

**SPECIAL MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
CALLED BY THE CLERK AT THE REQUEST OF THE CHAIRMAN
HELD IN ROOM 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Tuesday August 20, 2024
(Immediately Following Health & Physical Committee Mtgs. starting at 6:00 P.M.)

The meeting was called to order at 7:01 P.M. by Chairman Jonke who requested Legislative Counsel Firriolo lead in the Pledge of Allegiance and Legislator Sayegh lead in the Legislative Prayer. Upon roll call, Legislators Montgomery, Gouldman, Nacerino, Ellner, Castellano, Sayegh, Crowley and Chairman Jonke were present. Legislator Addonizio was absent. Also present was Legislative Counsel Firriolo.

Item #4 – Approval – Inclusion of Parcels in Putnam County Agricultural District was next.

Chairman Jonke explained that this item was tabled at the Full Legislative meeting held on August 6, 2024. Chairman Jonke called for a discussion.

Legislator Crowley explained that she was hoping that there would be communication and/or an adjustment proposed to the resolution.

Legislator Gouldman expressed that both the Putnam Valley Supervisor and Town Board were in support of adding the Big Red Barn Farm parcel into the Agricultural District. He stated that the Legislature received a letter from Putnam Valley Supervisor Jacqueline Annabi and the Code Enforcement Officer in support of the Big Red Barn Farm.

Legislator Gouldman made a motion to include the Big Red Barn Farm parcel in the Agricultural District; seconded by Legislator Crowley.

Legislator Ellner explained that NYS Law is very clear. You must have 10 horses and \$10,000 of revenue. He stated that there are not 10 horses and no receipts for revenue have been provided. He stated that the parcel did not qualify. He believed that the Town of Putnam Valley was never approached for any variances or special use permits, which he believed was the first step in this process.

Legislator Gouldman again referenced the letters of support from the Town of Putnam Valley.

Legislator Crowley questioned if Legislator Ellner, as Chair of the Physical Services Committee, requested the receipts for revenue.

Legislator Ellner said not directly, and it is not a requirement for him to do so. He stated that what is being interpreted is not correct. He stated that it is very clear that, per Agriculture & Markets Law 239, you must have 10 horses. He stated that the simple fact that the applicant has three (3) horses is enough to deny inclusion. He stated that the soils on the property also disqualify it. He stated that if the properties do not comply with any of the criteria on Resolution #139 of 2007, that would be enough to decline the application.

Legislator Montgomery stated that she understands what Legislator Ellner is saying, however, she would base her vote on the recommendation of the Agriculture & Farmland Protection Board, and more importantly, the recommendation of the Town Supervisor and Code Enforcement Officer. She stated that the application use is consistent with the previous owner and neighboring parcels and having demonstrated an adequate boarding capacity of 10 horses.

Legislator Nacerino stated that the revenue requirement is stipulated, and the applicant should have been aware of that. She believed it was ironic that we would negate from the law based on assumption and speculation.

Legislator Castellano stated it appears that although the town wants this approved, there is a remedy with the town, with the special district and the Zoning Board. He stated that if the town wants to handle that, it should be handled at the town level and not by the Agriculture & Farmland Protection Board.

Legislator Sayegh concurred with Legislator Castellano. She explained that on the Agriculture & Markets website they have guidelines for review of local zoning and planning laws. She stated that the towns can go to Agriculture & Markets to review these laws. She stated that we can remedy this situation moving forward by changing our Resolution #139 of 2007, which she believed was going to be done tonight, to be able to move some of these properties into the Agricultural District. However, she was not willing to skirt around our laws at this time. She stated that we needed to abide by our resolution and the State law. She stated that the Agricultural District was formed to counter act local government infringing on farming operations. The intent was to preserve farmland in New York State, which she believed we were all in favor of. She proceeded to read some of the restrictions and/or requirements.

Legislator Crowley stated that she spoke to Soil & Water District Manager Neal Tomann. She believed that he stated if any of these parcels are included, he would need to submit a SEQRA. She believed that moving forward, it was important to require the applicants to submit this so that when the application goes to the Agriculture & Farmland Protection Board for review, a lot of the answers to questions have already been provided. She stated that it would negate the process that we are going through right now.

Legislator Montgomery stated that for this particular applicant they would not need a site plan because the adequate boarding capacity for 10 horses is already there. She believed that a resolution was a sentiment or intent and was not a law. She stated that she did not intend to enforce that resolution now. She stated that while we have these State and County restrictions, she would base her vote on input from town government.

Legislator Sayegh wanted to point out that we were not saying no to these businesses. She stated that each applicant can continue to operate the way they have been. She believed that Resolution #139 of 2007 should be revised and give them the opportunity to be included next year.

Legislator Nacerino concurred with Legislator Sayegh. She explained that she was the deciding vote to table this item. She stated that this has been a complicated process this year. She believed that we needed to follow process and procedure, our resolution and State law. She stated that it did not impede the operations of any farm. She has asked Legislator Ellner to place Resolution #139 of 2007 on the Physical Services Committee agenda for discussion. She explained that we could figure out ways to justify Legislator Crowley's concerns and possibly the notification to neighbors of farms requesting inclusion. She believed there will be a lot of discussion on this to develop ways to improve efficiencies.

Chairman Jonke stated that to be fair to the Agriculture & Farmland Protection Board, at the time they were voting on the parcels for inclusion, he did not believe they were aware of Resolution #139 of 2007. He stated that moving forward, he was in favor of amending that resolution. He stated that as Legislator Nacerino mentioned, at the very least if someone applies to be included in the Agricultural District, most towns have a 500-foot notification radius. He believed that the neighbors should be made aware of the request especially if it is occurring in a residential area. He believed the neighbors should be given the opportunity to voice their opinion. As Legislator Nacerino stated, what we do or do not do tonight will not impede the legal operation of any of the farms going forward.

Chairman Jonke called for a Roll Call Vote on the motion to include the Big Red Barn Farm.

By Roll Call Vote: Three Ayes – Legislators Crowley, Gouldman and Montgomery. Five Nays – Legislators Castellano, Ellner, Nacerino, Sayegh and Chairman Jonke. Legislator Addonizio was absent. Motion Fails.

Legislator Montgomery question if we could divide the question.

Legislative Counsel Firriolo explained at this point there is no question to divide because the only motion that was made was to include one (1) parcel which failed. He stated that we are now left with the original resolution which states that the Legislature declines to include any parcels.

Legislator Montgomery made a motion to include the Pine View Farm in the Agricultural District; seconded by Legislator Gouldman.

Legislator Montgomery explained that the Agriculture & Farmland Protection Board voted to include this parcel by a vote of 9-2 in favor. The Town Supervisor and Town Board are in favor of this. She believed it was a farm for hundreds of years and they are restoring it back to its original enterprise.

Legislator Ellner stated that there are four (4) parcels and three (3) of the four (4) have 0% of soil groups 1-6. He stated that in 2007, the County derived from NYS Agriculture & Markets Law, a system to rate the soils. He stated that NYS Agriculture & Markets Law states that the parcels must have predominantly prime agricultural soil. He stated that was determined to be soil groups 1-6. He stated that three (3) of the four (4) parcels have 0% and the 4th parcel has 46%, therefore this application is defective. He stated that this is not open to interpretation. The Agriculture & Farmland Protection Board does not make policy for the County. They are supposed to provide expert advice and only meet when there are applications before them. He stated that Resolution #139 of 2007 was provided to them which was indicated in their meeting minutes.

Legislator Crowley stated that at the time Resolution #139 of 2007 was approved, equine was not even included. It was added in later.

Legislator Ellner stated that he disagreed. He stated that the equine portion is Agriculture & Markets State Law.

Legislator Crowley stated that when we adopted it in after, and at that time the soil content should have looked at and taken into consideration when running a farm for animals. She stated that the soil content is not going to affect animals that are rotating and herding on the properties. She believed that by rotating the animals made the soil more protein rich and hardy.

Legislator Sayegh concurred with Legislator Crowley and believed that the resolution needed to be revisited in order to make our Agricultural District better. However, she believed that we need to follow the current laws and resolutions on the books today. She stated that each of these farms can continue their operations. She stated that the reason you apply to be included in the Agricultural District is to receive benefits. She proceeded to read some of those benefits.

Legislator Montgomery believed that if this is going the way I think it is going, then we will have to go back and examine every parcel that we have approved in the past that does not meet the criteria on the resolution, which she believed was not a law but a sentiment. She stated that she would like to review all resolutions that are not implemented. She stated that you are about to deny an application based on the soil quality when they are not even going to be planting anything. She stated that it is a critically endangered cow operation.

Legislator Nacerino explained that the Legislature has been made aware of Resolution #139 of 2007. She stated that the fact that we know is the reason we must adhere to it and comply with it. She stated that State law supersedes any resolution whether or not certain components were included or excluded from the resolution.

Legislator Ellner said, "yes."

Chairman Jonke called for a Roll Call Vote on the motion to include Pine View Farm.

By Roll Call Vote: Three Ayes – Legislators Crowley, Gouldman and Montgomery. Five Nays – Legislators Castellano, Ellner, Nacerino, Sayegh and Chairman Jonke. Legislator Addonizio was absent. Motion Fails.

Legislator Crowley mentioned for the record that equine was added to the State Agricultural District in 2011. She believed that it was unfair that our resolution was not reviewed at that time.

Chairman Jonke stated that many things were overlooked. He stated that this is the eighth year as a Legislator participating in the inclusion of parcels in the Agricultural District. He stated that this was never brought to his attention before, and shame on them whoever was in charge back then. He stated that it is not obscure, it is the criteria for inclusion. He stated that Legislator Crowley was the Legislative Representative on the Agriculture & Farmland Protection Board. He stated that none of what you stated tonight was said prior to tonight.

Legislator Nacerino explained that whether it was included or whenever it came to light, this is a meaningful discussion, and we understand and recognize that we need to move forward in a different direction. She believed that we needed to reconsider and take into account the things we now have knowledge of. However, State law supersedes everything. Whether it was 2007 or 2011, the State law is specific.

Legislator Montgomery explained again that everyone can continue on with their businesses and hopefully will comply with town code and laws. She stated that this will not prevent anyone from farming.

Legislator Crowley stated that she brought many of her concerns about how the Agriculture & Farmland Protection Board was being operated to Chairman Jonke and Legislator Ellner. She stated that she also had conversations with Legislative Counsel Firriolo about certain rules not being followed. She believed it was untrue to say that she did not come to anyone for support or help.

Chairman Jonke called the question to vote on the resolution.

RESOLUTION #189

APPROVAL - INCLUSION OF PARCELS IN PUTNAM COUNTY AGRICULTURAL DISTRICT

WHEREAS, by Resolution #81 of 2003, the Putnam County Legislature created an Agricultural District in the County of Putnam; and

WHEREAS, by Resolution #193 of 2011, after the 8th year anniversary of the formation of the district, the Putnam County Legislature modified said Putnam County Agricultural District #1, and

WHEREAS, by Resolution #244 of 2003, the Putnam County Legislature established the month of November in which a landowner may request inclusion in the Putnam County Agricultural District; and

WHEREAS, by Resolution #154 of 2015, the Putnam County Legislature changed the annual thirty-day inclusion request period, from the month of November to April 1st through April 30th, commencing in the year 2016 and each year thereafter; and

WHEREAS, November 19, 2019 marked the second 8-Year Anniversary of the formation of this district requiring the Putnam County Legislature to review this district and either continue, terminate or modify the district created; and

WHEREAS, by Resolution #204 of 2019 the Putnam County Legislature determined that the Putnam County Agricultural District No. 1 remained the same in accordance with the recommendations of the Putnam County Agriculture and Farmland Protection Board to consist of 157 parcels with a total acreage of 5,113.9 acres; and

WHEREAS, in 2024, requests were presented to the Putnam County Legislature to modify the existing Agricultural District in the County of Putnam by including the following parcels in the District:

Town of Carmel:

Kascade Enterprises (Eric Hasbrouck) – Tax Map #54.-1-36 (28.32 acres) Total Acreage: 28.32

Town of Kent:

Angry Goose Farm (Robert Lena/Tofo Realty LLC) – Tax Map #10.-2-6.-1 (115.26 acres)
Tax Map #10.-1-38.-1 (39.66 acres) Total Acreage: 154.92

Town of Patterson:

Ridge Ranch (Daniel Honovich) – Tax Map #15.-1-46 (68.04 acres) Tax Map #15.-1-49 (45.03 acres) Tax Map #15.1-48 (.45 acres) Total Acreage: 113.52

Lobster Hill Farm (Jessica & Andrew Jarrett) – Tax Map #35.-4-56 (22.49 acres) Total Acreage 22.49

Mother Farm (Peter Clarke & Martha Cotto) – Tax Map #34.-3-1.41 (15.5 acres) Total Acreage 15.5

Hidden Hope (Shannon & Eric Nitti) – Tax Map #24.-1-62 (18.61 acres) Total Acreage: 18.61

Town of Philipstown:

Pine View Farm (George Whipple) – Tax Map #71.-1-34 (2.60 acres) Tax Map #71.-1-35 (2.21 acres) Tax Map #71.-1-27 (15.08 acres) Tax Map #71.-1-24 (17.40 acres) Total Acreage: 37.29

Town of Putnam Valley:

Francis W. Rush III – Tax Map #83.20-1-6 (33 acres) Total Acreage: 33

Big Red Barn Farm (Joey Mancuso) – Tax Map #72.16-1-1 (67.05 acres) Total Acreage: 67.05

Town of Southeast:

Lobster Hill Farm (Jessica & Andrew Jarrett) – Tax Map #35.-1-10 (56.13 acres) Total Acreage: 56.13

Total acreage in petitions: 546.83

WHEREAS, pursuant to Article 25 AA of the Agriculture and Market Law, section 303-b, a public hearing on the requests was conducted by the Putnam County Legislature on August 6, 2024; and

WHEREAS, the Putnam County Agriculture and Farmland Protection Board considered the requests for inclusion and reported that certain parcels applying for inclusion would serve the public interest by assisting in maintaining a viable agricultural industry within the District and recommended the inclusion of said parcels in the Putnam County Agricultural District; and

WHEREAS, the Physical Services Committee of the Putnam County Legislature reviewed and considered the recommendations made by the Putnam County Agriculture & Farmland Protection Board; and

WHEREAS, the Putnam County Legislature has considered the comments of the speakers at the public hearing, the recommendations of the Putnam County Agricultural and Farmland Protection Board, the recommendations of the Physical Services Committee, the various letters in support and in opposition to the inclusion of these parcels in the modification of the Agricultural District; now therefore be it

RESOLVED, that the Putnam County Legislature hereby declines to include any of the parcels requested for inclusion in the Putnam County Agricultural District.

BY ROLL CALL VOTE: FIVE AYES. THREE NAYS – LEGISLATORS CROWLEY, GOULDMAN & MONTGOMERY. LEGISLATOR ADDONIZIO WAS ABSENT. MOTION CARRIES.

***Copy of Applications on file in the Legislative Office for review.**

Item #5 – Approval – Lead Agency – Agricultural District was next.

Chairman Jonke stated that since no parcels were included, this resolution is no longer needed.

APPROVAL – LEAD AGENCY – AGRICULTURAL DISTRICT

WHEREAS, the Department of Agriculture and Markets as Lead Agency for the Agricultural Districts Program has conducted a programmatic review of the environmental effects of Agricultural Districts and has concluded that there is little likelihood of significant adverse environmental impact resulting from the formation or modification of such districts; and

WHEREAS, it is the responsibility of the County to review the site-specific proposals under consideration to determine if unique circumstances exist which increase the likelihood of environmental significance; and

WHEREAS, the Department of Agriculture and Markets recommends that the County Legislative body serve as the Lead Agency to insure compliance with the

requirement of the State Environmental Quality Review Act as it is the only other agency required to undertake an action except for the Department of Agriculture and Markets; now therefore be it

RESOLVED, that with respect to the inclusion of any additional parcels into the Putnam County Agricultural District in 2024, the Putnam County Legislature declares itself to be the lead agency to ensure compliance with the requirements of the State Environmental Quality Review Act.

There being no other business, at 7:38 P.M., Chairman Jonke made a motion to adjourn; seconded by Legislator Sayegh. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.