

ENVIRONMENT, PLANNING & AGRICULTURE COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A meeting of the Environment, Planning & Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on July 18, 2016.

MEMBERS PRESENT:

Legislator Kara Hahn, Chairperson
Legislator Al Krupski, Vice Chair
Legislator Sarah S. Anker (excused absence)
Legislator Thomas Muratore
Legislator Robert Trotta
Legislator Bridget Fleming

ALSO IN ATTENDANCE:

George M. Nolan, Counsel to the Legislature
Amy Ellis, Chief Deputy Clerk/Legislature
Laura Halloran, Budget Review Office
John Marafino, County Executive's Office
Lauretta Fischer, Department of Planning
Janet Longo, Real Property Acquisition & Management
Walter Dawydiak, Division of Environmental Quality, Health Department
Christina Capobianco, Deputy Commissioner/Health Department
Jen Culp, Suffolk County Department of Health Services
Justin P. Jobin, Environmental Projects Coordinator/Health Department
Bill Hillman, Suffolk County Department of Public Works
Michael Pitcher, Director of Communications/PO
Alyssa Turano, Aide to Legislator Hahn
John Stype, Aide to Legislator Krupski
Robyn Fellrath, Aide to Legislator Anker
Lauren Auerbach, Aide to Legislator Muratore
Greg Moran, Aide to Legislator Trotta
Elizabeth Sutton, Aide to Legislator Fleming
Michael Kaufman, CEO
Dave Schwartz, Newsday
Eva Growney, Council on Environmental Quality
Andy Freleng, Suffolk County Planning Department
John Corral, Suffolk County Planning Department
Lee Snead, Esq.
Robert Carpenter, Long Island Farm Bureau
Melanie Cirillo, Peconic Land Trust
Regan Meador
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Diana Flesher, Court Stenographer/Kim Castiglione, Leg. Secretary

THE MEETING WAS CALLED TO ORDER AT 10:04 AM

(The following was transcribed by Kim Castiglione, Legislative Secretary)

CHAIRPERSON HAHN:

Good morning. Welcome to the Legislature's Environment, Agriculture and Planning Committee -- Environment, Planning and Agriculture Committee. If we could all rise for a Salute to the Flag led by Legislator Fleming.

SALUTATION

PUBLIC PORTION

Thank you. Legislator Anker has an excused absence this morning. And we will begin -- do we have any correspondence? I don't believe so. Okay. Public Portion. We have a number of cards. The first speaker is Lee Snead. Come on up to the podium. Hi, Lee.

MR. SNEAD:

I'll waive.

CHAIRPERSON HAHN:

You'll waive? Okay. Did you know you had two cards?

MR. SNEAD:

Yes, I had two applications.

CHAIRPERSON HAHN:

You actually can only have one, but you're waiving them both. So we don't have as many cards as I thought we did. Regan Meador, come on up. You can stand at the podium. Just make sure that the green light is on on the microphone and then you will have three minutes, if we find the timer. You can begin.

MR. MEADOR:

All right. My name is Regan Meador. I'm a proprietor at a small -- what was a small winery, or is still a small winery called Southold Farm and Cellar on the East End in Southold. I just wanted to come before this group and kind of just explain to you guys that we're asking to have our parcel, which has been merged with our farmland, to be added to the Ag District. I know there's been some confusing things. We've been through quite a bit in the last year, two years almost and, you know, we're trying to find our way forward and everything like that.

I do want to come and say that, you know, we are -- we do have intentions and we are currently farming throughout our parcels. I'm using the parcel that we live on and that is asking to be added in. It's the only parcel or the only way legally that we can get into our property right now. We don't have any fences but that fence. We do all of our staging there. I mean, you know, as far as agriculture definitions go and things like that I don't know what else you need from us. And also as far as the barn is concerned there is talk -- we're discussing, in fact, using it again as a farmstand. So, you know, I suppose with this being added into the Ag District, you know, it allows for two different things for us as you know. The assessment gets decided by the Tax Assessor, and that's not something that we're even necessarily interested in. It's the protection by Ag and Markets that we're hoping to have, and if what we're doing is considered agriculture and if Ag and Markets does

want to support that, then I don't know why we shouldn't have that support, or at least have the opportunity to it if what they've decided isn't -- if what we're doing isn't agriculture then they can decide not to support it. And it doesn't change anything.

Sorry I don't have, you know, more, you know, proper notes, that this is kind of a new thing for us. That's kind of the point that I wanted to get across, is that we're here and we're still trying to figure things out in the next steps out and kind of keep this going, keep this parcel going in agriculture.

CHAIRPERSON HAHN:

Thank you for being here. We, you know, we very much appreciate that you are trying to keep the agricultural piece to that parcel. We will be getting to this. It may take quite some time before we get to actually vote on this today, this is number 1525, but I do know that the agriculture -- the Farmland Committee had recommended its inclusion and that's a good first step. Thank you. Anyone have any questions? Okay. Thank you very much for being here.

MR. MEADOR:

Thank you.

CHAIRPERSON HAHN:

The next speaker is Melanie Cirillo, followed by Rob Carpenter.

MS. CIRILLO:

Good morning, Legislators. I'm Melanie Cirillo, the Director of Conservation Planning from Peconic Land Trust. The resolution I'm speaking about today is in regard to alternative energy uses. Peconic Land Trust has always approached land use by looking at the land. Each individual parcel has its own set of unique features. Farmland has the ability to grow food, support livestock as well as equestrian and nursery uses. It should not be taken out of production for alternative energy uses. There are other more appropriate industrial or commercial properties that could support this very important industry. Capturing the sun's energy is better than burning fossil fuels, but not at the expense of all the benefits of farmland that it provides, specifically the crop's ability to capture carbon from the atmosphere. And even woodland has to be evaluated. We don't support the cutting down of forests so that alternative energy can be installed. So we really believe you have to analyze the land and just evaluate the best use and the best location for alternative energy. Thank you.

CHAIRPERSON HAHN:

Thank you very much. Rob Carpenter.

MR. CARPENTER:

Good morning. Thank you for the opportunity to speak to you today. I'm here to address two very brief subjects. The first one is IR 1479, which is the proposed solar on the County Farm. Long Island Farm Bureau, as I testified at the last Legislature meeting, I just wanted to reiterate my comments that Long Island Farm Bureau is opposed to this legislation. We feel that siting or alienating farmland through the Preservation Program is a very bad precedent and we're very, very concerned about this moving forward. We would appreciate you giving it very serious thought before you start opening up the can of worms for alienating any type of preserved land for any other use other than what it's intended for.

Please understand that we're not opposed to solar and we're not opposed to solar on farmland, we just feel that this is setting a very bad precedent going forward into the future, and in particular when all of the sites around the County facilities have not been fully vetted yet and given the opportunity to see if there is other places within that area that could be sited.

The other thing I'd like to come out is in regard to Mr. Meador's Ag District application, and I wanted to let you know that we are very supportive of that and we hope that you would consider that for inclusion in the Ag District. We know that there are some conflicts with regards to this particular parcel, however, the Farmland Committee and the Farm Bureau both believe that these parcels are worthy for inclusion of the Ag District and are very supportive. Thank you.

LEG. FLEMING:

Madam Chair.

CHAIRPERSON HAHN:

Legislator Fleming.

LEG. FLEMING:

Good morning, Rob.

MR. CARPENTER:

How are you?

LEG. FLEMING:

Could you just talk a little bit about the concerns with the Meador application?

MR. CARPENTER:

Sure. So at the last Legislature hearing, Mr. Meador's neighbor got up and spoke regarding the size of the parcel and the fact that she did not deem that there was any agricultural activities going on there. It's been the position of Ag and Markets, and I did not bring the particular reference with me, but in our opinion any residence that is included within the farm parcel itself can be deemed as an agricultural use. Many farmers use their houses for office space and/or doing business.

Additionally, they do park farm vehicles and store farm equipment within their yard, so this definitely is a continuation of traditional agricultural practices, even though currently it may seem that it's just a residence with a barn on it. The idea that a farmer could utilize their residence or property absolutely to us should qualify as agricultural use and therefore would be or should be extended the privilege of being in the Agricultural District.

LEG. FLEMING:

So was this discussed at Farmland Committee already?

MR. CARPENTER:

Yes, it was.

LEG. FLEMING:

And approved by the Farmland Committee?

MR. CARPENTER:

Yes, it was.

LEG. FLEMING:

Okay. And the parcel that you're talking about that has a residence on it also has a barn on it?

MR. CARPENTER:

That is correct.

LEG. FLEMING:

And does the barn support the ag use of the other parcels?

MR. CARPENTER:

It can depending upon the use. We believe that whether it's a place for retail or a place for storage of equipment or any type of situation that would assist the farm property, in our minds absolutely should be included.

LEG. FLEMING:

But was there representation at Farmland Committee as to the use of this barn was intended to be put to? Is it a tasting -- is it going to be a tasting room or is it going to house equipment.

MR. CARPENTER:

It currently is a tasting room, and I believe going forward the intent is for it to be a tasting room.

LEG. FLEMING:

And it's Long Island Farm Bureau and the committee's position that that would be supportive of the ag use.

MR. CARPENTER:

I can't speak for the Farmland Committee, but from Farm Bureau's perspective, yes.

LEG. FLEMING:

Okay. Thank you.

CHAIRPERSON HAHN:

Any other questions for Mr. Carpenter? Seeing none, thank you.

MR. CARPENTER:

Thank you very much.

CHAIRPERSON HAHN:

That was the last card that I was given from the Clerk. Was there anyone in the audience who would like to speak today that has not yet? Any other speakers? I'm sorry, but you already spoke so you can't speak again.

MS. CIRILLO:

I can't?

CHAIRPERSON HAHN:

No, I'm sorry. That's just the rules. Okay, seeing none, we're going to move on to the agenda, or the rest of the agenda. Oh, we are going to take just a few items out of order, appointments, so folks don't have to wait through the Article 19 presentation if you don't mind.

So I guess we'll start with -- I'll make a motion to take ***IR 1490, Appointing member to the Council on Environmental Quality (Robert N. Carpenter, Jr.) (Krupski)***, out of order.

Seconded by Legislator Muratore. All those in favor of taking it out of order? Opposed?

Abstentions? IR 1490 is before us. So Introductory Resolution 1490, appointing member to the Council on Environmental Quality, Robert N. Carpenter, Jr. Mr. Carpenter, if you'd like to come up again. You can either stay at the podium or sit down at the table.

MR. CARPENTER:

I'm happy to stay here.

CHAIRPERSON HAHN:

You're comfortable there? Okay. You know how to use that mike? You're good. Okay. This is for the Council on Environmental Quality. So tell us a little bit about yourself, although some of us know you very well.

MR. CARPENTER:

Sure. So my name is Rob Carpenter and I am the Administrative Director of Long Island Farm Bureau. I've been with Farm Bureau for 31 years in various roles and have vast experience within the agricultural industry on many different levels from understanding land use to environmental uses on farmland in addition to understanding about different regulatory agencies and how they function within the farm community.

I also serve on many other different committees and boards. Of note I happen to sit on the League of Conservation Voters Board. I am involved in the Public Policy Committee of the Peconic Land Trust, and also Chair of the Suffolk County Soil and Water District. I don't know if there's anything else of relevance.

CHAIRPERSON HAHN:

Anyone else have any questions? No questions? Legislator Muratore, no questions?

LEG. MURATORE:

I'm good.

CHAIRPERSON HAHN:

Okay, we're good. Okay. So we'll need a motion. I guess I didn't make a motion.

LEG. MURATORE:

Motion.

CHAIRPERSON HAHN:

Motion by Legislator Muratore and seconded by Legislator Krupski. All those in favor? Opposed? Abstentions? **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**. Rob, you usually don't have to come before the full Legislature, so you don't have to worry about coming on Tuesday.

MR. CARPENTER:

Thank you very much.

CHAIRPERSON HAHN:

Thank you. The next one I'd like to take out of order is Introductory Resolution 1505, reappointing a member of the Council on Environmental Quality, Eva Growney. Eva, if you'd like to come -- you can have a choice. You can either stand at the podium or you can sit down if you're more comfortable sitting.

MS. GROWNEY:

I'll stand. Thank you, Kara. I'll stand, it's okay.

CHAIRPERSON HAHN:

Thank you.

MS. GROWNEY:

Thank you so much.

CHAIRPERSON HAHN:

How are you? I made a motion to take this out of order. I need a second.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski to take it out of order. All those in favor of taking out of order? Opposed? Abstentions? It is before us. So I'll make a motion, **1505**, a motion to approve ***Reappointing member of the Council on Environmental Quality (Eva Growney)(Hahn)*** *****Recommitted to committee on June 21, 2016*****.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. And so on the motion. Hello. Welcome.

MS. GROWNEY:

Good morning. I know that you may have some questions for me. I'm happy to be here. I just want to make a couple of comments. I've been very happy to have served on this really important board for ten years, and I really -- it's been a great honor for me, and so I certainly hope that you will see that it's important for me to stay on the board. If there is any questions you have -- I think that my resume was passed around.

Just so you know, I can give you a couple of highlights. Suffolk County had given me 5,000 acres of the Hubbard County Park and the Smithers Park to do an environmental study for which I received a grant from the American Institute of Architects National to do this study over the course of a year and worked with Stony Brook's Southampton Campus, on which we did a couple of three day long weekends doing the environmental study.

I have a long history involved with preservation and conservation going way back, in particular I ran the renovation of Carnegie Hall, which was to preserve the existing building. I have a very -- locally, out in the Hamptons, I helped to save what's called the Babinski Farm in Sagaponack, which had a viewshed, the last viewshed over two roads going to the ocean, which otherwise would have been -- had a whole bunch of houses on it. So we were able to save that and get the houses to one side.

Those are some of the, you know, to me key highlights, but I've also been an environmental architect since around 1984 when I worked with Bill Chaleff, who's renowned out in the Hamptons for being the solar architect, if you will. So I've done passive solar projects and active solar projects and I have a great respect for that whole venue when it's done in a comprehensive way that is appropriate for the particular conditions that are before the situation.

I went to Rhode Island School of Design. I have a degree in Architecture and Fine Arts from there. And I don't know if there's any other key highlights. I've been practicing for, you know, 35 years or more out in the Hamptons.

I do have -- there's one thing that's maybe not appropriate to my reappointment, but I did want to leave this with you because it was Leigh Foster, who's part of the Foster Family. I didn't realize you were closing that section. She asked that this letter be given to the Legislator. She wanted somebody to read it. I said I wasn't sure if I was the appropriate person to read it. I could either read it for you or give it to somebody else to read.

LEG. FLEMING:

I would like to hear if it's short.

CHAIRPERSON HAHN:

It's not about the appointment.

LEG. FLEMING:

It's not about appointment.

MS. GROWNEY:

No.

CHAIRPERSON HAHN:

Make copies.

MS. GROWNEY:

Okay. Thank you. Thank you for circulating that. I appreciate it. Do you have any questions for me?

CHAIRPERSON HAHN:

Legislator Trotta. And then Legislator Fleming and then Krupski.

LEG. TROTТА:

How often does this board meet?

MS. GROWNEY:

I'm sorry. I didn't quite hear the question.

LEG. TROTТА:

How often does this board meet?

MS. GROWNEY:

We meet once a month.

LEG. TROTТА:

And what do you do?

MS. GROWNEY:

Well, we review all the projects that the County has put before itself to act upon and, you know, we are a board of residents of Suffolk County. We're not paid by the County. We are independent and we are also -- we have no allegiance to anyone, any organization or anything. We're there to do the job of reviewing in-depth the projects that come before us and to work on whatever we might think, you know, might need a full SEORA review or not, or if there's an EIS that's going to be needed. Those are the kinds of things that we --

LEG. TROTТА:

Are you happy with the results of your recommendations to the County? Have they been responsive to your --

MS. GROWNEY:

To my personal results or the result of the --

LEG. TROTТА:

The board.

MS. GROWNEY:

I think the board is very comprehensively thinking and very careful.

LEG. TROTТА:

I'm not asking that. I'm asking are you happy with the County's response to your recommendations?

MS. GROWNEY:

Yeah. I think that we have a working relationship and that we really try to do what we feel is correct on the --

LEG. TROTТА:

Can you give me an example of something that the County proposed to you and you thought was wrong or needed to be changed and they did it?

MS. GROWNEY:

I don't think I see the County as being wrong. I think I see -- for example, there was the nursing home, the John Foley Nursing Home. That's a really good example because there was some things where they wanted to separate parts of that property for various reasons when they were looking to sell that land. So we spent time really understanding and asking a lot of questions and looking at a lot of detail and data to figure out what was our best recommendation that we can make and we made it.

LEG. TROTТА:

And what was that?

MS. GROWNEY:

Well, we didn't think it should be separated. You know, there were precedents for that particular situation.

LEG. TROTТА:

And the County under Bellone or under Levy wanted to separate it.

MS. GROWNEY:

Under Levy.

LEG. TROTТА:

Do you have an example in the past four years of a recommendation that you made to the County where they changed their mind about something?

MS. GROWNEY:

I can't recall anything at the moment, quite frankly.

LEG. TROTТА:

Thank you.

CHAIRPERSON HAHN:

Legislator Fleming.

LEG. FLEMING:

Thank you, Madam Chair. Thank you, Miss Growney, for coming in. I want to thank you as well for your ten years of service to this important committee. What is your profession?

MS. GROWNEY:

I'm an architect and I do planning and also site design work.

LEG. FLEMING:

And for how long have you been a professional?

MS. GROWNEY:

Thirty-five years.

LEG. FLEMING:

Are there any other members of CEQ that come from East Hampton or South Hampton or Shelter Island?

MS. GROWNEY:

No. I'm the only person on the East End. We have a very unique area out there which is unlike the rest of Suffolk County because it's mostly a -- well, it's a resort community. It's an active community only three months out of the year, and it's a farming and fishing community. So it's a very, you know, special place. And I remember when Jay asked me if I would be interested, Jay Schneiderman, way back when. I said I'd be happy to do that, because he knows I have a broad background on planning. And also, you know, my family in the outlands, in Ireland and Italy, I come from a farming family, quite frankly. My last name, which in Gaelic is O Gramhnaigh, which means keeper of the sheep. So it's, you know, I have a love for the land out there. And it's -- the rest of the County doesn't have as much interest, you know, in the same things that we do, and that's why it makes a balance to have somebody represented. And when Jay told me that I really felt that that was great for me.

LEG. FLEMING:

And after ten years of serving on the committee, is it your intention or desire to continue to serve? And if so, is there, you know, what is it that you want to bring to the table?

MS. GROWNEY:

It's very -- I feel really good about being able to contribute and to be involved with my community out in the East End and to bring those notes of interest to the board, and that's what I see the board does. We bring notes of interest. We express certain ideas and thoughts and we hope that they are integrated where they can be, and where they can't be then they're eliminated. So we try to be very just in how we make our recommendations, and they're only recommendations. That's all we do.

LEG. FLEMING:

And you do desire to continue to serve.

MS. GROWNEY:

Absolutely.

LEG. FLEMING:

And I so appreciate that. I would just like to note from the Charter -- before I say that, I just want to, just so the record is clear, why we're having this discussion is that we initially approved Ms. Growney's reappointment to the committee, and then at the General Meeting there was a motion to recommit because there was a concern about a single vote that was cast and some comments that you had made at the committee. So I just want to ask you briefly about that in the context of really

appreciating your ten years of service. How many applications do you consider, you know, every meeting? Like I'm just trying to get a sense of over your ten years of service how many votes or recommendations you might have participated in, just generally.

MS. GROWNEY:

Oh my God, you know, I don't pay attention to the numbers, so many. But we have the -- probably we're reviewing at least maybe as many as three or four projects at a session, plus all the recommendations that the Planning Department has put together. We vote on those to go through.

CHAIRPERSON HAHN:

We have John Corral here and Andy Freleng from the Planning Department if anyone has questions specific to CEQ. They actually came prepared to give a presentation, but George wasn't sure that was, you know, completely necessary. But if anyone has questions about CEQ itself, you know, they are here to answer that.

LEG. FLEMING:

Well, that's great to know. I think just based on Miss Growney's response you can probably say that there -- that you have participated in hundreds of applications and made recommendations, and if I'm incorrect about that I would appreciate if the Planning representatives would correct me after we're finished talking.

I just wanted to note from the Charter, if I could just read from the Charter on the purpose of the Council. "The Council's primary responsibilities include providing advice and assistance to any department, board, commission or agency of Suffolk County Government on the implementation of and compliance with the State Environmental Quality Review Act," we know it as SEQRA. "In addition, the Council may make recommendations to the County Legislature and County Executive as to what County owned properties should be dedicated to the County, Nature Preserve or Historic Trust, and what properties not owned by the County should be acquired for purposes of dedication. The Council also serves an important role examining developments in the County that are likely to have an impact on the quality of the environment." Is that consistent with how you see your role on the committee?

MS. GROWNEY:

Exactly. I think our whole thing is about the environment and what we can do to better keep -- protect it in whatever way we can in making recommendations, because that's all we do is make recommendations. I will say we work -- when the people come up and make presentations to us we try to work with them. We ask them a lot of questions, we say okay, can you do a little bit of this, a little bit of that to make it -- to tweak it a little bit. And generally things work pretty well that way.

LEG. FLEMING:

The discussion in support of the motion to recommit, and by the way, I believe I voted against the motion to recommit, included concern that that the application was not -- was not voted on with regard to SEQRA, but that the committee asked for additional -- well, actually that was the only concern that I remember. I don't want to speak for my colleagues, but since they're not here I figure we should probably make that clear that there was a concern that there was no action taken and so the application was delayed. And I just wanted to ask you, Eva, what your thoughts were with regard to that, whether you supported this so-called delay or what was behind the fact that there was no vote taken on the SEQRA impact.

MS. GROWNEY:

You know, to be honest with you, I don't work in the County at all. I don't really understand -- or let's say it this way. I don't really get involved with all the inner workings of the County because I don't see that as part of my role in any capacity. My role only is to work on the CEQ and to review

what comes before us, ask as many questions as we can to try to get clarity to make whatever is going forward, you know, has comprehensive, you know, workability to it. So whatever the inner goings on are, that's between all of you. I don't, you know, I don't really go there to be honest. It's, you know, it is what it is and I take it for what it is, and I'd just like to move on and --

LEG. FLEMING:

Sure. If I may just to clarify. My question really was for what reason was it adjourned, for what reason was there not action taken. I believe you --

MS. GROWNEY:

You mean on the CEQ?

LEG. FLEMING:

That's right. Did you -- I believe you may have wanted additional information. I'm not sure why -- I just want to make sure that I understand from your perspective why there was no action taken at CEQ when this application was recently considered.

MS. GROWNEY:

Okay. So specifically I can only speak for me, and that's -- I think there were a lot of questions we had on what really was going forward and there was no one there to really give us in-depth information. When we have -- usually when there's such a big potential project coming up there is a group of people who have worked on that project who can come forward and answer the questions we have. There was nobody there to really answer those questions.

LEG. FLEMING:

So was it adjourned for more information?

MS. GROWNEY:

Yeah, essentially for more information so we really understood before we -- we don't just want to make a decision on something that we don't fully comprehend.

LEG. FLEMING:

Okay. Thanks. I don't think I need to belabor this, but just one last question.

CHAIRPERSON HAHN:

One last question.

MS. GROWNEY:

Sure.

LEG. FLEMING:

What, if any, compensation have you received for these ten years of service to the County?

MS. GROWNEY:

None.

LEG. FLEMING:

Thank you very much for your service.

MS. GROWNEY:

Thank you.

CHAIRPERSON HAHN:

Legislator Krupski, did you also have a question? Legislator Krupski has a question.

LEG. KRUPSKI:

Thank you. And I want to thank Legislator Hahn, because I have been attending most of the CEO meetings, because a lot of the decisions there and a lot of the agenda has to deal with East End matters and environmental matters and so it's of great interest to me, and I've gotten to see how the CEO operates. And I have come to actually appreciate how they operate, because they are very thorough and they take their -- even though it's a volunteer position, they take this volunteer position very seriously.

I've also come to have great respect for the members of the Planning staff, John Corral and Andy Freleng, because they are diligent and they are thorough and they are very professional. They have been, you know, everybody -- people talk about people in government, and they're a great example of really good people in government.

So I was at that meeting that fateful day when there was no decision made on one resolution, and it is hard to make a decision on something when you don't have enough information. And it's something that, you know, a lot of people were saying well, it's a policymaking decision. Well, no. By the County it is a policymaking decision, in the greater world, and there's a great -- there's an awful lot of people who are in land use and planning and in agriculture who are watching these decisions, but if you don't have all the information when you want to make those decisions you're really not following your due diligence. So you really should get that, you should get all the information you feel you need. So I didn't have any problem with that at all.

And it is good to have a voice, someone from the East End, even if it is from the South Fork, which is a little bit of a different world than the North Fork. I mean, you know, not worse, just different. So, you know, and I appreciate, you know, your willingness to serve on that in that capacity.

MS. GROWNEY:

Thank you very much, Al.

CHAIRPERSON HAHN:

Any other questions? Legislator Muratore.

LEG. MURATORE:

I'm good.

CHAIRPERSON HAHN:

Okay. So I was going to, but Bridget asked the questions that I needed to, so I don't think we need to belabor the point. So we have a motion and a second, correct?

MS. ELLIS:

Correct.

CHAIRPERSON HAHN:

To approve. So all those in favor? Opposed? Abstentions? It is approved. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**. So it will move forward as it had before to the full Legislature. Because of what happened at the last General Meeting, it is unusual, we usually don't require reappointments to come before the full Legislature, I just would highly recommend that you be there and we can work on taking it out of order so you don't have to stick around the whole time. But there were just so many questions that came up at the General Meeting about -- very unusual, but that particular vote, so -- and I, too, everything, you know, Legislator Krupski said I echo. I've been a member for a number of years now and I very much appreciate your service and what you add to the discussion. So thank you for all your work and I look forward to your reappointment.

MS. GROWNEY:

Thank you, Kara, very much. I'll be at the meeting. You just have to let me know when it is.

CHAIRPERSON HAHN:

Sure. Tuesday.

MS. GROWNEY:

Tomorrow?

CHAIRPERSON HAHN:

No, next Tuesday. Sorry.

MS. GROWNEY:

Thank you, everybody. I appreciate it.

CHAIRPERSON HAHN:

Legislator Fleming, one more comment.

LEG. FLEMING:

I just wanted to note that if there are any of our colleagues who have concerns about Eva's participation, that they reach out to her privately prior to the General Meeting. I just, as I said at the last General Meeting, I just don't think that questioning an individual about one particular vote after ten years of service is necessarily an appropriate thing to put someone to, calling them to the carpet at a General Meeting. I hope, ma'am, that you will not be put to that test but I suppose you should prepare yourself. I would encourage my colleagues to reach out to you beforehand. Thank you very much for your service.

MS. GROWNEY:

Thank you very much, Bridget. I appreciate that.

CHAIRPERSON HAHN:

I agree. Thank you. And thank you, John and Andy, for being here. Probably need you Tuesday, though. Thank you. I did call the vote? Yes, it's approved. Good. Okay, we're good.

Okay. There was one other that I wanted to get to before we have our presentation, and that was 1525. I'd like to take 1525 out of order. So I'm going to make a motion to take out of order ***IR 1525, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Meador Land Company, LLC (SCTM No. 1000-055.00-01.00-007.000)(Co. Exec.)***. I make a motion to take that out of order. I need a second.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Second by Legislator Krupski. All those in favor of taking it out of order? Opposed? Abstentions? Okay 1525 is before us.

LEG. KRUPSKI:

Motion to approve.

CHAIRPERSON HAHN:

Legislator Krupski makes a motion to approve and seconded by Legislator Muratore. So on the

motion, do we have -- does the Planning staff come up -- you come up for these. So this was recommended by the Farmland Committee and we do have -- some of us have maps. I don't know if you have extra maps for 1525, Lauretta?

MS. FISCHER:

We do.

CHAIRPERSON HAHN:

You do. Excellent. Thank you very much.

MS. FISCHER:

They should be on the map that I send.

CHAIRPERSON HAHN:

Okay, and folks should have in your inbox received a series of maps as well for this morning's meeting. Are we able to bring them up on the screen?

MS. FISCHER:

I have some hard copies.

CHAIRPERSON HAHN:

Those in the audience, just bear with us.

MS. FISCHER:

Okay. We have a couple of hard copies --

CHAIRPERSON HAHN:

Excellent. Can you just use that microphone for purpose of the record and the stenographer?

MS. FISCHER:

Yes.

CHAIRPERSON HAHN:

Thank you.

MS. FISCHER:

Good morning. This is the Meador Land Company LLC property.

LEG. KRUPSKI:

That's not it.

MS. FISCHER:

Oh, I'm sorry. Okay. It's not completely up there but you can see the trapezoid.

CHAIRPERSON HAHN:

Do you have maps to hand out?

MS. FISCHER:

Yes, I handed around a couple. I only have a few.

CHAIRPERSON HAHN:

Okay.

MS. FISCHER:

But anyway, this is one parcel totalling one acre of land located east of Old North Road, west of Railroad Avenue, in the Hamlet of Southold, Town of Southold. Applicant states that the property has been in active agricultural production for three to four years, and the property is being utilized for vineyard receiving and processing. Applicant states that the farm operation generates an average annual gross sales of greater than 50,000, which includes the properties adjacent to it to the south and east. The applicant has an existing vineyard operation on this adjacent parcel of which he owns, and in 1992 the town purchased the development rights to this property and it is included in Agricultural District 1.

Staff spoke with the landowner, who confirmed that a barn on the property was previously used for a farmstand and a tasting room, and the Meador's had indicated that this barn is to be utilized for agricultural storage and some processing. The Meador's residence is also located on this property. The farmland -- the Suffolk County Agricultural and Farmland Protection Board did recommend this site for inclusion. The property, although it's less than 50% of the farm is in agricultural production, the property's use is to assist and accessory to the farm to the south and east.

CHAIRPERSON HAHN:

Thank you. We have Legislator Krupski.

LEG. KRUPSKI:

I'm familiar with the area. I'll give everyone a little background. The farmland parcel in the middle next to the odd shaped home parcel there, it says Southold on it, that is like a jigsaw shaped parcel that used to be connected to the rectangle to the right of it. It's preserved by Southold Town with a town easement. The parcel, the 19 acre parcel across the street on Youngs Avenue is preserved with a town easement. At the top, and it's a different color, and I can't read it because it's in --

MS. FISCHER:

It's Suffolk County development rights.

LEG. KRUPSKI:

The County preserved that --

MS. FISCHER:

It's light green.

LEG. KRUPSKI:

-- a number of years ago and actually transferred, it was a conservation subdivision, transferred the density off of that to a small 14 acre parcel across the street. The parcel to the north or in the east is a town owned easement on 40 acres, and the parcel at the lower left hand corner is a 30 acre farmland parcel that was preserved with a town easement.

So if you look at the whole area, there's been a great deal of farmland preservation in that area. There's been a great commitment to agriculture right there. I actually have farmed a number of those parcels over the years and it's all viable farmland. So the history of this, and I farmed it before Regan and Carey came to town. So the history of this, of land preservation really and, you know, you can support it or not support it as you see fit, but there's a history here of this, when you preserve farmland doing a cutout, so you do a conservation subdivision.

If you look at the rectangle parcel below the colored parcel, that was the original cutout. And when the family owned this they sold the development rights on -- it was 18 plus 26 -- it was about 44

acres of farmland. They cut out a two acre parcel, that rectangle, and then they subdivided the two acre parcel off, and then it was sold separately. So here you have -- and this is the story of land preservation. So if you have a cutout area or reserve area, you can use it for a residence, you can use it for a bed and breakfast, a winery, a brewery, processing, retail sales. It's got all those uses in that reserve area. If it's a town easement you're very limited to what you can do. You cannot do sales, you cannot do processing. It's different than the County Chapter 8 Farmland Preservation Program, it's quite different.

So here's the dilemma, and this is why you really need both. If you have preserved land in Southold it has a certain value per acre, and it has a certain value for the uses that you can use. So you can farm it, you can produce crops on it, but you can't do sales, you can't have a residence, anything like that. So the value is quite low because most of the value has been liquidated and stripped off, the development rights were paid for by the town, and so the landowner took those as cash. So if you -- when you go to sell it, you sell it with that lower value. And if it's attached to a residential parcel, the value of some of these farms doubles because now you have a residential parcel attached to it that's worth -- because you can do all those other uses on it, depending on the size and depending on current zoning, the value almost doubles. So if someone's going to get -- try to expand an existing operation or get into an operation and they don't need a parcel that they can do all those uses, you really -- so you really need both. You need parcels that have a homestead and a building area attached to them, and you need parcels that have absolutely no other uses besides ag production. There's a need for both parcels.

In this case, the applicant has a 26 acre jigsaw farmland parcel that's been protected, and he has added to it a one acre parcel with a house, with a barn, and kind of like the business area of the operation on it. And that's why I'm supporting this, because they have joined it with this other farmland parcel, where the other parcel had been joined to it had been subdivided and off and sold, now they're reattaching a different parcel to it because that suited their needs at the time. So there's a need for both.

I know there's been a long and unfortunate history with the town and that's the way it was, you know, that's the way it had been resolved in the town, and that's certainly the town's business to control the land use on both the reserve parcel and the ag parcel, but -- so I'm not questioning that at all. But I'm just saying that there's a value in having a home parcel attached to preserved land in this case.

CHAIRPERSON HAHN:

Thank you. Were there any other questions? Legislator Fleming.

LEG. FLEMING:

So just for clarification. I'm unclear on what the barn -- the intended use of the barn is. You said that it had been used for a tasting room. I know the applicant is here. You said it had been used for a tasting room, but the representation was that it was going to be used for storage and processing and not as a tasting room? Because we heard a lot from a concerned neighbor about the tasting room use. I certainly appreciate Al's guidance on this. He certainly knows his district better than anyone else and the value of this, but I just think the record needs to be clear on what that barn is intended for. Could we call the applicant?

MS. FISCHER:

Please ask him directly. That would be most efficient, yes.

CHAIRPERSON HAHN:

Sure, we can call the applicant to come up the podium.

MR. MEADOR:

Hi, again. My name is Regan Meador, I'm the applicant, Southold Farm and Cellar. The intended use was always to be some sort of a retail space. It started off as, you know, our name, Southold Farm and Cellar, it started off we were growing wine and selling it and there was intent to do other things with it and have it as a farmstand, and we got really mucked up in all the zoning and stuff like that. And we've had some decisions happen and we've had to kind of regroup. We've kind of got knocked off of our feet, so to speak.

And so I can't say it is going to be a farmstand in full speed or we are going to try to at least explore if we can ever do a tasting room or some sort of processing on that property without a tasting room. I don't know. That's, you know, that's what we're trying to explore right now and I'm asking for help with that. You know, we're still, like I said, actively farming it and I'm still using that property activity and the barn actively. Right now it's storage because we can't operate the tasting room there as we are currently situated. But we have hopes that we can do it again or that we can at least figure out some way of building revenue back into the business.

LEG. FLEMING:

And I appreciate the need for building revenue back in the business. I think sometimes we lose sight of the fact that farming is a business and you have to meet your bottom line and make a profit. But -- so if we were to approve this then you're going to be working with the town to arrive at a permissible use?

MR. MEADOR:

Yeah, I mean, we're doing everything that we can to move forward and keep going. You know, I don't personally, I'm not crazy about our prospects because it's -- we haven't had a lot of luck or things going our way, so I'm -- there's a lot of negativity inside of me, sorry about that. But the intent is to make sure that this stays in agriculture and that even if it isn't us who has -- who owns it anymore, if we decide that we don't want to farm tomatoes because that's all we can do and sell at a farmstand, that the next people that come in can farm tomatoes and sell it out of the tasting room and have the protections that we didn't have. You know, it has always been -- we've always been very adamant about preserving the character. We renovated that house and kept it exactly how it was, and so that's always been our intent and that's what we want to continue.

LEG. FLEMING:

Thank you. I get the information -- I have the information I need. Thank you.

CHAIRPERSON HAHN:

Legislator Krupski.

LEG. KRUPSKI:

So just to be clear also, you know, the applicant does have to work with the town on any use. That reserve area or cutout, it's subject to all the local zoning and in my mind, and it's been a long debate really in town about if it's in an Ag District, if New York State Ag and Markets has any influence over local zoning and land use. You know, I don't really believe that they do. There's a relationship there. Ag and Markets has weighed in on a number of things, but I don't really -- personally I don't believe that they could trump local zoning or land use, and they might be a guidance, but they're not, you know, they're really not the authority. So in my mind this would give the regular Ag and Markets protection that most people would seek from, you know, nuisance lawsuits from dust or noise or that sort of thing.

CHAIRPERSON HAHN:

Okay. Any other questions? We have a motion and a second. All those in favor? Opposed?

Abstentions? It is approved. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

Okay. So we'll go back to the presentation. And I thank the Health Department for their indulgence. Thank you, Lauretta.

PRESENTATION

CHAIRPERSON HAHN:

Okay, if everyone can just identify yourself for the record, for the stenographer, title -- name, title, department, all that good stuff.

DEPUTY COMMISSIONER CAPOBIANCO:

Christina Capobiano, Deputy Health Commissioner.

MR. DAWYDIAK:

Walter Dawydiak, Director of Environmental Quality, Suffolk County Health Department.

MR. JOBIN:

Justin Jobin, Environmental Projects Coordinator, Suffolk County Health Department.

CHAIRPERSON HAHN:

Thank you. Welcome. Thank you. We had a small sub-committee that has been meeting with you on the Article 19 additions, changes. So, you know, the committee today is looking forward to your presentation.

DEPUTY COMMISSIONER CAPOBIANCO:

Thank you, Legislator Hahn. Thank you for forming the Legislative work group to review the newly created Article 19 of Suffolk County Sanitary Code. The meetings included not only Legislators, but also members of several town planning departments, and they provided comments and the input from the meetings was very valuable. It resulted in many good suggestions, which were incorporated into the revised Article 19 that was filed this morning with the Legislature as part of IR 1571 in new attachment A. We're here today to go over the revisions since the last time we met on June 13th and answer any of your questions. I will turn it over to Walt to go through the changes.

MR. DAWYDIAK:

Thank you, Christina. Legislator Hahn, I know you have a very busy agenda. I'm happy to give you the short summary of changes and answer questions, or if you'd like, Justin and I can walk through point by point.

CHAIRPERSON HAHN:

Let's take a poll of the committee. Do we want short or do you need point by point? I know, Tom, you were part of the committee, and Bridget, you were part of the working group and Al.

LEG. KRUPSKI:

I can't get enough.

CHAIRPERSON HAHN:

Al can't get enough of it. Rob, do you feel like you need the long version?

LEG. TROTTA:

I feel like we should have done this 20 years ago so I don't need the long version.

CHAIRPERSON HAHN:

Okay. Good.

LEG. FLEMING:

Can I just make a point for the record, too, that there has been so much discussion and these folks at the table have been so open to input and back and forth and I think it's been really thoroughly vetted over the course of the last couple of weeks, so I'm good with the shortened version for this.

CHAIRPERSON HAHN:

So for folks listening at home, for the thousands of people that are -- have their ears pinned to their speakers, do you have any kind of online summary of the full -- the longer version?

MR. DAWYDIAK:

I believe that Article 19 has been posted online as part of the attachment to the Legislative resolution.

CHAIRPERSON HAHN:

Okay.

MR. DAWYDIAK:

So that should be available for everyone and we continue to coordinate with stakeholders as we move along.

CHAIRPERSON HAHN:

And so today we are discussing amended copy as of 7-15-2006?

MR. DAWYDIAK:

Yes.

CHAIRPERSON HAHN:

July 15, 2006, so those listening at home should search -- 2016, sorry. Yeah, that was weird. So those listening at home should make sure that they're looking at that version when they're reading the document. Thank you.

MR. DAWYDIAK:

Thank you, Legislator Hahn. You should have all the documents in your possession at this point, including the latest version of Article 19, as well as an underline/strikethrough version. Justin is going to hand out a summary of the highlights of changes for your convenience. I'm just going to hit on a few of the key points.

Legislator Hahn and Fleming, as you pointed out, this has been a great and very productive process. We have a much better product now than what we started with. Some of the key changes include the policy and purpose wherein we've added Legislator Krupski's request about food production. Legislator Fleming and Hahn were both interested in broadening the purpose to deal with volatile organic compounds, pharmaceuticals, personal care products and other contaminants of concern which these systems will also address.

Current Article 19 currently includes a very clear statement of the approval framework. It was previously relegated to the standards. There was some interest in making this transparent in the code so the process of going from pilot to provisional to general use is now outlined in the code itself, and experimental systems are also discussed in the code.

The performance standard of 19 milligrams per liter, which is our first performance target modeled on Rhode Island, Massachusetts, and a body of performance data from over 10,000 systems, that

number is in the code but we also make a commitment to an annual report to formally reevaluate that number and to publish that also more frequently as technology permits.

The other big change is that we clarify the relationship of Article 19, which is innovative alternative on-site systems to Article 6, which has to do with unsewered development density. We made very, very clear that Article 19 systems are not sewers. They are also not any of the things that Article 6 uses as an equivalent of sewers, community sewage disposal systems as well as a smaller modified subsurface sewage disposal system. So it's clear that these systems are to reduce density, to reduce nitrogen, not to increase density.

A myriad of other changes dealing with clarifications and the registration process are all summarized in Justin's brief document as well as in the underline/strikethrough versions. We thank you for your participation and support and input. We're happy to answer any questions moving forward.

LEG. TROTТА:

One question.

CHAIRPERSON HAHN:

Legislator Trotta.

LEG. TROTТА:

This thing I read about recently at Stony Brook with using your existing cesspools and putting I guess wood chips in it? What's that about?

MR. DAWYDIAK:

Yeah, this is affectionately referred to as a layer cake system, which uses a sand media bed to nitrify and some sort of carbon source like wood chips to denitrify. It's considered an experimental system. There were three installed in Florida. One provided some very promising data and it's being tested at the Massachusetts Test Center. We're looking forward to working with Stony Brook to pilot these on County properties in a one year experimental phase. If that is successful, and we hope that it will be, it'll jump into the pilot provisional framework in this code, so that's a very promising system. It has a potential for significant nitrogen removal at low cost. It's not been demonstrated to be effective long-term yet in our region, so we're approaching it in very measured way.

CHAIRPERSON HAHN:

It's more than just wood chips? Repeat that.

MR. DAWYDIAK:

It could be sawdust. I mean, they're experimenting with different matrices and compositions, but basically some form of carbon source. It's very similar to the failed Denite systems in a lot of ways where the County built one or two that worked great, the next 300 worked terribly. We used a sand media bed to nitrify. Instead of wood chips we use a sulfur media to denitrify using sulfur based bacteria. In the field it was very problematic. We tried to correct it. DEC eventually discontinued it because it was such a difficult system to get right. I think that this layer cake system hopefully will work the kinks out of and watch very carefully and get it right because it's got a lot of promise.

LEG. TROTТА:

Correct me if I'm wrong, didn't it take more nitrogen out than the systems we're talking about?

MR. DAWYDIAK:

I apologize. I don't understand the question.

LEG. TROTТА:

Percentage wise didn't it take more nitrogens out of the end use than the systems we're talking about?

MR. DAWYDIAK:

The layer cake system in its initial testing had a greater degree of nitrogen reduction than the current pool of National Sanitation Foundation 245 specification systems, which are the basis for 19.

LEG. TROTТА:

And why aren't we doing this like immediately.

MR. DAWYDIAK:

We are. We're working on this in cooperation with Stony Brook. They're part of our septic demo Phase II project. We're identifying County properties working with them on designs. It's a high priority to get these installed in the near future and hopefully have results next year, which will either be thumbs up or thumbs down.

LEG. TROTТА:

And the ones in Florida, you said they did it in three spots and one was good and two weren't?

MR. DAWYDIAK:

Only one had test data to our knowledge. The other two for some reason were not tested and were not continued as part of the experimental design.

LEG. TROTТА:

So this is something very new?

MR. DAWYDIAK:

Very new, correct.

LEG. TROTТА:

Thanks.

CHAIRPERSON HAHN:

Legislator Fleming.

LEG. FLEMING:

Just in a follow-up to that. I think it might be helpful if you could just describe what's happening right now with the other systems that are being piloted. Obviously we're waiting for the layer cake from the Center for Clean Water at Stony Brook, but the Health Department has done quite a bit in terms of piloting at 19 different sites, six different systems from four different vendors, and you're going to be rolling out a second phase of that. So I think it might be helpful to just describe what this regulatory change -- how this regulatory change relates to the systems that you're hoping to put into service and also if you could just explain why it is that you're waiting for a certain steady data -- for a certain time period that you've seen steady data from those piloted systems before you go ahead and approve them, you know, under these regulations.

MR. DAWYDIAK:

Yeah, absolutely. I'll kick it off and then turn it over to Justin, but our septic demo Phase I had four vendors, Orenco, BUSSE, Hydro-Action and Norweco, with six different technologies, donate 19 systems for installation in the ground. The idea is that even though these systems have been shown to work elsewhere, they're not like refrigerators that are manufactured on an assembly line where you plug them in and they work. They require a certain degree of local sophistication from

manufacture and assembly as well as installation, operation, maintenance and regulation. So all of us learn how to put these together and kick the tires, so to speak.

We want to make sure that they work in our environment, in our conditions, with our pool of support people and under our oversight. So we were looking for six months of steady State data. The systems began coming to steady State the spring of this year. We expect that in September we'll begin to approve these for use as of right as provisional systems, meaning there will be no limit on them for anybody who so chooses to use them.

Justin has been heading up the Phase II septic demo, and he can give you a brief summary of the technologies that are on the table for potential approval next year.

MR. JOBIN:

Thank you, Walt. For Phase II, we have six vendors representing eight different technologies. Two of the technologies, one is called Fuji Clean and the other is Pugo Systems. They're both a combination of an aerated media system and they're new to the market and they have a lot of promise. And so what we're seeing is the Fuji Clean system is from Japan, the Pugo System is from New Mexico. They're brand new. They're giving us four of each, so we're looking -- between the eight technologies we have four systems that are essentially either brand new or new to the market. Two of them are from Canada, one from Japan, so we have an international reach.

We're also looking at systems, Amphidrome and Bio-Microbics has three systems, Septi-Tech, MicroFAST and BioBarrier, which is another MBR similar to the BUSSE system that we installed in Phase I. So Phase I we had 19 installations, Phase II we will have 20 installations.

The lottery for homeowners will kick off at the July 26th Legislative meeting, and after that we're going to have a kick off meeting with the manufacturers and homeowners and hopefully the systems will start the installation early -- late summer, early fall.

CHAIRPERSON HAHN:

Have the price points come down at all on these newer systems?

MR. JOBIN:

It's something that we're looking at. Right now they seem in line with the first round. Each technology is different, but I think once they're working locally with local installers and local manufacturers that price will go down.

MR. DAWYDIAK:

Legislator Hahn, the prices have come down very significantly compared to where they were 10 to 15 years ago when we entered this. We have the older information, the 25 to \$30,000 per system, which is where it was when it started. We're now down to about 12,000 a system. With leaching you're talking about 14 to 15. It's about twice the cost of a conventional system, but half the number we were looking at just a very short time ago, so it will continue to go in that direction we believe.

CHAIRPERSON HAHN:

Okay. Legislator Krupski.

LEG. KRUPSKI:

I just want to thank everyone here. I know you've been working on this for a long time and you're really moving the County forward. And it's been -- in a few short years you have made a lot of progress. Legislator Trotta's comment was why didn't we do this 20 years ago, and certainly a lot of us felt that way, but thank you for doing it today, because at least we're moving it forward today.

Thank you also for reaching out to the towns because this is a great concern for the towns. They really are interested in which systems -- of course the next question is which systems and where, when are they going to be -- are they going to be replaced, is it going to be new systems, failing systems, and then replacement of existing systems. Will the towns play a role in saying in these areas, whether it's ground watershed areas or elevation wise, which systems can go in and can the town start to dictate which level of treatment, not necessarily nitrogen wise, but level of treatment as far as storm resiliency to flooding during coastal storms would be most appropriate for those areas. I think that's really critical and I think you're very smart to bring the towns in as a partner in that, especially going forward on, you know, the implementation and the support of this new program. So thank you for that.

And also thank you for being conscious of the fact that a lot of the towns don't want to see an increase in density based on wastewater flow -- and some of the towns do in some areas, and that's fine, it's up to their, you know, land use and zoning and plans, but some don't, and so thank you for clarifying that.

And you're also -- you know, I think it's very comprehensive in what you've done here with looking forward to new technology and kind of setting it up so that new technology can be piloted, tested and approved for use. I think that's a really -- I think you've really done a comprehensive look there.

You didn't mention the vegetated wetland systems that the County is paying for for pilots there, and so we'll, you know, at least with those three pilots we'll have an option to look at those. And so the County did -- I have a question. The County did put one system in at Meschutt, and it's been operating all summer. If you could give an update on how that's working.

And, again, a real thank you to everyone here. Everyone in Planning, at the Health Department and DPW who had a hand in this, because it's been -- it's been most encouraging.

MR. JOBIN:

The Orenco Max System at Meschutt County Park, I haven't seen any data on it. It was installed and operational from Memorial Day weekend. Typically with seasonal systems we'll need to monitor them for a couple of seasons in order to really make a good judgement as to how they're working, but I haven't seen any data on it yet.

LEG. KRUPSKI:

I haven't heard anything, so it must be working.

MR. DAWYDIAK:

The installation went very well, within budget and successfully and to all accounts it's operating very well. We expect that it will take some weeks to months before it comes to equilibrium. This is a fixed filter media, and the hope is that with the sludge in the system and the filter media you keep enough biologically active organisms over a winter so that next spring you get very rapid performance as the flow starts up again. Part of this pilot is to test to see how this technology does in our environment, and so we're keeping our fingers crossed by the end of this summer, but we're more optimistic that next year the data will be even better.

LEG. KRUPSKI:

Thank you for being a leader in that and putting that in a County, you know, a very heavily used County park. And also to consider all the other impairments to water quality that -- and to our water through, you know, through the wastewater system, the pharmaceuticals and personal care products. I think it's very important that you're going to look at those also in the future levels of treatment.

CHAIRPERSON HAHN:

Did anyone see on page A26 of Newsday today there was a letter to the Editor? It's really short and I would -- I'm just going to read it. I know the answers myself but I'd like -- I think you guys can easily respond. It's titled "Replacing Cesspools; An Outdated Idea. Why is Suffolk County looking for funds to replace cesspools instead of using those funds to install sewers in Suffolk County. Cesspools, new or old, leach sewage into the groundwater. Suffolk should move into the 21st century and install sewers."

So we all know the incredibly high cost of sewerage. We also know that sewers are not appropriate everywhere. There are communities that don't want them because of some of the Article 6 concerns and others. But I'm wondering if you could respond for those listening at home who might have seen that letter and want to understand how different the new systems are from cesspools and, you know, just where we're going.

MR. DAWYDIAK:

Absolutely. Legislator Hahn, I wanted to mention that tomorrow is the kick off meeting of the Subwatersheds Wastewater Plan Advisory Committee. Hopefully everybody got an e-mail blast on that. It may have looked like junk mail. If you're still interested in coming please let us know. There's still plenty of room. The more the merrier. We've engaged towns as well as experts and officials to kick off this process, and that process is to really better flush out where sewers may work, where cluster decentralized systems may work, and where, as in so many of the areas of the County, only these individual on-sites will work.

The great thing about the individual on-sites is that even at their performance level now they remove about 70% of nitrogen from a waste stream at a price point of about \$15,000 and up, whereas sewerage reduces 90%. They do work a little better, they're a little easier administratively to operate for a governmental entity, but the cost per household that we're getting for retrofits is on the order of 50 to \$80,000. It's just not a feasible number for most residents without a major subsidy, and it's not a very cost effective number on a pound per nitrogen basis, so it's a difficult question. We, as the Health Department, always like counting our water supply and waste water treatment as sort of a modern amenity, but we acknowledge the practical realities of what's out there and how we need to manage it moving forward.

CHAIRPERSON HAHN:

And we are also investing in expansions of sewer districts where they're appropriate, hence the \$350 million. We've gotten assistance from the State and Federal Government to expand in the areas of the Connetquot River, the Forge River and name the others.

MR. DAWYDIAK:

It was Carls, Connetquot, Forge and one other. I'll think of it in a moment.

CHAIRPERSON HAHN:

It will come to us. But, yes, so we are expanding where it's appropriate, where we have the funding available and there are places where it just can't happen.

MR. DAWYDIAK:

Patchogue, sorry. Patchogue River.

CHAIRPERSON HAHN:

That's okay. I couldn't remember either. Thank you.

MR. DAWYDIAK:

Thank you.

CHAIRPERSON HAHN:

Any other questions?

LEG. FLEMING:

I have a question.

CHAIRPERSON HAHN:

Legislator Fleming.

LEG. FLEMING:

Just a couple of more questions, and I want to reiterate Al's compliments to you. I think the process has been a very good one and I'm -- we talk quite a bit out east about the difference now in terms of a recognition on the County level of the unique needs of the East End and how responsive the Health Department has been. We're very, very grateful for that.

I just want to ask you a couple of things with regard to changes. If you could speak briefly about the standards. I know 19 is built-in, but there's a, you know, aspiration of something, a lower standard. Could you just talk about how the regulations treat the possibility of better technology in the future.

MR. DAWYDIAK:

There are two different standards that are going to be promulgated under Article 19 in the next month or two so that we can get these systems on the street. There will be large stakeholder meetings associated with these in August and the Legislature will certainly be invited. One of them is the institutional or programmatic standard which has to do with the approval process of how to define the pilot's provisionals, general use technologies in terms of number of samples and performance viability as well as registration, operation and maintenance. The other standard is going to be from a nuts and bolts standard, a change to our residential construction standard.

So this first wave of systems is going to be applicable to 1,000 gallons per day or less, or three residential units or less. Our goal by the end of the year is to have a second wave of standards, changes, to apply to commercials as well as larger flows and we'll vet those. Those are a lot more complicated. They're going to require a lot more engineering thought, but they are in the works as well.

In terms of encouraging the limit of technology, that's certainly something that we're going to be doing as an entity. In terms of testing and piloting technologies and looking at performance results, the mechanism we have built-in right now is this annual review, or if we have a breakthrough technology like the layer cake that's vetted out through an experimental phase we could come up with a change. But the way this is structured right now is that we would need to come back to the Board of Health and the Legislature and say we looked at the technology, 19's not the right number or the layer cake can meet 12 or 10 or some other number, we think this number should be reduced. Then it becomes a policy issue. There's a whole bunch of considerations about promoting innovation and competition, limiting the marketplace to a potential monopoly if there's not that great a difference between one technology and the other, and those are all legitimate discussion points. As the Health Department, we're going to vet the numbers and present them, then pose the policy options and let the policymakers decide where to move forward.

LEG. FLEMING:

And the process would be what? You mentioned the Board of Health. If the Health Department recommends moving to a lower standard what are the steps that will have to happen?

MR. DAWYDIAK:

It would be very similar to this process, entirely analogous. We would go to Board of Health and come up with a proposal and a justification. And this, again, would presumably be a comp water plan related recommendation to establish and improve individual on-sites. The Legislature would be consulted for approval of the code change is my understanding.

LEG. FLEMING:

Thank you. Just a different area then with regard to maintenance providers. Could you just describe what changes have been made or just what is the status of the responsibilities of maintenance providers with regard to oversight or assuring the County entrance on to private property? And then, you know, to what response -- what responsibilities maintenance providers, individual private businesses have to report with regard to the operation and maintenance of these systems.

MR. JOBIN:

Thank you, Legislator Fleming. One of the concerns was regarding access to the property and it is important. Obviously these systems are installed on residential property, so the maintenance provider does have to have a contract with the homeowner and the homeowner has to grant permission to the maintenance provider to enter the property to service the components. So we did change the wording to indicate that the homeowner would grant permission to the property owner and that would be addressed in the operation and maintenance contract that the maintenance provider would enter with the homeowner.

LEG. FLEMING:

And I think what -- the way I'm reading the language, the ultimate responsibility is with the homeowner to insure that the system is operating properly.

MR. JOBIN:

Right. One of the things that we've done in Article 19 is identified the responsible parties, whether it be the Health Department as a responsible management entity or the property owner for ultimately being responsible for allowing the maintenance provider to carry out the maintenance, and then the maintenance provider for carrying out the maintenance as designed by the manufacturer. So there are a lot of checks and balances in Article 19 and a lot of different responsibilities between the County, the manufacturer and the homeowner, and it's all outlined here so we have everything in place.

LEG. FLEMING:

I think there was some concern by members of the industry that there was too much responsibility being placed on them A, to gain access to private property, the, you know, vulnerability, the exposure that they then have in terms of liability, and then also for reassuring the Health Department with regard to the operation of the systems. I appreciate, the way I'm reading it, there have been changes made that limit that responsibility on the part of the maintenance provider and, in fact, that the homeowner that's responsible for allowing access to the home and then ultimately for insuring that the systems are working correctly. Am I reading that right?

MR. JOBIN:

Correct.

LEG. FLEMING:

Okay. I appreciate the changes and I think the industry probably appreciates them as well, so thank you.

CHAIRPERSON HAHN:

Okay. Thank you. Any other questions? Good. Thank you very much. Okay. I had agreed to talk -- have a discussion about a Certificate of Necessity, however, I'm hoping I can take one more bill out of order before we get into that discussion. So I'm hoping to take Introductory Resolution 1587 out of order so some folks who are here can leave, making a SEQRA determination in connection with the proposed replacement of Smith Point Bridge and associated roadways, Town of Brookhaven.

LEG. MURATORE:

Motion.

CHAIRPERSON HAHN:

Motion by Legislator Muratore, seconded by Legislator Fleming. Yeah, this is to take it out of order. So all those in favor of taking it out of order? All those opposed? Any abstentions? Okay, so it is before us. So Introductory Resolution **1587, Making a SEQRA determination in connection with the Proposed Replacement of Smith Point Bridge and Associated Roadways, Town of Brookhaven(Pres. Off.)**. I'll make a motion to approve.

LEG. MURATORE:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Muratore. On the motion. Does anyone have any questions, because I know we have some people waiting here to answer questions if there were any. Legislator Krupski.

LEG. KRUPSKI:

Could we just get a timeline on this project?

MR. HILLMAN:

Good morning. Bill Hillman, Chief Engineer, Suffolk DPW. It's presently in preliminary engineering. We hope to be moving into final design sometime in 2017 and go into construction 2020, 2021, in that vicinity.

CHAIRPERSON HAHN:

Were you able to add walking/biking lanes at all?

MR. HILLMAN:

Yes.

CHAIRPERSON HAHN:

Does anyone else -- I mean, I know there were suggestions of adding solar, etcetera. Did you get -- at least research that possibility?

MR. HILLMAN:

Yes, it's been researched. I'm not an expert on solar, but from what I've been told the network does not really permit. It's not a great location because the PSE&G network does not allow for a lot of energy to flow the other way. So you're basically at the end of a small system. That system would need to be built up. That's the primary reason why it doesn't really work well. It would be expensive to upgrade the LIPA system so that the solar can be there.

CHAIRPERSON HAHN:

Its geographic location makes it difficult.

MR. HILLMAN:

Correct, because of the PSE&G network.

CHAIRPERSON HAHN:

There was also talk that the salt, the corrosive nature of the salt air, salt water, and hence the salt that could be --

MR. HILLMAN:

Yes.

CHAIRPERSON HAHN:

-- problematic as well.

MR. HILLMAN:

Yes, agreed. And also the preliminary engineering would need to be completely redone. Structurally the bridge would need to be increased. There's a whole host of reasons, but the primary reason is PSE&G's network won't support it.

CHAIRPERSON HAHN:

Okay. Anyone else have any question for Mr. Hillman? What about questions on the SEQRA? This was determined to be a Type I Action. Does anyone have any SEQRA questions, because we do have John and Andy in the back in case we -- nope, no questions? Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? It is approved. Thank you. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

MR. HILLMAN:

Thank you.

CHAIRPERSON HAHN:

Okay. The County Executive folks from the Health Department wanted to brief us on a Certificate of Necessity that they are expecting.

MS. CULP:

Hi, Good morning. Jen Culp from the Health Department. I was asked just to give a brief overview of a CN that will be before the Legislature next week. It's accepting a donation of real property for open space purposes and it's for space in Calverton. It's the Grapes and Green location, and right now Grapes and Greens has approval from the Health Department to construct a tasting room, but that approval requires that they knock down approximately 22,000 square feet of warehouse space to meet density.

So we were -- a proposal came to us from the applicant to see if the County -- he would be willing to donate just under seven acres of land and that would be sterilized and that would allow them to retain warehouse space that they would then give to Island Harvest for a dollar a year, and Island Harvest would be able to use it for storage space on the East End, which is something they had been looking for -- to do.

So our OPC, our pollution control, they have conducted the environmental inspection. This will be going before CEQ this week on July 20th. We've been working closely with Planning. The TDR was approved, the use of the land, to offset the density was approved by our Board of Review last week, so it's moving forward with CEQ this week and going before the Legislature next week. So if there's any questions? This was just a brief overview.

CHAIRPERSON HAHN:

Are there maps of the property?

MS. CULP:

Yes.

CHAIRPERSON HAHN:

Obviously, I mean, we don't have to vote on here, but to have them --

MS. CULP:

Right. It will be submitted in the package.

CHAIRPERSON HAHN:

If you have them, we'll circulate to the Legislators and then, you know, if they have questions they can --

MS. CULP:

Certainly.

CHAIRPERSON HAHN:

-- come to you with the questions maybe before the meeting or at the meeting, whatever they prefer, but it would be helpful to have maps.

MS. CULP:

Certainly.

CHAIRPERSON HAHN:

Thank you. Questions? Legislator Krupski, I know you raised your hand -- or not.

LEG. KRUPSKI:

Thank you, I did. You know, and I went to the Board of Review last week in Yaphank when this was discussed. Is there -- and the question, and I didn't think of it until today, should the County like recalculate its septic flow that comes off of warehouse space? Because I understand he can do the project without sterilizing this other parcel or moving the -- or rather moving the septic flow from this other parcel, unless he knocks down so many square feet of warehouse space, and I understand there's a formula for that. But should the County maybe -- has this come up before that you'd have to -- I mean, I assume it's like dry storage in a warehouse space, should the County recalculate the amount of septic flow coming off of that kind of space. Or is this just such an odd thing that it never happened before.

MS. CULP:

I'll defer to Walt.

MR. DAWYDIAK:

Funny you should mention this, Legislature Krupski. Rob Carpenter asked us the very same question and we said it's a good question and it's something we're going to be looking at. Historically we used one number as a one size fits all for warehouses, whether it was an active industrial warehouse or something that just housed sheep, and that doesn't necessary make a lot of sense. It's a difficult and complicated problem, but it's not one that we should avoid. So we're going to be looking at subsets of these uses with the possibility of refining these numbers moving forward. As a practical matter right now it's one size fits all unless you go to Board of Review.

LEG. KRUPSKI:

Thank you. So the other one is about this parcel. I know it's very controversial and -- the use of the site, it's zoned in the Agricultural Protection Zone, and I know Riverhead Town has given it all the approvals that it needs, so it's got local, you know, land use approvals. It's very controversial because there is really no agriculture on the site, and yet it is going to be this like a retail type of, you know, social use.

So what my question is, with a parcel where the septic flow is going to come off of, we just have on our agenda for later on a number of parcels in the County's inventory that we're trying to, you know, auction off and get rid of. Now, this is a parcel -- and if you look at the tax map, it's isolated. So my first question is, is there legal public access to it, and the second question is why would the County take it when these seem to be the kind of little outlier parcels that we're trying to, you know, sell off to someone who might have a better use for them. And the third question, could he -- could he transfer the septic flow off the parcel without having to donate the parcel to the County, because I'm not sure what use we're going to have for this parcel.

MS. CULP:

Well, what I can answer is that the property, as you mentioned, will be open space under the jurisdiction of the Suffolk County Department of Parks, Recreation and Conservation. It will remain in its natural site and be used for passive recreation and habitat management purposes. The property owner is responsible for the easement or the covenant for the site access. So you're right, it is landlocked, but there is an access off of Sound. So that will be provided to the County before the 29th, before the CN. As for the flow?

MR. DAWYDIAK:

Legislator Krupski, in ancient history we used to move wastewater from parcel to parcel with nobody taking responsibility for the sending parcel, and that resulted in problems. I'm going back to probably the 70's and 80's via Board of Review. There was a policy set within the Health Department that stipulated that if a sending parcel is going to be sterilized to generate wastewater credit it either needed to be merged with an adjacent parcel so somebody's owning it and responsible for it, or it needs to be accepted by some level of government, town, County, village or a credible non-profit that would be maintaining it as a preserve, somebody like the Nature Conservancy potentially. So the piece of property which is sending needs to have a landing place before the Board of Review would consider sending of sanitary credits.

LEG. KRUPSKI:

So at the Board of Review I was satisfied with the explanation of the formula of how many credits were coming of it and how many credits they needed, but still I'm not quite sure what you said. It's been a policy but -- so we don't have to take it. There's another option than the County taking this parcel.

MR. DAWYDIAK:

From the Board of Review perspective if somebody needs to receive it, otherwise it's just an orphan out there with nobody having any responsibility over it.

LEG. KRUPSKI:

And why does this have to be a CN?

MS. CULP:

My understanding is there's a very tight timeframe for the applicant to both start construction and then also Island Harvest looking for the -- if they were going to be able to use that space definitely or not.

LEG. KRUPSKI:

Well, I mean, because everyone's in a hurry.

MS. CULP:

Understood.

LEG. KRUPSKI:

We get a lot of calls about, you know, applications to the Health Department and, you know, everybody's in a hurry. So are you saying that going forward anyone who's got an application before the Health Department could appeal to them for a CN? Is that fair to say?

MS. CULP:

Well, this is slightly different because the CN's needed for the land. But, you know, I think the Health Department has always tried to work very closely with Legislators and constituents and organizations. When there is a need we recognize timeframe and, you know, we do help -- try and help accommodate as much as possible. This one is slightly different because of the need for the CN.

LEG. KRUPSKI:

I didn't understand that, because like I said, everyone's in a -- everyone who is doing business wants the approvals.

MS. CULP:

Sure.

LEG. KRUPSKI:

Right away.

MR. MARAFINO:

Legislator, I think it's also a fact of the calendar. I mean, it's this time of year where there's not a lot of time between -- there's a large period of time between the next Legislative meeting. That's the reason why they came to us for this. If it was later in the year I'm assuming it would be easier to go through the normal process.

LEG. KRUPSKI:

So could that be said for every applicant that goes through the Health Department, then.

MR. MARAFINO:

I mean, typically the Health Department doesn't come here for a CN for these matters that I'm aware of. We can get you more information before.

CHAIRPERSON HAHN:

Legislator Trotta.

LEG. TROTТА:

What is this? What are they building?

MS. CULP:

This is existing warehouse space and they are changing their use from a like storage warehouse facility where they're going to be having a more intensive use of the tasting room. So in order to meet the density requirements, they were first going to have to knock down just under 22,000 square feet of space. So rather than knock that down, there was an idea that Island Harvest was looking for storage.

LEG. TROTTA:

Is it a Friendly's? What is it?

MS. CULP:

Grapes and Greens?

LEG. TROTTA:

It's a restaurant?

MS. CULP:

No, it's a -- I guess like a warehouse distribution. It houses, I believe, produce and wine from the East End.

LEG. TROTTA:

What is it going to be? What are they putting there that they need all this increased flow?

MS. CULP:

Well, they're putting a -- the Grapes and Greens will be using a taste -- they're doing a tasting room. I believe it's apple cider.

LEG. TROTTA:

So it's not a restaurant?

MS. CULP:

No.

LEG. TROTTA:

So it's simply -- they need all this flow for a tasting room of apple cider?

MS. CULP:

Yes.

LEG. TROTTA:

And they were willing to give up seven acres of land? Is it close to where they are, the seven acres?

MS. CULP:

It is.

CHAIRPERSON HAHN:

When we get the maps we'll share that.

MS. CULP:

Yep.

CHAIRPERSON HAHN:

All right. So it's coming to us as a CN so you'll get to ask more questions. You'll see -- we'll circulate the maps and everything. They're just giving us a heads up because they know about it, you know, before the committee meeting. Thank you for giving us that kind of heads up for something coming next week. Okay. Here we go, back to the agenda. Tabled resolutions.

TABLED RESOLUTIONS

1309, Adopting Local Law No. -2016, A Local Law to limit nitrogen content in lawn fertilizers(Lindsay). I'll make a motion to table.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Second by Legislator Krupski. All those in favor? Opposed? Abstentions? It is tabled. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

Introductory Resolution **1479, Adopting Local Law No. -2016, A Charter Law to permit County-owned farmland to be utilized for alternative energy uses (Browning).** I'll make a motion to table.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Second by Legislator Krupski. All those in favor? Opposed? Abstentions? It is tabled. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT).**

Introductory Resolution -- oh, we did 1490. Introductory Resolution **1491.** Legislator Krupski?

LEG. KRUPSKI:

I'll make a motion to withdraw for the time being.

CHAIRPERSON HAHN:

It's withdrawn, that is withdrawn.

Introductory Resolution **1517, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Home Rescue Solutions Limited (SCTM No. 1000-059.00-10.00-002.000)(Co. Exec.).** I will make a -- this is -- we need a motion, so motion by Legislator Fleming.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Second by Legislator Krupski, and now on the motion we'll hear from Laretta. Welcome back. Can you scroll back on the map that's on the screen to page two? Thank you.

MS. FISCHER:

Okay. This is the first modification for an agricultural district inclusion property for the Home Rescue Solutions Limited parcel. The applicant seeks inclusion into Agricultural District 1. Property is 7.9 acres in size, located south of Middle Road and east of Ackerly Pond Lane in the Hamlet of Southold, Town of Southold. Applicant states that the property has been in active agricultural production for one to two years, and the farm operation generates an average annual gross sales greater than 10,000. More than 50% of the property is in agricultural production, and more than 50% of the property contains prime agricultural soils. In 2000, the Town of Southold purchased the development rights to this parcel.

The applicant currently has another application being considered for inclusion that will come up next. The total acreage that they own is 46.5 acres, and the Agricultural and Farmland Protection Board

recommended approval of this parcel.

CHAIRPERSON HAHN:

Okay. Any questions?

LEG. KRUPSKI:

I'm familiar with this parcel and it adds to an existing operation.

CHAIRPERSON HAHN:

Excellent. So we have a motion and a second. All those in favor? Opposed? Abstentions? 1517 is approved. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

Introduction Resolution ***IR 1518, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Threshold Blue Inc. (SCTM No. 1000-063.00-02.00-006.002)(Co. Exec.)***. Motion by Legislator Krupski, second by Legislator Muratore. On the motion, Laretta.

MS. FISCHER:

Yes. This is owned by Threshold Blue, Inc. The property -- the applicant seeks inclusion into the Agricultural District Number 1. Parcel is total 7.1 acres and is located west of Boisseau and north of Main Road, Hamlet of Southold, Town of Southold. Applicant states that the property has been in active agricultural production for more than five years. This is a vineyard. The applicant indicated that they recently purchased the property in February of 2016 and have not generated any gross sales at this time, but more than 50% of the property is in agricultural production and more than 50% contains prime agricultural soils.

The Town of Southold also purchased the development rights to this parcel in 2004. And the applicant currently has another parcel that was just previously reviewed.

CHAIRPERSON HAHN:

Excellent.

MS. FISCHER:

The Agricultural and Farmland Protection Board did recommend approval of this parcel.

CHAIRPERSON HAHN:

Yes. Excellent. Any questions? We have a motion and a second. All those in favor? Opposed? Abstentions? 1518 is approved. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

Introductory Resolution ***1519, Authorizing the disapproval of a new parcel for inclusion into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Kurt and Susan Meyer (SCTM No. 0802-010.00-04.00-008.000). (Co. Exec.)***. I'll make a motion to approve. It's approving the disapproval, so we do have to approve the motion.

LEG. KRUPSKI:

I will second that, if I followed it correctly.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. On the motion, Laretta.

MS. FISCHER:

This -- the landowner is current Susan Meyer. The applicant seeks inclusion into Agricultural District Number 3. The property consists of 7.6 acres located west of Frog Hollow Lane and north of

Moriches Road in the Village of Nissequogue, Town of Smithtown. Applicant is proposing a farm operation on the property. According to the application, approximately seven acres would be planted in crops. There does exist at the present time a residence in a separate building. The property is primarily wooded and is not currently in agricultural -- active agricultural production, and the property does not contain prime agricultural soils. The Suffolk County Agricultural and Farmland Protection Board did not recommend the inclusion of this parcel into an Ag District.

CHAIRPERSON HAHN:

Can you just fast forward the map so everyone can see it. Okay. Any questions or statements? Legislator Krupski.

LEG. KRUPSKI:

So there are at least three other -- there you can take a look at the site. There are at least three other parcels that we're going to act on today for approval that came before the committee earlier, either last year or the year before, and it was suggested -- and then the committee at that point recommended disapproval, the Legislature recommended disapproval, and they were not included in the district.

What they did after that is they established to the committee's satisfaction an agricultural operation on those parcels. They have now come in for inclusion and the committee, you know, the community agreed that they should be in for inclusion, and now they're in front us. So this is same suggestion for this parcel. There is no agricultural operation there, but they're free to establish one and then come back next year or any other year and appeal for inclusion after that.

CHAIRPERSON HAHN:

Legislator Trotta.

LEG. TROTТА:

Yeah, quick question. Did they show up at the meeting?

MS. FISCHER:

No, they did not.

LEG. TROTТА:

They were advised that if they do do agricultural they can come back and apply next year?

MS. FISCHER:

Yes, if they ask, that's what we recommend.

LEG. TROTТА:

Thank you.

MS. FISCHER:

You're welcome.

CHAIRPERSON HAHN:

Legislator Fleming.

LEG. FLEMING:

I have a question that actually Legislator Krupski might be able to answer, I don't know if you will Lauretta, I don't know. But wouldn't it be enormously costly to clear this land and farm it?

LEG. KRUPSKI:

Well, I mean, yes and no. It depends on the nature of their operation and, you know, they're willing to do that. They own the property, if that's what they want to do. If you look at the surrounding area they probably have the ability to subdivide it and clear it and build houses, so. It depends on the operation. There's another small one that's coming up here for approval that we passed on two years ago, and it was partially cleared and now they have a small agricultural operation. It doesn't mean you have to -- an agricultural operation doesn't mean you have to have farm it and hedgerow and hedgerow and plow it every year. The other one, they have some small greenhouses, they have chickens there, so it doesn't have to be all tilled. It can be an agricultural operation without it being all tilled.

LEG. FLEMING:

Thank you.

CHAIRPERSON HAHN:

Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? 1519 is approved, meaning we are approving the disapproval. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

Introductory Resolution **1520, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - South Country Farms, LLC (SCTM No. 0200-976.10-03.00-027.002)(Co. Exec.)**. I'll make a motion to approve.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Second by Legislator Krupski. On the motion, Laretta.

MS. FISCHER:

Yes, the landowner is South Country Farms, LLC. The applicant seeks inclusion into the Certified District No. 3. It consists of 26.8 acres located north of South Country Road, south of Beaver Dam Road and east of Bellevue Avenue in the Hamlet of Brookhaven, Town of Brookhaven. The 26.8 acre parcel has a conservation easement with the Peconic Land Trust, which requires that approximately 20.8 acres be preserved in a relatively open and scenic state and remain available for open space and/or agricultural use.

This area may be improved with such residential and accessory structures as are related to the agricultural use. The remaining six acres outside of the easement consist of two developable areas. One developable area consists of approximately two acres. This is located on the southwest portion of the property. The second, consisting of 4.1 acres, is located on the northeastern portion of the property. They are both located in A2 residence zoning.

The application states that the property has been in active agricultural production between one to two years, and the farm operation generates an average annual gross sales between 10 and \$50,000. Approximately 50% of the property is in agricultural production, and more than 50% of the property does contain agricultural -- prime agricultural soils.

In 2013 the Suffolk County Ag and Farm Protection Board disapproved the property for inclusion. The applicant stated that the first plantings occurred in 2014. They have a CSA on the property. There's growing of flowering plants and an apiary. Honey is produced on the property. Two acres is in pasturage for sheep with fencing and six acres for raising heritage chickens, turkeys, goats and pigs were added. The farms uses have been and will continue to be subject of educational programs

in 2015 and as operations move forward. The Ag and Farmland Protection Board did approve this property for inclusion into an Ag District.

CHAIRPERSON HAHN:

And the map that's shown is an old map.

MS. FISCHER:

Yes.

CHAIRPERSON HAHN:

I actually have an aerial that's newer that shows the activity.

MS. FISCHER:

Yes, about half -- the area disturbed, most of that whole area is now in production. I did go out personally to look at the property myself and it's quite different from what's shown here.

CHAIRPERSON HAHN:

Thank you. So we have a motion and a second. Any questions? All those in favor? Opposed? Abstentions? 1520 is approved. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

Introduction Resolution **1521, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Agriturismo Sannino, LLC (SCTM No. 1000-101.00-01.00-014.006)(Co. Exec.)**. I'll make a motion to approve.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. On the motion, Laretta.

MS. FISCHER:

This is -- the landowner is Agriturismo Sannino, LLC. The applicant seeks inclusion into the Certified District Number 1. The property consists of 3.7 acres located north of Middle Road and west of Alvahs Lane in the Hamlet of Cutchogue, Town of Southold. Applicant is proposing to expand his existing vineyard operation on to this property. The applicant states that he has begun to remove the current excessive vegetation in order to prepare the soil for a vineyard planting next spring.

The applicant owns and operates an existing vineyard on the adjacent parcel to the north, and the applicant's existing operation also includes two additional properties which he leases to grow and harvest grapes as well. One lease is a leased property in Cutchogue, and another -- two in Cutchogue, and another located in Peconic. The applicant has provided copies with farm lease agreements for these two leased properties, and the applicant's existing vineyard operation at this time consists of land he owns and leases, totalling 28.8 acres. The property does not generate annual gross sales, this specific property, but the existing vineyard operation does generate an average annual gross sales greater than \$50,000.

The Ag and Farmland Protection Board did recommend this property for approval into an agricultural district.

CHAIRPERSON HAHN:

Okay. Any questions? We have a motion and a second. All those in favor? Opposed? Abstentions? 1521 is approved. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

Introductory Resolution **1522, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - MF LK Holdings, LLC (SCTM No. 0600-021.00-01.00-003.000) (Co. Exec.)**. I'll make a motion to approve.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. On the motion, Laretta.

MS. FISCHER:

Okay, this property --

CHAIRPERSON HAHN:

Do we have the map?

MS. FISCHER:

This property is owned by MF LK Holdings, LLC. The applicant seeks inclusion into District Number 7. The property is 4.2 acres located north of Sound Avenue in the Hamlet of Northville, Town of Riverhead. Application states that the property has been in active agricultural production between two and three years and the farm operation generates an average annual gross sales of greater than \$50,000 for food crops, horticulture and livestock products. It also contains prime agricultural soils of greater than 50%.

In 2014 the Farmland Protection Board disapproved the property for inclusion, and now have -- they are coming back indicating that the farm currently supplies a portion of plant material to fulfil its maintenance in pond and shoreline restoration contracts. The farm also sells plant material to other landscape and site restoration companies on a wholesale basis. Over the past two years their current greenhouse has allowed them to produce 6,200 annuals and herbs and 35,000 grass plugs and 800 aquatic plants, with 4,000 assorted perennials annually. The farm has refurbished the front building, which is being used as their farmstand, which supply vegetables in season, eggs, honey, cut flowers, perennials, hanging baskets and seasonal annuals and herbs. They also have bee hives on the property.

They plan to complete the ground preparation by summer's end and they want to erect three more greenhouses and the Farmland Committee did approve this parcel for inclusion into an agricultural district.

CHAIRPERSON HAHN:

Excellent. Any question? We have a motion and a second. All those in favor? Opposed? Abstentions? 1522 is approved. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

Introductory Resolution **1523, Authorizing the disapproval of a new parcel for inclusion into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Timber Gardens, LLC (SCTM No. 0600-066.00-01.00-017.007) (Co. Exec.)**. I'll make a motion to approve the disapproval.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. On the motion, Laretta.

MS. FISCHER:

The applicant is Timber Gardens, LLC. The applicant seeks an inclusion into Agricultural District Number 7. The property consists of one parcel totally 5.8 acres located east of Union Avenue and north of Main Road in the Hamlet of Aquebogue, Town of Riverhead. Application states that the property has been in active agricultural production for less than a year and is newly established. A site inspection on April 26th of this year confirmed that the property is not presently in active agricultural production. The site inspection revealed that a substantial portion of the previously wooded parcel had been cleared and stock piled with wooded debris. The property has not generated revenue to date. More than 50% of the property contains agricultural soils. The Ag and Farmland Protection Board did not recommend approval of this parcel at this point.

CHAIRPERSON HAHN:

Okay. Were there any questions? And they can reapply once they meet those criteria.

MS. FISCHER:

Correct.

CHAIRPERSON HAHN:

Okay. All those in favor? Opposed? Abstentions? 1523 is approved. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

Introductory Resolution **1524, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Laura Mccarthy (SCTM No. 1001-007.00-03.00-019.003)(Co. Exec.)**.

LEG. KRUPSKI:

I'll make a motion.

CHAIRPERSON HAHN:

Motion to approve by Legislator Krupski. Second by Legislator Muratore. On the motion, Laretta.

MS. FISCHER:

Yes. This is a property of .97 acres of land located east of Fourth Street and south of Brown Street in the Village of Greenport, Town of Southampton. The operation is an aquaculture operation and it states that -- the application states that the property has been in active agricultural production for four to five years. It indicated that the annual gross sales for 2015 were between 10,000 and 50,000. And the annual gross sales for 2016 already is greater than 50,000 to date. More than 50% of the property is in agricultural production.

The application did include the following information that the property consists of the Greenport Oyster Company, a business operating from 200 Fourth Street, Greenport. Property is improved with a single family dwelling which maintains the business office of the Greenport Oyster Company. The entire lower floor of the structure is the business office, which maintains the day to day operations. The company employs two full-time and two part-time workers, which will generate over 150,000 this year. Also on the premises is a 12 by 8 foot shed, together with a garage and below the deck stores the equipment and supplies for the oyster farm.

The Ag and Farmland Protection Board did recommend the approval of this parcel into an agricultural district.

CHAIRPERSON HAHN:

Legislator Krupski.

LEG. KRUPSKI:

So this is an unusual request, but the parcel, if you go to the north here, that's to the entrance of Widows Hole in Greenport Harbor. If you go to the north a little bit there's a large oyster growing operation, Widows Hole Oysters, that was included in the Ag District I think five or six years ago. So this is consistent with that in that the oyster grower and aquaculture operation would have the same protection as an agricultural operation.

CHAIRPERSON HAHN:

Any questions? Legislator Trotta.

LEG. TROTТА:

What is the benefit of why -- it's just a tax reduction or why -- it's less than an acre of land.

MS. FISCHER:

Yes, but they do utilize the underwater land. They have a grant also off of -- into Greenport Harbor as well that they grow their oysters. And for -- as anyone else who is a farmer, they want to provide additional protections as they see fit for their use.

CHAIRPERSON HAHN:

Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? 1524 is approved. **(VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**. We already approved 1525.

Introductory Resolution **1526, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Sagaponack Realty, LLC (SCTM No. 0908-010.00-03.00-001.000)(Co. Exec.)**. Motion by Legislator Muratore, second by Legislator Fleming. All those in -- oh, we are getting the explanation, sorry. So we have a motion and a second. On the motion, Lauletta.

MS. FISCHER:

Okay. The landowner is Sagaponack Realty, LLC. The applicant seeks inclusion into Certified Agricultural District Number 5. The property consists of one parcel totalling 43.5 acres located south of Daniels Lane and east of Peters Lane in the Village of Sagaponack, Town of Southampton. This parcel has a conservation easement with the Peconic Land Trust, which requires that approximately 25.25 acres of the property remain in its open agricultural and art scenic state and allows the remaining portion of the property comprising of approximately 18.25 acres to be further developed into two limited building areas. One building area consists of 15.7 acres, is located along the southern portion of the property and will allow three single family residences. The second building area consists of 2.5 acres located on the northwestern corner of the property and allows for one single family residence.

The property is currently in active agricultural production. The applicant states that approximately eight acres has been planted with small scale Christmas trees with 14 acres and a cover crop of oats. According to the application, approximately 22 out of the 25.25 acres of the conservation easement will be planted with Christmas trees by May of 2016. This would allow 50% of the property, approximately, of the total property acreage.

The applicant did state that the intended farm uses of the property are to proceed in two stages, a short-term beginning April of last year. The applicant created a Christmas tree farm operation as well as initiating a nursery for ornamental trees to be interspersed within the Christmas tree farm. The plant use for this portion of the farm are to be 22 acres in size on the north portion of the property. In May of 2015 eight acres were planted with tree stock. The remaining 14 acres were planted in oats as a soil amendment and -- of expanding the Christmas tree and ornamentals in that area.

The applicant will begin planting the additional oated acreage with tree stock as was planted in the eight acres, and it is intended that there will be additional plantings of nursery ornamental evergreens for ultimate sale within Southampton and East Hampton communities. The time horizon from planting to harvesting of the Christmas trees is four to five years.

For long-term the applicant plans to convert the Christmas tree farm into a working tomato farm with the growing of vegetables. In this phase of the farm operation it's designed to begin the growing of the base crop, spices, and other vegetables. The ultimate goal of the project is to create a tomato sauce product. It is anticipated that conversion of the tree farm into a working vegetable farm will occur in a five to ten year horizon.

The farm -- the Ag and Farmland Protection Board did approve the parcel at their May 2nd meeting for inclusion into an Agricultural District.

CHAIRPERSON HAHN:

Okay, there are a couple of questions. First and foremost, for me, I had seen a map that showed the parcels separated, so that why would be including the acres that are going to be built with single family homes as part of the Ag District?

MS. FISCHER:

The way that New York State Ag and Markets Law is -- describes -- only includes parcel as a whole. We can't subdivide a parcel even though there may be other uses on that parcel itself. So the requirement is actually coming from New York State Ag and Markets to consider the parcel as a whole. We can't subsidize a portion of it to be included --

CHAIRPERSON HAHN:

But what happens if it gets subdivided to build the buildings? Do the parcels that are going to be the single family homes on the ocean come out of the Ag District at that point?

MS. FISCHER:

That may be a consideration because it will now be a separate parcel, yes.

CHAIRPERSON HAHN:

But will that happen automatically?

MS. FISCHER:

Not necessarily. It depends on when and if it gets developed and when we review the parcel again in the future.

CHAIRPERSON HAHN:

Who will review it?

MS. FISCHER:

Our department will review them. They review them on an eight year cycle.

CHAIRPERSON HAHN:

So it will take eight years before we review of it?

MS. FISCHER:

Unless we have information that comes before us with a subdivision it may have to be reconsidered.

CHAIRPERSON HAHN:

But you laid out very clearly the intention of having home parcels on the water. I mean, that's the

most valuable piece of property, and that will have nothing to do with the agricultural. Those will be sold for, you know, profit for the purpose of the home, you know, just being completely separate. So if we're going to put the whole parcel in, I think we would need to know that the portions that are going to be residential will come out. Or that will -- anyway. I know I had another question and it's escaping me at the moment. Oh, oh, the dollar value. In other presentations you talked about there being a requirement for a certain amount being sold. This isn't connected with any other farm operation; correct?

MS. FISCHER:

No.

CHAIRPERSON HAHN:

So there is a requirement that they meet certain sales.

MS. FISCHER:

It's a guideline, but because it is a Christmas tree farm and it takes a certain amount of years to have a product to sell, they --

CHAIRPERSON HAHN:

Have we ever denied Christmas tree farms previously because they haven't met the sales requirements?

MS. FISCHER:

Not that I know of. I don't know that we have any other for Christmas tree farms.

CHAIRPERSON HAHN:

You don't know that we do.

MS. FISCHER:

Yeah, in our program.

CHAIRPERSON HAHN:

Okay.

MS. FISCHER:

I can look into that, though.

CHAIRPERSON HAHN:

Legislator Krupski.

LEG. KRUPSKI:

I want to go back to the first question you had, Kara, about the different tax map numbers. So this has a tax map number for the one parcel. So first of all, maybe those oceanfront parcels won't be subdivided off in eight years. I mean, there is no guarantee there. But if they are subdivided off, you know, tomorrow, they're all going to have different tax map numbers, and those would definitely then not be included. By default they would not be included, it would only be the original tax map parcel that would still be intact that would be included.

CHAIRPERSON HAHN:

Can I get a legal opinion on that?

LEG. KRUPSKI:

Because that's the way I see it. Say there were three ocean parcels. They would have different

numbers.

LEG. TROTTA:

Pull the map up.

MR. NOLAN:

I don't know the answer to your question, Legislator Krupski. I'm glad to look at that question after this meeting. I don't know if automatically by default they're out of the agricultural district just because they get a new tax map number. I'd have to look at that.

CHAIRPERSON HAHN:

Is there anyone from the County Attorney's office here? No?

MS. FISCHER:

We can look into that. But I believe it would be reconsidered when the eight year review occurs. Now, whether that can be precipitated by a subdivision I'm not sure and I would have to look into that.

CHAIRPERSON HAHN:

We do have an attorney here for the applicant. Does the committee see any value in -- he would like to make a brief -- maybe answer questions. I'll bring him forward. You can come on up to the podium. Just identify yourself for the stenographer. Thank you.

MR. SNEAD:

Lee Snead, on behalf of the applicant, Sagaponack Realty. With regard to the issue of the single parcel, that's a State requirement that the entire parcel be put in. Once this parcel is put in, it achieves as a parcel the entirety of the benefits of the State law. There is no present subdivision application in. What you're seeing or what you saw in the application packet was a proposal that was linked to the conservation easement, and the conservation easement laid out those three lots on the ocean side and the one lot up in the northeastern -- northwestern corner.

Right now there's no application for any subdivision. If, however, there were to be a subdivision of the land, because it comes out of this one parcel it will still maintain agricultural designation, which any owner of that piece of property would have to be identified to. They can then petition to come out at a later date. Because, quite frankly, having agricultural designation on your property of that size, five acres, confers no benefit whatsoever, and particularly if it's going to be a high end on the beach in Sagaponack residence. There's going to be no agriculture going on on that property, so to speak.

More importantly, even if they were not pulled out of the agricultural designation, they chose to stay in for whatever reason, there's no financial benefit to them. There's no loss of taxes, because unless you are actually doing agricultural work on a piece of property, you get no reduction in your tax benefit.

So right now we have all of that area in agriculture with the exception of the three lots south of -- the three lots that you saw, the three proposed lots and the one up in the northeast corner. If we were to go right now by -- actually we can do it now, we don't need the designation, we could ask for a reduction on the agricultural benefit, agricultural assessment, and we'd receive it. But those parcels below that are not in agricultural operation and probably will never be, will never have that benefit.

So at the end of the day, after the eight year review if you recommend that they come out, it would be the applicant's choice to remove them, but my guess is the applicant will remove them anyway.

It really has no --

CHAIRPERSON HAHN:

Can they be removed without the permission of the owner, I mean, if they're not --

MS. FISCHER:

I believe we would come before you again, as we do now, with our recommendation.

MR. SNEAD:

Right.

CHAIRPERSON HAHN:

Okay. So I think we would like to have a County Attorney here to answer that question as our attorney advising us, and also, George, if you can look into it just to confirm that, you know, what the speaker here is saying, because that makes sense that they wouldn't get a tax benefit because they're not actually farming or --

MR. SNEAD:

If I may interrupt you. There's a real important concept here. Getting an agricultural assessment reduction has nothing to do with being in an agricultural district.

MS. FISCHER:

They are separate.

MR. SNEAD:

It has everything to do with whether or not you're using the property in agricultural production. So whether you're in or out you can get that assessment, but until you are using that property in agricultural production, you can't get the assessment. The two are absolutely divorced.

CHAIRPERSON HAHN:

So who had questions? Okay, Legislator Trotta.

LEG. TROTTA:

Who owns Sagaponack Realty, LLC?

MR. SNEAD:

Sagaponack Realty is owned by three LLC's. One is a gentleman named Marc Goldman, who owns a company called Sagaponack Ventures. Sagaponack ventures is the entity that will be doing the farming on the 25 or the 27 1/2 acres to the north.

The other two owners of the realty corporation, Sagaponack Realty, are MH Holdings and MB Holdings, and those individuals have the rights either to convert their holdings into a five acre property on the beach once there is a subdivision, if there is a subdivision, or to receive back from the value of the property at some point some aspect in regard to their investment. But they have no ability to compel a subdivision of the property.

LEG. TROTTA:

Who are those people?

MR. SNEAD:

One of them is named Milton Berlinski and I believe the other is named Michael Hertenstein.

LEG. TROTТА:

Motion to table.

LEG. FLEMING:

I'll second the motion to table, but I would -- I have questions for Laretta, not for Counsel for the applicant.

CHAIRPERSON HAHN:

Okay. Anyone else have any questions for Mr. Snead? No? Okay. Seeing none, you can have a seat.

MR. SNEAD:

Thanks.

CHAIRPERSON HAHN:

Legislator Fleming.

LEG. FLEMING:

Laretta, two questions. First, with regard to the sale of the Christmas trees, what enforcement mechanism is there to insure that this actually becomes a retail operation and not just screening.

MS. FISCHER:

There is none.

LEG. FLEMING:

Thank you. And secondly, what enforcement is there that this -- to get this into a tomato sauce operation.

MS. FISCHER:

There is none.

LEG. FLEMING:

Thank you. And I think I seconded the motion to table. I'm anxious to review the opinions of the County Attorney and the Legislative Counsel on this.

CHAIRPERSON HAHN:

Okay. We have a motion -- we have a question from Legislator Krupski.

MS. FISCHER:

I do want to make one comment is that we do have a very strict timeline on approvals into the Ag District and if you table it, it may not be able to be considered for this year. We're looking at approval at the full Legislative meeting on July 26th. We have to have this paperwork and our report in by July 29th.

CHAIRPERSON HAHN:

And when did the Ag District -- I mean the Ag Committee meet?

MS. FISCHER:

The Ag Committee met in -- well, the annual enrollment was for March of this year, the entire month. And the Ag Protection Board met in April 28th and also May 3rd I believe.

CHAIRPERSON HAHN:

And when was this considered?

MS. FISCHER:

On those dates of the Farmland Committee. Then we went to the Council on Environmental Quality on May 18th. It was laid on the table on June first, tabled at your June 13th meeting to have the public hearings on June 21st. And then today.

CHAIRPERSON HAHN:

The process is very --

MS. FISCHER:

And the timeline is set up, unfortunately, by Ag and Markets Law.

CHAIRPERSON HAHN:

Okay. We could discharge without recommendation, then get the information on the floor, but we usually would defer to the Legislator from the district certainly.

LEG. FLEMING:

I'm comfortable seconding Rob's motion to table.

CHAIRPERSON HAHN:

We have a motion to table and we have a motion to approve. The Tabling motion takes precedence.

LEG. KRUPSKI:

Before we vote, then, and I'm sorry, I'm missed the end of Laretta's conversation. So if we tabled today we would not be able to include it in this year's?

MS. FISCHER:

Correct.

LEG. KRUPSKI:

And the question, then, is to Legislator Fleming. We all understand that if we table it today it can't be included.

LEG. FLEMING:

I don't think we have a clear understanding of the inclusion of what are going to be extremely, extremely high value homes coming, you know, getting a tax reduction. We don't have the answer to that and I don't know where the responsibility for that lies, but I have a concern being that it's in my district making -- you know, voting on that. I don't know, maybe we can get the answer and bring it back as a CN or something? I don't know, but at this point --

CHAIRPERSON HAHN:

Or we could have a discharge petition if we needed to.

LEG. FLEMING:

Get a discharge petition, absolutely.

MS. FISCHER:

If I could just add, too, being in an Agricultural District doesn't necessarily accept you into the tax reduction. That's a separate program. You can get a tax reduction regardless of whether you're in an Agricultural District or not. It's a separate program.

LEG. FLEMING:

But then under what process are you going to be getting the tax reduction if you're not in the Agricultural District.

MS. FISCHER:

You can petition to be considered separately through your Town Assessor's Office, so you don't have to be in an --

LEG. FLEMING:

Oh, as a State program.

MS. FISCHER:

Yes. But you don't have to be in an Agricultural District to get an agricultural assessment.

LEG. FLEMING:

But you're referring to the State program.

MS. FISCHER:

Yes.

LEG. FLEMING:

So this is a different program and a different way of moving in that --

MS. FISCHER:

This is a State program. This is all a State program.

LEG. FLEMING:

So are you referring to the exact same program that you can either get it through inclusion in the Agricultural District --

MS. FISCHER:

They're two different programs. One is the inclusion into an Agricultural District, and two is an agricultural assessment.

LEG. FLEMING:

Right, I understand that.

MS. FISCHER:

They're two separate State programs.

LEG. FLEMING:

Okay. I appreciate that. My point is the State program that -- I was a Southampton Town Council person for five years and was liaison to the Ag Advisory Committee, so I understand that these are the two different avenues towards a tax reduction.

MS. FISCHER:

One, if you're in an Agricultural District it doesn't necessarily mean you're automatically enrolled into the assessment.

LEG. FLEMING:

I understand you're not automatically enrolled, but it is a step toward that designation.

MS. FISCHER:

It can be, yes.

LEG. FLEMING:

Thank you.

CHAIRPERSON HAHN:

I'm sorry. We're still in discussions here. Just bear with us one second. So one more time, Lauretta, go through the process, you know, after today what has to happen.

MS. FISCHER:

Okay. This would go before your full Legislative meeting on the 26th for approval of those -- of the resolutions before you today. Once those are approved, we prepare the report that goes up to the New York State Ag and Markets Department, and that has to be provided to them by July 29th of this year.

CHAIRPERSON HAHN:

Can you just remind me what was going on with the conservation easement and was there a group that participated in that? It wasn't like the Peconic Land Trust -- there wasn't like a group that helped. Explain that to me. I was a little confused.

MS. FISCHER:

The total acreage of the property is 43.5 acres and it has a conservation easement on 25.25 acres of the property. I'm sorry, which has an easement over the entire property, of which 25.25 acres of the property is to remain in its open agricultural and/or scenic state and allows the remaining portion of the property, the 18.25 acres, to be further developed into two limited building areas.

CHAIRPERSON HAHN:

And the conservation easement was negotiated with the town?

MS. FISCHER:

No, with the owner of private easement, with the homeowner. I mean landowner.

CHAIRPERSON HAHN:

But they --

MS. FISCHER:

But there's no subdivision, official subdivision, with the village at this point. It's just an easement with potential for development of two areas of the 43 acres. So they could go out and farm it today, the whole thing if they wished. You know, there's no requirement, there's no subdivision approvals for these lots yet.

CHAIRPERSON HAHN:

Right, but don't you, when you create a conservation easement, aren't you like -- I'm sorry that I'm --

MS. FISCHER:

It's okay.

CHAIRPERSON HAHN:

-- where I thought I knew a little bit, and that could be dangerous. You create this, you know, it's almost like a promise that you're going to farm a certain amount and keep a certain amount of it conserved as a farm perpetuity, but you make that agreement with some entity. So who --

MS. FISCHER:

Peconic Land Trust and the owner.

CHAIRPERSON HAHN:

The Peconic Land Trust and the owner have this --

MS. FISCHER:

Agreement.

CHAIRPERSON HAHN:

Agreement. So does the Peconic Land Trust have some sort of ownership of those acres or I don't quite understand.

MS. FISCHER:

No, they own an easement.

CHAIRPERSON HAHN:

They own the easement.

MS. FISCHER:

The conservation easement.

CHAIRPERSON HAHN:

They own the conservation easement. Got it. Okay. So it's almost like they purchased the development rights off of it.

MS. FISCHER:

Similar, yes.

CHAIRPERSON HAHN:

Or were given it maybe as a tax write-off. Maybe they were given it. I don't know which but, yes, that could have been something.

MS. FISCHER:

Yes.

CHAIRPERSON HAHN:

Okay. And so they're in the process of creating this farm, which the Peconic Land Trust is overseeing?

MS. FISCHER:

Yes, they have some oversight into, you know, their easement and their rights in that easement, yes.

CHAIRPERSON HAHN:

Okay.

MS. FISCHER:

I did go out to the site in April, I believe March or April, and about 50% of the property was in production. So they do meet that threshold. It's all prime soil, and so they did meet those two criteria and that was what the board did base their recommendation on.

CHAIRPERSON HAHN:

Legislator Fleming.

LEG. FLEMING:

Based on this discussion, the Peconic Land Trust involvement, the recommendation by the committee, I'd like to withdraw my second for the tabling motion and instead make a motion to discharge without recommendation. And I would like to investigate this prior to the General

Meeting.

CHAIRPERSON HAHN:

Okay. I will second your discharge without recommendation and if I had -- if I had seconded or made the motion to approve, which I can't remember, I'll withdraw that, but I don't think it was me, but if it was I'll withdraw it. So now we have a -- do we still have a motion to approve with a second?

MS. ELLIS:

Yes.

CHAIRPERSON HAHN:

We have a motion to discharge without recommendation and a second, and we no longer have a tabling motion because we only have the motion without a second. So does the motion to discharge without recommendation go first?

MR. NOLAN:

Yes.

CHAIRPERSON HAHN:

Anyone else have any questions? All right. Motion to discharge without recommendation. All those in favor? All opposed?

LEG. TROTТА:

Opposed.

CHAIRPERSON HAHN:

Abstentions? Okay, so that motion passes. It got four out of the five so that was discharged without recommendation. **(VOTE: 4-1-0-1. LEG. TROTТА OPPOSED. LEG. ANKER NOT PRESENT)**. It will go to the floor of the full Legislature. It will just be marked without recommendation because we'll need to get the additional information from our County Attorney and our own attorney will do some research on the issues that came to question here. Thank you. So that was 1526 which was discharged without recommendation.

(The following was transcribed by Diana Flesher, Court Stenographer)

Moving on to **1564, Adopting Local Law (No. -2016), A Local Law to identify and reserve tax default properties appropriate for siting Community Wastewater Treatment Systems. (Fleming)**

LEG. FLEMING:

Motion to approve.

CHAIRPERSON HAHN:

Second. So we have a motion from Legislator Fleming; a second from myself. Any questions? All those in favor? Opposed? Abstentions? **1564 is approved. (VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

Introductory Resolution 1571, Authorizing the Suffolk County Department of Health Services to amend policy and authorizing the Suffolk County Board of Health to amend the Suffolk County Sanitary Code to allow for the approval, registration and management of innovative and Alternative On-site Wastewater Treatment Systems. (Co. Exec.)

LEG. FLEMING:

Motion to approve.

CHAIRPERSON HAHN:

Motion by Legislator Fleming; seconded by myself. All those in favor? Opposed? Abstentions?
1571 is approved. (VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)

1505 we handled earlier. 1587 we handled earlier.

INTRODUCTORY RESOLUTIONS

1605, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component - for the George Georgoussis property Pine Barrens Core - Town of Southampton (SCTM Nos. 0900-215.02-01.00-023.000 Hampton Hills and 0900-306.00-02.00-028.000 Dwarf Pine Plains). (Co. Exec.) I'll make a motion by myself; seconded by Legislator Krupski. On the motion, Laretta.

MS. FISCHER:

Okay. This resolution is looking to acquire two parcels. The first parcel identified is in the Hampton Hills addition area north of Sunrise Highway, west of Ashton Road in the Hamlet of North Hampton, Town Southampton. It's 2.05 acres in size and is located in the Pine Barrens Core, the Central SGPA and hydrogeologic zone three. It's located in an old file map area where the County owns most of the parcels as part of the Hampton Hills County Park area. It is primarily wooded and contains pitch pine scrub oak habitat.

County owns over 2000 acres in this environmentally sensitive area of the Pine Barrens and is continuing to acquire the remaining lots which are not publicly owned in order to protect this important watershed environment from further development and groundwater protection.

The second parcel -- if I can just pull that up -- the second parcel is located in the dwarf pine plains. This is located south of Sunrise Highway, west of Old River Road -- Riverhead Road in the Hamlet of Westhampton, Town of Southampton. It's 1.84 acres in size and is located in the Pine Barrens Core, Central Suffolk SGPA and, again, in the hydrogeologic zone three. It is located in an old file map as well where the County owns most of the parcels as part of the Dwarf Pine Plains County Park. It is primarily wooded and contains the globally rare dwarf pine plains habitat. The County owns over a thousand acres in this environmentally-sensitive area and is continuing to acquire the remaining lots in order to protect this ground watershed.

Both properties are being considered under the New Drinking Water Protection Program for open space and passive recreational uses.

CHAIRPERSON HAHN:

Any questions?

LEG. TROTТА:

Yeah.

CHAIRPERSON HAHN:

It's Pine Barrens Core property. Legislator --

LEG. TROTТА:

Are these landlocked?

MS. FISCHER:

Yes. Well, no, they're not. Actually they're old file maps where you do have access through paper roads from --

LEG. TROTТА:

For all intents and purposes -- and we're buying these from independent people?

MS. FISCHER:

Yes. There are still remaining -- few remaining parcels left --

CHAIRPERSON HAHN:

But it's Core property.

MS. FISCHER:

It's Core and we are obligated to acquire properties within the Core as part of the Pine Barrens Act; the state legislative act.

LEG. TROTТА:

It's safe to say these would never get built on.

MS. FISCHER:

I don't know that for sure. They are -- they are possibly buildable, the chances are remote, but they are. And the other, you know, issue with regard to management of properties like this where you have a patchwork of ownership is very difficult to maintain, you know, to secure our properties and to eliminate uses such as ATV infiltration into these areas. So we do like to see public ownership of them to protect them and also to secure our holdings.

LEG. TROTТА:

But it's safe to say these are in the middle of nowhere with no access at all and we're spending money on them.

MS. FISCHER:

Yes.

LEG. TROTТА:

Thank you.

CHAIRPERSON HAHN:

Legislator Krupski.

LEG. KRUPSKI:

But these are surrounded by public lands.

MS. FISCHER:

Correct.

LEG. KRUPSKI:

I mean, that's the difference.

CHAIRPERSON HAHN:

And the state.

LEG. KRUPSKI:

And we're mandated to purchase them.

MS. FISCHER:

Yes.

CHAIRPERSON HAHN:

Mandated to purchase them.

MS. FISCHER:

To purchase them by --

LEG. TROTТА:

What happens if we don't purchase these?

MS. FISCHER:

Well, the state also purchases properties here as well as the towns, three towns that are in the Pine Barrens. So the Town of Southampton continues to buy properties as well as, you know, Riverhead and Brookhaven. So they do move -- you know, they do acquire as well properties. And we try to, you know, properties -- areas where the County has most of the holdings, we try to focus on the areas. Where the Town of Southampton has most of the properties, they focus on those areas, etcetera, so that we try to keep contiguous properties within our holdings.

LEG. KRUPSKI:

Ballpark, how many parcels are still in private ownership?

MS. FISCHER:

I'd say a couple thousand; maybe one to 2000 at this point.

LEG. TROTТА:

This is -- this is not what this is for. There's no reason we should be buying these properties. They're in the middle of nowhere, no one can get to them. And there's other areas in western Suffolk where we can be adding this up and buying these. There's no way I could support this.

MS. FISCHER:

I will say that this is an environmentally sensitive habitat. It's the Dwarf Pine Plains, which is globally rare, and as well as the Pine Barrens habitat where you have contiguous --

CHAIRPERSON HAHN:

The Pine Barrens Act --

MS. FISCHER:

Yes.

CHAIRPERSON HAHN:

-- we made a commitment to the landowners to, you know --

MS. FISCHER:

Make them whole.

CHAIRPERSON HAHN:

-- a whole agreement to make them whole in this process. And we can't go back on that commitment that was made in the preservation of this area over the aquifer. So this is, you know,

critical that we continue this commitment.

MS. FISCHER:

It's prime.

CHAIRPERSON HAHN:

Yeah, it's Core.

MS. FISCHER:

Prime groundwater protection areas.

CHAIRPERSON HAHN:

Legislator Fleming.

LEG. FLEMING:

Lauretta, is this owner -- is this -- the Georgoussis, that is the owner of both the parcels?

MS. FISCHER:

Correct.

LEG. FLEMING:

Okay, thank you.

CHAIRPERSON HAHN:

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

LEG. TROTТА:

Opposed.

LEG. MURATORE:

(Indicating opposed)

CHAIRPERSON HAHN:

Abstentions? Yep, Muratore was opposed. So we have three yes's and two opposed. And so I will -- before we call the vote, I can make a motion to table.

LEG. FLEMING:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Fleming. And I'm going to call the vote on the motion to table. Hopefully we'll have support --

LEG. TROTТА:

Didn't it just fail?

CHAIRPERSON HAHN:

Oh, did I call --

LEG. TROTТА:

I don't think it -- once it fails, it fails. I don't think you can -- to Counsel, I don't think you can do this again.

CHAIRPERSON HAHN:

So I didn't do that in time? No, but she didn't call the vote. I mean, we still haven't voted to table yet so --

LEG. TROTТА:

I'm pretty sure that you called the vote.

CHAIRPERSON HAHN:

What? Right. Anyway, so if you're opposing the motion to table, the motion to table will still fail. We can table it.

(SIDEBAR CONVERSATION)

Amy did not call the vote so we're going to make a motion to table. And we have that motion to table. Okay. Well, on the motion to table, Janet from Planning Department, sorry -- Real Estate? (Laughter)

MS. FISCHER:

Real Estate.

MS. LONGO:

I just wanted to say that, yes, this is Core Pine Barrens. It's also the reason we have quarter percent money, is to buy Core Pine Barrens. And we're obligated by the law to make people whole. That's what the Pine Barrens law was all about. And if we have quarter percent money and we collect quarter percent money and we choose not to spend it in the Core Pine Barrens, the law could be challenged and it would be a taking. So that's why we purchase and will continue to purchase property until it's either all owned -- publicly owned or people have decided not to sell at all and keep the property and do what they want with it. Or, you know, they transfer the development rights. They get Pine Barrens credits. But those were the options given to people because this law is not a taking. It's, you know, an obligation that we have that the taxpayers voted to tax themselves for. And it was the beginning of the Quarter Percent Program.

CHAIRPERSON HAHN:

Thank you. And that's very important backup to the whole Pine Barrens law. And I hope you guys understand that. Legislator Krupski.

LEG. KRUPSKI:

Because while it's in private ownership, the ability, and I think Laretta said it, the ability to build there would be almost -- a residential house would be almost impossible. It's surrounded by public land. You could walk to it, but to be able to get a cleared road to it and fulfill all the requirements of a -- some sort of, you know, six feet wide road that's going to be safe for public emergency is just about -- would be just impossible. And I'm not familiar with that part, but -- and that's why the law provides for money so that it isn't, like Janet said, a regulatory taking. We're preserving all this land, but we're not going to give you anything for it. No, we're preserving all this land. You can either get Pine Barrens credits or you can take the money and sell it to County or town.

MS. FISCHER:

Actually this law was -- the original Old Drinking Water Protection Program was specifically designed to buy Pine Barren Core. And that was its first intent, as Janet mentioned.

CHAIRPERSON HAHN:

Okay. So, we have a motion to table before us and a second. So all those in favor of tabling? Opposed?

LEG. TROTTA:

Opposed.

CHAIRPERSON HAHN:

Aye.

LEG. MURATORE:

(Indicating opposed)

CHAIRPERSON HAHN:

Two oppositions to tabling but it does get tabled because we don't need four votes for tabling. Want to call the vote? (Laughter) **(VOTE: 3-2-0-1. LEGISLATORS MURATORE LEGISLATOR TROTTA OPPOSED. LEG. SARAH ANKER NOT PRESENT)**

Introductory Resolution 1606, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component - for the Mennuti property Forge River Watershed - Town of Brookhaven (SCTM No. 0200-825.00-03.00-025.000). (Co. Exec.). I'll make a motion to approve; seconded by Legislator Krupski. On the motion, Laretta.

MS. FISCHER:

This property is located south of Montauk Highway, west of Fanning Landing Road and along the Forge River in the Hamlet of Moriches, Town of Brookhaven; is .68 acres in size and the site consists mostly of underwater lands within the Forge River and contains some upland -- freshwater wetlands along the Forge River itself. It is north of 18 acres of County-owned land, which you can't quite see just below it, and it is located within the Forge River watershed where the County has been acquiring lands for the preservation and protection of this stream corridor over a number of years.

The Comprehensive Master Plan Update identified over a hundred acres still to be acquired by the County in this important watershed area of Moriches Bay. Due to its location along and within the Forge River is being proposed as an addition to the Forge River watershed assemblage, where the County currently owns over 200 acres known as the Forge River County Park. It was rated 52 points and received points for freshwater wetlands, hydric soils, being near County parkland and adjacent and near to a water body location with the FIRMs 100 year floodplain and providing a special view from a major road corridor.

CHAIRPERSON HAHN:

Okay. This is in Legislator Browning's district; correct?

MS. FISCHER:

Yes.

CHAIRPERSON HAHN:

Okay, on the motion, Legislator Trotta.

LEG. TROTTA:

Much property is this?

MS. FISCHER:

Point 68 acres. It's about -- almost three-quarters of an acre.

LEG. TROTTA:

It's wetlands now?

MS. FISCHER:

It's wetlands and underwater lands and some upland.

LEG. TROTTA:

And who owns this?

MS. FISCHER:

It's privately owned by Mennuti.

LEG. TROTTA:

Again, why are we buying land that can never be built on?

CHAIRPERSON HAHN:

What's the purchase price?

MS. FISCHER:

Fifteen thousand dollars.

CHAIRPERSON HAHN:

And it's how -- it's half -- more than a half of an acre?

MS. FISCHER:

Yeah, it's about a third -- two-thirds of an acre.

CHAIRPERSON HAHN:

And the value was determined knowing there was the wetlands --

MS. FISCHER:

Yes.

CHAIRPERSON HAHN:

-- and that's why the value is so low for .68 acres.

MS. FISCHER:

Yes, absolutely.

CHAIRPERSON HAHN:

So --

MS. FISCHER:

And there's always a -- you know, there is some upland and there is always a possibility of developing lands like these.

CHAIRPERSON HAHN:

Especially along the Montauk Highway like that.

MS. FISCHER:

Especially. It's critical --

LEG. TROTTA:

Is it really safe to say that with all the environmental regulations that you could never build?

MS. FISCHER:

That's not true.

CHAIRPERSON HAHN:

No, that's not true, especially in --

MS. FISCHER:

Yeah, there are variances that continue to this day on wetlands, especially freshwater wetlands, where there's no setback, there's no buffer area. If there's -- if there's only one area to build even be it small, it can be varianced and has been varianced by very many towns throughout the County.

CHAIRPERSON HAHN:

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

Okay, **1606 is approved. (VOTE: 5-0-0-1. LEG. SARAH ANKER NOT PRESENT)**

With no further business before us, we are adjourned.

THE MEETING CONCLUDED AT 3:56 PM