

**ENVIRONMENT, PLANNING & AGRICULTURE COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE**

Minutes

A meeting of the Environment, Planning & Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on July 30, 2012.

MEMBERS PRESENT:

Leg. Kara Hahn, Chairwoman
Leg. Lou D'Amaro, Vice Chair
Leg. Sarah S. Anker
Leg. DuWayne Gregory
Leg. Edward P. Romaine

ALSO IN ATTENDANCE:

Leg. Wayne R. Horsley, Deputy Presiding Officer
George Nolan, Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk
Alicia Howard, Legislative Aide
Ben Zwirn, County Executive's Office
Laura Halloran, Budget Review Office
Sarah Lansdale, Director/Department of Planning
Michael Mule, Department of Planning/CEQ
Tom Ryan, Aide to Legislator Hahn
Justin Littell, Aide to Leg. D'Amaro
Paul Perillie, Aide to Leg. Horsley
William Shilling, Aide to Leg. Anker
Jill Rosen-Nikoloff, Director of Real Estate
Jon Santenma, Esq., Sandpiper Farm
James Maggio, Rough Riders
Cathleen A. Springer, East End Livestock/Horsemen's Association
Merri Ferrell
Kevin Maple
Kevin McAllister, Peconic Bay Keeper
Pamela Pierce
Mark Baisch
Lauretta Berry
Kathleen Kleinman, Muttontown Horsemen's Association/Nassau Land Trust
Terry Redder
Tom Rost
David Micklos
Elizabeth L. Baldwin
Denise Speizio, Nassau-Suffolk Horsemen's Association
Louise W. Harrison
John Turner, Town of Brookhaven
Robert Braun, Assistant County Attorney
Mike Jensen, SC Health Department

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 2:04 PM

CHAIRWOMAN HAHN:

Will all Legislators please report to the horseshoe for the Environment, Planning and Agriculture Committee.

LEG. ROMAINE:

All the members are here.

CHAIRWOMAN HAHN:

Then all rise for the Pledge of allegiance led by Legislator Anker.

SALUTATION

Okay, welcome everyone. This is the July 30th meeting of the Legislature's Environment, Planning and Agriculture Committee.

We have a couple of items, correspondence that Tom is copying and going to hand out to everybody. And then we're going to begin -- we have a number of cards so I would like to call up our speakers. I'll let everyone know who's going to speak that you can come forward when I call your name to the podium. You have three minutes. Anything longer you can submit -- and you can also submit those three minutes to the Clerk here, any -- you know, if you have anything typed. And also you need to hold down the button on the microphone for the entire time that you speak. Okay. So first --

MS. FLESHER:

They changed it. You don't need to hold the button.

CHAIRWOMAN HAHN:

Oh, you don't need to do that anymore. They changed the microphone at the podium. You no longer have to hold the button. Glad to hear that. Thank you. Thumbs up to the Clerk and IT.

MS. FLESHER:

I think they changed it.

CHAIRWOMAN HAHN:

Oh, you think? Well, we'll test that out today. Hopefully you don't have to hold the button the whole time, because I still do. Okay.

PUBLIC PORTION

The first speaker is John Santemma. Hopefully I'm saying that correctly. If not, I'm sorry. And I'm going to read the on-deck speaker as well. On deck is James Maggio.

MR. SANTEMMA:

Thank you, Madam Chair. The pronunciation was excellent. The name is Santemma and I represent Sandpiper Farm, which is the applicant, or one of the applicants, under resolution 1566. I took the liberty of submitting to the panel late Friday, and I hope that it's received you -- to you or by you -- comments with respect to the history of the background of the legislation which precedes this afternoon, as well as a letter on our position with respect to your treatment of the case.

I'd like to clarify some of the problems that have come up because there's been a basic misunderstanding of what this is all about. And I know that the sub-committee is aware of it. But this is not about a property's entitlement to an agricultural assessment. A property is entitled to an

agricultural assessment whether or not it's in the Agricultural District. The test for the Assessor is exactly the same whether it's in or out. And that is the size of the parcel and how much revenue it produces and how it's used. That has nothing whatsoever to do with the issue before this sub-committee as whether or not this is viable agricultural property.

Now, that issue was raised before your Suffolk County Farm Protection Board and unanimously 11 people expert in that question answered in the affirmative yes, this property should be added to the Agricultural District. Why is that important to us? It's important to us because of the right to farm. The right to farm is established by the New York State Constitution. And no Legislature, no County has taken a stronger, more positive leadership position than Suffolk County in the right to farm implementation of that constitutional right. You've made it legislatively mandated that agriculture pursuits include the training of horses, the teaching of horsemanship, the breeding of horses, the boarding of horses, commercial equine operations; even as recently as November of last year. So, the Suffolk County policy is determinative, in my opinion, of what this sub-committee should do. And that is to approve this particular group of properties for inclusion in the Agricultural District.

The problem that we have is the Master Plan of the Village of Asharoken -- and as you're aware, this property is a substantial piece of property 440 acres in the Village of Asharoken. And let me mention at this instance we have not taken any action against the Village. We have not asked for agricultural assessment. We have against the Town. We haven't asked for a review of our assessed evaluations. We have against the Town. But the Master Plan of Asharoken says commercial agriculture is an accepted use for land in the Village. That was in 2004.

In 2006 they passed a resolution -- a zoning ordinance change. They say we have residential district A, B and C. And then they say in section B of 123 of the ordinance *all agricultural activities shall be prohibited in all residential districts*. Now, where does that leave a place that's been a farm since 1850 and through different iterations all related to some agricultural use at which now is used for that for which Suffolk County has given its imperator as proper agricultural use.

CHAIRWOMAN HAHN:

Mr. Santemma?

MR. SANTEMMA:

I think I'm approaching a three-minute warning.

CHAIRWOMAN HAHN:

Your time limit is past; however, I do have a request from one of the Legislators here to ask -- if you were -- I think that we obviously have -- we have a number of cards of individuals to hear from. There are a number who are here on this item; some who are not. And I'll entertain a motion after we hear from the public to take this out of order, you know, to handle it first because there are a number of speakers on this issue. But I'm hoping that if -- you're willing to stick around and answer questions at that time.

MR. SANTEMMA:

I would be happy to and honored to. Thank you very much.

CHAIRWOMAN HAHN:

Okay. Thank you.

LEG. ROMAINE:

Madam Chairperson?

CHAIRWOMAN HAHN:

Yes.

LEG. ROMAINE:

Does that mean that we're breaking with the tradition of being able to ask the speaker questions at this point? And we're going to be doing it later?

CHAIRWOMAN HAHN:

Yeah -- well, you want to ask now? I'm just going to take a look at what everyone's here on. I think that --

AUDIENCE MEMBER:

Can I just ask a question?

CHAIRWOMAN HAHN:

No, no, no, sorry. I'm sorry.

AUDIENCE MEMBER:

I'm out of order.

CHAIRWOMAN HAHN:

We're going to hear from -- we'll hear from the public and he'll be back up on this issue, if that's okay; that way we'll just -- we have a lot of cards here.

LEG. ROMAINE:

You're running the meeting. I'm not going to object, as long as there's the time to question speakers.

CHAIRWOMAN HAHN:

Oh, absolutely. Absolutely.

LEG. ROMAINE:

So, all speakers will be subject to questions, if not at the time they speak, at the time the resolution comes before the Committee?

CHAIRWOMAN HAHN:

Unless they indicate when they're at the podium that they're unable to --

LEG. ROMAINE:

Stay. Okay.

CHAIRWOMAN HAHN:

-- you know, stick around, yeah. And then I'll allow questions.

LEG. ROMAINE:

I just want to understand because that's kind of a change in the rules from committee procedures and other committees, including this one. I thank you.

CHAIRWOMAN HAHN:

So would you -- if you would -- are you asking for me to question now?

LEG. ROMAINE:

No, I'm not. I'm just trying to understand --

CHAIRWOMAN HAHN:

Okay.

LEG. ROMAINE:

-- because it's a departure from what we normally do. If that's what you want to do, I have no objection. You're the Chairperson of the Committee.

CHAIRWOMAN HAHN:

Thank you. Okay. James Maggio followed by Cathleen Springer.

MR. MAGGIO:

Hi, my name is James Maggio. I'm speaking on behalf of Frank Bradford, Rough Rider Troop Commander.

"The Village of Asharoken wrongfully classifies Sandpiper Farm as a AAA residential property, thus applying a punitive and onerous tax burden despite the fact that the property is clearly agricultural and has been for over 250 years. The Village is unfairly shifting the tax burden for political advantage by intentionally overtaxing this agricultural property as residential. The Village is clear in its actions by ordinance and taxation to drive the property to the point of economic, unsustainability and causing the property to be sold and subdivided into mansions for the financial elites' exclusive use and enjoyment at the cost of the environmental character and history of Long Island.

It is in the clear and urgent interest of the people of Suffolk County and the State of New York to preserve and protect equestrian activities and promote land uses other than by subdivision and development and the irreversible impact those activities have on the land.

New York State strongly supports protecting properties like Sandpiper Farm by its inclusion in the Agricultural District. In 2012 the Suffolk County Committee charged with recommending the inclusion voted 11/0 with all members of the Committee present to accept Laurie Landeau's application to add the property to the Huntington Agricultural District. In June the Suffolk County Legislature voted to send the recommendation to its EPA Committee for consideration.

We urgently and strongly urge the Committee to approve the application to include Sandpiper Farm in the Huntington Agricultural District. The failure of the Committee to act and approve the application will have significant and lasting consequences to both the environment and the enjoyment of this last vestige of open space in Eaton's Neck. The subdivision and construction of homes on this property will have dire consequences for the environment causing fertilizer, pesticide and septic waste runoff into the Long Island Sound. New development on Eaton's Neck would add to the existing pollution problem, algae blooms and red tide caused by fertilizer nutrient loading. The development of the Sandpiper Farm property and the ensuing pollution will have serious consequences for the already depleted and struggling marine fisheries. Equestrian usage does not add to fertilizer, pesticide and waste loading of the Long Island Sound and is a ecologically responsible and sustainable use of the property." Thank you.

CHAIRWOMAN HAHN:

Thank you. The next speaker Cathleen Springer followed by Merri Ferrell.

MS. SPRINGER:

(Speaking off the record - not on the microphone) I have this to show you (indicating).

CHAIRWOMAN HAHN:

If you can speak on the record and I can make sure it goes around.

MS. SPRINGER:

Sure, sure. My name's Cathleen Springer and I'm here to represent the East End Livestock and Horseman's Association, which came into existence in 1980 when land use in Eastern Long Island was the subject of legislative actions in the Towns of Riverhead and Southold.

The organization has regularly functioned as an intermediary between owners of livestock and horses and the municipalities in which they are harbored. Mutually amicable problem resolutions have been achieved through respectful cooperative interactions.

I'm so pleased to be able to speak to you today about a property that I've been blessed to enjoy for the last three decades. Eatons Neck LLC has hosted equestrian events that have become cherished memories for me and so many others from all over Long Island. It's hard to guesstimate the number of lucky riders who have enjoyed this land throughout those many, many years. And it's painful to even consider the possibility that the glorious acreage bordering the Long Island Sound might not be available to riders from Westchester, New Jersey, Orient, Montauk and all the land in between. With the ever encroachment suburban spread, open properties such as this jewel are vanishing from our landscape and the community is diminished by their loss. How tragic it would be for the Eatons Neck property to go the way of thousands of acres of open space that were the hallmark of Long Island's beauty.

I implore you to contemplate with great deliberateness the impact of the fragmenting of this property. Once that happens, it cannot be reversed. Not only does it represent a loss to the equestrian community, but it means a loss of history, beauty and gentility to the entire Long Island community. Your judgements in this matter will affect the future of our residents of all ages and the texture of our future way of life. Thank you very much.

CHAIRWOMAN HAHN:

Thank you. Merri Ferrell, followed by Kevin McAllister.

MS. FERRELL:

I have a poster and also some handouts of the same, if you'd like to distribute this. Thank you.

MS. ORTIZ:

Sure.

MS. FERRELL:

My name is Merri Ferrell. I live in Northport. I've owned horses on Long Island since 1984. I'm here to speak in support of resolution 1566-2012 on today's agenda, in particular the inclusion of Eaton's Neck LLC on exhibit A, the list of parcels to be included in the County's Agricultural Districts.

I grew up in a Farming community in Virginia and moved to Long Island in 1982 when I was selected to be the curator of Carriages at the Museums at Stony Brook, now called the Long Island Museum. During my 20-year tenure at the Museum, I did considerable research for articles and exhibitions on horses and their significance to Long Island, Queens and New York. Long Island was a horseman's paradise. Historically there was direct correlation between open land and horses. Unfortunately in the decades following World War II, rapid development of former farmland resulted in irreversible loss. Buildings and paving over farmland consumed most of the open land on Long Island and it's lost forever.

The property comprising Dr. Laurie Landeau's Sandpiper Farm, otherwise known as Eatons Neck Limited Liability Corporation, is one of the last parcels of open land and was a continuously working farm for over 250 years. As a beacon farm, it was a multipurpose agriculture enterprise with cows, chicken, sheep, hang, ice farming and horses. In the early twentieth century it was a dairy farm. During the early 1980's it was a riding school.

I'm here to advocate the agricultural status of the property for Eatons Neck LLC, Sandpiper Farm.

Thank you very much for your consideration.

LEG. ROMAINE:

Quick question, Madam Chair Lady? All of the speakers that are speaking now are going to come up later so we can ask questions of them?

CHAIRWOMAN HAHN:

If you have a question for a speaker, we'll ask them if they're willing to stay and if it's –

LEG. ROMAINE:

I just need the cards because I'm not familiar with everyone's name. If you would do that?

CHAIRWOMAN HAHN:

Sure.

LEG. ROMAINE:

Because obviously I have a number of questions for the speakers, but we are doing this differently than we've done in the past.

CHAIRWOMAN HAHN:

If we want to -- if you want to question -- if you need to question the speakers, the attorney for the, you know, the landowner, it makes sense, he seemed to have a long presentation. I thought it would make sense to bring him up when we were discussing the property itself. We have three minutes during public portion. But if you want to question these speakers as we go along, and if they're not able to stay or if you think it's a short question, we can entertain it now. I just really, you know, want to hear from everybody. And just let me know if you have a question. And you can look at the cards.

Mr. McAllister.

MR. MC ALLISTER:

Good afternoon. My name is Kevin McAllister. As you know, I'm your Bay Keeper.

I'm here to speak about your Mosquito Control Program. I'm not sure if you're aware in Saturday's Newsday, if you caught the article "Lobster Toll", I'd like to leave this with the Clerk. Apparently they are showing the presence of both adulticides and larvicides in lobsters that were tested by Connecticut.

As you know, I've been speaking about this issue sense 2001. In 2004 we filed a federal lawsuit under the Clean Water Act alleging that Suffolk County's application of restricted pesticides are actually entering water bodies.

Ultimately that came to a conclusion whereas the County committed to ensuring these pesticides would not enter water bodies. With respect to the court record, we had evidence that, in fact, both Methoprene and Resmethrin scoured. The adulticide were present in nearby waters.

This is very serious. And, you know, I read with some amusement DEC's comment that, *well, they didn't test the meat*. This is not about consumption of lobsters. This is about disruption to the whole population whether it be a direct kill, reduction in their capacity to fight off disease, reproduction; you know, this is very serious. And I hope you take it seriously.

The Connecticut Lobstermen have contacted me overtime. And I will in a way an availed forewarning to this Legislature. They are poised to litigate. And I think this evidence that came out of Connecticut certainly provides them ample reason to do so. And what you will likely see, and

again this is certainly their discretion, will not be under the Clean Water Act, but it'll be a Class Action suit for loss of that resource. I would hope over time, and particularly, you know, as we are on the tail end of the application season, that come the 2013 plan, that you really heed what's in this report and obtain information.

Lastly, you know, I really sat here tit for tat with your Director of Vector Control, Mr. Ninivaggi. And, you know, he will represent that, you know, *this is safe like mother's milk and we don't get it into the water*. Well, that's clearly incorrect. And, again, this day and age and it's, again, you know, I find it kind of interesting as Suffolk County has to reduce their budget, you know, there's one particular budget item that seems to be left alone under the guise of West Nile protection, human health. And that's Vector Control.

So, if we really want to take a hard look at wasteful spending in this County, look at the colossal application of pesticides through this program, again, under the guise of protecting lives with West Nile. It's really false. I wish you would really understand this. And, again, at this juncture in time, it's difficult to turn course, but these annual work plans do come before you every January. So, please.

CHAIRWOMAN HAHN:

I did read the article that you're referring to. And I was thinking I wanted to put together a presentation on this issue. Because like nitrogen, there is a drinking water standard and then there's an environmental standard that's lower. And, so, I want to have a firmer understanding of, you know, the difference between what they think is healthy to find for human consumption and then what harms the environment. And those are -- you know, those are really important points for us to consider as we move forward. So, I'd love to hear from you on who should be part of a little presentation that we put together in front of this Committee on this issue, maybe as soon as the next EPA meeting.

MR. MC ALLISTER:

Thank you.

CHAIRWOMAN HAHN:

Then we have another question here from Legislator D'Amaro.

LEG. D'AMARO:

Mr. McAllister.

MR. MC ALLISTER:

Yes.

LEG. D'AMARO:

How are you today?

MR. MC ALLISTER:

Good. Thank you.

LEG. D'AMARO:

Thanks for coming up. Very important topic. I read the article also. What exactly is showing up in the lobster population?

MR. MC ALLISTER:

One of the adulticides, training scourge -- scourge, the compound is resmethrin, which is a pyrethroid. And in the water column relative to fish and crustaceans, this has a very serious kill effect. If the levels are lower, you know, again it can be debilitating with respect to reproduction,

ability to fight off disease. So, these are stressors. So even if it's not an outright kill, potentially these lobsters are vulnerable to disease when it sets in.

LEG. D'AMARO:

The levels that are being found are at sufficient level to stress at this point?

MR. MC ALLISTER:

I would suspect the fact that they're in the lobsters, you know, with positive detections, yes.

LEG. D'AMARO:

And that's directly traceable back to what applications?

MR. MC ALLISTER:

It's not traceable. I will tell you this: Rhode Island does not apply, to my knowledge, adulticides. In fact, they're very restrictive on the larvicide Methoprene because of the disruption to crustaceans in particular. And as I read the article, I believe, Connecticut is very limited on their applications. Nassau County, I believe, this was the first spraying event in some years with respect to the adulticides. Suffolk County has a very aggressive Mosquito Control Program as you know.

LEG. D'AMARO:

Yeah, and that's a program that, I believe, comes before, as you mentioned, the Legislature annually for the Legislature to approve.

MR. MC ALLISTER:

It does.

LEG. D'AMARO:

You know, I'd like to also with the Chair as well continue a dialogue with you. I think it's extremely important. You know, if those levels are going up and it can be directly attributable to what the County is doing, we need to address that sooner rather than later, so.

MR. MC ALLISTER:

Relative to that fishery, and just our fisheries in general, what they mean to the economy of Suffolk County --

LEG. D'AMARO:

Right.

MR. MC ALLISTER:

You know, we're seeing stress. And it's not all attributed, obviously, to pesticide applications.

LEG. D'AMARO:

Right.

MR. MC ALLISTER:

But, you know, we have to identify the sources of problems and aggressively address them.

LEG. D'AMARO:

Right, I agree with you. Okay, thank you again.

CHAIRWOMAN HAHN:

Legislator Anker.

LEG. ANKER:

I want to thank Kevin for coming here today and letting us know that there are issues that we need to address. We can't find everything out there. And I know as a previous environmental advocate, I would be where you are today trying to create an atmosphere of certain so we can be more engaged in addressing these issues. And I appreciate you coming out here.

I'm just curious. I was out of the country for a little bit. And there are a lot of municipalities, government agencies, environmental organizations that have ideas that we might be able to borrow from instead of inundate our environment with chemicals and pesticides. Do you have anything off the top of your head that maybe you can bring into this Committee that Kara's going to create?

MR. MC ALLISTER:

Well, I would guess repeat my comments made to Mr. D'Amaro, with respect to the other jurisdiction across the pond, you know, Rhode Island is really -- I think, has gotten it. And they're very cautious about these applications, as is Connecticut. So, you know, there needs to be dialogue relative to Long Island Sound because we are one watershed. And I think discussions with those agencies might lead to a different perspective in Suffolk County.

LEG. ANKER:

So, basically the bottom line is that Suffolk County is really putting way too many pesticides in trying to help the problem, but they're making the problem worse.

MR. MC ALLISTER:

Relative to their Mosquito Control Program, I think it's extremely aggressive when you consider the actual risks to, you know, not having this program.

LEG. ANKER:

It's similar to Lyme's Disease. Is there something that can be placed in an environment that will not harm the living creatures around it? You know, I'm putting like ant -- the ant hotels where you don't actually, you know, spray. You have a substance available that will attract the mosquitos. Or like Lyme's Disease with the four poster, you know, we're working with that with the ticks. Is there anything off the top your head, again, that you can give us some insight?

MR. MC ALLISTER:

Well, I will say from an organic and -- relative to not being broad spectrum, obviously garlic barrier does provides comfort level on a smaller scale. I believe Suffolk County Division of Vector Control has experimented with it on Smith Point County Park. I do know City of Stamford, Connecticut, I think, uses that product extensively on their ball fields and, you know, for basically mosquito control. So, there are other opportunities to, I think, provide comfort level.

CHAIRWOMAN HAHN:

I also heard that there are plants. It's funny, garlic, you think of vampires, bloodsuckers. But I also heard that there are plants that can be planted that, you know, deter mosquitos or keep them away that people can add to their yards that may help.

MR. MC ALLISTER:

My concern, I think, in providing some comfort level and, quite frankly, this is really -- let's cut to the chase -- is nuisance control. And relative to some comfort level in the backyard, there are alternative approaches. I think we have to move away from, really, you know, a broad scale, you know, pesticide applications. And that's essentially what we subscribe to right now.

CHAIRWOMAN HAHN:

Legislator Romaine.

LEG. ROMAINE:

Yes. Kevin, as you know, this is a problem, and one of the reasons myself and my colleague at the East End Jay Schneiderman voted against the pesticide applications prior to you bringing the lawsuit. Tell me a little bit about the lawsuit. Did the County enter into a Consent Agreement on that lawsuit?

MR. MC ALLISTER:

Yes.

LEG. ROMAINE:

Because they clearly felt that they could not prevail in this case; is that your understanding of it? Or was it negotiated?

MR. MC ALLISTER:

Actually, to correct you --

LEG. ROMAINE:

Yes.

MR. MC ALLISTER:

With the initial Federal Judge --

LEG. ROMAINE:

Right.

MR. MC ALLISTER:

They -- Suffolk County actually prevailed.

LEG. ROMAINE:

Right.

MR. MC ALLISTER:

We appealed and went into Brooklyn to the Appellate.

LEG. ROMAINE:

Right.

MR. MC ALLISTER:

In which case it was, I'll say, somewhat of a draw after the Consent Agreement.

LEG. ROMAINE:

And the Consent Agreement limited the County in terms of applying -- what did it limit the County in its application?

MR. MC ALLISTER:

Basically with an understanding that the pesticides, again, that are restricted, that are prohibited from entering water bodies, would not be applied over or near water where there is a likelihood of these restricted pesticides entering said water bodies.

LEG. ROMAINE:

Well, like every one of my colleagues around this horseshoe, we get a list of the spraying locales. And every one of them is adjacent to bodies of water or wetlands; just about every -- every spraying application appears to be either adjacent to, over or near bodies of water and wetlands. So, to say that those applications would not find their way into, you know, tributaries or bodies of water, I don't think anyone can say that absolutely.

MR. MC ALLISTER:

I would agree with that.

LEG. ROMAINE:

And I'm surprised -- would you consider that the County is living up to its Consent Agreement?

MR. MC ALLISTER:

Well, with the presumption -- and again, we have not engaged ourself, the organization, nor am I privy to outside organizations that have actually done the testing; so to the earlier question, you know, do all roads lead to Suffolk County? I can't say that with certainty. But we do know with certainty Resmethrin and Methoprene, which are principally mosquito control agents --

LEG. ROMAINE:

Right.

MR. MC ALLISTER:

-- are being found in lobsters.

LEG. ROMAINE:

And maybe a contributory cause to lobster die off?

MR. MC ALLISTER:

As I said, these are stressors. So, disease -- if an animal's stressed, or in this case, it's crustacean population, disease can sweep in; where otherwise they could fight it off, they are, again, deficient.

LEG. ROMAINE:

Well, I agree with the Chair Lady that this is obviously a topic that this Committee should take up. I know the State University at Stony Brook has a Marine Science Center. I know as the Peconic Bay Keeper and a number of other organizations that are dedicated to keeping our waters clean, really should sit down and take a look at what is happening with our Pesticide Application Program. Because if we're contributing in a way to the die off of any species, including lobster, any fish/fin population, that's something that we should be aware of. And if there are other states such as Rhode Island that uses a less aggressive method and nevertheless is successful in containing mosquitos, that is definitely something we should take a look at. Thank you.

MR. MC ALLISTER:

I just want to thank the Legislators for their very good questions and your attention. I appreciate it. Thank you.

CHAIRWOMAN HAHN:

Thank you. Next speaker is -- oh, oh, I'm sorry Legislator Gregory did tell me -- he told me he had a question. Legislator Gregory has a question, Kevin.

LEG. D'AMARO:

Come on back.

LEG. GREGORY:

Just a quick question. Just to expand the scope of the discussion a little bit, I know you've been mainly talking about the mosquitos spraying program, but I'm curious as to get your input as far as the County's Farmland Preservation Program and pesticide use, particularly on those farms that have been preserved and the pesticides being, you know, release into our waterways, have you looked at that at all or just -- you limited your --

MR. MC ALLISTER:

No. I'm at least reasonably privy to what is occurring. I do know Suffolk County relative to their other properties, you know, we're putting aside mosquito control, that they are adhering to cautious principles, trying to back off the pesticide applications; where farmlands obviously are -- transferred development rights, for instance, to my knowledge we have not imposed restrictions on pesticide applications. And that's really an educational process and perhaps a Legislative process eventually relative to, you know, private farmland or, you know, even if it's under, let's say, County ownership but with the transferred development rights. So, we have to approach this on many fronts.

LEG. GREGORY:

Okay. All right. Thank you.

MR. MC ALLISTER:

Thank you.

CHAIRWOMAN HAHN:

The next speaker is Pamela Pierce followed by Mark Baisch. Sorry if I got that wrong.

MS. PIERCE:

I'm Pamela Pierce, the Trustee of the Village of Asharoken. And I'm here to read a letter from our newly elected Mayor.

CHAIRWOMAN HAHN:

Can you bring that microphone right up to your -- right up to your mouth? Yeah.

MS. PIERCE:

You should have a copy of the letter I'm about to read.

"Dear Honorable Kara Hahn, Chair and members of the Environmental, Planning and Agricultural Committee, I apologize for not being able to attend today's meeting, but the short notice and demands from my dental practice preclude from me attending. It should be noted that the Village of Asharoken received no notice about today's meeting and that I learned of it only through a serendipitous meeting with the representative of the Nature Conservancy.

I am requesting that the Committee delay acting on the two parcels designated as Eatons Neck LLC. I have been in office for less than one month, have yet to finalize my administration, I have not had an opportunity to meet with the property owners and I need some time to assess the implications that the agricultural designation has on the health and safety of the entire Village. As I will explain, the implications for the Village of Asharoken could be very serious if these two parcels are designated as agricultural. Due to the sheer size and proportion of this property relative to the rest of the Village, we are dealing with a very unique situation that truly deserves due deliberation.

The implications of Sandpiper Farm becoming an Agricultural District to the Village and its residents are significant. Eatons Neck LLC owns 442 acres, which translates to 51 percent of the Village of Asharoken in its land area. Eatons Neck LLC will pay approximately \$220,000 in Village taxes this year, or about 14 percent of the amount raised by property taxes. An Agricultural District designation yet to be calculated by State assessors may see the Village of Asharoken lose most of the 220 in taxes annually, a shortfall, which must be picked up by the taxpayers of the Village.

Equally important as lost taxes is that New York State Agriculture and Markets Law 301 and 305-A provides 'protection from unreasonably restricted local laws' such as our zoning/land use laws, restrictions on signs, noise provisions and our tree ordinance, etcetera. Allowed under the state laws are dormitories for workers and on-premise trailers. The law also states that 'on-farm open burning is considered a part of farm operation and is thus protected from unreasonable local restrictions.' And suggests 'exemptions for storage and composting of animal waste' without regard

to odor regulations. Due to the sheer size of Sandpiper Farm, we easily could lose zone control of half our Village.

The case against businesses including commercial agriculture is well established in our Village and in our laws. In spite of what Sandpiper's lawyers say, there has been no commercial agriculture in the Village since 1939. In 1981, Sandpiper Farm started a riding school and constructed a \$100,000 indoor riding arena. By 1982 the Village filed suit charging the riding school violated zoning laws prohibiting commercial operations."

CHAIRWOMAN HAHN:

Miss Pierce, your time is up. I'm going to ask you the same question I asked before, I believe we'll take this out of order and handle it first once we get to the agenda. Are you able to stay to answer questions --

MS. PIERCE:

Sure.

CHAIRWOMAN HAHN:

-- if anyone has questions? Okay. And I believe everyone has the letter in front of them and can continue reading that.

MS. PIERCE:

Okay.

CHAIRWOMAN HAHN:

But we would like to ask that you stick around, and if we have questions for you, we'll ask when we get to the resolution.

MS. PIERCE:

That's fine.

CHAIRWOMAN HAHN:

Excellent. Thank you. Next speaker is Mark Baish followed by Laurette Berry.

MR. BAISCH:

Good afternoon. My name is mark Baish. And I'm basically here to introduce myself to the Board. I do plan on staying around for the end of the resolutions so you can ask me whatever questions later.

I am the owner of the Heritage Square parcel, which is your reso number 51-2012 for today. Heritage Square is a large -- the last piece of a large -- large acre forest block on the west side of County Road 51 between Sunrise and Montauk Highway in East Moriches. It's fully entitled for 408 condominiums. And the first piece of this forest block known as The Oaks, which was 62 single-family homes, was purchased from me by the Town of Brookhaven a little over a year ago in June of -- 11. It's a very desirable and sought after piece. And I believe if you look at the handout with the aerial, you kind of get it right away that it's a pretty incredible piece of untouched property.

The East Moriches Property Owners Association is very strongly in favor of preserving it, as is the Nature Conservancy. I've attached a letter from the Nature Conservancy and I believe the East Moriches Property Owners Association has come to you with their own letter of recommendation. The -- I will stay through the end.

I have one more thing to point out with respect to this unique preservation. Since I am a Suffolk County guy and all my business is here in Suffolk County, I'm a Suffolk County builder, I guess the

bright side of such a large preservation is that I intend on all the money from the preservation, should it go through, to go back into the economy of Suffolk County, go back into mortgage taxes, go back into sales taxes and go back into providing homes where the Civics want them, in the desirable areas of Long Island -- or in Suffolk County and hope to continue thriving in Suffolk County. Thank you.

CHAIRWOMAN HAHN:

Thank you very much. I really like this aerial that shows the proximity to Moriches Bay. That's a nice photo there.

MR. BAISCH:

Thank you.

CHAIRWOMAN HAHN:

Next speak Laurette Berry.

MS. BERRY:

Good afternoon, Chairperson Hahn. I actually live in the District, East Setauket. And I'm just here speaking as a member of the Smithtown Hunt and someone who has enjoyed riding at Sandpiper Farm in the past.

Long Island is the fourth largest horse community in New York State. It's been estimated that 50,000 horses live on Long Island. According to David O'Connor, Olympic Gold Medalist and President of the US Equestrian Federation, horses have become more popular over the last 20 years or so and horse sports have exploded.

Sandpiper Farm is one of the last parcels of open land suited for equine activities on Long Island. It needs to be preserved, not only for the enjoyment of equestrian activities, but also to protect the many species of wildlife that live there. Once this ecologically important land is gone, it's gone forever. There's no turning back.

I live in Setauket where Old Field Farm is located. It is a perfect example of a valuable waterfront historic property that could have succumbed to subdivision, but has been preserved as a venue for equine activities in partnership with Suffolk County. Old Field Farm is also ecologically irreplaceable.

The Smithtown Hunt, of which my husband and I are members, simply refer to our fixtures at Sandpiper Farm as Asharoken. This property is the location for a few fixtures and a pace event for the Hunt Club every year. Some members take a day off from work for the opportunity to ride and pursue their favorite sport there. We always feel very privileged to be allowed to ride there. What would Asharoken be without this exquisite property? A mistake has never been made on voting to keep a property as open and agriculture with no development.

I urge you to vote yes in designating Sandpiper Farm part of the Huntington Agricultural District. It is a spectacular piece of property and should be preserved so that generations from now people will still be able to enjoy it. Once it's gone to make way for subdivision, it's gone forever. Thank you.

CHAIRWOMAN HAHN:

Thank you. Our next speaker is Kathleen Kleinman followed by Terry Redder.

MS. KLEINMAN:

Good afternoon, Legislators. I did not prepare words ahead of time. I'm sort of going to work off what other people had said. I have been President of the Muttontown Horsemen's Association for the last 16 years. I have been a founding board member of the Nassau Land Trust for the last 11 years. The Nassau Land Trust is a supporting branch of the Peconic Land Trust whose work you

know well. And I congratulate you on your past history of land conservation. And so I am asking you strongly to please push this parcel into the Agriculture District as a first step in its preservation for the future.

As you know, there are other conservation tools such as purchase of development rights and conservation easements. However, putting it into an Agriculture District would be the first step in ensuring that this stays an open parcel. And for all the reasons that you have already heard from the young man who spoke initially, there are plenty of environmental and conservation reasons to do this.

But I will bring up some other interesting tidbits from my Nassau Land Trust background, which is our current project, our biggest project, is Crossroads Farm at Grossmann's, which was Grossmann's Farm, a multigenerational farm of less than six acres sitting in the midst of Malverne, a little tiny triangle between Oceanside Avenue and Hempstead Avenue. That community fought and reelected -- and elected its Mayor Patty Mc Donald, on the premise that they felt strongly they wanted to keep that agricultural land in the community as a community asset.

We are talking about all kinds of things going on there into the future. Our role is to shepherd it into whatever role it has in that community. And I see that Sandpiper Farm has the potential to do something major in the future of Suffolk County. And I think that it should be allowed to be in the Agricultural District for that reason. As Woody Allen said "forever is a very long time, especially as you get near the end." We don't know what that land will do for the community in the future. But allowing it to be developed takes away the potential for any other kind of agricultural use. And in this era of knowing where your food comes from, organic food, community gardens, it is a very important piece and it's very important to protect such a large parcel. Thank you.

CHAIRWOMAN HAHN:

Thank you. Terry Redder followed by Tom Rost.

MS. REDDER:

Good afternoon everyone. My name is Terry Redder. And I am the President of the Smithtown Hunt Club, which is an organization that has carried on the sport of fox hunting on Long Island since the early 1900's. How about that? Right now we are a 501-C (3). Our mission is preservation, conservation and education and to protect the sport of fox hunting for future generations.

The Smithtown Hunt, believe it or not, still rides from September to March every Wednesday and Sunday throughout all of Nassau and Suffolk Counties. We have a kennel full of hounds, which we house over in Brookhaven Town and we have a wonderful relationship with Brookhaven Town. We do not live hunt. We drag hunt, which means we drag a scent and hounds follow and then riders follow the hounds. There are no animals ever killed. There are no animals that are ever harmed or hurt in our fox hunt at all.

Today I'm here on behalf of Sandpiper Farm and on behalf of Dr. Laurie Landeau, a resident in the Village of Asharoken and a member of our Smithtown Hunt. Dr. Landeau's property is one of the most important pieces of naturally forested land on Long Island. The Smithtown Hunt has been hunting there for many, many decades. And we are enjoying that parcel. It is a combination of open lands, water and forest land that is a perfect venue for staging the Smithtown Hunt.

It's densely wooded areas. It has hidden trails and hilly terrains. It's just a wonderful place for training hunt horses. The hunting horse, or field hunter, is a very special animal. It's not a show horse. It has to be trained to carry its rider safely over different kinds of conditions and properties. The great thing about the Sandpiper property is that it offers all kinds of different footing of mount, of mud, sand, rocks and water and fallen trees, all kinds of woodlands and open lands. Horses in this particular capacity have to be trained specially to go on these kinds of hunts. We are in full

support of the Sandpiper application to include the property in the Agricultural District according to New York State law.

Dr. Landeau currently trains horses on Sandpiper Farms. There will be no more trailers. She's been doing this forever and so have we. It is our position that the Laudeau property and Sandpiper Farm is critical to field hunters and training horses. This property offers generations of children and adults like myself, older adults, the opportunity to ride horses that are specially trained for this sport and to have a rich history that we can continue.

Again, as land shrinks and horse farms all over Suffolk County have gone under the chopping block to become office buildings and housing, we would urge you to please consider this. We would like to keep this farm in the Agricultural District. Thank you.

CHAIRWOMAN HAHN:

Thank you very much.

MS. REDDER:

You're welcome.

CHAIRWOMAN HAHN:

Tom Rost followed by David Miklos.

MR. ROST:

My name is Tom Rost and I'm speaking on behalf of myself and my wife, who began riding on Sandpiper Farm and fell in love with it as an extraordinary piece of land. It's hard to describe how unique it is unless you've seen or been there. Like mentioned before, open fields, woods, marshlands. It is a perfect intersection for your Committee which is Planning, Agriculture and Environment. Every one of those things comes together here.

I hope that you would consider this on a long-term and not be concerned so much with the tax consequences which are very real, but very short-term and remind -- I'd like to remind you as well that the people of Suffolk County have voted themselves a tax to preserve land. And until this land can be preserved either with the funding from the County, the State, the Feds, whatever, the best solution in my mind is that the land be preserved in private hands and make every effort to allow this to happen. Because it preserves it and there is tax revenues while it's being preserved. And I think that this is a very smart and economical way to preserve the land until the land can be determined what goes on. And as people have mentioned, once it's gone, it's gone forever. And the impact of development not only on the land, water and drinking sources is the impact on the Village of Asharoken.

I lived on Eatons Neck for 20 years. And those people will not be able to get out of their driveways if it's ever developed. It would overwhelm them. But, again, to repeat, I would hope that you would take your planning, agricultural and environmental hats and put them all together and take a long look at what's the right thing for the future of all of Suffolk County. Thank you.

CHAIRWOMAN HAHN:

Thank you very much. David Micklos followed by Elizabeth Baldwin.

MR. MICKLOS:

Thank you very much. My name is David Micklos. As a resident for 30 years, a senior executive at Cold Spring Harbor Laboratory, a former board member and president of the Three Village Central School District, I've cared about and contributed to the development of Long Island.

I was drawn to Long Island and continue to stay here in large part because of its green spaces and rural character all within reach of the dynamism of the world's greatest city. This greenness is partly

due to zoning and partly due to the large anchoring spaces that are the vestiges of great estates of the late nineteenth and twentieth centuries.

One such space, Sandpiper Farm, is under consideration for designation as an Agricultural District. My friend and colleague Dr. Laurie Landeau took on this old farm in the early 1980's with the sole intention of being taken as a working farm focused on equestrian activities. For many this is exactly the happy outcome you would hope for a green space, that it can continue to serve its traditional purpose.

However, over the years I've been struck by the length to which the local municipality has gone to selectively restrict Dr. Landeau's right to maintain Sandpiper Farm as a farm first by ordering her to close her riding school and then by banning any form of agriculture on her property.

We can't as right minded people talk out of both sides of our mouths. We can't say that we want to preserve the green nature of our Island and then thwart the good intentions of the person such as Dr. Landeau to carry out this will. It seems clear to most that Sandpiper Farm warrants and deserves protection as an Agricultural District.

The people of Suffolk County should be thankful to Dr. Landeau for preserving this property intact and saving the County the expense of purchasing the property to save it from development, as has been proposed by some.

So, the Suffolk County Legislature has an opportunity to undo the wrongs that have been heaped upon Dr. Landeau over the past two decades simply by affirming her right to run Sandpiper Farm as a farm and to maintain this key green space on the north shore. Any tax implications are secondary to acknowledging this basic right.

CHAIRWOMAN HAHN:

Thank you. Elizabeth Baldwin followed by Denise Spezio.

MS. BALDWIN:

"Good afternoon, Legislator Hahn, members of the Committee. I'm today on behalf of the North Shore Land Alliance, a 501 (C) (3) non-profit land trust operating under the laws of New York State in support of Eatons Neck LLC and Sandpiper Farm's application for enrollment in the Suffolk County Agricultural District Program Agricultural District Three.

The mission of the North Shore Land Alliance is to protect and preserve in perpetuity the green spaces, farmlands, wetlands, groundwater and historical sites of Long Island's north shore for the enjoyment and benefit of future generations and the protection and enhancement of quality of life.

Eatons Neck LLC and Sandpiper Farm have proposed returning this unique land and farm to active agricultural use through the establishment of Sandpiper Farm Riding Incorporated whose mission is to supply horses to clients in the Tri-State and Mid Atlantic areas.

The North Shore Land Alliance fully supports their application for the following reasons: The land types that exist on Eatons Neck LLC and its large size are of regional significance. This extraordinary 440 acre parcel owned by the Eatons Neck LLC is located at the tip of Eatons Neck at the northeastern portion of the Town of Huntington. Its unique combination of beach, bluff, freshwater and saltwater, wetlands along with grasslands and secondary growth forest exemplify the elements of our mission like no other property in the Land Alliance's designated area. This property is without question of regional significance and contributes greatly to the community, character and the environmental well-being of our area. It is listed in the New York State Open Space Plan, the Suffolk County Open Space Land, the Town of Huntington Open Space and is listed by both the Nature Conservancy and the North Shore Land Alliance as a top priority for protection.

The New York State Open Space Plan notes 'this single property encompasses nearly every habitat type existent in the Town of Huntington.' The history of Eatons Neck LLC combined with its geography make it an outstanding location for this very specialized equine business.

Long Island today maintains a very large and active population of riders" as you've seen today. "Equine activities as described previously are very popular throughout the world and through this country. The key to success in these activities is great stamina for both the rider and the horse that's developed only through regular workouts along miles of trails, meadows and other natural terrain in various topography. This unique property with its existing structures and varied topography from open fields to woodland, an extensive network of trails make it an ideal training for hunting, jumping and other equine sporting activities.

Agriculture represents one of the most cost effective ways to improve two of our most pressing environmental challenges: Water quality and climate change. Well-managed agricultural land like Eatons Neck supplies important non-market goods and services for environment. Farmlands provide food and cover for wildlife, help to control flooding. There are many other significant natural resource values here other than agricultural, which when combined with the significant agricultural soils, equestrian use make the protection of this unique property the highest priority from a local, County, State and National perspective.

It is the North Shore Land Alliance's belief, based on Dr. Landeau's experience and the information presented in the business plan she submitted for Sandpiper Farm, that the farm is deserving of the protection offered by the Agricultural District designation." Thank you.

CHAIRWOMAN HAHN:

Thank you. And if you have your comments in writing, and if any other speakers do, would like to submit them to the Clerk, it makes it a lot easier on the stenographer and easier for us to copy if anyone requests them. Thank you.

The next speaker is Denise Speizio followed by Louise Harrison.

MS. SPEIZIO:

Hi. My name is Denise Speizio. I'm President of Nassau Suffolk Horseman's Association. I just want to one, thank you for having us here today. I'm here to speak on behalf of resolution 1566 and ask -- actually urge you to authorize the inclusion of the parcel into the Ag and Market District.

As President of Nassau Suffolk, I worked on the Suffolk County Equestrian Task Force for the Suffolk County Legislature for more than two years. In September the report that we submitted was accepted by the Legislature. So, I thank you for that. But part of the more than two years that myself and others volunteered on that Task Force, we had identified some challenges to the equine industry and we made some recommendations on how to foster the industry on Long Island.

One of them was to find out, seek out farms to be put in the Ag and Market Districts. This way we did not lose them. Many of the farms that we started out speaking to the owners were under seven acres. They did not fit into the plan. But obviously a 400-acre farm does fit into the program.

I don't want to waste time reiterating what everyone has already said about the value of it to the environment and to equine industry. But I do want to ask you that you respect the right to farm and just mention that the -- I'm sorry -- to let agriculture activities is against the Farm Bureau policy. It's not anything that we support. And also that in order to foster the industry, we need properties and establishments to ride at. And another recommendation that we had made to -- through the Task Force was to find new venues for riding. And one was high school teams. And I thought that would be, one, a great venue to introduce horses to people who are not born on farms

but also to really get a good idea of what the interest of horses was on Long Island.

So I recently started one for the Longwood School District. We only started in April. I have about 17 girls riding at the time. And just to -- I mean support the interest, I have a 38 list -- member list -- of people waiting to find out if we can support the riding team. And a farm like Sandpiper Farm is what we need to give these kids a venue to ride.

So, please, consider putting us into the Ag and Market District and supporting the equine industry. It is what we had put out through the Suffolk County Equestrian Task Force. We're looking to support the industry. It has a huge economic impact on the County. Thanks.

CHAIRWOMAN HAHN:

Thank you.

LEG. ROMAINE:

Question.

CHAIRWOMAN HAHN:

Yes. Legislator Romaine.

LEG. ROMAINE:

Quick question. Number one, did you know that in 1982 Suffolk County passed a Right to Farm Act?

MS. SPEIZIO:

Yes. That's what I'm referring to.

LEG. ROMAINE:

Thank you. And I assume you know that because you served on the Equestrian Task Force. And part of that Task Force was talking about the economic impact and the multimillion dollar impact the equestrian industry has in Suffolk County.

MS. SPEIZIO:

Well, I mean, just as an example of the impact, \$1.7 million in sales tax revenue alone goes to Suffolk County. And the 1.7 million only takes into account our direct impact, meaning if it's a horse sale, horse trailers, horse commodities, things that we use for riding. As much as it takes into consideration the trailer, it doesn't take into consideration the truck that we buy to pull the trailer. It takes into consideration the barns that we erect. It doesn't take into consideration the money that with spend on the plumber, the electrician and all the other materials that they can't track. So, 1.7 is really only a portion of the sales tax that we bring to the County.

LEG. ROMAINE:

And, lastly, the Farmland Protection Board is a board of volunteer people appointed by the County to determine whether people meet the eligibility criteria of being included in an Agricultural District. There are many standards. The reason that Sandpiper Farm came forward this year is last year -- and correct me if I'm wrong -- the State Legislature enacted legislation classifying equine operations as agricultural; is that correct?

MS. SPEIZIO:

Historically the Ag and Market Districts recognize boarding and breeding as equine activities to qualify for Ag and Market assessment. Last year we did -- we were successful in getting legislation passed that now they recognize the more traditional role of horses as far as lessons to humans, training of horses and trail riding. And, yes, that property fits the use of all the new traditions, plus you have the historical boarding on the property.

LEG. ROMAINE:

And having attended Farmland Protection Board meetings, which meet once a year just to decide which property should be included in agricultural districts, there's a standard that's set up how large is the property, how much money the property makes, etcetera, etcetera. There is not, and you can correct me if I'm wrong, any standard that says, "well, what about the tax assessment?"

MS. SPEIZIO:

No.

LEG. ROMAINE:

That is not in the law. And that cannot be considered in the law. Simply is this agricultural and is this qualified to be considered agricultural by the Farmland Protection Board.

MS. SPEIZIO:

The property fits all requirements. It's over seven acres. It has monetary income of more than \$10,000. It has had a history of agricultural activities. It's a successful commercial business. All of that meets the requirements. Its tax base or its value to the Village of Asharoken should not be taken into consideration. I mean, I actually -- I find it --

LEG. ROMAINE:

I don't believe the law allows the Farmland Protection Board -- I mean we can certainly listen to objections, that board can certainly listen to objections or commentary, but the law does not allow consideration in terms of tax assessment or objections by municipalities. I don't believe that's included in State law for the Farmland Protection Board to consider what's included in an Agriculture District.

MS. SPEIZIO:

No, it doesn't. And further, it doesn't include anything that -- or a law that consists of a property owner who pays an exorbitant amount of taxes -- I mean the 200,000 is just the portion that's paid to the Village. She pays a total of over one million dollars a year. And, in essence, for her one million dollars a year, is denied rights and privileges for the use of her property. That's absurd and it's appalling.

So, it's just another reason to ensure that the property gets pushed forward and is used for the Ag and Market uses that it has to -- has history. I mean, the recent non-use has to do with the Village itself putting her out of business, having her take down an expensive building that was put up. They have prevented her from using the property for agricultural uses. That's why it hasn't been in use recently, but it has a wealth of history for agricultural use.

CHAIRWOMAN HAHN:

Thank you.

MS. SPEIZIO:

Thank you.

CHAIRWOMAN HAHN:

Louise Harrison followed by John Turner.

MS. HARRISON:

I have some handouts.

"Good afternoon, Chairwoman Hahn and members of the Legislature. My name is Louise Harrison and I'm here today to support introductory resolution 1566-2012. For those of you who don't know

me already, I'm a conservation biologist and I've served in environmental protection in numerous capacities on Long Island since 1980. I've worked for Federal, State and County agencies as well as in leadership and consulting positions for non-profit environmental organizations.

I was among the first staffers in the County's Office of Ecology and I served as its head of the Environmental -- the Bureau of Environmental Management for six years. While at the New York State Department of State, I identified the most regionally important natural areas along New York's Long Island Sound shoreline and helped create State policy to protect those areas through the Long Island Sound Coastal Management Program.

I've been involved in countless open space preservation efforts and have served in appointed and volunteer positions on Federal, State and Town environmental committees. I served for nine years as a Commissioner for the Long Island North Shore Heritage area and was a key leader in that planning effort. More recently as a biologist for the US Fish and Wildlife Service and liaison to the US EPA's Long Island Sound Study, I oversaw federally funded habitat restoration and stewardship programs on Long Island and in Connecticut.

I've had extensive field experience investigating Long Island's natural ecosystems and coastal environments from New York City to Montauk and Orient Points. It's likely I'm more familiar with the natural areas of Long Island's North Shore coastline than more biologists today," although the following speaker may beat me on on that.

"I support the inclusion of Eatons Neck LLC on exhibit A of IR 1566-2012. This magnificent property, also know as Sandpiper Farm, is the last large privately held, mostly undeveloped parcel fronting Long Island Sound in the County. I urge you to explore all possibilities for enabling its long-term protection from development. It's preservation along with low impact, horse farm, best management practices, is essential for protecting wildlife habitat and Eatons Neck groundwater as well as Long Island Sound's wetlands, water quality and its coastal zone. No one is making land like this any more.

Inclusion of Sandpiper Farm in the County's Agricultural Districts will provide much needed flexibility to the owners in pursuing protection options. It's an important first step for the County to take. Thank you very much."

LEG. D'AMARO:

Okay. Thank you. Okay the next speaker is John Turner.

MR. TURNER:

Yes. I have just two handouts for you, if I may. Thank you, Legislator D'Amaro. Welcome members of the Committee. I've spoken before you in the past. If I can just hand this material out, I'd appreciate it. Both handouts actually relate to one particular property, but I was hoping to be able to touch base on just three Introductory Resolutions briefly, just change the focus a bit of the discussion for the moment and have you take a look a little out east into the Town of Brookhaven.

I am a consultant to the Town of Brookhaven with regard to the Town's Open Space Program. And it's my privilege to be able to provide some comments to you today about the three resolutions -- Introductory Resolution 1365, 1368 and 1697.

I guess in numerical order, if I could first talk about 1365, that is a planning steps resolution to allow for the County to move forward to acquire seven parcels that are adjacent to the Town's Fish Thicket Preserve located in Medford. And I'm passing around an aerial photograph for your review. If you take a look at that, you'll see the parcels that are outlined in yellow on that are Town-owned properties that the Town has been acquiring over the past decade in an effort to -- truly a jigsaw puzzle piece to try to acquire all of those lands.

The parcels that are in green are County-owned lands. And then the subject properties that -- with the resolution are those that are outlined in red. So, you can see based on the positioning of the -- those properties, they really are -- they're significantly adjacent to existing Town holdings at the Fish Thicket Preserve. And we think that makes a great deal of sense for the County to move forward with this acquisition.

My understanding is that one of the issues that was outstanding was the need to partner with the Town to manage the properties. And I believe it was requested that a resolution be adopted by the Town Board to authorize the Town to become stewards of the property; so if the County is successful in acquiring these properties, the Town would be responsible for the day-to-day management. And we are certainly willing to do that. And that's evidenced by the resolution I just passed out to you that the Town Board adopted back on July 17th. So, that is the Fish Thicket property.

If you go all the way over to the left, you see again the County properties. That is the Swan River. And that is an area, just very briefly, the County and the Town has focused on as a priority target area; a number of acquisitions have been made within that watershed. And it is one of the destinations of the students from the Patchogue-Medford School District that utilize that entire hundred acre Fish Thicket Preserve on almost a daily basis, they go into that property.

We entered into a long-term educational agreement with the Patchogue-Medford School District beginning in 2007. We actually renewed it once for three years into a ten-year renewal with them. And the students in the biology department, students in third grade learning about English will go there and write haikus. It's an absolutely wonderful property that is used by the school district in many, many capacities. And it was one of the first that really got off the ground as part of the program you may be familiar with called the Open Space Stewardship Program run by Brookhaven National Laboratory. We have partnered as school districts with property owners in close proximity. Anyway, Fish Thicket is a shining example of a success in that regard.

Very briefly, the 1368 resolutions is just a -- would allow for the County of Suffolk to receive a donation of a small parcel of property that's situated on the north side of Holmes Creek, which in itself flows into the Forge River. It's mostly wetlands; a little bit of upland. It's one that the Town would love to see preserved on a permanent basis. There's a lot of land in that area that has been previously preserved to some extent in this regard, both the County and the town, again, have done a great job at receiving donations in that area. So, we certainly would support that.

And then lastly I do want to just also perhaps reiterate the comments that Mr. Baisch made earlier in support of IR 1697. That is a planning steps resolution for the Heritage Square acquisition. I forgot to bring a map out, but hopefully you're familiar with it.

The Town, as Mr. Baisch mentioned, has been very active in the area surrounding Heritage Square acquire lands, both to the north and to the west. In the entire County Route 51 corridor, as you probably heard me mention when I spoke before a couple months ago with regard to the Toppings Farm acquisition -- potential acquisition -- is a remarkable road nowadays in Suffolk County; that if you were successful in acquiring this piece, there'll be one parcel that's developed along the entire stretch, going from Montauk Highway all the way up to Riverhead County Center. So it really is a throwback to much earlier times when the County was much more rural and bucolic. And so we want to try to maintain that. So the Town strongly supports working in partnership with the County and supports IR 1697 to move forward with the acquisition of Heritage Square.

And that's it. So just those three resolutions that I want to just bring to your attention today. And I appreciate a chance to share some thoughts with you.

CHAIRWOMAN HAHN:

Thank you. Our next speaker is Kevin Maple.

MR. MAPLE:

Good afternoon. My name is Kevin Maple and I'm the joint -- one of the joint masters of the Smithtown Hunt. I'm here to show my support for Sandpiper Farm and its Agricultural District status. And I'm not going to take up your time by repeating everything that members from our club have already told you. But I would like to share with you an article that Long Island Post Magazine did last year. May I pass this down?

I've marked the beginning of the article with a business card. You'll see that that article is a short story and a fine example of who we are and what we do. And you'll -- all of those pictures are taken at Sandpiper Farm and you'll get to see how special of a place that is and what it means to us.

We are a 501 (C) (3) non-profit. We are together to uphold the tradition of fox hunting. And I would strongly recommend and ask you to please consider passing this forward.

I live out in Southampton on the East End of Long Island. And I am surrounded by open land that is diminishing on a rapid basis. Sandpiper Farm is a very, very special unique place. And it really serves the equine community in a very special way.

So, again, please consider passing this Agriculture District status to Sandpiper Farm. And I thank you for your time.

CHAIRWOMAN HAHN:

Okay, quick question from Legislator Gregory, if you don't mind, Mr. Maple.

LEG. GREGORY:

Hi, Mr. Maple. Thank you for coming out today.

MR. MAPLE:

Thank you.

LEG. GREGORY:

I'm not familiar with the fox hunt so excuse my ignorance. I just want to ask some questions based on that.

MR. MAPLE:

Okay.

LEG. GREGORY:

So you're affiliated with the Smithtown Hunt?

MR. MAPLE:

That's correct.

LEG. GREGORY:

Okay. And from what I understand from what your colleague said earlier, that you use the Sandpiper land, Farm to conduct your hunts.

MR. MAPLE:

Yes, to conduct drag hunting and paces.

LEG. GREGORY:

Now, how does that work? Is it -- so your organization, you have membership, I think, was -- 38 was thrown out there, or whatever your membership is, you contact the farm, you say you'd like to conduct a hunt?

MR. MAPLE:

Correct.

LEG. GREGORY:

Okay. Now is there a fee associated with that or --

MR. MAPLE:

No, there is not.

LEG. GREGORY:

-- is it some membership? How does that -- I don't know how that --

MR. MAPLE:

No. Dr. Landeau is also a member of our hunt.

LEG. GREGORY:

Okay.

MR. MAPLE:

And she invites us to ride on the property.

LEG. GREGORY:

Okay. All right. So is it that you're the -- is the Smithtown Hunt the only organization that uses the property for hunts or -- I know you're not the owner, but just to your knowledge?

MR. MAPLE:

For hunts, yes. Smithtown Hunt is the only recognized hunting club on Long Island.

LEG. GREGORY:

Oh, okay, okay. All right. Thank you.

MR. MAPLE:

Okay. Thank you.

CHAIRWOMAN HAHN:

Okay. That was our final card. Is there anyone else who would like to be heard before the Committee? Please come forward. We'll ask that you fill out a card the Clerk's Office will provide to you. And also, please, state your name for the record.

MR. PARSONS:

I'm Randy Parsons. I work for the Nature Conservancy. And I'm here to support the protection of Sandpiper Farm. It's one of our top ten parcels in Nassau Suffolk. There are a couple larger ones, which we hope to come back to you about over the next ten years. National Grid and Plum Island both front on Long Island's Sound and they're larger than this piece. But this piece is unique, you know. It's in private ownership as opposed to government or commercial ownership.

I think the -- and I'm not going to repeat what you've already heard. It's been said well. This is a unique property. It's been recognized by the New York State Department of State, by the Long Island Sound National Estuary Program. There's ample recognition. As Beth mentioned, it's in the

State and County and Town open space plans. It's got prime agricultural soils. As Legislator Romaine pointed out, the County's Ag Committee voted 11 to nothing finding -- making a finding that it meets the criteria.

I think the tension at the moment is -- if I can be so bold, is to say between the Village, which is concerned about its zoning power and its taxing power, and the private owner. I have had the opportunity in the last two weeks to meet with the Mayor and the Town Assessor to talk to the State Ag and Markets people. And it's my belief that there is middle ground here, that all of these parties who are perhaps a bit polarized now, I believe they can all come together if they're given the opportunity.

There doesn't have to be an absolute reduction in tax. There is some flexibility in how the tax exemption is done. It is a two-step process. I believe you've heard this. Putting a farm in a New York State Ag District does not result in a reduction in property taxes. The owner must make the next step, which is to apply to Huntington Town Assessor for what's called an Agricultural Assessment.

That's where the rubber meets the road as far as tax reduction goes. And there is quite a lot of flexibility there between the Town, the State and the owner to work out a tax reduction that would be acceptable for everyone.

As far as the zoning goes, I believe you hear there's tension between the Village's zoning power and once a farm is in an Agricultural District, there are examples where a farm and the New York State Department of Ag and Markets can override local zoning. They have done it. I don't -- you know, theoretically that's possible. Again, I believe the middle ground here is providing for the farm in the local zoning code. And we have an owner who is not going to -- to try to be a bully, with the New York State Ag and Markets as her ally.

So I think you might have some hypothetical tensions here. But my opinion having spoken to all of the different parties is that there is middle ground. There is a way to work all of this out. And there's no reason to be afraid of moving ahead with this. Thank you.

CHAIRWOMAN HAHN:

Thank you. Would anyone else in the audience like to be heard before the Committee? Okay, then we'll close the Public Portion. And if the Committee will allow -- I'm going to move on and do CEQ Resolutions before we have -- before we have -- take this out of order. So, Michael's sitting here in the audience, so.

CEQ RESOLUTIONS

MR. MULE:

Good afternoon.

CHAIRWOMAN HAHN:

Hello. Okay. **CEQ resolution 39 - 2012, Proposed Declaration as Surplus and Subsequent Sale of 230.8± Acres of County-Owned Land in Yaphank, Town of Brookhaven. (Type I Action, Negative Declaration)**

MR. MULE:

Yes, CEQ recommended classification as a Type I Action with a negative declaration.

CHAIRWOMAN HAHN:

Okay. Motion. Seconded by Legislator D'Amaro. All in favor?

LEG. ROMAINE:

Question.

CHAIRWOMAN HAHN:

Yes.

LEG. ROMAINE:

I was looking at the map, Mr. Mule. And if you notice, the map for the proposed sale includes part of County land that is now part of the County Jail. In fact, it is the southwest corner of the Jail, at least on the maps that I've seen. And I'm wondering are we selling that portion of the land that is part of the Jail complex?

MR. MULE:

I'm under the impression that we're selling anything within the boundary of this parcel line, which does include the corner section of --

LEG. ROMAINE:

The southwest corner, I believe it is.

MR. MULE:

Correct.

LEG. ROMAINE:

Right. Of the Yaphank Jail. I thought we were selling vacant land and we were not selling any of the County land that was currently in use. I believe that portion actually has a fence on it. May have a fence on it, you know. And, again, I'm looking at a map, so correct me if I'm wrong, but I didn't think we were selling part of the Jail land, the land included in the Jail complex.

MR. BRAUN:

Legislator Romaine.

CHAIRWOMAN HAHN:

Bob, can you identify yourself for the record.

MR. BRAUN:

Yes, thank you. My name is Robert Braun. I'm an Assistant County Attorney. I've been working on this project.

That corner of the property around the Jail was cleared when the Jail expansion begun -- was begun. And just to the east of that diagonal line is a recharge basin. There are some underground structures, water carrying structures in that little portion that seems to be part of the Jail for which the proposed buyer of the land intends to give the County back an easement -- a permanent irrevocable easement to maintain underground structures. So, we're selling -- or we're proposing to sell the part included in the tax map.

LEG. ROMAINE:

The southwest corner of that lot.

MR. BRAUN:

Included, but it's not really that lot. It's just the area that was cleared when the County was intending to be the owner of all of it. It's really part of the lot shown by those red lines.

LEG. ROMAINE:

Okay. Let me tell where I go awry. I understand that you're basing it on tax map numbers, but as you know, tax map numbers can be changed at any time. So, let's talk about that. Why would we

sell land in which we have underground drainage -- would you -- would that be an appropriate --

MR. BRAUN:

That's my understanding, yes.

LEG. ROMAINE:

Underground drainage facilities that are related to the Jail. Why would we sell that part of the land and include that in the sale and not seek to exclude it and create a new tax map number for that parcel just to cut it out? Why would we not do that? That can be done like that by the Real Property Tax Service Agency. Why would we not do that? For clarity's sake, why would we include land in the sale that then we have to get an easement back from the owner, which seems to complicate the situation. It seems to be the wrong way to approach this. Much cleaner way would simply to take that parcel out, create a new tax map number or have it be incorporated into the existing tax map number for the Jail and get rid of it particularly since we have underground structures on it.

MR. BRAUN:

I believe the thought was that doing it this way would avoid the necessity of going back to re-subdivide the land, that the existing lot lines already existing on the map could be sold without going back to the Town of Brookhaven or anybody else for a subdivision, or even for a simple land division.

LEG. ROMAINE:

This would be a lot line change. I don't know if it would be a subdivision. I'm not an attorney and I don't pretend to be an expert in land use or zoning. But I got to tell you, this just seems like a far more complex and complicated way to do it in that we're selling land that was cleared for the Jail complex that clearly has underground drainage facilities related to the Jail complex. And then we're going to look for the landowner, who purchased the land from us, to give us an easement back for that.

MR. BRAUN:

The intention, of course, is that it be done in one transaction; that the easement not come later, but the easement come at the same time as any potential sale would take place.

LEG. ROMAINE:

I just think it's probably the wrong way to do this. It probably just is the wrong way to do this. It's not the clean way to do this. It just seems very convoluted and seemingly making a simple land transaction far more complex than it needs to be.

CHAIRWOMAN HAHN:

Okay. And we're here voting on -- accepting the CEO's resolution as to what type --

MR. MULE:

The recommendation.

CHAIRWOMAN HAHN:

Right, the recommendation. And we have a motion and a second. All those in favor? Opposed? Abstentions?

LEG. ROMAINE:

Abstained.

(VOTE: 4-0-1-0)

CHAIRWOMAN HAHN:
CEQ 40-2012, Ratification of Recommendations for Legislative Resolutions Laid on the Table June 5, 2012.

MR. MULE:
CEQ's recommendations are included in the left-hand margin of the attached.

CHAIRWOMAN HAHN:
Motion.

LEG. GREGORY:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Gregory. All those in favor? Opposed? Abstentions? **(VOTE: 5-0-0-0)**

CEQ Resolution 41-2012, Ratification of Recommendations for Legislative Resolutions Laid on the Table June 19, 2012.

MR. MULE:
Same as the above, the CEQ recommendations are included in the left-hand margin of the attached.

CHAIRWOMAN HAHN:
Motion.

LEG. ANKER:
Second.

CHAIRWOMAN HAHN:
Second by Legislator Anker. All those in favor? Opposed? Abstentions? **(VOTE: 5-0-0-0)**

42-2012, Proposed Sewer District #7-Medford (Woodside) Plant Upgrades, Town of Brookhaven. (Type II Action).

MR. MULE:
CEQ recommends classification as a Type II Action replacement in kind.

CHAIRWOMAN HAHN:
Same motion, same second, same vote. Okay. **(VOTE: 5-0-0-0)**

43-2012, Proposed Sewer District #14-Parkland, Sludge Thickening, Town of Islip. (Type II Action)

MR. MULE:
CEQ recommends classification as a Type II Action, repair with replacement.

CHAIRWOMAN HAHN:
Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

44-2012, Proposed Sewer District #20-William Floyd, Replacement of Main Pumping Station, Town of Brookhaven. (Type II Action)

MR. MULE:

CEQ recommends classification as a Type II Action, again, repair and replacement.

CHAIRWOMAN HAHN:

Same motion, same second, same vote. (VOTE: 5-0-0-0)

CEQ 47-2012, Proposed Construction of Sidewalks on Various County Roads. (Type II Action)

MR. MULE:

CEQ recommends classification as Type II Action, again another repair replacement.

CHAIRWOMAN HAHN:

Okay. Same motion, same second, same vote. (VOTE: 5-0-0-0)

CEQ resolution 48-2012, Proposed Introductory Resolution Accepting the Donation of the Noto Property in the Mastic-Shirley Conservation Area, Village of Mastic Beach. (Unlisted Action, Negative Declaration)

MR. MULE:

CEQ recommends a classification as an unlisted action with a negative declaration.

CHAIRWOMAN HAHN:

Okay. Same motion, same second, same vote. (VOTE: 5-0-0-0)

CEQ resolution number 49-2012, Proposed Introductory Resolution Accepting the Donation of the Baravarian Property in the VA Veterans County Park Area, Town of Huntington. (Unlisted Action, Negative Declaration)

MR. MULE:

CEQ recommends classification as an unlisted action with a negative declaration.

CHAIRWOMAN HAHN:

Same motion, same second, same vote. (VOTE: 5-0-0-0)

CEQ resolution 50-2012, Proposed Acquisition of Land by the County of Suffolk (75%) and the Town of Brookhaven (25%) for Open Space Preservation Purposes Known as the New Hope Revival Church Property, Town of Brookhaven. (Unlisted Action, Negative Declaration).

MR. MULE:

Again, CEQ recommends classification as an unlisted action with a negative declaration.

CHAIRWOMAN HAHN:

Okay, same motion, same second, same vote. (VOTE: 5-0-0-0)

CEQ resolution number 51-2012, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Heritage Square Builders at East Moriches, LLC Property, Town of Brookhaven. (Unlisted Action, Negative Declaration)

MR. MULE:

Again, CEQ recommends classification as an unlisted action with a negative declaration.

CHAIRWOMAN HAHN:

Same motion, same second, same vote. (VOTE: 5-0-0-0)

Thank you very much, Michael.

MR. MULE:

Thank you very much.

INTRODUCTORY RESOLUTIONS

CHAIRWOMAN HAHN:

Okay, now at this time I would like to make a motion to take out of order **Introductory Resolution number 1566, Authorizing the inclusion of new parcels into existing certified Agricultural Districts in the County of Suffolk. (Co. Exec.)** This is a motion to take out of order. Seconded by Legislator Gregory. All those in favor? Opposed? Abstentions? Okay. So now we have Introductory Resolution 1566 before us. Do I have to read it again?

MR. NOLAN:

No.

CHAIRWOMAN HAHN:

Do we have any motions on this?

LEG. D'AMARO:

Motion to table.

CHAIRWOMAN HAHN:

Motion to table by Legislator D'Amaro.

LEG. ROMAINE:

Motion to approve.

CHAIRWOMAN HAHN:

Motion to approve by Legislator Romaine. Legislator Anker is seconding the motion to table. Okay. So on the motion, Legislator Anker.

LEG. ANKER:

I think this is a very important resolution. And I'm in favor of this resolution. I own a horse. My daughter has been riding equestrian for -- since she was five. So, 15 years. She's now 20. She was a member of Pony Club. We went to the Hampton Classics. You know, we've been through the whole horse thing. I grew up with horses and agriculture.

And the reason why I'm tabling this now, and again I apologize, I know you're eager to move this land forward, is that the Legislator would like to work with the Village a little bit longer to make sure that they understand how important this parcel is to preserve. And, again, this is out of courtesy to Legislator Dr. Spencer, who has been working on this project and who is also very, very supportive of this parcel.

So, again, I just wanted to explain my second to tabling this. But, again, I wish you the best. I was reading through the history of this very important parcel. I was on the Board of the Vanderbilt Museum, gosh, about six years. And if it wasn't for the County buying that property, we would not have the Vanderbilt Museum and Planetarium. And it's a sense of our culture, and a sense of our history for our kids to really be engaged with and understand. And I think this parcel is as important as you -- whether you arrive there by car or you see it by boat. If we were not able to preserve this parcel, it would change what Long Island looks like. It really is -- it's a lot of property. And I commend everyone coming out today and speaking on it. It has made a difference. But, again, I just want to explain why I am supporting to table this. And I wish you all the best.

CHAIRWOMAN HAHN:

Just a quick question from me, Director Lansdale. There are other items on this list of the new parcels. There is a time limit associated with -- isn't there some kind of time crunch that we're under?

DIRECTOR LANSDALE:

Yes.

CHAIRWOMAN HAHN:

And how does that affect these parcels that have been passed from the Farmland Committee? Are they in any way -- like, if we were to delay and go past the 120-day time limit, does this -- would that in any way invalidate their inclusion?

DIRECTOR LANSDALE:

No, it would not invalidate their inclusion. However, it would just delay their -- the benefits that they receive from being in an Agricultural District. Section 303 (B) of article 25AA of the Ag and Markets Law, it directs that there's a 120-day period for the County to validate or act on the Farmland Protection Board's recommendations. And that 120-day is based on the end of the 30-day application enrollment period, which ended on April 12th. So, August 12th would be the 120-day mark.

LEG. D'AMARO:

So, it's about two weeks.

DIRECTOR LANSDALE:

Yes.

CHAIRWOMAN HAHN:

So we have a list of questions. Legislator Romaine.

LEG. ROMAINE:

Yes. Let me go back to the timeline that you were talking about. It's 30 days after the first application. The applications were accepted when?

DIRECTOR LANSDALE:

The applications were accepted -- the 30 days was March 13 through April 12th.

LEG. ROMAINE:

Twelfth. And it ended on April 12th.

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

So, this would mean August 12th would be the 120th day. We have a meeting August 7th. If this is not discharged from Committee today, we will not meet the 120 day -- we will not have acted within the 120 days.

DIRECTOR LANSDALE:

That's correct.

LEG. ROMAINE:

What does that mean and how many -- how many properties are we talking about throughout Suffolk County that the Agriculture Protection Board wanted to include in the Agricultural Districts?

DIRECTOR LANSDALE:

It's 607 acres.

LEG. ROMAINE:

Of how many parcels? Ownership. Let's talk ownership instead of parcels. How many applications? Maybe that's an easier way to do it.

CHAIRWOMAN HAHN:

Twenty-one.

DIRECTOR LANSDALE:

Hold on one second. Let me count. One second. Thank you.

LEG. ROMAINE:

Sure.

DIRECTOR LANSDALE:

Twelve.

LEG. ROMAINE:

So, there were 12 properties that were -- were they all approved?

DIRECTOR LANSDALE:

No, not all properties that were considered by the Agricultural Farmland Protection Board were approved.

LEG. ROMAINE:

How many of the 12 were approved?

DIRECTOR LANSDALE:

Well, the 12 were approved.

LEG. ROMAINE:

Approved.

DIRECTOR LANSDALE:

And then there is an exhibit attached to the Legislation which also describes the properties that were not included.

LEG. ROMAINE:

Right.

DIRECTOR LANSDALE:

Not approved by the Farmland Protection Board.

LEG. ROMAINE:

Because they did not meet the criteria.

DIRECTOR LANSDALE:

That's correct.

LEG. ROMAINE:

Let me ask you, the Farmland Protection Board, that's a board that's created by the County whose appointments are made by whom?

DIRECTOR LANSDALE:

Those are appointed by the Chairperson of the County Legislative body.

LEG. ROMAINE:

By the Presiding Officer.

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

And how many members are on that board?

DIRECTOR LANSDALE:

There's 11 members comprised of the County Soil and Water Conservation District, the County Legislature, County Cooperative agents, County Planning Director, County Director of Real property, Tax Services and then farmers are the balance.

LEG. ROMAINE:

And a number of farmers. And you're on that board?

DIRECTOR LANSDALE:

Yes, I am.

LEG. ROMAINE:

Okay. When you examine the criteria for what can be included in an Agriculture District, there's a set of criteria.

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

How much money does this farming operation make, is this, in fact, a farming operation, things of that nature; is that correct?

DIRECTOR LANSDALE:

Yes. It uses the definition set forth in the New York State Ag and Markets Law.

LEG. ROMAINE:

In that definition, is there any requirement for the Farmland Protection Board to -- now, I understand that assessment is a separate thing. Even if they were included in the Agricultural District, the Sandpiper Farm would have to apply to the Town Assessor of Huntington for relief to be considered -- to get the relief that they need; is that correct?

DIRECTOR LANSDALE:

Yes, that's right.

LEG. ROMAINE:

That's a separate and distinct operation. Is the Farmland Board compelled by law to consider the impact of the assessment or objections by any municipality in which that potential farmland may fall

as a criteria for inclusion in an Agricultural District?

DIRECTOR LANSDALE:

No. The two criteria that the law states are whether the land consists predominantly of viable agricultural land; and, two, whether its inclusion would serve the public interest by assisting in maintaining a viable agricultural industry within the Agricultural District. This property is within Agricultural District Three.

LEG. ROMAINE:

Right. And obviously as Planning Director and as a member of this board, you felt that that met the criteria since this was passed unanimously; is that correct?

DIRECTOR LANSDALE:

Yes, that's right, based on the information provided this year.

LEG. ROMAINE:

Right. I also understand the State legislation makes the final decision, because the Farmland Protection Board is, in fact, an advisory board that advises the Legislature and the final decision is with the Legislature. And obviously Legislative decisions, they don't spell out what Legislators consider. And I've seen all types of decisions from Legislators as a member of this body. And when I wasn't scratching my head sometimes as to how decisions were made, but essentially, if we relied on is this, in fact, farmland, is it viable, does it meet the criteria for the Farmland Protection Board, it obviously does.

So now as a Legislature we have to ask ourselves what other criteria are we going to attach? And since there's 12 properties, I haven't heard anyone ask that question about other taxing jurisdictions for the other 11, and that they would single out one out of the 11 regarding its impact -- which, by the way, is a totally separate thing. The fact that we include it in an Agricultural District, and I'm going to emphasize this again, does not indicate that it will get tax assessment. That's a separate action that has to be applied to the Town of Huntington and the Town Assessor, who I believe is Esther Bivona, if I'm not mistaken; is that not correct?

DIRECTOR LANSDALE:

That's right. And also the current landowner can also currently apply -- independent of the Agriculture Districts Program can apply for an Agricultural District as well.

LEG. ROMAINE:

Whether we give the District status or not?

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

That's correct. So, as a Legislator, the reason I made a motion for approval is I see no compelling reason since we shouldn't be talking about a tax assessment that's not within our purview. That's within the purview of the Huntington Town Tax Assessor. And since this can be done whether they're in the Agricultural District or not, that's why I made the motion for approval.

To table this after hearing the testimony and understanding a little bit about Sandpiper Farm would be one of those decisions that, again, would leave me scratching my head about what the intent was. But I'll certainly thank you for your answers and I'll listen to my colleagues and try to gain wisdom from them. Thank you.

CHAIRWOMAN HAHN:

I have a list. Legislator D'Amaro.

LEG. D'AMARO:

Yes. Thank you. I had a few questions. By the way, I don't own a horse. I don't even have a daughter. But I still support the preservation effort here. And I think that's the dilemma here, that we all support the preservation effort. And I'd like to see this move forward. But there are considerations on the other side, what's the impact to the Village residents and things like that. But, Director Lansdale, I just want to go back to your answer to Legislator Romaine. You cited the criteria that the Farmland Protection Board would apply. Just what section are you looking at for that?

DIRECTOR LANSDALE:

It's Section 303 (B) (2) (A).

LEG. D'AMARO:

303, did you say?

DIRECTOR LANSDALE:

Yes, 303 (B) (2) --

LEG. D'AMARO:

Is that a recent amendment, do you know?

DIRECTOR LANSDALE:

No, it's not.

LEG. D'AMARO:

303. What is it?

DIRECTOR LANSDALE:

303 (B) (2) (A).

LEG. D'AMARO:

Well, it's 303 (1), (2) -- I just want to find that provision in the State Law. I see "the following factors shall be considered by the County Planning Board, the County Agriculture and Farmland Preservation Board and that any public hearing the viability of active farming -- " is that what you're referring to?

DIRECTOR LANSDALE:

Yes, that's it.

LEG. D'AMARO:

"Within the proposed district -- " right. And it says "and any other matters which may be relevant." It seems to me that there's pretty broad discretion granted to this Farmland Protection Board and even the Planning Board in considering the criteria to be applied to determine whether or not this parcel should be included within an Ag District. Are you reading the same provision I am?

DIRECTOR LANSDALE:

Yes, I found it in the law.

LEG. D'AMARO:

All right. So, you agreed with the Legislator's questioning, though, about what can be considered and what's not. Does the reading of this section, with all of the provisions, change that answer in

any way?

DIRECTOR LANSDALE:

In looking at our notes and my notes and the law itself, I would say, no, it doesn't.

LEG. D'AMARO:

So, you don't think that the Preservation Board can consider the impact that granting the tax reassessment will have on the surrounding community? You know, you don't have to answer. I disagree with you on that. I think that's a very relevant factor. So, I just wanted to point that out for the record.

Madam Chair, I'd like to ask a few questions of the applicant's representative who's still here.

CHAIRWOMAN HAHN:

That was --

DIRECTOR LANSDALE:

Madam Chair, if I could just say one quick thing?

CHAIRWOMAN HAHN:

Director Lansdale.

DIRECTOR LANSDALE:

The inclusion in an Agricultural District does not automatically guarantee --

LEG. D'AMARO:

Right.

DIRECTOR LANSDALE:

-- an agricultural assessment. So, I just wanted to make that -- so including the tax impacts in our decision, it's not -- it doesn't automatically allow the property to receive an agricultural assessment. And an agricultural assessment is a pretty complicated undertaking. So I'm not sure how we would be able to include the tax impacts or even evaluate the tax impacts. If you look at the law, it talks about mineral, soils groups --

LEG. D'AMARO:

Right.

DIRECTOR LANSDALE:

And carving out specific parcels and the use of that. That would be a fairly complex undertaking to evaluate each of those parcels that come before the County -- this particular board.

LEG. D'AMARO:

And all the other criteria are relevant and certainly vastly important. But I also think that any board that's going to as a practical matter make decisions like this can't just stick their head in the sand about all the issues. And that's where I'm coming from. Certainly that wouldn't apply to the Legislature. I think we're making more of a policy decision at this point. But I just want to note my opinion or my interpretation of that provision of the State law.

Sir, thank you very much for staying. I appreciate that.

MR. SANTEMMA:

It's my pleasure.

LEG. D'AMARO:

I wanted to ask you, one of the criteria here is whether or not the parcel would be predominantly viable agriculture land.

MR. SANTEMMA:

That's the test.

LEG. D'AMARO:

I'm sure you're familiar with that standard as defined in the State law. Viable, meaning economic viability if you have the appropriate assessment.

MR. SANTEMMA:

No, no. That means that can it be used as a farm?

LEG. D'AMARO:

No, I don't think so.

MR. SANTEMMA:

If I may?

LEG. D'AMARO:

Sure.

MR. SANTEMMA:

The process for obtaining an assessment relief or agricultural assessment is totally different. That's a whole different section of law. There's a whole different form of application. In that you have to show what the actual use of the farm is. You have to show what the income is and you have to show the soil content of the farm. And you have to have the -- you have to --

LEG. D'AMARO:

Well, let me just interrupt you there.

MR. SANTEMMA:

So that's -- but that's not here.

LEG. D'AMARO:

All right. So, let me just interrupt you for one minute because I just want to get it on the record here. If you have the law in front of you, I'm not sure, but section 301 in definitions, section 7, (H) 7, I think it is, it talks about -- defines viable agriculture land. Okay? And what it says, basically, and I'll paraphrase it, it means that it's highly sustainable for agriculture production, which would be economically feasible if the real property taxes are approximately those that they would have been had the taxes not been influenced by the proximity of non-agricultural development, meaning can the farm be sustained after any tax abatement.

MR. SANTEMMA:

I would agree with that.

LEG. D'AMARO:

Oh, okay.

MR. SANTEMMA:

Yeah, I agree with that. But the point is the process of determining the agricultural assessment is totally independent of being in the Agricultural District. In fact, we have asked Huntington for

agricultural assessment.

LEG. D'AMARO:

Right.

MR. SANTEMMA:

And that application has viability, whether the board puts it in the District or not. But the test is, first of all, whether or not it's viable agriculture predicated upon the soil content or whatever they want to consider; and the second issue is what the Assessor wants to do with respect to the application.

LEG. D'AMARO:

Right.

MR. SANTEMMA:

As I said, the reason we're here primarily, is the right to farm. The right to use that farm as a farm. If I just may, what the master plan said, section 5.14 of the Village's Master Plan says commercial agriculture is an accepted use for land in the Village. Then it says the last commercial agricultural use was a farm on Walnut Neck Bevon Road area that ceased operation in 1939. That's just not accurate. Then it says not many villages would want --

LEG. D'AMARO:

But wait a minute. I don't want to get -- I just want to --

MR. SANTEMMA:

If I may, because --

LEG. D'AMARO:

No, sir, you really may not. I want to just continue my train of thought here, okay. And then -- okay, if you don't mind.

MR. SANTEMMA:

I sorry. I thought you were asking about the viability of the farm. Okay.

LEG. D'AMARO:

Well, just to continue on, under the State law, the way I read it, the Farmland Protection Board in the first instance has to determine whether or not it's predominantly viable agriculture land.

MR. SANTEMMA:

That's correct.

LEG. D'AMARO:

Okay. So if predominantly viable agriculture land is defined as whether or not the farm is sustainable, should it receive an abatement down to a level -- well, let me just finish my thought -- down to a level, had the taxes not been influenced by non-farm use, which means a tax abatement, that it would still be sustainable? Now, how does a Farmland Protection -- how can we say that a Farmland Protection Board is not considering the tax ramifications when the very definition of viability is whether or not this farm can survive with a tax abatement?

MR. SANTEMMA:

Simply presuming that an agricultural assessment would be accorded in some appropriate fashion. They don't decide whether every square inch of the property is going to be agriculturally assessed. What happens is they say, *all right, this is viable agricultural farm. Okay? You're entitled to be in the District.* It's up to the Assessor to decide what that is going to be. They may find that when --

the time they finish taking out houses or other structures or one thing or another, that the agricultural assessment is not that significant.

But these people who are the experts say "I know what you're doing here. I see what you can do here. And I think that you are entitled to be considered as viable agricultural land. And if you get a reasonable agricultural assessment, that's going to enhance it. You're going to have it." But that exists without it. But what you're suggesting, sir, would require me to go to the Assessor first and get the agricultural assessment and then go back to the Farm Board.

LEG. D'AMARO:

Well, no.

MR. SANTEMMA:

But that's not the statutory scheme.

LEG. D'AMARO:

It would suggest, though, that the Farmland Protection Board has to be considering that some abatement will be granted to keep it viable. Because that's the very definition of what they're passing on.

MR. SANTEMMA:

What they're passing on is the viability of the farm, can it exist? And it can't exist under the zoning. That's the issue that was brought to them.

LEG. D'AMARO:

It's not, sir. That's exactly not what the State law says.

MR. SANTEMMA:

It's not viable -- I'm sorry, sir. I respectfully disagree.

LEG. D'AMARO:

Okay. Well, I don't want to belabor the point. But any way my point is --

MR. SANTEMMA:

I agree -- I agree, if I may, with your Planning Director.

LEG. D'AMARO:

Yeah, okay.

MR. SANTEMMA:

And the Director of your Farm Bureau.

LEG. D'AMARO:

Right, okay.

MR. SANTEMMA:

And the people -- the eleven people who are on it.

LEG. D'AMARO:

Well, just for future reference, I would recommend that this Board take a look at this section 7 and the definition of viable agricultural land. And when they make a finding that a farm is viable agriculture land and, therefore, permissive to include within a district, that they absolutely have to consider what the -- whether or not the farm would be economically viable should it receive an abatement to a level that would have existed had there not been outside non-agricultural uses

influencing the tax assessment. That's a very -- it's a complex thought, but is a very important component of this State law. Because if the fact of the matter is that the Board did not consider that, we may grant this use or -- rather the inclusion in the District and they may apply -- the applicant may apply for the tax abatement. And even after the abatement, it's not economically viable. So the Board has to consider that upfront. That's exactly what the State law says.

MR. SANTEMMA:

If I may, if it's determined --

LEG. D'AMARO:

Now going onto my next point.

MR. SANTEMMA:

No, sir, if I may respond? If it's determined that it's not agriculture viable, then it converts to a different use. And if it's a different use, the tax continues unabated. Plus, if it did receive the agricultural assessment and it then reverts, you have to pay penalties of five times the taxes that you saved in the one year that you had it.

LEG. D'AMARO:

I understand that.

MR. SANTEMMA:

So the whole statutory scheme is set forth that the Agricultural Protection Agency makes a determination based on its experience.

LEG. D'AMARO:

Well, I believe that only applies where an applicant is applying for the assessment without the inclusion in the District; the way I read the law.

MR. SANTEMMA:

So you would -- then what does your Agricultural Protection --

LEG. D'AMARO:

Well, sir, I'll ask the questions.

MR. SANTEMMA:

-- Board do?

LEG. D'AMARO:

All right. I think I made my point clearly. Okay. And all I'm saying is that, just to the Planning Department and, of course, to the Farmland Protection Board, I really suggest you take a look at this law again, because they are mandated by definition to look at whether or not a tax abatement after the fact would make this farm economically viable; otherwise we're wasting our time.

DIRECTOR LANSDALE:

Understood.

LEG. D'AMARO:

Okay.

CHAIRWOMAN HAHN:

Did you have any more questions?

LEG. D'AMARO:

Now, what is the -- can you just give me a little background with respect to the equestrian use, how long and what is the use going on there presently?

MR. SANTEMMA:

The use has been a continuing use of the present owner since she leased it in 1981. And that is the training of horses for various disciplines of equestrian activity, starting off with carriages, two or three different styles of pulling carriages; continuing with dressage where they run in formation, jumping in the rings, cross country on trails, where they get involved with these hunts that you've heard of in which they must traverse the entire property, wherever the quarry goes, with what they call time pace -- hunter pace in which there's a course set out and people ride the course. And they must have it within a particular timeframe; individual riding, whatever the horses have to be trained for. You'll see it in the Olympics next week, the type of stuff that's done with these -- this type of horse. There's a great effort to put on the cross country -- oh, there's also a -- what they call eventing in which the horse must compete in the dressage and the jumping and cross country, which is racing through the woods on a timed basis running into occasionally obstructions.

The point is, and if you had an opportunity to look at the application that we filed with the Farmland Protection Board, you'll see pictures of the hunts, for example, where the horses are everywhere. And that's what they're trained for. They're trained by Dr. Landeau and her staff to go through these things where they get hit in the face with twigs and branches, where they have to jump over impediments that suddenly appear, where they have to be able to traverse soft land and hard land. And all of that -- that's what happens at that farm every day with 15 --

LEG. D'AMARO:

Are the horses that are used all maintained on-site?

MR. SANTEMMA:

Yes, there's 15 horse that she owns and trains her own horses at her own expense. That's because --

LEG. D'AMARO:

And even -- go ahead.

MR. SANTEMMA:

-- because of the Village law that we don't want to run into afoul of doing commercial operations so we don't grow hay, we don't sell wood, we don't give people rides, we don't school people, we don't train people, we don't train other people's horses because of that ordinance. All we do -- all she does is train her horses, show her horses and sell her horses. That's the activity that goes on there because of the limitations that the -- that the community has.

LEG. D'AMARO:

So obviously, then, it's your opinion that those activities that you outlined are in compliance with the local zoning code.

MR. SANTEMMA:

Oh, absolutely. What she does right now is in total compliance with the local zoning ordinance.

LEG. D'AMARO:

Because I did receive, and I'm sure you saw a copy of the letter from the Mayor indicating the contrary, that in fact that this is a commercial use and that commercial use is non-permitted. I'm not -- I don't have knowledge of their code and I'm just taking that at face value but I was wondering what your response was to that.

MR. SANTEMMA:

This is -- this is an agricultural use which is protected by the constitution of the State and by the laws that you all have passed, which are outstanding in protecting this kind of activity.

LEG. D'AMARO:

Well, that's a little different --

MR. SANTEMMA:

In addition, insofar as --

LEG. D'AMARO:

-- when saying whether or not it complies with zoning.

MR. SANTEMMA:

-- the zoning is concerned -- so far as the zoning is concerned, in their master plan when we had commercial agriculture and they conceded we had commercial agriculture from 1981 forward, they say that not many Villages would want to be awoken by a rooster crowing on an adjacent poultry farm; we're not a poultry farm. Have pollution problems associated with a duck farm; we're not a duck farm. Or the stench from a pig farm. That's why they've banned agriculture of this property. So that's in their master plan.

The Mayor was a trustee for many, many years; Village Treasurer for many, many years. It's very unfortunate they could not be here today to address these questions. Trustee Harrison, who's here today, was at the Farm Board Protection meeting and made her presentation at that point they should not be included. The Mayor of the Village, who was doctor -- the doctor mayor's predecessor appeared in opposition with the Village Attorney; at one point with the Village Assessor. And this last time, again, Trustee Harrison was there along with the Mayor and before the Legislature, Trustee, Assessor and Mayor on election day, I might add.

LEG. D'AMARO:

Now, are you aware also that even if we were to -- we, the Legislature, were to grant or pass this legislation in putting this property into the District, that the fact is that there's still yet another determination that needs to be made, that this is a feasible application and that it serves the public interest. And that determination needs to be made by the Commissioner. Are you aware of that?

MR. SANTEMMA:

Yes, absolutely.

LEG. D'AMARO:

Okay. So, once again, we're getting into some pretty broad discretion of how the public interest is served. Even if it gets past this Legislature.

MR. SANTEMMA:

I think -- well, that's up to the Agriculture and Marketing in Albany predicated upon their analysis of it.

LEG. D'AMARO:

Right.

MR. SANTEMMA:

The -- the way the statutory scheme goes, you're not really passing a law here.

LEG. D'AMARO:

Right.

MR. SANTEMMA:

You're passing a resolution, which doesn't involve the County Exec, as I understand it. But it goes back from here to the Agriculture and Marketing thing. And the purpose of all of this, this process, is to make this apolitical. There's not supposed to be any political input in connection with what you should or should not vote on this particular thing. And I am delighted with the attention and the independence that you've shown today. Because it's the kind of thing where somebody could say, *oh my word*, and generate all kinds of problems. That's why it's important that you know what we know and what we've said about the actions.

LEG. D'AMARO:

Well, let me tell you my -- I appreciate that. Let me -- here's my concern about this. One, I have a concern about the timeline that the Director has given us today. I wasn't aware of that until the time of the meeting. And if we're under the gun, we're under the gun and I'll get to that in a moment. It's unfortunate, but it's just the way that is.

Here's the problem. I think the Village is raising some very legitimate concerns and I think it's incumbent upon the Village Trustees and the Mayor to be concerned when 50 percent of the Village may receive a tax abatement and impact the rest of the taxpayers within that jurisdiction. I think that's legitimate.

MR. SANTEMMA:

If I may, that would then give them a right to participate before the Assessor of the Town, which they do not have. They don't have that.

LEG. D'AMARO:

Well, I'm just -- let me finish.

MR. SANTEMMA:

Okay, I'm sorry.

LEG. D'AMARO:

So, I think that's a legitimate stance or concern to raise whether it's here or taxpayers, the Assessor or whatever it may be. I also think it's legitimate that a Village official should be concerned about zoning; because after all, it's the Village that will have to deal with the complaints should something occur on the property that someone would object to. I'm not saying that would happen here, but you never know and it's incumbent upon them to raise these issues.

MR. SANTEMMA:

May I just address that? Just so -- I'm not being argumentative.

LEG. D'AMARO:

No, go right ahead. Sure.

MR. SANTEMMA:

By way of background, we approached the prior Mayor and said "I'm not applying for an agricultural assessment in your Village. I'm not applying for any Agricultural District in your Village. I'm applying for the County. We can't exist the way we are. When we get approval of the District, we can use the property properly and we will meet with the Village. We will make an appropriate adjustment, accommodation with the Village to make sure that whatever we do on our property doesn't interfere with the Village; and whatever they do in the Village doesn't interfere with us. We've also advised them that we have discussed --

LEG. D'AMARO:

Well, you can't -- that's very laudable to do and I appreciate that and I take you at your word --

MR. SANTEMMA:

It comes out -- yeah.

LEG. D'AMARO:

However, that doesn't -- that doesn't address the concerns about losing 50 percent of your tax base.

MR. SANTEMMA:

That's not part of this application.

LEG. D'AMARO:

Well, for me it is.

MR. SANTEMMA:

That's before the Assessor.

LEG. D'AMARO:

Well, I'll just tell you for me it is.

MR. SANTEMMA:

If they're concerned about that, they have to go over there.

LEG. D'AMARO:

Right, but for me it is a part of this application. And I think -- I think it has to be part of the application even at the lower levels but --

MR. SANTEMMA:

How would you feel if you assumed that they did receive the full agricultural assessment? Would you feel at that point that this was a viable agricultural property?

LEG. D'AMARO:

All right. So my next point is that if the -- if these issues are being raised by the Village, okay, and as I stated at the outset, I mean, I've always been in favor of open space preservation and these types of preservation efforts. So, where's the compromise in all of this? Is there room for discussion and compromise to address some of the Village's concerns or do we just kind of get the approvals and then kind of say, *all right, maybe we'll sit down and talk and maybe we won't.*

MR. SANTEMMA:

No, the Village has received commitment from me that we will sit down after we have approval to be in the District. We can't amend zoning because then two years from now different mayor, different zoning. We're going to be back in the same place that we've been for the past 20 years. We're entitled to be in the District. And then we added to the --

LEG. D'AMARO:

Well, I don't know that you're entitled to be in it.

MR. SANTEMMA:

Absolutely.

LEG. D'AMARO:

That's why we're here today.

MR. SANTEMMA:

We meet every criteria that any one has ever suggested.

LEG. D'AMARO:

Right.

MR. SANTEMMA:

I can't tell you the last time --

LEG. D'AMARO:

So, if you meet the three criteria, we just kind of rubber stamp it and say go ahead?

MR. SANTEMMA:

Unless you have an issue of public safety or health. If you have this thing with the swine next to the residential --

LEG. D'AMARO:

I don't see anything that says public safety or health in the State law.

MR. SANTEMMA:

Those are the cases. That's what the cases say.

LEG. D'AMARO:

Okay, but I don't see it in the law.

MR. SANTEMMA:

No.

LEG. D'AMARO:

And I see in the law that the tax consideration is a major consideration.

MR. SANTEMMA:

I don't believe that that's a major consideration, sir.

LEG. D'AMARO:

Okay. Well, again --

MR. SANTEMMA:

And as I say, just assume that they get it and you'll see that it's viable.

LEG. D'AMARO:

Right.

MR. SANTEMMA:

In any event, I don't mean to be arguing with you. I just --

LEG. D'AMARO:

No, no. It's fine. I welcome the discussion.

MR. SANTEMMA:

I handle a lot of applications. None has the merit of this. None is more apolitical than this. None is more in line with what this Legislature stands for than this application. And tabling it is a death knell.

LEG. D'AMARO:

Right.

MR. SANTEMMA:

So that's really not an option.

LEG. D'AMARO:

That's a heavy decision you're putting on my shoulders.

MR. SANTEMMA:

The Mayor should have been here. He could have come here. He could have come.

LEG. D'AMARO:

I hear you.

MR. SANTEMMA:

We've been here since two o'clock. It's now --

LEG. D'AMARO:

Sir.

MR. SANTEMMA:

Four.

LEG. D'AMARO:

If you don't -- if you want to leave, you can leave. I'm just trying, you know, to ask a few questions here. All right. So notwithstanding that's death knell, all right, let me ask you this: Now, this person, the owner has applied separately of this County approval for the agricultural assessment; is that correct?

MR. SANTEMMA:

That's correct.

LEG. D'AMARO:

Where is that right now?

MR. SANTEMMA:

There is currently a new application that has been pending since it was filed by me last July prior to the tax of a status date of July one, which is the -- tax for a status date for Huntington. The earlier years are in certiorari proceedings that are pending in Supreme Suffolk.

LEG. D'AMARO:

Where is that application made to?

MR. SANTEMMA:

Made to the Assessor.

LEG. D'AMARO:

Of the Village.

MR. SANTEMMA:

South Huntington.

LEG. D'AMARO:

The Town of Huntington.

MR. SANTEMMA:

Yes.

LEG. D'AMARO:

So the Town of Huntington has not passed on that or have they made a decision?

MR. SANTEMMA:

They have not passed on it. The assessment has not -- the agricultural assessment has not been fixed by the Town. That's why it's in certiorari proceedings.

LEG. D'AMARO:

Just explain to me what's the advantage of getting inclusion as opposed to going that route? Is that something that has to be renewed?

MR. SANTEMMA:

You really have to do that every year. You have to show that you're entitled to the agricultural assessment.

LEG. D'AMARO:

Okay.

MR. SANTEMMA:

But the inclusion we seek here is not for the taxes. The inclusion here is so that we can live. That's what it is.

LEG. D'AMARO:

Right. I don't know. All right. So, let me ask this, you one more question. So what you're saying, then, is that this property, which has this long history of equestrian use, and the 15 horses, is no longer viable without some tax relief; is that what you're saying?

MR. SANTEMMA:

I'm not saying that. I'm saying it's a viable agricultural structure. I'm saying one of the alternatives is to put up the 177 houses that the Village did in its unilaterally prepared master plan, in which it said "give us 10% of it, give Nature Conservancy 20% of it, give the County the parkland, develop 177 houses on half of it." And we don't want to do that. We don't want to develop it at all. But you can't continue to subsidize this without the ability to run the farm the right way. And that's growing, whatever, you know --

LEG. D'AMARO:

So you're saying that this is a viable use without any tax abatement?

MR. SANTEMMA:

I understand that it is a viable use of -- whatever they're entitled to, they're entitled to.

LEG. D'AMARO:

But that's not my question. My question is, without a tax abatement will the use continue?

MR. SANTEMMA:

I can't tell you what the owner's going to do. I can tell you that --

LEG. D'AMARO:

I'm not asking you to tell me that.

MR. SANTEMMA:

Well, you asked me to project on what she's going to do if the agricultural assessment application is denied? Or if we don't get into the District? That's two different things. If we don't get into the District, then we have to --

LEG. D'AMARO:

Look, the whole intent of this chapter --

MR. SANTEMMA:

Yeah.

LEG. D'AMARO:

-- under State law, was to recognize that as time went on, farm use -- and I accept the broad definition of farm use -- was being pressured out of existence.

MR. SANTEMMA:

Correct.

LEG. D'AMARO:

Because as surrounding communities develop and the tax assessments rise, it carries along with it the farm use. And farms cannot continue to support to pay that.

MR. SANTEMMA:

It's broader than that.

LEG. D'AMARO:

And preservation and all that.

MR. SANTEMMA:

It's the allure -- the allure -- that's your Suffolk --

LEG. D'AMARO:

But that is a -- but let me just finish. That is a -- very much a stated factor in the Legislative intent of this law. Okay? Because farms were going out of existence because they couldn't pay the taxes.

MR. SANTEMMA:

No --

LEG. D'AMARO:

That's the whole driving force of this law.

MR. SANTEMMA:

If I may, because there was so much more in development. That's the driving force.

LEG. D'AMARO:

Okay. Well --

MR. SANTEMMA:

That's why these went down like Dominos.

LEG. D'AMARO:

Right.

MR. SANTEMMA:

Why should I run a farm --

LEG. D'AMARO:

They're being developed because they can't pay the taxes. But anyway, so my only point is that, you know, I hear -- I'm just curious whether or not the ultimate tax abatement to be assessed as an agricultural use is really what the law intended for a property such as this. Okay? That's what I'm saying. In other words, you can't tell me today that the owner but for a tax abatement would have to discontinue the use? You said you don't know that.

MR. SANTEMMA:

I'm saying that you can't look at one in the abstract without the use. The actual use of training 15 horses is unsustainable. So what do we do with the property?

LEG. D'AMARO:

And you need 400 acres to do this?

MR. SANTEMMA:

Pardon me?

LEG. D'AMARO:

You need 400 acres to do this?

MR. SANTEMMA:

Four hundred acres for the training of the horses. The plan -- the business plan --

LEG. D'AMARO:

Four hundred acres?

MR. SANTEMMA:

Four hundred acres is in the track. You must deal with the parcel as an entity.

LEG. D'AMARO:

I see that.

MR. SANTEMMA:

You can't take part of it.

LEG. D'AMARO:

Right. It has to be one tax lot.

MR. SANTEMMA:

The Assessor -- it's two tax lots.

LEG. D'AMARO:

But the law says it has to be one.

MR. SANTEMMA:

The Assessor -- you have two applications. One on each part.

LEG. D'AMARO:

Right. I got you.

MR. SANTEMMA:

The Assessor -- the Assessor selects how much of which parcel is entitled to an agricultural assessment.

LEG. D'AMARO:

Right.

MR. SANTEMMA:

But being in the District, they have the right to be protected -- enjoy the protections which you all have provided the farm.

LEG. D'AMARO:

Right.

MR. SANTEMMA:

That's all -- that's all this is about.

LEG. D'AMARO:

Right. Well, what it's really about is lowering the taxes so the farm can stay economically viable.

MR. SANTEMMA:

No, it's not.

LEG. D'AMARO:

Okay.

MR. SANTEMMA:

It's not.

LEG. D'AMARO:

Well, we disagree on that.

MR. SANTEMMA:

I keep saying -- we're going nowhere.

LEG. D'AMARO:

I know. I hear you keep saying it and I keep telling you my reading of the State law says the contrary, so -- and the Legislative intent. Okay.

Let me just address the timing issue very quickly. Commissioner Lansdale, I believe you mention August 12th was the cutoff dates set by the State law?

DIRECTOR LANSDALE:

Yes, it was 120 days past the end of the enrollment period; the 30-day enrollment period, yeah.

LEG. D'AMARO:

All right. Well, I'm not a big fan, as you probably know by now, of doing these all or nothing omnibus bills. I think that they should be considered one at a time. And, in fact, when we've done that in the past, this Committee has tabled some bills in some other areas that we've looked at. But in light of the fact that we're out of time and this is all or nothing, Madam Chair, I'm going to withdraw my motion to table. And I will instead -- I know that there's a motion pending to approve. I'll also offer a motion to discharge without recommendation, which I would prefer only because I have these issues in my mind. And it can go to the full Legislature and we can all talk about it at

that point.

CHAIRWOMAN HAHN:

Legislator Anker, we do have a list but did you want to change your second to second to discharge?

LEG. ANKER:

Absolutely. I wanted to withdraw my motion to second as far as tabling this resolution. And also make a recommendation to discharge without recommendation. Because I have other concerns. There are time limitations. And personally I think this a very important parcel to help preserve.

CHAIRWOMAN HAHN:

Okay. The next speaker on the list was Legislator Gregory.

LEG. GREGORY:

Thank you, Madam Chair. If I can have Counsel back up again? And I'll be quick, I promise.

MR. SANTEMMA:

Yes, sir.

LEG. GREGORY:

Couple of things. Hi, sir. Just -- there was a lot said, but very informative. Can you explain to me what the criteria are for designation into the Agricultural District? It was mentioned that there are three criteria.

MR. SANTEMMA:

My understanding of the Agricultural District is simply a determination that it's viable agricultural land. What Suffolk County does in its application is it graft upon that certain criteria that it applies. And it tends to use the criteria --

LEG. GREGORY:

Whoa, whoa, whoa, wait. Hold on, hold one. There are three -- there's three criteria from what I understand. And I looked at them. It was a month ago, whenever the last meeting was, and I don't recall them off the top of my head and I don't have it in front of me.

CHAIRWOMAN HAHN:

Director Lansdale might be able to help you with that.

LEG. GREGORY:

So you were starting to say was that this preservation group looks at that criteria but they also have their own criteria? Director?

DIRECTOR LANSDALE:

Yes. Thank you.

LEG. GREGORY:

And Chairperson.

DIRECTOR LANSDALE:

We look at -- we took as the basis the viable agricultural land definition that Legislator D'Amaro recommended, or has spoken about. And one of the first portions of that definition includes agriculture production. So then we look at the -- under the section 301, that same section, for what is the definition of land in agricultural production. And we use that as the benchmark. And that's described as land not less than seven acres of land as a single crop production in the preceding two years for the production of sale of crops, livestock, livestock products at an average gross sales of

\$10,000 or more. That's what we use as our benchmark for agricultural production.

LEG. GREGORY:

Okay. That's where I was -- that's where my line of direction was going.

MR. SANTEMMA:

Okay. That --

LEG. GREGORY:

This \$10,000 dollars criteria.

MR. SANTEMMA:

Yeah, if I may, the significance of that specifically lies to parcels that are, for example, in the Pine Barrens, where someone has agriculturally viable land, but in the Pine Barrens, where you can't build. So I believe what's happened is there's been a tendency on the part of the Agricultural Protection Agency to say "you have to show us experience that you're in agricultural production."

Okay? That's moves out of the -- of the protection anybody who's there to try and pull an end run. So we on the farm have our agricultural income through the sale of horses. And we've got more than 7 acres. The 7 acres keeps smaller because the tracks left for agricultural development are getting smaller and smaller and smaller as things pile on.

LEG. GREGORY:

Okay.

MR. SANTEMMA:

So that's the criteria that they applied and that we applied.

LEG. GREGORY:

So the point I was going towards, you have income.

MR. SANTEMMA:

Yes.

LEG. GREGORY:

Right. From agricultural production, sales or whatever.

MR. SANTEMMA:

Yes.

LEG. GREGORY:

Okay. Now, in my nonlegal mind, that would mean that there's some type of commercial activity.

MR. SANTEMMA:

Yes. Right.

LEG. GREGORY:

Okay.

MR. SANTEMMA:

But the sales themselves are conducted off premises. We're training --

LEG. GREGORY:

Well, that's where I was going.

MR. SANTEMMA:

I agree with you it's -- it's --

LEG. GREGORY:

That's very fishy.

MR. SANTEMMA:

-- odd. No, it's not fishy.

LEG. GREGORY:

Oh, absolutely.

MR. SANTEMMA:

No, it's not. We're training the horses agriculturally on the place, animal husbandry, to take care of them, train them, get them up to speed and then sell it. It's the same as if you walked out to the farm stand on Route 25A and they're selling blueberries. They're not on the same farm that they grew.

LEG. GREGORY:

But it emanates from that farm.

MR. SANTEMMA:

Yeah, it does.

LEG. GREGORY:

So I am --

MR. SANTEMMA:

So we're showing the agricultural income from those sales. That's all.

LEG. GREGORY:

So I manufacture a car in my plant in Detroit --

MR. SANTEMMA:

Yes.

LEG. GREGORY:

And I sell them on Long Island --

MR. SANTEMMA:

Yes.

LEG. GREGORY:

But the cars in Long Island have no affiliation with the plant in Detroit. That's pretty much what you're saying.

MR. SANTEMMA:

No, but the income is -- their income is attributed to the--

LEG. GREGORY:

These horses are being trained in a location, but the sale of the commercial activity is being done somewhere else; therefore, the commercial activity does not transfer back to the origin -- the original place of where the training and everything else is. That seems to be a loophole in the law.

MR. SANTEMMA:

That's not a loophole.

LEG. GREGORY:

Or something. The zoning, at least.

MR. SANTEMMA:

No, it's not. It's a -- the agricultural pursuit is dealing with the horses. That's what it is.

LEG. GREGORY:

You get paid very well to be very slick.

MR. SANTEMMA:

No, it's not slick. Sir, I'm embarrassed by that comment.

LEG. GREGORY:

And I didn't mean to offend you. I didn't mean to offend you.

MR. SANTEMMA:

Thank you.

LEG. GREGORY:

To know me, I'm a jokester. I wasn't only joking. I don't mean to offend you. I'm just saying that that's very -- I would think to the layman's mind, that that's not straight and narrow.

MR. SANTEMMA:

What I would say is your car sold in Garden City is Garden City income. That's where that income is derived.

LEG. GREGORY:

Okay. So let's go a little further.

MR. SANTEMMA:

But it's also income to the plant that's manufactured in Detroit or wherever else it's manufactured.

LEG. GREGORY:

Okay. So, Miss Landeau --

MR. SANTEMMA:

Right.

LEG. GREGORY:

-- she does this activity, prepares the horses for sale or other activity off the premises, they're sold off the premises.

MR. SANTEMMA:

They're sold off the premises.

LEG. GREGORY:

Okay. And where are they sold?

MR. SANTEMMA:

Depends on where the purchaser is. She has other farms elsewhere. The horses move around. I don't know where she sells --

LEG. GREGORY:

Okay. So it could be sold at another entity that's under her direction and control?

MR. SANTEMMA:

Could be.

LEG. GREGORY:

That's separate and apart from LLC --

MR. SANTEMMA:

Yes. Could be out of state. Could be someone in a different town. Could be anywhere. I don't know.

LEG. GREGORY:

Okay.

MR. SANTEMMA:

But the activity that we're speaking of is the agricultural activity of training those horses for sale. And it's not unusual in the agricultural industry to have the sales occur some place other than where the horse is.

LEG. GREGORY:

No.

MR. SANTEMMA:

You know, they have those auctions down in -- wherever they have auctions, they bring horses from all over the world.

LEG. GREGORY:

No, I don't disagree with that it's unusual. I just find it a little odd that there -- that there's no association, at least from where the sales are being made, to where the horses are being raised and bred for lack of a better term. There just seems to be a loophole somewhere around --

MR. SANTEMMA:

It's not a loophole. Perhaps we should change the zoning ordinance.

LEG. GREGORY:

I don't disagree. But I'm just saying --

MR. SANTEMMA:

Those horses, if you look at the horses that were shown before in the packet to you, the horses that we have in the application, several of those are for sale from Mrs. Landeau. That's her stock some of those that are being -- shown in that. And sometimes people buy them. And sometimes the sale takes place in Smithtown or Brookhaven or New Jersey or wherever. Nature of the beast. I didn't mean that.

LEG. GREGORY:

(Laughter) All right. Well, thank you. I, too -- I'll just put on the record, I do have some concerns about the tax considerations. The issue that we were talking about just -- that's not really my concern as much as it should be the Village's concern, that there seems to be some, you know, wiggling around the zoning. But, you know, I will state that my concern is the issue of taxes. And we'll look at this and I'll support the discharge motion. But that's my concern. So thank you for your presence.

MR. SANTEMMA:

No, thank you for your attention and thank you for your questions and thank you for your patience and thank you for your time. When will the Legislators' meeting be held? Legislature?

CHAIRWOMAN HAHN:

Next Tuesday.

MR. SANTEMMA:

Next Tuesday?

CHAIRWOMAN HAHN:

A week from tomorrow.

MR. SANTEMMA:

August 7th.

CHAIRWOMAN HAHN:

Do you still have questions, Legislator Romaine?

LEG. ROMAINE:

I don't because it looks like this is going to be passed to the General Legislature which meets at four o'clock. It's a night meeting at four o'clock here on August 7th. And there'll be a public portion beginning at four o'clock after everyone gives out whatever proclamations are given out, people come up and speak for three minutes a piece. We cannot ask questions. Obviously I am going to be pushing for inclusion of all 12 properties in the Agricultural District because they met the standard.

Tax assessment is not part of the duties of the Agricultural Protection Board. That is something that is the duties of the respective Assessors of Suffolk County in the various Villages and Towns. They make the decision. You don't have to be in an Agricultural District to apply for a tax relief through assessment. You can do that whether you're in the District or not. What the board looks at is what the state calls for. We look at is this viable. And let me ask you this: Sandpiper Farm has operated since when?

MR. SANTEMMA:

1980, '81; in there.

LEG. ROMAINE:

So 32, 31 years.

MR. SANTEMMA:

Yes.

LEG. ROMAINE:

I would consider that a viable operation. Thank you very much. I'm going to save my debating points on this issue when we meet on the 7th of August.

CHAIRWOMAN HAHN:

Excellent. So we have a motion to discharge without recommendation and a second. And we have a motion to approve with no second. So the motion to discharge without recommendation, all those in favor? Opposed? Abstentions? It's discharged without recommendation. **(VOTE: 5-0-0-0)**

TABLED RESOLUTIONS

Okay, back to the agenda. **Tabled resolution 1365, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Fish Thicket Preserve property - Town of Brookhaven (SCTM Nos. 0200-895.00-04.00-015.001, 0200-895.00-04.00-014.001, 0200-895.00-04.00-014.002, 0200-895.00-04.00-006.000, 0200-895.00-04.00-007.000, 0200-895.00-04.00-008.000 and 0200-895.00-04.00-009.000). (Calarco)** Do we have a motion on 1365?

LEG. GREGORY:

Table.

CHAIRWOMAN HAHN:

Motion to table by Legislator Gregory, seconded by Legislator D'Amaro. All those in favor of tabling?
Opposed?

LEG. ROMAINE:

Opposed.

CHAIRWOMAN HAHN:

Abstentions? 1365 is tabled.

LEG. D'AMARO:

Wait a minute.

CHAIRWOMAN HAHN:

Oop, too late.

Introductory Resolution 1368, Donation and dedication of certain land now owned by Ciro and Nancy Noto to the County of Suffolk (SCTM No. 0209-018.00-01.00-009.000) (Browning) I'm going to make a motion to approve.

LEG. GREGORY:

Second.

CHAIRWOMAN HAHN:

Seconded by Legislator Gregory.

LEG. ROMAINE:

Question.

CHAIRWOMAN HAHN:

On the motion, Legislator Romaine.

LEG. ROMAINE:

This is up for us to take acquisition. We passed on that. I don't believe we wanted to in this particular property. Why would we take dedication? Is there some special features of this property? Obviously we take it off -- we would be taking it off the Village tax rolls because it's in the Village of Mastic Beach. We're going to be taking this land off the Village tax rolls. What's the compelling purpose of this?

CHAIRWOMAN HAHN:

Do you mind if I -- we ask some questions of John Turner from the Town? I know that -- if I recall the map, it's kind of surrounded by Town and Federal --

LEG. ROMAINE:

I think it's on Holmes Creek, if I'm not mistaken.

CHAIRWOMAN HAHN:

And Federal property. One of the questions we had was would the Town want to take it because in terms of maintenance and continuing to protect this property, it might make more sense. The Town has a lot of property located right around there. And that's one of the reasons why we've tabled this in the past, is thinking that this might be a more appropriate Town holding than a County, because the County has no property anywhere near this.

MR. TURNER:

I could take that back to the -- I can't speak for the Town right now, but I could certainly take that back. I mean, you could always accept donation and we could work out a transfer to the Town, if you'd like to do that as well. It is on the north side of Holmes Creek. And it has ecological significance, although it is a very small parcel. It is across from the William Floyd Estate on the south. So, I don't know if it's a property, again, that Federal government might be interested in for conservation purposes. So, your point's well taken. If the County doesn't have any ownership there, then perhaps transferring it to an entity that does have some ownership in it, greater ability to be stewards of it, it makes sense.

CHAIRWOMAN HAHN:

Okay, so will you get back to us on that? We have a very short cycle here. So tabling it for two weeks to hear back from you might be --

MR. TURNER:

Yes, I could find out if the Town would be interested in accepting it.

CHAIRWOMAN HAHN:

Okay. I'm going to withdraw my motion to approve and make a motion to table.

LEG. ANKER:

Second.

CHAIRWOMAN HAHN:

Seconded by Legislator Anker.

LEG. ROMAINE:

I'm going to approve that motion to table. Please take it back to Councilman Panico, to Councilman from the area, ask him to contact me. And between myself and Legislator Browning and him, we'll decide, you know, what's the best course.

I would also ask Legislator Browning, if someone could speak with her, to check with the Village of Mastic Beach, because this is taking taxes off their tax rolls. Thank you.

CHAIRWOMAN HAHN:

Okay. So we have a motion to table and a second. Do we have any other motions? Okay. All those in favor? Opposed?

LEG. D'AMARO:

Opposed.

CHAIRWOMAN HAHN:

Opposed to table.

LEG. D'AMARO:

Right.

CHAIRWOMAN HAHN:

Abstentions? Okay. The motion is tabled. **(VOTE: 4-1-0-0) 1368 is tabled.**

LEG. ANKER:

I'd like to make a motion to take resolution 1697 out of the order.

CHAIRWOMAN HAHN:

Legislator Anker is making a motion to take 1697 out of order.

LEG. D'AMARO:

I'll second.

CHAIRWOMAN HAHN:

It's seconded. All those in favor? Opposed? Abstentions? **1697** is before us.

LEG. ANKER:

Make a motion to approve.

LEG. ROMAINE:

Second.

CHAIRWOMAN HAHN:

1697, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Heritage Square Builders at East Moriches, LLC property - Town of Brookhaven (SCTM Nos. 0200-684.00-03.00-009.001 and 0200-684.00-04.00-003.001). (Co. Exec.) Seconded by Legislator Romaine. All of those in favor? Time out. Oh, before us -- we have a map?

LEG. ROMAINE:

That was the map with Moriches Bay that you saw.

CHAIRWOMAN HAHN:

Yes, yes. But we have a presentation by the Department.

LEG. ROMAINE:

Oh, okay.

CHAIRWOMAN HAHN:

Because this is an introductory resolution that we haven't seen before.

DIRECTOR LANSDALE:

This is actually an authorizing -- an acquisition resolution, not a planning steps resolution. This property is located on the west side of Moriches Riverhead County Route 51, east side of Pine Street south of Sunrise Highway. Property is 51 acres, approximately. And it's comprised of two tax map parcels. There are no structures on the site. The rating for this is 34 points -- 34 points. The property received points for its size, location within an SGPA, its location near town-own protected lands. It contains protected plant species and contains a natural heritage element. It also provides for a property stewardship agreement, a management agreement with the Town of Brookhaven. And we gave points for providing a scenic view from County Road 51.

So a site inspection conducted by County staff revealed that there are endangered New York State

native plant species, bracken fern and the common wintergreen, as well as a vulnerable New York State native plant species spotted wintergreen. And that site visit was conducted on July 6 of this year.

CHAIRWOMAN HAHN:

Legislator D'Amaro has a question.

LEG. D'AMARO:

I just -- I apologize. I'm just a little behind here. Do we have the rating form in front of us?

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

DIRECTOR LANSDALE:

Yes. It was just distributed.

LEG. D'AMARO:

And what funds -- how are we funding this acquisition?

DIRECTOR LANSDALE:

This would be through the Quarter Percent Drinking Water Protection Program.

CHAIRWOMAN HAHN:

Yes. Jill is here to talk about how this has been allocated.

MS. ROSEN-NIKOLOFF:

No, I'm here to answer that one question right now. The Quarter Percent Pay-go.

LEG. D'AMARO:

Quarter Percent Pay-go.

MS. ROSEN-NIKOLOFF:

Pay-go Program.

LEG. D'AMARO:

By the way, congratulations on your appointment.

MS. ROSEN-NIKOLOFF:

Thank you very much.

LEG. D'AMARO:

I wish you the best of luck.

MS. ROSEN-NIKOLOFF:

Thank you. I look forward to it.

LEG. D'AMARO:

I did get your e-mail and I'll be looking at that shortly.

MS. ROSEN-NIKOLOFF:

Okay.

LEG. D'AMARO:

I appreciate it. So Quarter Percent Pay-go, which is not part of the bonded Quarter Cent.

MS. ROSEN-NIKOLOFF:

That's correct.

LEG. D'AMARO:

It is the money that's been accumulating -- the funds that have been accumulating overtime that we're tapping. So this is not something that was, as my colleagues like to say, sequestered into the bonded Quarter Point. And so what's the balance without this acquisition in the Pay-go portion of the Quarter Cent?

CHAIRWOMAN HAHN:

You have to hold the button.

MS. ROSEN-NIKOLOFF:

The balance with this acquisition, because we have factored it in, is about -- I'm sorry -- \$13,000,422. But we really would like some time to verify that with our County people in Real Estate.

LEG. D'AMARO:

Okay. Thirteen million balance after the 10.2 for this?

MS. ROSEN-NIKOLOFF:

Right. This is factored in. So we have that money set aside.

LEG. D'AMARO:

So let me ask you this now. You have -- I know you're relatively new in the position but not the Department. You have a handle on what's coming down the pike and what we'll be considering looking maybe a couple of sessions forward. Are you comfortable with the \$10 million acquisition here given the rating and the situation, the size of this location, relative to what may be coming down later on? Because we have limited funds here now, as you know.

MS. ROSEN-NIKOLOFF:

Yes, understood. And I'm very sensitive to that. And I am very comfortable with going through with this acquisition.

LEG. D'AMARO:

Why?

MS. ROSEN-NIKOLOFF:

Because of the rating and the review that's been through the Planning Department and the fact that the funds are available there. And we have expended already considerable time and effort in getting to this point based upon the approval of this Legislature in authorizing planning steps.

LEG. D'AMARO:

Well, anything that gets to us will usually have a decent rating; otherwise it would have been tabled prior. And in order to get to the acquisition, we're always going to expend those funds. What I'm really asking is, is given the limited resources that we have and knowing what may be coming down the line, where all of these properties will have been processed, and probably have a decent rating, you know, leaving us with roughly -- what was that balance, about 11 or 13 million?

MS. ROSEN-NIKOLOFF:

About 13 million.

LEG. D'AMARO:

Right. So, you know, all it would take is one more acquisition similar to this to wipe out the Pay-go.

MS. ROSEN-NIKOLOFF:

Yes, and we have to be mindful of that. But, you know, the balance that we're left with here doesn't take just this transaction into account. It takes in account a number of other transactions that are in contract and a number of transactions that are in negotiation and a number of contracts where offers have been accepted.

LEG. D'AMARO:

Well, let me ask it another way. So given what I may have to vote on a month from now, knowing that I'm going to spend 10 million out of the 23 million we have available, are we going to have -- I don't have a feel for if the properties that I may be looking at in the next two cycles may be more of a priority than this property, do you?

MS. ROSEN-NIKOLOFF:

I do not, but I will at the next meeting, if you require. But I know that Director Lansdale has reviewed, you know, most of the properties that are in the pipeline and has made an assessment.

LEG. D'AMARO:

Well, this was part of what we were discussing and debating earlier in the year about, you know, having limited funds. But at the same time given those limited funds, we wanted to try and get more of a handle on prioritizing so that we don't go ahead and buy some properties that have merit such as this one. But let's just say in October there's three other properties that are really vital to preservation but we're out of money. See, that's my concern.

So when you make a recommendation from the Department for acquisition, I would ask that that be part of the consideration. And I need to know that -- because I don't have handle a handle on what may be becoming in the future. I don't -- I'm not privy to that. So I would really ask that, especially in light of the fact that your -- you're new as the Director in the Department of Real Estate, that you keep an eye on the fact that we have limited funds and what's coming down before us in the future. I don't want to get caught short. We try to put a formal system in place that would address this very issue, but I believe that's being worked on now and is due by the end of the year.

DIRECTOR LANSDALE:

Yes, that's correct, the analysis is well underway.

LEG. D'AMARO:

Right. And it doesn't include all of the properties, but some of the properties. But I think if we're not going to do it formally for all properties, then I would ask that, you know, I just -- I don't know if I buy this today if there's three more properties tomorrow that need to be preserved before this one. I just don't know that.

MS. ROSEN-NIKOLOFF:

Understood.

LEG. D'AMARO:

We don't have the unlimited funds anymore.

MS. ROSEN-NIKOLOFF:

I'm very cognizant of that. And we'll be looking at that so we should have a much better handle in the next coming weeks as to what's there and what's coming down.

LEG. D'AMARO:

Yeah.

MS. ROSEN-NIKOLOFF:

And final numbers for you.

LEG. D'AMARO:

I mean, we may very well find, if you look at what's coming down, you may decide, *wait a minute, you know, let's reconsider this*, even though -- see now we're getting past this 25 rating threshold because we've always applied that as kind of a threshold to say -- to even consider the application -- or the acquisition and the planning steps. But we're really past all that. You know, let's take it as a given that all the properties that we're going to consider, that we've approved authorizing whether planning steps and acquisition -- coming up for acquisition, they meet the 25 threshold. That's -- usually they're not going to get here unless they do, so we need some other kind of system or way to know given this really diminishing resource now that we're not going to cut ourselves short and just simply not have the funds to preserve properties that are vastly more important than what we may be considering today.

MS. ROSEN-NIKOLOFF:

Understood.

LEG. D'AMARO:

All right. So, that's the consideration that I have. And, you know, I'll vote on this today. And I'm not against this application at all and I'm not going to single this application out. But I really would like to hear in the presentations, you know, maybe a little a bit more of a handle on what's coming and factor that consideration into your recommendation going forward.

CHAIRWOMAN HAHN:

The amount of money left factors in everything that has passed planning steps already. The only thing that's kind of not included that's coming down the pipeline are planning step properties that haven't been passed yet, correct? Or appraised? Appraised?

MS. ROSEN-NIKOLOFF:

Correct. It does not include planning steps that have not passed.

CHAIRWOMAN HAHN:

Or that haven't been appraised yet.

MS. ROSEN-NIKOLOFF:

There must have been a planning step resolution passed if we have begun an appraisal.

CHAIRWOMAN HAHN:

Right. No, no. My point is, if you haven't gotten the appraisal yet, you haven't factored it in even if the planning steps has passed.

MS. ROSEN-NIKOLOFF:

That's correct, yes.

CHAIRWOMAN HAHN:

Okay. Do you know how many properties there would be that planning steps have passed and appraisal has not been completed yet?

MS. ROSEN-NIKOLOFF:

I do not know that.

CHAIRWOMAN HAHN:

Okay. We have a motion to approve and a second. Do we have more discussion? We have a motion to approve and a second. All those in favor? Opposed? Abstention? This one passed. (VOTE: 5-0-0-0)

We are we? All right, I misplaced my agenda here. Now we're back to **1396, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Mikros Psari, LLC property - Town of Brookhaven - (SCTM No. 0200-903.00-01.00-012.002) (Browning)**

LEG. GREGORY:

Motion to table.

CHAIRWOMAN HAHN:

Motion to table by Legislator Gregory. I will second that.

LEG. ROMAINE:

Could I ask what the rating was on this again? On this property?

DIRECTOR LANSDALE:

Sure. It was seven points.

LEG. ROMAINE:

Seven points.

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

Thank you.

CHAIRWOMAN HAHN:

All those in favor of tabling? Opposed? Abstentions? **1396 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution 1490, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Rams Head Investors, LLC property - Lake Montauk - Town of East Hampton (SCTM No. 0300-012.00-02.00-003.000) (Schneiderman) Motion to table by Legislator Gregory, seconded by Legislator D'Amaro.

LEG. ROMAINE:

Can I ask what the rating --

CHAIRWOMAN HAHN:

On the motion, Legislator Romaine. The rating on this was 25. Director Lansdale.

DIRECTOR LANSDALE:

The rating was 47.

CHAIRWOMAN HAHN:

Oh, 47.

LEG. ROMAINE:

Thank you very much. I'll make a motion to approve.

CHAIRWOMAN HAHN:

Motion to approve by Legislator Romaine. Oh, did we find out -- we were holding this one to find out the date of appraisals.

MS. HALLORAN:

If you -- if I may, I did speak to Real Estate about that based on prior questions. So, according to them it would be -- the appraisal was approved by the Environmental Trust Review Board on August 19th, 2011. And the offer was accepted on September 17th, 2011. And the lot has a legal access via private seller-owned road. I believe it's a seller-owned, really, right-of-way. A right-of-way easement is how it was described. And it is -- I believe Legislator D'Amaro had a question; that it was a descriptive easement which is described by metes and bounds. So, also --

MS. ROSEN-NIKOLOFF:

Excuse me. Could I?

MS. HALLORAN:

Appraisals, I have been told by Real Estate, they're generally considered stale after six months. But once we have an accepted offer, we generally stick with it, even if it goes on for an extended period. So that can be confusing sometimes.

CHAIRWOMAN HAHN:

I'm not sure if that answers the question, however. You said it was approved by the Appraisal Review Board in 2011. The question was when was the appraisal conducted?

MS. ROSEN-NIKOLOFF:

I can answer that. Thank you very much. I appreciate it.

It went to the Environmental Trust Review Board in August of 2011. The two appraisals were both done in May of 2011.

CHAIRWOMAN HAHN:

Okay. Rumor had it was older than that.

MS. ROSEN-NIKOLOFF:

Yeah, vicious rumor.

CHAIRWOMAN HAHN:

Thank you for finding out that information. Legislator D'Amaro, did you have more questions?

LEG. D'AMARO:

I apologize. I just was not following there. But just quickly, did we re-appraise the property? Because I know the Chair had raised that issue at the last meeting.

CHAIRWOMAN HAHN:

No, because it was done from 2011.

LEG. D'AMARO:

I thought it was 2006.

MS. ROSEN-NIKOLOFF:

Not to my knowledge.

CHAIRWOMAN HAHN:

2011.

LEG. D'AMARO:

I apologize for that. Okay. And then the property owner has the right to access the parcel via easement? Did you just address that?

MS. HALLORAN:

Yes.

LEG. D'AMARO:

What was the response? I apologize. I was trying to figure out what map to look at.

CHAIRWOMAN HAHN:

Do you want Real Estate to speak to that?

MS. ROSEN-NIKOLOFF:

Yeah, I don't think it's precisely an easement. We had some discussions about it. I found out on Friday that this was something of an issue so we took a look at it. And we saw some filed maps. And I thought, you know, let me just check with the title company instead of banging our heads together on the issue. And we did. And they confirmed that the lot is part of a filed map and that it guarantees rights to ingress and egress to a public road. And in connection therewith I asked the title company to confirm that in writing. And they did so and they amended their title policy to ensure that; there is access in and out. So I think that addresses the issue.

LEG. D'AMARO:

Okay, access in and out how?

MS. ROSEN-NIKOLOFF:

Over the road to the public -- to the public portion. Over the private area to the public river road. Down the river and through the woods (laughter).

LEG. ROMAINE:

It is a described easement with metes and bounds that would allow them access; is that correct?

MS. ROSEN-NIKOLOFF:

No, I don't see any easement. I see a guaranteed right because of the filed map for him to have access to the public road, which is {Fillmore}, which the private road connects with.

LEG. D'AMARO:

Okay.

MS. ROSEN-NIKOLOFF:

And the title company has insured its title.

LEG. D'AMARO:

Okay. So, you're saying that there is a right of access to the property for the owner somewhere?

MS. ROSEN-NIKOLOFF:

And the title company's insuring it. You know, I wouldn't just come in and say that. I went to them and they confirmed it and they amended the policy just this morning --

LEG. D'AMARO:

Right. Because we know title companies always get it right.

MS. ROSEN-NIKOLOFF:

Look, you know -- look.

LEG. D'AMARO:

Yeah, okay. Yeah, I do know. All right.

MS. ROSEN-NIKOLOFF:

I'm sure --

LEG. D'AMARO:

So my next question is, so is this lot developable under present zoning? And I raised that issue before.

MS. ROSEN-NIKOLOFF:

I believe so. It's been designated as a buildable lot. The only parameter would be that they would have to upgrade the road to have access by emergency vehicles.

LEG. D'AMARO:

So what's the basis of your belief there?

MS. ROSEN-NIKOLOFF:

What belief, Legislator?

LEG. D'AMARO:

That it can be developed under zoning.

MS. ROSEN-NIKOLOFF:

Because I don't see any indication that it doesn't meet the zoning. And the appraisal said that it's buildable as one lot under the zoning requirements.

LEG. D'AMARO:

But there was some discussion at the last committee about the fact that it's actually a substandard parcel?

MS. ROSEN-NIKOLOFF:

Yeah, but it's pre-existing non-conforming. So, it would qualify.

LEG. D'AMARO:

Is it?

MS. ROSEN-NIKOLOFF:

That's what we're told. I haven't gone and spoken with the Town myself but that is what the appraisal indicates.

LEG. D'AMARO:

Right. But you realize we could do a single and separate -- separate search to determine whether or not that right's been extinguished.

MS. ROSEN-NIKOLOFF:

It's possible.

LEG. D'AMARO:

Very possible.

MS. ROSEN-NIKOLOFF:

Yes, of course. Would you like to do that? We can table it again. Is that what you're suggesting?

LEG. D'AMARO:

Does that annoy you that I would want to do that?

MS. ROSEN-NIKOLOFF:

No, I thought -- I thought --

LEG. D'AMARO:

You seem annoyed about that.

MS. ROSEN-NIKOLOFF:

Listen, I was a little pleased that I had addressed the issue that I thought was the major factor for you having to do with the --

LEG. D'AMARO:

Well, here's my problem:

MS. ROSEN-NIKOLOFF:

-- access. So if you have another one, we'll address it

LEG. D'AMARO:

Put yourself -- put yourself in my position. I have to spend \$400,000 on a parcel in the middle of nowhere that's landlocked that may not be able to be developed as a matter of right. I think that would be a foolish waste of taxpayer money. So, I need to dot my i's and cross my t's and I'm asking you if you would agree with that.

MS. ROSEN-NIKOLOFF:

Concur. We will go -- if you elect to table it again, we will address that issue as well.

LEG. D'AMARO:

A single and separate search you can get for \$75 or a hundred bucks as opposed to spending 400,000 on a parcel that may not be developable.

MS. ROSEN-NIKOLOFF:

That is correct. Would you like us to do that?

LEG. D'AMARO:

Absolutely. I thought I was making that clear.

MS. ROSEN-NIKOLOFF:

Right. Send it to a vote. If it gets tabled, we'll do that.

CHAIRWOMAN HAHN:

Can it be done by Tuesday?

MS. ROSEN-NIKOLOFF:

I don't know.

CHAIRWOMAN HAHN:

We do have a short cycle. We have a motion to table and a second. And I also have a motion --

LEG. D'AMARO:

You know, I just want to say again -- I just want to say that, you know, I would really think that, you know, in this particular situation when we're talking about spending other people's money, that it really should be done by the Department without me having to ask. Okay.

MS. ROSEN-NIKOLOFF:

Noted.

LEG. D'AMARO:

All right. Thank you.

CHAIRWOMAN HAHN:

Okay. We have a motion to table and a second. All those in favor? Opposed?

LEG. ROMAINE:

Opposed.

CHAIRWOMAN HAHN:

IR 1490 is tabled. (VOTE: 4-1-0-0)

Introductory Resolution 1559, Authorizing planning steps for the Acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - February 2012 - Rosko Farms, Inc. Property - Town of Southampton (SCTM Nos. 0900-158.00-02.00-015.001 and 0900-158.00-02.00-028.001). (Co. Exec.)

LEG. D'AMARO:

Motion to table.

CHAIRWOMAN HAHN:

Motion to table by Legislator D'Amaro, seconded by Legislator Gregory. On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes, before I make a competing motion, what was the farmland rating on this parcel?

DIRECTOR LANSDALE:

The farmland rating was 7.5 out of 25. Usually it's a ten point or higher score with a recommendation --

LEG. ROMAINE:

Do you know why it rated that low?

DIRECTOR LANSDALE:

Yep. It's because of the value of the parcel's development rights located in the Town of Southampton, which did not rate well.

LEG. ROMAINE:

The value?

DIRECTOR LANSDALE:

Yep.

LEG. ROMAINE:

Not its farming potential; just because of the value because it's in Southampton?

DIRECTOR LANSDALE:

Yes, that's right.

LEG. ROMAINE:

So because it's in a wealthy town, even though it's used for farming, we can't consider preserving that farm. This is the County Executive's resolution?

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

Is this the County Executive's resolution?

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

County Executive Bellone put forth this resolution?

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

Thank you. I'll make a motion to approve.

LEG. D'AMARO:

You know, I -- just on the motion, I agree with you, Legislator Romaine, you should not really get penalized. But because the rating goes lower if the value of the property or the -- what is it, the development value of the property is higher? But there was also an issue about partnership with the Town on this also, I believe.

DIRECTOR LANSDALE:

Yes, that's right.

LEG. D'AMARO:

I'm sorry?

DIRECTOR LANSDALE:

Yes, that's right. The Farmland Committee recommended a partnership -- a 50/50 partnership with the Town of Southampton. We had received a letter earlier in the year saying that they would give us a non-binding letter of support. We have after the last meeting of this Committee reached out to the Town and haven't received an updated letter detailing their commitment.

LEG. ROMAINE:

You know what? I'd be willing to consider tabling this. If this Committee as a whole would submit another resolution, and that resolution would be premised on the Town contributing 50% towards this, I think that would be fair. And I'll tell you why I think that would be fair. All the Towns -- the two Towns that stand out that have done very well with the Quarter Percent, and that's particularly East Hampton and to a less extent Southampton, believe me, Riverhead hasn't; neither has Southold or Shelter Island. But they have done very well with that 2% tax -- transfer tax that they have out there. And I think they may have the wherewith all to contribute.

I'd like to see this -- there's no cutouts here. It's all farmed. It's in Southampton. You can see County Road 39, which most people are familiar with. That's the extension when Sunrise Highway ends. I mean, there's less and less farmland available on the South Fork. I'd like to see this preserved. But you know what? I think the Town should contribute something to this because they do have some wherewith all within their preservation fund. And I certainly see no reason why the

County and Town can't go in jointly.

This is 30 -- almost 34 acres of farmland in Southampton east of the canal. I think it's really prime for preservation. I don't know how the Committee feels about that, but --

CHAIRWOMAN HAHN:

Can the County Executive just alter this to include a --

LEG. D'AMARO:

Can I make a suggestion?

CHAIRWOMAN HAHN:

-- a requirement of the 50/50 split? And Legislator D'Amaro has a suggestion.

LEG. D'AMARO:

Well, let me just ask this. Maybe, George, if you know, and, Legislator Romaine, I agree with you. But can we -- if we table this today, and the Town did consider it and pass a binding resolution, let's say, to fund 50 percent of the acquisition -- if the Town reverses that decision formally, where does that leave us at that point?

MR. NOLAN:

You mean they reverse that 50 percent --

LEG. D'AMARO:

In other words, if we don't make the legislation contingent on the maintenance of the Town -- the approval of maintenance of the Town funding, could we then just not go forward?

MR. NOLAN:

Right. Because this is just a planning steps resolution. I mean, when we really lock in, the contribution would be at the time of the acquisition.

LEG. D'AMARO:

Right. So we can re-visit that at that time and make sure that the commitment's still in place?

MR. NOLAN:

Yeah. Well, we probably wouldn't go forward at that point without it, I'm sure.

LEG. D'AMARO:

I'll go either way, Legislator Romaine.

LEG. ROMAINE:

This is a planning steps so we're not committing funding at this point. So, with this discussion on the record that we'd like to see some contribution from Southampton Town, I think we can pass the planning steps and move forward with this.

LEG. D'AMARO:

Right. And I think I would encourage the Department to seek that binding resolution as soon as possible and maybe even consider coming back here. And if you don't get it, maybe we can rescind the planning steps, if you just want to move this forward. You know, I would have no problem with that.

CHAIRWOMAN HAHN:

Is that what we want to do? All right.

LEG. ROMAINE:

So, there's a second to my motion to approve?

CHAIRWOMAN HAHN:

There is a second. I don't know. I'll second. I'll second the motion to approve.

LEG. ROMAINE:

It's just the right thing to do.

CHAIRWOMAN HAHN:

All right. Okay, so we have a motion to approve and a second. All those in favor? Opposed? Abstentions? **1559 is approved.** Let us know, Director Lansdale, if they don't get us that binding letter of support. **(VOTE: 5-0-0-0)**

Next **Introductory Resolution 1562, Authorizing planning steps for the Acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - February 2012 - Foster Farm property - Town of Southampton (SCTM No. 0908-009.00-01.00-003.000 p/o). (Co. Exec.)**

LEG. ROMAINE:

Motion to approve.

LEG. D'AMARO:

Just on this resolution, do we have, again, a commitment on a 50/50 partnership with the Town?

DIRECTOR LANSDALE:

No, we don't. It's the same letter the Town used, which is a nonbinding.

CHAIRWOMAN HAHN:

We need a motion. I think we need a motion. Do we have a motion on this? Motion to table by Legislator -- you made a motion to approve but no second. Motion to table by Legislator Gregory, seconded by Legislator D'Amaro. On the motion.

LEG. D'AMARO:

All right. Same letter non-binding. What exactly does the letter say? *Yes, we're interested* or -- I mean, what does it say?

DIRECTOR LANSDALE:

It says on behalf of the Town Board, an acquisition partnership of 50 percent for each entity is supported by the Town Board. Two projects have been reviewed by the Town and are priority acquisitions. This Expression of Support for an acquisition partnership for the development rights of farmland is in no way binding on the Town of Southampton and is subject to the Town obtaining the necessary funding for such an acquisition partnership in summary.

LEG. D'AMARO:

It's a little weak.

DIRECTOR LANSDALE:

That's why I said there wasn't --

LEG. D'AMARO:

And how come the cutout is so much larger than the, I guess, it's a house. The house looks like it's on about a quarter acre and you have four acres in the cutout. I mean, what's the rationale for

that?

DIRECTOR LANSDALE:

One second. I'm just looking at the --

LEG. D'AMARO:

Other than a strip center in the future. And you know the biggest criticism today is that no one had the vision to think of the future. So I'm trying really hard. All right?

DIRECTOR LANSDALE:

There is a -- there's a 3.9 acre cutout that's proposed. There's a residential structure already on the cutout, as you can see in the corner. And the cutout is zoned R 120, which has a minimum lot size of 120,000 square feet.

LEG. ROMAINE:

How many acres is that?

DIRECTOR LANSDALE:

The cut out is -- three acres. And this is a 3.9 acre cutout.

LEG. ROMAINE:

So this is a 3.9 acre and they already have a structure on it. So it's comply with zoning. I assume that's, you know, I'm making an assumption, and you can correct me if I'm wrong, that they took that cutout because they need a minimum of three acres for the house. They have a house on it. And I assume that's why they took the cutout.

LEG. D'AMARO:

Well, I don't agree. But it's a good assumption. But I think it's more -- the house already is CO'd so you're not going to take away a vested right by what the County does here. It's completely separate from zoning. It wouldn't impact the zoning and they're not going to pull the CO for the house by merely imposing or superimposing the transfer of development rights. So, it may be a factor, it may not.

But, again, there's been no discussion, again, with tying the use of that cutout to the farmland use, no discussion at all. And just *here's your cutout, you know, and we don't care what you do with it.*

DIRECTOR LANSDALE:

This discussion about cutouts, this actual application predates the discussion on cutouts. This application was made late last year and reviewed by the members of the Farmland Committee in January. If you'd like, though, I could have a conversation with the applicant.

LEG. ROMAINE:

Could you also include a conversation with the Village of Sagaponack in terms of what their feeling is, in terms of the three-acre exclusion since they have a minimum of three-acre zoning.

DIRECTOR LANSDALE:

Sure.

LEG. ROMAINE:

Because if this guy ever wanted to expand, put on a dormer or add a garage or something like that, he would be in violation and he would not be allowed to do it. So, it's not a question of just pulling the CO; it's a question of he does -- it looks like a pretty small house. If he adds anything to it, he's going to be out of luck. He won't be allowed to because he won't have the acreage set aside.

CHAIRWOMAN HAHN:

Good point. Okay, we have a motion.

LEG. D'AMARO:

I just want to point out that that - that would support the farm use, though, to not further develop the property, which is a good thing. So I think we just different perspectives on that.

CHAIRWOMAN HAHN:

We have a motion to table and second. All those in favor of tabling? All those Opposed?

LEG. ROMAINE:

Opposed.

CHAIRWOMAN HAHN:

Abstentions? **1562 is tabled. (VOTE: 4-1-0-0)**

Introductory Resolution 1565, Authorizing planning steps for the Acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - February 2012 - Edward and Helen Corrigan Farm property - Town of Southampton (SCTM Nos. 0900-158.00-02.00-033.00 and 0904-001.00-03.00-085.001). (Co. Exec.)

LEG. D'AMARO:

Motion to table.

LEG. GREGORY:

Second.

CHAIRWOMAN HAHN:

Motion to table by Legislator D'Amaro, second by Legislator Gregory. On the motion, Legislator Romaine.

LEG. ROMAINE:

This parcel has no cutouts.

DIRECTOR LANSDALE:

That's right. And it received a score of 8.75 out of 25.

LEG. ROMAINE:

Because of the expense of the property, because it's also located in the Village of Southampton.

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

So the cost of the property drove down the rating. What do they grow on the property? What agricultural use is it put to?

DIRECTOR LANSDALE:

It's -- their application indicates that they grow nursery stock on the property.

LEG. ROMAINE:

So this is essentially nursery stock that is grown there; trees, bushes, things of that nature. And they're including the entire parcel which looks to be about 11.2 acres; is that correct?

DIRECTOR LANSDALE:

Yes, that's right.

LEG. ROMAINE:

I'll make a motion for approval, then.

DIRECTOR LANSDALE:

If I may?

LEG. ROMAINE:

Yes.

DIRECTOR LANSDALE:

This is also one of the three parcels where the Town has expressed a nonbinding letter of support.

LEG. ROMAINE:

Right, I got it. Thank you. This is planning steps so actually we worry about funding when it comes to acquisition time. I mean, we worry now. Obviously we want to raise those questions and concerns so the Town can hear us, but, you know, all we're doing is looking at potential acquisition. We're not looking at actually spending any money at this point other than the appraisals.

LEG. D'AMARO:

How many points does the applicant lose based on the valuation issue?

DIRECTOR LANSDALE:

They don't lose any. They just received one point out of a possible three. It's section D of the Farmland Rating Form, where the value of the land, if it's 100,000 or less, receives three points. And then if the value goes up, they receive one. If it's higher or if it's over 200,000 per acre, they receive a negative point of -- negative one.

LEG. D'AMARO:

I know what we did on the last one, but I don't want to blow out the rating system either, you know. So maybe -- I don't know -- can you inquire with the Town about a binding commitment?

DIRECTOR LANSDALE:

Sure.

LEG. D'AMARO:

Okay.

CHAIRWOMAN HAHN:

We have a motion to table and a second. All those in favor? Opposed? Abstentions?

LEG. ROMAINE:

Opposed.

CHAIRWOMAN HAHN:

1565 is tabled. (VOTE: 4-1-0-0)

1566 we handled.

INTRODUCTORY RESOLUTIONS

Introductory resolution 1657, Amending Adopted Resolution No. 912-2011, amending the

Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Program, and appropriating funds in connection with the Pharmaceutical Disposal and Aquifer Protection Initiative (CP 8710.134) (Co. Exec.)

LEG. GREGORY:

Motion to approve.

CHAIRWOMAN HAHN:

Motion to approve by Legislator Gregory. Can we get -- I will second the motion to approve. Can we get a description of what this is for?

DIRECTOR LANSDALE:

Sure.

CHAIRWOMAN HAHN:

Either by Counsel or by the Director. Director Lansdale.

DIRECTOR LANSDALE:

So we were informed that we needed to amend the original funding resolution to state that our new department will be managing a project through Department of Economic Development and Planning. And then also second to allow the County to enter into contract with the Group for the East End who will implement the project. The project -- would you like to know more about the project? No. Got it.

LEG. D'AMARO:

So you need someone to sign the contract basically?

DIRECTOR LANSDALE:

Yes.

LEG. D'AMARO:

Yeah.

CHAIRWOMAN HAHN:

But this is coming out of 2011 477 Fund?

DIRECTOR LANSDALE:

Yes.

CHAIRWOMAN HAHN:

I know the 477 balance is growing smaller and smaller and smaller.

MR. NOLAN:

But if I could, the earlier resolution put forth \$45,000. We're also getting \$45,000, I guess, from an outside group to help fund this program, a matching, so it's -- actually we're picking up \$45,000 it looks like.

CHAIRWOMAN HAHN:

And we know we don't want these pharmaceuticals in our waterways, our drinking water. So, we have a motion to approve and a second. All those in favor? Opposed? Abstentions? **1657 is approved. (VOTE: 5-0-0-0)**

1677, Appropriating funds for the study and monitoring of Public Health Related Harmful

Algal Blooms (CP 8224). (Co. Exec.) I'll make a motion.

LEG. ROMAINE:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Anker.

LEG. D'AMARO:
On the motion.

CHAIRWOMAN HAHN:
On the motion, Legislator D'Amaro.

LEG. D'AMARO:
So how much has the County already spent in studying the red tide that keeps coming back, how many millions or hundreds of thousands?

CHAIRWOMAN HAHN:
State your name for the record.

MR. JENSEN:
My name is Mike Jensen. I'm with the Suffolk County Health Department.

CHAIRWOMAN HAHN:
Thank you for being here, Michael.

MR. JENSEN:
Yeah. So the question was how much we spent?

LEG. D'AMARO:
Well, my question is I know over the course of the last several years we've had discussions on and off about the effect of -- red tide, we're talking about; is that right?

MR. JENSEN:
And Cyanobacteria.

LEG. D'AMARO:
Okay. And it's a big problem. And I know there's been a lot of studies. I know there are private efforts. I think there are, you know, efforts that are supported by us and maybe some other jurisdictions. And I'm just wondering how much has the County committed to date to studying this?

MR. JENSEN:
Well, we're currently in a \$65,000 contract with SUNY SOMAS, Dr. Gobler.

LEG. D'AMARO:
Okay.

MR. JENSEN:
I'd have to get back to you on how much we've --

LEG. D'AMARO:
So the original 65,000 was part of a Capital Project?

MR. JENSEN:

Yes.

LEG. D'AMARO:

And it turns out that you need another 25,000?

MR. JENSEN:

Yes, to continuing monitoring.

LEG. D'AMARO:

Continued monitoring?

MR. JENSEN:

Continue monitoring and studying of the red tide and cyanobacteria.

LEG. D'AMARO:

I see. So this is authorized funding. So this is part of what's already been passed in the Capital Budget; is that right?

MR. NOLAN:

Yes.

LEG. D'AMARO:

So we're just putting a few more dollars on the table, as they say; right?

MR. JENSEN:

Right, right.

LEG. D'AMARO:

And so have we discovered the cause of the red tide?

MR. JENSEN:

Well, the scientific community seems to think that it's, you know, that there's a link between nutrient loading and algal blooms.

LEG. D'AMARO:

When will the study be complete?

MR. JENSEN:

Well, I don't know if it ever -- it ever will, I mean --

LEG. D'AMARO:

Never?

MR. JENSEN:

-- if -- I mean we're looking at two years.

LEG. D'AMARO:

So we don't know the cause and we don't know if we'll ever finish the study --

MR. JENSEN:

Well --

LEG. D'AMARO:

-- but we're just going to keep putting money into it. Who's actually doing the study? Is it the Health Department?

MR. JENSEN:

It's actually being done by all -- the current contract is with Dr. Gobler, SUNY SOMAS, Stony Brook.

LEG. D'AMARO:

Dr. Gobler from where?

MR. JENSEN:

The School of Ocean Graphic and Atmospheric Sciences. SUNY Stony Brook. SUNY Stony Brook.

LEG. D'AMARO:

Oh, Stony Brook. Okay. My alma mater.

MR. JENSEN:

Dr. Gobler.

LEG. D'AMARO:

All right. So, you know, my concern, again, and I know it's relatively a small amount, but, you know, I'm funding a study. You can't tell me if we're making progress, you can't tell me what the causes are, you can't tell me when it will be concluded. Maybe the Doctor needs to be here to answer some of those questions. Because, you know, after all, to go out and bond this, there's a cost of more than 25,000. There'll be the interest, the debt service over time. And I think this would be a good opportunity to kind of review where we're at with the study if we're going to continue funding it.

MR. JENSEN:

Well, the study --

LEG. D'AMARO:

And it's a very serious problem. I know.

MR. JENSEN:

Yeah. I mean we're hoping that it's completed in, you know, two years. But as far as cyanobacteria, there's no operating budget to monitor the fresh water lakes that the people -- where we have bathing beaches at. So part of that study is -- they're doing is monitoring those lakes for cyanobacteria.

CHAIRWOMAN HAHN:

I'm familiar with Dr. Gobler's work and he has quite a reputation on the -- in this area for being -- this extensive research that he's done to monitor this and to find potential causes. And he's really on the cutting edge of investigating this. And his presentation is quite extraordinary. If you'd like us to bring it to the Committee next time around, I think it's worth moving this to the full Leg. But if you want to know more, we're going to keep addressing this --

LEG. D'AMARO:

Well, it would seem to me at the committee level this would be the ideal forum to call the individuals in that are doing the study and say "if you want us to continue the funding" which we all do, I'm not questioning the credentials or the ability of the folks doing the study or the Doctor doing the study, but I would like an update, you know, especially if we're going to be bonding to do this on such a very important issue. And I, you know, just -- I mean I would be approving more money for a study that for all I know is just going nowhere. I mean, I'm not saying it is, but I just have no knowledge

of this.

MR. JENSEN:

Well, I wouldn't say it's going nowhere. I mean, you know --

LEG. D'AMARO:

But why is it that if I just ask for basic information about where are we at, when will you be completed -- I mean we don't really have any answers at all. I'm just not going to -- I'm not going to support this. If the Committee wants to move it out, that's fine. But I think it's incumbent upon us to ask these questions. And it seems to me you guys come down from the Health Department and just say, "well, it's only 25,000" or, you know, "I don't really have any answers to any of these questions, I can't tell you where the study's going, I can't tell you anything."

So I don't understand how I'm supposed to vote on that. All right? I made my point. So anyway I would offer a motion to table just so we can get an update.

LEG. ROMAINE:

Is there a motion to approve? There is. There is a motion to approve.

CHAIRWOMAN HAHN:

There is a motion to approve.

LEG. ROMAINE:

I mean, look, you only have to see what these harmful algal blooms do to understand that unless we continue to study and try to relate them, now there's a feeling that there's a correlation between these blooms and nitrogen in the bays and the tributaries. I think we need greater study because, as you know, our bays and many of our tributaries are all considered impaired waterways because the amount of nitrogen. I mean, you know, when you say you want to study something, I don't think that's a bad thing. In fact, I think that's a good thing; the more knowledge that we acquire about these blooms, the better we can protect.

Before, really the mid-eighties, we never had these blooms. We never had these types of blooms. And, you know what? The accumulative amount of nitrogen might account for it, the storm water might account for it. There's a number of things. But unless we get a handle on this, unless we can try to track this, we're going to be living with blooms that are going to choke the life out of our waterways, which is -- a large part of our economic vitality in this County is based on our waterways. People live on the water, restaurants that do business, seafood business, whole host of recreational as well as commercial marine activity. You know, \$25,000, yes, it's money, it's taxpayers' money, it's a serial bond. Obviously you want to raise questions and I certainly don't fault Legislator D'Amaro for raising the types of questions he's raising.

But at the end of the day with less than what, I guess, Legislator D'Amaro would consider complete information, we still have to make a decision yes or no. We've been involved with this study for a while. I believe we should. We have a motion to approve. I'm going to vote for it. Thank you.

LEG. D'AMARO:

Well, I would just say in response to that, that I agree with everything you said and we do have to make a decision yes or no. But I'd just like to make an informed decision. And I think tabling for a cycle to get an answer to some basic questions and an update as to the study, as a champion of oversight yourself, Legislator Romaine, I would think that you would agree that we should make an informed decision.

LEG. ROMAINE:

The thing that has me somewhat on the opposite side of this is the fact that I've seen the results of

past studies. The Health Department has been extremely professional in working with people in preparing these studies and has a long track record of studying this. I remember the first time I was asked to vote on this. I think it was in 1986 --

LEG. D'AMARO:

Right.

LEG. ROMAINE:

-- when the blooms first started to come. And we were concerned and we didn't know what was causing them. It was the brown tide, the red tide, the algae blooms in particular. And we've seen the extensive damage, and these blooms have come, is it the heat, is it a whole host of other factors? What is causing this? And we have some answers. And I think to add a little bit more knowledge, you know, I don't think they're going to do a less than complete study. I have faith in our Health Department. And sometimes unfortunately we don't get all the answers we would like. And I understand your concern and I respect it. But I do think that, you know, moving forward with this amount at this time, and I do believe -- unless the Health Department's official that's here today, when this study is completed, will you circulate, as you have in the past, copies of this study to every member of this Legislature?

MR. JENSEN:

Absolutely.

LEG. ROMAINE:

Thank you. And will you be able, even if we pass this, to answer some of the questions that Legislator D'Amaro raised?

MR. JENSEN:

Yes.

LEG. ROMAINE:

Thank you.

CHAIRWOMAN HAHN:

And this runs just for the rest of this year? There are more dollars needed for the rest of this year? Or what is this extra \$25,000 do?

MR. JENSEN:

Well, we currently have funds to finish out the monitoring of cyanobacteria at the lakes for this summer -- for this bathing season currently. And this \$25,000 will assist with that effort next year as well as continue the study that we're doing with {coccadinium} currently. So there's different algal blooms we're studying right now. One is cyanobacteria, which affects the lakes where people swim. And the other one is {coccadinium}, the red tide, which affects shellfish, shellfish larvae, finfish. So that's not a seasonal effort.

CHAIRWOMAN HAHN:

Okay. We have a motion to approve and a second. And we have a motion to table.

MS. ORTIZ:

No second.

CHAIRWOMAN HAHN:

No second. Okay. All those in favor of approval? Opposed?

LEG. D'AMARO:

Opposed.

CHAIRWOMAN HAHN:

Abstentions? **1677 is approved. (VOTE: 4-1-0-0)**

And we passed Introductory Resolution 1697.

So, if there is no further business us, with that we are adjourned. Thank you everyone.

**THE MEETING CONCLUDED AT 5:21 PM
{ }DENOTES SPELLED PHONETICALLY**