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2 C E N T R A L P I N E B A R R E N S

3 C O M M I S S I O N M E E T I N G

4 -----x

5 EAST END FLOWER FARM

6 COMPATIBLE GROWTH AREA

7 HARDSHIP WAIVER APPLICATION

8 -----x

9 September 17, 2025
3:23 p.m.

10 340 Smith Road
11 Shirley, New York

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20 TRANSCRIPT OF PROCEEDINGS

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2 A P P E A R A N C E S:

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4 JUDITH E. JAKOBSEN, Executive Director
5 MATTHEW CHARTERS, Riverhead Town Representative
6 MICHELLE DiBRITA, Brookhaven Town Representative
7 JENNIFER JUENGST, Suffolk County Representative
8 JANICE SCHERER, Southampton Town Representative
9 JULIE HARGRAVE, Joint Planning and Policy Manager
10 TARA MURPHY, Environmental Planner
11 JOHN C. MILAZZO, Commission Counsel
12 ANGELA BROWN-WALTON, Administrative Assistant
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2 HEARING OFFICER: Moving on to the
3 next hearing. We have the Notice of Public
4 Hearing. Pursuant to New York State
5 Environmental Conservation Law Article 57
6 Section 57-0121(9) and the Central Pine
7 Barrens Comprehensive Land Use Plan, notice
8 is hereby given that the Central Pine Barrens
9 Joint Planning Commission will hold a public
10 hearing on Wednesday, September 17, 2025 on
11 the matter of an application for a Compatible
12 Growth Area (CGA) Hardship Exemption.

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2 structures and other infrastructure, grading
3 and excavation of steep slopes. The five
4 acre site contains pine barrens vegetation
5 and habitat. It is in the A Residence 2
6 zoning district.

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2 Westhampton Beach.

3 We have to put the appearances on the
4 record, starting with Mr. Charters.

7 MS. DiBRITA: Michelle DiBrita,
8 designated representative Town of Brookhaven.

9 MS. JUENGST: Jennifer Juengst,
10 Deputy County Executive representing the
11 County.

12 MS. SCHERER: Janice Scherer,
13 designated representative, Town of
14 Southampton.

15 MS. MILAZZO: Julie Hargrave.

16 MS. JAKOBSEN: We'll start with
17 Ms. Hargrave.

18 MS. HARGRAVE: Thank you. The
19 commission has received the draft staff
20 report and the applicant as well. I'll just
21 briefly go through the staff report and the
22 exhibits.

Again, this is East End Flower Farm
the Compatible Growth Area Hardship Waiver
application. The applicant and owner of the

2 site is Marcos Ribeiro. The project is
3 clearing and development for agricultural use
4 on five acre site on the west side of Weeks
5 Avenue in the A Residence 2 zoning district.
6 That's the two acre residence zoning
7 district. This is a Type I action pursuant
8 to SEORA Regulations.

16 Again, this is in the two acre
17 residence zoning district. The pine barrens
18 land use plan defines clearing based on the
19 zoning district. On this site the clearing
20 limit is 35, which would be 1.75 acres, and
21 the open space requirement is 65 percent or
22 3.25 acres. The proposal seeks to clear the
23 entire site, which does not conform to the
24 clearing limits and open space standard.

25 The proposal is to develop and to

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2 clear the whole site for agricultural use and
3 clearing all of the natural vegetation
4 habitat and steep slopes on the site. There
5 is also a significant amount of excavating
6 and grading for the project to construct
7 three large structures or three primary
8 structures, including a 30,000 square foot
9 greenhouse, a 10,000 square foot barn, and a
10 56,000 square foot hoop house; all of these
11 are in the exhibits and the site man.

Again, this is a Type I action because the site is adjacent to a 15 acre block of natural Town owned open space on the south side. On July 18th the Commission coordinated for lead agency. Brookhaven Town and the Health Department responded that they

2 did not object to the Commission assuming
3 lead agency. Actually, we need to do the
4 lead agency declaration later.

13 Finks demonstrated that the site was
14 cleared and farmed as recently as the 1980s.
15 And we have added into the record an aerial
16 of Finks Farm in 1994, which shows that is
17 cleared. So, that was, again, allowed to be
18 cleared in 2017 to 90 percent, because they
19 demonstrated that it had historically and
20 relatively recently had been farmed and
21 cleared.

2 forested area has remained intact.

3 So, I'll go through some of these
4 additional items. There are some pretty
5 steep slopes on the site that, again, will be
6 cut and excavated to develop the project site
7 and construct the proposed structures. The
8 surrounding land use is predominately, again,
9 Town open space adjacent on the south side
10 and the west side. There's mostly
11 residential uses in the study area, and there
12 are a couple of nonresidential uses,
13 including a children's daycare and industrial
14 metal workshop and Christmas tree farm.

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2 There is proposed planting of a line of
3 non-native arborvitae on the north side of
4 the site that's not really consistent with
5 the standard for native plants for the site
6 plan either. And that provides a very
7 limited buffer to the adjacent residential
8 uses on the north side.

Again, we went through the precedent. I'll just get to the end to the items requested for the applicant to review on the record today and the hardship criteria and how they can address the hardship criteria, including the self-created hardship and that they cannot realize a reasonable return when the property was recently purchased within the calendar year. There are a number of other items on the -- again, to demonstrate the site, how it is unique from other sites in the CGA and the study area. If they have considered alternatives, such as other sites or other distinct farmland that would not exceed standards, rather than converting pine barrens to farmland.

25 The applicant mentioned yesterday to

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2 me on the phone that the area was cleared for
3 a cordwood, but in the recent past, if you
4 see in Exhibit H, an aerial of the site in
5 1994 it is completely wooded. So, that,
6 again, distinguishes it from the other
7 hardships where clearing was allowed for
8 agricultural uses. This has not been
9 demonstrated that it was cleared in the
10 recent past or for farming in the past.

11 Just to go through the exhibits.
12 Exhibit A is an aerial of the site. You can
13 see that it's a long, narrow site
14 perpendicular to Weeks Avenue and adjacent to
15 the Town open space.

Exhibit C is copies of some of the site plan sheets, including showing the three buildings side-by-side. Again, the entire site would be cleared and significantly graded for this project. It's hard to see on this, but you might be able to see some of

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the steep slopes on Sheet SP2 on the eastern half of the site.

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Exhibit D shows a little clearer --

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MR. MILAZZO: Just going back to the exhibit with the elevations. It looks like the elevations on the north -- the southeast side of the property are up in the 90s. And then the floor elevation of the proposed buildings in that area are 79 feet and 68 feet and 62 feet. So, the site ranges from moving from Weeks heading westerly along Weeks in the 60s. In the southeast corner, it gets up into the 90s, and then as you go further back it's in the 60s again.

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MS. HARGRAVE: Thank you.

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Exhibit E contains the map of the

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study area showing the adjacent open space and the development in the study area, again, mostly residential uses.

Exhibit J is the Finks Farm site.

21 That's all I have. If you have any
22 questions.

25 MS. HARGRAVE: No.

2 MR. MILAZZO: Agricultural District.

3 MS. HARGRAVE: No.

4 MR. MILAZZO: They are constructing
5 three, at least three structures, building
6 three structures?

7 MS. HARGRAVE: Yes. 96,000 square
8 feet of structures.

13 MS. JAKOBSEN: Do any of the
14 Commission members have any questions for
15 Julie?

16 MS. SCHERER: Do you know how much
17 coverage the building represents on the five
18 acres?

19 MS. HARGRAVE: 96,000. So, it's a
20 couple of acres at least.

21 MS. SCHERER: So, it's 44 percent, if
22 my math is right. Is there a coverage
23 requirement, Brookhaven, for agricultural
24 structures?

25 MS. DiBRITA: Doesn't come with the

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2 site plan. Agricultural uses are exempt with
3 the site plan.

4 MS. SCHERER: It's about 44 percent
5 coverage.

6 MR. MILAZZO: 42 to 44.

7 MS. SCHERER: Five acres times --

10 MS. SCHERER: Somewhere in that
11 range. 42, 45 percent.

12 The clearing is 97 percent?

13 MS. HARGRAVE: 99.9 percent.

14 MS. JAKOBSEN: Are there any other
15 questions for Julie?

16 (No response was heard.)

17 MS. JAKOBSEN: We can hear now from
18 Mr. Ribeiro.

19 MR. RIBEIRO: Marcos Ribeiro. East
20 End Flower Farm owner/operator, second
21 generation farmer in the Town of Brookhaven,
22 Southampton and Southold.

23 Right off the bat I wanted to clarify
24 the project scope; it is incorrect. The
25 project scope is 10,000 square foot barn and

2 a 30,000 square foot greenhouse. The area
3 outlined adjacent and labeled as 56,000
4 square feet is a modular hoop house area.
5 What does that mean? It means that it is a
6 designated area that complies with the Town
7 of Brookhaven Town Code so that I'm nowhere
8 within 40 feet to a lot line, which is,
9 again, from the Town Code of the Town of
10 Brookhaven. So, I outlined that area not as
11 a construction area, but as an area to kind
12 of let you know this is where our hoop houses
13 will be, which are temporary in nature. So,
14 that's not a structure whatsoever.

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up until 1926 it was still a viable business. After that it looks, going back to the satellite imagery, back in 1947 it looks like the property started to re-vegetate on itself. If you look at satellite records, previously the property is very sparsely covered, patchwork of forest. So, that's what I established there. So now I will kind of go through some of the concerns. That's the historical context of the property and conditions.

23 I acknowledge that the project does
24 not fully conform to the vegetation
25 standards. Under Suffolk County's own

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2 preservation law, farmland is considered open
3 space. By entering this property into
4 productive farm use, the project is fully
5 consistent with the County's open space and
6 farmland preservation goals. Legal
7 references are Suffolk County Code Chapter 8
8 Farmland Development Program.

9 Farmland preservation under the
10 program is treated as part of the County's
11 open space. New York State Ag and Market
12 Law, Section 301, Subsection 4 define
13 agriculture land use and agricultural
14 production defined as open space, which
15 Suffolk County adopts its farmland policies
16 from. County planning documents often lists
17 open space preservation as including
18 farmland.

19 Going forward, to address some of the
20 other concerns down the list. Regarding the
21 fertilizer dependent vegetation. The only
22 vegetation that I have proposed is a row of
23 green plicata, which is a courtesy to the
24 five neighbors to the north. If the
25 Commission thinks I shouldn't plant them, I

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2 won't plant them. Fertilizer dependent.

I've seen a few do very well without any
fertilizer.

5 On habitat impact. I recognize this
6 is a direct loss in acreage. I'm willing to
7 provide mitigation measures, including
8 natural potential off-site contributions;
9 that could be a possibility.

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the farm operation itself.

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MS. SCHERER: What is the nature of your agriculture? What are you growing?

5

MR. RIBEIRO: I grow very diverse crops. We grow annuals, perennials, vegetables, micro greens, Cannabis, Hemp.

8

We're quite the mixed operation.

9

MS. SCHERER: That will be on the site.

11

MR. RIBEIRO: No. We have 120,000 square feet of greenhouse.

13

MS. DiBRITA: What are you planning on the site?

15

MR. RIBEIRO: Various stock. Micro greens, some more perennials, some more annuals. I already have a dedicated build-out facility for Cannabis, which I have no intention of bringing here at this time.

20

I know that is always a concern for everyone.

21

I have worked with Janice on other projects, and that was a concern there. Some

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arborvitae, some other things. Sunflowers
next year.

25

So, we're a mixed operation. We kind

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2 of go with the market trend and pricing
3 chains. As you see, this year would have
4 been a good year for tomatoes. I didn't do
5 tomatoes.

6 Any other questions at this time?

7 I'm going to keep going, if that's okay.

19 So, precedent setting concern.

20 Previous approval will not set a general
21 precedent tied to the property's unique facts
22 for agricultural purpose hardship evidence
23 and environmental safety. Relief requested
24 is narrowly tailored to site-by-site specific
25 because of the unique slope of the property.

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Once graded, it will protect the site from environmental factors.

9 I'd be open to the area -- if you look at the
10 map you have. Is there a way to go back a
11 slide or two?

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open to doing on-site pollinator habitat and exploring off-site contributions to maintain regional habitat connectivity.

5 SEQRA. Since I was able to kind of
6 clarify the actual coverage of the lot, my
7 understanding is that it's an unlisted action
8 and not Type I. Not that that, in itself, is
9 a negative declaration. I just wanted to
10 clarify that, because of the square footage
11 coverage we might be unlisted, not Type I.

12 MS. SCHERER: It is adjacent to Town
13 open space.

14 MR. RIBEIRO: Which is on 12 acres.
15 I looked at the survey and I saw 12. Julie
16 stated 15.

17 MS. HARGRAVE: The designation gets
18 elevated when adjacent to other open space.
19 Based on the disturbance, you exceed that by
20 two and a half acres. You're going to five.

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remain viable as a farm. With approval, it will serve as a model for balancing agriculture, environmental stewardship in the Compatable Growth Area. Thank you so much.

Any other questions at this time?

MS. JAKOBSEN: Any questions from the Commission members?

MS. SCHERER: You're saying there's no viable way that you can farm and maintain 35 percent uncleared area on this site?

MR. RIBEIRO: So, 35 percent is 1.75 acres. Can someone on the Commission point to less than two acre farms that's viable to me? Can you name them?

MS. SCHERER: I'm asking you.

MR. RIBEIRO: When I run the numbers, it's a hardship. I'm seeking a financial relief from this hardship, because it's not economically viable. If you start putting pen to paper, it won't be good.

MS. DiBRITA: What's the minimum amount?

MR. RIBEIRO: Brookhaven says it's five acres.

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more, we'll add more. We don't need that, let's take it down. By its nature, it's a temporary structure. Whereas, the 30,000 square foot greenhouse is a glass greenhouse that is going in and not moving, god willing.

7 MR. CHARTERS: You said it was an Ag
8 production prior?

11 MR. CHARTERS: Prior us

11 MR. CHARTERS: Prior use was for
12 agriculture, which you said was 1926?

13 MR. RIBEIRO: It lasted until 1926.

14 MR. CHARTERS: 99 years ago.

15 MR. RIBEIRO: It was a long time ago.

16 I haven't seen a timeline for establishing
17 farms not being a farm. Yes, it was a long
18 time ago.

19 MS. SCHERER: You also need an
20 irrigation well.

21 MR. RIBEIRO: No. So, what I have
22 decided to do, I found out more about the
23 property behind that property, and the water
24 quality is very poor there, very, very poor,
25 because of whatever happened with Brookhaven

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2 National Laboratory. I will not be drilling
3 a well. I will get a two inch hook-up to the
4 city water, proposed.

5 MS. SCHERER: And then do we need
6 some kind of letter of availability from the
7 Suffolk County Water Authority?

8 MR. MILAZZO: That's ministerial.

9 MS. SCHERER: Do we get that as part
10 of the review?

11 MR. MILAZZO: Julie can answer that
12 better than I can.

13 MS. SCHERER: If you have no other
14 oversight.

21 MR. RIBEIRO: Correct.

22 MR. MILAZZO: Will you need retaining
23 walls on the side?

24 MR. RIBEIRO: There is a
25 specification for what retaining walls look

2 like. Obviously, it's hard to see on these,
3 but I believe Julie has a large copy. The
4 plans are kind of big. There's a detail for
5 a retaining wall. It's done right. There's
6 native vegetation in between any of the
7 terraces.

8 MR. MILAZZO: What does the property
9 look like to the south of this?

10 MR. RIBEIRO: Wooded.

11 MR. MILAZZO: The property to the
12 west of this?

13 MR. RIBEIRO: That is the property
14 that's owned by the Manorville Fire
15 Department. Breslin actually owns that
16 industrial subdivision just to the northwest,
17 but west they carved all the roads, because
18 the water is contaminated, all the gravel
19 roads back there. They put new equipment
20 back there.

21 MR. MILAZZO: Wooded. Is it clear?

22 MR. RIBEIRO: It's not. It has been
23 cleared recently to allow for the gravel road
24 and new equipment to be placed to monitor the
25 water quality.

2

MR. MILAZZO: And the northwest?

3

MR. RIBEIRO: Northwest is still wooded. Breslin owns it with whatever it's filled with. There is miscellaneous clearings in that. But then, obviously, those two lots to the north, they have been there a long time. The structural steel guy has got five acres, lot line to lot line.

That's been there before everyone else.

10

MS. SCHERER: That subdivision in between is residential homes there.

11

MR. RIBEIRO: Five homes directly to the north.

12

MS. SCHERER: That's where you're proposing to put it?

13

MR. RIBEIRO: Yeah. Right now, the way the water flows -- I have been there when it rains -- the water flows off of the property onto the north right now, because of some of the existing grades.

14

MR. MILAZZO: How much material are you going to have to remove from the site?

15

MR. RIBEIRO: Originally I had -- so, the Town of Brookhaven I put in my site plan

2 application, only to find out that I'm exempt
3 from site plan approval. Originally, 40,000
4 cubic yards of material. And we have two
5 other farms that will be receiving, one of
6 them being East Moriches. During the
7 wintertime, groundwater is part of the field
8 height, and in the summertime it drops about
9 a foot, 16 inches. Technically, we could use
10 that material.

11 MS. HARGRAVE: Was there a small
12 amount of disturbance that occurred recently
13 on the site near the Weeks Avenue frontage?

14 MR. RIBEIRO: Yes.

15 MS. HARGRAVE: What was that for?

16 MR. RIBEIRO: So, I find it to be a
17 fire hazard. There is a lot of dry material
18 on the property. Previously, in 2012, there
19 was fire history in the area. So, I don't
20 want to be caught up in anything. So, I
21 would like to clean a little bit of the
22 property.

23 MS. HARGRAVE: Not right now. Don't
24 do that right now, while you're in the midst
25 of the application.

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1 MR. RIBEIRO: Okay.

2 MS. JAKOBSEN: Any other questions?

3 MR. MILAZZO: Do you own this
4 property?

5 MR. RIBEIRO: Yes.

6 MR. MILAZZO: Did you buy it
7 recently?

8 MR. RIBEIRO: Yes.

9 MR. MILAZZO: Recently. What does
10 that mean?

11 MR. RIBEIRO: May 8th.

12 MR. MILAZZO: Of?

13 MR. RIBEIRO: This year.

14 MR. MILAZZO: 2025.

15 MS. JAKOBSEN: Any other questions?

16 (No response was heard.)

17 MS. JAKOBSEN: Julie, when is the
18 decision deadline for this one?

19 MS. HARGRAVE: It would be helpful to
20 have an extension. The decision deadline
21 is --

22 MR. CHARTERS: October 23rd.

23 MS. HARGRAVE: Either to the
24

25 November 19th or the December 17th meeting.

2 MR. RIBEIRO: I would be open to an
3 extension if we were working towards a common
4 goal. If we are looking for an extension for
5 more information and get a denial.
6 Everybody's time here is very precious. Is
7 there an interest in the Commission working
8 with East End Flower Farm and myself for a
9 common goal of preservation and possibly
10 making this -- I know lot line to lot line is
11 quite a bit. So, I guess what I'm asking is,
12 is the Commission open to working with me to
13 a certain capacity to come to what would
14 possibly pass as a hardship, instead of
15 working towards a goal and then getting a
16 denial?

17 MS. SCHERER: The people to the north
18 were notified of this?

19 MR. RIBEIRO: Yeah. They're good
20 people.

21 MS. SCHEBER: You have met them?

22 MR. RIBEIRO: I met two. The two in
23 the front, I have not met. They haven't been
24 available when I have been available. But
25 the other neighbors are -- well, one of them

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2 needs to adjust some of things, but they're,
3 you know. It's agriculture. You look to the
4 Comprehensive Land Use plan, part of it is
5 the agriculture.

6 MS. HARGRAVE: If you're willing to
7 look at off-site non-contiguous clusters and
8 there is more information you could provide
9 to the Commission about that.

10 MR. RIBEIRO: No. Can you define,
11 because, obviously, I'm working with a
12 limited budget here. Can you define what a
13 typical --

14 MS. HARGRAVE: You were offering
15 something.

16 MR. RIBEIRO: I guess I want to know
17 more where I could maybe try to offer.

18 MS. HARGRAVE: To meet the standard,
19 if it was off-site somewhere else.

20 MR. RIBEIRO: What has been done in
21 the past? Can you give me an example?

22 MS. HARGRAVE: It was your offer.

23 MR. RIBEIRO: Like a trade
24 development, right

25 MS. SCHERER: Like a Core.

2

MR. RIBEIRO: It would have to be --

3

MS. HARGRAVE: Really an extension of

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the project site if you bought land somewhere
else and then perhaps you would meet the
standard or if you had a larger project site.

5

It doesn't necessarily have to be contiguous
to this site.

6

MR. RIBEIRO: If it was Core, would
that count towards it?

7

MS. HARGRAVE: If it's not already
protected.

8

MR. RIBEIRO: If it's CGA?

9

MS. HARGRAVE: Essentially something
that you can think about and offer more
information to the Commission, maybe address
some of these items in writing. It's up to
you.

10

MR. RIBEIRO: Sure, I can reply to
the questionnaire and letter.

11

MR. MILAZZO: I just want to caution
you. Julie said explore. We're not
encouraging you to get your own independent
counsel. Purchasing any property with the
expectation that would be acceptable as a

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2 trade, just before you open your checkbook,
3 make sure you check with someone you trust
4 for counsel on that question.

5 MR. RIBEIRO: Understood. Thank you.

6 MS. HARGRAVE: The deadline is the
7 next meeting.

11 MS. HARGRAVE: The next meeting is
12 October 15th, and the deadline is
13 October 23rd.

14 MR. MILAZZO: We meet once a month.

15 MS. SCHERER: You could get us some
16 information before the 15th of next month?

17 MR. RIBEIRO: Yeah.

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Again, you can always have an extension that is longer than a decision is prepared and issued. But if you're asking them to do work, it will be difficult to have also a decision in October.

MS. SCHERER: Didn't you say you wouldn't mind leaving the record open, come back next time, and then decide. We're saying we can't decide that day on the 15th, if you don't give the extension now.

MR. RIBEIRO: I'm open to an extension.

MR. MILAZZO: The applicant is offering an extension to November 19th. Is that fair?

MR. RIBEIRO: Correct.

MS. JAKOBSEN: At this point, do we want to have a motion to --

MS. SCHERER: Public comment.

MS. JAKOBSEN: Jumping ahead again.

Is there anyone from the public that would like to provide comment on this project?

(No response was heard.)

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2 hearing to October 15th.

3 MS. DiBRITA: Second.

4 MS. JAKOBSEN: All in favor.

5 (WHEREUPON, there was a unanimous
6 affirmative vote of the Board.)

7 MS. JAKOBSEN: Any opposed?

8 (No response was heard.)

9 MS. JAKOBSEN: Motion carries
10 unanimously.

11 (Time Ended: 4:06 p.m.)

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C E R T I F I C A T E

5 I, BETHANNE MENNONNA, a Notary Public
6 within and for the State of New York do
7 hereby certify that the foregoing is a true
8 and accurate transcript of the proceedings,
9 as taken stenographically by myself to the
10 best of my ability, at the time and place
11 aforementioned.

12 IN WITNESS WHEREOF, I have hereunto
13 set my hand this 20th day of September, 2025.

BethAnne Mennonna

BETHANNE MENNOMINA