

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
DIVISION OF PLANNING AND ENVIRONMENT

SUFFOLK COUNTY FARMLAND COMMITTEE

THERESA WARD
COMMISSIONER

SARAH LANSDALE
CHAIRPERSON, SCFC

MINUTES OF THE SUFFOLK COUNTY FARMLAND COMMITTEE (Adopted by SCFC Res. No. FC-09-2017)

DATE: February 28, 2017

MEMBERS PRESENT:

Alexander Balsam (East Hampton)
Russell K. Barnett (Smithtown)
Vincent Biondo (Babylon)
Nate Corwin (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)
Stephen Mudd (Southold)
Jeffrey Rottkamp, Sr. (Riverhead)
August Ruckdeschel (Ex-Officio, SC Dept. of EDP)
Charles F. Scheer, Jr. (At-Large)
Albert Schmitt (At-Large)
Herb Strobel (At-Large)
Mark Zaweski (At-Large)

MEMBERS ABSENT:

Bob Nolan (Brookhaven)
Ronald Bush (At-Large)
Eugene Murphy (Islip)

ADVISORS PRESENT:

Rob Carpenter, Long Island Farm Bureau

Corey Humphrey, SC Soil and Water Conservation District
William Sanok, Cornell Cooperative Extension (Retired)

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)
Robert Braun, Deputy Bureau Chief, SC Dept. of Law (Committee Counsel)
Lauretta R. Fischer, Chief Environmental Analyst, SC Division of Planning and
Environment (Committee Staff)

GUESTS:

<u>NAME</u>	<u>ORGANIZATION</u>
Jessica Anson	Long Island Farm Bureau
Katie Horst	Suffolk County
Matthew Kapell	Suffolk County
Al Krupski	Suffolk County Legislator, 1 st District
Karl Novak	Long Island Farm Bureau
Richard O’Dea	Town of Riverhead
Annemarie Prudenti	Town of Riverhead
Kimberly Quarty	Peconic Land Trust
Melissa Spiro	Town of Southold
Catherine Stark	Aide to Legislator Al Krupski

I. ORDER OF BUSINESS

Call to Order

Sarah Lansdale called the meeting of the Suffolk County Farmland Committee (“Committee”) to order at 2:30 p.m. at the Kermit W. Graf Cornell Cooperative Extension Building, 1st Floor Conference Room 423 Griffing Ave., Riverhead, NY.

Correspondence –

There were none.

II. PUBLIC COMMENTS

There were none.

III. DISCUSSION OF PROPOSED RULES AND REGULATIONS AND APPLICATION FORM

Bob Braun discussed the decision of the Chapter 8 lawsuit stating the 2010 and 2013 amendments are now null and void which returns Chapter 8 to before 2010. There will no longer be any permits or hardships issued. The new procedure will be for the Committee to review proposals and determine whether or not it is a standard agricultural practice.

Sarah Lansdale discussed issuing a letter of concurrence in place of a permit to land owners requesting review from the Committee.

Herb Strobel asked if the court decision threw out the enforcement part of Chapter 8. Bob Braun said no, that the County still has the enforcement rights it's always had.

Lauretta Fischer discussed the misunderstanding of the 1997 legislation that Dick Amper referred to during the Public Hearing. The 1997 legislation was the New Drinking Water Protection Program wherein the properties of which the County would be able to buy included farm PDRs where it hadn't before. Chapter 8 itself was never under a referendum.

Lauretta Fischer presented the draft rules and regulations.

Discussion ensued regarding alternative energy on PDRs.

Dale Moyer questioned why a farmer would have to request review from the Committee for a deer fence, trellises or irrigation systems that are all standard practices. Russ Barnett suggested a two tier process where such standard practices be preapproved and the Division could automatically send letters of concurrence without review of the Committee.

Rob Carpenter asked whether the new rules and regulations document would replace Chapter 8 and if not what version of Chapter 8 was still on the books.

Annamarie Prudenti suggested readopting Chapter 8 as is since the County is taking the position a public referendum was not required.

Sarah Lansdale discussed the many ways the County is addressing the lawsuit, including pursuing State legislation and County Legislation.

Discussion ensued regarding New York State General Municipal Law 247, its interpretation and how it relates to the County PDR program.

Lauretta Fischer discussed the 1999 local law which allows the Farmland Committee to promulgate rules and regulations.

Bob Braun discussed the draft rules and regulations being presented to the Committee. He stated that they are a list of factors that will be considered in determining whether what an owner proposes is consistent with agricultural practices under Chapter 8. He also stated that the judge

threw out the 2010 and 2013 amendments but anything that existed before that is still viable.

Lauretta discussed the 1999 version of Chapter 8 stating it created definitions and legislative intent and that farm stands were not to exceed 500 square feet.

Committee members discussed how proposals would be reviewed under the 1999 version of Chapter 8 and how the draft rules and regulations would help provide guidance in the review process. There was also discussion about how to expand farm stands to 1,000 square feet again, rather than 500 square feet stated in the 1999 version of Chapter 8.

Alex Balsam asked what is gained in IR 1025-2017 that is not in pre-2010 Chapter 8. Lauretta Fischer stated larger farm stands, processing, utilities, parking and lot coverage limitations.

Al Kilb stated he believed that since the judge said the Committee cannot issue permits that the granting of permission is still like issuing a permit. Bob Braun answered that a review by the division and an opinion from the Committee would be less assailable than issuing a permit. Lauretta Fischer also pointed out that farmers still need local municipal permits and inspections and that the County does not necessarily have the final say.

Committee members discussed whether or not IR 1025-2017 should be moved forward. There was a question about the language and whether IR 1025-2017 required the County to come to the Committee for an opinion about proposed improvements on PDR lands. Alex Balsam pointed out that IR 1025-2017 specifically says the Committee shall not have the authority to review or issue development permits. Bob Braun stated that it was not intended that the Committee not review proposals, they just couldn't review and issue permits.

Committee members discussed land owners expectations when entering into an agreement with the County when selling their development rights. Herb Strobel stated that guidelines would be helpful for landowners as well so decisions don't seem arbitrary or feel they are being treated unfairly.

Committee members discussed changing the name of the draft rules and regulations document to guidance document.

Committee members discussed using New York State Agriculture and Markets Law 301 as a guideline. Lauretta Fischer pointed out that the New York State Law allows many other things that the County does not support for the PDR program.

Committee members discussed farm stand size and were concerned with the 500 square foot maximum imposed by the 1999 version of Chapter 8. Bob Braun stated that he doesn't believe the court decision would require a previously approved 1,000 square foot farm stand to be taken down.

Alex Balsam suggested continuing with a modified version of IR 1025-2017. Al Krupski stated he would take any amendments to 1025-2017 until Thursday and would keep the process moving forward.

Sarah Lansdale suggested forming a subcommittee to refine the language in the draft rules and regulations document. Charlie Scheer stated that farmers may be reluctant to enter into a program where the rules and regulations are being worked on.

A motion was put forth by Charlie Scheer/Alex Balsam, and seconded by Howard Johnson to return to the pre- 2010 version of Chapter 8. Motion carried: 14-0-2. Sarah Lansdale and August Ruckdeschel abstained. [See Exhibit “A” for Committee Resolution FC-05-2017]

Committee members were concerned that returning to Chapter 8 pre-2010 would affect the makeup of the Committee. It was determined that the makeup of the Committee would not change.

Committee members discussed the application process for proposed improvements to PDR lands under pre-2010 Chapter 8.

Committee members discussed the new Agricultural Improvement Application form and suggested the name be changed to “Request for Review of Proposed Agricultural Improvement(s).” The Committee also suggested removing the second page of the form.

A motion was put forth by August Ruckdeschel/Alex Balsam, and seconded by Howard Johnson to approve the Request for Review of Agricultural Improvement(s), without the second page. Motion carried: 16-0-0. [See Exhibit “B” for Committee Resolution FC-06-2017]

IV. OTHER BUSINESS

A. NONE

V. ADJOURNMENT

A motion was put forth by Howard Johnson/Alex Balsam, and seconded by August Ruckdeschel to adjourn the meeting at 4:41 p.m.. Motion carried: 16-0-0. [See Exhibit “C” for Committee Resolution FC-07-2017]

NEXT SCHEDULED REGULAR MEETING

The next meeting of the Committee is scheduled for 5:30 p.m., Thursday, March 16, 2017, 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-05-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, RETURNING TO THE PRE-2010 VERSION OF CHAPTER 8

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws ("Chapter 8"), the Suffolk County Farmland Committee ("Committee") convened a meeting on February 28, 2017; and

WHEREAS, the Committee recommended returning to the pre-2010 version of Chapter 8; 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 adopts the aforementioned recommendation.

Motion by: Charlie Scheer

Seconded by: Howard Johnson

Committee Vote: Ayes 14
 Nays 0
 Abstentions 2

Committee Member	Appointment	Yes	No	Abstained	Not Present
BARNETT, Russell K.	Town of Smithtown	✓			
BALSAM, Alex	Town of East Hampton	✓			
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	✓			
LANSDALE, Sarah	S.C. Dir. of Planning			✓	
MOYER, Dale D.	At-Large	✓			
MUDD, Stephen	Town of Southold	✓			
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	✓			
STROBEL, Herb	At Large	✓			
ZAWESKI, Mark	At-Large	✓			
Totals		14	0	2	3

Date: February 28, 2017

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

"Exhibit B"

RESOLUTION NO. FC-06-2017 OF THE SUFFOLK COUNTY FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS, ADOPTING A "REQUEST FOR REVIEW OF AGRICULTURAL IMPROVEMENT(S)" FORM FOR THE SUFFOLK COUNTY FARMLAND PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM

WHEREAS, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws ("Chapter 8"), the Suffolk County Farmland Committee ("Committee") convened a meeting on February 28, 2017; and

WHEREAS, the Committee reviewed and considered the Agricultural Improvement Application form for the Suffolk County Farmland Purchase of Development Rights (PDR) Program; 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 adopts the Agricultural Improvement Application form named, "Request for Review of Proposed Agricultural Improvement(s)," as attached, for the Suffolk County Farmland PDR Program.

Motion by: August Ruckdeschel

Seconded by: Howard Johnson

Committee Vote: Ayes 16
 Nays 0
 Abstentions 0

Committee Member	Appointment	Yes	No	Abstained	Not Present
BARNETT, Russell K.	Town of Smithtown	✓			
BALSAM, Alex	Town of East Hampton	✓			
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	✓			
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MUDD, Stephen	Town of Southold	✓			
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	✓			
STROBEL, Herb	At Large	✓			
ZAWESKI, Mark	At-Large	✓			
Totals		16	0	0	3

Date: February 28, 2017

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

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SUFFOLK COUNTY EXECUTIVE

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SUFFOLK COUNTY FARMLAND PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

Request for Review of Proposed Agricultural Improvement(s)

This application form is to be completed by the landowner(s) or applicant(s) seeking review for proposed agricultural related improvement(s) on agricultural land to which the County has purchased farmland development rights. Information contained in this completed application form will be used by the Department of Economic Development and Planning, Division of Planning and Environment ("Division") and the Suffolk County Farmland Committee to evaluate requests pursuant to Chapter 8 of the Suffolk County Administrative Local Laws.

Each application shall include a \$100.00 non-refundable application fee (*fee waived for permission to remove or demolish an existing structure). Checks should be made payable to the *Suffolk County Comptroller*. Applications submitted without the application fee shall be deemed incomplete. Applications must be *received* by the Department of Economic Development and Planning, Division of Planning and Environment at least, but no later than, two weeks prior to the Farmland Committee meeting.

Applications should be sent to the address below:

Ms. Sarah Lansdale
Director of Planning
Suffolk County Department of Economic Development and Planning
Division of Planning and Environment – 2nd Floor
P.O. Box 6100
Hauppauge, NY 11788-0099

Your application, once deemed complete, will be reviewed by the Division. Please submit your application as soon as possible to avoid delaying review. In order to process your application as quickly as possible, we suggest that you use the checklist on the last page of this application to make sure you include all of the required information.

Please fill in the landowner's information requested below:

LANDOWNER NAME (If the landowner is not an individual, identify the representative of the entity specified below)		
ENTITY NAME (i.e., Land holding company, L.L.C., etc.) (if applicable)		
MAILING ADDRESS (Include Street No. and Name, Apt. No., and/or P.O. Box No.)		
CITY	STATE	ZIPCODE
TELEPHONE NUMBER	FAX NUMBER	
EMAIL ADDRESS		

If the applicant or operator is different than the landowner, please include the applicant's information below:

APPLICANT NAME (If the applicant is not an individual, identify the representative of the entity specified below)		
ENTITY NAME (i.e., Land holding company, L.L.C., etc.) (if applicable)		
MAILING ADDRESS (Include Street No. and Name, Apt. No., and/or P.O. Box No.)		
CITY	STATE	ZIPCODE
TELEPHONE NUMBER	FAX NUMBER	
EMAIL ADDRESS		

Enter the name of the operation (e.g., Smith Family Farm), the physical address of the subject parcel, and information about the type of operation/crops produced in the space provided below:

NAME (d/b/a)		
ADDRESS		
CITY	STATE	ZIPCODE
TYPE OF OPERATION (i.e., fruits, vegetables, vineyard, nursery)		
TYPE OF OPERATION 2		

Identify the tax map number of each Suffolk County Farmland PDR parcel that will be included in the total application. Attach additional sheets if the space provided below is insufficient to answer the question completely.

	District		Section		Block		Lot
ex.	0200	-	010	.	00	-	01 . 00 - 014 . 000

Description of proposed improvements (Attach additional sheets if the space provided below is insufficient to provide all necessary details):

Note, only improvements necessary for agricultural production as determined by the Committee, shall be reviewed on agricultural land, pursuant to Chapter 8, Section 8-2: Definitions, of the Suffolk County Administrative Local Laws.

- a. Type(s) (e.g., fence, storage barn, greenhouse, farmstand, road/parking area, etc.) _____

- b. Number of each type of improvement (e.g. 2 barns, 1 greenhouse, etc.) _____

- c. Dimensions of each improvement (i.e., length, width, and height) (*Depict on the site plan the dimensions and distances (in feet) to property boundaries*) _____

- d. Description of footing/foundation plan of building(s), if applicable (e.g., posts/poles, floating slab, crawl-space, etc.) _____

- e. Material(s) (e.g., wood and wire fence, aluminum barn, etc.) _____

f. Location(s) of improvements (*Depict on the site plan the dimensions and distances (in feet) to property boundaries*) _____

g. Use(s) (e.g., fence to keep out deer, barn for farm equipment storage, etc.) *Please describe how the improvements support a(n) existing or proposed commercial agricultural operation* _____

h. Utilities (e.g., electric, water, sanitary) (*Depict on the site plan the linear dimensions and distances (in feet) to property boundaries*)

i. Will utility service be provided via underground or above-ground connections? _____

_____. Please describe the components and dimensions of the proposed utility infrastructure (i.e., Will there be irrigation pumps, drywells, etc. and note the length(s) of the utility line(s)/main(s)) _____

ii. Where will the electric/water/gas service connect from (e.g., connect at street, via an existing structure that is already served, a well)? _____

iii. If applicable, please describe the sanitary system improvements (e.g., capacity of septic tank and size of leaching pool) _____

iv. If applicable, please describe the sanitary system improvements (e.g., capacity of septic tank and size of leaching pool) _____

LANDOWNER CERTIFICATION & AUTHORIZATION OF APPLICATION

I, _____ (print full name), the undersigned, certify that I am the owner of the land identified in this application and authorize the submission of this application by either myself, my attorney _____ (print full name, if applicable) or a lessee/tenant _____ (print full name, if applicable) or a designated agent _____ (print full name, if applicable). I, the undersigned LANDOWNER, certify that this application form including any attached documentation constitutes a true statement of facts to the best of my knowledge.

LANDOWNER Signature _____

ATTORNEY CERTIFICATION (If applicable)

I, the undersigned ATTORNEY _____ (print full name), certify that this application form, including any attached documentation, constitutes a true statement of facts to the best of my knowledge.

ATTORNEY Signature _____

LESSEE/TENANT CERTIFICATION (If applicable)

I, the undersigned LESSEE/TENANT _____ (print full name), certify that this application form, including any attached documentation, constitutes a true statement of facts to the best of my knowledge.

LESSEE/TENANT Signature _____

DESIGNATED AGENT CERTIFICATION (If applicable)

I, the undersigned DESIGNATED AGENT _____ (print full name), certify that this application form, including any attached documentation, constitutes a true statement of facts to the best of my knowledge.

DESIGNATED AGENT Signature _____

Please Use the checklist below to ensure you have included all the necessary items:

- \$100.00 Application fee
* (fee waived for permission to remove or demolish an existing structure)
- Landowner Name and Information
- Operator Name and Information (if different from landowner)
- Name of the Operation and Physical Address of subject parcel(s)
- Tax Map Information (SCTM#(s))
- Detailed* description of the proposed improvement(s)
- Site Plan Survey
- Floor and elevation plans (if applicable)
- Written permission or Certification Statement from the landowner authorizing the lessee/tenant, attorney, or agent (e.g., relative) to represent the application and confirming that the landowner authorizes the proposed application (if applicable)
- Certification Statement from the landowner/attorney/lessee/tenant/agent certifying the information contained in the application.
- Any *additional* supporting documentation (photographs, environmental reviews, letters of support, etc.)

"Exhibit C"

**RESOLUTION NO. FC-07-2017 OF THE SUFFOLK COUNTY
FARMLAND COMMITTEE, PURSUANT TO CHAPTER 8 OF
THE SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS,
ADJOURNING THE FEBRUARY 28, 2017 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 meeting on February 28, 2017; and

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

1st RESOLVED, that the Committee hereby adjourns the February 28, 2017 meeting.

Motion by: Howard Johnson

Seconded by: August Ruckdeschel

Committee Vote: Ayes 16
 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	✓			
LANSDALE, Sarah	S.C. Dir. of Planning	✓			
MOYER, Dale D.	At-Large	✓			
MUDD, Stephen	Town of Southold	✓			
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	✓			
STROBEL, Herb	At-Large	✓			
ZAWESKI, Mark	At-Large	✓			
Totals		16	0	0	3

Date: February 28, 2017

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