Suffolk County Legislature for inclusion in the Suffolk County Purchase of Development Rights Program.

Motion by: Mark Zaweski **Seconded by:** Lee Foster

Committee Vote: **Ayes** **13**
 Nays **0**
 Abstentions **0**

Members Present: 13 (Nate Corwin, Lee Foster, Daniel Fricke, Thomas A. Isles, Howard Johnson, Ann Marie Jones, Alfred J. Kilb, Jr. , Joseph Krukowski, Dale D. Moyer, Bennett S. Orlowski, Jr., Albert Schmitt, John Turner, Mark Zaweski)

Members Absent: 6 (Russell K. Barnett, Ronald Bush, Olney Gardiner, Eugene Murphy, Jeffrey Rottkamp, Charles F. Scheer)

Dated: September 28, 2010

L.I. Horticultural Research and Extension Center, 3059 Sound Avenue, Riverhead, N.Y. 11901
Suffolk County Farmland Committee