

MINUTES OF THE SUFFOLK COUNTY FARMLAND COMMITTEE
Suffolk County Planning Department

Date: July 24, 2007

Members Bennett Orlowski, Jr. (At-Large), Chairman
Present: Thomas A. Isles, Suffolk County Dept. of Planning Director (At-Large)
Nate Corwin (At-Large)
Jeffrey Rottkamp (Riverhead)
Lee Foster (Southampton)
Alfred J. Kilb, Jr. (Shelter Island)
Heather Lanza (Brookhaven)
Eugene Murphy (Islip)
Dan Fricke (At-Large)
Charlie Scheer (At-Large)
Mark Zaweski (At-Large)
Dale Moyer (At-Large)
Albert Schmitt (At-Large)
Russell Barnett (Smithtown)

County Staff Daniel Gulizio, Deputy Director, Dept. of Planning
Present: Janet Longo, Suffolk County Div. of Real Estate
Chris Kent, Suffolk County Div. of Real Estate
Robert Zaher, Suffolk County Div. of Real Estate
Roy Fedelem, Suffolk County Dept. of Planning
Jenny Kohn, Suffolk County Department of Law

Guests: Ed Romaine, County Legislator-1st District
Allan Connell, USDA NRCS
Doug Dittko
David McLarin
Wayne Weiss
Joseph Weiss
Kirk Weiss Jr.
Joseph Gergela, LI Farm Bureau
Tom McGunnigle
Jillian Ball, Southold Land Preservation Committee
Ray Huntington, Southold Land Preservation Committee
M.J. Asato, Attorney
Robert Nolan, President, Long Island Farm Bureau
Guy W. Germano, Attorney
Bill Kelly
John Nida
Richard Amper
Sharyn Guzzi
Claudia Webber
Melissa Spiro
Steven Mezynieski
Russell Weiss

Thomas Lomangino
Susan Lomangino
Pat Moore
John Ekhard
William Hofman
Grania Brolin

Members Joseph Krukowski (Southold)
Absent: Olney M. Gardiner (East Hampton)
Ronald Bush (At-Large)

Chairman Orlowski called the meeting of the Suffolk County Farmland Committee to order at 6:03 p.m. at the L.I. Horticulture Research & Extension Center, 3059 Sound Avenue, Riverhead, NY.

APPROVAL OF MINUTES

A motion was put forth by Charles Scheer and seconded by Mark Zaweski to approve the minutes of the April 24, 2007 meeting of the Farmland Committee. Motion carried. 14-0-0.

ROSENBAUM LAVENDER FARM - PARKING FOR FARM STAND

They are requesting permission to use PDR land for additional parking spaces (required by the Town) for a non-conforming farm stand. Patricia Moore, attorney, told the Committee that the applicant is requesting an RCA parking area. **A motion for a SEQRA determination Type II Action was made by Chairman Orlowski and seconded by Tom Isles. Motion carried. 14-0-0. A motion for approval was made by Al Kilb and seconded by Russell Barnett. Motion carried. 14-0-0.**

FORMER HEILBUT PROPERTY: MOVE BARN, USE OF FARM ROAD

Tom Isles asked Mary Jane Asato, attorney for the owner, about the driveway which appears to curve onto PDR land and back again. There is no direct access from the house to Scuttle Hole Rd. **A motion for a SEQRA determination Type II Action was made by Chairman Orlowski and seconded by Charles Scheer. Motion carried. 14-0-0. A motion to approve the relocation of the barn was made by Nate Corwin and seconded by Lee Foster. Motion carried. 14-0-0.**

Grania Brolin, a neighbor, told the Committee that the road is still in use by construction traffic.

Russell Barnett questioned whether or not a temporary gate blocking the driveway onto PDR land could be erected and what enforcement mechanisms are available.

Jenny Kohn, attorney for Suffolk County, suggested a covenant be signed restricting the use of the road primarily for ag use.

Since the road continues to be used for construction traffic, the Farmland Committee wants the access off of Scuttle Hole Road to be used as the primary means of egress for the new house, both for residential and construction access. Also, that the driveway to the garage be placed in the front of the house between the garage and Scuttle Hole Rd., so it no longer loops behind the house and onto the PDR property.

Mary Jane Asato will come back before the Farmland Committee regarding the driveways.

Chairman Orlowski introduced Legislator Ed Romaine.

STEVE MEZNIESKI – BUILDING FOR EQUIPMENT STORAGE, IRRIGATION POND
Mr. Mezynieski is requesting approval for a 60 ft. x 120 ft. Morton building to be used for equipment storage and a one (1) acre lined pond 10-15 ft. deep to be used for irrigation. **A motion for a SEQRA determination Type II Action was made by Chairman Orlowski and seconded by Russell Barnett. Motion carried. 14-0-0. A motion to approve the Morton building for storage, contingent on the addition of a survey to be done, was made by Charles Scheer and seconded by Mark Zaweski. Motion carried. 14-0-0.**

No decision was made regarding the irrigation pond, as it may need permits from the DEC and the Town.

WOELFFER: WINE STORAGE IN EXISTING BUILDING OR NEW BUILDING FOR EQUIPMENT STORAGE

Request approval of a new wine storage building - a 6,000 sq. ft. for wine storage and use existing barn for equipment storage; or the other option would be to build another building for equipment storage, using the old one totally for wine storage.

Tom Isles questioned whether or not the storage of wine is considered ag production. He suggested that it would be best to get an opinion from the County Attorney's office, as well as, input from Ag and Markets.

A motion for a SEQRA determination Type II Action was made by Chairman Orlowski and seconded by Russell Barnett. Motion carried. 14-0-0. A motion to approve the ag equipment building, subject to local rules and regulations, was made by Nate Corwin and was seconded by Charles Scheer. 14-0-0.

SUE MARTIN – SUBDIVISION OF PDR PROPERTY: PAPISH PROPERTY

No one was present to speak. Tabled.

TOM Mc GUNNIGLE – PERMISSION TO EXPAND A HOUSE

Mr. McGunnigle needs permission to expand a house and to make it handicapped accessible. He would like to replace an existing 14 ft. deck and extend out 20 ft. He told the Farmland Committee that he has a letter from 1977 or 1978 from John Klein giving him permission to..."expand but not build another unit". Tabled. No decision made at this time.

L.I. HORTICULTURE RESEARCH & EXTENSION CENTER – DEER FENCE

They are requesting permission to put up a 6 ft. open mesh deer fence on 18 acres. **A motion for a SEQRA determination Type II Action was made by Chairman Orlowski and seconded by Russell Barnett. Motion carried. 14-0-0. A motion for approval was made by Mark Zaweski and seconded by Gene Murphy. 12-0-2 (Dale Moyer & Bennett Orlowski abstained).**

DISCUSSION ON GREENHOUSES

Tom Isles presented the results of the three (3) sub-committee meetings and handed out draft guidelines to the Farmland Committee which will also be circulated to the towns. The Committee

will review and send back comments to the Suffolk County Planning Department. Nate Corwin requested that a copy of the draft be sent to Ag and Markets. There will be a special meeting on Tuesday, September 18th as a follow-up to the sub-committee meetings.

RUSSELL WEISS (FORMER HANLEY PROPERTY) GREENHOUSE PLAN

Guy Germano, attorney for Mr. Weiss, spoke to the Committee. He explained that in Phase 1 of Mr. Weiss' plan about 25% of the 67 acre lot would be covered with greenhouses, with 12 ft. wide poured concrete walkways. Tom Isles questioned the intended use for the additional land not covered in greenhouses. Mr. Weiss said that the remaining land was to be kept as an open field. There was also a request to amend the application to include a deer fence to be put around the 1st phase and to continue to fence the additional phases. Mr. Weiss used his own engineer to draw up the plans. There was no request from NRCS engineers to prepare any plans.

John Eberhard gave the Committee the history of the farm.

Allan Connell, NRCS, told the Committee that greenhouse operations need grading and drainage and that this soil movement will change the original pristine soil. The overall quality of the soil will be changed. Cuts and fill damages the productability of the soil. The necessity of water management creates situations that need to be addressed as the property is expanded. Guy Germano assured the Committee that no soil would be removed from the property.

Tom Isles told everyone that since work on the greenhouses was already underway, the Farmland Committee did not have the "rights given it" to oversee this operation, because the circumstances are now being presented after the fact.

Doug Ditko, a neighbor, said that bulldozers moved topsoil from Mr. Weiss' property, across several paper streets and into the Nature Preserve.

Richard Amper, L.I. Pine Barrens Society, explained to the Committee that the public's perception and interest in agriculture makes a difference in how it impacts the disposition and willingness to continue purchasing development rights. He felt that this application should not be acted upon.

Mr. Eberhard again spoke to the Committee reiterating that ag rights are sold to protect agriculture.

Russell Weiss felt that the policy could not be made retroactive. The land was bought in good faith in a contract with Suffolk County. He plans to cover about 25% of the land and leave 75% open. Chairman Orlowski stated that work was started without prior approval from the Farmland Committee.

Heather Lanza proposed tabling this request until the sub-committee's guidelines are implemented.

Allan Connell, USDA NRCS, suggested that Mr. Weiss' engineers develop a plan and allow him to review it. He also would need guidance from the Farmland Committee as to what would be allowed in terms of soil disturbance and/or removal.

A motion was made by Heather Lanza to table pending release of guideline and a review by Allan Connell and seconded by Tom Isles. Motion failed. 5-9-0.

Charles Scheer suggested temporary approval of Phase I with the condition that, if required, the greenhouses could be taken down.

Jenny Kohn, Suffolk County Attorney, told the Committee that Mr. Weiss's hardship was self imposed.

A motion made by Charles Scheer to temporarily permit Phase I only, with the understanding that Mr. Weiss work with Allan Connell (NRCS) and that no further activity or clearing, stipulated by the County Attorney, take place. Motion seconded by Lee Foster. Motion carried. 13-0-1 (Russell Barnett abstained)

KENT KATTER – HORSE FARM USE OF KUJAWSKI PROPERTY

No one present. No action taken.

NEW PARCELS

See attached sheet

OTHER BUSINESS

Heather Lanza, Town of Brookhaven, resigned from the Farmland Committee. She will now be the new Planning Director for the Town of Southold.

There will be a Special Meeting of the Farmland Committee on September 18, 2007.

A motion to adjourn was made at 9:50 P.M. Motion carried.

SPECIAL MEETING: September 18, 2007 at 6:00 P.M. at the L.I. Horticultural Research & Extension Center, Riverhead, NY

Next REGULAR Meeting: October 23, 2007 at 6:00 P.M. at the L.I. Horticultural Research & Extension Center, Riverhead, NY