

# 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, November 23, 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

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## **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, November 23, 2010

6:00 P.M.

- 
1. ORDER OF BUSINESS:
    - A. Chairman Orlowski calls the Suffolk County Farmland Committee meeting to order
    - B. Approval of September 28, 2010 Suffolk County Farmland Committee Meeting Minutes
    - C. 2011 Meeting Calendar
    - D. Review of general correspondences sent/received since the September 28, 2010 meeting
  2. MEETING OPEN FOR PUBLIC COMMENTS
  3. POLICY MATTERS:
    - A. Suffolk County Agricultural Districts (status of 2010 Open Enrollment Period)
    - B. Suffolk County Agricultural Districts (status of 2011 Open Enrollment Period)
    - C. Proposed amendments to Chapter 8, "Development Rights to Agricultural Lands"
    - D. Suffolk County Aquaculture Lease Program
  4. STATUS UPDATES:
    - A. Frank J. Blangiardo (0600 04700 0100 003007)
    - B. Wild Horses Farms, LLC (0900 05000 0100 005000)
  5. POTENTIAL/CONFIRMED VIOLATIONS:
    - A. Shoreline Development Corp. (0600 05800 0200 013001 and 0600 05800 0200 014002)
  6. PERMITS:
    - A. J&F Moriches LLC/F&W Schmitt Farms (0200 75100 0100 010000)
    - B. Shoreline Development Corp. (0600 05800 0200 013001 and 0600 05800 0200 014002)
    - C. Thomas P. McGunnigle (1000 07400 0100 037003)
    - D. Frederick & Karen A. Lee/Sang Lee Farms, Inc. (1000 08400 0500 001003)
  7. OTHER BUSINESS
  8. ADJOURNMENT

NEXT MEETING: Tuesday, January 25, 2011, at 12:00 P.M., at the H. Lee Dennison Bldg. – 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 23, 2010

**Members Present:**

Bennett S. Orlowski, Jr., Chairman (At-Large)  
Nate Corwin (At-Large)  
Lee Foster (Southampton)  
Olney M. Gardiner (East Hampton)  
Thomas A. Isles (At-Large)  
Howard Johnson (Huntington)  
Alfred J. Kilb, Jr. (Shelter Island)  
Joseph Krukowski (Southold)  
Dale D. Moyer (At-Large)  
Jeffrey Rottkamp (Riverhead)  
Charles F. Scheer, Jr. (At-Large)  
Albert Schmitt (At-Large)  
Mark Zaweski (At-Large)

**Members Absent:**

Russell K. Barnett (Smithtown)  
Ronald Bush (At-Large)  
Daniel Fricke (At-Large)  
Ann Marie Jones (Babylon)  
Eugene Murphy (Islip)  
John Turner (Brookhaven)

**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  
Paul A. TeNyenhuis, District Manager, SC Soil & Water Conservation District Office  
Karen Timlin, Clerk Typist, SC Planning Department (Committee Staff)  
Thomas Young, Assistant County Attorney, SC Law Department (Committee Counsel)

**Guests:**

Andrews, Marie	R & M Andrews Farms
Andrews, Denise	R & M Andrews Farms
Belcorf, Dana	Wild Horses Farms, LLC
Bourne, Wayne	
Cuddy, Charles	Tuthill Property Attorney
Ludlow, Harry	Fairview Farm / Wild Horses Farms, LLC Contractor
Ludlow, Nathan	Fairview Farm
Ludlow, Tom	Ludlow Homes / McGunnigle Property Contractor
Schatz, Larry H.	Wild Horses Farms, LLC Attorney
Schembri, Charles	Shoreline Development Corp.
Schembri, Peter	Shoreline Development Corp.
Schmitt, Ferdie (Sr.)	F&W Schmitt Farms
Schmitt, Ferdie (Jr.)	F&W Schmitt Farms
Schmitt, John	F&W Schmitt Farms
Schmitt, William	F&W Schmitt Farms

**ORDER OF BUSINESS**

***Call to Order***

Chairman Orlowski called the meeting of the Suffolk County Farmland Committee (“Committee”) to order at 6:05 PM at the Long Island Horticultural Research and Extension Center, 3059 Sound Avenue, Riverhead, New York.

***Approval of Minutes – September 28, 2010***

**A motion was put forth by Howard Johnson and seconded by Mark Zaweski to approve the minutes of the September 28, 2010 meeting of the Committee. Motion carried: 12-0-0**

***Correspondences***

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

***2011 Suffolk County Farmland Committee Meeting Calendar***

**A motion was put forth by Alfred J. Kilb, Jr. and seconded by Howard Johnson to approve the 2011 meeting calendar. Motion carried: 12-0-0 [See Exhibit “A” for Committee Resolution FC-16-2010]**

**PUBLIC COMMENTS**

Chairman Orlowski opened the meeting for public comments. None were made; therefore, Chairman Orlowski closed the public comment portion of the meeting.

**POLICY MATTERS**

***2010 Agricultural Districts Open Enrollment (pursuant to NYS AML §303-b)***

The Commissioner of the New York State Department of Agriculture and Markets certified 138 parcels (totaling 2,312.1 ± acres) for inclusion in existing certified agricultural districts in the Towns of Brookhaven, East Hampton, Riverhead, Southampton, and Southold and the Village of Nissequoque; as recommended by the Suffolk County Agricultural and Farmland Protection Board and the Suffolk County Legislature (“Legislature”).

### ***2011 Agricultural Districts Open Enrollment (pursuant to NYS AML §303-b)***

The month of January is the annual Agricultural Districts Open Enrollment Period, the time during which landowners of viable agricultural lands may apply to have their properties considered for inclusion in existing certified agricultural districts. Applications for inclusion will be available on the Suffolk County Planning Department (“Planning Department”) website starting in December and should be submitted between January 1, 2011 and January 31, 2011.

### ***Amendments to Chapter 8, “Development Rights to Agricultural Lands”***

The Legislature adopted Local Law 52-2010 on September 16, 2010, which amended Chapter 8 of the Suffolk County Administrative Local Laws (“Chapter 8”) (Legislature Resolution 867-2010). Said local law became effective on October 28, 2010. Copies of the new law will be distributed to all landowners whose properties are in the Suffolk County Purchase of Development Rights Program (“SC PDR Program”). Moreover, it was noted that the Long Island Pine Barrens Society filed a lawsuit seeking annulment of Local Law 52-2010.

*\*Member Gardiner arrived during the discussion of the above item.*

### ***Suffolk County Aquaculture Lease Program***

The lease agreements for the Temporary Marine Underwater Assignments (“TMUA”) approved during Lease Application Cycle #1 were fully executed in October, thereby satisfying the County-State agreement and preventing the lands available for lease in the Peconic and Gardiners Bays from being ceded back to the State of New York. Planning Department staff is in the process of ordering surveys and preparing lease agreements for the TMUAs approved during Lease Application Cycle #2. An informational session about Lease Application Cycle #3 is scheduled for 4:00 PM on November 30, 2010 at the Cornell Cooperative Extension building in Riverhead, New York.

### **STATUS UPDATE**

#### ***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 is seeking permission to modify the dimensions of the horse paddocks and horse fencing approved by the Committee on January 27, 2009 (Committee Resolution FC-2-2009).

**A motion was put forth by Howard Johnson and seconded by Alfred J. Kilb, Jr. to approve the application, as outlined in Committee Resolution FC-17-2010. Motion carried: 13-0-0 [See Exhibit “B” for Committee Resolution FC-17-2010]**

#### ***Wild Horses Farms, LLC (0900 05000 0100 005000)***

##### ***Status of Compliance with Committee Resolution FC-15-2010***

The subject property consists of approximately 23.8 acres in the hamlet of Bridgehampton, Town of Southampton. The site inspection conducted pursuant to Committee Resolution FC-15-2010 revealed significant erosion and stormwater runoff problems. A discussion about whether or not a pasture sufficient for horse grazing, as would be necessary for a commercial horse boarding operation, had been established and about the findings from the site inspection ensued.

**A motion was put forth by Mark Zaweski and seconded by Charles F. Scheer, Jr. finding that a pasture sufficient for horse grazing, as would be necessary for a commercial horse boarding operation, had been established and adding new stipulations on the prior approval, as outlined in Committee Resolution FC-18-2010. Motion carried: 12-1-0 [See Exhibit “C” for Committee Resolution FC-18-2010]**

***Elmer and Beatrice Tuthill (1000 10800 0300 007000)***

***Status of Access Easement***

The property consists of approximately 56 acres in the hamlet of Cutchogue, Town of Southold. Pursuant to Committee Resolution DR-5-2010, the landowner intends to acquire a 50-foot wide access easement between Elijah's Lane and the subject property that will run with the land. Once said easement is recorded and provided to the Planning Department, the Suffolk County Real Property Acquisition and Management Division may commence the appraisals process.

**POTENTIAL/CONFIRMED VIOLATIONS**

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

***Unauthorized Storage of Non-Agricultural Debris and Other Violations***

The property consists of approximately 33 acres in the hamlet of Calverton, Town of Riverhead. Although some violations have been addressed, others remain. The County of Suffolk ("County") is continuing to pursue legal action.

**PERMITS**

***J&F Moriches LLC / "F&W Schmitt Farms" (0200 75100 0100 010000)***

***Agricultural Development Permit: Barn Structure***

The property consists of approximately 5.9 acres in the hamlet of Moriches, Town of Brookhaven. The applicant is seeking permission to demolish one existing barn structure and permission to install and maintain one new barn structure associated with the commercial agricultural operation on the premises.

**A motion was put forth by Olney M. Gardiner and seconded by Alfred J. Kilb, Jr. to approve the application, as outlined in Committee Resolution FC-20-2010. Motion carried: 13-0-0 [See Exhibit "D" for Committee Resolution FC-20-2010]**

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

***Agricultural Development Permit: Sign Structures, Fence Structures, and Recycled Concrete Aggregate Special Use Permit: Site Disturbance***

The property consists of approximately 33 acres in the hamlet of Calverton, Town of Riverhead. The landowner submitted the application in order to legalize various items installed on the premises and to obtain permission to re-grade a portion of the property. The Committee expressed concern about site conditions and application specifics as well as the absence of commercial agricultural production and a clear plan for the property.

**A motion was put forth by Lee Foster and seconded by Charles F. Scheer, Jr. to table the item, as outlined in Committee Resolution FC-19-2010. Motion carried: 13-0-0 [See Exhibit "E" for Committee Resolution FC-19-2010]**

*\*The above item was taken out of order and discussed in conjunction with the violation matter (See Potential/Confirmed Violations Section).*

***Thomas P. McGunnigle (1000 07400 0100 037003)***

***Agricultural Development Permit: Residence Extension***

The item was removed from the agenda with consent of the applicant and is pending review by the County.

***Frederick and Karen A. Lee / "Sang Lee Farms, Inc." (1000 08400 0500 001003)***

***Agricultural Development Permit: High Tunnel Structure***

The property consists of approximately 14.4 acres in the hamlet of Peconic, Town of Southold. The landowner is seeking permission to install and maintain one high tunnel associated with the commercial agricultural operation on the premises.

**A motion was put forth by Charles F. Scheer, Jr. and seconded by Dale D. Moyer to approve the application, as outlined in Committee Resolution FC-21-2001. Motion carried: 13-0-0 [See Exhibit "F" for Committee Resolution FC-21-2010]**

**OTHER BUSINESS**

***Advisor Retirement***

The upcoming retirement of Allan S. Connell from the USDA Natural Resources Conservation Service was announced. On behalf of the Committee, Chairman Orłowski expressed great appreciation for Advisor Connell's invaluable and dedicated service.

***Advisor Appointment***

Paul A. TeNyenhuis, District Manager of the Suffolk County Soil and Water Conservation District, was recommended as a replacement for Allan S. Connell as an advisor to the Committee.

**A motion was put forth by Mark Zaweski and seconded by Howard Johnson to appoint Paul A. TeNyenhuis as an advisor to the Committee, as outlined in Committee Resolution FC-22-2010. Motion passed: 13-0-0 [See Exhibit "G" for Committee Resolution FC-22-2010]**

***Long Island Pine Barrens Society Litigation***

Member Scheer clarified that the lawsuit filed by the Long Island Pine Barrens Society seeking annulment of Local Law 52-2010 was filed against not only the County but also the Long Island Farm Bureau and the Committee.

**ADJOURNMENT**

**A motion to adjourn was made by Howard Johnson and seconded by Alfred J. Kilb, Jr. Motion carried: 13-0-0**

**NEXT MEETING**

The next meeting of the Committee is scheduled for 12:00 PM on Tuesday, January 25, 2011, at the H. Lee Dennison Building, 100 Veterans Memorial Highway, Hauppauge, New York.

**EXHIBIT A**

**SUFFOLK COUNTY FARMLAND COMMITTEE RESOLUTION NO. FC-16-2010, SETTING THE 2011 CALENDAR OF REGULAR MEETINGS – PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS**

**WHEREAS**, the Suffolk County Farmland Committee (“Committee”) shall convene for regular meetings on a bi-monthly basis, pursuant to Committee Resolution FC-10-2008; and

**WHEREAS**, the Committee at its meeting on November 23, 2010 considered dates during 2011 for said regular meetings; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Committee hereby schedules six regular meetings for calendar year 2011 as follows:

- 1) January 25, 2011 to commence at 12:00 PM in the office of the Suffolk County Department of Planning at the H. Lee Dennison Building in Hauppauge, New York;
- 2) March 22, 2011 to commence at 6:00 PM at the Long Island Horticultural Research and Extension Center in Riverhead, New York;
- 3) May 24, 2011 to commence at 6:00 PM at the Long Island Horticultural Research and Extension Center in Riverhead, New York;
- 4) July 26, 2011 to commence at 6:00 PM at the Long Island Horticultural Research and Extension Center in Riverhead, New York;
- 5) September 27, 2011 to commence at 6:00 PM at the Long Island Horticultural Research and Extension Center in Riverhead, New York; and
- 6) November 21, 2011 to commence at 6:00 PM at the Long Island Horticultural Research and Extension Center in Riverhead, New York.

**Motion by:** Alfred J. Kilb, Jr.      **Seconded by:** Howard Johnson

**Committee Vote:**      **Ayes**      **12**  
                                 **Nays**      **0**  
                                 **Abstentions** **0**

**Members Present:**      12      (Nate Corwin, Lee Foster, Thomas A. Isles, Howard Johnson, Alfred J. Kilb, Jr., Joseph Krukowski, Dale D. Moyer, Bennett S. Orlovski, Jr., Jeffrey Rottkamp, Charles F. Scheer, Jr., Albert Schmitt, Mark Zaweski)

**Members Absent:**      7      (Russell K. Barnett, Ronald Bush, Daniel Fricke, Olney M. Gardiner, Ann Marie Jones, Eugene Murphy, John Turner)

**Dated: November 23, 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. FC-17-2010, AMENDING THE PERMIT ISSUED ON MARCH 26, 2009 – FRANK J. BLANGIARDO (SCRPTM NO. 0600-047.00-01.00-003.007) – TOWN OF RIVERHEAD – PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS**

**WHEREAS**, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws, a proposal to modify the property owned by Frank J. Blangiardo was received by the Suffolk County Farmland Committee (“Committee”); and

**WHEREAS**, the property owned by Frank J. Blangiardo is located on land situated west of Manor Lane (CR 22), south of Melissa Lane, and north of Main Road (SR 25) in the hamlet of Jamesport, identified by Suffolk County Real Property Tax Map (“SCRPTM”) number 0600-047.00-01.00-003.007; and

**WHEREAS**, the applicant sought a permit authorizing the installation and maintenance of one horse barn, two paddocks, and horse fencing; and authorizing the site disturbance for and the installation and maintenance of underground electric and water infrastructure to service the aforementioned horse barn; and

**WHEREAS**, on January 27, 2009, the proposal was approved with conditions based on the specific dimensions for the aforementioned structures provided to the Committee by the applicant, as outlined in Committee Resolution number FC-2-2009; and

**WHEREAS**, on March 26, 2009, the permit was issued in accordance with Committee Resolution number FC-2-2009; and

**WHEREAS**, on November 24, 2009, the deadline to comply with the conditions articulated in the permit issued on March 26, 2009 was extended at the request of the applicant, as outlined in Committee Resolution FC-15-2009; and

**WHEREAS**, on December 17, 2009, the amended permit was issued in accordance with Committee Resolution FC-15-2009; and

**WHEREAS**, on May 25, 2010, the deadline to comply with the conditions articulated in the amended permit issued on December 17, 2009 was extended at the request of the applicant, as outlined in Committee Resolution FC-6-2010; and

**WHEREAS**, on July 2, 2010, the amended permit was issued in accordance with Committee Resolution FC-6-2010 and

**WHEREAS**, the applicant submitted a proposal to revise dimensions for the two approved paddocks and approved horse fencing; and

**WHEREAS**, said application was considered by the Committee at its meeting on November 23, 2010; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Committee hereby finds and determines that this proposal constitutes a Type II action pursuant to 6 NYCRR §§617.5(3), (11), and (20), which completes the SEQRA review; and be it further

**2<sup>nd</sup> RESOLVED**, that the Committee hereby approves the revised dimensions of the two paddocks and horse fencing, subject to the following conditions:

1. There shall be two paddocks,
2. The dimensions of each paddock shall not exceed a footprint of 40 feet by 96 feet,
3. The two paddocks shall be contiguous to the horse barn structure approved on January 27, 2009, as delineated in the survey submitted by the applicant on November 23, 2010, and
4. The horse fencing shall enclose an area that shall not exceed 5 acres, as delineated in the survey submitted by the applicant on November 23, 2010.

**Motion by:** Howard Johnson      **Seconded by:** Alfred J. Kilb, Jr.

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

Members Present:       13       (Nate Corwin, Lee Foster, Olney M. Gardiner, Thomas A. Isles, Howard Johnson, Alfred J. Kilb, Jr., Joseph Krukowski, Dale D. Moyer, Bennett S. Orłowski, Jr., Jeffrey Rottkamp, Charles F. Scheer, Jr., Albert Schmitt, Mark Zaweski)

Members Absent:        6       (Russell K. Barnett, Ronald Bush, Daniel Fricke, Ann Marie Jones, Eugene Murphy, John Turner)

**Dated: November 23, 2010**

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

## EXHIBIT C

### **SUFFOLK COUNTY FARMLAND COMMITTEE RESOLUTION NO. FC-18-2010, AMENDING THE PERMIT ISSUED ON AUGUST 27, 2010 – WILD HORSES FARMS, LLC (SCRPTM NO. 0900-050.00-01.00-005.000) – TOWN OF SOUTHAMPTON – PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS**

**WHEREAS**, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws, a proposal to modify the property owned by Wild Horses Farms, LLC has been received by the Suffolk County Farmland Committee (“Committee”); and

**WHEREAS**, the property owned by Wild Horses Farms, LLC is located on land situated south of Mitchells Lane, east of Scuttle Hole Road, and west of Long Pond Lane, identified by Suffolk County Real Property Tax Map (“SCRPTM”) number 0900-050.00-01.00-005.000 (“premises”); and

**WHEREAS**, the applicant sought a permit authorizing the installation and maintenance of horse fence structures; and

**WHEREAS**, on July 27, 2010, the proposal was approved with conditions, based on the specifications for the aforementioned structures provided to the Committee by the applicant as well as the details of the proposed commercial horse boarding operation provided to the Committee by the applicant, as outlined in Committee Resolution number FC-15-2010; and

**WHEREAS**, on August 27, 2010, the permit was issued in accordance with Committee Resolution number FC-15-2010; and

**WHEREAS**, on October 12, 2010, County of Suffolk (“County”) representatives conducted a site inspection of the premises with representatives from the Natural Resources Conservation Service (“NRCS”) as well as from Wild Horses Farms, LLC; and

**WHEREAS**, during said site inspection, significant erosion problems were observed on the premises; and

**WHEREAS**, also during said site inspection, the Wild Horses Farms, LLC representatives were directed to correct the erosion and to mitigate the stormwater runoff flowing onto Scuttle Hole Road and were provided with specific recommendations of how to achieve such results; and

**WHEREAS**, in a correspondence dated October 21, 2010, the County further advised Wild Horses Farms, LLC to consult with the NRCS to address the erosion and stormwater runoff problems; and

**WHEREAS**, the Committee reviewed the findings from the aforementioned site inspection at its meeting on November 23, 2010; now, therefore, be it

**1<sup>st</sup> RESOLVED**, 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 Committee finds and determines that the applicant has established a pasture sufficient for horse grazing as would be necessary for a commercial horse boarding operation; and, be it further

**3<sup>rd</sup> RESOLVED**, that the Committee hereby authorizes the applicant to install and maintain horse fence structures on the premises subject to the following conditions:

1. The applicant shall comply with all of the conditions stipulated in the permit issued on August 27, 2010; and
2. The applicant shall implement a NRCS- and/or Suffolk County Soil and Water Conservation District-approved stormwater mitigation and erosion control plan consistent with the recommendations previously provided to the applicant by the District Conservationist.

**Motion by:** Mark Zaweski

**Seconded by:** Charles F. Scheer, Jr.

Committee Vote:       **Ayes**       **12**  
                              **Nays**         **1**       (Isles)  
                              **Abstentions** **0**

Members Present:       13       (Nate Corwin, Lee Foster, Olney M. Gardiner, Thomas A. Isles, Howard Johnson, Alfred J. Kilb, Jr., Joseph Krukowski, Dale D. Moyer, Bennett S. Orłowski, Jr., Jeffrey Rottkamp, Charles F. Scheer, Jr., Albert Schmitt, Mark Zaweski)

Members Absent:        6       (Russell K. Barnett, Ronald Bush, Daniel Fricke, Ann Marie Jones, Eugene Murphy, John Turner)

**Dated: November 23, 2010**

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

## EXHIBIT D

### **SUFFOLK COUNTY FARMLAND COMMITTEE RESOLUTION NO. FC-20-2010, AUTHORIZING MODIFICATION TO THE PROPERTY OF WHICH SUFFOLK COUNTY OWNS THE DEVELOPMENT RIGHTS – “F&W SCHMITT FARMS, INC.” (SCRPTM NO. 0200-751.00-01.00-010.000) – 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 (“Chapter 8”), a proposal to modify the property owned by J&F Moriches LLC, known as “F&W Schmitt Farms, Inc.,” has been received by the Suffolk County Farmland Committee (“Committee”); and

**WHEREAS**, “F&W Schmitt Farms Inc.” is located on land situated south of Sunrise Highway (SR 27), east of Dayton Avenue, and north of Veith Avenue, identified by Suffolk County Real Property Tax Map (SCRPTM) number 0200-751.00-01.00-010.000 (“premises”); and

**WHEREAS**, the applicant is seeking an agricultural development permit authorizing the demolition of one existing agricultural barn structure on the premises; and

**WHEREAS**, the applicant is also seeking an agricultural development permit authorizing the installation and maintenance of one agricultural barn structure; and

**WHEREAS**, said application was considered by the Committee at its meeting on November 23, 2010; now, therefore, be it

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

**2<sup>nd</sup> RESOLVED**, that the Committee hereby authorizes the applicant to demolish the existing agricultural barn structure, which has a footprint of 40.0 feet by 40.4 feet and which is located near the southwestern corner of the subject property, as delineated in the survey submitted by the applicant; and be it further

**3<sup>rd</sup> RESOLVED**, that the Committee hereby authorizes the applicant to install and maintain one agricultural barn structure on the premises subject to the following conditions:

- 1) The agricultural barn structure shall be constructed according to the specifications submitted by the applicant, shall have a concrete foundation, shall not exceed a footprint of 60 feet by 120 feet, shall not exceed a height of 17 feet, shall contain electric infrastructure, and shall be sited in the location of the agricultural barn structure being removed; and
- 2) The associated concrete pad shall be contiguous to the agricultural barn structure and shall not exceed a footprint of 8 feet by 120 feet; and
- 3) The use of the aforementioned improvements shall be restricted to the storage needs of the commercial agricultural operation on the premises; and
- 4) The landowner shall prepare and implement a stormwater mitigation plan in consultation with Suffolk County Soil and Water Conservation District (“SWCD”) and/or Natural Resources Conservation Service (“NRCS”) to address any and all stormwater runoff issues associated with the aforementioned improvements; and
- 5) The landowner shall submit to the Suffolk County Planning Department the SWCD-and/or NRCS-approved stormwater mitigation plan; and
- 6) The landowner shall be responsible for compliance with all conditions of this approval; the deed of development rights; the contract of sale; Chapter 8; and all applicable local, county, state, and federal statutes, rules, regulations, and guidelines.

**Motion by:** Olney M. Gardiner      **Seconded by:** Alfred J. Kilb, Jr.

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

Members Present:       13       (Nate Corwin, Lee Foster, Olney M. Gardiner, Thomas A. Isles, Howard Johnson, Alfred J. Kilb, Jr., Joseph Krukowski, Dale D. Moyer, Bennett S. Orłowski, Jr., Jeffrey Rottkamp, Charles F. Scheer, Jr., Albert Schmitt, Mark Zaweski)

Members Absent:        6       (Russell K. Barnett, Ronald Bush, Daniel Fricke, Ann Marie Jones, Eugene Murphy, John Turner)

**Dated: November 23, 2010**

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



**EXHIBIT F**

**SUFFOLK COUNTY FARMLAND COMMITTEE RESOLUTION NO. FC-21-2010, AUTHORIZING MODIFICATION TO THE PROPERTY OF WHICH SUFFOLK COUNTY OWNS THE DEVELOPMENT RIGHTS – “SANG LEE FARMS, INC.” (SCRPTM NO. 1000-084.00-05.00-001.003) – TOWN OF SOUTHOLD – PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS**

**WHEREAS**, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws (“Chapter 8”), a proposal to modify the property owned by Frederick and Karen A. Lee, known as “Sang Lee Farms, Inc.,” has been received by the Suffolk County Farmland Committee (“Committee”); and

**WHEREAS**, “Sang Lee Farms, Inc.” is located on land situated south of Middle Road (CR 48) and east of Bridge Lane in the hamlet of Peconic, identified by Suffolk County Real Property Tax Map (“SCRPTM”) number 1000-084.00-05.00-001.003 (“premises”); and

**WHEREAS**, the applicant is seeking a permit authorizing the installation and maintenance of one high tunnel structure on the premises; and

**WHEREAS**, the applicant has applied for a United States Department of Agriculture grant to assist in covering the costs for the proposed structure; and

**WHEREAS**, said application was considered by the Committee at its meeting on November 23, 2010; now, therefore, be it

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

**2<sup>nd</sup> RESOLVED**, that the Committee hereby approves said application subject to the following conditions:

- 1) The high tunnel structure shall be constructed according to specifications submitted by the applicant; shall consist of metal poles, wood, and plastic covers; shall not exceed a footprint of 30 feet by 96 feet; shall not have a concrete foundation; shall not contain electrical, heating, nor ventilation systems; and shall be sited on the northern portion of the premises, as delineated in the submitted site plan; and
- 2) The use of the high tunnel shall be restricted to extending the growing season for the crops produced as part of the commercial agricultural operation on the premises; and
- 3) The landowner shall prepare and implement a stormwater mitigation plan in consultation with Suffolk County Soil and Water Conservation District (“SWCD”) and/or Natural Resources Conservation Service (“NRCS”) to address any and all stormwater runoff issues associated with the aforementioned improvement; and
- 4) The landowner shall submit to the Suffolk County Planning Department the SWCD-and/or NRCS-approved stormwater mitigation plan; and
- 5) The installation and maintenance of the high tunnel structure shall comply with *Greenhouse Structures: Guidelines for Parcels with County Purchased Development Rights*; and
- 6) The landowner shall be responsible for compliance with all conditions of this approval; the deed of development rights; the contract of sale; Chapter 8; and all applicable local, county, state, and federal statutes, rules, regulations, and guidelines.

**Motion by:** Charles F. Scheer, Jr. **Seconded by:** Dale D. Moyer

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

**Members Present:**      13      (Nate Corwin, Lee Foster, Olney M. Gardiner, Thomas A. Isles, Howard

Johnson, Alfred J. Kilb, Jr., Joseph Krukowski, Dale D. Moyer, Bennett S. Orłowski, Jr., Jeffrey Rottkamp, Charles F. Scheer, Jr., Albert Schmitt, Mark Zaweski)

Members Absent: 6 (Russell K. Barnett, Ronald Bush, Daniel Fricke, Ann Marie Jones, Eugene Murphy, John Turner)

**Dated: November 23, 2010**

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

