



PECONIC LAND TRUST NEWSLETTER

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Where the buffaloes roam...North Quarter Farm, site of the Trust's 1996 Peconinic.

Photo: Jeff Heatley

The Value of Purchase of Development Rights Programs

Since the 1970s, purchase of development rights (PDR) programs operated by Suffolk County and the East End Towns have preserved 6,941 acres of prime agricultural land. This method of land protection was originated on Long Island and has been emulated by many other states and municipalities throughout the country. While it is by no means the ultimate answer to preserving the rural character of our communities, it has proven itself to be an invaluable conservation tool. This Fall, Long Island voters will have the opportunity to support additional public funds for such purposes.

Long Islanders have consistently supported public and private conservation

efforts, confirming that our quality of life is inexorably linked to the preservation of our rural traditions. Fortunately for us all, Suffolk County continues to be the top agricultural region in New York State based on the revenues generated through the sale of many products. This, in turn, bolsters our tourist economy by providing working landscapes, fresh vegetables, fruits and wines produced in the region.

Unfortunately, our unique qualities have also led to tremendous appreciation in the value of real estate. This has made it extremely difficult for farm families to pass their land from one generation to the next due to federal and state inheritance taxes that are based on the "highest and best use"

of land rather than its current use in agriculture. Without careful planning, a farm family can be forced to sell their land in order to pay the inheritance tax. Given the significance of agriculture to the East End's economy, public and private efforts have been made to preserve farmland and the farm family. The purchase of development rights has been frequently used in this context.

To understand how PDR programs work, one must understand two things. First, land ownership consists of a *bundle* of rights that allow a landowner to walk, hunt, plant, build or develop his/her property so long as the uses are consistent with existing zoning and other regulations. Given that

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The Value of Purchase of Development Rights Programs (continued from page 1)

land ownership consists of numerous rights, a landowner can decide to relinquish one or more of these rights while retaining the others. Thus, when development rights have been purchased by the local municipality, the land is still privately owned by the landowner with agricultural and other ownership rights intact. Second, PDR programs on Long Island have long been voluntary in nature. While the Towns and County have publicized the availability of funds, it is the responsibility of the landowner to express, in writing, a willingness to sell development rights. Thus, a letter of interest generally triggers a review by a governmental committee charged with overseeing the PDR program. Assuming the property meets the criteria of the PDR program, an appraisal is ordered to establish the value of the development rights on the property. Once an appraisal is completed and reviewed, a formal offer is made to the landowner. If the offer is accepted and the language in the deed of development rights is approved by both the landowner and the municipality, the deal will close soon after.

The painful reality of PDR programs is that there are limits on both sides of the fence. There is a financial limit as to how many development rights can be purchased by government, particularly as property values appreciate. By the same token, there is a limit as to how many development rights a landowner can sell without undermining

his/her family's long-term financial position as a result of diminished equity in the land. In searching for a reasonable middle-ground, the Peconic Land Trust has successfully blended private conservation techniques, including limited development, with the sale of development rights to local towns and Suffolk County.

As an example, the Trust worked closely with the Abraham Halsey family in Water Mill. In 1990, the family was under contract to sell 41 acres of land to a developer. Fortunately, a down-turn in the real estate market at the time and a change in zone carried out by the Town, enabled the family to recover the land from the developer. Neither the donation of a conservation easement to the Trust, nor the sale of development rights to Suffolk County were viable options for the family since each represented far less of a return than the outright sale of the land. The Trust was able to demonstrate that a combination of the sale of development rights plus the creation of three building lots in appropriate locations was a realistic alternative. The family agreed to this option, ultimately protecting 34 acres, without jeopardizing its financial situation.

By blending public and private conservation techniques, less public funding may be required on an individual project and, in some cases, portions of land can be preserved without any expenditure of public funds, through donations to the Peconic Land Trust. This was particularly true of the Thornton Smith project in Mattituck, described in our April 1996 newsletter. In the

Smith project, we successfully blended the sale of development rights with a gift of a conservation easement, limited development of 6 units, and the donation of a 13-acre preserve. Under such circumstances, public monies can be stretched to accomplish broader conservation goals or applied to situations where private conservation techniques are not feasible.

This November 5th, voters in our communities will have an opportunity to approve acquisition funds that would include the purchase of development rights on agricultural land. Given the recent resurgence of the real estate market and the expected increase in development, the Towns of East Hampton, Southampton, Southold and Shelter Island will have bond issues on the ballot that will provide needed funding for land conservation. New York State will also have the Clean Water/Clean Air Bond Act on the ballot which, if approved, will match local funds, thereby potentially doubling or tripling the buying power of the Towns. In addition, Suffolk County is providing funds towards the purchase of development rights to Towns on a matching basis.

These bond acts are clearly critical to land conservation on Eastern Long Island. We urge you to invest in the protection of farmland and open space by voting in favor of the New York Clean Water/Clean Air Bond Act and any local bond acts for the public acquisition of land and development rights.



Photo: Roger Smith



This summer, the Trust hosted benefit Clambakes at Quantuck Beach Club in Westhampton Beach and at the Bridgehampton Club. This view overlooks land protected by a conservation easement given to the Trust by the Bridgehampton Club in 1992.

1996 Challenge: To Raise \$500,000 by October 31.

The 1996 Challenge Grant will underwrite the bulk of the Peconic Land Trust's conservation work for the coming year. Since 1983, we have protected over 2,000 acres of important farmland, wetlands and scenic landscapes on Long Island. This acreage, valued at over \$31 million, was protected at a fraction of what it would have cost for direct acquisition.

Our current conservation projects, encompassing another 2,000 acres, will have a significant impact on defining our future landscape. We have the necessary experience and expertise to get the job done, but we depend upon people like you—people who understand the value of open space and the importance of our conservation work—for funding support. Our 1996 Challenge Sponsors have pledged a total of \$250,000 that we must match by October 31. Please help us meet the Challenge to raise a total of \$500,000 to fund our conservation work during the next year.



Recent Conservation Accomplishments

Shellfisher Preserve - Three years ago, working with the Plock family of Southold, the Peconic Land Trust embarked on a unique conservation project that expanded its farmland and open space conservation mission to include a "sea farm," or mariculture facility. The Trust has received fee title to the 17-acre Shellfisher Preserve on Great Hog Neck, which is part of a 22-acre waterfront site that was formerly home to the Plock family business.

Thornton E. Smith Easement & Preserve - Earlier this year, Thornton E. Smith sold the development rights on 34 acres of his 80-acre parcel of property to the Town of Southold and gave the Trust a conservation easement on the remaining acreage which reduced the allowable density from 20 to no more than 6 lots. Mr. Smith also donated to the Trust approximately 13 acres of woodland and wetland to be maintained in perpetuity.

Southampton Village Public Park Easement - The Village of Southampton has given the Peconic Land Trust a conservation easement on a 4.7-acre oceanfront parcel on Meadow Lane in Southampton Village that is adjacent to another parcel owned by the Village. The Trust's easement will allow this site for use by the public.

Southampton Village Road "F" Easement - The Village of Southampton has also given the Trust an easement on a 5-acre oceanfront parcel located on Meadow Lane east of the Road "F" access that will protect the open space and dunes in perpetuity.

Quantuck Beach Club Easement - The Peconic Land Trust purchased a conservation easement on 1.3 acres in Westhampton Beach from Elsa M. Luker, Louise M. Dunbar, and Walter E. Morgan, III at a bargain sale price with funds raised from individual donors. Located on the bay side of Dune Road, the site consists of upland and tidal wetlands. Simultaneously, the property, subject to the conservation easement, was sold to Quantuck Beach Club.

Johnson Easement - In June of this year, the Peconic Land Trust purchased 16.88 acres of prime agricultural land in Orient at a bargain sale price from a development corporation. The Trust then sold the land, subject to a conservation easement, to a neighbor, J. Stewart Johnson. Mr. Johnson will continue to maintain the historical use of the property by leasing the land to a local farmer.

In Memoriam - Roy L. Wines, Jr.

by John v.H. Halsey

In the formative years of the Trust, as we reached out for support and guidance, few were able to dedicate the necessary time and commitment to get the Trust up and running. Roy L. Wines, Jr. was the exception to the rule. As Chairman of the Southampton Town Planning Board, Roy was all too aware of the increasing development pressure. He understood the plight of landowners who were put in the position of having to sell their land in order to pay inheritance taxes, and he knew that by the time property had come in for subdivision, many oppor-

tunities to protect the land had been lost.

As one of our founding Board members, Roy committed himself to the success of the Peconic Land Trust. He was a man of admirable foresight, generosity, and commitment. During the six years that he served on our Board, he provided us with wise counsel, introduced us to some of our initial supporters, and opened many doors. The Board of Directors and Staff of the Trust, past and present, salute his many achievements. He will be missed by us all.



Did You Know . . .

Over the years, Peconic Land Trust has worked with East End townships and Suffolk County to protect land by one of several methods: 1) pre-acquisition by the Trust, followed by a resale to the public entity, 2) coordination of the purchase of development rights by the governmental agency, and 3) coordination of the purchase of fee title by the governmental agency. Through cooperative efforts, 230 acres have been protected by Suffolk County, 25 acres by the Town of Southampton, 90 acres by the Town of East Hampton, and 67 acres by the Town of Southold.

Current Projects

The Trust is currently working with many landowners on conservation projects representing well over 2,000 acres of farmland and open space. Our objective is to identify alternatives to full-yield development, preparing options within the context of the owners' circumstances, long-term needs, and conservation interests. With the assistance of accountants, attorneys, environmental planners, and other professionals, the Trust works closely with individuals and their advisors to outline a plan for the future use, ownership, and management of their property.

Johnson Easement: A Conservation Buyer Success Story

In previous issues of the Trust Newsletter, we have told you about our Conservation Buyers Program through which the Trust matches buyers with unique land and conservation opportunities. In this issue, we would like to highlight a recently completed project where a conservation buyer played a key role in protecting farmland on the North Fork.

Last year, the Trust was contacted by a development corporation, owners of 16.88 acres of agricultural land in Orient, formerly farmed by the Droskoski family. The property had a maximum yield of perhaps as many as 8 residential lots, but rather

than develop the site, the corporation had decided to sell. A neighbor, J. Stewart Johnson, learned that the site could be developed and wanted to find a way to protect the land. He provided the funds necessary for Peconic Land Trust to negotiate a bargain sale, purchase the property and place a conservation easement on it. He then purchased the restricted acreage from the Trust. The land will be available for agricultural production in perpetuity, and is currently leased to Jonathan Mudd, a grandson in the Droskoski family, who is farming the land. Mr. Johnson, who moved a 1600s barn from Greenport to Orient 20 years ago and

restored it for use as his home, clearly believes in the rural heritage of Orient.

The Trust is seeking other conservation-minded individuals, such as Mr. Johnson, who would like to invest in land and also have an interest in protecting it as open space or farmland. Charitable gifts can often be incorporated in such transactions. If you, or someone you know, is interested in a private building site, surrounded by perpetually protected land, please contact the Trust office at (516) 283-3195 for more information. Broker inquiries are welcomed.

Grants

In May, the Trust received a \$1,200 grant from **The Heckscher Foundation for Children** for our work at the Bridgehampton Childcare and Recreation Center organic garden. The project was initiated last year with funding support from the Heckscher Foundation. The purpose of the project is to educate the children of this community in organic growing methods, nutrition, garden planning, harvesting and management. This year, the Trust stewardship staff prepared the land, planted seeds and is providing instruction to the children who are farming the plot.

Peconic Land Trust was also awarded a \$4,000 grant from the **Rural New York Grant Program** for its 17-acre Shellfisher Preserve, located in Southold. The funding will be used for landscape assessment and design, purchase of native plants, the creation of a native seed bank facility, labor and interpretive signage. Restoration of the natural landscape will provide a vital habitat for wildlife, helping to maintain species diversity, and provide a model for developers, builders and townships for the use of native plant communities in residential and commercial landscape settings. The Rural New York Grant Program is a partnership effort of the Land Trust Alliance of New York, the New York Planning Federation, the Open Space Institute, and the Preservation League of New York State. We would also like to thank the **Mouse King Foundation** for its support of Shellfisher Preserve.

Wish List

Your response to our "Wish List" in our last newsletter was fantastic. We'd like to thank the following for their generosity: J. Brough Ray, Roy Wines III, the American Federation of the Arts, Alice Cole, Sagpond Vineyards, and Kathleen's Bake Shop. Don't forget . . . gifts of goods and services, or items on our "Wish List" will help the Trust stretch its conservation dollars. Please call our office, (516) 283-3195, if you can provide any of the following . . .

- Copier with special features such as collating
- Plant material/advice for landscaping
- Frequent Flyer Miles (to help with travel expenses for conferences)
- Tractor (75-80 H.P.)
- Small pick-up truck
- Dump truck
- Metal tool chest on wheels
- Irrigation pipe

From Quail Hill Preserve . . .

As I write, a chorus of thunder and water arrives again in North Amagansett. Carmen the farm dog seeks solace and a torrent washes down the slope toward the hens, erasing our daily footprints. Our cabbages continue to grow to epic proportions . . . green, yellow, and purple beans flourish in the upper garden. Plants like water. The fingerling potatoes will soon be replaced by the many varieties we grow in a Further Lane field. We are already tasting green peppers; soon we will have celery, eggplant, and fine, fat onions. When we begin the apple harvest, we will also press cider on Saturday harvest days, in the orchard. We have seeded and transplanted the autumn crops, most of which will mature by early October; look for kohlrabi, daikon radish, late beets, kale and collard greens, broccoli, and, yes, Mr. Chase, brussels sprouts! Many of our later seedlings are destined for the root cellar; the share forms for our "Winter Share" are

available (call 283-3195 if you are interested). Last year, winter shareholders received the storage crops through the end of March. In mid-July, the day that I seeded this year's rutabaga, I also enjoyed (still sweet) the last of the 1995 crop.



There is a harmony to be found in the fields this year, people and plants, that the farmers recognize. Paul and I also tip our hats in thanks to our apprentices, Sarah and Kristina, hard workers at home in the fields, and a pleasure to work with.

One of my favorite plants in this wet year is to be found in the wild area in the valley: asclepius, or butterfly weed. Nourished by water, the orange flower heads are brilliant against the browning grasses. As of this morning, the pond has returned to surround the circle of asters near Deep Lane. This year, in moments of rest, I hear water droplets sound in waves, the rain after a rain, pushed from leaves when wind disturbs the still woods. Down by the hollies, and here at the window in the woods, something of the whirr of the hummingbirds' wings remains. Like the flute of a far-off warbler among the oaks (or a tin whistle in a cathedral), or the color of butterfly bush

almost hidden in wild grasses, or the hazy, pervasive sound of bees filling on the nectar of buckwheat, I am reminded of this, from Gary Snyder: "The faintly visible traces of the world are to be trusted."
Scott Chaskey, Preserve Manager

Report from Long Island Community Markets

Most would agree that a Long Island summer has many pleasures. Not the least of these is the fresh produce available at farm stands that dot the East End. Farther west, where communities have limited access to farm-fresh produce, the Trust's Long Island Community Markets project has enabled residents to enjoy the old-fashioned ambience of a farmers' market, bringing home some of the season's best, locally grown fruits and vegetables. This summer, asparagus, herbs, lettuces, sugar snap peas, tomatoes, corn, and strawberries were some of the produce items available, while mouth-watering baked goods, lobsters, flowers, oils and vinegars and Long Island wines completed the market basket. Wine tastings, authors' book signings, and demonstrations that included cooking, goat milking and spinning, were also crowd pleasers.

On Long Island, many of our farmers and much of our prime farmland have succumbed to development pressure. At the same time, our downtown centers are in need of revitalization. Through its Long Island Community Markets project, the Trust hopes to develop a self-sustaining network of markets that will create new retail outlets for farmers and help to revitalize downtown communities. Now in its fourth year, the project continues to grow—the newest market, in Riverhead, opened in June—but community support is essential for its success. Generous funding support for the project was provided by the Jessie Smith Noyes Foundation, the Knapp-Swezey Foundation, Riverhead Building & Supply Corp., the Riverhead Business Improvement District, Locust Valley Chamber of Commerce, Senator Kenneth LaValle, Suffolk County National Bank, the Long Island Farm Bureau, and Riverhead Townscape, as well as by contributions from individuals.

We would like to thank Wells Homestead Acres, Tony's Flowers, Terry's Farm, The Green Thumb, Davis Peach Farm, Borella Farms, Loughlin Vineyards, Rodman's Lobsters, Kathleen's Bake Shop, Loafer's Bakery and the Farmer's Wife for returning to this year's markets, and extend a warm welcome to the following new vendors: Woodside Farms, South Bay Farm, Lioni Mozzarella, and Heart of the Home.



Ribbon cutting at the opening of the Riverhead market. (l. to r.) Jim Lull, Riverhead Town Councilman; James Stark, Town Supervisor; Barry Barth, President, Riverhead BID; Joe Gergela, LI Farm Bureau; Bobby Goodale, Riverhead Building Supply Corp.; Kathy Gayda, staff member for Assemblywoman Patricia Acampora; Augusta Field, LI Community Markets; Ann Simon, staff member for Ms. Acampora; (holding sign) Vicki Staciwo, Administrator, Riverhead BID; Linda Hansen, North Fork Bank.

These markets will be open until early November and operate on the following schedule:

Riverhead - Wednesdays, 11-3 pm; riverfront parking area

Port Jefferson - Thursdays, 12-5 pm; parking lot at the corner of Main Street and East Broadway

Patchogue - Fridays, 12-6 pm; corner of South Ocean and Terry Street

Islip - Saturdays, 8 am-1 pm; Town Hall Parking lot on Montauk Highway

Locust Valley - Saturdays, 8 am-1 pm; Thomas Park behind Fleet Bank

The Bottom Line: Bequests

You can make provisions in your will to bequeath cash, securities, or property to the Trust that will further its work protecting farmland and open space on Long Island. If you would like to make a special bequest to the Peconic Land Trust, please use the following language in your will:

"To the Peconic Land Trust, Incorporated, a 501(c)(3) non-profit organization, incorporated under the laws of the State of New York in 1983, having as its principal address 296 Hampton Road, Southampton, New York 11968, (Gifts of Real Estate) "I hereby give and devise my real property at address here to Peconic Land Trust, Incorporated, of Southampton, New York."(Other Gifts by Will) "I give and bequeath (e.g. \$ ____; my shares of name here common stock) to Peconic Land Trust, Incorporated of Southampton, New York."

If you or your attorney would like to discuss a potential bequest, please call Marsha Kenny, Director of Development, at (516) 283-3195.

Annual Peconinic Draws More Than 300

North Quarter Farm in Riverhead was the site for another successful celebration of the natural beauty of Eastern Long Island. Hosts Dee Muma and Board Member Ed Tuccio helped the Trust show its appreciation for all of our supporters and friends. Although the Peconinic is a "potluck" get-together, there are expenses associated with the event, and as the turn-out increases each year, the budget has been growing too. We are particularly grateful to this year's "Peconinic Angels" for their generous underwriting of the Peconinic:

Paramount Group, Inc., Stephen J. Patterson, Winifred and James Magee, John Degen/ Liberty Ironworks, Inc., Peter Robinson, J. Barry Levy, Lenz Winery, Bridgehampton Winery, Bedell Cellars, Matthew Mallow and Ellen Chesler, Long Island Brewing Co., George Braun Oyster Co., The Hampton Bread Co., Dorothy Dalsimer, Patrick Given, Carol and Nathaniel Sherman, Henry (Ben) Babcock, and Linda and Shep Scheinberg.



Kelsey Brenner and Christina Von Bernewitz picked wildflowers at the Peconinic. Photo: Roger Smith

Memorial Gifts

Memorial gifts are special tributes to those who appreciated the beauty of Long Island. A gift in memory of a loved one or friend will enable the Trust to continue its conservation work, protecting in perpetuity, the scenic views, wetlands, productive farmland, woodland and open space we all love.

Visit us . . .

If you'd like to learn more about the Trust's work in general, or have an interest in a specific area, you are welcome to meet with Trust staff and visit our office. Just call (516) 283-3195 to make an appointment. If you can't stop by, you can visit us on our new Web Site at <http://home.earthlink.net/~peclandtrust/> or use our e-mail address at peclandtrust@earthlink.net.

HELP PECONIC LAND TRUST PROTECT OPEN SPACE AND FARMLAND

The Trust provides farmers and other landowners with unique alternatives to full-scale development. Please remember that matching gifts, offered by many employers, can double or triple the value of your gift. Please take a moment to check with your employer and enclose appropriate forms, if eligible. We appreciate your support.

I/we are pleased to support Peconic Land Trust's conservation efforts.

Enclosed is a donation in the amount of \$ _____

_____ This gift qualifies for my company's matching gift program; forms are enclosed.

_____ I/we are interested in making a contribution of asset property (any property of value such as appreciated stock, artwork, a house or a subdivided lot). Please contact me/us.

Name _____

Address _____

City/State/Zip _____

Telephone (____) _____

A gift to Peconic Land Trust is tax-deductible. All donors will be provided with a written acknowledgment for tax purposes. A copy of the Trust's financial report filed with the New York State Attorney General may be obtained by writing to 1) Office of the Attorney General, Department of Law, Charities Bureau, 120 Broadway, New York, NY 10271 or 2) Peconic Land Trust, P.O. Box 2088, Southampton, New York 11969.



PECONIC LAND TRUST
P.O. Box 2088
Southampton, N.Y. 11969



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Land O Land O Land

You're a great thing for the world.
 Crops and carrots.
 Sparkling meadow flowers.
 Trees for oxygen need good soil and ground.
 Grass to play in.
 Land O Land O Land O Land.
 Land for you and me.

Levin Chaskey (*written at age 7*)



Mission Statement

The Peconic Land Trust is a non-profit, tax-exempt conservation organization dedicated to the preservation of farmland and open space on Long Island. To this end, the Trust acquires and manages land as well as easements for conservation purposes. In addition, the Trust assists farmers and other landowners in the identification and implementation of alternatives to full-field development.

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Newsletter

- Marsha Kenny, *Editor*
- Searles Graphics, *Printing*

Peconic Land Trust, Inc.

296 Hampton Road, P.O. Box 2088
 Southampton, New York 11969
 (516) 283-3195

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