

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
DIVISION OF PLANNING AND ENVIRONMENT

SUFFOLK COUNTY FARMLAND COMMITTEE

JOANNE MINIERI
DEPUTY COUNTY EXECUTIVE AND COMMISSIONER

SARAH LANSDALE
CHAIRPERSON, SCFC

MINUTES OF THE SUFFOLK COUNTY FARMLAND COMMITTEE (Adopted by SCFC Res. No. FC-11-2014)

DATE: April 1, 2014

MEMBERS PRESENT:

Ronald Bush (At-Large)
Nate Corwin (At-Large)
Lee Foster (Southampton)
Howard Johnson (Huntington)
Ann Marie Jones (Babylon)
Alfred J. Kilb, Jr. (Shelter Island)
Joseph Krukowski (Southold)
Lauretta Fischer, as designee for Sarah Lansdale (SC Director of Planning/Chair)
Dale D. Moyer (At-Large)
Rob Nolan (Brookhaven)
Jeffrey Rottkamp, Sr. (Riverhead)
August Ruckdeschel (Ex-Officio, SC Dept. of EDP)
Albert Schmitt (At-Large)
Mark Zaweski (At-Large)

MEMBERS ABSENT:

Alex Balsam (East Hampton)
Russell K. Barnett (Smithtown)
Eugene Murphy (Islip)
Charles F. Scheer, Jr. (At-Large)

ADVISORS PRESENT:

Paul TeNyenhuis, SC Soil & Water Conservation District Office
William Sanok, Cornell Cooperative Extension (Retired)

ADVISORS ABSENT:

Joseph M. Gergela, III, Long Island Farm Bureau

COUNTY STAFF PRESENT:

Andrew Amakawa, Research Technician, SC Division of Planning and Environment
Colleen Badolato, Secretarial Assistant, SC Division of Planning (Committee Staff)
Lauretta R. Fischer, Principal Environmental Analyst, SC Division of Planning and Environment (Committee Staff)
Janet Longo, Supervisor, Acquisition Unit, SC Division of Real Property Acquisition and Management
Kathryn Magee, Environmental Planner, SC Division of Planning and Environment
Thomas Young, Assistant County Attorney, SC Dept. of Law (Committee Counsel)

GUESTS:

<u>NAME</u>	<u>ORGANIZATION</u>
Richard Corwith	C&K Cloverleaf Farm, LLC (Ap.# 2014003)
Maryann Johnston	Affiliated Brookhaven Civics
Dawn Karlin	C&K Cloverleaf Farm, LLC (Ap.# 2014003)
Al Krupski	Suffolk County Legislator, 1 st District
Otto Lohwasser	Farmer, Otto Lohwasser Greenhouses (ARP-2014-01)
Josephine Lohwasser	Otto Lohwasser Greenhouses (ARP-2014-01)
Catherine Stark	Suffolk County Legislative Aide to Al Krupski
Herb Strobel	Brookhaven farmer

I. ORDER OF BUSINESS

Call to Order

Lauretta Fischer called the meeting of the Suffolk County Farmland Committee (“Committee”) to order at 6:05 pm at the Kermit W. Graf Cornell Cooperative Extension Building, 1st Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, New York 11901. Ms. Fischer stated that she would be acting as designee for Chairwoman Lansdale.

Approval of Minutes – January 21, 2014

A motion was put forth by Howard Johnson, and seconded by Charles Scheer, to approve the minutes of the January 21, 2014 meeting of the Committee, as outlined in Committee Resolution FC-07-2014. Motion carried: 11-0-0 [See Exhibit “A” for Committee Resolution FC-07-2014] Ms. Fischer stated that from now on the agenda and meeting minutes would be emailed before the meeting, and only a few copies would be available at the meeting for those who do not have email accounts.

Financial Disclosure Forms

Ms. Fischer noted that Suffolk County Resolution Number 198-2014 was recently passed to amend Subsection C of Chapter 8-4. It was repealed and placed with language to omit its reference to Chapter 77 of the Suffolk County Code. She stated that the copies of the forms given to Committee members at the last meeting were correct. She also stated that completed financial disclosure forms are due May 15, 2014.

Correspondences—

None.

II. PUBLIC COMMENTS

Ms. Fischer asked if there were any public comments. There were none.

III. TABLED PERMIT APPLICATIONS

A. BRANDYWINE TRUST COMPANY, TRUSTEE FOR THE FONSECA 2010 FAMILY TRUST AND THE FONSECA QTIP TRUST, fka 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)

A vote on this item was taken out of order. It was voted on at the end of the meeting while staff attempted to reach a representative for the landowner.

Ms. Fischer requested that this application be tabled to allow for continued negotiations.

A motion was put forth by Lee Foster, and seconded by Dale Moyer, to table the application. Motion carried: 14-0-0.

IV. PERMIT APPLICATIONS

A. WALKER MCCALL / "MCCALL RANCH"

2260 Main Road, Cutchogue, Town of Southold

Tax Map #: 1000-116.00-01.00-003.005 (83.3 + acres)

The applicant seeks a Special Use Permit to host a Special Event, known as HARVEST EAST END, on the premises on August 24, 2014. (Application No. 2014002)

Ms. Fischer presented the Staff Report.

A motion was put forth by Albert Schmitt, and seconded by Jeffrey Rottkamp, to adopt the Staff Report for Application No. 2014002, and to approve the Special Use Permit request, as outlined in Committee Resolution FC-08-2014. Motion Carried: 12-0-0 [See Exhibit "B" for Committee Resolution FC-08-2014].

Herb Strobel asked if his letter had gone into the record during the previous Committee meeting. Ms. Fischer stated that it had and it was read to the Committee members at that meeting. Mr. Strobel said that he was concerned about County acquisition of preserved farmland for recreational equine use. He said that it sets a bad precedent. Maryann Johnston stated that the Affiliated Brookhaven Civics also think it sets a bad precedent. Janet Longo said that the property would remain farmland and would comply with Chapter 8. Ms. Fischer said that the use of the proposed acquisition would be an equestrian center, and that it meets criteria for Chapter 8 and active recreational parkland use under the Drinking Water Protection Program criteria. Ms. Strobel asked who would be enforcing compliance with Chapter 8. Tom Young said that the proposed acquisition of the residual fee title interest is not within the purview of the Committee, and that the Committee should be careful to take a position publicly for or against a project that may come before the Committee at some future time. Mark Zaweski said that he would not like to see the County competing with farmers to buy preserved farmland.

B. C & K CLOVERLEAF FARM, LLC

608 Twomey Avenue, Calverton, NY 11933

Tax Map #: 0600-079.00-01.00-013.003 (11.9 + acres)

The applicant seeks Agricultural Development Permits for the installation and maintenance of privet hedge, an 8 foot deer fence and a 4 foot, 3-rail pasture fence, in association with an existing commercial nursery operation and a proposed commercial horse equine operation. (Application No. 2014003)

Ms. Fischer presented the Staff Report.

Staff had recommended not to approve the privet hedge and to approve the deer fence and pasture fence. Mark Zaweski said he did not want to set a precedent of not allowing farmers to install landscape screens. August Ruckdeschel said that the Committee can approve or disapprove a landscape screen based on its determination as to whether or not the landscape screen is necessary to the agricultural operation. The Committee discussed the plan for the privet hedge and deer fencing with one of the applicants, Richard Corwith. The Committee decided to approve the request for the privet hedge with a green wire fence, the deer fence, and the pasture fence.

A motion was put forth by Lee Foster, and seconded by Nate Corwin, to adopt the Staff Report for Application No. 2014003, as amended, and to approve the Agricultural Development Permit requests, as outlined in Committee Resolution FC-09-2014. Motion Carried: 14-0-0 [See Exhibit "C" for Committee Resolution FC-09-2014].

V. ANNUAL REVIEW PERIOD FINAL PRESERVATION PRIORITY LIST

A. OTTO LOHWASSER GREENHOUSES

Ms. Fischer presented the proposed acquisition.

The Lohwasser's stated that 25,000 square feet of greenhouses had been removed so far from the site to enable it to conform to lot coverage maximums. The Lohwasser's and Committee members discussed additional configurations of cut outs to exclude from the sale of development rights that would enable a viable agricultural operation to continue on the site. Ms. Fischer said the Lohwasser's should also speak with the Town of Brookhaven to ensure that any proposed plans conform to zoning requirements. Staff will continue to work with the Lohwasser's to develop a plan for the PDR configuration.

A motion was put forth by Howard Johnson, and seconded by August Ruckdeschel, to table consideration of SCRPTM# 0200-675.00-02.00-021.001, consisting of 3.7 acres in size, for consideration by the Suffolk County Legislature (Legislature) for inclusion in the Suffolk County Purchase of Development Rights Program. Motion Carried: 14-0-0

VI. OTHER BUSINESS

Ms. Fischer asked Committee members to review information in their packets on NRCS standards for livestock fencing, deer fencing, and irrigation systems to determine which, if any, they would like to make the standards for the draft list of minor and routine agricultural practices to delegate for permitting review and determination by the Division of Planning and Environment Staff. She said the draft list was in the Committee members' packets. She asked the Committee

members to look over the information for the next Committee meeting.

VII. ADJOURNMENT

A motion was put forth by Robert Nolan, and seconded by Jeffrey Rottkamp, to adjourn the meeting at 7:35 PM. Motion carried: 14-0-0. [See Exhibit "D" for Committee Resolution FC-10-2014]

NEXT SCHEDULED REGULAR MEETING

The next meeting of the Committee is scheduled for 6:00 p.m., Tuesday, May 20, 2014, at the Kermit W. Graf Cornell Cooperative Extension Building, 423 Griffing Avenue, 1st Floor Conference Room, Riverhead, New York.

EXHIBIT "A"

RESOLUTION NO. FC-7-2014 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING THE JANUARY 21, 2014 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 January 21, 2014; and

WHEREAS, the minutes of said meeting were considered by the Board at its meeting on April 1, 2014; now, therefore, be it

1st RESOLVED, that the Committee hereby adopts the January 21, 2014 meeting minutes.

Motion by: Howard Johnson Seconded by: August Ruckdeschel

Committee Vote: Ayes 11
 Nays 0
 Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BARNETT, Russell K.	Town of Smithtown				✓
BUSH, Ronald	At-Large	✓			
CORWIN, Nate	At-Large	✓			
FOSTER, Lee	Town of Southampton	✓			
BALSAM, Alex	Town of East Hampton				✓
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 (absent) (Lauretta Fischer, designee)	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MURPHY, Eugene	Town of Islip				✓
NOLAN, ROBERT	Town of Brookhaven	✓			
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
RUCKDESCHEL, August	Ex-officio, SCEDP	✓			
SCHEER, Charles F., Jr.	At-Large				✓
SCHMITT, Albert	At-Large	✓			
ZAWESKI, Mark	At-Large	✓			
VACANT					
Totals		11			7

Date: April 1, 2014

Location: Kermit W. Graf Cornell Cooperative Extension Building
 423 Griffing Avenue, Riverhead, New York 11901

EXHIBIT “B”

RESOLUTION NO. FC-8-2014 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, APPROVING MODIFICATION TO THE WALKER MCCALL, LLC PROPERTY (1000-116.00-01.00-003.005), TO WHICH THE COUNTY OF SUFFOLK OWNS THE DEVELOPMENT RIGHTS

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws (“Chapter 8”), a proposal to conduct a special event on the property currently owned by WALKER MCCALL, LLC has been received by the Suffolk County Farmland Committee (“Committee”), where such proposal is known by application number 2014002; and

WHEREAS, the property owned by WALKER MCCALL, LLC is known as “MCCALL RANCH” and is located on land situated on north side of NEW SUFFOLK AVENUE, on the south side of MAIN ROAD, east side of LOCUST AVENUE, and west of MOORES LANE in the hamlet of CUTCHOGUE, TOWN OF SOUTHOLD, identified by Suffolk County Real Property Tax Map (“SCRPTM”) number 1000-116.00-01.00-003.005 (“premises”); and

WHEREAS, the applicant seeks a Special Use Permit to conduct a special event designed to promote Long Island wines and raise funds for the Peconic Land Trust and the Long Island Farm Bureau Promotion & Education Foundation; and

WHEREAS, said application was considered by the Committee at its meeting on April 1, 2014; now, therefore, be it

1st RESOLVED, that the Committee hereby finds and determines that this proposal constitutes a Type II action pursuant to 6 NYCRR §617.5(c)(3), which completes the SEQRA review; and

2nd RESOLVED, that the Committee hereby approves and adopts the report of its staff, as may be amended; and be it further

3rd RESOLVED, that the Committee hereby approves said application, subject to the following conditions:

1. The special use permit shall be valid on August 23, 2014 only;
2. The HARVEST EAST END special event shall be conducted in accordance with the proposal and site plans received by Suffolk County on March 10, 2014, and attached the Department of Economic Development and Planning, Division of Planning and Environment Staff Report Application No. 2014002 as Exhibits A and B; and
3. The HARVEST EAST END special event shall not adversely impact the viability of the agricultural operation and/or the associated natural resources; and
4. Any disturbance to the site due to the HARVEST EAST END special event shall be minimized and/or mitigated; and
5. The landowner shall be responsible for compliance with all conditions of Farmland Committee Resolution No. FC-8-2014, the deed of development rights, the contract of sale, and all applicable federal, state, county, and town regulations, rules and guidelines

EXHIBIT "B" CON'T

Motion by: Albert Schmitt Seconded by: Jeffrey Rottkamp

Committee Vote: Ayes 12
 Nays 0
 Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BARNETT, Russell K.	Town of Smithtown				✓
BUSH, Ronald	At-Large	✓			
CORWIN, Nate	At-Large	✓			
FOSTER, Lee	Town of Southampton	✓			
BALSAM, Alex	Town of East Hampton				✓
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 (absent) Lauretta Fischer, designee	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MURPHY, Eugene	Town of Islip				✓
NOLAN, ROBERT	Town of Brookhaven	✓			
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
RUCKDESCHEL, August	Ex-officio, SCEDP	✓			
SCHEER, Charles F., Jr.	At-Large				✓
SCHMITT, Albert	At-Large	✓			
ZAWESKI, Mark	At-Large	✓			
VACANT					
Totals		12			6

Date: April 1, 2014

Location: Kermit W. Graf Cornell Cooperative Extension Building
 423 Griffing Avenue, Riverhead, New York 11901

EXHIBIT “C”

RESOLUTION NO. FC-9-2014 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, APPROVING MODIFICATION TO THE C & K CLOVERLEAF FARM, LLC PROPERTY (0600-079.00-01.00-013.003), TO WHICH THE COUNTY OF SUFFOLK OWNS THE DEVELOPMENT RIGHTS

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws (“Chapter 8”), a proposal to modify the property currently owned by C & K CLOVERLEAF FARM, LLC has been received by the Suffolk County Farmland Committee (“Committee”), where such proposal is known by application number 2014003; and

WHEREAS, the property owned by C & K CLOVERLEAF FARM, LLC is located on land situated on the east side of TWOMEY AVENUE, north of YOUNGS AVENUE, south of SOUND AVENUE, and west of SOUTHFIELD ROAD, in the hamlet of CALVERTON, TOWN OF RIVERHEAD, identified by Suffolk County Real Property Tax Map (“SCRPTM”) number 0600-079.00-01.00-013.003 (“premises”); and

WHEREAS, the applicants seek Agricultural Development Permits for the installation and maintenance of 8 foot deer fencing, associated with a commercial agricultural operation and for the installation and maintenance of 4 foot, 3-rail, wooden pasture fencing, enclosing thirteen (13) pastures and the installation and maintenance of a 5 to 6 foot privet hedge and 4 foot green wire fence, associated with a proposed commercial equine operation; and

WHEREAS, said application was considered by the Committee at its meeting on April 1, 2014; now, therefore, be it

1st RESOLVED, that the Committee hereby finds and determines that this proposal constitutes a Type II action pursuant to 6 NYCRR §617.5(c)(3), which completes the SEQRA review; and

2nd RESOLVED, that the Committee hereby approves and adopts the report of its staff, as may be amended; and be it further

3rd RESOLVED, that the Committee hereby approves said application, subject to the following conditions:

1. The 8 foot high deer fence shall be located as depicted in the Applicant’s site plan, received by Suffolk County on March 17, 2014, which is attached as Exhibit A, to the Department of Economic Development and Planning, Division of Planning and Environment Staff Report for Application No. 2014003; and
2. The 4 foot high, three-rail wooden fence, enclosing thirteen (13) pastures, shall be located as depicted in the Applicant’s site plan, received by Suffolk County on March 17, 2014, which is attached as Exhibit A, to the Department of Economic Development and Planning, Division of Planning and Environment Staff Report for Application No. 2014003; and
3. The 5-6 foot high privet hedge and 4 foot high green wire fence shall be located along Twomey Avenue and along part of the northern boundary of the property, as depicted in the Applicant’s site plan, received by Suffolk County on March 17, 2014, which is attached as Exhibit A, to the Department of Economic Development and Planning, Division of Planning and Environment Staff Report for Application No. 2014003, and
4. The use of the deer fence shall be limited to the needs for Agricultural Production, as defined by Chapter 8 of the Suffolk County Administrative Code; and

EXHIBIT “C”CON’T

5. The use of the pastures and pasture fencing shall be limited to the needs for a commercial equine operation, as defined by Chapter 8 of the Suffolk County Administrative Code; and
6. The use of the privet hedge and green wire fencing shall be limited to the needs for a commercial equine operation, as defined by Chapter 8 of the Suffolk County Administrative Code; and
7. The landowner shall submit proof to the satisfaction of the Suffolk County Farmland Committee within one (1) year of permit issuance that a bona-fide commercial equine operation, as defined by Chapter 8 of the Suffolk County Administrative Code, has been established on the premises; and
8. Failure to establish a bona-fide commercial equine operation, on the premises, as determined by the Committee, may result in the revocation of all applicable permits and approvals for the pasture fencing, and the landowner agrees to remove all of the pasture fencing, privet hedge, and green wire fence as requested by the Suffolk County Farmland Committee, within ninety (90) days of notification of permit revocation; and
9. The landowner shall submit to the Department of Economic Development and Planning, Division of Planning and Environment, within one year of permit issuance, the as-built survey depicting the aforementioned improvements; and
10. The landowner shall be responsible for compliance with all conditions Farmland Committee Resolution #FC-9-2014, the deed of development rights, the contract of sale, and all applicable federal, state, county and town statutes, rules, regulations, and guidelines.

Motion by:	Lee Foster	Seconded by:	Nate Corwin
Committee Vote:	Ayes		14
	Nays		0
	Abstentions		0

EXHIBIT "C"CON'T

Committee Member	Appointment	Yes	No	Abstained	Not Present
BARNETT, Russell K.	Town of Smithtown				✓
BUSH, Ronald	At-Large	✓			
CORWIN, Nate	At-Large	✓			
FOSTER, Lee	Town of Southampton	✓			
BALSAM, Alex	Town of East Hampton				✓
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 (absent) Lauretta Fischer, designee	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MURPHY, Eugene	Town of Islip				✓
NOLAN, ROBERT	Town of Brookhaven	✓			
ROTTKAMP, Jeffrey	Town of Riverhead	✓			
RUCKDESCHEL, August	Ex-officio, SCEDP	✓			
SCHEER, Charles F., Jr.	At-Large				✓
SCHMITT, Albert	At-Large	✓			
ZAWESKI, Mark	At-Large	✓			
VACANT					
Totals		14			4

Date: April 1, 2014

Location: Kermit W. Graf Cornell Cooperative Extension Building
423 Griffing Avenue, Riverhead, New York 11901

