

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-17-2015)

DATE: March 17, 2015

MEMBERS PRESENT:

Alexander Balsam (East Hampton)
Russell K. Barnett (Smithtown)
Vincent Biondo (Babylon)
Ronald Bush (At-Large)
Lee Foster (Southampton)
Howard Johnson (Huntington)
Alfred J. Kilb, Jr. (Shelter Island)
Sarah Lansdale (SC Director of Planning/Chair)
Dale D. Moyer (At-Large)
Jeffrey Rottkamp, Sr. (Riverhead)
August Ruckdeschel (Ex-Officio, SC Dept. of EDP)
Charles F. Scheer, Jr. (At-Large)
Albert Schmitt (At-Large)

MEMBERS ABSENT:

Nate Corwin (At-Large)
Joseph Krukowski (Southold)
Eugene Murphy (Islip)
Bob Nolan (Brookhaven)
Mark Zaweski (At-Large)

ADVISORS PRESENT:

Robert Carpenter, Long Island Farm Bureau
William Sanok, Cornell Cooperative Extension (Retired)
Paul TeNyenhuis, SC Soil & Water Conservation District Office

COUNTY STAFF PRESENT:

Andrew Amakawa, Research Technician, SC Division of Planning and Environment
(Committee Staff)

Colleen Badolato, Secretarial Assistant, SC Division of Planning and Environment
(Committee Staff)
Lauretta R. Fischer, Chief Environmental Analyst, SC Division of Planning and
Environment (Committee Staff)
Jason Smagin, Assistant County Attorney, SC Dept. of Law

GUESTS:

<u>NAME</u>	<u>ORGANIZATION</u>
Herb Strobel	Farmer

I. ORDER OF BUSINESS

Call to Order

Sarah Lansdale called the meeting of the Suffolk County Farmland Committee (“Committee”) to order at 6:06 pm at the Kermit W. Graf Cornell Cooperative Extension Building, 1st Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, New York 11901.

Approval of Minutes – February 10, 2015

A motion was put forth by August Ruckdeschel, and seconded by Charlie Scheer, to approve the minutes of the February 10, 2015 meeting of the Committee, as outlined in Committee Resolution FC-13-2015. Motion carried: 12-0-0 [See Exhibit “A” for Committee Resolution FC-13-2015]

Correspondence –

There were none.

II. 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, (f/k/a 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 was removed from the premises prior to submission of this application. (Application No. 2012025)

Lauretta Fischer advised the Committee that the County did not receive a complete application and remediation plan by the March 3, 2015 deadline set by the Committee pursuant to its February 10, 2015 adopted and issued Resolution (No. FC-6-2015). On March 3, 2015, the County notified Jeff Bragman, Attorney for the FONSECAS, of the aforementioned February 10, 2015 Committee deadline and resolution. On March 6, 2015, Mr. Bragman’s office emailed the County an unsigned and incomplete application. On March 13, 2015, the County emailed a number of comments to the applicant about the incomplete application. The County noted an addendum that the FONSECAS made to request “the restoration of 5 feet of prime agricultural soils previously removed from the site.” The County asked that such request be addressed in relation to the proposed swale description in the application and on

the site plan map.

Ms. Fischer stated that it would up to the Committee to determine whether the applicant is working in good faith at submitting an application or to proceed with legal action. A discussion ensued whereupon the Committee determined that the County had provided enough time for the applicant to submit a complete application and remediation plan and that a good faith effort at submitting an application and remediation plan had not been made.

A motion was put forth by Howard Johnson and seconded by Russell Barnett, to recommend that the County Attorney commence litigation. Alex Balsam abstained from the vote. Motion carried: 12-0-1 [See Exhibit "B" for Committee Resolution FC-14-2015]

IV. PERMIT APPLICATIONS

A. SYLVESTER MANOR EDUCATIONAL FARM, INC.

Main Road (S.R. 25), Orient, Town of Southold

Tax Map #: 0700-008.00-01.00-005.008 (57.2 ± acres)

The applicant seeks an Agricultural Development Permit for the installation and maintenance of sheep paddock fencing, in association with an agricultural operation. (Application No. 2015004)

Ms. Fischer presented the Staff Report.

A motion was put forth by Howard Johnson, and seconded by Ron Bush, to adopt the Staff Report for Application No. 2015004, as amended, and to approve the Agricultural Development requests, as outlined in Committee Resolution FC-15-2015. Jeff Rottkamp was not present for the vote. Motion Carried: 12-0-0 [See Exhibit "C" for Committee Resolution FC-15-2015].

V. OTHER BUSINESS

Announcement of March 2015 Agricultural Districts Open Enrollment Period

Sarah Lansdale announced that March is the Open Enrollment Period for the Agricultural Districts Program, a time when landowners may submit applications to include farm parcel(s) into existing certified Agricultural Districts.

VI. ADJOURNMENT

A motion was put forth by Howard Johnson, and seconded by August Ruckdeschel to adjourn the meeting at 6:37 PM. Motion carried: 13-0-0. [See Exhibit "D" for Committee Resolution FC-16-2015]

NEXT SCHEDULED REGULAR MEETING

The next meeting of the Committee is scheduled for 6:00 p.m., Tuesday, May 19, 2015, at the Kermit W. Graf Cornell Cooperative Extension Building, 1st Floor Conference Room, 423 Griffing Avenue, Suite 100, Riverhead, New York.

"Exhibit A"

RESOLUTION NO. FC-13-2015 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING THE MINUTES OF THE FEBRUARY 10, 2015 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 March 17, 2015; and

WHEREAS, the minutes of said meeting were considered by the Committee at its meeting on February 10, 2015; now, therefore, be it

1st RESOLVED, that the Committee hereby adopts the February 10, 2015 meeting minutes.

Motion by: August Ruckdeschel Seconded by: Charlie Scheer

Committee Vote: Ayes 12
 Nays 0
 Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BALSAM, Alex	Town of East Hampton	✓			
BARNETT, Russell K.	Town of Smithtown	✓			
BIONDO, Vincent	Town of Babylon	✓			
BUSH, Ronald	At-Large				✓
CORWIN, Nate	At-Large				✓
FOSTER, Lee	Town of Southampton	✓			
JOHNSON, Howard	Town of Huntington	✓			
KILB, Alfred J., Jr.	Town of Shelter Island	✓			
KRUKOWSKI, Joseph	Town of Southold				✓
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MURPHY, Eugene	Town of Islip				✓
NOLAN, Rob	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: March 17, 2015

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

"Exhibit B"

RESOLUTION NO. FC-14-2015 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, REQUESTING THE COUNTY ATTORNEY TO COMMENCE LITIGATION IN REGARD TO PROPERTY OWNED BY BRANDYWINE TRUST CO., TRUSTEE FOR THE FONSECA 2010 FAMILY TRUST & THE FONSECA QTIP TRUST

WHEREAS, the property owned by Brandywine Trust Company, Trustee for the Fonseca 2010 Family Trust and the Fonseca QTIP Trust), is located at 149 Long Lane, East Hampton North, in the Town of East Hampton, identified by Suffolk County Real Property Tax Map (“SCRPTM”) number 0300-157.00-03.00-011.004 (“premises”), and consisting of approximately 28.7 acres; and

WHEREAS, the Suffolk County Farmland Committee (“Committee”) at its February 10, 2015 meeting approved and issued a resolution stating that there will be no more postponements for submitting an application and remediation plan to the County and the deadline for receiving an application and remediation plan will be March 3, 2015, or the Committee is granting permission by this resolution for the County to move forward with litigation; and

WHEREAS, the County did not receive a complete application and remediation plan by the March 3, 2015 deadline set by the Committee pursuant to its February 10, 2015 adopted and issued Resolution (No. FC-6-2015); and

WHEREAS, On March 3, 2015, the County notified Jeffrey Bragman, Attorney for the FONSECAS, of the aforementioned February 10, 2015 Committee deadline and resolution;

WHEREAS, On March 6, 2015, Jeffrey Bragman’s office emailed the County an unsigned and incomplete application and remediation plan; and

WHEREAS, On March 13, 2015, the County emailed a number of comments to the applicant about the incomplete application and remediation plan. The County noted an addendum that the FONSECAS made to request “the restoration of 5 feet of prime agricultural soils previously removed from the site.” The County asked that such request be addressed in relation to the proposed swale description in the application and on the site plan map; now, therefore be it

1st RESOLVED, the Committee at its March 17, 2015 meeting determined that the County had provided enough time for the applicant to submit a complete application and remediation plan and that a good faith effort at submitting an application and remediation plan had not been made. Therefore, the Committee recommended that the County Attorney proceed with litigation.

Motion by: Howard Johnson Seconded by: Russell Barnett

Committee Vote: Ayes 12
 Nays 0
 Abstentions 1

Committee Member	Appointment	Yes	No	Abstained	Not Present
BALSAM, Alex	Town of East Hampton			✓	
BARNETT, Russell K.	Town of Smithtown	✓			
BIONDO, Vincent	Town of Babylon	✓			
BUSH, Ronald	At-Large	✓			
CORWIN, Nate	At-Large				✓
FOSTER, Lee	Town of Southampton	✓			
JOHNSON, Howard	Town of Huntington	✓			
KILB, Alfred J., Jr.	Town of Shelter Island	✓			

"Exhibit B," Cont'd.

KRUKOWSKI, Joseph	Town of Southold				✓
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MURPHY, Eugene	Town of Islip				✓
NOLAN, Rob	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		1	5

Date: March 17, 2015

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

"Exhibit C"

RESOLUTION NO. FC-15-2015 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, APPROVING MODIFICATION TO THE SYLVESTER MANOR EDUCATIONAL FARM, INC. PROPERTY (0700-008.00-01.00-005.008), 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 Sylvester Manor Educational Farm, Inc. has been received by the Suffolk County Farmland Committee ("Committee"), where such proposal is known by application number 2015004; and

WHEREAS, the property owned by Sylvester Manor Educational Farm, Inc. is located on land situated west of Manhasset Road and north of North Ferry Road (S.R. 114), in the hamlet Shelter Island Heights, Town of Shelter Island, identified by Suffolk County Real Property Tax Map ("SCRPTM") number 0700-008.00-01.00-005.008 ("premises"); and

WHEREAS, the applicant seeks an Agricultural Development Permit for the installation and maintenance of sheep paddock fencing, in association with a vegetable and livestock operation; and

WHEREAS, said application was considered by the Committee at its meeting on February 10, 2015; 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 proposed paddock fencing shall be located as is shown on the site plan, which was received by the County and entitled "Sheep Paddock Proposed Site Plan (2-27-15)" and attached as Exhibit A to the Suffolk County Department of Economic Development and Planning, Division of Planning and Environment Staff Report Application No. 2015004; and
2. The proposed one (1) exterior sheep fence shall not exceed 2,903 linear feet; and
3. The proposed eight (8) interior 200 foot by 375 foot paddocks shall not exceed 3,850 linear feet; and
4. The proposed interior and exterior fencing will consist of wood and wire materials and be 48 inches in height and include post footings; and
5. The proposed interior paddocks will include a 20 foot wide center aisle; ten (10) gates at aisle ends and from aisle into each paddock; and
6. 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
7. The landowner shall be responsible for compliance with all conditions of Farmland Committee Resolution No. FC-15-2015, the deed of development rights, the contract of sale, and all applicable federal, state, county, and town regulations, rules and statutes.

"Exhibit C," Cont'd.

Motion by: Howard Johnson Seconded by: Ron Bush

Committee Vote: Ayes 12
 Nays 0
 Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BALSAM, Alex	Town of East Hampton	✓			
BARNETT, Russell K.	Town of Smithtown	✓			
BIONDO, Vincent	Town of Babylon	✓			
BUSH, Ronald	At-Large	✓			
CORWIN, Nate	At-Large				✓
FOSTER, Lee	Town of Southampton	✓			
JOHNSON, Howard	Town of Huntington	✓			
KILB, Alfred J., Jr.	Town of Shelter Island	✓			
KRUKOWSKI, Joseph	Town of Southold				✓
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MURPHY, Eugene	Town of Islip				✓
NOLAN, Rob	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: March 17, 2015

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

"Exhibit D"

RESOLUTION NO. FC-16-2015 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADJOURNING THE MARCH 17, 2015 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 March 17, 2015; and

WHEREAS, the Committee heard all items on the meeting agenda; now, therefore, be it

1st RESOLVED, that the Committee hereby adjourns the March 17, 2015 meeting.

Motion by: Howard Johnson Seconded by: August Ruckdeschel

Committee Vote: Ayes 13
 Nays 0
 Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BALSAM, Alex	Town of East Hampton	✓			
BARNETT, Russell K.	Town of Smithtown	✓			
BIONDO, Vincent	Town of Babylon	✓			
BUSH, Ronald	At-Large	✓			
CORWIN, Nate	At-Large				✓
FOSTER, Lee	Town of Southampton	✓			
JOHNSON, Howard	Town of Huntington	✓			
KILB, Alfred J., Jr.	Town of Shelter Island	✓			
KRUKOWSKI, Joseph	Town of Southold				✓
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MURPHY, Eugene	Town of Islip				✓
NOLAN, Rob	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		13			5

Date: March 17, 2015

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