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 May 22, 2014.

MEMBERS PRESENT:
Leg. Kara Hahn, Chairwoman
Leg. Al Krupski, Vice-Chair
Leg. Sarah S. Anker
Leg. Thomas F. Barraga

MEMBERS NOT PRESENT:
Leg. Tom Muratore - Excused

ALSO IN ATTENDANCE:
Presiding Officer DuWayne Gregory
Legislator John M. Kennedy, Jr., 12th Legislative District
George M. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Lora Gellerstein, Chief Deputy Clerk of the Legislature
Laura Halloran, Budget Review Office
Massiel Fuentes, Budget Review Office
Michael Pitcher, Aide to Presiding Officer Gregory
William Shilling, Aide to Legislator Calarco
Robert Martinez, Aide to Legislator Muratore
Catherine Stark, Aide to Legislator Krupski
Amy Ellis, Aide to Legislator Anker
Seth Squicciarino, Aide to Legislator Hahn
Thomas Vaughn, County Executive's Office
John Marafino, County Executive's Office
Kerri Ann Souto, County Executive's Office
Greg Dawson, Commissioner/Suffolk County Department of Parks
Nick Gibbons, Suffolk County Department of Parks
Robert Braun, County Attorney's Office
Janet Longo, Real Property Acquisition and Management
Sarah Lansdale, Director/Suffolk County Department of Planning
Walter Dawydiak, Director of Environmental Quality, Suffolk County Health Department
Alison Branco, Environmental Quality/Suffolk County Health Department
Andy Freleng, Chief Planner/Suffolk County Department of Planning
Jim Barr, Superintendent/Suffolk County Parks Department
Lauretta Fischer, Suffolk County Department of Planning
Dawn Haight, Peconic Land Trust
Carmella Masem, Suffolk Committee for Camping
Lisa Gatti, Pal-O-Mine Equestrian
Vincent Pizzulli, Forchelli Law Office
Gerald Peters

Michael Zaleski
Herb Strobel
Allan Dorman, Mayor/Village of Islandia
And all other interested parties

MINUTES TAKEN BY:
Alison Mahoney, Court Stenographer

MINUTES TRANSCRIBED BY:
Denise Weaver, Legislative Aide

(*The meeting was called to order at 10:14 AM*)

CHAIRWOMAN HAHN:
Okay. If we could all rise for the Pledge of Allegiance led by Legislator Krupski.

(*Salutation*)

Thank you so very much. Welcome everyone to the May 22nd Environment, Planning and Agriculture Committee for the Suffolk County Legislature. And we have several cards. The first is Vincent Pizzulli; and Lisa Gatti will be following him. Welcome, Vincent.

MR. PIZZULLI:
Good morning, thank you.

CHAIRWOMAN HAHN:
Just make sure the green light is on on your microphone.

MR. PIZZULLI:
The green light is on.

CHAIRWOMAN HAHN:
Excellent. And then you just state your name, again, for the record and then you'll have three minutes.

MR. PIZZULLI:
Thank you. Vincent Pizzulli, Attorney at Law, a partner at Forchelli, Curto, 333 Earle Ovington Boulevard in Uniondale, New York. I'm appearing this morning on behalf of my client, The Incorporated Village of Islandia, and I will try not to take up the three minutes because that's all I have.

I thank you for allowing me to speak this morning. I just have a couple of comments to make in consideration of this bill that's in front of you. We understand that a public hearing will be scheduled on June 3rd and we welcome the opportunity to participate in that public hearing with

regard to this application.

I just want to put a few facts on the table to this Committee this morning and then you can do what you will with them. My client is concerned with its zoning and land use jurisdiction. It's concerned about the impacts of the inclusion of this property in a State certified agricultural district and its potential impact on the Village's ability to regulate the land use that is currently operating at this location. The property is locally zoned agricultural district. And under the Village's zoning regulations the Village permits commercial stables and riding academies.

So, you say what's the issue? The issue here is that that's not exactly what's occurring at the property. We've come to learn that there is a physical therapy practice, an extensive -- a fairly extensive practice being conducted on the property, which the Village is not taking a position adverse to it at this moment in time. But what the Village is concerned about and what it's planning to do, it wants to study that use, get more information about it and has hired a planning consultant who is also the Planning Director of the Town of Southampton to do a study of this particular use and see how it can be integrated into the Village's zoning code. But the Village does not wish this application to proceed at this point, the State Ag district, in advance of that planning study primarily because it would be confirming a benefit upon a use that's not currently permitted in the Village's zoning schedule, in its zoning district regulations.

On that point, based upon the owner's own account and information that the Village has gleaned, Pal-O-Mine is conducting an extensive equine physical, occupational, speech pathology and psychotherapy practice all with the use of horses and some without the use of horses, but we don't know what the percentages are. At the present time, this is not a permitted use in the Village's agricultural district. Pal-O-Mine employs supervisory personnel, social workers, teachers and licensed therapists, again, this is all gleaned from the website and the principal's own accounts and serves between 300 to 400 patients a week. It's a 24/7, seven day-a-week operation. Most of its patients are special needs or disabled individuals, or so we're told, and the current zoning regulations do not address that type of use.

In order to protect the health, safety and welfare of individual patients and the general public, the Village must study the use of the Pal-O-Mine property and enact zoning regulations that will allow for an equine therapy practice at Pal-O-Mine. This will ensure that adequate and reasonable provisions are being implemented to protect special populations and the general public including off-street parking for automobiles, trucks and buses.

CHAIRWOMAN HAHN:
I don't know if you just heard but the timer did go off.

MR. PIZZULLI:
All right, I'll wrap it up.

CHAIRWOMAN HAHN:
Thank you.

MR. PIZZULLI:
Pal-O-Mine should not be eligible for inclusion until they come into compliance with the Village's zone requirements.

And one of the last things I'm going to say, it is the last thing I'm going to say is, it's not just the protection of people; it's also the protection of animals. We need to get more information. The application to you says that there are 25 horses stabled on this property. The Village's zoning only permits one horse per half acre, which would allow for 15 horses. So these are the types of issues that we need to investigate to get more information about before we can come to a conclusion about

issues.

CHAIRWOMAN HAHN:
Thank you. Lisa Gatti followed by Gerald Peters.

MS. GATTI:
Hi everybody. I'm Lisa Gatti. I'm the founder and Executive Director of Pal-O-Mine Equestrian. It was founded in 1995. Pal-O-Mine Equestrian moved to 829 Old Nichols Road in the Village of Islandia, June 1st, 2004. We are located on 7.4 acres in the Village. We are a 501(c)3 and, like I said, we were founded in 1995.

We do run a comprehensive therapeutic equine program. It is a therapeutic equine program and we use horses to facilitate growth, learning and healing. Our population includes children and adults with disabilities. Our youngest is 18 months, our eldest is 78. That population also includes those who have been abused or neglected, the military as well as the at-risk youth or adjudicated youth. We collaborate with school districts, coalitions, alternative schools and other not-for-profits.

So, as the gentleman prior to me stated, yes, we do have physical, occupational and speech therapists. The modality they use is horses. So they also have a offsite office space so they're not -- it is not -- we don't have medical offices at 829 Old Nichols Road. They have their own office space where they do not use horses, that's at Wheeler Road in Hauppauge. PT, OT and speech is going on but it's only with the uses of horses. It's called Hippotherapy. So, again, our mission incorporates equine, the uses of equine with PT, OT and speech and the only difference for those individuals with disabilities is if I was to teach, I'm a special educator, so I would be focused on such things as maybe life skills or following directions, behaviors. Whereas a PT would be focused on certain things like neuromuscular reeducation with the use of the horse.

So, as far as equine assisted psychotherapy, again, yes, social workers but all of that is done with the herd of the horses. To his comment as far as 25 horses, yes, there are 25 horses on the property. When we moved June 1st, 2004 we were compliant, I had gone to, we bought it from Computer Associates, and I had gone to the Town of Islip and it was -- it was four horses per acre and that's what we were told that we were allowed to have through the Town of Islip. So we've always stuck to that and there were no zoning courts -- the zoning code law didn't say anything until then so that's where we got our numbers from and I've always been just researching through that so I have never gone through the Village code and nor have I ever been told anything different from the Village. And like I said, we got there on June 1st, 2004. So, I know my time is up.

CHAIRWOMAN HAHN:
Thank you so very much for being here and we do have a question for you. Legislator Krupski.

LEG. KRUPSKI:
Good morning.

MS. GATTI:
Good morning.

LEG. KRUPSKI:
I did have an opportunity to tour your facility and thank you for that it was very -- it was very informative. It was a day like today actually.

MS. GATTI:
It was.

LEG. KRUPSKI:
So I've got a question for you. And I understand the Village's concerns, coming from a municipal government, I understand how they have to look after their own interests.

MS. GATTI:
Yes.

LEG. KRUPSKI:
Legislator Cilmi has been involved in this and we suggested that there be a meeting taking place between you and the Village and New York State Ag and Markets.

MS. GATTI:
Okay.

LEG. KRUPSKI:
And I think that would help. If you had all parties involved in one room I think that would be a big help to everybody. But my question is what is the parcel currently zoned?

MS. GATTI:
Agricultural.

LEG. KRUPSKI:
As far as, but can it -- could it be developed for residential development or not?

MS. GATTI:
I don't think so.

LEG. KRUPSKI:
Okay.

MS. GATTI:
Not to my knowledge.

LEG. KRUPSKI:
Okay, thank you.

MS. GATTI:
Okay.

LEG. CILMI:
Madam Chair?

CHAIRWOMAN HAHN:
Legislator Cilmi.

LEG. CILMI:
Thank you. Hi, Lisa.

MS. GATTI:
Hi.

LEG. CILMI:
Not sure if you know, Pal-O-Mine is in my Legislative district. You and I haven't had the pleasure of meeting. I'm happy to see you here today. I would ask you to call -- give a call to my office cause

I would like to sit down and chat with you not only about this situation but about the great work that you do because I have it on good advice that you do some great work at your place there.

I don't really have any questions for you other than that. I think Legislator Krupski makes an excellent point. It's been my experience that when folks sit down and talk who maybe haven't had the opportunity to sit down and talk sometimes, you know, differences could be worked out, concerns can be alleved. So to the extent that I could be a part of that or help that happen, I'm happy to do it. And I look forward to getting a call from you and we'll sit down and chat just you and I.

MS. GATTI:
That'd be great.

LEG. CILMI:
All right, Lisa. Thanks.

MS. GATTI:
I would welcome that meeting. Thank you.

CHAIRWOMAN HAHN:
Next speaker is Gerald Peters followed by Michael Zaleski.

MR. PETERS:
I'd like to yield my time to Vince Pizzulli.

CHAIRWOMAN HAHN:
Three minutes total so for each speaker.

MR. PETERS:
Correct.

CHAIRWOMAN HAHN:
Does he have a card?

MR. NOLAN:
He already spoke.

CHAIRWOMAN HAHN:
Oh, so he's not allowed to take the rest of -- no, he had three minutes. So, Gerald, you didn't want to speak?

MR. PETERS:
The only thing I would like to add is the zoning is agricultural and that's really what we're looking at. We want to address that in the proper way and make sure it's done correctly. Like everybody else, everybody has to abide by the zones that are set out there. And that's basically it, you know. Thank you.

CHAIRWOMAN HAHN:
Thank you. Okay, Michael Zaleski, followed by Carmella Masem.

(*P.O. Gregory entered the meeting*)

MR. ZALESKI:
Good morning. Just a few things to touch-up and follow-up with Vince Pizzulli with regards to this

application. On the one question is residential permitted on that? The answer would be yes. Residential building would be permitted on the agricultural with the rezoning of that parcel.

With regards to the horses underneath the Village's current Local Law, Chapter 6717; the horses underneath are the Village of Islandia's Local Law allows one horse per half acre, per property -- per parcel. That's underneath -- that was an adopted Local Law from the Town of Islip Village's current Local Law with regards to equine stock. Thank you.

LEG. KRUPSKI:
Excuse me, I've got a question.

MR. ZALESKI:
Yes, sir.

LEG. KRUPSKI:
Mr. Zaleski, I've got a question. You said that residential would be allowed with rezoning?

MR. ZALESKI:
Correct.

LEG. KRUPSKI:
Okay.

MR. ZALESKI:
I'm sorry. Is permitted underneath our local law with regards to agriculture; residential zoning is permitted underneath the agriculture, you could go ahead and build residential.

LEG. KRUPSKI:
What's the density, allowable density?

MR. ZALESKI:
It's low density.

LEG. KRUPSKI:
Thank you. I can I ask a question from Mr. Pizzulli? I want to go back to that.

CHAIRWOMAN HAHN:
Sure, go ahead. I'll allow that.

LEG. KRUPSKI:
I would like to ask a question of Mr. Pizzulli, if you don't mind. I've got a -- because I don't want to go on. There's other speakers on other topics and I don't want to get into another topic and then come back to this. What is -- so the zoning is agricultural? What does that mean in the Village of Islandia?

MR. PIZZULLI:
In the Village of Islandia the agricultural district is its own distinct zoning classification. And I'll just give you a sampling of the uses and be very brief. It permits agricultural uses in necessary buildings. These are all permitted as of right, no special permits or variances. Single family detached dwellings that serve as the principal residence for the farmer or proprietor; single family cluster subdivisions, so the property could be redeveloped in a cluster subdivision. And the yield for that, I think, it's low density, which I think is one unit per half acre. So that would yield at least 14 single-family dwellings under the cluster law.

Horticultural uses are permitted. Farm stands are permitted for the sale of farm and garden products. As I said previously, commercial stable, riding academy, an animal exhibit, petting zoo or farm, when conducted as a commercial attraction and accessory -- an animal -- an accessory buildings. And then it refers you to the dimensional regulations for each use.

LEG. KRUPSKI:
Thank you.

MR. PIZZULLI:
You're welcome.

CHAIRWOMAN HAHN:
Thank you. And in -- since the next speaker, Carmella Masem, is here on another issue, I was wondering maybe it would be appropriate for Planning to get involved in helping to set up the meeting between Pal-O-Mine and the Village of Islandia working with Legislator Cilmi that, you know, if Planning Department is involved as well that may be helpful.

LEG. CILMI:
I mean, I'm certainly not adverse to having Planning involved. I have great respect for Director Lansdale, of course. I think it's a matter that, you know, that the Village has to -- as long as the Village is willing to meet and I believe they are and we've heard from the owner of Pal-O-Mine that she likewise is willing to meet, I think we heard that, then it seems like we're off to a -- off to a good start there. And hopefully we can, you know, we can produce some results.

CHAIRWOMAN HAHN:
Excellent. Okay. Oh, one more comment from the Legislator Krupski.

LEG. KRUPSKI:
Just for clarification and it's towards Director Lansdale. Just to the make sure that everyone who's interested in this understands the timeline, this has to be tabled for public hearing at next week's General Meeting. And then we would come back to committee and we wouldn't vote on it until the July General Meeting; is that correct? Just so everybody is clear on the timeline.

MR. NOLAN:
Second June meeting. We have to hold the public hearing June 3rd. It's going to go to committee. If it gets out of committee, it'll be eligible for a vote before the full Legislature on the 17th.

DIRECTOR LANSDALE:
That's right. So it's public hearing on June 3rd, EPA committee on June 9th, as Mr. Nolan indicated, and June 17th is the Legislative meeting.

LEG. CILMI:
Could I ask Director Lansdale a question?

CHAIRWOMAN HAHN:
Go right ahead.

LEG. CILMI:
Thanks, Madam Chair. So my understanding is that the -- that CEQ did not recommend this. I'm not sure what the proper terminology is but yesterday when CEQ met they voted to -- well, maybe you could tell me exactly what they voted. My understanding is that it was somewhat unusual what they -- what they did. Wow.

DIRECTOR LANSDALE:
Certainly. I suspected that this question may come up, so I have asked Andy Freleng, our Chief Planner, and, John Corral, a planner on staff in the Planning Department to be prepared to answer that question for you.

LEG. CILMI:
Thank you.

CHAIRWOMAN HAHN:
We do have more cards so if we could keep this --

LEG. CILMI:
I'll try and keep it brief. Just maybe an explanation, I'll ask a question or two, and we'll be done.

MR. FRELENG:
Thank you. The CEQ yesterday voted not to send a recommendation to the Legislature. That was their procedural action after deliberating. There was a motion to deem the action unlisted action and make a recommendation for negative declaration but they could not get a second on that motion. Therefore, they continue to deliberate and then concluded not to send a recommendation to the Legislature.

LEG. CILMI:
And the negative declaration would -- had they received a negative declaration, what in layman's terms what does that exactly mean?

MR. FRELENG:
Well, in layman's terms it means that there is no significant adverse impact on the environment.

LEG. CILMI:
Okay. And they declined to make that negative declaration.

MR. FRELENG:
They declined to make a recommendation to the Legislature on that.

LEG. CILMI:
Right.

MR. FRELENG:
Yes.

LEG. CILMI:
What was the -- how many folks sit on this committee?

MR. FRELENG:
Yesterday there were seven and I believe there are 12; 11 total.

LEG. CILMI:
There were seven present yesterday for that?

MR. FRELENG:
That's correct.

LEG. CILMI:
And what was the vote?

MR. FRELENG:
Well, there was no vote. They couldn't get a second and the vote on the -- it was a unanimous vote not to send a recommendation.

LEG. CILMI:
Okay. So is that something that happens often or -- with these sorts of resolutions?

MR. FRELENG:
It doesn't happen often but it has happened in the past.

LEG. CILMI:
Okay. What's the practical implication of that decision on part of CEQ?

MR. VAUGHN:
Bob, you want to answer that?

MR. BRAUN:
Good morning, Legislators. CEQ is an advisory body. It meets, it considers environmental impact, reviews environmental impact statements and so forth and then makes a recommendation to the Legislature as to what it recommends the Legislature find. In this case -- and it's the Legislature who is the -- who is the lead agency.

LEG. CILMI:
Right.

MR. BRAUN:
So in this case CEQ declined to take any action. The Legislature is still the lead agency and the Legislature still would make the ultimate finding as to whether or not the designation of this property, as part of an agricultural district, has an environmental impact or doesn't. And that's what would be before the whole Legislature and the committee again, after the public hearing, to determine. What's really before you is merely a designation to put this property in an Ag district.

LEG. CILMI:
No, I understand. So are we to infer based on CEQ'S decision yesterday that they've come to the conclusion that it may, in fact, have an environmental impact?

MR. BRAUN:
I think the only thing you could infer, and I think Mr. Nolan will probably agree with me, is that they declined to make any recommendation and leaving -- in fact, most of the time even after CEQ has met and made a recommendation, the resolutions that come back out of the Legislature after they're approved direct CEQ to file certain papers. And like all of the other Ag district recommendations that are before you today that will be tabled, I assume, for a public hearing all of them say in their final paragraph, CEQ is directed to circulate a decision -- you know, an opinion determining whatever the Legislature directs.

LEG. CILMI:
The -- the other eight, I believe, applications at CEQ yesterday, were all approved for recommendation. Is that correct?

MR. FRELENG:
Yes.

LEG. CILMI:
They were. So this was the only one that wasn't.

MR. FRELENG:
Yes.

MR. BRAUN:
And again the --

LEG. CILMI:
What were the reasons that it wasn't?

MR. FRELENG:
They didn't put any reasons on the record at the moment. We're still putting together the minutes. I don't know if you --

LEG. CILMI:
If you could get me those minutes when you -- when you have an opportunity, that would be great.

CHAIRWOMAN HAHN:
We really -- we have other cards.

LEG. CILMI:
I understand and I know that we have a public hearing coming up on this --

CHAIRWOMAN HAHN:
And, right, and this will come before us --

LEG. CILMI:
-- before committee again.

CHAIRWOMAN HAHN:
-- hopefully you all can come back.

LEG. CILMI:
I just wanted to make sure that the parties involved, you know, understand exactly where we are and what the implications of that may be. Thank you very much, Madam Chair, I appreciate it.

CHAIRWOMAN HAHN:
John, I really want to move onto the --

LEG. KENNEDY:
It will be very quick with Mr. Braun.

CHAIRWOMAN HAHN:
John, nothing is ever really quick with you.

LEG. KENNEDY:
I'll make it very quick.

(*Laughter*)

CHAIRWOMAN HAHN:
Okay.

MR. BRAUN:
Good morning, Legislator.

LEG. KENNEDY:
Morning, how are you, Counsel?

MR. BRAUN:
I'm good, thank you.

LEG. KENNEDY:
Good. Let's just clarify for a second. CEQ is advisory to us.

MR. BRAUN:
Yes.

LEG. KENNEDY:
Based on the fact that they are our appointees. We wind up electing to adopt or accept their recommendation. But if they take no action and make no recommendation, nevertheless, the resolution has to have a determination under SEQRA.

MR. BRAUN:
That's correct.

LEG. KENNEDY:
So in this extra ordinary case they would be saying all 18 of us would have to come to some kind of a determination concerning not only the category, whether it was a type II or an unlisted, but as to whether or not there were significant implications that would rise to the level of a pos dec.

MR. BRAUN:
Exactly.

LEG. KENNEDY:
So at the very least you can say, of the nine resos, this one is very different than the other eight.

MR. BRAUN:
Well, it may have different implications but it's structured the same. They all say the same thing.

LEG. KENNEDY:
A reso on its face actually can say something about a quarter acre or a thousand acres. But the dialogue and the appointees, our appointees, at least some of them, had to have some serious concerns about all of the range of issues that get raised under SEQRA; not just the environmental, but you also have the traffic and the other items as well.

CHAIRWOMAN HAHN:
John, I have to cut this off. Okay, thank you.

LEG. KENNEDY:
Fair enough.

MR. BRAUN:
I wasn't there yesterday. I'm sure that --

CHAIRWOMAN HAHN:
We'll get the minutes.

MR. BRAUN:
When the minutes were produced, we'll see what the concerns are.

CHAIRWOMAN HAHN:
Okay.

LEG. KENNEDY:
All right, I yield. Thank you.

CHAIRWOMAN HAHN:
Thank you so much for being here. Hopefully next committee cycle, when we need to talk about this, you will be here as well. Thank you for indulging.

And we have Carmella Masem followed by Jim Barr. Carmella, thank you for your patience through that.

MS. MASEM:
I apologize for my voice. I'm representing Suffolk Committee for Camping. We're an organization, a group and individual campers. Our numbers that belong to the organization is about 400 families but there are other families that -- there that do not belong to our organization. We are very much for the acquisition of the 50 acres at -- and we would like to say that we totally agree with acquiring this property.

CHAIRWOMAN HAHN:
And you're speaking on IR 1491.

MS. MASEM:
Yes. I couldn't see -- I couldn't remember the number.

LEG. BARRAGA:
Yeah, that's it.

MS. MASEM:
We kind of need this extra property for camping since our families are not moving off the Island, they're not traveling over the bridges, they're camping more and more on the Island. And it's getting harder and harder to get into one of the County parks we already have. We would love to have this extra property there. Thank you.

CHAIRWOMAN HAHN:
Thank you very much. Jim Barr followed by Herb Strobel.

MR. BARR:
Good morning, Madam Chairperson, Members of the Committee.

CHAIRWOMAN HAHN:
Welcome, Jim.

MR. BARR:
I would like to speak in favor of 1491. I'm an employee of the Suffolk County Parks Department. And we're in the process of designing a layout for the North Fork Preserve. And it's a blank canvas. And we have a -- we have a wide variety of things that we could do with that location. And we'd like to make it a new campground and equestrian center also. However, with the 300 acres we could only use 125 for active. If we try to squeeze an equestrian center in with the campgrounds, it would severely limit the campground area. And if we don't do a proper equestrian center, we wouldn't be able to bring in any private funds to build, like, an official arena. When you try to bring private money in to do the equestrian portion, they have to have a full size arena so they could at least hold one annual horse show to bring the funds in from Connecticut and New Jersey for the

people that would come to such an event. Without the private funds, we would have to get into the horse business, you know, into boarding horses and offering trails rides.
So that's why it's essential that we acquire these for less than a million dollars -- we have $18 million invested already. For less than a million we can get another 50 acres that's designated as agricultural, which we can now use exclusively for the equestrian portion of the design work we have, which would then enable us to expand the camping area. Right now, if we try to fit both, we're going to get about 60 campsites. And, I believe, what the speaker before me was discussing was not to put camping on the new -- the other 50 acres, but to just get the equestrian off of the campground section to allow us to develop it into a full -- you know, a full useful campground. Okay, thank you.

CHAIRWOMAN HAHN:
Thank you. Any questions? Okay. Thank you, Jim. Herb Strobel followed by Allan Dorman, Mayor.

MR. STROBEL:
Herb Strobel, farmland owner in Center Moriches. Our farmland there is in the PDR program and I'm here in opposition of IR 1491. I sent a letter this morning to each of the Committee members so I'm not going to belabor most of the points that I made in that but I do want to highlight a few specific items.

I think it's really important for each member of this Committee, and by extension, each member of the full Legislature to understand that what you're considering is the County purchasing the fee title to farmland that has already been preserved. To my knowledge, correct me if I'm wrong, I would appreciate the correction if, in fact, there is one, this would be the very first time that the County would be acquiring the fee title to preserved farmland. Again, I think that sets some, perhaps some precedence that we don't want to be going down in terms of future -- future activities.

Related to that, I think it's very important to recognize that the County, in essence, would be in competition -- would be competing for farmland that farmers might be interested in acquiring. It's tough enough for farmers to acquire affordable farmland here on Long Island. And for the County to be a player in that I think only sets back the farming community and is, again, not a good thing for the business of farming.

I also have a very strong level of discomfort seeing that the parcel, assuming it were acquired, would become part of the Parks Department's repertoire and inventory and it would be used for so-called active recreational purposes as is denoted at least three, four times in the IR itself. Granted, the equine use that is being proposed is under Ag and Markets Law permitted; however, I can just imagine as is indicated in my letter to you, and hopefully you folks will have a chance to read it, I think this sets a bad precedent that down the line, it might not be next year, it might not be five years from now -- five years from now, but perhaps down the line, it could have a very bad precedent in terms of serving as a -- as an example, as the first example, of preserved farmland being utilized for active recreational purposes.

So, again, I strongly urge you folks here at the Committee level to consider those comments very seriously because I don't think that this is the intent of the program -- of the PDR program when it was created 40 years ago. And so, again, I urge you to take a look at the issue a little bit more closely than perhaps you already have. Thank you for your attention.

CHAIRWOMAN HAHN:
Thank you. Oh, I'm sorry, Legislator Barraga had a question.

LEG. BARRAGA:
Not necessarily to Mr. Strobel. But I want to thank him for his letter, which I had an opportunity to

look over first thing this morning. And I'd like the get some answers to some of the questions that Mr. Strobel has brought up. Just, if nothing else, to sort of make him feel a little bit better in terms of what's going to happen with this particular parcel. I'd like to quote certain portions of his letter. He says: *I strong little feel that the acquisition of the 50 acre preserved farmland and its inversion to active recreation facility would be unwise since it would have long-term negative consequences on the future viability of the Farmland Preservation Program.*

He also quotes the statute in terms of the amendment to include commercial equine operations and he says: *However, it is equally not unreasonable to predict that intensive uses of the parcel would quickly be at odds with the intent of an regulations governing the Farmland Protection Program. For instance, it is not difficult to imagine the desire for parking, food concessions, bathroom facilities, offices and other intensive infrastructure needs. Also, one can presume that there would be significant removal of topsoil from the preserved farmland to install roadways, horse corrals, show rings and trails. If such development -- activities were allowed to occur on the preserved farmland, what example and precedent would the County be setting for other owners of preserved farmland. As it is right now the committee is facing increasing challenges with respect to the types of activities that some farmland owners want to conduct on preserved parcels.* It says: *The Committee needs to carefully consider the potential ramifications that such a purchase would have on the Farmland Preservation Program as a whole and offer thoughtful input to County staff of the Legislature.* Is there someone here from the administration --

CHAIRWOMAN HAHN:
Tom?

LEG. BARRAGA:
-- that would like to sort of deal with some of the issues that Mr. Strobel brought up?

CHAIRWOMAN HAHN:
Tom this -- sorry, I'm sorry, Legislator Barraga, this -- we are going to be voting on this. Would you mind if we held -- we do have another card. This discussion is probably appropriate when the bill comes before us.

LEG. BARRAGA:
We've already gone through this. Why don't we just deal with it?

CHAIRWOMAN HAHN:
We have another speaker waiting and so we are actually --

MR. NOLAN:
Take it right after the speaker.

CHAIRWOMAN HAHN:
Right. We are going to take it out of order immediately after this one speaker. Allan Dorman. Sorry, I'm not reading your handwriting.

MAYOR DORMAN:
Tom, you can have my time if you want it.

LEG. BARRAGA:
No, that's all right.

MAYOR DORMAN:
My name is Allan Dorman, I'm the Mayor of Islandia. Thank you very much for giving me the opportunity to speak here.

I did attend the CEQ meeting yesterday. And I found it very interesting. And I could tell you that the CEQ made no recommendations because they felt that there wasn't enough information. The owner is stabling more horses than permitted by code and the fact that there are other uses going on that are not currently permitted by zoning. So these were their concerns among other concerns, which you're going to see in the minutes, and you're going to see when they give you their comments. And they had valid concerns just like the Village of Islandia has a valid concern.

There is no way, and I've been a Mayor nine years, and I have had a lot of applications in front of me, and there's no way that I would even address an application if they were not conforming -- conforming to the codes and the zones of the Village. Why would I even entertain that? And legally I don't have to. And I've turned down application because they did not conform to the codes and the zones. And I would tell them straight out, get it all straightened out, the zoning, the codes, work with our people on the planning, work with our people in the Building Department and then come to us, okay, and have an environmental impact study when you come to us with the application, which didn't happen here either. Then we're going into SEQRA. Then we'll see about the, you know, about the environmental impact. But there's a step in the process of planning.

Now I went -- you know, I didn't know anything about this before I became the Mayor so I am not an engineer, I'm not some high-tech guy, I'm just a regular guy who ran for Mayor and happened to win. Okay. And for the past nine years I get certified in this and that just to the keep myself attuned to what's going on. And I have to tell you, this is going backwards, this is not following the procedure that any municipality would follow. Okay. It's zoned agricultural because that's our zone. We created that. The Town of Islip created that. When we incorporated as a Village, we took that zoning with us. Okay. Having 25 horses is not fair to the horses. That was brought up yesterday. That was a big concern of theirs. Our zoning is half acre, one horse. That means they have 14 horses, no, they have 25. They service 300 to 400 people a week. This is through their own admission, 300 to 400 people a week. They don't have one ADA bathroom. They don't have a curb. They don't have drainage. They don't have a sidewalk. They don't have handicapped parking. So when you take somebody out of a handicapped vehicle and put them in a wheelchair, what do you do, push them through the mud? There are laws that we have to live by, there are zonings that we have to live by and codes that we have to live by and you know that. Villages become incorporated for one main reason: They want to protect their zones and their codes. They don't want people coming in putting high-rises. They don't want people come in and doing other things to their community.

I hear the little buzzer going on, so I'll wind up by just saying this -- this here -- this is a medical facility running an illegal operation on an agricultural-zoned property. That's what this is. This has nothing to do with farming, nothing to do with agriculture, this is an illegal business working in a zone that they shouldn't be working in.

CHAIRWOMAN HAHN:
Mr. Mayor, the Presiding Officer has a question for you.

MAYOR DORMAN:
Sure. Yes, sir.

P.O. GREGORY:
Hi, Mr. Mayor. Thank you for coming here.

MAYOR DORMAN:
Thank you.

P.O. GREGORY:
I'm familiar with this property I grew up literally right around the corner.

MAYOR DORMAN:
In Islandia?

P.O. GREGORY:
Yeah, I grew up right on -- down Suffolk on Miller Avenue, three quarters of a mile from that. I'm 45. I can't remember a time when there wasn't a horse farm there, maybe when I was very, very young, you know, my time there predates even the incorporation of the Village.

MAYOR DORMAN:
Right.

P.O. GREGORY:
So is there -- was there a change in the code or the laws that didn't exist for the -- and I imagine that the farm was there even before I was born. I don't know if it's the same -- same people.

MAYOR DORMAN:
No, they own --

P.O. GREGORY:
It's certainly been a farm.

MAYOR DORMAN:
They own the property.

P.O. GREGORY:
But my point is, you know, I'm 45 it's, you know, I've lived in that community, you know, my parents still live there. So at least 40 years there's been a farm that I'm aware of. I imagine that there -- it predates that there's been -- it's been a farm. Why now is it the operation there illegal when for decades it hasn't been illegal? I'm trying to understand.

MAYOR DORMAN:
Right. It's not -- it's not that simple.

P.O. GREGORY:
Okay.

MAYOR DORMAN:
Okay. It's not like all of a sudden somebody rode down the block and said, *hey, look what they're doing, you know, let's make them conform.* It's not that simple. They leased the property from Computer Associates at one time. And this has been a gradual phase-in period for them. They have their business and they're good at it. And I'm not even qualified to tell you whether what they do is good or bad. It looks good. It likes like they do good work, okay. Gradually they just overgrew their property. They overgrew their purpose, okay, and now you're seeing this massive medical thing going on and so --

P.O. GREGORY:
What medical thing is that?

MAYOR DORMAN:
Well, because you're doing physical therapy. You have three physical therapists working for you. You have people handicapped, coming there and getting physical therapy, you know, either with the

horses or whatever, I don't understand the whole medical end of it, but you're having all of this done and you don't have the facilities to accommodate these people. And then three to 400 people a week are going in there through their own admission.

Then you have expansion problems, concerns. You go on their website, they'll tell you blatantly they have expansion, you know, plans. They're going to take the barn, convert it into a treatment center, you know, and that was brought up yesterday, that was brought up yesterday. What happens to the 25 horses when you convert the barn into a treatment center? Well, I guess you have to build another barn now. You know, the property could only sustain so much.

That property has been there a long time. I'm out here 35 years, okay, and it's been there. Now CA owned it and they used to lease it out, they leased it to various people. These owners have been there for a while and if I'm not mistaken probably nine, ten years or something like that. You know, and then they finally purchased the property. All good and well, everything's good, okay, but they have to conform to the codes of the municipality and they haven't done that. They haven't done that at all. They lost a dome.

P.O. GREGORY:
So have they -- I assume you're saying they haven't complied with the codes so they've been given violations or at least notice of violations.

MAYOR DORMAN:
Excuse me, sir?

P.O. GREGORY:
So they've been given notices of violation.

MAYOR DORMAN:
They've been served with notice of violation. No response.

P.O. GREGORY:
When was that? Is that recently? Has that happened a year ago? How long have they had --

MAYOR DORMAN:
The latest one was, it looks like, 5/6/14. They had 20 days to respond.

P.O. GREGORY:
Okay.

MAYOR DORMAN:
They haven't responded. We tried through attorneys, their attorneys, to try to get some dialogue going to no avail.

P.O. GREGORY:
How many violations have they received? Or when -- I guess when, I should ask, when did they start receiving violations, not really the number, but when?

MAYOR DORMAN:
No, no, they have a warning of -- they have a warning of violation building and zone code that was given to them on 5/6, this is the latest and greatest, 5/6, 20 days.

P.O. GREGORY:
Where I'm leading is, okay, they've been, you know, 5/6 is their first violation, obviously they need an opportunity to respond or to correct.

MAYOR DORMAN:
Right.

P.O. GREGORY:
But if they've been receiving violations for the past two years and they haven't been responsive that's another story, that's, you know, you're just ignoring the process.

MAYOR DORMAN:
In the Village of Islandia we don't like giving out violations, I'm going to tell you right now, that's my honest opinion, okay. I approach things in a different way. I try to work with people and I give them more than an arm's length to try to get them to do the right thing with our residents and businesses in the area.

For the past year-and-a-half since they lost their dome from Sandy, I'd say year-and-a-half, two years, we've been trying to work with them, they wanted to put a new one up, it didn't conform with heights. We told them they had to go to ZBA, they went to ZBA, they did get that. All this about, I say the past year-and-a-half close to two years that we've been working with them to try to get that end of it, you know, taken care of to the point I even had engineering companies that we used as consultants do pro bono work for them to try to help them to get the design right, the height, the width, all the things that they need. Okay, so we've been working with them I'd say a year-and-a-half, two years on a personal level trying to get this corrected, everything corrected, but there's a process.

P.O. GREGORY:
Right.

MAYOR DORMAN:
They have -- on their property they didn't have -- on their CO they didn't have I'd say half of the -- the objects on their property wasn't on the CO. We had to take the time, my building inspector with other people, spend the money to work with them and their engineers and these people, you know, get all this going here to have their CO reflect exactly, you know, what they have on their property.

P.O. GREGORY:
Okay. So--

MAYOR DORMAN:
So working with them is not a problem. The problem is they can't continue to operate illegally on this property. It's zoned agricultural and they're running a medical facility here. We need ADA bathrooms. We need parking, we need handicapped parking. You need drainage, you need all this stuff.

P.O. GREGORY:
Okay.

MAYOR DORMAN:
And that's where we are now. And we're willing to work with them on this, but when you talk about expansion concerns on their web, on their webpage converting the barn, they have -- it's in place, it's already drawn up. It's not. Nothing came to us.

P.O. GREGORY:
So obviously you're not against the therapeutic, you know, things for the -- for the horses.

MAYOR DORMAN:
No.

P.O. GREGORY:
But you had alluded to earlier that, and this will be my last question Madam Chair, that they're doing physical therapy for individuals as well.

MAYOR DORMAN:
It's on their website.

P.O. GREGORY:
Okay. All right.

MAYOR DORMAN:
Go on their website. I had eight months of physical therapy. I know all about that stuff.

P.O. GREGORY:
Yeah, me too.

MAYOR DORMAN:
I had an injury myself. So I'm not, you know, I don't look forward to any of that. I understand what they're doing to a degree. I'm not an expert, they have to conform. That's the problem. That's why they didn't give you a SEQRA determination yesterday because they looked at it more or less the way that we look at it; conform and then let's move on.

P.O. GREGORY:
Okay, thank you.

MAYOR DORMAN:
Thank you. Thank you very much for your time. I appreciate it.

CHAIRWOMAN HAHN:
Okay. That was the last speaker who filled out a card. Is there anyone else in the audience who would like to speak? Seeing none, we will close the public portion and move onto our agenda.

And at this time I was remiss, I was supposed to mention earlier that Legislator Muratore has an excused absence today so he's not with us. Thank you. Do we have time for -- to take 1491 out of order? No? No?

MR. VAUGHN:
No, let's do it.

CHAIRWOMAN HAHN:
Let's do it? Okay, I will make a motion to take 1491 out of order.

LEG. KRUPSKI:
Second.

LEG. BARRAGA:
Second.

CHAIRWOMAN HAHN:
We have a second. All those in favor? Opposed? Abstentions? 1491 is before us. And we can always pass on if we need to and come back to it but let's get it started. And we have a motion.

For purposes of discussion I'll make a motion to approve. ***1491 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Active Recreation/Hamlet Park/Historic and/or Cultural Park component - for the North Fork Preserve, Inc. Property North Fork Preserve IV - Town of Riverhead - (SCTM No. 0600-021.00-01.00-001.004). (Co. Exec.)*** And I'll make a motion.

LEG. BARRAGA:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Anker, on the motion we have Director Lansdale. And when you need to step out we understand that, so.

DIRECTOR LANSDALE:
Thank you. I'll just briefly go through -- a rating sheet has been distributed to all Members of the EPA Committee. It received a score of 44 points out of 100. It is -- the property is 50 acres in size. There are no structures on the site. The development rights to the property are presently owned by Suffolk County. The County acquired the development rights for farmland purposes on October 31st of 1991. And the use of the farm PDR must be according to Chapter 8 regulations of the Suffolk County Code. Chapter 8 is the -- is the code -- is the set of laws that oversee the County's purchase of farmland development rights. The proposed acquisition is for the underlying residual title -- fee title of the subject property for active recreational purposes. The overall concept of the acquisition is to create an equestrian facility in conformance with Chapter 8 known as the North Fork Preserve Equestrian Center with corrals, stables, paddocks and an indoor arena for County residents to utilize. And there is attached a concept plan that has been developed with the County Parks Department.

The site is located adjacent to the active recreational portion of the 302 acres of the North Fork Preserve property, which was recently acquired by Suffolk County as farmland. It did, as I said, receive 44 points for its location along a historic corridor; its ability to adequately accommodate the proposed use, it's accessibility to the public and for having a proposed use that will not compromise the environmentally sensitive features on the property. It has community support and provides a recreational opportunity in an area that is deficient of such a use. And it received points for its size and its location adjacent to County parkland.

CHAIRWOMAN HAHN:
Legislator Barraga.

LEG. BARRAGA:
Just very quickly, Commissioner, did you have an opportunity to take a look at Mr. Strobel's letter?

DIRECTOR LANSDALE:
I did receive a copy of it as we walked into the meeting.

LEG. BARRAGA:
Some of it I just just went over.

DIRECTOR LANSDALE:
Yes.

LEG. BARRAGA:
He has certain concerns. And do you wish to elaborate on that to put him at ease?

DIRECTOR LANSDALE:
Sure. The concept plan was -- was developed with the Parks Department along with the County Economic Development and Planning Division. And specifically the concept plan that's before you today is developed in accordance with all of the rules and regulations of Chapter 8. The lot coverage size, all of that, is in conformance with Chapter 8.

LEG. BARRAGA:
I guess he was concerned about possible future development of the parcel in terms of parking and food concessions and bathroom facilities and that type of thing being placed on the property. Is there any intention of doing any of that?

MR. VAUGHN:
Legislator Barraga, thank you very much for the question. We'll have the Parks Department, if it's the will of the Committee, come up here in just a moment.

CHAIRWOMAN HAHN:
Yeah, I think that's a good idea they should prepare --

MR. VAUGHN:
Sure. But I would -- but I would just say that the first thing I would refer to is the eighth RESOLVED clause in the legislation, which specifically sites the adherence to the Chapter 8, and I would also say that while I understand the concern, and I think that those are valid concerns that he raises, one of things that I would hope that would put Mr. Strobel at ease a little bit is the fact that we cannot develop all 50 acres of this parcel into, you know, a Disney World of horse adventures, so to speak. We -- it has to be limited to a very small portion of the property. I believe it's ten acres and I can have Parks come up here and verify that, but it -- it would be limited to one.

DIRECTOR LANSDALE:
And because it is in our County Farmland Development Rights Program, any development would have to receive a permit from the County Farmland Committee. So I am the Chair of that committee and then there are other members non-County employee members, farmers, who are members of that committee.

LEG. BARRAGA:
He also questioned the concept of the simple fee title and its potential implications. You want to elaborate on that? Is he right? Is this something unique? Is it an anomaly that we haven't done before?

DIRECTOR LANSDALE:
His letter is correct in pointing out that this is the first time the County is -- that this proposal, this kind of proposal, this structure, is before the Committee for the Legislature's consideration.

LEG. BARRAGA:
Because he indicates that, at least from his point of view, it's a bad precedent that could lead to eventual conversion of preserved farmland to alternative uses, namely passive or active recreation and/or passive open space. Is his conclusion based on this procedure accurate?

DIRECTOR LANSDALE:
Well, I would say that the -- as Tom Vaughn mentioned in the eighth RESOLVED clause, it does say that this property needs to be developed in accordance with Chapter 8. So I certainly respect the opinion of Herb Strobel but think that it's -- it's not --

LEG. BARRAGA:
Not accurate for this particular parcel.

DIRECTOR LANSDALE:
It's not accurate for this particular parcel because --

LEG. BARRAGA:
Could this procedure be used by others as a precedent for them to implement alternatives for their properties in the future?

DIRECTOR LANSDALE:
No. This -- again, it's -- this parcel is in our County Purchase of Development Rights Program. We have policies and procedures that need to be adhered by all -- all owners of property including the County in order to develop it. It needs to receive permits for any development as defined in Chapter 8.

LEG. BARRAGA:
Thank you.

CHAIRWOMAN HAHN:
Can we bring up the Parks Department? It might be a good time for them to tell us a little bit about the plans and if they don't mind coming forward.

LEG. KRUPSKI:
(Inaudible)

CHAIRWOMAN HAHN:
Sure. And Legislator Krupski would like to make a comment.

LEG. KRUPSKI:
The Suffolk County Farmland Committee does vet these applications for any kind of use. I found them to be -- to be thorough and to be pretty consistent and to look at not only what's in front of them but the history of the parcel and the history of the surrounding farmlands so I think that they do a pretty fair job.

CHAIRWOMAN HAHN:
And also because you're going to -- and this maybe is more directed at Tom Vaughn or maybe Bob Braun but because we're going to be developing it in accordance with Chapter 8 really any farm that -- the development rights are purchased could convert over to this type of use if they chose to do so under Chapter 8 whether or not the full fee was purchased. It could -- this is a -- a use that's allowed. Correct? Do you get what I -- understand what I'm getting at?

MR. BRAUN:
Yes, the Chapter 8 and the State Agriculture and Markets Law permits equestrian uses. Our own Chapter 8 is a little more restrictive than the State law and that's what applies here. But the underlying owner or even a tenant of a farm on which we have already purchased the development rights is free to develop their property in accordance with Chapter 8.

CHAIRWOMAN HAHN:
Right.

MR. BRAUN:
And this is a, you know, a permitted use under Chapter 8. This is very unusual, though, because nobody else would be able to buy the development rights and then buy the underlying land other than the County. So to answer Legislator Barraga's question I think he was asking, nobody else could avail themselves of owning both because the County is the one who buys the development rights, not a private owner. So in order to get everything under one umbrella, it would only be the

County that could do that.

CHAIRWOMAN HAHN:
Legislator Krupski.

LEG. KRUPSKI:
Actually, if I may, any municipality could. And that was one of the concerns.

MR. BRAUN:
Well, under our program if we've purchased the development rights, we own them; and then whoever buys the land is subject to that. If we're the one buying the land, then we're subject to it.

LEG. KRUPSKI:
Right.

MR. BRAUN:
If there was a Farmland Preservation Program by a village or a town, certainly they could also own both but that would be independent of what the County is doing.

LEG. KRUPSKI:
Exactly. No, no, that's my point. It would be -- it's -- but it's a parallel circumstance.

MR. BRAUN:
It might be parallel, yes.

LEG. KRUPSKI:
So one of the concerns brought up in the letter is a concern that other people have brought to me in that the land stay in agriculture in perpetuity. And that somehow -- somehow, you know, over the course of time it gets -- that gets eroded and that's the concern. So if there was some provision in the wording that would allow it for the -- and I know there has been provision put in here.

MR. BRAUN:
Yes.

LEG. KRUPSKI:
To allow for it to be used either directly or through a third party properly contracted to be used in agricultural production in the future.

MR. BRAUN:
That's correct.

LEG. KRUPSKI:
I'm not talking about today. I'm not talking about ten years from now. I'm talking about 50 years or a 100 years from now, that this -- that this parcel -- if the equestrian use as proposed, and we've got the map here with the -- and I do have some questions to the Parks Department later on about the plan -- but this as proposed, the equestrian center, for whatever reason in 50 years from now, when we're all still here sitting around the table that it doesn't -- it's not happening anymore, the barn's fell down, there's no interest in horses, whatever happens, that this could go back into a different form of agricultural production and it doesn't become -- and it doesn't become like in the sixth RESOLVED active rec so someone's going to say, *oh no, you know what, 50 years we're going the put in ballfields there* and it doesn't become just an overgrown pasture and say, *well, the County owns it, it's in the Parks Department, now we can't -- no, you can't farm it, it's going to have to be overgrown property and we can't use it for agriculture.* And that's -- that's the concern.

MR. BRAUN:
The Parks Department -- I mean, once we put it in Parks, it has all the restriction that Parks has so -- but it's subject to Chapter 8 regardless. So if the Parks Department wants to establish, for example, an educational farm, a place where people are taught agriculture, taught farming or they want to continue this equestrian use or they want to do some other thing on that property irrespective of what it -- that it's in the Parks Department, it still has to comply with Chapter 8. And that's why I think why that RESOLVED clause, which specifies that, was added to this resolution.

LEG. KRUPSKI:
But in the unlikely scenario in the future that the County has no money, I know, I'm going off -- way off the --

MR. BRAUN:
Who could imagine that?

LEG. KRUPSKI:
And the County doesn't have a money to develop it into an equestrian use or maintain it or run it as an educational facility, then it could be rented out for agricultural production under the then current Ag and Markets, New York State Ag and Markets and the then current Chapter 8.

MR. BRAUN:
Well, it would be -- it would be two things at the same time. On the one hand it would be restricted to that agricultural use under Chapter 8. On the other hand, if it was rented out to a commercial operator, it would be an alienation of parkland and we'd have to approach it as that process. As you know you can't just use dedicated parkland as a commercial operation. So one way or another that would be an issue to be addressed at that time.

LEG. KRUPSKI:
But why couldn't it be addressed now in a resolution saying that it could, in fact? Because, I mean, in my experience a municipality can -- if it's worded at the outset, can say at some point, sell date, the residual land to a private property owner, in this case the 50 acres.

MR. BRAUN:
In -- unless it's dedicated parkland. And that's what this would be at the same time.

LEG. KRUPSKI:
Why? So, legally --

MR. BRAUN:
You can declare property surplus. It can be sold to anyone at that point.

LEG. KRUPSKI:
No, no, I'm saying in the resolution not to declare it surplus but just to say that at some point -- in some point in the future it can be sold as farmland. And even if it's in or maybe not in the Park system, that's not I'm not quite -- you know, I'm not a lawyer, I don't understand --

MR. BRAUN:
I don't think we've looked -- I'm sorry to interrupt. I don't think we've looked at that. I don't know if we could say now that we're going to have it managed by our Parks as part of this larger park and at the same time say that it's not going to be subject to the alienation restrictions on parkland in the future.

LEG. KRUPSKI:
What is -- what is the resolved clause mean then when it says -- RESOLVED clause number eight

where it says that *the County shall operate the subject premise either directly or through a third party properly contracted.*

MR. BRAUN:
In the same way that we can have a vendor operate a concession stand or a vendor, I mean, even for example in this equestrian use, it's possible that an adjoining private property owner may be the operator of our active equestrian center. I don't believe the Parks Department has personnel that are -- or maybe I'm mistaken, Commissioner, do we have personnel that could give riding lessons and so forth?

COMMISSIONER DAWSON:
(Shaking head no)

MR. BRAUN:
So it would be subcontracted out. But that would still be to operate our park.

LEG. KRUPSKI:
So wouldn't that also mean that you could operate it as Ag land under Chapter 8 for any kind of commercial agricultural operation?

MS. FISCHER:
No.

MR. BRAUN:
I don't think so.

LEG. KRUPSKI:
See that was -- that was what I was led to believe that it could be rented out. Because if you rented it out for someone for a commercial operation under the equine Ag and Markets definition, then why wouldn't you be able to rent it out to anyone to do some sort of other economic or horticultural commercial operation?

COMMISSIONER DAWSON:
(Inaudible)

MR. BRAUN:
If they are going to use the land and they're going to derive the profit from it and merely pay us rent, I think that would violate the terms of the money that we are using. This is Quarter Percent Drinking Water money, active recreation, that's being used to purchase this underlying fee. I don't think that we could then turn around and rent it to somebody who's going to, you know, grow crops and realize the profits on that.

COMMISSIONER DAWSON:
If I could jump in?

LEG. KRUPSKI:
(Inaudible)

CHAIRWOMAN HAHN:
Well, can I just ask one quick question? Are the improvements planned in the Capital Budget?

COMMISSIONER DAWSON:
The actual stable itself?

CHAIRWOMAN HAHN:
All the things you want to do on this, are they in the Capital Budget?

COMMISSIONER DAWSON:
For this ten acres or for the --

CHAIRWOMAN HAHN:
For this, the plan that you have for the equestrian property, is it in the Capital Budget?

COMMISSIONER DAWSON:
Planning money is. Construction money, I think the intent is to go out for an RFP to have a private -- a private concession built and manage and maintain it. I think the issue between allowing private farming and equestrian use is there has to be some type of public benefit. And there is a public benefit in having an equestrian center adjacent to a 300 acre property.

CHAIRWOMAN HAHN:
I just kind of think -- because I just kind of think Al is onto something in terms of -- does it have to be dedicated? I mean, I know that's what we were kind of were just getting at, but did you -- I mean, this resolution does that. But if this resolution was amended so that we own the underlying rights but don't dedicate it as farmland until -- parkland -- sorry -- dedicated as parkland, is there a way to get around that or you have to investigate that?

MR. BRAUN:
I think -- I think we're using -- the source of the funding for this requires that this be preserved property, that it be parkland.

COMMISSIONER DAWSON:
If I could jump in here, I don't think the intent in that eighth RESOLVED was to rent it out to another farming-type use. I think it was to have somebody like, like we have an agreement with -- at Froehlich Farms, it was an organic farm working over there that they donate the crops to local charitable groups or work with Cornell to do educational programs, I think that's what they're referencing when you say into a third party agreement. I mean, obviously our first choice is to develop as an equestrian center. But if for some reason that should fall through, this is the -- this is the next use that we we'd like to -- we'd like to have, we don't see it, we don't see us renting it out to a private -- to a private farmer.

CHAIRWOMAN HAHN:
The next use was what? I'm sorry.

COMMISSIONER DAWSON:
I'm sorry.

CHAIRWOMAN HAHN:
The second, plan B, was what?

COMMISSIONER DAWSON:
It was to enter into -- enter to an agreement with a third party similar to like a Froehlich Farms or similar to some of the agreements that we in place right now with Cornell Cooperative or groups like that. To use it as agriculture -- agricultural use, not necessarily equine use, which is actually the same.

CHAIRWOMAN HAHN:
And that can -- that can be done on parkland? I'm very confused right now, I'm sorry.

LEG. KRUPSKI:
So on parkland you're saying you could rent it out for a commercial horse boarding operation under Ag and Markets Law, but you can't rent it out to a commercial -- any other commercial agricultural operation under Ag and Markets Law.

COMMISSIONER DAWSON:
I'm sorry, can you just rephrase that again?

LEG. KRUPSKI:
You're saying as parkland you can rent it out for a commercial horse boarding operation under Ag and Markets Law, but you can't rent it out for any other agricultural use under Ag and Markets Law.

COMMISSIONER DAWSON:
It would have to be for the -- it would have to be for some public benefit is the bottom line. And if we could figure out how to rent it to a private farmer and get public benefit out of it I guess you could, I don't know how you do that.

CHAIRWOMAN HAHN:
Anyone else have any questions? Anyone? Anyone? Okay. Is there more that you'd like to say? Tom Vaughn. Legislator Krupski has another question.

LEG. KRUPSKI:
I do have a question about the proposed facilities, the corrals, the manager's office, the maintenance building. What's a maintenance building? What does that mean?

MR. GIBBONS:
Let me just start by qualifying this document that this was prepared for the presentation we brought to the Farmland Committee. It's not an application at this time. It was really brought to them as a courtesy so that I could better understand number one Chapter 8; and number two any concerns they might have with such a proposal. So I wouldn't give too much credit to this conceptual plan other than to say these are placeholders subject to change once we have selected an operator to run the concessionaire.

So, that being said, I did a little bit of research into how we could best lay out the property to provide amenities that would be consistent with such an operation. I have no personal experience with an operation like this myself; however, based on some communication I had with our other operators, as well as some additional research, I came up with this proposal.

So the maintenance building just would be -- and I have square footages for each of these. I'm working with Planning. I got a better understanding for what constitutes development or not. Just so happens this property happens to be 50 acres subject to final survey, maybe plus or minus 50 acres. That's important because it means we can develop anywhere from five acres to 6.25 acres of the entire 50-acre site. So that's an outstanding unknown for me at this time. Regardless, I think what we have proposed here is roughly 3.25 acres of development in terms of square footage. The maintenance building is -- I have the individual dimensions, but I just envision that as a -- not necessarily heated interior space for maintenance for equipment, storage, what have you. The manager's office would be an on-site, I think, it's 50 by 50 or so, structure to run the operation out of; May or may not have a public restroom in there. The maintenance building, at least a portion of it, can be repurposed for a public restroom. The indoor arenas are of comparable equal size, at least in this case, and then you see the stable, to the north of that all making use of preexisting cleared and disturbed areas and not at this time, though it wouldn't be prohibitive to do so, we could clear additional acreage to the north of where the stable is currently located for that -- for additional agricultural use all subject to the Chapter 8. Are you that interested in the square footage of those?

LEG. KRUPSKI:
No, thank you.

MR. GIBBONS:
Okay.

LEG. KRUPSKI:
I have a question for Janet Longo if she could answer. And just could you describe under Chapter 8 how this would be -- you know, what's the difference between the Chapter 8 and the Parks and who would have precedent over activities there?

MS. LONGO:
Well, we already own the development rights on this property, so it must comply with Chapter 8 no matter what. That's in perpetuity. Whoever owns the underlying fee the property has to comply with the Chapter 8. So I think the concept with the County purchasing this to add to the 300 acres of half active recreation, half open space in this proposed campground, the concept is we would buy the underlying fee, create this equestrian center, buy a lease agreement, I think like we do with all our concessions, like the Beach Hut at all the ocean beaches and things like that, they would develop it and it would still have to comply with Chapter 8 as an equestrian use does.

The question you were asking before about, you know, leasing it out for some other kind of use, you know, I don't know if we could do something with Cornell or if we could lease it out at some point to the, what are they, the neighborhood farms, things like that, I mean, we could think of all kinds of agricultural uses that we could create on this property if the equestrian center didn't succeed.

LEG. KRUPSKI:
So there's two things then. So, one, you're saying that Chapter 8 would have precedent over, and say in 50 years the Parks Department says I want to put a Ferris wheel up there because, you know, we like Ferris wheels now, so Chapter 8 would -- would be able to control that --

MS. LONGO:
Absolutely.

LEG. KRUPSKI:
-- the size and type of Ferris wheel.

MS. LONGO:
We purchased those development rights in perpetuity.

LEG. KRUPSKI:
Okay. So what you said about renting it out for -- this is my point about the commercial lease: The Parks owns property, and you rent out to vendors, you rent out to restaurants, and you rent out to bars, you rent out to other vendors on Parks' property for commercial purposes. Why would it be different than saying we could rent out to a legitimate agricultural operation on Parks' property?

MR. BRAUN:
Excuse me. I think the difference is, Legislator, that if it's for -- if we're just leasing the land and the operator is producing the crops, selling them, keeping the profits, there's no public benefit attached to that, that would be prohibitive as a park property but you could have -- you could engage Cornell or somebody else like that to operate an educational farm and have students come and learn how to farm and so forth. There's a public benefit to that, that would be consistent with both Chapter 8 and with the Parks' preservation of the property. So we would be limited in the future not to rent it out merely as a profit making business to somebody else where we're just a landlord, but rather in the operation of our parks for a public benefit.

LEG. KRUPSKI:
Then you have to -- I'm sorry, I do not understand, what's the public benefit of leasing it -- leasing part of Parks' property for someone who can sell beer to the public over someone who can produce food for the public? I'm not sure what -- where do you draw that line of saying I'm going to lease it out to a vendor who's selling beer? That's the public benefit, but I can't lease it to someone whose going to produce food.

MR. BRAUN:
The concession stand at a public park is for the convenience of the park's patrons. Producing food on that land is not for the convenience of the park's patrons. It doesn't do -- you know, unless it's handed to them directly, it's for the economic benefit of the -- of the tenants. It's a matter of what interest you're trying to serve. As I said, the concession stand is to make it convenient for people who come to our parks to help them enjoy them. And a lease where we're acting merely as a landlord does not in and of itself provide a public benefit.

LEG. KRUPSKI:
Mr. Dawson, I'm not sure if I -- I kind of agree with it where you draw that distinction between public benefit as far as leasing land for a commercial enterprise.

COMMISSIONER DAWSON:
Again, it falls down to what the public -- our concessionaires are in our parks and our beaches and our golf courses. I don't think we have any property where we just lease it out and the public -- you know, a bakery or a deli or something like that, everything -- everything is associated with another active recreational use. I can't think of any -- any other situations if you can. I can't think of any.

LEG. KRUPSKI:
I'm just -- I'm just trying to reconcile taking preserved farmland and keeping it as farmland and saying if at the last -- kind of at the last resort, if the County is going to use it as active -- if the County's not going to run it as active farmland, then it'd be kept as active farmland.

COMMISSIONER DAWSON:
As per Chapter 8 we have to do that, we're committing to do that. I mean, whether it's now or 50 years from now, unless the laws somehow change, I mean, we're going to be on the hook to keep it as -- to keep it as -- as agricultural use.

LEG. KRUPSKI:
I understand that. So what is your plan? So, say that the -- in 50 years this doesn't happen. What is your plan? And under Chapter 8, Janet's going to come and look at it and say *look, three years have gone by and it's not an active farmland*. What is the Parks plan to do something about that and to keep it an active farmland so it complies with the County's Chapter 8 regulations?

COMMISSIONER DAWSON:
I think whoever the Commissioner is 50 years from now is going -- is going to be under the same -- the same legislation laws that I am. I mean, I don't want to speak for somebody 50 years out, but, I mean, we have a plan if we do not get -- if we do not get a concessionaire in there for equestrian use, we're going to solicit other not-for-profit groups to utilize the facility to farm it, be it Cornell, be it a group similar to what we have over at Froehlich Farms or possibly, you know, allowing space for local residents that -- to put their own gardens in, like community gardens. I mean -- and there are a number of different things that we can do if we don't get the equestrian use, but obviously first and foremost that's what we're looking for.

LEG. KRUPSKI:
I just don't understand why we're hung up on not-for-profit groups. Why it couldn't be -- and like I

said, like where we rent to vendors in other parkland, why you wouldn't just rent it out to --

COMMISSIONER DAWSON:
I'm going to leave that up to the legal guys.

LEG. KRUPSKI:
And even if you said, I'll rent it out to farm operation if they have a farm stand and make that produce available to the park -- park patrons. Same as you'd sell beer or peanuts or whatever at a beach, you could sell, you know, zucchini and tomatoes at a park.

COMMISSIONER DAWSON:
I don't know if I'd necessarily preclude that one hundred percent but, I mean, when we're talking about alienation that's -- that's a legal issue, I'm going to leave that up to legal department, but there's differences between lease agreements and license agreements and how we rent stuff. So, could it happen? I guess, we would just have to get passed that alienation issue. And again, you know, the difference between lease and license.

CHAIRWOMAN HAHN:
What happens -- didn't we just change Chapter 8 so that if someone is not actively farming on the property we have -- there's a fee that's collected or they're fined or something like that? That may be to Sarah -- I'm sorry, Sarah, I'm not sure if you heard. Chapter 8 was recently changed so now there's a requirement that the property is farmed continually. And if it remains fallow for a certain number of years two, three, then, what happens?

DIRECTOR LANSDALE:
Then there are fines that are issued.

CHAIRWOMAN HAHN:
And who collects the fines?

DIRECTOR LANSDALE:
The County.

CHAIRWOMAN HAHN:
And what happens to those fines? Do they -- are they used for something in particular or do they go into the General Fund?

DIRECTOR LANSDALE:
I would have to explore that question in greater detail with the County Attorney's Office.

CHAIRWOMAN HAHN:
So I guess we wouldn't fine ourselves, huh? *(laughter)*. Okay.

DIRECTOR LANSDALE:
Just to reiterate that this would be -- this would be under the rules of Chapter 8 so we would follow them as if it was any other property in our Purchase of Development Rights Program.

CHAIRWOMAN HAHN:
Okay. Any other questions?

LEG. KRUPSKI:
So, this will go to public hearing?

CHAIRWOMAN HAHN:
No, this is for a vote. This is before us at the moment.

LEG. KRUPSKI:
But it will be debated at the meeting next week.

CHAIRWOMAN HAHN:
At the General Meeting.

LEG. KRUPSKI:
The General Meeting.

DIRECTOR LANSDALE:
General Meeting; yes.

CHAIRWOMAN HAHN:
If it passes out of this.

LEG. KRUPSKI:
Could I get clarification on -- on my question about how it could be -- it could be used? And also how the -- also how it's going to be policed by the County internally, the three years go by, what's going to happen? And I would think that Parks would have a plan to keep it in -- in compliance with Chapter 8 and New York State Ag and Markets.

MR. VAUGHN:
Yes, we can do that.

CHAIRWOMAN HAHN:
And it would also be valuable to see if there is an alternative way, even if it means amending the resolution, but if there is an alternative way to buy it and add something to the resolution that would allow it to be farmed in the way described.

MR. VAUGHN:
Legislator Hahn, thank you very much. Our desire here today would be to see this resolution progress to the full Legislature for the June 3rd meeting. And part of the reason why we would like to see it progress is that we've already -- we've already held it up as we -- internally to try and iron out some of these issues. And if there are other questions that need to be addressed, such as the ones that you're raising, we would we happy to do so in the time between this meeting and the General Meeting on June 3rd.

CHAIRWOMAN HAHN:
Yeah, I don't know -- yeah, I mean, I think we're agreeable to that but I warn you, you should have those answers for the June 3rd meeting --

MR. VAUGHN:
And I certainly understand that.

CHAIRWOMAN HAHN:
-- and proceed there.

MR. VAUGHN:
And one of the people that we had working on this to try to address some of these concerns was Jill Rosen-Nikoloff, who unfortunately was unavailable today.

CHAIRWOMAN HAHN:
Okay. Okay we have a motion and a second. All those in favor? Opposed? Abstentions? It is approved. **APPROVED (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE).**

TABLED RESOLUTIONS

Under Tabled Resolutions**, *Introductory Resolultion 1034 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Farmer property Town of Brookhaven (SCTM No. 0209-027.00-02.00-031.000). (Browning)*** I'm going to make a motion to table.

LEG. ANKER:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Anker.

LEG. KRUPSKI:
I'm sorry, which resolution?

CHAIRWOMAN HAHN:
1034. All those in favor of tabling? Opposed? Abstentions? 1034 is tabled. **TABLED (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)**

Introductory Resolution 1311 - Authorizing Suffolk County to enter into an Intermunicipal Agreement thereby creating the Peconic Estuary Protection Committee. (Co. Exec.) And I hope we're doing this today. I'll make a motion to approve.

LEG. KRUPSKI:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Krupski. Do you want to -- since we had been tabling this -- if you would like to come forward, Mr. Braun, and just confirm for us that we're all straightened -- it's all straightened out.

MR. BRAUN:
Yes, we had some issues with the draft of the agreement between all of these municipalities, which was attached to the resolution. We haven't changed the resolution at all but we have corrected some errors or some bumps in the road, if you will, in that agreement. And I believe you now have attached the revised proposed agreement. And we thank you for your indulgence while we were doing that.

CHAIRWOMAN HAHN:
Legislator Krupski.

LEG. KRUPSKI:
Thank you. I'm sure this will give the towns great comfort to know that the County's behind it.

MR. BRAUN:
Absolutely.

CHAIRWOMAN HAHN:
Does anyone want to hear a description of the agreement? I think we had -- did we have an overview of that previously? I believe here -- maybe if you want to give us a --

MR. BRAUN:
Very briefly. It's an intermunicipal agreement between the County, a number of towns and a number of villages in which we're going to -- representatives will be named and assigned to the committee and they will discuss the way in which they can collaborate in making applications for grants and other sources of funding for protection of the Peconic Estuary. This is not an agency. We're not creating a new -- it's merely a committee. And the agreement also provides for funding, approximately 25% of which is going to be provided by the County with a limit of $25,000 and each of the other municipalities a smaller amount. Those exact percentages will be adjusted based on how many members are in the committee each year. Any member can resign from the committee at any time or, you know, for the following year. But basically it's to get together and coordinate activities in terms of looking for Federal and State money that can be used to protect the Peconic Estuary.

CHAIRWOMAN HAHN:
Okay, thank you. Legislator Krupski.

LEG. KRUPSKI:
Thank you for working on this. And this is -- this is kind of what Fred Thiele said with the five East End towns, like five children in a bathtub, when one does something it affects them all.

MR. BRAUN:
(*Laughter*). That's probably, right.

LEG. KRUPSKI:
That's Fred's line. I can't take credit for that. But it's -- but it's true and it's better -- you know, there's so many issues facing Peconic Bay. And if you look at the way the different towns operate, it's better to have them in one room at one table and then if they say, *well, you know, this is a Health Department issue*, they can -- they can address it there. If they say *it's an issue with New York State DEC* they can address it there. And at least they can address things as one voice as a region a lot -- a lot more effectively. So, thank you.

MR. BRAUN:
It's our pleasure.

CHAIRWOMAN HAHN:
Thank you. We have a motion and a second. All those in favor? Opposed? Abstentions? **1311 is approved. (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)** Onto introductory resolutions.

INTRODUCTORY RESOLUTIONS

IR 1457 - Appointing Sarah S. Anker as a member of the Suffolk County Soil and Water Conservation District. (Pres. Off.)
LEG. KRUPSKI:
Motion.

CHAIRWOMAN HAHN:
Motion by Legislator Krupski, second by myself.

LEG. ANKER:
I have to recuse. Right?

MR. NOLAN:
Abstain.

LEG. ANKER:
Abstain.

CHAIRWOMAN HAHN:
All those in favor? Opposed? With one abstention, it is approved. **APPROVED (VOTE: 4-0-1-1 - ABSTENTION: LEG. ANKER - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)**

Introductory Resolution 1458 - Appointing Albert Krupski as a member of the Suffolk County Soil and Water Conservation District. (Pres. Off.) I'll make a motion to approve; seconded by Legislator Anker. All those in favor? Opposed? Abstentions?

LEG. KRUPSKI:
Abstain.

CHAIRWOMAN HAHN:
With one abstention, Legislator Krupski. It is approved. **APPROVED (VOTE: 4-0-1-1 - ABSTENTION: LEG. Krupski - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)**

Introductory Resolution 1466 - Appropriating funds for the purchase of equipment for the Environmental Health Laboratory (CP 4079). (Co. Exec.) I'll make a motion to approve, seconded by Legislator Krupski. All those in favor? Opposed? Abstentions? **1466 is approved. (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)**

Introductory Resolution 1484 - Further strengthening the land acquisition process. (Krupski)

LEG. KRUPSKI:
I'll make a motion to table.

CHAIRWOMAN HAHN:
Motion to table by Legislator Krupski.

LEG. BARRAGA:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Barraga. All those in -- on the motion, Legislator Krupski.

LEG. KRUPSKI:
This is basically just to have a better analysis of when we buy public space to have either the Department of Public Works or Parks or both take a look at the whole cost of any kind of improvements whether it's drainage, fencing, parking, cleanup, any kind of environmental analysis that would require more money from the County in conjunction -- that everything should be considered in the purchase price up front. And I'm still getting comments in from various County departments. I look forward to those comments and so I was -- I was -- I'd like to table just because I'd like everybody's input before we move forward this forward. Thank you.

CHAIRWOMAN HAHN:
Excellent. We have a motion to table and a second. All those in favor of tabling? Opposed? Abstentions? **1484 is tabled**. **(VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)**

Introductory Resolution 1489 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Barbanell property - Dwarf Pine Plains - Pine Barrens Core - Town of Southampton - (SCTM No. 0900-307.00-03.00-005.000). (Co. Exec.) I'll make a motion to approve.

LEG. ANKER:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Anker. On the motion, if the Department would like to comment on any of these. I believe we have them all in our e-mails.

DIRECTOR LANSDALE:
This is part of the Pine Barrens core. It's located north of Old Country Road east of Speonk-Riverhead Road south of Sunrise Highway and west of Old Riverhead Road. It's probably easier to locate that on the map that's provided, in the Halmet of Westhampton in the Town of Southampton. The property is 0.23 ares in size. There are no structures on the site. The site is located within the Pine Barrens core, the central Suffolk SGPA and hydrogeologic zone three, which is the deep aquifer recharge area. The property is surrounded by County parkland with a -- with a globally rare dwarf pine plains woodland community. The property is located adjacent to other County parkland properties within the dwarf pine plains County nature preserve assemblage where the County currently owns more than 1800 acres of parkland. The property has not been rated because it's located within the Pine Barrens core area. So this resolution is before you with a total purchase price of $8,650, which I'm quoting from the first RESOLVED clause.

CHAIRWOMAN HAHN:
Excellent. Thank you. It sounds like it's an important piece of this assemblage that we are trying to complete here in the Pine Barrens core. Any questions? Okay, we have a motion and a second. All those in favor? Opposed? Abstentions? **1489 is approved. (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)**
Introductory Resolution 1490 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Boom Development Corp. Property - Town of Riverhead (SCTM No. 0600-017.00-01.00-001.001). (Co. Exec.)

LEG. KRUPSKI:
I'll make a motion.

CHAIRWOMAN HAHN:
Motion by Legislator Krupski, seconded by Legislator Anker. On the motion, Department.

DIRECTOR LANSDALE:
Thank you. This is -- this Introductory Resolution authorizes the purchase of development rights for farmland for this parcel, which totals 14.74 acres. The property's located north of Sound Avenue in the Hamlet of Riverhead, Town of Riverhead. It was previously approved for planning steps under Resolution 204 of 2011 for Hamlet Park use. Subsequently, Resolution No. 699 of 2013 approved appraisal steps for the purchase of development rights of this farmland property under the farmland component of the Drinking Water Protection Program rather than the Hamlet Park component. The

agricultural crop that is grown on the subject property is rye.

On July 23rd of 2013 the Farmland Committee determined according to Chapter 8 the application met the two criteria necessary for consideration outside the annual review period. At that July 23rd meeting of the Farmland Committee the Farmland Committee recommended to the County Legislature acquisition of part of this property for inclusion into the County Purchase of Development Rights Program. The parcel received a score of 13 out of 25 points on the County farmland rating sheet. A rating score of 10 points or higher has generally been used as the standard minimum threshold for recommendation. Happy to answer any questions.

CHAIRWOMAN HAHN:
Legislator Krupski.

LEG. KRUPSKI:
I would just like to thank Planning and Real Estate both for their work on this parcel. As you can see, this parcel has a substantial history behind it. It actually could rate higher, I think, it could -- it's inclusion in an Ag district would give it, which it certainly would qualify for, would give it one more point, but I think more significantly, because it's part of the Sound Avenue corridor of that active farmland, it would probably -- could probably rate a little bit higher. It's a parcel that the community would like to see preserved as farmland; that the Riverhead Town would like to see as farmland. And it's a pretty straight up purchase of PDR on active farmland.

CHAIRWOMAN HAHN:
Can you explain one more time how this fit into the new Triple A Program? This was not included in that. Like it came before it or --

DIRECTOR LANSDALE:
Janet, do you want to answer that question?

MS. LONGO:
I'm sorry.

DIRECTOR LANSDALE:
The Triple A Program, how this fit into the Triple A Program.

MR. BRAUN:
If I'm not mistaken, this piece was originally approved under the Old Planning Steps Program.

CHAIRWOMAN HAHN:
That's all I wanted.

MR. BRAUN:
Yeah. And then it was withdrawn from the Hamlet Parks segment and moved over to the Preserved Farmland segment so it had -- but it had already been approved to be looked at under the former Planning Steps Program.

MR. NOLAN:
I just thought the Director said there was an appraisal steps resolution at 2013?

MR. BRAUN:
I believe that's what she said, yes.

MR. NOLAN:
I mean, that was because -- the new appraisal was because the program changed?

MR. BRAUN:
Well, the new -- because we were no longer -- we were no longer buying the whole thing. We were only going to buy the development rights. So we needed to have the appraiser look at it from that perspective.

MS. LONGO:
We were already in contract with him.

CHAIRWOMAN HAHN:
Okay.

MS. LONGO:
Under the --

MR. BRAUN:
Right.

MS. LONGO:
For the active rec.

CHAIRWOMAN HAHN:
Got it. Okay. Right that makes sense.

MS. LONGO:
We were in contract and then the program changed.

CHAIRWOMAN HAHN:
Right.

MS. LONGO:
We had gotten new appraisal because then he wasn't sure to stick with the --

CHAIRWOMAN HAHN:
Okay. Thank you. Okay, that's the detail we needed. Thank you very much. Okay, we have a motion and a second. All those in favor? Opposed? Abstentions? It is approved. **APPROVED (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE).**

And we already passed **1491**.

Introductory Resolution 1493 - Authorizing the inclusion of new parcel(s) into existing Certified Agricultural District(s) in the County of Suffolk - 2014 (SCTM No. 0300-166.00-04.00-001.004) - Darryl Glennon. (Co. Exec.) And this needs to be tabled for public hearing.

DIRECTOR LANSDALE:
That's right. Resolutions 1493, 1494, 1495, 1496, 1497, 1498 and 1500 need to be tabled because they need a public hearing at the June 3rd meeting.

CHAIRWOMAN HAHN:
So I'll make a motion to table, seconded by Legislator Anker. All those in favor of tabling 1493? Opposed? Abstentions? 1493 is tabled. **TABLED (VOTE: 5-0-0-1 - NOT PRESENT: LEG.**

MURATORE - PO GREGORY INCLUDED IN VOTE)

IR 1494 - Authorizing the inclusion of new parcel(s) into existing Certified Agricultural District(s) in the County of Suffolk - 2014 (SCTM Nos. 0400-203.00-02.00-051.001 - Guido F. Foglia Trust & Dinah L. Foglia Trust and 0400-203.00-02.00-051.003 - Lawrence P. Foglia and Heather Forest). (Co. Exec.) Same motion, same second, same vote. **TABLED (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)**

IR 1495 - Authorizing the inclusion of new parcel(s) into existing Certified Agricultural District(s) in the County of Suffolk - 2014 (SCTM No. 0504-004.00-01.00-016.000) Pal-O-Mine Equestrian, Inc.. (Co. Exec.) Same motion, same second, same vote. **TABLED (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)**

Introductory Resolution 1496 - Authorizing the inclusion of new parcel(s) into existing Certified Agricultural District(s) in the County of Suffolk - 2014* (SCTM No. 0600-098.00-01.00-016.005) - Edward Partridge. (Co. Exec.) Same motion, same second, same vote. **TABLED (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)**

Introductory Resolution 1497 - Authorizing the inclusion of new parcel(s) into existing Certified Agricultural District(s) in the County of Suffolk - 2014 (SCTM No. 0900-051.00-02.00-005.010) - Channing Daughters Winery LLC. (Co. Exec.) Same motion, same second, same vote. **TABLED (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)**

Introductory Resolution 1498 - Authorizing the inclusion of one new parcel (SCTM No. 0600-058.00-02.00-014.003) - Redwood Farm and Stable, LLC) and the disapproval of another parcel (SCTM No. 0600-076.00-02.00-012.001) - Kenneth Kaufold - into existing Certified Agricultural District(s) in the County of Suffolk - 2014. (Co. Exec.) Same motion, same second, same vote. **TABLED (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)**

And ***Introductory Resolution 1500 - Authorizing the disapproval of a new parcel for inclusion into an existing Certified Agricultural District(s) in the County of Suffolk - 2014 (SCTM No. 0600-021.00-01.00-003.000) - MF & LK Holdings LLC. (Co. Exec.)*** Same motion, same second, same vote. **TABLED (VOTE: 5-0-0-1 - NOT PRESENT: LEG. MURATORE - PO GREGORY INCLUDED IN VOTE)** They were all tabled.

At this time, we will be going into an Executive Session to review the appraisals of proposed acquisitions pursuant to the requirements of the Triple A Program so I'll make a motion to go into Executive Session.

LEG. BARRAGA:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Barraga. All those in favor? Opposed? Abstentions? We will be in Executive Session in the back and we will reconvene when we are done.

I think we're going to hold the Executive Session here so that if people would like to review the maps on their computers, they could do so. So we need to clear the room and shut off the microphones, please. We will have members of the staff with us, BRO, Planning Department, sorry, BRO staff members for any Legislators that need to be here, but the public and others need to leave. Thank you.

(*Executive Session: 11:53 AM - 12:59 PM*)

CHAIRWOMAN HAHN:
Welcome back. Okay, okay. The Committee has approved the following parcels as priority parcels to be included in the Procedural Resolution for our general -- next week's General Meeting: the parcel owned by Irene Vitti, the parcel owned by Gustave and Carol Wade, the parcel owned by John Sepenowski and the three Stanley Cichanowicz parcels in the Town of Riverhead.

So that is all the business before us. With that, we are adjourned. Thank you.

(*The meeting was adjourned at 1:00 PM*)

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