

COUNTY OF SUFFOLK



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning and Environment

SUFFOLK COUNTY FARMLAND COMMITTEE

MEETING NOTIFICATION

Regular Meeting

Tuesday, November 20, 2012

6:00 PM

Kermit W. Graf Cornell Cooperative Extension Building
1st Floor Conference Room
423 Griffing Avenue, Suite 100, Riverhead, NY 11901-3071

AGENDA

I. ORDER OF BUSINESS

- A. Call to Order by Chairwoman Lansdale
- B. Approval of September 27, 2012 meeting minutes
- C. Approval of next meeting date of January 22, 2013
- D. Review of general correspondences sent/received since last meeting

II. PUBLIC COMMENTS: Each speaker shall be limited to three minutes

III. TABLED PERMIT APPLICATIONS

A. NICHOLAS BUSTAMANTE LLC / "WARREN'S NURSERY"

100 Majors Path, North Sea, Town of Southampton

Tax Map #: 0900-132.00-01.00-025.033 (26.7 ± acres)

The applicant seeks an Agricultural Development Permit for the installation, maintenance, and operation of a wind turbine, with applicable underground utility infrastructure, in association with a commercial agricultural operation. The applicant also seeks a Special Use Permit for the installation and maintenance of the aforementioned underground utility infrastructure. (Application No. 2012012)

B. BRANDYWINE TRUST COMPANY, TRUSTEE FOR THE RICHARD CORNUELLE 2010 MARITAL TRUST

149 Long Lane, East Hampton North, Town of East Hampton

Tax Map #: 0300-157.00-03.00-011.004 (28.7 ± acres)

The applicant seeks a Special Use Permit for the installation and maintenance of a

drainage structure, in association with a commercial agricultural operation. The land has been excavated and soil has been removed from the premises prior to submission of this application. (Application No. 2012025)

IV. TABLED REVIEWS OF NEW PARCELS PROPOSED FOR PDR ACQUISITION

A. OTTO LOHWASSER GREENHOUSES

477 Moriches Middle Island Road, Manorville, Town of Brookhaven

Tax Map #: 0200-675.00-02.00-021.001 (3.7 ± acres)

The applicant requests that the above referenced parcel be considered for inclusion in Suffolk County's Purchase of Development Rights Program outside the designated annual review period. (Application No. 2012019)

V. PERMITS

VI. ANNUAL REVIEW PERIOD DRAFT PRESERVATION PRIORITY LIST

The Committee shall consider the Draft Preservation Priority List which is the result of a preliminary review of the applications received for this year's Suffolk County Purchase of Development Rights Program's Annual Review Period. Final decision will be made at the January 2013 meeting.

VII. OTHER BUSINESS

VIII. ADJOURNMENT

NEXT SCHEDULED REGULAR MEETING:

January 22, 2013 @ 6:00 PM

Kermit W. Graf Cornell Cooperative Extension Building – 1st Floor Conference Room
423 Griffing Avenue, Suite 100, Riverhead, NY 11901-3071

MINUTES OF THE SUFFOLK COUNTY FARMLAND COMMITTEE
Suffolk County Department of Economic Development and Planning

DATE: November 20, 2012

MEMBERS PRESENT:

Alex Balsam (East Hampton)
Ronald Bush (At-Large)
Nate Corwin (At-Large)
Lee Foster (Southampton)
Howard Johnson (Huntington)
Alfred J. Kilb, Jr. (Shelter Island)
Joseph Krukowski (Southold)
Sarah Lansdale (Suffolk County Director of Planning/Chair)
Dale D. Moyer (At-Large)
Jeffrey Rottkamp, Sr. (Riverhead)
Charles F. Scheer, Jr. (At-Large)
Albert Schmitt (At-Large)
Mark Zaweski (At-Large)

MEMBERS ABSENT:

Russell K. Barnett (Smithtown)
Ann Marie Jones (Babylon)
John Lessler (Brookhaven)
Eugene Murphy (Islip)

ADVISORS PRESENT:

Paul TeNyenhuis, SC Soil & Water Conservation District Office

ADVISOR ABSENT:

Joseph M. Gergela, III, Long Island Farm Bureau
William Sanok, Cornell Cooperative Extension (Retired)

COUNTY STAFF PRESENT:

Lauretta R. Fischer, Principal Environmental Analyst, SC Division of Planning and Environment (Committee Staff)
August Ruckdeschel, S.C. Dept. of Economic Development & Planning
Colleen Bodalato, Secretarial Assistant, SC SC Division of Planning (Committee Staff)
Thomas Young, Assistant County Attorney, SC Dept. of Law (Committee Counsel)

GUESTS:

<u>NAME</u>	<u>ORGANIZATION</u>
Otto Lohwasser	Landowner, Lohwasser Property
Josephine Lohwasser	Landowner, Lohwasser Property
Stephen Searl	Peconic Land Trust
Herb Strobel	Hallockville Museum Farm
Bill Talmage	Friar's Head Farm, Inc.
David Wilcox	

I. ORDER OF BUSINESS

Call to Order

Chairwoman Sarah Lansdale called the meeting of the Suffolk County Farmland Committee (“Committee”) to order at 6:00pm at the Kermit W. Graf Cornell Cooperative Extension Building, 1st Floor Conference Room, 423 Griffing Avenue, Riverhead, New York.

Chairwoman Lansdale noted changes to Committee membership since last meeting. She stated that Bennet Orłowski had submitted his resignation at the end of the last meeting (September 27, 2012). Chairwoman Lansdale noted that Mr. Orłowski had been a long term member, and that his contributions to the Committee would be missed.

Chairwoman Lansdale also recognized a new Committee member, Alex Balsam, who will be representing the Town of East Hampton. She welcomed Mr. Balsam to the Committee. Mr. Balsam introduced himself, and said that he is a vegetable farmer in the Town of East Hampton, and that he started farming about ten years ago, and currently farms 65 rented acres. He also stated that he is the Current Vice President of the Farm Bureau.

Chairwoman Lansdale updated the Committee on application 2012021, “Friar’s Head Farm Inc.”, which was presented at the September 27th meeting. She stated that the application was approved.

Approval of Minutes – September 27, 2012

Chairwoman Lansdale asked if there were any questions about the September 27, 2012 meeting minutes, which were emailed in advance of the meeting. There were not any questions. A motion was put forth by Howard Johnson, and seconded by Albert Schmitt, to approve the minutes of the September 27, 2012 meeting of the Committee, as outlined in Committee Resolution FC-54-2012. Motion carried: 12-0-0 [See Exhibit “A” for Committee Resolution FC-54-2012]

Chairwoman Lansdale also noted that the tentative date for next meeting of the Committee was January 22, 2013. There were not any objections to that date. Chairwoman Lansdale said that the Committee would set the meeting schedule for the year at the January meeting.

Correspondences—

Chairwoman Lansdale asked Laurreta Fischer if there had been any correspondence since the September 27, 2012 meeting. Ms. Fischer stated that there had not been.

II. PUBLIC COMMENTS:

Chairwoman Lansdale asked if there was anyone from the public who wanted to speak. As there was not, she closed the public portion.

III. TABLED PERMIT APPLICATIONS

A. NICHOLAS BUSTAMANTE LLC / "WARREN'S NURSERY"

100 Majors Path, North Sea, Town of Southampton

Tax Map #: 0900-132.00-01.00-025.033 (26.7 ± acres)

The applicant seeks an Agricultural Development Permit for the installation, maintenance, and operation of a wind turbine, with applicable underground utility infrastructure, in association with a commercial agricultural operation. The applicant also seeks a Special Use Permit for the installation and maintenance of the aforementioned underground utility infrastructure. (Application No. 2012012)

Lauretta Fischer stated that staff had been in contact with the applicant, who was still in the process of completing the application, and requested it be tabled for one more meeting.

A motion was put forth by Albert Schmitt, and seconded by Charles Scheer to table the application at the request of the applicant. Motion carried: 13-0-0.

B. BRANDYWINE TRUST COMPANY, TRUSTEE FOR THE RICHARD CORNUELLE 2010 MARITAL TRUST

149 Long Lane, East Hampton North, Town of East Hampton

Tax Map #: 0300-157.00-03.00-011.004 (28.7 ± acres)

The applicant seeks a Special Use Permit for the installation and maintenance of a drainage structure, in association with a commercial agricultural operation. The land has been excavated and soil has been removed from the premises prior to submission of this application. (Application No. 2012025)

Chairwoman Lansdale stated that Committee Staff was still in the process of reviewing the application, in conjunction with the County Department of Public Works (DPW). Chairwoman Lansdale suggested that the application be tabled again so Staff could complete its review. A Committee Member suggested that the County DPW work with the East Hampton Town DPW in order to come up with the best solution. The Committee member said that East Hampton Town presently does not appear to have the kind of engineering it needs to complete the project. She also noted that the stormwater at issue comes from a long way north of the subject parcel and travels all the way to Georgica Pond.

Chairwoman Lansdale said that the County has been working with Paul TeNyenhuis, of the Soil & Water Conservation District, and the engineering contractor that had been hired by the Town. She said that all of the information gathered will be brought before the Committee for the final decision. Chairwoman Lansdale requested the Committee table the application until Staff had more information to bring before the Committee.

A motion was put forth by Charlie Sheer, and seconded by Jeffrey Rottkamp, to table the application. Motion carried: 13-0-0.

IV. TABLED REVIEWS OF NEW PARCELS PROPOSED FOR PDR ACQUISITION OUTSIDE OF THE ANNUAL REVIEW PERIOD

I. OTTO LOHWASSER GREENHOUSES

477 Moriches Middle Island Road, Manorville, Town of Brookhaven

Tax Map #: 0200-675.00-02.00-021.001 (3.7 ± acres)

Introductory Resolution No. 1759-2012 was introduced by Suffolk County Legislator Edward Romaine and laid on the table at the Suffolk County Legislature on August 7, 2012 for the above referenced property to be considered for Planning Steps outside the designated annual review period for inclusion in the Suffolk County Purchase of Development Rights Program. On September 27, 2012, the SC Farmland Committee tabled the subject application until Staff

had the opportunity to inspect the subject property due to concerns expressed by a Committee member about the condition of the land and its soils. Staff visited the subject property on November 14, 2012 and upon preliminary observation did not notice soils to be actively disturbed and found the condition of the property to be generally satisfactory. Staff reported that after a preliminary review of documentation, Chapter 8 criteria had been met to consider the application outside the outside annual period, which included 1) a referral by a Suffolk County Legislator and 2) demonstration that a preservation proposal is consistent with a town comprehensive plan. (Application No. 2012019)

Lauretta Fischer presented the staff report on the proposed farm PDR acquisition.

Chairwoman Lansdale asked the landowners if they had any comments. The landowners stated that, as per the conditions for inclusion of the property in the program, they have had four pallets of debris removed from the site, and additional loads would be removed on Friday. Committee members asked if the greenhouses visible in the aerial would be removed. Ms. Fischer said some greenhouses had already been removed, and more would be removed in order for the property to meet the lot cover percentage maximum. A Committee member asked if a landowner who has more than 15% existing lot coverage would have to take down greenhouses if he/she wanted to sell the development rights to the farmland. Committee members also asked if there were exceptions to the lot cover maximums for farms applying to be part of the program. Ms. Fischer replied that a landowner would need to apply for a hardship.

Committee member Jeff Rottkamp noted that he is uncomfortable with this aspect of the program. He said that someone who wanted to be in the greenhouse business might not be able to have the lot coverage they might need to run a successful greenhouse business if he/she wanted to join the program.

Chairwoman Lansdale asked Committee counsel for a legal opinion of the lot coverage requirements for joining the program.

Counsel Tom Young stated that Chapter 8 provides that if a landowner wants to apply to enter the program, he/she has to comply with the lot coverage requirements. He stated that the hardship process is for permit applications, and is not an option when applying for entry into the program.

The landowners of the Lohwasser property stated that there had been two businesses on their farmland. Their son's business utilized the greenhouses, but that enterprise has since gone out of business, and so the greenhouses are not currently being used.

Committee members asked the applicants if they were satisfied with the lot coverage requirements as a condition for entry into the program. The applicants said that they are satisfied.

A motion was put forth by Alfred Kilb, and seconded by Nate Corwin, to recommend Suffolk County Real Property Tax Map number 0200-675.00-02.00-021.001, consisting of approximately 3.7 acres, for consideration by the Suffolk County Legislature for inclusion in the Suffolk County Purchase of Development Rights Program as outlined in Committee Resolution FC-55-2012. Motion carried: 13-0-0. [See Exhibit "B" for Committee Resolution FC-55-2012]

Chairwoman Lansdale informed the applicants that their application was approved. She noted that next the Legislative Committee of Environment, Planning and Agriculture will need to vote on it at its next meeting, and then it will go before the full Legislature.

V. PERMITS

None.

VI. ANNUAL REVIEW PERIOD AND DRAFT PRESERVATION PRIORITY LIST

Lauretta Fischer presented the staff report on the applications completed for possible consideration for the Suffolk County Purchase of Development Rights Program (SCPDRP) within the designated annual review period. One application was presented. The Volmut Farm (SCTM# 0600-098.00-01.00-019.000) property is located in the hamlet of Calverton, in the Town of Riverhead. It is 47.2 acres in size and received a rating of 14.75 out of 25 points. The Committee will make a final decision whether to recommend property for inclusion in the SCPDRP and to adopt a Preservation Priority List at its scheduled January 22, 2013 meeting.

VII. OTHER BUSINESS

VIII. DISCUSSIONS

IX. ADJOURNMENT

A motion to adjourn was made by Lee Foster and seconded by Ronald Bush at 6:30 pm. Motion carried: 13-0-0 [See Exhibit "C" for Committee Resolution FC-56-2012]

NEXT SCHEDULED REGULAR MEETING

The next meeting of the Committee is scheduled for 12:00 p.m., Tuesday, January 22, 2013, at the H. Lee Dennison Building – 4th Floor Conference Room, 100 Veterans Memorial Highway, Hauppauge, New York.

Exhibit A

RESOLUTION NO. FC-54-2012 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING THE SEPTEMBER 27, 2012 SUFFOLK COUNTY FARMLAND COMMITTEE MEETING

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws, the Suffolk County Farmland Committee (“Committee”) convened a regular meeting on September 27, 2012; and

WHEREAS, the minutes of said meeting were considered by the Board at its meeting on November 20, 2012; now, therefore, be it

1st RESOLVED, that the Committee hereby adopts the September 27, 2012 meeting minutes.

Motion by: Howard Johnson Seconded by: Albert Schmitt

Committee Vote: Ayes 12
 Nays 0
 Abstentions 0

<i>Committee Member</i>	<i>Appointment</i>	<i>Yay</i>	<i>Nay</i>	<i>Abstention</i>	<i>Not Present</i>
BALSAM, Alex	Town of East Hampton	✓			
BARNETT, Russell K.	Town of Smithtown				✓
BUSH, Ronald	At-Large	✓			
CORWIN, Nate	At-Large	✓			
FOSTER, Lee	Town of Southampton				✓
JOHNSON, Howard	Town of Huntington	✓			
JONES, Ann Marie	Town of Babylon				✓
KILB, Alfred J., Jr.	Town of Shelter Island	✓			
KRUKOWSKI, Joseph	Town of Southold	✓			
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
LESSLER, John	Town of Brookhaven				✓
MOYER, Dale D.	At-Large	✓			
MURPHY, Eugene	Town of Islip				✓
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
SCHEER, Charles F., Jr.	At-Large	✓			
SCHMITT, Albert	At-Large	✓			
ZAWESKI, Mark	At-Large	✓			
VACANT					
VACANT					
<i>Totals</i>		<i>12</i>	<i>0</i>	<i>0</i>	<i>5</i>

Dated: November 20, 2012

Location: Kermit W. Graf Cornell Cooperative Extension Building, 1st Fl. Conf. Room, 423 Griffing Avenue, Suite 100 – Riverhead, New York

Exhibit B

RESOLUTION NO. FC-55-2012 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, RECOMMENDING TO THE SUFFOLK COUNTY LEGISLATURE THE LANDS FROM WHICH DEVELOPMENT RIGHTS MAY BE ACQUIRED – JOSEPHINE & OTTO LOHWASSER/ “OTTO LOHWASSER GREENHOUSES” (0200-675.00-02.00-021.001) – TOWN OF BROOKHAVEN

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws (“Chapter 8”), an application for inclusion in the Suffolk County Purchase of Development Rights Program (“Program”) has been received by the Suffolk County Farmland Committee (“Committee”) outside the designated annual review period; and

WHEREAS, the application concerns the property owned by Josephine and Otto Lohwasser, known as “Otto Lohwasser Greenhouses”; and

WHEREAS, Otto Lohwasser Greenhouses is located on land situated north of Moriches Middle Island Road in the hamlet of Manorville, Town of Brookhaven, identified by Suffolk County Real Property Tax Map (“SCRPTM”) number 0200-675.00-02.00-021.001 (“premises”); and

WHEREAS, Introductory Resolution No. 1759-2012 was introduced by Suffolk County Legislator Edward Romaine and laid on the table at the Suffolk County Legislature for the above referenced property to be considered outside the designated annual review period for inclusion in the Program; and

WHEREAS, the Committee tabled the aforementioned application on September 27, 2012 until Staff had the opportunity to inspect the subject property in regard to concerns expressed by a Committee member about the condition of the land and its soils; and

WHEREAS, Staff visited the subject property on November 14, 2012 and upon preliminary observation did not notice soils to be actively disturbed and found the condition of the property to be generally satisfactory. Staff did take notice of a large amount of stockpiled materials (e.g., wooden pallets, greenhouse related materials, debris, etc.) on the east end of the site which the landowner, Otto Lohwasser, indicated were leftover from the prior removal of greenhouses; and

WHEREAS, the Committee determined at its meeting on November 20, 2012 that Chapter 8 criteria had been met to consider the application outside the outside annual period, which included 1) a referral by a Suffolk County Legislator and 2) demonstration that the preservation proposal is consistent with a town comprehensive plan; and

WHEREAS, pursuant to the Suffolk County Farmland Rating System for the Purchase of Development Rights, said farm received a score of 10.0 points out of 25 possible points; and

WHEREAS, said application was considered by the Suffolk County Farmland Committee at its meeting on November 20, 2012; now, therefore, be it

1st RESOLVED, that the Committee hereby approves and adopts the report of its staff; and be it further

2nd RESOLVED, that the Committee hereby recommends SCRPTM lot number 0200-675.00-02.00-021.001 consisting of approximately 3.7 acres for consideration by the Suffolk County Legislature for inclusion in the Suffolk County Purchase of Development Rights Program subject to the Committee’s Specified Conditions; and be it further

3rd RESOLVED, that the Committee’s Specified Condition number one is that the landowner shall incorporate the groundwater protection measures identified in the Mid Term Management Strategy (M2) of the Town of Brookhaven’s adopted “Forge River Watershed Management Plan,” such as organic farming, integrated pest management to reduce fertilizer and pesticide use, and managing greenhouse farming with zero fertilizer and pesticide discharge; and be it further

4th RESOLVED, that the Committee’s Specified Condition number two is that a statement from the landowner shall be provided to the Suffolk County Division of Planning & Environment that Suffolk County Code, Chapter 8 lot

