

CORTLANDVILLE

New York

Agriculture & Farmland Protection Plan



Prepared for the
Cortlandville Town Board

Prepared by 

September 2018

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Agriculture Plan Steering Committee

John Proud	Town Board Member, Cortlandville
Amanda Barber	Cortland County Soil and Water Conservation Service
Paul Fouts	Local Farmer
Glenn Goldwyn	Local Farmer
Alan Gandelman	Local Farmer
Eric Law	Local Business Owner

New York State Department of Agriculture and Markets

John Brennan, Farmland Protection Specialist
Jeff Kehoe, Farmland Protection Specialist

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Abbreviations

Agriculture and Farmland Protection Plan	Plan
Agricultural Protection Plan Committee	Committee
Agricultural Advisory Committee	AAC
Agricultural Zone	AG
Transfer of Development Rights	TDR
Purchase of Development Rights	PDR

Executive Summary

The Town of Cortlandville was awarded a grant from the New York State Department of Agriculture to support the Town's preparation of its municipal Agriculture and Farmland Protection Plan (Plan). This Plan was prepared by the Town's Agricultural Protection Committee (Committee) with assistance from CHA Consulting, Inc. During preparation of this Plan the Committee engaged members of the farming community, municipal officials and the general public.

Agricultural activities continue to dominate land use and the economy in the Town of Cortlandville, however the loss of farmland due to both development pressure and aging farmers represent real threats to the future of these agricultural operations. The Town is fortunate that development patterns have radiated from the City of Cortland, generally following key transportation routes and as such has not been significantly impacted by sprawl development. The Town however is at a crossroad in regard to determining how and where farmland is to be protected.

During the preparation of this Plan, it became obvious that the majority of residents, farmers and non-farmers alike value the agricultural way of life and the rural qualities it represents. It was noted however, that the general public may not have a full understanding of what it means to live in agricultural community on a daily basis. This Plan represents a guide to programs and strategies to promote and maintain a strong agriculture sector within the Town.

As a result of this process the Town determined that the primary approach to farmland protection will involve the establishment of a growth boundary under the Development Buffer Scenario. The primary farmland protection recommendation for lands outside of the growth boundary is to modify the existing Agricultural (AG) zoning to allow agriculture uses only, thereby eliminating non-agricultural uses such as residential subdivisions.

Within the "buffer" or growth area, it is anticipated that existing agricultural lands may continue to face development pressure as a result of current and/or future zoning, availability of utilities and proximity to transportation routes. The Town may consider other voluntary land conservation programs such as Transfer of Development Rights (TDR), Purchase of Development Rights (PDR), conservation easements or incentive zoning which are discussed in Chapter 3.

Key actions identified in the Plan are briefly summarized below:

- ❖ Educate and engage residents as to importance and value of farming and what it means to live in a farming community.
- ❖ Establish an Agricultural Advisory Committee (AAC) to assist with the review of projects in the AG zone and to act as a liaison between the farming community, town officials and the community.

- ❖ Update Town regulations and zoning ordinance to address items identified in this plan, most noteworthy the changes in the AG zone to limit non-agriculture uses.
- ❖ Further investigate voluntary programs such as TDR, PDR and incentive zoning to determine the best fit for Cortlandville to meet its farmland protection goals
- ❖ Continue to support agricultural businesses and farming support activities through regular and consistent communication, streamlining site plan review and permitting processes for these activities, providing assistance with capital improvements as well as the establishment of a year round farmers market.

This document is intended to supplement information contained within the Town's Comprehensive Plan and any future updates and will be considered a component of the Town's Comprehensive Plan. Information contained in this document may serve as a basis for future updates to the Town's zoning ordinance and other land use regulations. By identifying agricultural and farmland protection strategies and by developing strategies for future land use, the Town of Cortlandville is better positioned to enhance its agricultural industry and long-term sustainability of prime farmland resources.

Chapter 1

Introduction

Project Location

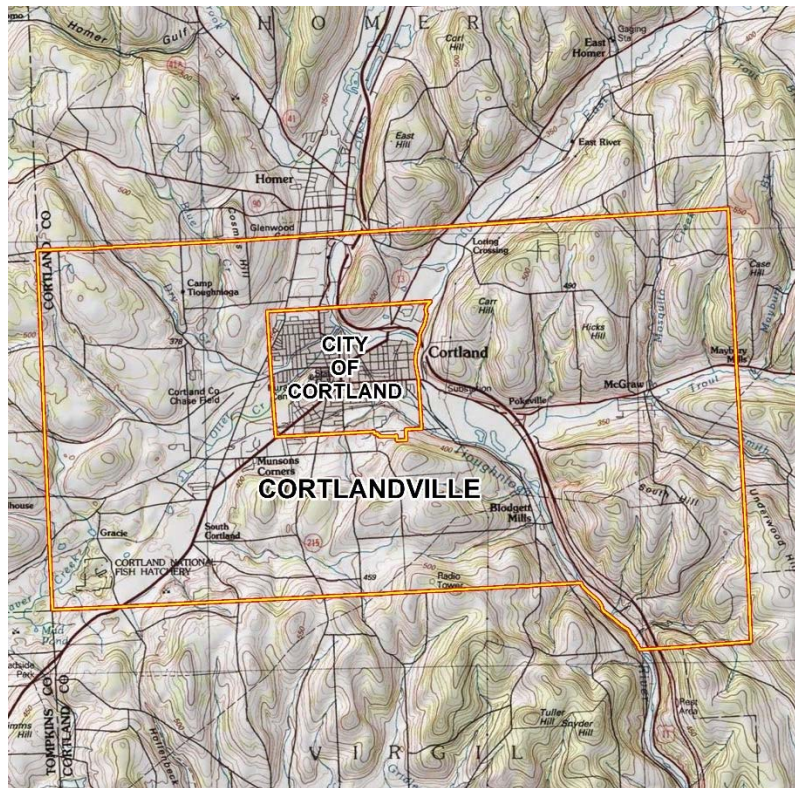


Figure 1 Project Location Map

The Town of Cortlandville is located in the western portion of Cortland County approximately 30 miles south of Syracuse and 45 miles north of Binghamton (Figure 1). Cortlandville is the most populated of the 15 towns in the County with a population in 2010 of 8,509, second only to the City of Cortland with a population of 19,204. The Town of Cortlandville physically surrounds the City of Cortland which is the County's seat of government. The combined population of the Town of Cortlandville and City of Cortland accounts for more than 50 percent of the County's total population of 49,336. During the 1900s growth in the City of Cortland spilled over into Cortlandville. Today the Town is the center of much of the commerce that takes place in the region and continues to transition into a suburban community while retaining its rural farming heritage.

Cortlandville's land area covers approximately 47 square miles. The terrain is hilly and variable. The Tioughnioga River is the major waterway in the region and flows from north to south through the

Town. Development has historically concentrated near the River and in the flatter valley sections of the Town. This has forced agriculture and farming to the more rural and hilly areas in Cortlandville. Major highways funnel traffic through the area, primarily in a north south direction along Interstate 81, US Route 11 and New York State Routes 281, 13 and to a somewhat lesser extent Routes 41, 222 and 215. The extensive transportation corridors through Cortlandville have made it an especially attractive location for residential, commercial and industrial development, but often at the expense of agriculture.

Local and Regional Planning

Cortlandville has been guided over the years in its land use decision-making by a number of local and regional planning initiatives. The Town relies on the *Development Plan for Cortlandville* (1978) as its master plan. The Development Plan includes considerable information about the area's agriculture, farmland and economy. Among its many recommendations the Development Plan recognizes the importance of the Town's best soils for both agriculture and non-agricultural use, as well as the aquifers in the area, often occupying the same general areas. The Development Plan emphasizes the preservation of prime agricultural soils as highly important and "encourages development in those areas which have poorer soils not suited for agriculture or in areas not associated with the recharge of aquifers."

This Development Plan introduced the concept of an exclusive zoning district for agricultural uses and another district for both agricultural and non-agricultural uses. The Plan also introduced the concepts of "transfer of development rights" and "clustering" as techniques for preserving farmland as well as participation in the State's Agricultural District program enacted by law in 1971.

In 2002 the Town supplemented its Development Plan with its *Land Use and Aquifer Protection Plan* which provided further guidance on encouraging suitable forms of land use development, primarily in the western portion of the Town that sits over the Otter/Dry Creek Aquifer. The aquifer is a sole source aquifer that provides public drinking water to Cortlandville and the City of Cortland and is part of the larger Cortland Homer Preble Sole Source Aquifer System in Cortland County. The Land Use and Aquifer Protection Plan is focused mostly on the commercial and industrial corridors in Cortlandville however it encourages the use of clustering and the Purchase and/or Transfer of Development Rights to maintain open spaces and protect natural resources including prime agricultural soils.

The Cortland County Agricultural and Farmland Protection Plan (1998) was prepared by the Cortland County Agricultural and Farmland Protection Board. The County's Plan was based in part on data collected from the 1992 Census of Agriculture and a survey of farmland owners in Cortland County. Over the 20 year period between the 1992 Census and the 2012 Census the number of farms increased from 478 to 518, but the amount of land in farms decreased from 138,620 acres to 115,024. The average size of farms in the County also decreased from 290 acres in 1992 to 222 acres in 2012.

The County's Plan identified a number of key findings that remain relevant including:

- Profitable farming is the most effective means of maintaining and protecting farmland.
- Productive farmland in Cortland County is dwindling and will continue to do so if no changes are made.
- Fewer young farmers are entering into agriculture.
- The most productive farmland also tends to be best suited for residential, commercial and industrial development.
- There is a significant level of misunderstanding as well as support for agriculture by citizens and public officials.
- The public cost of extending community services for residents throughout the County increases budget pressures for governments.
- Random subdivisions of farmland fragment the agriculture land base and increase chances of conflicts between farmers and non-farmers.

The Cortland County Agricultural and Farmland Protection Board concluded that the best way to preserve agriculture and farmland is through support and promotion of the agricultural industry. The County's Plan provides a series of recommendations to support agriculture through education, agricultural economic development and government policies.

The Towns of Homer, Preble and Scott Agriculture & Farmland Protection Plan (2012) was prepared as a joint planning initiative for the three towns located north of the Town of Cortlandville in the northwest section of Cortland County. That Plan's purpose is to "document the importance of local farms, challenges facing local farmers and develop strategies that the three towns can implement including drafting language revisions to each town's zoning and subdivision ordinances." The Plan provides a series of both regional and town-specific planning goals and recommended actions in support of local agriculture and farmland protection. Because of its regional perspective, proximity and multi-municipal approach to agricultural planning the Homer, Preble and Scott Agriculture & Farmland Protection Plan provides valuable insight and information for Cortlandville's farmland planning process.

Purpose and Need for Farmland Planning

Agriculture is recognized as an important component of the economy of Cortland County and its towns and villages as noted by the review of local and regional planning initiatives discussed above. Agriculture is a 63 million dollar business in Cortland County according to the 2012 Census of Agriculture. Dairy farming is the largest component of agricultural activity in the County and milk sales account for nearly \$42 million in total sales. Farms in the County directly employ 528 people and hundreds of others in support industries. Agriculture generates \$80 to \$120 million annually to the County's economy.

Despite the recognition that agriculture and farming contributes to local quality of life, it may be so commonplace in many areas like Cortlandville that it can be easily overlooked and taken for granted.

Cortlandville’s farming heritage dates back to the late 1700s and is still reflected in its rural landscapes, old farmsteads and agricultural businesses. Agriculture continues to contribute to the quality of life of the community in terms of jobs, support services and open spaces.

This Town of Cortlandville Agricultural and Farmland Protection Plan (Plan) is the result of the voluntary participation by a diverse group of stakeholders concerned about the future of agriculture and farming in the community. This Plan, funded through a grant provided to the Town by the New York State Department of Agriculture and Markets in 2015, is a proactive approach to protect and enhance agriculture in Cortlandville. Without such a plan to guide future decision-making in the community, changes in land use and development practices could result in the loss of high quality farmlands and farmland soils in the Town. The primary purpose of this Plan is to provide local officials, farm operators and landowners with information to help promote effective land use management that is focused on the protection of farmland and support services in the Town of Cortlandville.

According to the New York State Department of Agriculture and Markets Law (NYS DAM), Article 25AAA, the term “Protection” is defined as:

“...the preservation, conservation, management and improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production.”

The use of the word “protection” in this Plan should not be perceived as a means of restricting any property owner’s rights to the use of their land. Rather this Plan should be considered as an important step in support of local farming as an economically viable industry that significantly contributes to the economies of Cortlandville, Cortland County and New York State.

This document is intended to supplement information contained within the Town’s Development Plan and any future updates. Going forward this Agriculture and Farmland Protection Plan will be considered a component of the Town’s comprehensive plan. Information contained in this document may serve as a basis for future updates to the Town’s zoning ordinance and other land use regulations. By identifying agricultural and farmland protection strategies and by developing strategies for future land use, the Town of Cortlandville is better positioned to enhance its agricultural industry and long-term sustainability of prime farmland resources.

Public Participation

Town officials, local farmers, local businesses, residents, Cortland County agency staff and agency representatives, as well as other stakeholder organizations engaged in the agricultural industry were crucial in creating this document. The contribution of time and effort by all stakeholders was invaluable in documenting existing conditions in the community and identifying goals and strategies to enhance local agriculture.

The planning process allowed for stakeholder participation via several community outreach mechanisms in addition to the ability to review project information on the Town's website. These opportunities included:

- Steering Committee Meetings
- Stakeholder interviews
- Public Meeting
- Public Agency Review and Comment of the Draft Plan
- Public Hearing

Meeting notices and agendas were e-mailed to Committee members. Stakeholders identified by the Committee were contacted by telephone and e-mail in advance of the public meeting and public hearing. Meeting notices were posted on the Town's website and in the Cortland Standard. Meeting notes summarizing the Public Workshop and Public Hearing were compiled and posted by the Town to its website, <http://cortlandville.org/> and are summarized in Appendix A.

Chapter 2

Existing Conditions

Zoning & Land Use

Zoning

Chapter 178 of the Town Code establishes Cortlandville's Zoning Ordinance. The primary zoning districts include: AG Agricultural; R-1, R-2 and R-3 Residential; B-1, B-2 and B-3 Business and Commercial; I-1 and I-2 Industrial; and Planned Unit Development (Table 2-1) and Figure 2. The official version of the Town's Zoning Map prepared and maintained by Cortland County Planning Department. This includes the boundaries of the Town's Aquifer Protection District and Town Wellhead Protection Zones.

The Town's Zoning Ordinance can be accessed at <http://ecode360.com/8478426>.

Table 2-1 Zoning Summary in Cortlandville					
Zoning District	Total Acres in District (including Rights-of-way)	Percent of Town Coverage	Number of Parcels	Total Parcel Acreage (excluding Rights-of-way)	Average Acres/Parcel
Agricultural	25,055	80.0%	1,332	24,188	18.16
R-1 Residential	2,878	9.2%	918	2,633	2.87
R-2 Residential	672	2.1%	689	615	0.89
R-3 Residential	123	0.4%	52	112	2.15
B-1 Business	113	0.4%	5	129	25.80
B-2 Business	575	1.8%	261	439	1.68
B-3 Business	511	1.6%	185	439	2.37
I-1 Industrial	316	1.0%	23	315	13.70
I-2 Industrial	724	2.3%	71	702	9.89
PUD (Planned Unit Development)	313	1.0%	129	291	2.26
Totals	31280	100.0%	3,665*	29,863*	8.15

*Note: Discrepancies in parcel and acreage totals between Tables 2-1 and 2-2 are attributable to slight difference in data sets and parcel mapping.

Land Use

Existing land use in Cortlandville is a diverse mix of agriculture, residential and non-residential uses. Since the preparation of the Town's Development Plan in 1978, land use has changed substantially in many areas as the Town continues its transition from a rural to a more suburban community. The more developed residential and non-agricultural uses occur along principal highway corridors, particularly NYS Routes 281 and 13 in the western portion of the Town and U.S. Route 11 and Interstate 81 in the eastern portion. Table 2-2 identifies Land Uses based on the New York State Property Classification Code. Brief descriptions of the major categories of land use follow.

Table 2-2 Existing Land Use Summary in Cortlandville				
Land Use Category	Number of Parcels	Total Acres	Percent of Town Coverage	Average Acres/Parcel
Agriculture	170	10,807	36.4%	63.57
Forested	23	1,244	4.2%	54.09
Vacant	763	6,450	21.7%	8.45
Residential	2,010	2,504	8.4%	1.25
Rural Residential	157	4,723	15.9%	30.08
Apartments	15	51	0.2%	3.40
Other Residence Types	123	815	2.7%	6.63
Commercial	249	687	2.3%	2.76
Industrial	25	528	1.8%	21.12
Community Services	43	708	2.4%	16.47
Public Services	42	606	2.0%	14.43
Recreation/Entertainment	26	561	1.9%	21.58
Totals	3,646*	29,684*	100.0%	8.14

Agriculture

Agriculture is broadly defined by the New York State Office of Real Property Services as property that is used for the production of crops and/or livestock. The types of uses under this land use category include: agriculturally vacant, but otherwise productive land; livestock and products; field crops; truck crops; orchards and fruits; nursery and greenhouses; specialty farms; and fish, game and wildlife preserves.

Despite a decline in agriculture, it remains a significant land use particularly throughout the rural hilly areas of the Town. During the mid-1960s farmland represented almost 60 percent of the Town covering more than 18,200 acres. The *Development Plan for Cortlandville* put the percentage of farmland in the Town during the 1970s at approximately 49 percent, representing about 15,100 acres.

Based on parcel data, agriculture covers approximately 36 percent of the Town encompassing approximately 10,807 acres among 170 parcels as shown in Table 2-1. Existing parcels average approximately 64 acres in size. Since the mid-1970s it appears that approximately 4,300 acres of farmland in Cortlandville have converted to other uses.

There is a considerable difference in comparing the acreage of existing agricultural land use to the acreage zoned AG as shown in Table 2-2. As shown, the amount of acreage zoned for agriculture is approximately 2.5 times the amount of land actually in use for agriculture. The Agricultural zoning district covers approximately 80 percent of the Town while agricultural parcels account for approximately 34 percent. Town zoning districts are shown on Figure 2, Agricultural land classes are shown on Figure 3.

Forested

Forested lands account for approximately 1,244 acres or 4.2 percent of the Town. During the mid-1960s the amount of woodland and marshland (as classified at that time) accounted for approximately 6,943 acres or over 22 percent of the Town. The amount of forested land was not reported for 1975 in the Town's Development Plan. As illustrated on Figure 3, most forested land remains east of Interstate 81 in the steeper hills of Cortlandville.

Vacant Land

Vacant land is defined by the New York State Office of Real Property Services as property that is not in use, in temporary use, or lacks permanent improvement. Vacant land may be vacant lots or acreage in residential areas, rural and abandoned agricultural land, vacant land in industrial and commercial areas, and vacated public utility lands. Vacant lands comprise approximately 6,450 acres or almost 22 percent of the Town. The percentage of vacant lands has remained about the same for the past 50 years.

Residential

Residential land use is property used for human habitation. It does not include hotels, motels and apartments that are classified under commercial uses. Residential use mostly includes one-, two-, and three-family year-round residences. Residential land use comprises approximately 2,500 acres or 8.4 percent of the Town on 2,010 parcels as shown in Table 2-2 which represents an increase of approximately 2.5 percent over the past 50 years. Residential Zoning constitutes 11.7 percent of the Town's land area and is more indicative of the true acreage of land designated for residential use.

Rural Residential

Rural residential land use is defined as a year-round residence with 10 or more acres of land; it may have up to three year-round dwelling units, may also be used in agricultural production and used for recreational purposes. Rural residential uses account for more than 4,700 acres of land on 157 parcels

Legend

- Sewer Mains
- WaterMains
- County Agricultural Districts

Agricultural Land Classes

- Agricultural Vacant Land (Productive) - 96 Parcels, 8,347 ac.
- Livestock - 22 Parcels, 2,941 ac.
- Field Crops - 56 Parcels, 8,321 ac.



CORTLANDVILLE
Farmland Protection Plan

Figure 3
Agricultural District &
Agricultural Land Classes
September, 2017

with an average size of 30 acres in Cortlandville. Rural residential land is distributed throughout the Town and accounts for approximately 16 percent of land use. In 1975 rural residential land (and estates) accounted for 3,055 acres or about 9.8 percent of the Town. Rural residential uses are represented by both the Agricultural and R-1 Residential zoning districts. Single-family dwellings are permitted in accordance with the Town's bulk regulations in the Agricultural zoning district.

Other Residential Types

This category includes estates, defined as a luxurious residence and auxiliary buildings on not less than 5 acres. This category may also include seasonal residences, mobile homes and multi-purpose residences. These uses comprise 2.7 percent of the Town on 123 parcels and 815 acres.

Non-residential Land Uses

Non-residential land uses include commercial, community services, industrial and recreation/entertainment. Commercial and industrial uses are located along the primary highway corridors in Cortlandville (NYS Routes 281/13 and U.S. Route 11). Existing commercial uses account for 2.3 percent of all land use in the Town. The greatest concentration of commercial uses is west and southwest of the City of Cortland. Industrial uses include manufacturing and processing facilities, mining and quarries, wells and industrial pipelines. Existing industrial uses account for approximately 1.8 percent of all land use. Lands zoned for these uses currently comprise 7.1 percent.

Community services include schools, libraries, religious locations, hospitals, government buildings, cultural and civic buildings, cemeteries, airports and other similar uses. Community services account for approximately 2.4 percent of all existing land use in the Town.

Public services include water supply and treatment facilities, pipelines, communication facilities, transportation facilities, waste disposal, and utilities. Public services account for 2.0 percent of land use in Cortlandville.

Recreation and entertainment includes theaters, sporting locations, amusement parks, social organizations, indoor sports, outdoor sports, marinas, camps and parks. These facilities include 1.9 percent of the land use in the Town.

NYS Agricultural Districts

New York State and County-certified Agricultural Districts are included on Figures 2 and 3. These Agricultural Districts (not to be confused with local Town "Agricultural" zoning districts) are established to protect farmlands under the New York State Agricultural Districts Program (Article 25 AAA of the Agriculture and Markets Law) and certified by the Commissioner of the New York State Department of Agriculture and Markets. Tax benefits to farmland owners within certified Districts include eligibility for agricultural assessments. Large contiguous blocks of farmland totaling approximately 19,409 acres in Cortland County Agricultural District #1 exist in eastern, western and southern portions of the Town.

Public Water & Sewer Infrastructure

Existing water and sewer lines are delineated on the Existing Zoning Map (Figure 4). Sewer and water is located on a number of primary roadways in areas of substantial development in the western half of the Town. A small area of water and sewer service is provided east of Interstate 81 along NYS Route 41 west of the Village of McGraw.

Natural Resources

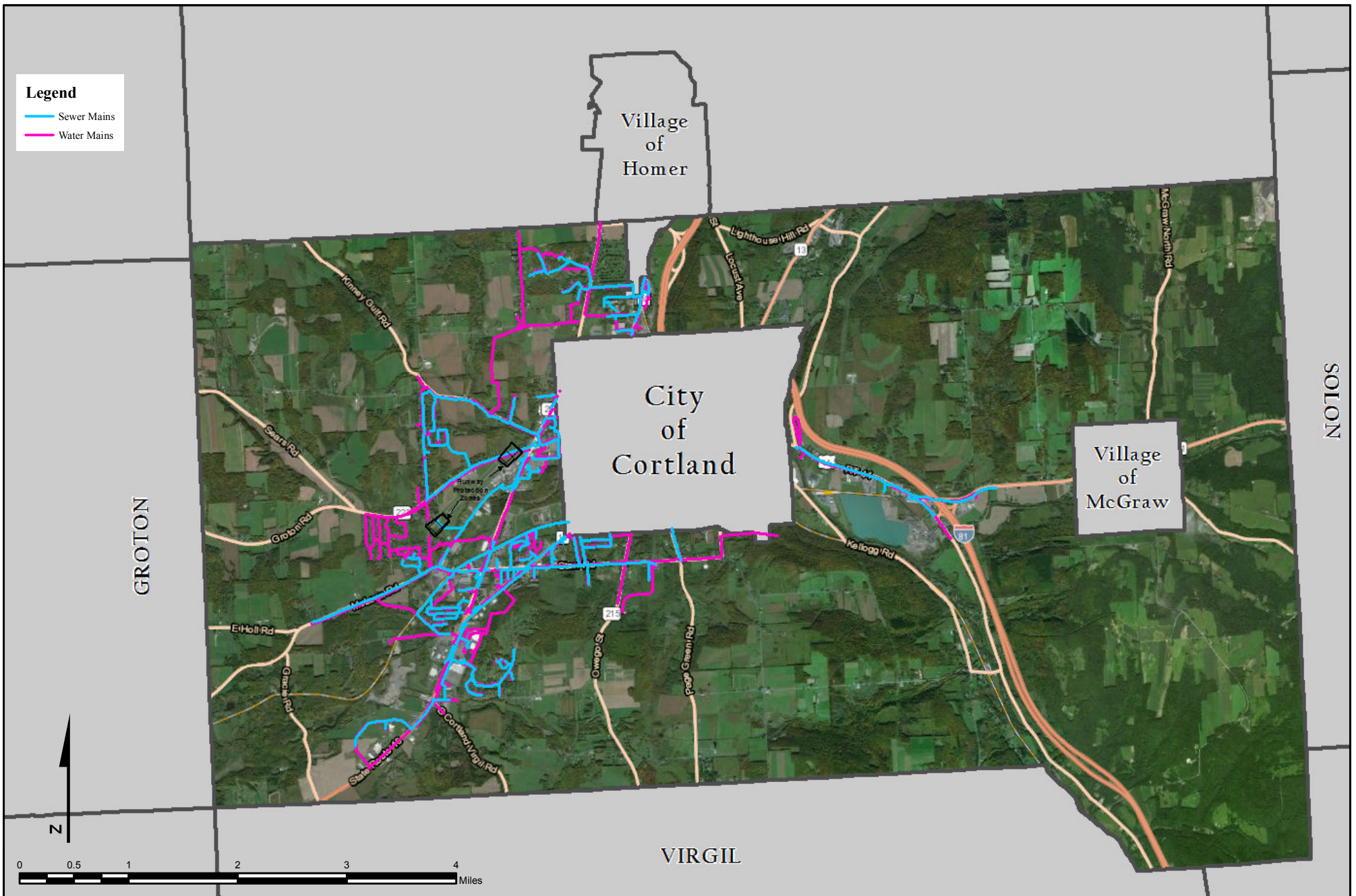
Natural Features

Natural features, including State and federal wetlands, floodplains and steep slopes, are illustrated on the Natural Resources Features Map (Figure 5). Care needs to be taken in interpreting the locations of some of these features particularly wetlands and floodplains. This information is intended for general planning purposes and may not accurately depict conditions at a more detailed scale or by property parcel.

NYSDEC wetlands are mapped in the southwestern portion of the Town, west of NYS Route 13 and south of Lime Hollow Road near the Lime Hollow Nature Center and Tunison Laboratory of Aquatic Science. Federal wetlands under the jurisdiction of the U.S. Army Corps of Engineers are scattered throughout the Town, especially in low-lying areas along the Tioughnioga River east of the City of Cortland, along Dry Creek in the northwestern portion of the Town, and along Otter Creek in the southwestern portion near Lime Hollow. Floodplains also exist along these waterways.

Slopes vary widely throughout Cortlandville as shown on Figure 5. Steep slopes, generally in excess of 15 percent occur in many locations, but particularly along the hillsides in the eastern half of the Town (east of Interstate 81) and south of the City of Cortland. In general, slopes of less than 10 percent are considered developable. Slopes in the range from zero to 10 percent occur along the waterways and in the vicinity of major highways as discussed previously. Many of these areas have already undergone considerable development.

Prime Agricultural Soils and farmland of Statewide Importance are mapped on Figures 5 and 6. Prime farmland soils exist throughout many of the lower elevations of the Town. Soils of Statewide Importance for agriculture also exist in higher elevations and hills of Cortlandville. Soils that are not considered prime farmland are located in areas of wetness or along steep hillsides. Development in many portions of the Town has occurred in areas considered to be both developable and of importance to local farming, which has led to the conversion of prime farmlands to other uses in recent decades.

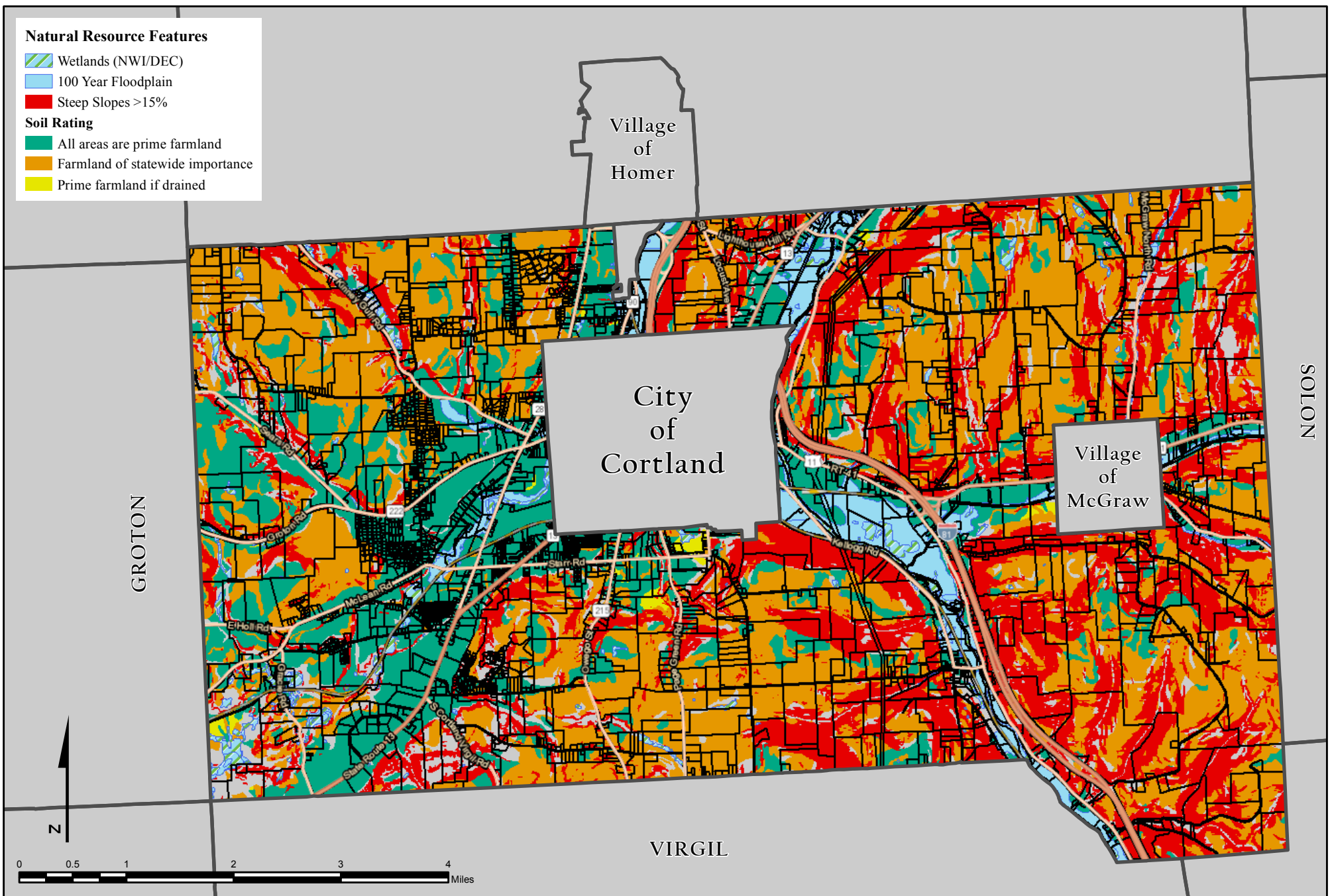


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Farmland Protection Plan

Figure 4
Sewer & Water Mains

April, 2018

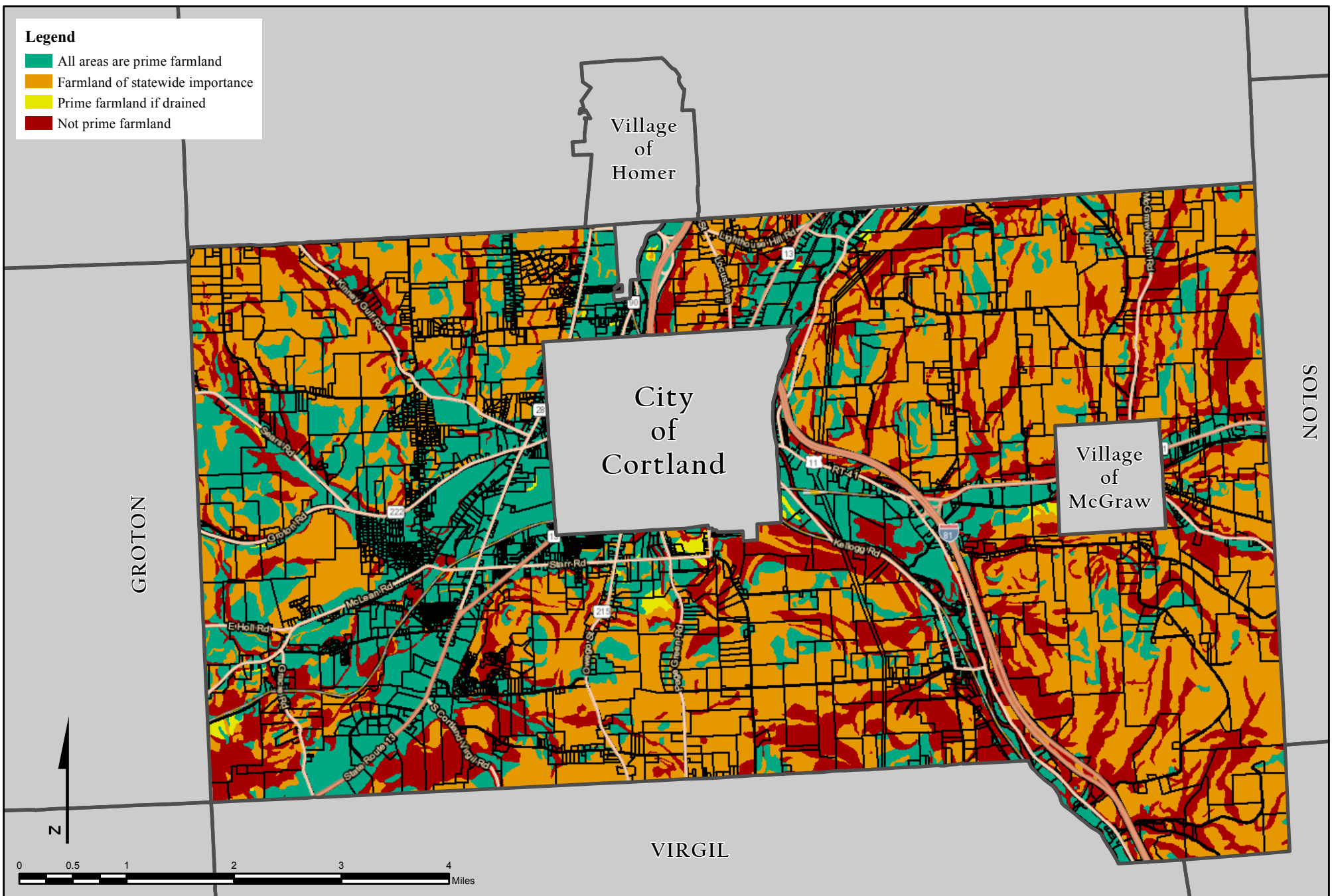


CORTLANDVILLE

Farmland Protection Plan

Figure 5
Natural Resource
Features

September, 2017



CORTLANDVILLE

Farmland Protection Plan

Figure 6
Prime Agricultural Soils

September, 2017

Development Trends

Cortlandville has experienced growth in terms of new development and redevelopment of existing properties in many areas. Considerable development activity has occurred since the 1970s west and southwest of the City of Cortland along the NYS Route 281 and Route 13 corridors. Active agricultural land continues to decline while development increases. Evidence of this trend is reflected by numerous “for sale” signs marketing large agricultural parcels.

During the past decade the community has seen more than 500,000 square feet of commercial and industrial development on more than 150 acres. Most development has not been related to agriculture. One exception is Byrne Dairy’s Greek yogurt production facility and visitor center on 127 acres in the Finger Lakes East Business Park along NYS Route 13. Byrne Dairy is headquartered in Lafayette, NY just north of Cortland County. Other agricultural support retailers, such as Tractor Supply Store, have moved or expanded to other locations within the Town.

Agricultural Land Use and Agricultural Economy

Agricultural District #1 totals approximately 122,086 acres within Cortland County, including 19,409 acres within the Town of Cortlandville. Agricultural operations are varied within the town and range from dairy, field crops, cattle, and other livestock as indicated by New York State Property Class Codes depicted in Appendix B. Approximate acreages include:

<i>Livestock (including dairy and cattle)</i>	<i>2,941 acres</i>
<i>Field crops</i>	<i>8,321 acres</i>
<i>Vacant Agricultural land</i>	<i>8,347 acres</i>

While this provides a general sense of agricultural lands it should be noted that farmland is sometimes coded as vacant when it is in use as a hayfield or pasture and as residential when the use is predominately agricultural. In Cortlandville dairy and field crops represent a large component of agricultural operations.

According to the Cornell Cooperative Extension, Agriculture in Cortland County is a 62.9 million dollar business. There are 518 full and part-time farmers providing direct employment to 528 people (<http://cortland.cce.cornell.edu/agriculture/agri-facts>).

Tax advantages to maintaining farmland have been developed through Cost of Community Services (COCS) studies developed by the American Farmland Trust. The COCS studies the difference between

taxes generated by different types of land uses and the cost of services that each land use requires. Between 1985 and 2015 twelve studies were conducted in New York with similar results. The overwhelming conclusions of these studies is that agriculture pays more than its fair share of services while residential development receives more services than it pays for as shown:

<i>Residential</i>	<i>\$1.32 in services per dollars in revenue raised</i>
<i>Commercial & Industrial</i>	<i>\$0.23 in services per dollars in revenue raised</i>
<i>Working & Open Land</i>	<i>\$0.35 in services per dollars in revenue raised</i>

This does not necessarily mean that residential development should be discouraged, however it should be a consideration when a community is determining the appropriate mix of land uses for its community, particularly as it impacts the conversion of farmlands to non-farm uses.

A comparison between the US Census Bureau American Fact Finder table for Selected Income Characteristics for the years 2006-2010 and 2011-2015 for the Town of Cortlandville indicates a small increase in individuals listing *agriculture, forestry, fishing and hunting and mining* as their occupation from 48 to 59. As many individuals involved in farming operations also work a “day” job, and many are involved in agricultural support industries that can be classified in a number of different categories, this does not provide a complete picture. It does however indicate that more residents are becoming involved in farming as their livelihood.

The USDA 2012 Census of Agriculture compiled statistics on agriculture and agriculture operations on a County by County basis. In Cortland County overall there were 518 farms totaling 115,024 acres with the average size farm listed at 222 acres. Over half of these farms ranged in size from 50-179 acres. Perhaps more importantly is the market value of products sold in the County as shown below:

<i>Crop Sales</i>	<i>\$13,471,000</i>
<i>Livestock Sales</i>	<i><u>\$49,426,000</u></i>
Total	<u>\$62,897,000</u>
Average/farm	<u>\$121,422</u>

As can be seen above farm products alone represents a critical component of the overall economic vitality of Cortlandville.

Not codified are jobs and sales related to agricultural support businesses which add significantly to the local economy. Sales and services such as farm supply stores, farm equipment sales and service, farm product processors, large animal veterinarians, agricultural consultants all support farm operations, provide employment and add dollars to the local economy.

The County profile for the Census of Agriculture is included in Appendix B.

Regulatory Structure

Land Use regulations and policies can have a significant impact on the long term viability and success of the agricultural economy of a Town or a region. A “Farm Friendly” audit of the Town’s regulations was conducted as part of this planning process and included zoning, regulations related to sewer and water lines, and subdivision regulations.

The General Code page for the Town of Cortlandville was used to review the Town regulation and identify the potential impact on Agricultural operations within the Town (positive, negative, or neutral). Although no regulations specifically target agricultural operations negatively and most regulations were found to be neutral, there are a number of elements within Town code that if not addressed will cause negative impacts to agriculture and agricultural operations.

The items listed below should be reviewed and modifications to Town Regulations considered to provide more protection and support for Agricultural operations:

Chapter 178 Zoning

Definitions

The definition of farming is limited and dated.

Potential Action:

1. The Town should develop a more descriptive definition of Farming based on the American Farmland Trust’s Toolkit for Towns and Counties

Purpose and Intent of Agricultural (AG) District

A strong purpose and intent statement indicates a support of farms and other agricultural operations.

Potential Action:

1. Clearly state that Agriculture is the primary land use in the AG district.

Lot Size requirements in the AG Zone

Large areas of the Town are zoned AG. Farm operations require 5 acres; residences require 1-acre. 1-acre zoning does not protect farms and farm activities; and can result in fragmentation and additional development pressures including pressure from neighbors regarding farming activities. The Town allows cluster subdivisions but does not require them.

Potential Actions:

1. Limit allowable uses in the AG zone to agriculture uses only.
2. Increase lot sizes in the AG Zone to be a minimum 20 acres (size of a typical farm field).

3. **Density Average Zoning-** This technique offers some flexibility in lot sizes that may be useful in conserving agricultural lands. If the desired density is determined to be one residence per 20 acres, a 100-acre parcel could have five residences. The Cortland County Health Department minimum dimensional requirement for residential lots without public water and sewer is 300 feet X 350 feet, or approximately 2.5 acres for discussion purposes. Using the density averaging approach the 100 acre parcel could yield a total of 5 lots: four 2.5 acre lots and one 90-acre lot on a 100-acre parcel. Permits must be tracked to ensure that parcels of land that have “used up” their allowed residential subdivisions are not further developed.
4. **Require the submission of cluster layout option** for all projects in the AG Zone and/or AG District #1. Provisions can be made to decrease lot sizes if water and sewer service is available at a given location. This can be combined with large lot zoning to allow for more standard lot sizes (1/2 acre) when clustered, thus conserving most of the agricultural land. This alternative becomes more powerful when combined with rural design guidelines and incentive zoning. Incentive zoning could be used to allow a density bonus above the base density in exchange for permanent conservation easements on other agricultural lands or the payment of a fee that would help to support a purchase of development rights program. The rural design guidelines would help to achieve a development project with the least impact on the productive agricultural lands and rural character.

Planned Unit Developments (PUD's) in AG District

Currently all types of PDD may be proposed/considered in the AG District

Potential Actions:

1. Town should review language to determine what types if any should be considered. Once it has been determined what areas of Town should be conserved for agriculture, PDDs should be excluded from these areas.
2. Town should determine if the existing required “community benefits” in the AG Zone are sufficient to grant a PDD.

Chapter 171 Sewer and Water Lines

There are no guidelines regarding the extension of water and/or sewer to lands in or adjacent to the AG District. The extension of utilities especially sewer can significantly increase the development pressure on agricultural land. Without a plan, agricultural operations and farms could be unintentionally undermined. Currently, the entire Town is within the water and sewer districts.

Potential Actions:

1. Limit the extent of the water and sewer districts to growth areas only. This would be most effective in conjunction with the development of a water and sewer master plan/capital improvement plan. Municipal water has less of an impact on development pressure/density and may be beneficial for certain areas of town where groundwater supplies are less plentiful or of poor quality and for certain agricultural operations (see 3 below).

2. Create guidelines to evaluate proposals for the extension of sewer and waterline into AG District.
3. Allow water connections using the NYS Agriculture and Markets “Lateral Restriction - Conditions on Future Service” Guidelines (Appendix C) for properties within AG District as a guide.

Chapter 140 Subdivision of Lands

The Town allows cluster subdivisions but does not identify when they are preferred or required or specify other criteria for their use.

Action:

1. Develop requirements for cluster layouts in the AG Zone. This can be based on or rely on Rural Design Standards/Guidelines.

There are regulations and policies the Town could consider that would provide both protections and reinforce to the community and the public that agricultural operations are a desired and valued land use. These actions include the following:

- Adopt a Right to Farm Law
- Develop Rural Design Standards/Guidelines or Agricultural Protection Guidelines
- Consider the use of incentive zoning
- Consider the use of Transfer of Development Rights and/or Purchase of Development Rights programs
- Consider the use of Conservation Easements

Overall action: According to the applicable procedures of Town and Municipal Law, the Town should identify and prepare the appropriate changes in language they wish to incorporate into their Town Code. All language and processes should be reviewed by a land use attorney.

Chapter 3 includes additional recommendations that the Town may implement related to land use regulations and land use policies.

SWOT ANALYSIS

A Strength, Weakness, Opportunities and Constraints (SWOT) Analysis was conducted as part of the analysis of existing conditions. Town officials, the Steering Committee and members of the local farming community all had input into this analysis. Members of the farming community completed a questionnaire either by telephone or email which was used in this analysis. The interview summaries are included in Appendix A.

SWOT Analysis

Strengths:

- Cortlandville's rural heritage and experience with farming and agriculture
- Town is zoned for agriculture
- Access to I-81 and NYS highways, plus rail and County airport
- Ability to get produce and livestock to markets quickly
- Town Board and local officials are committed to agricultural preservation
- Considerable amount of agricultural support businesses and agency services available locally
- Significant farming and agriculture in adjacent towns and surrounding counties
- Existing tax base and local government structure that helps support agriculture-related services and infrastructure

Weaknesses:

- Continuing loss of farmland in Cortlandville and conversion to non-farm uses
- Aging farmers and vacant farmland
- Some local roads, bridges and drainage culverts may hamper movement of large farm equipment
- Most fertile valley lands are developed and subject to flooding and useful only when drained
- Stormwater drainage problems including localized flooding and Tioughnioga River flooding
- Loss of farming population and changing demographics and interests

Opportunities:

- Existing rail lines, interstate and NYS highways provide for movement of farm goods by rail and trucks
- Niche markets – some exist, not much organic or specialty farms exist as yet
- Potential for agri-business development and agri-tourism
- Proximity to urban centers and markets in the northeastern U.S. and southern Canada

Threats:

- Continuing loss of farmland in Cortlandville and conversion to non-farm uses
- Subdivision of large parcels for non-farm uses
- Potential for nuisance complaints with non-farm neighbors
- State and national economies creating impact on local taxes and property owners (financing of State and federal mandates)
- Agriculture is no longer exempt from State minimum wage laws putting the local farming industry at a competitive disadvantage against foreign competitors.
- Development in general encroaching on agricultural lands and prime farmland soils
- Fragmentation of farm parcels, loss of good access and traffic conflicts
- Trespassing on active farmlands
- Damage from development including drainage tiles

Chapter 3

Vision, Goals and Recommendations

Vision

A community vision is a general statement used to guide the future direction of a community – how it will look and function now and in the future. This statement describes long range goals and provides the framework to identify the specific goals and recommendations to accomplish the vision over a period of time. As such, a Vision was developed for the Agricultural and Farmland Protection Plan, which represents a land use plan for agriculture.

Currently, the agriculture sector in the Town is robust and is a significant economic driver of the local and regional economy, however agriculture is threatened by development pressure and the increasing cost of land. The Town has defined a vision that recognizes the value of farm operations and the agricultural economy to the overall well-being of Cortlandville.

The Town of Cortlandville recognizes the key role agricultural operations play in the local economy and the overall character of the Town. The Town will proactively protect and promote agriculture lands and farm operations and businesses for both existing and future generations. The Town will balance development to respect, protect and preserve farms and meet the needs of residents, property owners and businesses.

Goals

To accomplish this vision, it is necessary to identify a set of goals and recommendations (strategies and action items). Through steering committee meetings, public workshops, surveys and the public hearing the Town has developed five key goals necessary to successfully realize the Vision.

Goal 1 - Educate the community on the strengths, weaknesses, threats and opportunities associated with farming and agriculture in Cortlandville so it more fully understands the value of farming to the community and the economy. This could be accomplished in part via Town activities in conjunction with the Agricultural Advisory Committee outlined in Goal 2.

Goal 2 - Establish an Agricultural Advisory Committee (AAC) to engage the farming and non-farming community and other key stakeholders in the implementation process for the Plan recommendations.

Goal 3 - Protect local farmland resources from loss due to abandonment, fragmentation by development and conversion to other uses.

Goal 4 - Identify strategies and specific actions that are necessary to enhance agriculture and achieve farmland protection goals and objectives in Cortlandville through voluntary programs.

Goal 5 - Enhance economic development opportunities that support agricultural businesses and farming support activities.

To achieve any goal, the goal must be supported by strategies or actions. The following paragraphs provide more information regarding the approaches available to accomplish the goals outlined above. After evaluation the Town may determine that certain strategies are impractical or will not meet the needs of the Town and its residents. In order to accomplish the Plan Vision, the Town must identify which strategies to pursue and take steps to implement them.

Recommendations

Education and Engagement

Establish an Agricultural Advisory Committee (AAC)

The establishment of an AAC that is both proactive and fully supported by the Town is a crucial element to the overall success of the Farmland Protection Plan. Members of this committee should be farmers or involved in agri-businesses within the Town. This committee will review development projects within the Agricultural District as a matter of course and provide the Planning Board written comments on each as described above.

In addition to this review task, this committee will serve as the champion of the agricultural community through communication and education of Town officials and the community at large. While education and communication is not a regulatory or land use issue, its importance to the successful protection of farmland cannot be overestimated.

This AAC will act as a conduit between Town officials, the farming community and Town residents in several ways including: regular updates at Town Board meetings and actively participating in events such as farm festivals, school and youth events and local farmers markets. It will also lend its expertise in the identification of resources such as grant programs, experts, local connections, identification of growing markets, and share success stories.

Based on the members unique local knowledge of farm operations the AAC could serve as a “matchmaker” by facilitating connections between potential sellers and new farmers as well as strengthen connections between producers and consumers.

The AAC could assist the Town in providing information regarding tax relief programs and agricultural assessments, including any changes to programs, on an annual basis to owners of agricultural lands, as well as information on upcoming grant cycles.

Hire a town planner

The planner would assist the Town with education and public engagement, communication with the farming community and the implementation of farmland protection strategies. An important task would be initiating discussions with the City of Cortland and surrounding towns as it relates to land use decisions and agriculture.

Encourage local farmer representation on Boards and special committees

Members of the farming community should be actively encouraged to participate on boards and committees that address land use issues, public infrastructure projects, and business development in the community. Openings on boards and committees can specifically target farmers by advertising with local farm organizations such as the Cortland County Farm Bureau.

Create a centralized location for agricultural resource and related information

This could be accomplished in a number of ways but the simplest would be to create a link on the Town’s webpage to an agricultural resources webpage or a separate tab or page on the Town’s website. This could provide one-stop shopping for farmers in the community to find information on farming techniques, local experts, grants or other funding, changes in regulations, agricultural land for sale or lease and other agricultural initiatives through articles and web links. The decision regarding appropriate content would be made jointly the Town and the AAC. Updates will be made regularly on a schedule set by the Town and AAC to maintain relevant content.

Engage surrounding municipalities and towns

This could be initiated by the Town Board or the AAC. These discussions would focus on shared opportunities to promote agriculture through education and land use decisions.

Matchmaker and Succession Planning

Maintaining the strength and health of the agricultural community requires farmers. The median age of principal farm operators in Cortland County is 57.1 years, and although slightly less than the national average of 58.3 years, highlights the critical need to attract a younger cohort to take over existing operations as well as start new farming businesses.

Outreach led by the AAC will be essential, however the level of effort necessary to be effective may require a separate committee or champion. Collaboration with organizations and groups such as the Town Board, Planning Board, local real estate professionals, Cortland County Farm Bureau and expert and advocacy groups, such Cornell Cooperative Extension and the American Farmland Trust, will all be necessary in this effort.

Land Use*Farmland Protection Scenarios*

Most communities across the State and throughout the country are zoned for development. Cortlandville is no different and therefore to identify and implement farmland protection and /or conservation measures it is necessary to have a vision or understanding of what an acceptable level of development should be for the Town. The Town has traditionally been a strong agricultural community and that continues today. There are many active farms and support services in the Town that have resulted in a strong agricultural economy. Farming is a business which relies on the interaction of other related businesses to function, including a viable market for farm products. An example is the decision of Byrne Dairy to locate in the Town, which provides a direct market for many dairy farms in the area. At some point in the development process of a community, as farms are replaced with other uses, the critical mass of farms is lost which causes support services to relocate. It is at this point that the industry fails and the remaining farmers are forced to travel longer distances for the services they need.

In order to begin to discuss and determine an acceptable level of development for the Town, three scenarios were evaluated including:

- No action
- Development Buffer
- East-West

Each are intended to be generic in nature, not specifying uses (best done through comprehensive land use planning) and capable of being modified many ways, but specific enough to choose a farmland protection goal and begin to review the tools available to achieve this goal.

The committee evaluated each scenario against the back drop of farmland protection by focusing development in areas zoned for non-agricultural use and along arterials and major roads. Buildout in areas zoned for development will be encouraged by:

- Providing incentives to develop in areas appropriately zoned
- Increasing allowable densities in areas currently zoned for development
- Providing incentives to redevelop/rehabilitate parcels currently zoned for development.

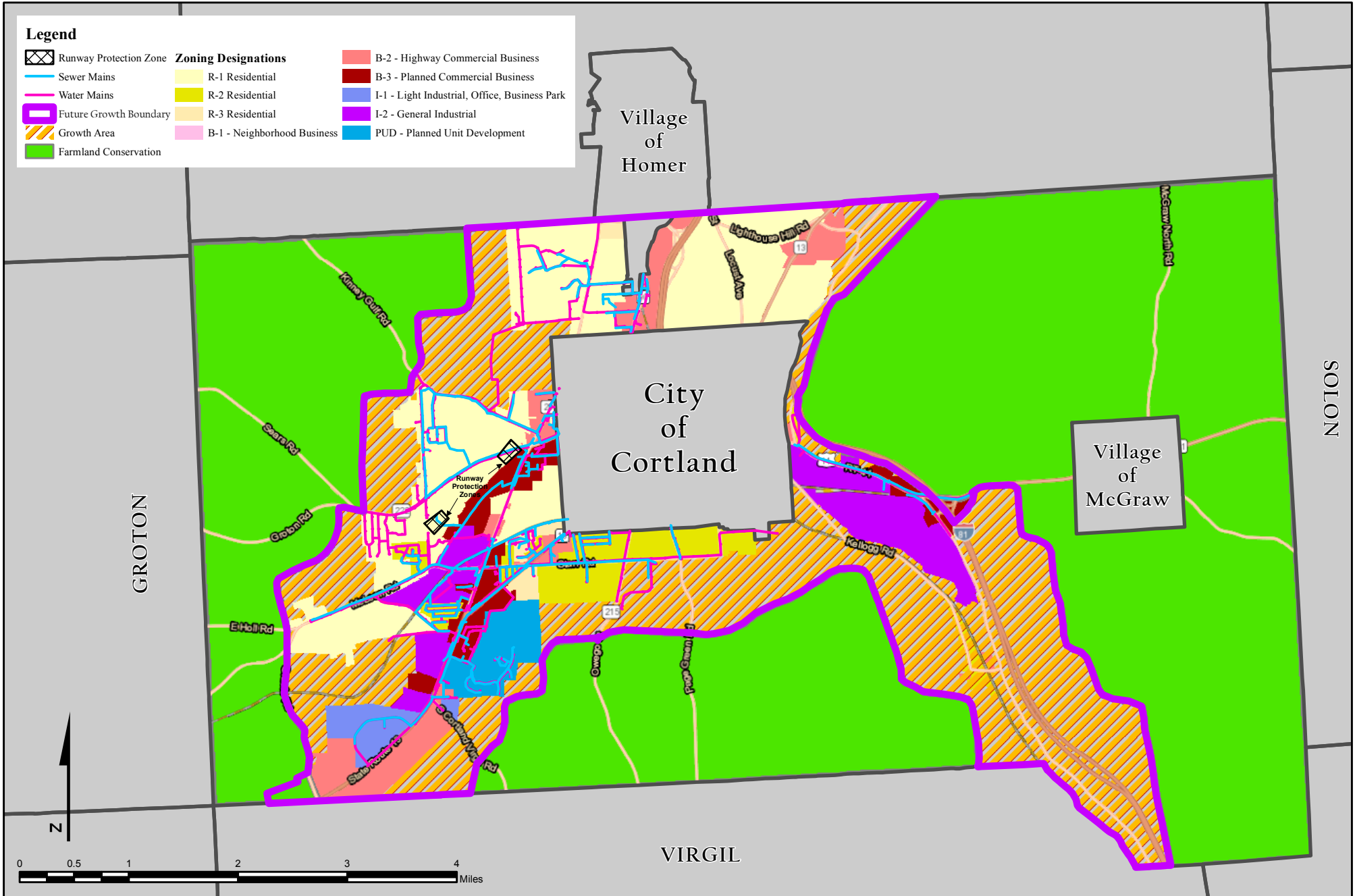
After a careful review of the alternatives the Town identified the Development Buffer Scenario as the Preferred Alternative described below. Both the East-West and the no action alternative are discussed and illustrated in further detail in Appendix D.

Development Buffer Scenario (Buffer)

Upon evaluating the alternatives the Committee recommends the implementation of the Development Buffer Scenario as shown on Figure 7. This alternative creates a buffer or growth boundary that encompasses both existing, non-agriculturally zoned areas, and additional adjacent AG zoned lands that would be available for development. Lands within the buffer might be considered for the extension of municipal water and sewer and changes in zoning. This Buffer or growth area is intended as a general concept and does not reflect any known development plans. It would however, provide significant area for future growth and protect agricultural lands.

This approach reserves the remaining AG zoned lands (outside the growth boundary) for agricultural uses. The key action in this scenario is the regulatory recommendation to limit allowable uses in the AG District to agricultural uses only. This would eliminate future residential uses with few exceptions. Existing residential uses would remain and an exception could include a farm operator who wishes to sell his farm and remain in his home. For example a farm owner of a 100 acre farm could be afforded a one-time subdivision that would allow their home to be subdivided into a smaller one to five acre parcel. Allowable uses on the remaining farm parcel would include a single family residence for the new farm owner to live. No further subdivision of land would be allowed.

Implementing the Buffer Scenario would result in roughly 19,400 acres of land remaining for agriculture use out of approximately 31,280 acres of land in the Town. Methods for reserving or protecting these agricultural lands located within the growth boundary would likely involve a mix of voluntary and regulatory measures along with incentives. Control of the expansion of municipal utilities would play a key role in the protection of farmland, but as is clear from the “No Action” alternative discussed in Appendix D, addition evaluation will be necessary to determine appropriate lot sizes.



CORTLANDVILLE

Farmland Protection Plan

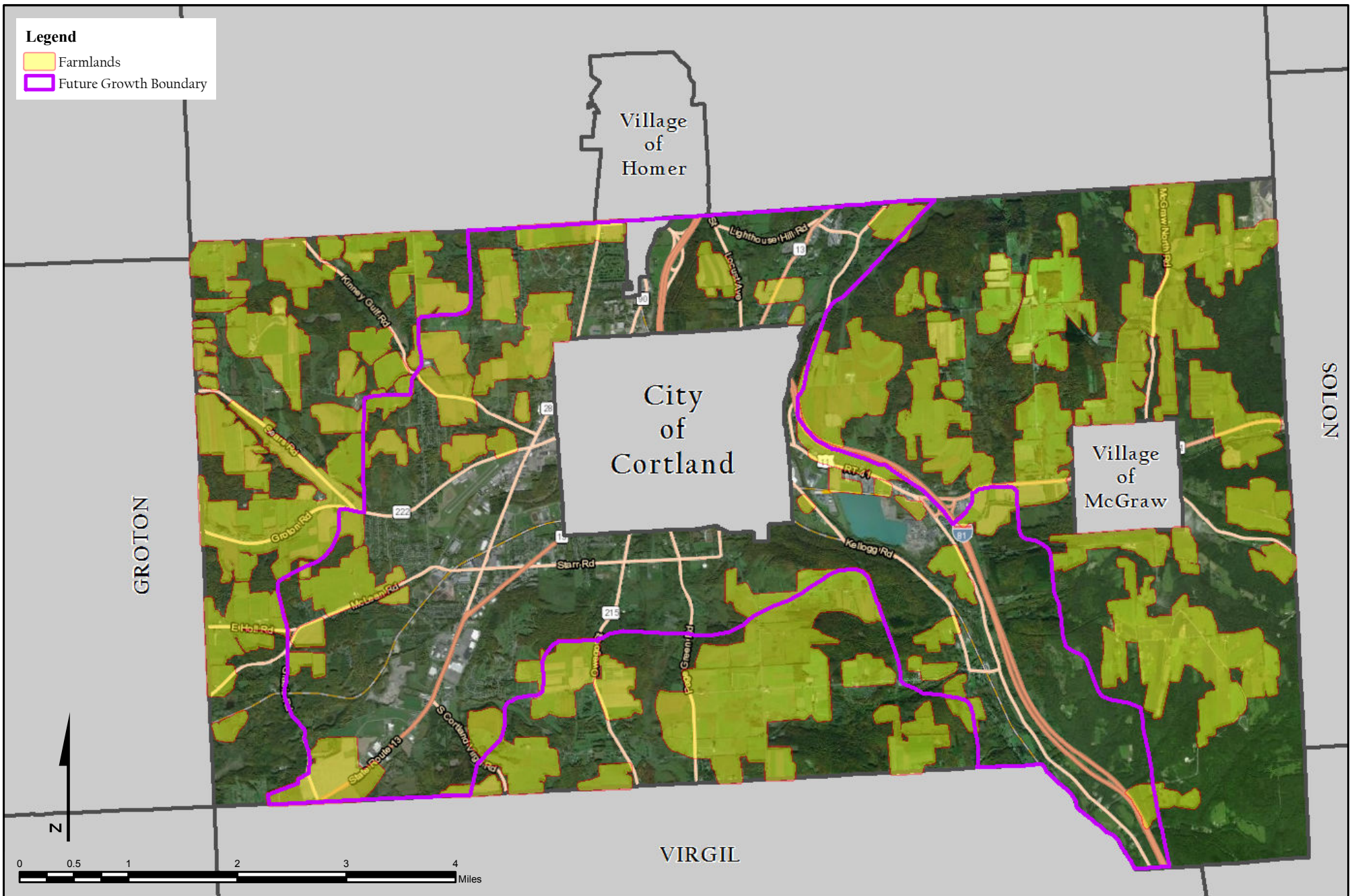
Figure 7
Protection Option
Buffer Scenario
September, 2017

Additional actions to implement and refine the Buffer Scenario will require additional study including:

- More detailed discussion with the agricultural community to identify farmland areas that need protection within the growth or Buffer Area. Figure 8, roughly delineates farmlands town-wide based on a review of aerial photography. As noted on Figure 8, there are active farmland areas located within the Buffer Area.
- Inventory of the Town's undeveloped/underdeveloped lands (Lands not zoned AG)
- Consideration of other community goals and recommendations through the town-wide comprehensive planning process slated to begin spring/summer 2018.

The information above will allow the Town to accomplish the following:

- Determine the appropriate zoning within the Buffer Area which could include an extension of the adjacent zoning, creation of a new zoning designation which could also include the use of Rural Design Guidelines. The Town of Clifton Park, NY has successfully implemented Rural Design Guidelines and Open Space Incentive Zoning, both documents are available on the Town of Clifton Park website.
- Identify potential land areas to be incentivized including appropriately zoned residential, commercial, business and industrial uses and both vacant parcels and parcels that could be redeveloped/reused including lands within the growth boundary. It should be noted that existing land use patterns in the Town generally reflect existing zoning. A review of the zoning map indicates that generally these zoning districts are located proximate to state or county roads and in areas where sewer and water service is available.
- Identify the conservation measures or combination of conservation measures (Incentive zoning and Conservation Easements (PDR, TDR)) which would be most effective for the Town to implement.



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Farmland Protection Plan

Figure 8
Farmlands

April, 2018

Other Options & Protection Criteria

There are a number of other scenarios that could be explored by the Town as it implements this Plan. These scenarios should be developed using key criteria that will help focus the location of protection efforts. Increased development pressure increases land values, which in turn makes selling to a developer a very enticing option for a struggling farm. Regulatory actions through zoning can be effective in preventing large scale development, however increased regulation is not always a popular means of farmland protection. Other options, such as purchasing the “development rights” of a farm in exchange for a permanent easement on the land that would prevent development, is a very useful tool but is also expensive. The Town will need to ensure that such expenditures of funds get the best results for the dollars spent. Some key criteria to consider when focusing land conservation efforts include:

- Maintaining groupings of farmland to keep the critical mass (fewer land use conflicts and greater cooperation, such as the ability to lease land for crops).
- Maintaining close proximity to farm support services.
- Maintaining access to markets.
- Preserving the best agricultural soils.

Voluntary Techniques

There are a number of zoning techniques available that can assist in protecting farmland and farming operations. These include voluntary programs such as conservation easement programs that can take the form of Purchase of Development Rights (PDR) and Transfer of Development Rights (TDR) programs.

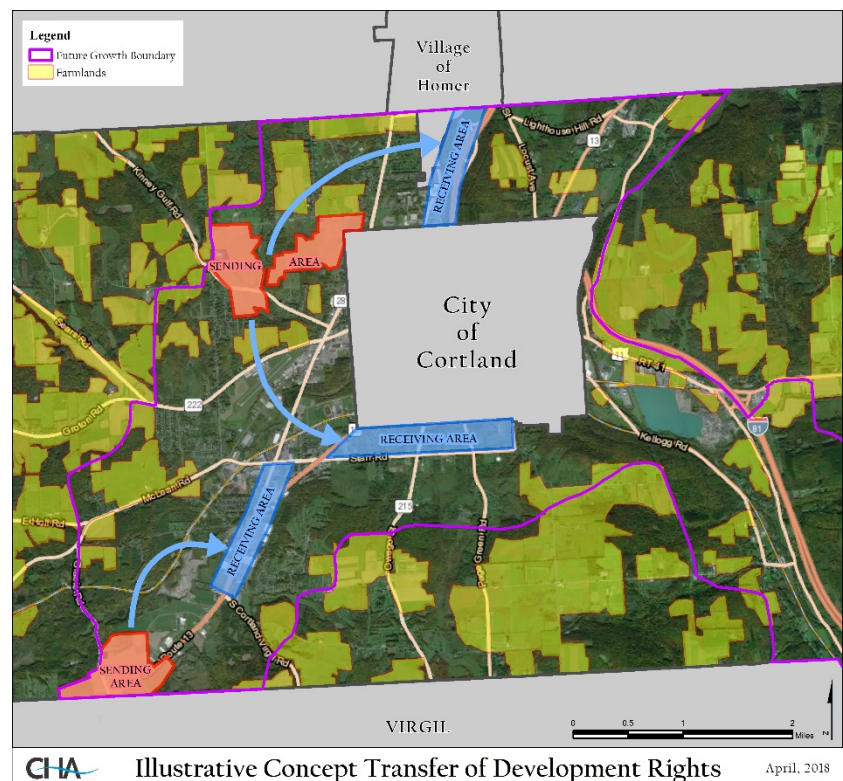
Permanent Conservation Easements

- Purchase of Development Rights (PDR's) – PDR programs are typically managed by a municipality. This option allows land to remain in private ownership and the landowner will be allowed to continue farming the land and may only further develop the land with farm uses essential to the farming operation. No further subdivision of land for residential or other non-farm uses is permitted. Purchase price involves a negotiation process between the landowner and the entity purchasing the rights. The price would be derived from difference between the value of the land in its current state as agricultural land and the value if it were subdivided. Once executed, the conservation easement will run with the land in perpetuity. The landowner may sell the land but the easement will remain. This has been an effective tool in some communities and provides the landowner with an infusion of funds that can be used to reinvest in the business or save for retirement, college, etc. Funding for PDRs can come from grants, incentive zoning, Planned Unit Development amenities, or from the Town's general fund. Economic models (e.g., Pittsford, NY) have shown that Towns can save significant

money in the long run by ensuring lands are not developed for residential uses. Although not all residential developments are the same, it has been generally concluded that residential uses consume more resources than revenue generated from taxes. Agricultural uses provide economic development, tax revenue, and few demands on public services. Examples of funding sources for agriculturally-oriented PDR's include the U.S. Farmland and Ranchland Protection Program and the NYS Farmland Protection Implementation Grants.

- Transfer of Development Rights (TDR) - is the process whereby some or all development rights are transferred from a sending property to a receiving property. The TDR receiving properties are allowed development that is more intensive than would normally be permitted by the area's zoning. Consistent with other conservation easements, TDR sending areas seek to preserve important community land resources (e.g. agriculturally productive soils, groundwater recharge areas, wildlife habitats, etc.). The concept of land conservation is the same as the PDR program. The landowner of the sending zone or area is paid for the development rights lost and a permanent conservation easement is placed on the land.

This graphic illustrates the concept of TDR's from farmlands (sending areas) to areas that can absorb new development (receiving areas). It does not represent the transfer of any development from or to any specific parcels in the Town. The idea of TDR's is straight forward but creating a viable TDR program will require the development of a detailed plan that specifically identifies viable sending and receiving areas as well as potential mechanisms to implement "transfers" such as a land bank.



- The difference between PDR's and TDR's is that in a TDR program the cost is typically borne by a developer in exchange for higher density granted for a project in a receiving zone. There will be limited costs to the municipality as it completes any necessary planning studies to establish the sending and receiving zones and completes the appropriate zoning code amendments.

This process would include the public to determine what areas of the municipality warrant the higher densities.

- **Incentive Zoning** – Incentive zoning allows the same benefits of a TDR program without the need to establish the sending and receiving zones. However, the community still needs to identify and set a value on the lands to be conserved and recognize that other areas may become more highly developed. A maximum density increase would need to be specified in the zoning along with the types of resources to be preserved. This method can be used to establish funds that the municipality can then use as part of a PDR program. Clifton Park, NY can be used as a guide.
- **Term Easements** – Land can be placed in a conservation easement for a period of time determined through the term easement program. After the term is up, the restrictions on the land are lifted and the landowner may develop the land as they see fit. This is typically not the best tool or use of community funds or grants as there is no long term benefit for the community

Regulatory Recommendations

Right to Farm Legislation

A basic but important step towards both protecting and supporting farm operations would be to develop and adopt Right to Farm legislation. The intent and purpose of a Right to Farm Law is to protect agricultural practices and promote the continuation of farms, encourage the expansion of existing farms and initiation of new farms and agribusinesses, and promote ways to resolve potential disputes within the community concerning agricultural practices and farm operations.

A number of towns and counties have adopted Right to Farm laws throughout New York State. Several examples are included in Appendix C.

Amendments to Existing Regulations

The central protection measure, narrowing allowable uses in the AG zone to a single use (agriculture) is discussed above under the Buffer Scenario.

As noted in Chapter 2, a farm friendly audit of existing town regulations identified a number of additional areas where regulations could be strengthened or be made more specific as it relates to farming and farming operations. Suggested amendments range from edits to the Definitions section to changes allowable uses and lot size requirements in the AG District.

Develop and Adopt Lateral Restriction Legislation

The availability of sewer and water infrastructure often creates or heightens development pressure particularly on farmland, as valuable (prime or important) soils are also the soils most cost effective to develop. The New York State Department of Agriculture and Markets has developed Lateral Restriction Guidelines which are included in Appendix C. Essentially the guidance proposes that within a New York State Agricultural District only existing structures at the time of construction or lands or structures that have been previously approved may connect to the proposed water or sewer line. It is important to note, that both existing and future agricultural operations may connect to proposed water or sewer lines. The adoption of this type of legislation will both support and protect agricultural operations from some development pressure.

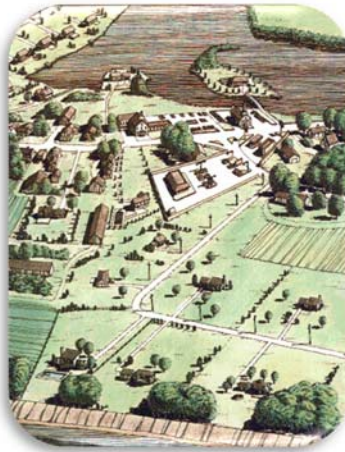
Adopt Conservation (Rural Design) Guidelines

Conservation guidelines can be used by the Town to provide additional protection to farms and farmlands when development does occur. These guidelines would address the factors that impact rural character and farm functionality. Tools such as cluster or conservation subdivisions would provide the flexibility to maintain allowed densities but preserve large open spaces that could remain in farming or maintained as open space.

An example of a Conservation Subdivision as illustrated by the Center for Rural Massachusetts, Department of Landscape Architecture and Regional Planning is shown below:



Existing Farmland



Conventional development-same area



*Conservation Subdivision- same area
& number of units*

© Copyright 1995-1996 Center for Rural Massachusetts, Department of Landscape Architecture and Regional Planning, University of Massachusetts, Amherst)

Adopt Review Process for Projects in the Agricultural District

This review would be completed by the AAC. All projects within the Agricultural District subject to Planning Board review would also be subject to the review by the AAC based on specific criteria. The AAC would provide written comments to the Planning Board prior to Planning Board action on a project.

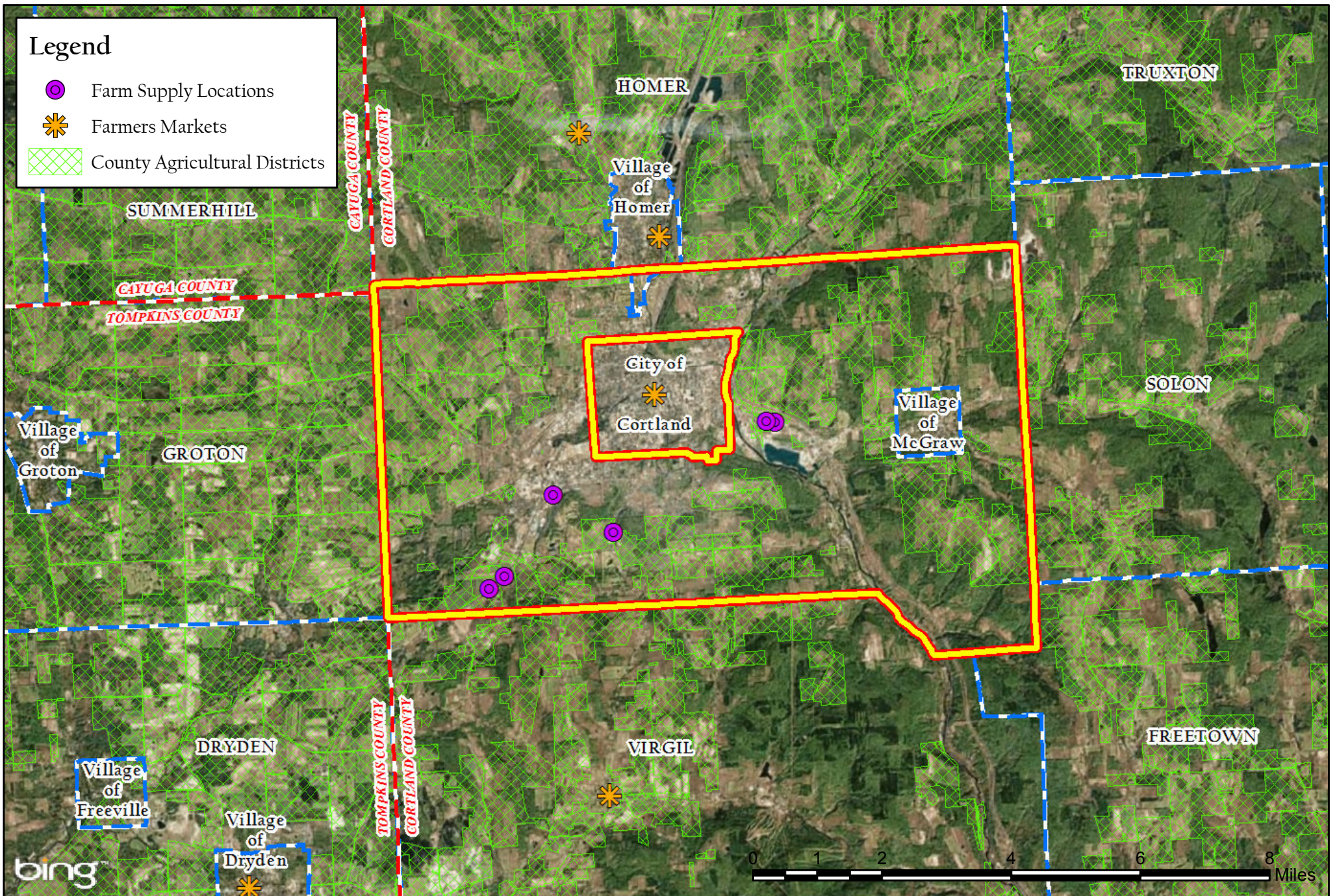
Economic Development Opportunities*Establish a Year Round Farmers Market*

A permanent farmer's market location would support both local and regional farming operations while increasing access to high quality local farm products and increasing awareness and knowledge of farm operations and businesses. Figure 9 illustrates the limited number of established farmer's markets in the Town and surrounding area. Strong visibility and convenient access are key considerations to the chosen location. Input from local and regional farmers regarding location, set-up and hours should be solicited. The location and hours for farm markets in the region should also be considered. The addition of a permanent farmers market will also provide opportunities for increased community awareness and appreciation of the farming economy.

Promote existing and new opportunities

As it works with farmers and farming businesses, the AAC should continue to identify and promote new opportunities in agri-tourism and agri-businesses including assistance pursuing economic development funding for capital improvements, facility expansion and bringing new products to market. Coordination with the Cornell Cooperative Extension and the County Farm Bureau among others will provide information and assistance in identifying and implementing new opportunities.

In addition the Town should maintain active communication with existing members of the farming and agri-business community regarding business needs such as infrastructure, appropriately trained labor pool, supportive business policies. This should include periodic reviews of existing regulations with the goal to streamline site plan review and permitting and to ensure that opportunities are not unintentionally precluded or prohibited.



CORTLANDVILLE

Farmland Protection Plan

Figure 9
Regional Context

September, 2017

Chapter 4

Plan Implementation

The Implementation Matrix below provides a strategy for achieving the goals and recommendations in Chapter 3 by identifying project champions (project leads) and potential partners; and by identifying implementation timeframes based on priority and considerations, such as resources and the time required for implementation:

- Short term (initiate within 2 years from plan adoption)
- Intermediate term (initiate within 2-5 years from plan adoption)
- Long term (initiate within 5-10 years from plan adoption)

Although the action items have been assigned general timeframes, the specific order for accomplishing these items has not been identified. It should be noted however, that the adoption of this Plan and the establishment of an active AAC are critical to achieving the overall goal of farmland protection. The knowledge and experience this committee can share with the Town and its residents regarding the potential impact of land use policy decisions on farming operations can be invaluable to farmland protection.

Many of the action items can be accomplished through a combined effort of the AAC, Town Board, Planning Board and local resource agencies, with some costs to be considered during Town budgeting activities.

Table 4-1 Implementation Matrix

Recommendation		Project Champion (see key below)	Potential Partners	Short-term	Medium-term	Long-term	Potential Funding
ADOPT Farmland Preservation Plan		Town Board		✓			
Goal 1: Educate the community on the strengths, weaknesses, threats and opportunities associated with farming and agriculture in Cortlandville							
1.1	Encourage local farmer representation on Town boards and special committees such as the AAC. Advertise openings through farm boards and other agricultural organizations.	Town Board	AAC, ZBA, other boards	✓			Staff time, volunteers
1.2	Disseminate agricultural information about initiatives/programs designed to assist the local farming community at a centralized location such as Town Hall and the Town Website. Provide assistance the identification of resources (e.g. grant programs, experts and expert organizations, local connections, identification of growing markets and sharing success stories).	AAC & Town Board	NYS Ag & Markets, Cornell Cooperative Extension, Cortland County SWCD, Cortland County Agriculture & Planning Committee, American Farmland Trust	✓			Minimal- material preparation, volunteers

Recommendation		Project Champion (see key below)	Potential Partners	Short-term	Medium-term	Long-term	Potential Funding
Goal 2: Establish an Agricultural Advisory Committee to engage the farming and non-farming community and other key stakeholders in the implementation process for plan recommendations.							
2.1	Review development projects in agricultural zoned lands and in the County designated Agriculture District; provide guidance to Planning Board/Town Board.	AAC	Planning Board, Town Board Cortland County SWCD	√			Volunteers
2.2	Serve as a conduit between town officials, farming community and residents.	AAC	Planning Board, Town Board, Cortland County SWCD, Cornell Cooperative Extension	√			Staff time, volunteers
Goal 3: Protect local farmland resources from loss due to abandonment, fragmentation by development and conversion to other uses.							
3.1	Amend Town zoning to limit allowable uses in the AG zone to agriculture activities.	Town Board	AAC, Planning Board		√		Town, NYS Ag & Markets
3.2	Amend the Town's land use regulations and policies based on the potential actions identified in the farm friendly audit as appropriate and refined during the Comprehensive Plan process.	Town Board	Planning Board, ZBA	√			Town, NYS Ag & Markets
3.3	Develop and implement Rural Design guidelines	Town Board	Planning Board, AAC, Cortland County SWCD		√		NYS Ag and Markets, Town
3.4	Adopt Lateral Restriction guidelines. Limit extension of sewer and water connections in areas zoned for agricultural.	Town Board	Planning Board, Water/ Sewer Department, NYS Ag & Markets, County Agriculture & Planning Committee	√			NYS Ag & Markets

Recommendation		Project Champion (see key below)	Potential Partners	Short-term	Medium-term	Long-term	Potential Funding
3.5	Develop streamlined site plan review and permitting process for agricultural and agricultural support businesses.	AAC	Town Board, Planning Board		√		Town
3.6	Hire a Planner to assist Town Staff to implement Agriculture Protection Strategies outlined in this Plan and with community engagement strategies.	Town Board	Town Planning Board, AAC		√		Town
Goal 4: Identify strategies and specific actions necessary to enhance agriculture and achieve farmland protection goals and objectives.							
4.1	Evaluate the various land conservation programs PDR, TDR, Incentive zoning and solicit interest in these programs that will redirect development from agriculture lands to designated growth areas and (the lands to be incentivized).	Town Board	AAC, Planning Board		√		NYS Dept. Ag & Markets, Town
4.2	Develop a land conservation plan that reflects the needs of the farming community and actively pursue funding opportunities.	Town Board	Planning Board, AAC, NYS Ag & Markets		√		NYS Ag & Markets, Town, Developers
4.3	Identify suitable locations for new agri-business, agri-tourism and agri-industrial opportunities and encourage these uses.	AAC	Farm owners/operators, Cortland County Agriculture & Planning Committee, NYS Ag & Markets		√		Staff time, volunteers

Recommendation		Project Champion (see key below)	Potential Partners	Short-term	Medium-term	Long-term	Potential Funding
4.4	Create incentives to encourage re-use and redevelopment of developed areas and avoid encroachment into farming areas	Town Board	AAC, Planning Board		√		Town
4.5	Assist farmers with succession planning	AAC	Cornell Cooperative Extension		√		Volunteer, staff time
Goal 5: Enhance economic development opportunities that support agricultural businesses and farming support activities							
5.1	Maintain dialogue with agribusinesses regarding well trained employees, public infrastructure, and “farm friendly” business policies	AAC	Town Board, Planning Board, Municipal Officials	√			Staff time, volunteers
5.2	Support agricultural businesses in pursuing funding for capital improvements, facility expansion, bringing new products to market.	AAC	Town Board, Planning Board, NYS Ag & Markets, Farmers Market Federation of New York	√			Staff time, Municipal officials, volunteers
5.3	Establish permanent year round farmer’s market location. Actively support and promote farmers markets in the region.	AAC	Farmers Market Federation of New York, Cortland County Agriculture & Planning Committee, City of Cortland		√		Staff time, Town, volunteers

ZBA- Zoning Board

ACC-Agricultural Advisory Committee

SWCD- Soil & Water Conservation District

Appendix A

Community Outreach

Summary of Community Outreach

CHA Consulting conducted a series of interviews with stakeholders from the agricultural community, on behalf of the Town of Cortlandville, in March 2017 to gain a better understanding of the strengths, weaknesses, opportunities and constraints within this sector in the Town and County and the state of farming in general. The process was initiated by the Town identifying stakeholders from different areas within the agricultural sector who were contacted by written correspondence, signed by the Town Supervisor and Agricultural Protection Committee Chairman, introducing the project and including a list of survey questions. The Town followed up with telephone calls encouraging stakeholders to participate in the interview process. Of the 17 stakeholders contacted, CHA was successful in conducting 12 interviews.

Stakeholders were posed a series of open ended questions that encouraged them to share information specific to their operation as well as the agricultural community as a whole. Respondents participated by telephone or email at their convenience. A summary of the most frequently noted responses can be found below; the actual survey questions are included as part of this Appendix.

1. Type of operation

Operations represented in this survey include dairy, beef, field crops (including organic), hay, horse farm, a veterinarian specializing in dairy, and farm supply and repair operations. Farms ranged from small start-ups with less than 10 acres to larger operations that have been in operation for more than 100 years. Generally operations consisted of lands under the ownership of the farm/business owner and leased lands.

2. Strengths of the agricultural sector

Responses to this question resulted in several common themes. The most frequently noted strengths included:

- Lands in the Town and surrounding area are considered some of the best agricultural lands in the state – soil/land quality is high
- Farming community infrastructure is strong and supportive
- Cortlandville's central location and easy access to transportation options (ability to get to market)
- Availability of knowledgeable service providers within this sector
- Strong knowledge base- both sharing between farming operations and agency/academic resources
- The farm community recognizes the quality environment to produce quality products
- The Town is generally supportive of agriculture

Nearly all respondents noted that farming, in one way or another, is not just a business to them but a way of life that they and their family are committed to.

3. Problems facing the agricultural sector

- Taxes
- Development pressure-the most productive agricultural lands are also most attractive to developers

- Attracting young/new farmers to the community
- Complicated/costly regulatory process – particularly hard for smaller operations with small profit margins to manage
- The number of farms are decreasing
- Small farms have difficulty competing with corporate farms
- It is difficult to find additional land to lease or buy

Respondents generally noted that they recognize the need for certain regulations to protect environmental and product quality but that smaller operations with fewer resources and thinner profit margins can have difficulty meeting these. Regulations related to the location and storage of manure was mentioned as an example. Most of the farmers indicated that they would buy more land if it were available; some would like to buy lands they are currently leasing while others would like to expand their operations. Development pressure also makes the purchase of land prohibitive. There was some concerns noted regarding potential changes in trade agreements as well as the handling of temporary farm workers.

4. Opportunities in the next 5-10 years

- Growing demand for organic products
- Farm product sales related to farms marketing and processing their own products
- The presence of Byrne dairy will continue to benefit local dairy producers
- Larger (corporate) farms may have opportunities to grow and expand
- Growth in small hobby farms supports equipment and service suppliers

Operations that take advantage of streamlined processes and efficiencies- for instance the ability to produce more milk with fewer cows. Farmers that can take advantage of consultants and specialists will improve their ability to be competitive.

5. How can the Town support the agricultural community

- Encourage processing plants
- Allow solar and wind farms, as well as gas wells, on agricultural lands
- Educate non-farming population about farming practices
- Encourage/participate in events such as “farm days”
- Helping farmers identify resources/grants and other assistance- Note: maybe through Cornell Cooperative Extension?

6. Location in Agricultural District

- All of the farming operations are located in the Agricultural District and take advantage of the Agricultural Exemption.

It was noted that the town should consider some type of tax break for agricultural businesses.

7. Years in operation

The youngest farming operation has been in business 6 years while the oldest operation is 207 years old. Many operations had been in business 50 years or longer and are family operated. Succession plans therefore were generally predicated on the next generation assuming control of operations. Several of the farms were operating under the oversight of several generations and junior partners that were poised to assume more responsibilities. However there are several farms that have the desire to see their

operations continue but did not have succession plans or outside interest to buy or lease their land for agriculture operations.

8. Employment

Employment varied significantly depending on the size and type of operation. Family farms tend to work as needed. Many farms hire as needed or part-time.

9. Plans for growth over 5 years

- Most businesses would love to grow but there is little available and affordable land for sale.
- Niche businesses (organic crops/milk) see opportunities for growth

10. What would most impact a decision to increase operations

- Continued demand and pricing of products
- Ability to access additional lands- buy and/or lease
- Availability of financing
- Ability to get funding as a small operation (see below)

One respondent noted that the availability to get funding as a small operation affects their ability to grow. They are too small to qualify for certain grants or funding (for programs such as manure management). If they grow to 75 animals they would spend more time than they have available moving manure **but** they still would not be big enough to qualify for grants related to managing and storing manure. The issue is circular.

Preliminary Strength, Weaknesses, Opportunity and Threats (SWOT) Analysis (from interviews)

Strengths – general

- Land/soil quality are high quality for agriculture production.
- Large/robust farming community in Town and surrounding County
- Geographically close to major cities (easy and timely to get products to market)
- Good access to major highways
- Town promotes agriculture and public awareness of agriculture.
- Adequate supporting infrastructure- agricultural support businesses and agency services (i.e. Cornell)
- Good relationship with SUNY Cortland/Cornell/other agencies

Specific strengths

- Demand for organic products continues to grow
- Demand for farm produced products/farm processed products (on and off site sales) continues to grow
- Byrne Dairy has created some stability for dairy farms

Weaknesses

- High taxes – impacts the already tight profit margins
- Land for purchase generally not available-Many farmers lease land for their operations

- Regulations are onerous for small operations (time/money)
- Development pressure – most productive land is also most attractive to developers- which drives prices up to point farmers cannot afford to purchase.
- Number of farms decreasing- small operations bought by larger corporations (move to more corporate farming).
- Lack of young farmers in the area
- Need state/federal/county help for small farms. Larger/more profitable farms appear to be successful in getting more grants/funding, family owned operations struggling.
- Milk prices are set by the government, farmers do not set prices based on market conditions.
- Farm equipment is expensive to purchase.
- Commercial operations decrease in sales.

Opportunities

- Allow agricultural lands to be used for solar energy, wind power and gas wells. Will provide income stability for farmers and help the state meet its mandates for green energy.
- Operational efficiencies may allow farms to produce more with the same amount of land or resource (# of cows). Larger corporate farms with more available capital may have the best opportunity to pursue this opportunity.
- Growth in demand for organic products.
- Growth in hobby farms (may help to protect land that would otherwise be sold and maintains demand for equipment and services).
- Encourage development of processing plants.

Threats

- Farms without succession plans
- Development pressure impacting land prices
- Residential development adjacent or near active farms

Town of Cortlandville Agricultural Protection Plan

Public Workshop

June 13, 2017- 7:00 PM

Agenda

- **Project History**
- **Farmland Protection Plan Process**
- **Agricultural Lands overview**
- **Preliminary SWOT results**
- **Discussion- Map review & Public Input**

Town of Cortlandville

Ag Land Protection Plan

June 13, 2017

Public Workshop notes

Attendees:

Amanda Barber, Agricultural Protection Committee

John Proud Agricultural Protection Committee

Paul Fouts Agricultural Protection Committee

Jean Loewenstein, CHA Consulting

Chris Einstein, CHA Consulting

Laura Casallia, CHA Consulting

Joh Brennan, Ag and Markets

Reporter

Agenda Attached

PowerPoint presentation and large maps used during the presentation. Attendees were encouraged to actively participate due to small number of participants.

Additions/Considerations for SWOT as presented:

Strengths

Access to water- there is a productive aquifer

As a community – farmers and non-farmer alike identify as a farming community

Biggest industry in Town and County

Weaknesses

Disconnect between farmers and non-farmers – public identifies as farming community (see above) but doesn't understand what that means (i.e. slow moving equipment using roads, smell of manure, noise of equipment)- note: this was included under threats

Not everyone is aware of the Ag Assessment.

Water quality burden- should community take the lead? (need more from Chris on this)

Opportunities

Town take lead as a public educator. Particularly as a geographic buffer between the City and the rest of the Ag community.

Locate and support a permanent location for a farmers market including an indoor (all-season) location -

Connect with SUNY (They have a commitment to 25% local produce by 2020) –

Threats

Conversion to solar and wind uses can result in loss of land available for lease

The second development scenario adds a “buffer” of land around existing, non-agriculturally zoned land that would be available for development and might include the extension of municipal water and sewer and changes in zoning of the “buffer” lands. This is intended as a general concept and does not reflect any known development plans. It would however, provide significant area for future growth and would reserve the remaining lands for agricultural uses. The potential methods for reserving/protecting these lands are discussed later in this chapter and would likely involve a mix of voluntary and regulatory measures along with incentives. Control of the expansion of municipal utilities would play a key role in the protection of farmland, but as is clear from the “No Action” alternative shown on Figure 7, more would have to be done with lot sizes to make this work. Out of the approximately 31,280 acres of land comprising the Town, roughly 19,400 acres of land would remain for agriculture.

Town of Cortlandville, NY Agricultural Protection Plan

PUBLIC MEETING
JUNE 13, 2017



TODAY'S AGENDA

- Introduction/project history
- Farmland Protection Plan Process
- Agricultural lands overview
- Preliminary SWOT results
- Discussion- map review & public input



PROJECT HISTORY

- Town awarded NYS Agriculture and Markets “Municipal Agricultural & Farmland Protection Planning Grant” – 2015
- Develop a local Agriculture and Farmland Protection Plan – Article 25-AAA, Section 324-a of NYS Ag & Markets Law
- Farmland Protection Steering Committee charged with preparing Plan



PLAN PROCESS

- Inventory existing conditions
- Stakeholder/public input
- SWOT analysis
- Protection & preservation techniques
- Action items
- Public hearing
- Prepare final plan
- Agency review & approval

Legend

Survey Marker	Zoning Designations	R-2 - Highway Commercial Business
Water Main	A-1 - Agricultural	R-3 - Planned Commercial Business
County Agricultural Districts	R-1 - Residential	I-1 - Light Industrial, Office, Business Park
	R-2 Residential	I-2 - General Industrial
	R-3 Residential	PUD - Planned Urban Development
	R-4 - Neighborhood Business	

Agricultural Lands Overview



Agricultural Lands Overview

- Sewer Mains
- WaterMains
- County Agricultural Districts

Agricultural Land Classes

- Agricultural Vacant Land (Productive) - 96 Parcels, 8,347 ac.
- Livestock - 22 Parcels, 2,941 ac.
- Field Crops - 56 Parcels, 8,321 ac.





AGRICULTURAL OPERATIONS OVERVIEW

- Field Crops more than 8,000 acres
- Livestock nearly 3,000 acres
- Vacant agriculture lands more than 8,300 acres (productive)
- Agricultural District covers more than 19,400 acres in Cortlandville



AGRICULTURAL OPERATIONS OVERVIEW

- Agriculture uses include dairy, livestock, field crops, hay, horses,
- Agriculture land uses emphasized in Agricultural Zone
- Many farmers lease rather than own land

AGRICULTURAL OPERATIONS OVERVIEW

- Agricultural support businesses contribute to successful farming economy
 - Feed and supply stores
 - Equipment sales and service
 - Large animal veterinarians
 - Manufacturing – production

AGRICULTURAL OPERATIONS OVERVIEW

- Agricultural knowledge base
 - Cornell Cooperative Extension
 - Support businesses, service providers, farm operators
 - SUNY Cortland



PRELIMINARY SWOT ANALYSIS

➤ Strengths

➤ Weaknesses

➤ Opportunities

➤ Threats



STRENGTHS

- Dedicated to the “farming life”
- Robust agricultural community
- High quality agricultural soils
- Geographic advantage – location and transportation access
- Town supports/promotes agriculture

WEAKNESSES

- High taxes
- Lack of land for purchase
- Aging farmers- lack of young farmers
- Small farms losing out to large farms
- Regulations difficult for smaller operations
- Market pricing versus production costs

OPPORTUNITIES

- Increasing demand for organic products
- Increasing demand for specialty products
- Agribusiness and agri-tourism
- Solar & wind
- Development of processing plants
- Integration/connections with large farms/operations

THREATS

- Farm operations without succession plans
- Development pressure driving up prices of ag land
- Fragmentation of farm parcels
- Subdivision of large farm parcels for non-farm use
- Regulatory burdens

DISCUSSION

- STRENGTHS
- WEAKNESSES
- OPPORTUNITIES
- THREATS
- MAP REVIEW

QUESTIONS?



Thank you for your participation!



Town of Cortlandville, NY Agricultural & Farmland Protection Plan

PUBLIC HEARING
JUNE 20, 2018

NYS Department of Agriculture and Markets –
Municipal Agricultural & Farmland Protection Planning Grant



Committee Members

➤ Amanda Barber

➤ Glenn Goldwyn

➤ John Proud

➤ Alan Gandelman

➤ Paul Fouts

➤ Eric Law



Why Plan For Agriculture?

Economic impact (Cortland County)*

Over \$62 million of
Ag products sold
annually

Generates \$80 -
\$120 million
annually

Reduce Unintended Consequences

Development
pressure and land
conversion

Fewer farmers

Lack of public
understanding

Protect Agricultural Land**

Agricultural
District
19,400 acres

10,000+ acres
classified active
agriculture

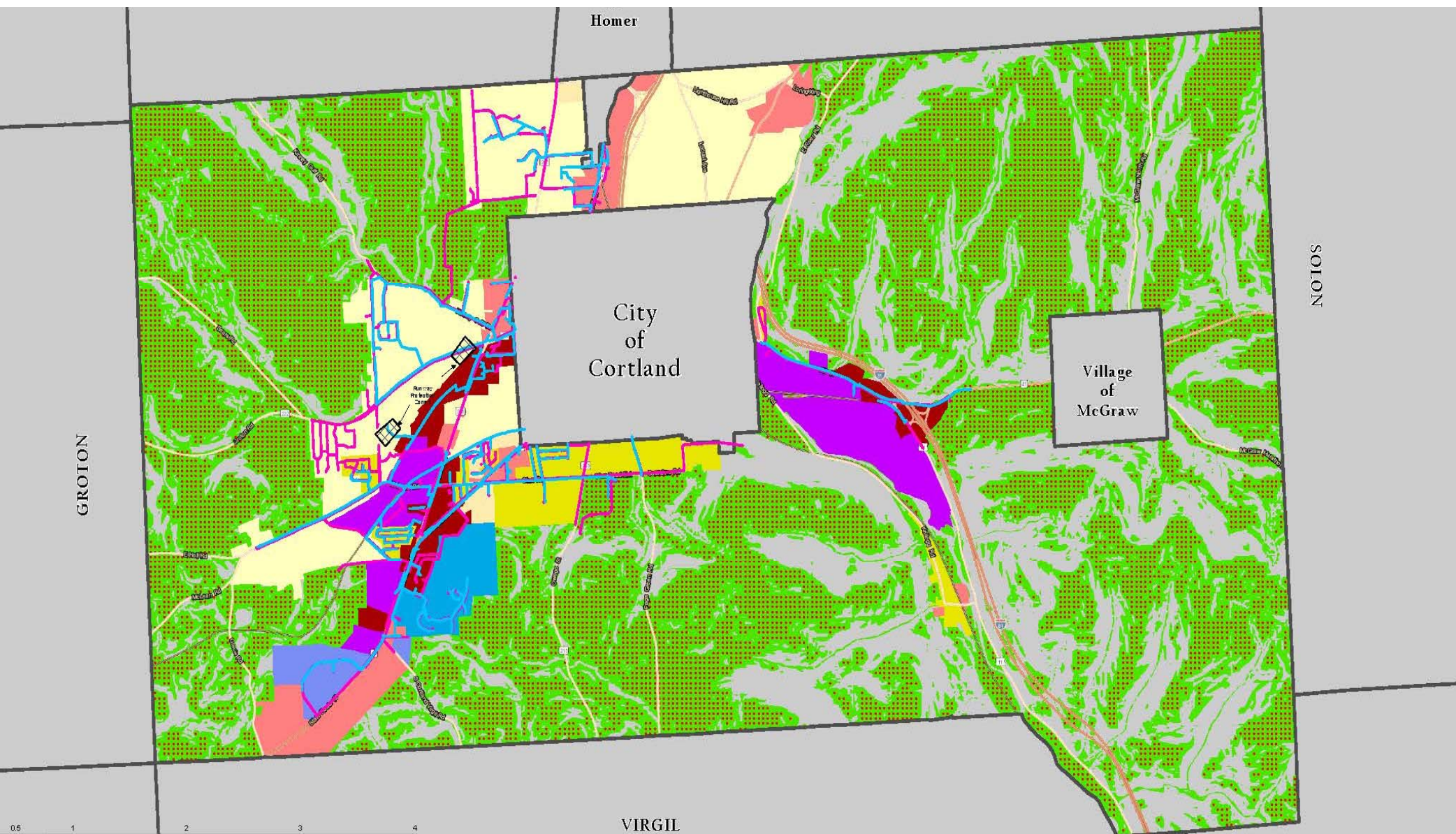
8,300+ acres
classified vacant ag
land (productive)

Excellent
farmland soils

*2012 Census of Agriculture

**Cortlandville





Farmland Protection Scenario

➤ Development Buffer Scenario

- Creates a buffer or growth boundary
- Lands outside growth boundary remain in AG use
- Allows future growth and protection of AG lands
- Protects approximately 19,400 acres of land for AG uses

Farmland Protection Scenario

➤ Development Buffer Scenario

➤ Lands within buffer require additional study during comprehensive plan process to address:

➤ Extension of sewer and water

➤ Potential zone changes

➤ Appropriate land conservation measures

➤ Incentives



Goals

- Goal 1 - Educate and engage the community
- Goal 2 - Establish an Agricultural Advisory Committee (AAC)
- Goal 3 - Protect farmland resources
- Goal 4- Identify strategies and actions to enhance agriculture
- Goal 5 - Enhance economic development opportunities for agricultural businesses and activities.

Key Recommendations

Adopt the Plan!!!!

- Establish the Agricultural Advisory Committee (AAC)
 - Conduit between farming community, non-farming community, officials
 - Guidance to Planning Board
 - Expertise/resources to local famers and new farmers
- Encourage Farmer representation on boards and special committees

Key Recommendations

➤ Regulatory Restrictions

➤ Amend Zoning- Limit allowable uses in AG zone

➤ Adopt lateral restriction language

➤ Develop Rural Design Guidelines

➤ Identify appropriate zoning in Buffer area



Key Recommendations

- Evaluate and implement voluntary land use conservation measures
 - Permanent Conservation Easements
 - TDR's, PDR's, Incentive Zoning
 - Term Easements
- Refined during Comprehensive Planning Process

Key Recommendations

- Establish permanent location for a year round farmers market
- Work with farming community and businesses to identify new opportunities & locations for agri-businesses

WHAT'S NEXT?

- Town Board accepts Plan
- County Planning - 239 review
- County Ag & Farmland Protection Bureau
- NYS Department Agriculture and Markets
- Adoption by Town
- Integrated into Comprehensive Plan





Thank you for your interest in Cortlandville's
Agricultural and Farmland Protection Plan!

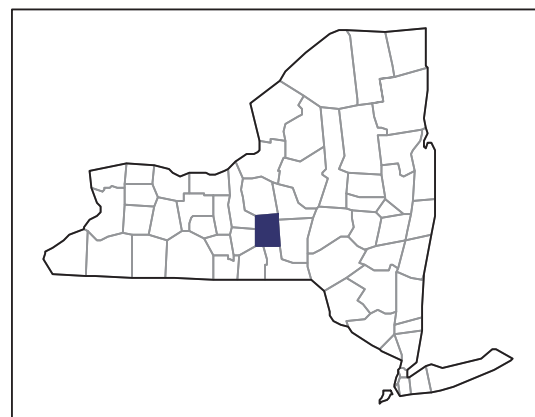


Appendix B

Farmland Data

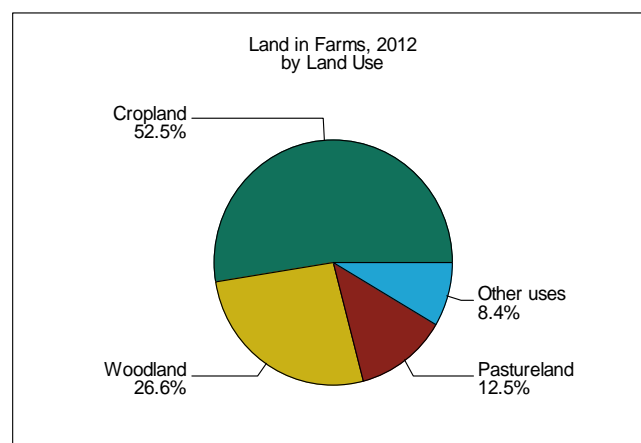
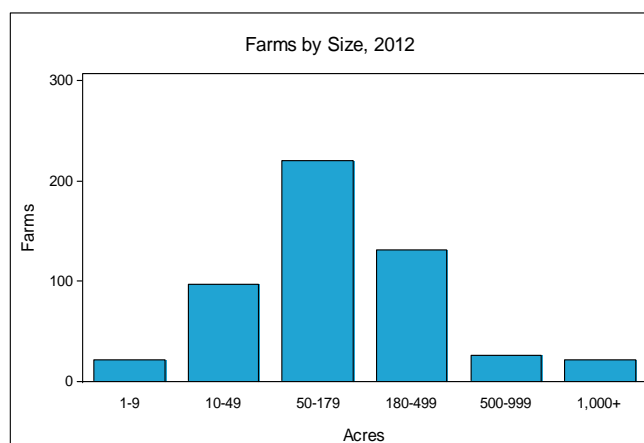
2012 CENSUS OF AGRICULTURE

COUNTY PROFILE



Cortland County New York

	2012	2007	% change
Number of Farms	518	587	- 12
Land in Farms	115,024 acres	124,824 acres	- 8
Average Size of Farm	222 acres	213 acres	+ 4
Market Value of Products Sold	\$62,897,000	\$54,884,000	+ 15
Crop Sales \$13,471,000 (21 percent)			
Livestock Sales \$49,426,000 (79 percent)			
Average Per Farm	\$121,422	\$93,500	+ 30
Government Payments	\$984,000	\$1,514,000	- 35
Average Per Farm Receiving Payments	\$5,321	\$6,283	- 15





Cortland County – New York

Ranked items among the 62 state counties and 3,079 U.S. counties, 2012

Item	Quantity	State Rank	Universe ¹	U.S. Rank	Universe ¹
MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD (\$1,000)					
Total value of agricultural products sold	62,897	35	62	1,595	3,077
Value of crops including nursery and greenhouse	13,471	41	60	1,937	3,072
Value of livestock, poultry, and their products	49,426	27	61	912	3,076
VALUE OF SALES BY COMMODITY GROUP (\$1,000)					
Grains, oilseeds, dry beans, and dry peas	6,975	32	54	1,642	2,926
Tobacco	-	-	-	-	436
Cotton and cottonseed	-	-	-	-	635
Vegetables, melons, potatoes, and sweet potatoes	697	46	59	972	2,802
Fruits, tree nuts, and berries	166	47	58	1,175	2,724
Nursery, greenhouse, floriculture, and sod	180	58	60	1,809	2,678
Cut Christmas trees and short rotation woody crops	73	26	53	374	1,530
Other crops and hay	5,380	24	55	547	3,049
Poultry and eggs	(D)	(D)	57	(D)	3,013
Cattle and calves	(D)	34	55	(D)	3,056
Milk from cows	41,700	23	52	189	2,038
Hogs and pigs	102	25	54	1,243	2,827
Sheep, goats, wool, mohair, and milk	2,578	1	56	63	2,988
Horses, ponies, mules, burros, and donkeys	177	45	59	1,348	3,011
Aquaculture	(D)	25	33	(D)	1,366
Other animals and other animal products	167	30	59	839	2,924
TOP CROP ITEMS (acres)					
Forage-land used for all hay and haylage, grass silage, and greenchop	35,116	24	55	484	3,057
Corn for silage	7,924	25	52	235	2,237
Corn for grain	5,629	36	54	1,383	2,638
Soybeans for beans	2,040	26	49	1,525	2,162
Oats for grain	537	27	50	501	1,825
TOP LIVESTOCK INVENTORY ITEMS (number)					
Cattle and calves	23,239	26	56	1,208	3,063
Layers	2,047	45	59	1,276	3,040
Broilers and other meat-type chickens	1,692	23	54	805	2,723
Horses and ponies	996	39	60	1,199	3,072
Sheep and lambs	700	35	56	1,171	2,897

Other County Highlights, 2012

Economic Characteristics	Quantity	Operator Characteristics	Quantity
Farms by value of sales:		Principal operators by primary occupation:	
Less than \$1,000	106	Farming	270
\$1,000 to \$2,499	49	Other	248
\$2,500 to \$4,999	52		
\$5,000 to \$9,999	65	Principal operators by sex:	
\$10,000 to \$19,999	64	Male	420
\$20,000 to \$24,999	21	Female	98
\$25,000 to \$39,999	20		
\$40,000 to \$49,999	16	Average age of principal operator (years)	57.1
\$50,000 to \$99,999	44		
\$100,000 to \$249,999	25	All operators by race ² :	
\$250,000 to \$499,999	28	American Indian or Alaska Native	-
\$500,000 or more	28	Asian	-
Total farm production expenses (\$1,000)	50,635	Black or African American	-
Average per farm (\$)	97,751	Native Hawaiian or Other Pacific Islander	-
		White	821
Net cash farm income of operation (\$1,000)	14,647	More than one race	5
Average per farm (\$)	28,276	All operators of Spanish, Hispanic, or Latino Origin ²	6

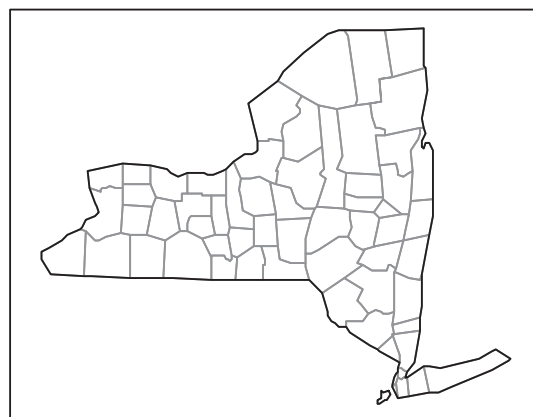
See "Census of Agriculture, Volume 1, Geographic Area Series" for complete footnotes, explanations, definitions, and methodology.

- Represents zero. (D) Withheld to avoid disclosing data for individual operations.

¹ Universe is number of counties in state or U.S. with item. ² Data were collected for a maximum of three operators per farm.

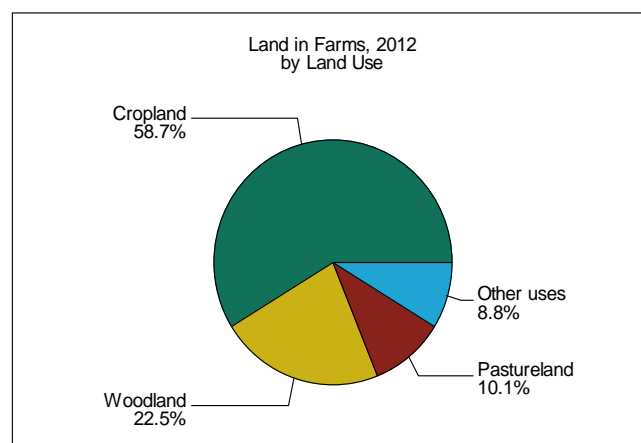
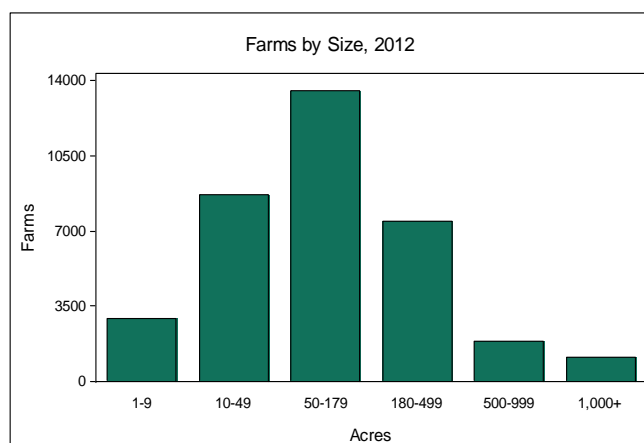
2012 CENSUS OF AGRICULTURE

STATE PROFILE



New York

	2012	2007	% change
Number of Farms	35,537	36,352	- 2
Land in Farms	7,183,576 acres	7,174,743 acres	0
Average Size of Farm	202 acres	197 acres	+ 3
Market Value of Products Sold	\$5,415,125,000	\$4,418,634,000	+ 23
Crop Sales \$2,249,227,000 (42 percent)			
Livestock Sales \$3,165,898,000 (58 percent)			
Average Per Farm	\$152,380	\$121,551	+ 25
Government Payments	\$74,511,000	\$62,652,000	+ 19
Average Per Farm Receiving Payments	\$7,955	\$5,913	+ 35



US Department of Agriculture
National Agricultural Statistics Service

www.agcensus.usda.gov



New York

Ranked items within U.S., 2012

Item	Quantity	U.S. Rank	Universe ¹
MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD (\$1,000)			
Total value of agricultural products sold	5,415,125	26	50
Value of crops including nursery and greenhouse	2,249,227	28	50
Value of livestock, poultry, and their products	3,165,898	22	50
VALUE OF SALES BY COMMODITY GROUP (\$1,000)			
Grains, oilseeds, dry beans, and dry peas	855,891	27	50
Tobacco	-	-	19
Cotton and cottonseed	-	-	17
Vegetables, melons, potatoes, and sweet potatoes	364,135	13	50
Fruits, tree nuts, and berries	307,644	6	50
Nursery, greenhouse, floriculture, and sod	413,277	9	50
Cut Christmas trees and short rotation woody crops	6,843	8	49
Other crops and hay	301,438	18	50
Poultry and eggs	144,663	29	50
Cattle and calves	449,497	30	50
Milk from cows	2,417,398	3	50
Hogs and pigs	38,999	29	50
Sheep, goats, wool, mohair, and milk	19,249	13	50
Horses, ponies, mules, burros, and donkeys	58,211	5	50
Aquaculture	18,036	20	50
Other animals and other animal products	19,845	21	50
TOP CROP ITEMS (acres)			
Forage-land used for all hay and haylage, grass silage, and greenchop	1,850,981	11	50
Corn for grain	677,268	21	49
Corn for silage	496,885	3	49
Soybeans for beans	310,104	24	45
Vegetables harvested, all	135,997	9	50
TOP LIVESTOCK INVENTORY ITEMS (number)			
Layers	5,208,831	19	50
Cattle and calves	1,419,365	21	50
Pullets for laying flock replacement	1,195,776	23	50
Broilers and other meat-type chickens	591,576	29	50
Ducks	225,567	4	50

Other State Highlights, 2012

Economic Characteristics	Quantity	Operator Characteristics	Quantity
Farms by value of sales:		Principal operators by primary occupation:	
Less than \$1,000	8,422	Farming	20,400
\$1,000 to \$2,499	2,747	Other	15,137
\$2,500 to \$4,999	3,119		
\$5,000 to \$9,999	3,776	Principal operators by sex:	
\$10,000 to \$19,999	3,809	Male	29,078
\$20,000 to \$24,999	1,128	Female	6,459
\$25,000 to \$39,999	1,985		
\$40,000 to \$49,999	840	Average age of principal operator (years)	57.1
\$50,000 to \$99,999	2,586		
\$100,000 to \$249,999	3,294	All operators by race ² :	
\$250,000 to \$499,999	1,869	American Indian or Alaska Native	143
\$500,000 or more	1,962	Asian	163
Total farm production expenses (\$1,000)	4,535,138	Black or African American	113
Average per farm (\$)	127,617	Native Hawaiian or Other Pacific Islander	14
		White	55,346
Net cash farm income of operation (\$1,000)	1,216,800	More than one race	191
Average per farm (\$)	34,240	All operators of Spanish, Hispanic, or Latino Origin ²	481

See "Census of Agriculture, Volume 1, Geographic Area Series" for complete footnotes, explanations, definitions, and methodology.

- Represents zero.

¹ Universe is number of states in U.S. with item. ² Data were collected for a maximum of three operators per farm.

New York State Office of Real Property Services	ASSESSOR'S MANUAL Data Collection and Maintenance of Property Inventories - RFV	SECTION APP-B	PAGE 1.00
		DATE 9/01/06	

100 - AGRICULTURAL

105 - Agricultural Vacant Land (Productive)

Land used as part of an operating farm. It does not have living accommodations and cannot be specifically related to any of the other divisions in the agricultural category. Usually found when an operating farm is made up of a number of contiguous parcels.

110 - Livestock and Products

111 - Poultry and Poultry Products: eggs, chickens, turkeys, ducks and geese

112 - Dairy Products: milk, butter and cheese

113 - Cattle, Calves, Hogs

114 - Sheep and Wool

115 - Honey and Beeswax

116 - Other Livestock: donkeys, goats

117 - Horse Farms

120 - Field Crops

Potatoes, wheat, hay, dry beans, corn, oats, and other field crops.

129 - Acquired Development Rights

Land for which development rights have been acquired by a governmental agency (e.g., certain agricultural lands in Suffolk County).

100 - AGRICULTURAL (cont.)**130 - Truck Crops - Mucklands**

Muckland used to grow potatoes, sugar beets, onions, snap beans, tomatoes, cabbage, lettuce, cauliflower, sweet corn, celery, etc.

140 - Truck Crops - Not Mucklands

Nonmuckland used to grow onions, snap beans, tomatoes, cabbage, lettuce, cauliflower, sweet corn, celery, carrots, beets, peas, etc.

150 - Orchard Crops**151 - Apples, Pears, Peaches, Cherries, etc.****152 - Vineyards****160 - Other Fruits**

Strawberries, raspberries, dewberries, currants, etc.

170 - Nursery and Greenhouse

Buildings, greenhouses and land used for growing nursery stock, trees, flowers, hothouse plants, mushrooms, etc.

180 - Specialty Farms**181 - Fur Products: mink, chinchilla, etc.****182 - Pheasant, etc.****183 - Aquatic: oysterlands, fish and aquatic plants****184 - Livestock: deer, moose, llamas, buffalo, etc.****190 - Fish, Game and Wildlife Preserves**

Appendix C

Sample Local Laws

Lateral Restriction - Conditions on Future Service

The _____ (name of municipality) imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along _____ (name of roads or location of water/sewer lines) within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the date of filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a "subdivision," in part, as "any tract of land which is divided into five or more parcels." Water and/or sewer service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the FNOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

Agriculture

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
SEP 22 1997

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Allyn H. F. DiNapoli
Secretary of State

~~County~~
~~City~~ of Broadalbin
Town
~~Village~~

Local Law No. 1 of the year 19 97

A local law Right - to - Farm
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Broadalbin as follows:
Town
~~Village~~

Section 1. Legislative Intent and Purpose

The Board recognizes that farming is an essential enterprise an important industry which enhances the economic base, natural environment and quality of life in Broadalbin. Therefore, the Town Board of Broadalbin finds and declares that this Town encourages its agriculture and urges understanding of and cooperation with the necessary day to day operations involved in farming.

It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the town, to permit the continuation of agricultural practices, to protect the existence and operation of farms, to encourage the initiation and expansion of farms and agribusinesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. In order to maintain a viable farming economy in Broadalbin it is necessary to limit the circumstances under which farming may be deemed to be a nuisance and allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

Section 2. Definitions

1. "Farmland" shall mean land used in agricultural production, as defined in subdivision four of Section 301 of Article 25AA of the State Agriculture and Markets Law.

2. "Farmer" shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock,

(If additional space is needed, please attach sheets of the same size as this and number each)

3. "Agricultural products" shall mean those products as defined in Section 301(2) OF Article 25AA of the State Agriculture and Markets Law, including but not limited to:

- a. Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.
- b. Fruits, including apples, peaches, grapes, cherries and berries.
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, farmed deer, farmed buffalo, fur bearing animals, milk, eggs and furs.
- f. Maple sap.
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
- h. Aquaculture products, including fish, fish products, water plants and shellfish.
- i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.

4. Farm woodland includes land used for production and sale of woodland products, including but not limited to logs, lumber, posts and firewood.

5. "Agricultural practices" shall mean those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop protection methods, and construction and use of farm structures and fences.

6. "Farm operation" shall be defined in Section 301(11) in the State Agriculture and Markets Law.

Section 3. Right-to-Farm Declaration

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all such times and all such locations as are reasonable necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and construction shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. reasonable and necessary to the particular farm or farm operation,

conducted in a manner which is not negligent or reckless,

3. Conducted in conformity with generally accepted and sound agricultural practices,

4. conducted in conformity with all local state and federal laws and regulations,

5. conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and

6. conducted in manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in this local law shall be construed to prohibit and aggrieved party from recovering from damages for bodily injury or wrongful death due to a failure to follow sound agricultural practices, as outlined in this section.

Section 4. Notification of Real Estate Buyers and Prospective Neighbors.

In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Section 310 of Article 25AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that farming activities occur within the Town. Such farming activities may include, but not limited to, activities that cause noise, dust, smoke, and odors."

A copy of this notice shall be included as an addendum to the purchase and sale contract at the time an offer to purchase is made.

In addition, this notice shall be included in building permits and on plats of subdivision submitted for approval pursuant to Town Law, section 276.

Section 5. Resolution of Disputes

a. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation between the parties involved, either party may submit the controversy to a dispute resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action and prior to a request for a determination by the Commissioner of Agriculture and Markets about whether the practice in question is sound pursuant to Section 308 of Article 25AA of the State Agriculture and Markets Law.

b. Any controversy between the parties shall be submitted to the committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.

c. The committee shall be composed of three (3) members selected from the county including one representative from the County Agricultural and Farmland Protection Board, one person from local government, and one person mutually agreed upon by both parties involved in the dispute.

d. The effectiveness of the committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

e. The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Thereafter, the committee may investigate the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each considers to be pertinent facts. No party bringing a complaint to the committee for settlement or resolution may be represented by counsel. The time limits provided in this subsection for action

by the committee may be extended upon the written stipulation of all parties in the dispute.

f. Any reasonable costs associated with the functioning of the committee process shall be borne by the participants.

Section 6. Severability Clause.

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not effect the remainder of this local law. The Town hereby declares that it would have passed this local law and section and subsection hereof. Irrespective of the fact any one or more of these sections, subsections, sentences, clauses or phases may be declared unconstitutional or invalid.

Section 7. Precedence.

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

Section 8. Effective Date.

This Local Law shall be effective immediately upon filing with the Town of Broadalbin and the Secretary of State pursuant to Section 27 of Municipal Home Rule Law.

Act No. 184-95

by Mr. Winship
and Mr. Felton, Mr. Fitzpatrick, Mr. Gowan,
Mr. Haberer, Mr. Hall, Mr. Reynolds,
Mr. Walgus, Mrs. Wyllie, Mr. Zimbardi,
Mr. Zollinger, Mr. Augostini, Ms. Bernstein,
Mrs. Kramer, Mr. Mack, Mr. McClune,
Mrs. McLaughlin and Mr. McLean

LOCAL LAW NUMBER 1-1995
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Section 10 of the Municipal Home Rule Law

A LOCAL LAW ESTABLISHING THE RIGHT-TO-FARM

BE IT ENACTED, by the Legislature of the County of Cattaraugus as follows:

SECTION 1. Legislative Intent. The Cattaraugus County Legislature finds, declares, and determines that farming is important to Cattaraugus County because it is a livelihood and provides employment for agriservices; provides locally produced, fresh commodities; agricultural diversity promotes economic stability; agriculture maintains open space and promotes environmental quality; an agricultural landscape constitutes agricultural beauty; and agricultural land does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in Cattaraugus County, farmers must be afforded protection allowing them the right to farm. When non-agricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operations or are discouraged from making investments in farm improvements.

It is the purpose of this law to reduce the loss to the County of Cattaraugus of its agricultural resources by limiting the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to, and necessary for, the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

The County Legislature further finds, declares, and determines that Chapter 797 of the Laws of 1992 provides an important foundation for achieving the right-to-farm protection sought in Cattaraugus County and that in order to address the unique circumstances facing agriculture in Cattaraugus County, it is necessary to provide for more comprehensive local right-to-farm protection.

SECTION 2. Definitions.

A. "Agricultural practices" shall mean all activities conducted by a farmer on a farm to produce agricultural products and which are inherent and necessary to the operation of a farm including, but not limited to, the collection, transportation, distribution, storage, and land application of animal wastes; storage, transportation and use of equipment for tillage, planting, harvesting, irrigation, fertilization, and pesticide application; storage and use of legally permitted fertilizers, limes, and pesticides all in accordance with local, state, and federal law and regulations and in accordance with manufacturer's instructions and warnings; storage, use and application of animal feed and foodstuffs; construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products, and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

B. "Agricultural products" shall mean those products as defined in Section 301(2) of the Agriculture and Markets Law.

C. "Farm" shall mean the land, buildings, and machinery used in the production, whether for profit or otherwise, of agricultural products.

D. "Farmer" shall mean any person, organization, entity, association, partnership or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.

E. "Generally accepted agricultural practices" shall mean those practices which are feasible, lawful, inherent, customary, necessary, reasonable, normal, safe, and typical to the industry or unique to the commodity as they pertain to agricultural practices.

SECTION 3. Right To Farm Declaration. Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within Cattaraugus County at all such times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

- 1) reasonable and necessary to the particular farm or farm operation,
- 2) conducted in a manner which is not negligent or reckless,
- 3) conducted in conformity with generally accepted agricultural practices,
- 4) conducted in conformity with all local, state, and federal laws and regulations,
- 5) conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety or any person, and

- 6) conducted in a manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

The Agriculture and Farmland Protection Board will determine if agricultural practices are acceptable.

The determination by the Agriculture and Farmland Protection Board referred to in the preceding paragraph shall be made by majority vote of the Board in a written opinion of such Board.

Nothing in this Local Law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death.

SECTION 4. Severability. If any provision of this local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such adjudication shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. Effective Date. This Local Law shall take effect immediately.

ADOPTED: April 12, 1995

LOCAL LAW
INTRODUCTORY NO 32 -95
CHAUTAUQUA COUNTY

A LOCAL LAW ESTABLISHING THE RIGHT TO FARM

BE IT ENACTED by the County Legislature of the County of Chautauqua as follows:

Section 1. Legislative Findings and Intent. The County of Chautauqua Legislature finds, declares, and determines that farming is important to Chautauqua County because it provides employment for agriservices, provides locally produced, fresh commodities, promotes economic stability, maintains open space, promotes environmental quality, and does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in Chautauqua County, farmers must be afforded protection allowing them the right to farm. When non-agricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operations or are discouraged from making investments in farm improvements. Chapter 797 of the Laws of 1992 of the State of New York provides an important foundation for achieving the right to farm protection sought by the Chautauqua County Legislature. In order to address the unique circumstances facing agriculture in Chautauqua County, it is necessary to provide for more comprehensive local right to farm protection as provided in this Local Law.

Section 2. Right to Farm. On any land which may be lawfully used for agricultural purposes in the County of Chautauqua, whether or not it is located in an agricultural district, an agricultural practice shall not constitute a public or private nuisance; provided such agricultural practice constitutes a sound agricultural practice pursuant to an opinion issued upon request by the New York State Commissioner of Agriculture and Markets under Section 308 of the New York State Agriculture and Markets Law. Nothing in this Local Law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death.

Section 3. Severability. If any provision of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such adjudication shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

James L. Colford
Donald W. Ahlstrom
Leon H. Berg

Jackie L. Jackson
Bruce L. Hild

PROPOSED

TOWN OF CHARLTON, SARATOGA COUNTY

* A LOCAL LAW ESTABLISHING RIGHT-TO-FARM LEGISLATION

Be it enacted by the BOARD of the TOWN OF CHARLTON as follows:

Section 1. Legislative Intent and Purpose.

The Board recognizes that farming is an essential enterprise and an important industry which enhances the economic base, natural environment and quality of life in Charlton . Therefore, the Town Board of Charlton finds and declares that this Town encourages its agriculture and urges understanding of and cooperation with the necessary day to day operations involved in farming.

It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the town, to permit the continuation of agricultural practices, to protect the existence and operation of farms, to encourage the initiation and expansion of farms and agribusinesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. In order to maintain a viable farming economy in Charlton, it is necessary to limit the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

Section 2. Definitions.

1. "Farmland" shall mean land used in agricultural production, as defined in subdivision four of section 301 of Article 25AA of the State Agriculture and Markets Law.
2. "Farmer" shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.
3. "Agricultural products" shall mean those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law, including but not limited to:
 - a. Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.
 - b. Fruits, including apples, peaches, grapes, cherries and berries.
 - c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
 - d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
 - e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, farmed deer, farmed buffalo, fur bearing animals, milk, eggs and furs.
 - f. Maple sap.
 - g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
 - h. Aquaculture products, including fish, fish products, water plants and shellfish.

i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.

4. Farm woodland includes land used for production and sale of woodland products, including but not limited to logs, lumber, posts and firewood.

5. "Agricultural practices" shall mean those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop protection methods, and construction and use of farm structures and fences.

6. "Farm operation" shall be defined in section 301(11) in the State Agriculture and Markets Law

Section 3. Right-to-Farm Declaration

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all such times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. reasonable and necessary to the particular farm or farm operation,
2. conducted in a manner which is not negligent or reckless,
3. conducted in conformity with generally accepted and sound agricultural practices,
4. conducted in conformity with all local state, and federal laws and regulations,
5. conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
6. conducted in manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in this local law shall be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to a failure to follow sound agricultural practices, as outlined in this section.

Section 4. Notification of Real Estate Buyers and Prospective Neighbors

In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Section 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that farming activities occur within the Town. Such farming

activities may include, but not be limited to, activities that cause noise, dust, smoke and odors."

A copy of this notice shall be included as an addendum to the purchase and sale contract at the time an offer to purchase is made.

In addition, this notice shall be included in building permits and on plats of subdivision submitted for approval pursuant to Town Law section 276.

Section 5. Resolution of Disputes.

a. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation between the parties involved, either party may submit the controversy to a dispute resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action and prior to a request for a determination by the Commissioner of Agriculture and Markets about whether the practice in question is sound pursuant to Section 308 of Article 25 AA of the State Agriculture and Markets Law.

b. Any controversy between the parties shall be submitted to the committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.

c. The committee shall be composed of three (3) members selected from the county including one representative from the County Agricultural and Farmland Protection Board, one person from local government, and one person mutually agreed upon by both parties involved in the dispute.

d. The effectiveness of the committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

e. The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Thereafter, the committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each considers to be pertinent facts. No party bringing a complaint to the committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the committee may be extended upon the written stipulation of all parties in the dispute.

f. Any reasonable costs associated with the functioning of the committee process shall be borne by the participants.

Section 6. Severability Clause.

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not effect the remainder of this local law. The Town hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of

the fact that any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 7. Precedence.

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

Section 8. Effective Date.

This Local Law shall be effective immediately upon filing with the Town of Charlton and the Secretary of State pursuant to Section 27 of Municipal Home Rule Law.

TOWN OF FORT EDWARD
LOCAL LAW NO. 1 OF 1992

A Local Law known as the
RIGHT TO FARM IN THE TOWN OF FORT EDWARD

SECTION 1	TITLE
SECTION 2	DECLARATION OF POLICY AND PURPOSE
SECTION 3	DEFINITIONS
SECTION 4	RIGHT TO FARM
SECTION 5	INTERFERENCE PROHIBITED
SECTION 6	CONVEYANCE OF ADJUSTING PROPERTY NOTICE
SECTION 7	CONSTRUCTION WITH OTHER LAWS
SECTION 8	REQUIREMENTS FOR INCLUSION WITHIN SUBDIVISION, MOBILE HOME PARKS AND SITE PLAN PROJECTS
SECTION 9	SEVERABILITY CLAUSE
SECTION 10	RESOLUTION OF DISPUTES BY GRIEVANCE COMMITTEE
SECTION 11	EFFECTIVE DATE

TOWN OF FORT EDWARD
Local Law No. 2 of 1992

A Local Law known as the
RIGHT OF FARM OF THE TOWN OF FORT EDWARD

Be it enacted by the Town Board of the Town of Fort Edward as follows:

SECTION 1 TITLE:

This local law shall be known as the Right to Farm of the Town of Fort Edward.

SECTION 2 DECLARATION OF POLICY AND PURPOSE:

It is the general purpose and intent of this Local Law to maintain and preserve the rural tradition and character of the Town of Fort Edward, to permit the continuation of the business of farming within the Town, to protect the existence and operation of farming businesses, consistent with the declared policy of the State of New York in Article XIV of the State Constitution and further enumerated in the Agriculture and Markets Law, Section 25AA and within this Local Law.

Town Board finds, declares, and determines that in order to maintain agriculture as the Town's and New York State's largest industry, farmers must be afforded protection allowing them the right to farm.

Since World War II, there has been a trend toward urban expansion into suburban and rural areas. Increased populations in rural areas often change the character of the community. Farming near other land uses may generate neighborhood conflicts. Generally accepted farming practices may aggravate those who do not understand agricultural methods. Neighbors may complain about odors, noise, dust, vibration, and the presence of slow-moving vehicles. In some cases, residents may file a nuisance suit against agricultural practices.

It shall be the declared policy of the Town of Fort Edward to ensure farmers of the right to conduct generally accepted farm practices in order to remain viable solvent.

In recognition of the fact that there are many practices and activities which are inherent to and necessary for the business of farming, it is the specific purpose and intent of this Local Law to attain the aforementioned goals and objectives by providing that such practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference of restrictions. The Town Board further finds that the continued maintenance and growth of farming are essential elements in the economic stability of the Town of Fort Edward and so declares that agriculture is one of the preferred and dominate land use. An additional purpose is to promote a good neighbor policy between agricultural and nonagricultural residents of the Town and encourage farmers to be

considerate, responsible and careful with their practices so as to minimize the effect on others as much as possible.

It is the general purpose and intent of this Local Law to maintain and preserve the rural tradition and character of the Town of Fort Edward, to permit the continuation of the business of farming within the Town, to protect the existence and operation of established farms, and to encourage the initiation and expansion of farming businesses.

Currently, the Town of Fort Edward is located within the Agricultural Districts of Washington County and is committed to the continued practice of preserving as well as expanding Agricultural Districts and in general farming within the Town of Fort Edward, within or without Agricultural Districts.

SECTION 3 DEFINITIONS:

(a) Unless specifically defined below, words or phrases used in this Local Law shall be interpreted so as to give them the meanings they have in common usage and to give this Local Law its most reasonable application.

(b) As used in this Local Law, the following terms shall have the meaning indicated:

AGRICULTURAL DISTRICT -

FARMER - Any person, organization, entity, association, partnership or corporation engaged in the business of agriculture, whether for profit or otherwise, including but not limited to, the cultivation of land, the raising of crops, the raising of livestock, poultry, fur bearing animals or fish, the harvesting of timber, or the practicing of horticulture or apiculture.

FARMING PRACTICES - Any legal activity engaged in by a farmer in connection with the furtherance of the business of farming and shall include but not be limited to 1) the collection, transportation, distribution and storage of animal and plant wastes, 2) the storage, transportation and use of equipment for tillage, planting and harvesting, 3) the transportation, storage and use of legally permitted fertilizers and limes, insecticides, herbicides and pesticides in accordance with the manufacturer's instructions, and 4) the construction of farm structures, fences and facilities a permitted by local and state building code and regulations.

FARM PRODUCT - Those plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and seed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine or other similar products, or any other products which incorporate the use of food, feed, fiber, or fur.

GENERALLY ACCEPTED AGRICULTURAL BEST MANAGEMENT PRACTICES - Those practices, including but not limited to, operation of farm

equipment; production, processing and marketing for farm products; proper use of legal agricultural chemicals and other crop protection methods; and construction and use of farm structures, including such structures used for agricultural labor, as defined by the Commissioner of Agriculture and Markets after consultation and approval by the State Advisory Council on Agriculture. The Commissioner and the Council shall give due consideration to existing New York State Department of Agriculture and Markets information and written recommendations from the New York State College of Agriculture experiment station in cooperation with the United States Department of Agriculture Soil and Conservation Service and the Agricultural Stabilization and Conservation Service, the Department of Environmental Conservation, and other professional and industry organizations. Such practices may be defined on a case-by-case basis.

PERSON - An individual, corporation, partnership, association, or other legal entity.

TOWN - The Town of Fort Edward

SECTION 4 RIGHT TO FARM:

Farmers, as well as those employed or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the Town of Fort Edward at any and all such times and all locations as are reasonably necessary to conduct the business of farming.

For any activity or operation, in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advance resulting from increased knowledge and improved technologies.

SECTION 5 INTERFERENCE PROHIBITED

The Town of Fort Edward, County of Washington, State of New York, and the U.S. Government shall not exercise any of its powers to enact local laws or ordinances within the Town of Fort Edward, both within Agricultural Districts and without Agricultural Districts, in a manner which would unreasonably restrict or regulate (farm structures or farming practices) generally accepted agricultural best management practice as defined by the commissioner after consultation and approval by the State Advisory Council on Agriculture and the State Soil and Water Conservation Committee in contravention of the purposes of the act unless such restrictions of regulations bear a direct relationship to the public health or safety.

No person, group, entity, association, partnership or corporation will engage in any conduct or act in any manner so as to unreasonably, intentionally, knowingly and/or deliberately interfere with, prevent, or in any way deter the practice of farming within the Town of Fort Edward, such actions may constitute an offense, punishable by law with a fine of not less than twenty-five

dollars (\$25.00) nor more than one hundred fifty dollars (\$150.00) for each day's violation or continuance of violation.

In addition, an action to restrain or enjoin any violation of the Local Law may be brought in a court of competent jurisdiction by any person and/or the Town of Fort Edward aggrieved by such violation.

A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agricultural best management practices according to policy as determined by the Department of Agriculture and Markets. Generally accepted by the State Advisory Council on Agriculture and the State Soil and Water Conservation Committee and revised as considered necessary by the Department of Agriculture and Markets with the approval of the Advisory Council on Agriculture and the State Soil and Water Conservation Committee.

SECTION 6 CONVEYANCE OF ADJOINING PROPERTY NOTICE

Conveyance of real property adjoining lands eligible to receive an agricultural assessment within agricultural districts.

1. Prior to entering into a contractual agreement or as part of the contractual agreement purchase and sales agreement for the conveyance of any real property adjoining lands eligible to receive an agricultural assessment pursuant to (Article 25AA of the Agriculture and Markets Law) the prospective grantor shall deliver to the prospective grantee an affidavit which states the following:

"THIS PROPERTY IS ADJACENT TO PROPERTY USED FOR AGRICULTURAL PRODUCTION. IT IS THE POLICY OF THE TOWN OF FORT EDWARD OF AGRICULTURAL LAND FOR THE PRODUCTION OF FOOD, AND OTHER PRODUCTS, AND ALSO FOR ITS NATURAL AND ECOLOGICAL VALUE. FARMERS RETAIN THE LEGAL RIGHT TO CONDUCT GENERALLY ACCEPTED AGRICULTURAL BEST MANAGEMENT PRACTICES REGARDING THE OPERATION OF FARM EQUIPMENT; PRODUCTION, PROCESSING AND MARKETING OF FARM PRODUCTS; PROPER USE OF LEGAL AGRICULTURAL CHEMICALS AND OTHER CROP PROTECTION METHODS; AND CONSTRUCTION AND USE OF FARM STRUCTURES. THIS NOTICE IS TO INFORM PROSPECTIVE RESIDENTS THAT THESE AGRICULTURAL ACTIVITIES MAY GENERATE TEMPORARY DUST, NOISE, ODOR, AND VIBRATION."

2. If an adjoining parcel of property is currently farmed yet outside the Agricultural District, this notification requirement is recommended but not mandatory and Paragraph 3 within this section is not applicable.

3. Notwithstanding any provision of law to the contrary, a failure to comply with the provisions of subdivision one of this section shall, at the option of the prospective grantee, render any contractual agreement between the prospective grantee and the prospective grantor relative to such lands null and void, provided that the prospective grantee declares such contractual agreement null and void prior to the actual conveyance by deed of such lands

to grantee.

SECTION 7 SUPERSESSSION AND CONSTRUCTION WITH OTHER LAWS

a) It is the intent of this Local Law pursuant to the powers of Municipal Home Rule Law, General Municipal Law, Town Law supersede any Washington County Law, New York State Law, or Federal Law and its rules and regulations when in conflict with the policy and statement regarding this Right to Farm Law.

Furthermore, it is the intent of this Local Law to preempt State land use and/or Federal land use legislation, regulations and policies when said legislation and policies and regulations conflict with the purposes, intent and objectives of this Local Law; specifically NYS DEC, and the United States Park Agency it's rules and regulations.

This Local Law does not intend to preempt or supersede the Federal Flood Plain and Storm Water regulations.

(b) Pursuant to the authority provided in Section 22 of the Municipal Home Rule, provisions of the NYS Public Health Law are hereby changed and superseded by this Local Law insofar as they apply to farming practices, as defined herein, within the Town of Fort Edward.

1. Public Health Law, Section 1300-a shall not apply;
2. Public Health Law, Section 1300-c shall be changed as follows:

Notwithstanding any other provisions of law, farming practices shall not be considered a public or private nuisance, provided such farming practices are consistent with the best management practices or generally accepted farming practices which are undertaken in conformity with federal, state and local laws, ordinances, rules or regulations which do not unreasonably restrict such practices in contravention of the purposes of this Local Law or the purposes of Article 25AA of the Agriculture and Markets Law.

(b) Except as provided in subsection "a", above, this Local Law and the proscriptions set forth herein are in addition to and not in lieu of all other applicable laws, rules and regulations which are therefore continued in full force and effect.

SECTION 8 REQUIREMENTS FOR INCLUSION WITHIN SUBDIVISION MOBILE HOME PARKS AND SITE PLAN PROJECTS

The Town of Fort Edward will require the Fort Edward Planning Board to record the following notation on all plats/mylars on any subdivision project (minor or major), mobile home park and site plan projects approved by the Planning Board within the Town of Fort Edward. Furthermore, the Town of Fort Edward will require the grantor within approved subdivision, approved site plan, approved mobile home park to incorporate this language in any subsequent conveyances by deed or other means.

"THIS PROPERTY IS WITHIN THE TOWN OF FORT EDWARD. IT IS THE POLICY OF THE TOWN TO CONSERVE, PROTECT AND ENCOURAGE THE DEVELOPMENT AND IMPROVEMENT OF FARM OPERATIONS WITHIN OUR BORDERS FOR THE PRODUCTION OF FOOD AND OTHER PRODUCTS AND ONE SHOULD BE AWARE OF THE INHERENT POTENTIAL CONDITIONS ASSOCIATED WITH SUCH PURCHASES OR RESIDENCE."

"SUCH CONDITIONS MAY INCLUDE BUT ARE NOT LIMITED TO, NOISE, ODORS, FUMES, DUST, SMOKE, INSECTS, OPERATION OF MACHINERY DURING ANY HOUR, DAY OR NIGHT."

"STORAGE AND DISPOSAL OF PLANT AND ANIMAL WASTE PRODUCTS AND THE APPLICATION OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES BY GROUND OR AERIAL SPRAYING OR OTHER METHODS. OCCUPYING LAND WITHIN THE TOWN OF FORT EDWARD MEANS THAT ONE SHOULD EXPECT AND ACCEPT SUCH CONDITIONS AS A NORMAL AND NECESSARY ASPECT OF LIVING IN SUCH AN AREA."

SECTION 9 SEVERABILITY CLAUSE

If any part of this Local Law if for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law. The Town Board of the Town of Fort Edward hereby declares that it would have passed this Local Law and each section and subsection thereof, irrespective of the fact that any one or more of those sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 10 RESOLUTION OF DISPUTES BY GRIEVANCE COMMITTEE

Any issue or controversy that arises which cannot be resolved directly between the parties involved and is not addressed by other laws or regulations, may be promptly and inexpensively resolved by referral to the local Grievance Committee.

(a) The Grievance Committee shall be appointed by the Town Board and will consist of five (5) members. At least three (3) of these members shall be residents of the Town of Fort Edward, two of the three will be from an agricultural related business and the other from a nonagricultural related background. Selection of the two members may be at-large from within Washington County, such as a County Extension Agent or other county official. The original appointments shall have terms of two for one year, two for two years and one for three years. Thereafter members will be appointed annually for a three year term.

(b) Any controversy between the parties shall be submitted to the Grievance Committee within thirty (30) days of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party becomes aware of the occurrence.

(c) The parties recognize the value and importance of full discussion and complete presentation and agreement concerning all pertinent facts in order to eliminate any misunderstandings. The parties will cooperate in the exchange of pertinent information concerning the controversy.

(d) The controversy shall be presented to the Committee by written request of one of the parties within the time limits specified. Thereafter the Committee may investigate the facts of the controversy but must, within thirty (30) days, hold a meeting to consider the merits of the matter and within ten (10) days of the meeting render a written decision to the parties. At the time of the meeting both parties shall have the opportunity to present what each considers to be pertinent facts.

(e) The decision of the Committee shall not be binding. If one of the parties is not satisfied with the Committee's decision, upon agreement of both parties, the matter may be submitted to the Town Board according to the procedures set forth in subsection "f" below.

(f) Town Board Procedures:

1. The controversy between the parties shall be submitted to the Town Board upon written agreement of both parties.

2. The Town Board shall review the controversy with a report submitted from the proceedings of the Grievance Committee. Within twenty (20) days of the written request the Town Board shall render a written decision to the parties.

SECTION 11 EFFECTIVE DATE

This Local Law shall be effective immediately upon filing pursuant to Section 27 of the Municipal Home Rule Law.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

Town of

~~Village~~

MALTA

Local Law No. 2 of the year 19 96

A local law known as The Right to Farm Law
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~

~~City~~

Town of

~~Village~~

MALTA

as follows:

SECTION 1. Legislative Intent and Purpose

The Town Board of the Town of Malta find that farming is an essential activity within the Town of Malta.

Farming, as defined herein, reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Town of Malta emphasizes to newcomers that this town encourages its agriculture and requests newcomers to be understanding of the necessary day to day operations.

It is the general purpose and intent of this Local Law to maintain and preserve the rural tradition and character of the Town of Malta, to permit the continuation of agricultural practices, to protect the existence and operation of farms, and to encourage the initiation and expansion of farms and agricultural businesses.

For the purpose of reducing future conflicts between farmers and non-farmers, it is necessary for notice to be given to future neighbors about the nature of agricultural practices.

SECTION 2. Definitions

a: "Farm" - includes livestock, dairy, poultry, furbearing animal, aquaculture, apiculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses, or other similar operations used primarily for the raising of agricultural or horticultural commodities.

b: "Agricultural Practices" - includes all activities conducted on a farm, necessary to the operation of a farm.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 3 The Right to Undertake Agriculture Practices

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the Town of Malta at any and all such times and all such locations as are reasonably necessary to conduct the business of farming, provided that such practices are legal under the Zoning Ordinances and other laws and ordinances of the Town of Malta and the State of New York. For any activity or operation, in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

SECTION 4 Notice to Prospective Neighbors

The following notice shall be included in building permits and on plats of subdivisions submitted for approval pursuant to Town Law Section 276 or Village Law 7-728.

"This property may border a farm, as defined in the Town of Malta's Right To Farm Law. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise, and vibration."

SECTION 5. Severability Clause

If any part of this Local Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law.

SECTION 6. Effective Date

This Local Law shall be effective immediately upon filing, pursuant to Section 27 of the Municipal Home Rule Law.

Local Law FilingNEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

COPY

~~XXXXXX~~~~XXXX~~

Town

of SWEDEN

~~XXXXXX~~

Local Law No. 2 of the year 1993

A local law THE RIGHT TO FARM LAW OF THE TOWN OF SWEDEN
(Insert Title)Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)~~XXXXXX~~~~XX~~

Town

of SWEDEN as follows:

~~XXXXXX~~Section 1. Statement of Legislative Finding and Intent:

- A. It is hereby found and declared by the Town Board of the Town of Sweden that agricultural lands are irreplaceable assets. To that end, the Town Board finds farming to be an essential activity within the Town which greatly contributes to the economic viability of the Town. Farming also reinforces the special quality of life enjoyed by the Town's residents, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Town Board emphasizes to both the Town's current residents and prospective newcomers to the Town that it is the policy of this Town to conserve, protect and encourage the development and improvements of agricultural land for the production of food, and other products, and also for its natural and ecological value.
- B. Furthermore, the Town Board hereby supports those farmers, as well as all those employed, retained, or otherwise authorized to act on behalf of farmers, in their efforts to lawfully and responsibly engage in the time honored profession of farming. The Town Board hereby expresses its support of the enactment by the State Legislature of Chapter 797 of the Law of 1992 of the State of New York which, among other things, added a new section to the Agriculture and Markets Law of the State of New York by establishing for

(If additional space is needed, attach pages the same size as this sheet, and number each.)

the first time a statutory Right to Farm by prohibiting the commencement of private nuisance suits against farmers who engage in sound agricultural practices.

- C The Town Board, in an effort to promote and foster a harmonious relationship between the residents of the Town and those who contemplate purchasing land within the Town of Sweden, and to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products, hereby declares that it shall be the policy of this Town to provide reasonable notice to prospective landowners that farming activities may occur on neighboring lands.

Section 2. Notice to Prospective Grantees:

- A. Upon the submission of a preliminary subdivision plat or a multi-family residential site plan to the Planning Board of the Town of Sweden, pursuant to Article 16 of the Town Law of the State of New York, the applicant, in addition to any other requirement, shall submit a separate statement to the Planning Board stating whether the boundaries of the proposed subdivision or multi-family residential dwelling are to be located partially, wholly or within or are within 500 feet of either an Agricultural District or land for which an individual commitment has been received pursuant to Section 305 or 306 of the Agriculture and Markets Law of the State of New York, then the following notice shall appear on either the final subdivision plat or final site plan:

"It is the policy of the Town of Sweden to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural ecological value. This notice is to inform prospective grantee that the property they are about to acquire lies partially, wholly or within 500 feet of either an agricultural district or land for which an individual commitment has been received pursuant to

Section 305 or 306 of the Agriculture and Markets Law of the State of New York, and that farming activities may occur on such property. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

- B. In addition to the requirements of the notice in Section 2 - A. of this local law, the Planning Board shall also require as a condition of final subdivision or site plan approval, that prior to the initial sale, purchase or exchange of any real property within such subdivision or multi-family residence, the grantor shall also deliver to the prospective grantee a typewritten document containing the notice set forth in Section 2 - A. Further, grantor shall incorporate said notice in any deeds wherein title to any such property is to be initially conveyed to a grantee.

Section 3. Severability Clause:

- A. If any part of this Local Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remainder of this Local Law

Section 4. Effective Date:

- A. This Local Law shall be effective immediately upon filing in the Office of the Secretary of State of the State of New York, pursuant to Section 27 of the Municipal Home Rule Law.

Attachment D
Farmland Protection Strategies

Appendix D

Farmland Protection Strategies Evaluation

No Action

The No Action alternative is evaluated in most planning processes and is a requirement of environmental impact assessments. The term No Action in this context does not imply that everything stops. The Action in this case is the preparation and adoption of a farmland protection plan for the Town. Under the No Action scenario, the farmland protection plan would not be adopted by the Town and development would progress under current zoning as it does today.

To illustrate what this would look like, the agriculturally zoned lands in the Town were divided up into one-acre lots, reflecting the minimum lot size allowed in the AG zone. Each red dot on Figure 10 represents a home on a developable one-acre lot. To provide some validity to this build-out, mapped wetlands and steep slopes were excluded. As a result, this figure shows how the Town might look if it were to develop as allowed under current zoning. There are many other factors to take into consideration for any given subdivision, such as suitability of the land for wells and septic systems, provisions for roads and utility rights of way, etc. But as unrealistic as this development scenario might seem today, one only need view an aerial image of towns that surround major cities that were once farmland and see the impact of sprawl development.

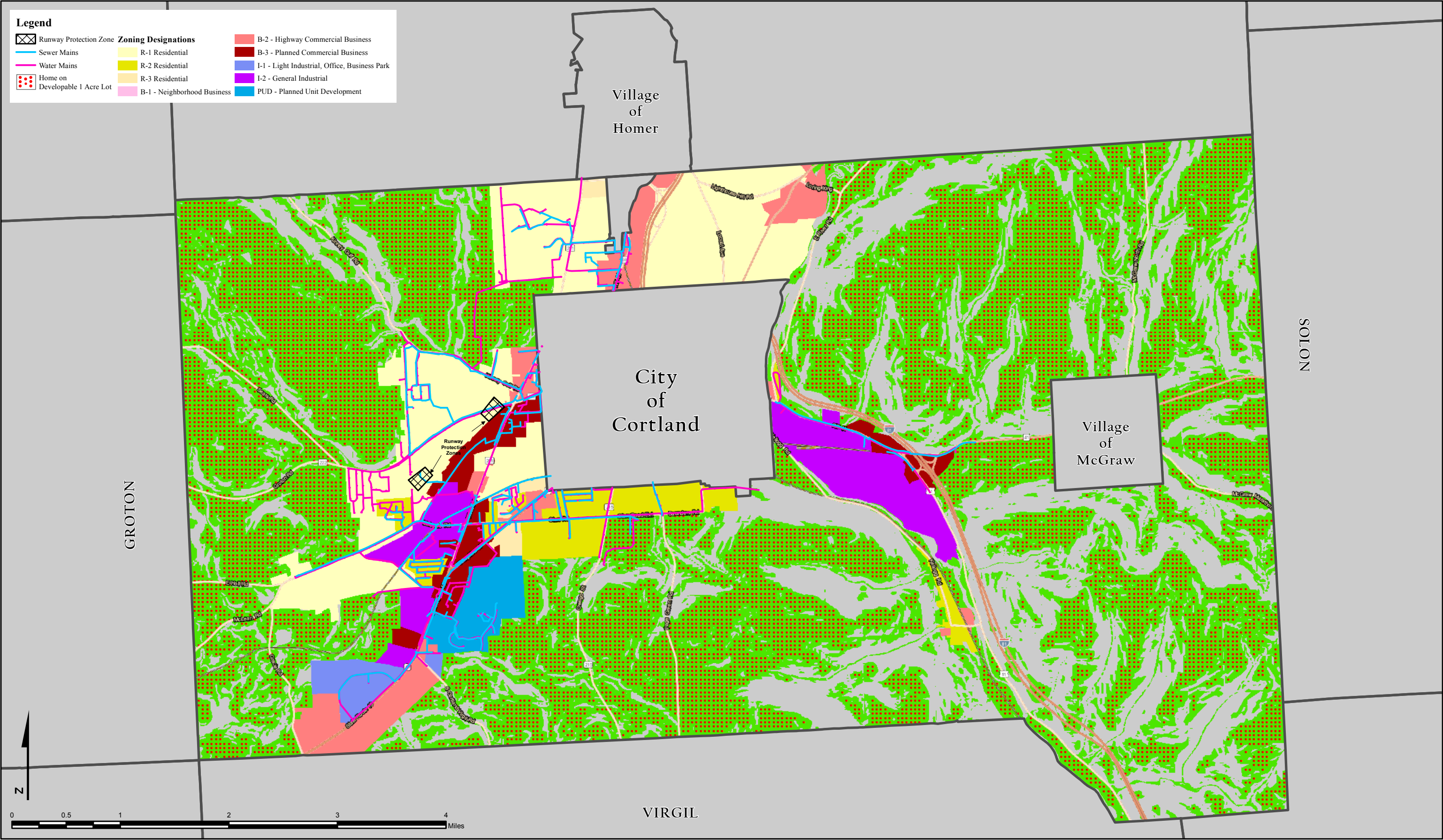
This scenario is probably not what the Town would like to see in the future. This is further emphasized by the fact that the Town is undertaking this farmland protection plan process. However, this scenario emphasizes that fact that current zoning is capable of resulting in this or a similar outcome. Whether the lots are one acre, two acres, or five acres, the agricultural component of the Town will remain under pressure and could potentially vanish.

Buffer Scenario

The second development scenario which has been recommended by the Committee adds a “buffer” of land around existing, non-agriculturally zoned land that would be available for development and might include the extension of municipal water and sewer and changes in zoning of the “buffer” lands. This is intended as a general concept and does not reflect any known development plans. It would however, provide significant area for future growth and would reserve the remaining lands for agricultural uses. This scenario and potential methods for reserving/protecting these lands are discussed in more detail in Chapter 3 and would likely involve a mix of voluntary and regulatory measures along with incentives.

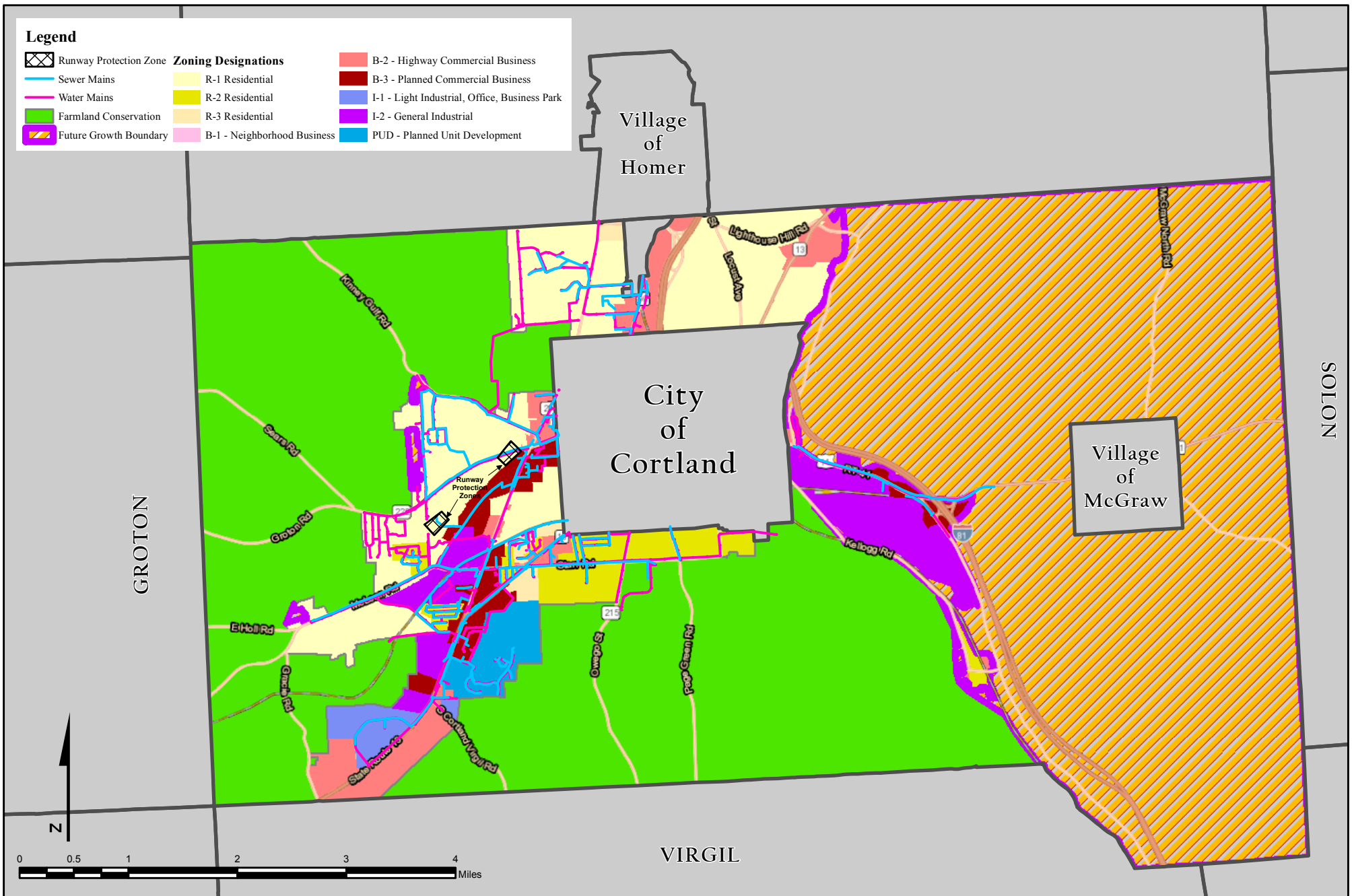
East-West Scenario

The Buffer Scenario does not consider the quality of the land or other physical factors that affect farming. The East-West Scenario (Figure 11) takes a broad-brush view of constraints and



viability of farms by recognizing the steepness of the lands east of I-81. Although it is a somewhat subjective scenario, it introduces a concept of preserving aggregates of farms in areas that offer the best conditions for farming. Not surprisingly, most of the prime farmland soils in the Town have already been developed. However, there are considerable land areas with good soils that are highly productive (soils of statewide importance). The steep slopes in the east not only provide challenges to farming activities but also create a higher potential for erosion and sedimentation.

This scenario would allow development to occur in the eastern portion of the town (east of I-81) and attempt to preserve the remaining farmland to the south and west where there is the highest concentration of active farmland and lands within the agricultural district. This scenario would result in the preservation of 12,200 acres of agricultural land.



CORTLANDVILLE

Farmland Protection Plan

Figure 11
Protection Option
East-West Scenario
September, 2017

