

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 October 1, 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 Horsley, Deputy Presiding Officer
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk
Laura Halloran, Budget Review Office
Sarah Lansdale, Director/Department of Planning
Justin Littell, Aide to Leg. D'Amaro
Tom Vaughn, County Executive's Office
Marie Berkoski, County Executive's Office
Stephen Searl, Peconic Land Trust
Ali Nazir, Aide to Leg. Kennedy
Thomas Ryan, Aide to Leg. Hahn
Bill Faulk, Aide to Leg. Romaine
Paul Perillie, Aide to Leg. Gregory

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 2:10 PM

CHAIRWOMAN HAHN:

Okay, if we could all rise for the Pledge of Allegiance led by Legislator Gregory.

SALUTATION

Thank you very much. We've got a card. Welcome to the October -- I can't believe it's October already -- October 1st meeting of the Legislature's Environment, Planning & Agriculture Committee. We have our first card, Stephen Searl. Come on down.

PUBLIC PORTION

MR. SEARL:

Hi. Thank you very much. My name is Stephen Searl with Peconic Land Trust. I did just want to say briefly we're very happy that Suffolk County was recently awarded a New York State Ag and Markets Grant in order to update their Farm and Farmland Protection Plan. We're also pleased to be a part of that. We were able to also get a grant from the Long Island Community Foundation to help with the outreach for the update of that plan. So, we look forward to working with the County, with landowners, with the rest of the community to update the plan. It was last done in 1996 and it's sorely in need of an update. So, we look forward to working with Lansdale -- Sarah Lansdale here as well as you all on updating the plan. Thanks so much.

CHAIRWOMAN HAHN:

Thank you. Are there any other speakers? Okay. Director Lansdale, come on down. I don't see Jill. Is she going to be here? No?

DIRECTOR LANSDALE:

Jill is not here today.

TABLED RESOLUTIONS

CHAIRWOMAN HAHN:

Okay. Okay, so we'll move on to tabled resolutions. **Introductory 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)**

LEG. D'AMARO:

Motion to table.

LEG. GREGORY:

Second.

CHAIRWOMAN HAHN:

We have a motion to table by Legislator Gregory, seconded by Legislator D'Amaro. All those in favor? Opposed?

LEG. ROMAINE:

Opposed.

CHAIRWOMAN HAHN:

Abstentions? **1365 is tabled. (VOTE: 4-1-0-0. LEG. ROMAINE OPPOSED)**

Introductory Resolution 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.

LEG. D'AMARO:

Second.

CHAIRWOMAN HAHN:

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

LEG. ROMAINE:

Opposed.

CHAIRWOMAN HAHN:

Abstentions? **1396 is tabled. (VOTE: 4-1-0-0. LEG. ROMAINE OPPOSED)**

I was told that **1562 and 1565 are withdrawn** just this afternoon. (Timer Sounded) That's the end of your time, Stephen. (Laughter) Okay. 1565 was also withdrawn.

So we are up to **1759, Authorizing planning steps for the acquisition of Farmland Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Lohwasser Nursery property Town of Brookhaven (SCTM Nos. 0200-675.00-02.00-021.001 and 0200-675.00-02.00-021.002). (Romaine)**

DIRECTOR LANSDALE:

This application was before the Farmland Committee last week on September 27th. And the Farmland Committee tabled it for further review.

LEG. ROMAINE:

Motion to table.

CHAIRWOMAN HAHN:

Motion to table by the sponsor, seconded by Legislator D'Amaro. All those in favor? Opposed? Abstentions? **1759 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution 1841, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Tuccio property Town of Southampton) (SCTM No. 0900-248.00-01.00-110.003). (Schneiderman)

LEG. GREGORY:

Motion to table.

CHAIRWOMAN HAHN:

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

LEG. ROMAINE:

Opposed.

CHAIRWOMAN HAHN:

Abstentions? **1841 is tabled. (VOTE: 4-1-0-0. LEG. ROMAINE OPPOSED)**

INTRODUCTORY RESOLUTIONS

Now, we'll move onto **Introductory Resolution 1907, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 -Detmer property Town of Brookhaven (SCTM No. 0200-132.00-04.00-001.005). (Hahn)** I'm going to make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRWOMAN HAHN:

On the motion, Director Lansdale, if you could pass out the --

DIRECTOR LANSDALE:

Sure. So this is -- this parcel is 3.38 acres in size. It's in the hamlet of Setauket -- East Setauket in the Town of Brookhaven. The site -- the actual site characteristics differ from the aerial that is -- actually was e-mailed to you earlier this afternoon. The site is cleared of vegetation and gravel that's been put down throughout the site. All existing structures will be removed from the site. Part of the gravel area will be retained and used as a parking lot.

The site is proposed for use as a hamlet park that will provide the following amenities: Picnic tables, a swing set, gazebo, benches, bike racks and a parking area. It is located within the Long Island North Shore Heritage area and will be a trailhead for the Setauket to Port Jefferson Station Greenway that is located -- this trail is located south of this parcel and owned by New York State. The New York State site provides a 3.5 mile paved walkway to Port Jefferson.

The rating for this parcel is 60 points. And the property received points for its ability to accommodate the proposed use, community support and need, location within a historic district, ability to provide a connection to historical trail and providing a special view from North Country Road; also having the intermunicipal agreement; and for its size within a census-designated place.

So we have received a letter from the Town of Brookhaven from both Brookhaven Town Deputy Supervisor and Councilman Steve Fiore-Rosenfeld indicating that the Town will be a willing -- would be willing to improve and maintain the site for hamlet park purposes. Under the New Drinking Water Protection Program, properties acquired by the County for hamlet park purposes would require such a partnership. And that was fulfilled.

So, the property is zoned A 1 residential and was formerly a nursery operation. With this high rating, the Department would recommend tabling this until we've been able to fully comply with the rating for all of the properties for acquisition that we committed to earlier in the year.

LEG. ROMAINE:

Question.

CHAIRWOMAN HAHN:

Yes. Legislator Romaine.

LEG. ROMAINE:

Yes. You say that there is Town participation in this?

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

What is the scope of the Town participation?

DIRECTOR LANSDALE:

Legislator, do you have a copy of the resolution? I don't have that resolution in front of me.

CHAIRWOMAN HAHN:

The Town provided a letter stating their -- their willingness to improve and maintain the property. The Town provides a letter stating their willingness to improve and maintain the property. It would be very minor improvements, a gazebo, maybe some picnic tables, benches and bike racks.

LEG. ROMAINE:

So they're entering into a Stewardship Agreement; is that -- is it my understanding for the record?

CHAIRWOMAN HAHN:

Do you have a letter, Tom? Tom's going to pass around the letter. Make copies.

Do you have any other questions? Does anyone else have any other questions regarding this acquisition? While we're waiting on that copy -- the letter being copied, I was wondering if anyone else has any other questions. Yes.

LEG. ROMAINE:

But you're recommending we should table this, if I could ask that question?

DIRECTOR LANSDALE:

Yes, we're recommending -- until we can complete the comprehensive evaluation of all ratings for open space acquisitions, we're recommending tabling.

CHAIRWOMAN HAHN:

Sixty points.

LEG. ROMAINE:

Well, I never agreed with that, anyway. So now I'm ready to vote on it providing there's a Town commitment. Because I know whenever I have to bring anything forward, there always has to be a Town commitment. And that usually gets pretty well -- okay.

CHAIRWOMAN HAHN:

Legislator -- well, Legislator D'Amaro was on the list and then Legislator Anker. Legislator D'Amaro, do you have a question?

LEG. D'AMARO:

I wanted to ask Director Lansdale, so where are we at with the review of all the properties that you're referring to? How soon would that be completed and where are we at?

DIRECTOR LANSDALE:

The process is underway and we are on track to complete it as per the legislation, which gives us until December 31st of this year to complete that.

LEG. D'AMARO:

Right. Now you said given the high rating you would recommend tabling pending review?

DIRECTOR LANSDALE:

Oh, I'm sorry. I didn't mean -- I just said even with the high rating --

LEG. D'AMARO:

Oh, I see.

DIRECTOR LANSDALE:

-- we would recommend tabling this.

LEG. D'AMARO:

So even though we would be more inclined to pass this today, you're going to be recommending for every parcel --

DIRECTOR LANSDALE:

That's right.

LEG. D'AMARO:

-- that we not go ahead and that we table until we finish the rating?

DIRECTOR LANSDALE:

That's correct, yes.

LEG. D'AMARO:

And you expect that to be done by the end of the year?

DIRECTOR LANSDALE:

Yes.

LEG. D'AMARO:

And this is for planning steps. So you want to stop planning steps from moving through this Committee until we know what our priorities are.

DIRECTOR LANSDALE:

That is the Department's recommendation.

LEG. D'AMARO:

But isn't that opposite of what you had recommended in the past? Didn't we talk about that earlier in the year?

DIRECTOR LANSDALE:

Earlier in the year we had also recommended a pause on planning steps and allowing the authorizing resolutions -- the acquisition resolutions to move forward if planning steps had already occurred on them.

LEG. D'AMARO:

Okay, that was the position. So, it was to put a moratorium on planning steps but not on acquisitions?

DIRECTOR LANSDALE:

That's right.

LEG. D'AMARO:

Okay. How many other properties are pending, do you know, that have a rating that's equal to or exceeds this property?

DIRECTOR LANSDALE:

This is the first time I've seen a parcel with a rating of higher than 50 --

LEG. D'AMARO:

Right.

DIRECTOR LANSDALE:

-- in the past 12 months.

LEG. D'AMARO:

Right.

DIRECTOR LANSDALE:

That I can remember.

LEG. D'AMARO:

If the Committee were to approve this today, would that preclude it from being included in the new rating system?

DIRECTOR LANSDALE:

Not at all.

LEG. D'AMARO:

Okay. So we would still be able to prioritize this property against all others and determine whether or not to go ahead and acquire.

DIRECTOR LANSDALE:

That's right.

LEG. D'AMARO:

Yeah. I mean, I agree with you in concept. But given the very high rating of this parcel, I think, it would still fall very high on the acquisition priority list anyway. Do you tend to agree with that?

DIRECTOR LANSDALE:

I understand your position.

LEG. D'AMARO:

Okay. All right. Thank you.

CHAIRWOMAN HAHN:

Legislator Anker.

LEG. ANKER:

This farm -- I know my children have been there quite a few times. It's a really beautiful parcel. And as far as my experience, I think this is, you know, it's ranked very highly. It's attached to farmland. Is it in a historical area?

DIRECTOR LANSDALE:

(Nodding in the affirmative)

LEG. ANKER:

Historical area. And, you know, I would like to see it out of Committee. Now, I'm looking at the area. We acquired 33 acres for farmland development rights. Will there be room for the farmers to farm the land if we acquire this piece which -- it looks like that's what this piece is used right now for, you know, it looks like there's structures and there's area for the tractors to pull in.

CHAIRWOMAN HAHN:

The area -- I'm going to e-mail to you all a picture that I took this afternoon, but the area -- the aerial is out of date. And most of the structures have been removed. They actually -- there's corn growing on it now. And if you -- if I let others ask questions and speak while I type in everybody's name, you'll see the picture.

LEG. ROMAINE:

Bring it to a vote and maybe you don't have to speak. Maybe it's going to pass. I'm voting for it, you're voting for it. You have one more and you got --

(LAUGHTER)

LEG. ANKER:

For the record, I just wanted to mention my personal experience regarding this property. And I remember taking my daughter pumpkin picking there. And it was just an amazing experience. And I really would like to see this parcel preserved.

LEG. ROMAINE:

Call the question.

CHAIRWOMAN HAHN:

Thank you. Okay. All those in -- we have a motion -- do we have a motion and a second?

MS. ORTIZ:

Yes, ma'am.

CHAIRWOMAN HAHN:

We have a motion and a second. All those in favor? Opposed? Abstentions? Okay, that is approved. **(VOTE: 5-0-0-0)**

Where are we? Next we have **Introductory Resolution 1909, Adopting Local Law No. -2012, Amending Local Law No. 25-2009 in regard to the membership of the Aquaculture Lease Board established under the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay. (Co. Exec.)** It has to be tabled for a Public Hearing.

LEG. D'AMARO:

Motion.

CHAIRWOMAN HAHN:

Motion to table by Legislator D'Amaro. I will second that. All those in favor of tabling? Opposed? Abstentions? **1909 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution 1913, Authorizing planning steps for the acquisition of Farmland Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Luce Property - Town of Riverhead (SCTM No. 0600-008.00-02.00-013.004). (Romaine)

LEG. ROMAINE:

Motion.

CHAIRWOMAN HAHN:

We have a motion by Legislator Romaine. I will second for the purposes of discussion. And Director Lansdale.

DIRECTOR LANSDALE:

This property is located within the Hamlet of Northville in the Town of Riverhead north of Sound Avenue. It consists of one of -- a part of one parcel totally 16.3 acres out of 22.3 acres. There are cutouts on this property. The agricultural products grown on the property are vegetables and privet.

On September 27th the Suffolk County Farmland Committee considered this application and did approve it. And it did meet the -- the Chapter 8 referral criteria for parcels outside of the Annual Review Process, which are, one, that a referral be made by a Suffolk County Legislator; and, two, that the proposed preservation is consistent with a Town Comprehensive Plan. Both of those conditions were met.

The parcel received a score of 17.5 out of 25. The minimum threshold is ten or higher; has usually been the minimum threshold and standard. So there are two cutouts. One is a six-acre exclusion. We did call the landowner to find out the nature of the use of the cutout. And it is intended for future residential development. Access to the parcel would be made on the southern side of the parcel via Sound Avenue. So not via Sound Shore Road on the north.

There's a southern two-acre exclusion, which is consistent with R 80 zoning, which is for the current residential structure on the south side fronting Sound Avenue. So -- and consistent with my previous statement, the Department recommends tabling this so that we could complete our overall evaluation of parcels.

CHAIRWOMAN HAHN:

Question, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. So the six-acre exclusion and the two-acre exclusion are presently not being farmed; is that correct?

DIRECTOR LANSDALE:

That's correct.

LEG. D'AMARO:

And, in fact, the owner has indicated that should we go ahead and acquire the development rights for the active farmland, that there is another intended use for the exclusions or the cutouts.

DIRECTOR LANSDALE:

Yes.

LEG. D'AMARO:

Okay. I -- you know, that's -- at the present time those two cutouts are not supporting the farm use; or at least the six acres are not.

DIRECTOR LANSDALE:

That's right. The six-acre exclusion and the two-acre exclusion are both not currently in agricultural operations right now.

LEG. D'AMARO:

Right. Okay. Okay. I think that's a little bit different than some of the other cutout scenarios that we've seen and I appreciate the fact that you took the time -- your Department took the time to determine what's the present use, and more importantly the intended future use of the cutouts. So, I appreciate that effort. But as far as the tabling -- so this is going to be for development rights as well as planning steps for development rights and outright proposed acquisitions as well.

DIRECTOR LANSDALE:

This is actually just for -- this is for the purchase of development rights.

LEG. D'AMARO:

No. I mean your policy that you'd like to see implemented by this Committee now is to not approve any planning steps again --

DIRECTOR LANSDALE:

-- until we -- yes.

LEG. D'AMARO:

-- until your review is complete.

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

If I can, Madam Chairperson.

CHAIRWOMAN HAHN:

Legislator Romaine, go ahead.

LEG. ROMAINE:

Thank you. Obviously I was opposed to that type of approach. I never liked blanket policies that restrict the ability of the Legislature to make independent decisions. We get elected by our electorate for a very specific reason. We are supposed to exercise judgement and concern. And while the Planning Department may have very good and valid reasons in their mind for what they're putting forward, no one elected them. They elected us. They elected us to use our judgement and our care and concern.

If you hadn't noticed, authorizing planning steps for the acquisition of farmland development rights are way off in Suffolk County. Way off. Correct me if I'm wrong, and you can give me the number, Miss Lansdale, but I do believe -- the Farmland Committee recommended how many parcels for acquisition in January? Out of how many applications?

DIRECTOR LANSDALE:

I don't have those statistics in front of me but I --

LEG. ROMAINE:

Do you have anything approximate?

DIRECTOR LANSDALE:

We -- I think there were 25 applications.

LEG. ROMAINE:

Right.

DIRECTOR LANSDALE:

And we recommended 16. The Farmland Committee something --

LEG. ROMAINE:

I thought it was lower than that. And then of those 16, because of vetting by Legislators, specifically, Legislator D'Amaro, that number dropped even further. I come from the eastern part of this County. I've watched farmland disappear each and every day to housing development and for other purposes. And my biggest concern as a Legislator is to try to keep enough acreage in farming so that there's enough of a synergy that farming is a viable industry in Suffolk County.

When this program was established, that was the goal. It's even more critical now, I do believe. When prices are cheap, land is available for us to try to preserve as much farmland as we can. There will come a time, God willing, that this recession will lift and land prices will resume again and farmers will be very tempted, particularly older generation where they don't have a younger generation following them, to sell the farmland off for development. I'd love to see this move forward today. This is the first day of October. I don't think we can wait 'til February to start approving these types of things.

CHAIRWOMAN HAHN:

Do you want me to call the vote? You might just have it.

LEG. ROMAINE:

Call the vote.

CHAIRWOMAN HAHN:

Although Legislator D'Amaro had something he'd like to say.

LEG. D'AMARO:

Yeah, I just want to say to Director Lansdale that I appreciate you asking the Committee to just hold off or table planning steps resolutions until you have an opportunity to complete your review. And, in fact, earlier in the year I thought that would have been a good policy direction to take back then. So I will take that as an acknowledgment retroactively. What I was saying early in January and February that when we have a limited pool of resources and we don't really know what the priorities are, it's important, first, to understand those, the priorities, and then go ahead with the acquisitions and even planning steps.

But we already passed one parcel today that had an extremely high rating. I can't recall ever seeing something that hit 60. And this acquisition -- or this planning steps also has a very high rating under the other scale for farmland development rights. So, I'm prepared to move this out of Committee today, but I think going forward starting with the next meeting -- I mean we're only talking about two parcels today. I think it would be important to give you an opportunity to complete that review. However, I would reserve my own right, my own voting right to still make the case-by-case determination in the case of an exceptionally high rating where I feel that even if you were to complete that review, that it would probably wind up pretty high on the priority scale anyway.

But I do appreciate that you're asking for that. And I think it's the prudent and right thing to do so we can make informed decisions instead of just making decisions in a vacuum, spending money and then finding out later down the road that there might have been more important properties to purchase. Thank you.

CHAIRWOMAN HAHN:

Legislator Gregory, did you want to get two cents in --

LEG. GREGORY:

Yes.

CHAIRWOMAN HAHN:

-- before we called this vote? Okay.

LEG. GREGORY:

Yes. Thank you, Madam Chair. And, I'd like to piggyback off of Legislator D'Amaro's comments. I respect your guidance and your advice. You're the expert in this field. But I think today we're faced with two particularly high rated parcels. I tend to support them.

I do have a question, though. I think if I heard you correctly, you said that this -- this parcel was before the Farmland Committee but it wasn't recommended. Is there any particular or --

DIRECTOR LANSDALE:

Actually it was the previous parcel Lohwasser that was not approved -- not recommended. This particular -- the Luce property was recommended by the Farmland Committee.

LEG. GREGORY:

Oh, okay, gotcha, gotcha, okay. And I think the particular concern to me is that there's already been an indication that there's going to be some residential development. So there's a particular concern there, particularly with -- and in addition to the high rating. I think it's appropriate at this point that we move forward with it. But I take your guidance. And certainly I think these are exceptions to the rule as I will proceed forward and respect your opinion. Thank you.

CHAIRWOMAN HAHN:

Thank you. Okay. So we have a motion and a second. All those in favor? Opposed? Abstentions? **1913 is approved. (VOTE: 5-0-0-0)**

And that's all we have, so motion to adjourn? And we're adjourned. Thank you.

**THE MEETING CONCLUDED AT 2:38 PM
{ } DENOTES SPELLED PHONETICALLY**