

**KEEP IT GROWING!**

**AN AGRICULTURAL AND FARMLAND PROTECTION PLAN FOR  
RENSSELAER COUNTY**

Updated by  
Rensselaer County Economic Development & Planning  
FOR THE  
Rensselaer County Agricultural and Farmland Protection Board  
December 2015

## **Rensselaer County Agricultural and Farmland Protection Board**

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***Mission:*** *To develop strategies to preserve, support and enhance Rensselaer County's agricultural industry and resources*

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Letter

## **Benefits Farms Provide Rensselaer County**

### **Economic**

Farms are businesses that buy fuel, supplies, insurance, equipment and stock locally as well as employ a number of people in the county. Farmer services, such as tractor and equipment repair, that are needed locally, also provide customers for local businesses. Every year, farm businesses in Rensselaer County spend millions of dollars for supplies and services to produce valuable farm products. Farms also employ hundreds of full time and part time employees.

Farmers, in 2012, paid over \$5 million in property taxes. In some towns, farmers and owners of farmland pay over ten percent of the property taxes collected in their communities. Farmland uses very little in municipal services. Farmland has very little educational and library needs, only occasionally requires fire or rescue services, usually does not require public water and sewer and rarely needs policing.

Farmers, on the other hand, provide a daily human presence in increasingly bedroom communities. They often provide the daily manpower for fire companies. Farms are invested in their communities due to the nature of farming in general. They will, however, go out of business when the prices their products receive no longer cover the cost of production and taxes.

Farms provide locally grown fresh produce, meats, cheese, bedding and nursery stock, hay and recreational services such as riding stables and corn mazes. Farmers also help non-farmers maintain large properties by cropping and mowing the farm fields. Agriculture also is tax-paying green space that filters rainwater, absorbs carbon dioxide and creates oxygen.

Farms provide the scenic countryside and rural character that draw tourists to our communities. When permitted by farm owners, cropland, forestland, streams and ponds provide good hunting and fishing. Farmers often open their property to hikers, horseback riders, cross country skiers, nature lovers and photographers.

### **Environmental**

Well-managed farmland protects soil, air and water resources – preventing flooding, absorbing carbon, providing clean groundwater recharge and producing oxygen. The county's 25,000 acres of farm woodlots also slow and filter storm water runoff into streams and underground aquifers. Crop and forestland on area farms provide habitat for a diverse array of wildlife. Farm ponds and streams also are home to a variety of fish and waterfowl.

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## **Executive Summary**

Rensselaer County's family farms are extremely diverse. Some are small, part-time operations, while other county farms work several thousand acres. County farms produce a bounty of products from milk to vegetables and flowers to livestock. The talent and dedication of Rensselaer County farmers have made agriculture an integral part of the county's economy, landscape and culture. County farmers are blessed with fertile soils, a moderate climate, and abundant water.

### **Benefits of Rensselaer County Farms**

Each year, Rensselaer County farmers produce nearly \$53 million in farm sales and create many seasonal and full-time employment opportunities. Farms help drive the local economy, since many of the dollars spend by farms operations stay within the county.

Rensselaer County farms also help lower the property tax bills of county residents, since farmland requires few community services. In 2012, farmland was taxed over \$5 million in property taxes, including library and fire district taxes. Although farmers use some community services, the County's small number of farmers did not require \$5 million in county, town and school district services.

Rensselaer County farmers are stewards of our county's land. Well-managed farms maintain water quality, protect wildlife habitat and provide recreational opportunities for residents. Farmland provides green benefits of clean air, groundwater recharge, and open space.

Farmers face increased pressure to sell their land when farm profit margins are tight, the public undervalues agriculture, and developers are willing to pay exorbitant amounts for farmland. In the past 40 years, Rensselaer County has lost nearly 100,000 acres of its farmland to other uses. As the local residential construction market heats up again, pressures on farmland will again increase, leading to the loss of more agricultural lands.

### **Rensselaer County Takes Action**

In 1999, Rensselaer County took action to create the "Keep It Growing! Rensselaer County Agricultural and Farmland Protection Plan." Since the adoption of the plan in 2001, many changes have occurred – some positive and others negative – that affect agriculture in Rensselaer County. This plan update attempts to address most of these changes. It is the intent of this plan to assist farmers in facing the rapidly changing agricultural future. It also hones actions proposed in the "Keep It Growing" plan of 2001, as well as the farmland protection maps and plan. The plan provided for farmer input with a farmer ad hoc guidance committee as well as five workshops spread throughout the county. Surveys of farmers were made to collect data on agriculture in Rensselaer County as well as gain insight into the needs and issues facing farmers today.

Chapters 4, 5, 6 and 7 of this plan recommend 20 major actions for the county and towns to take promoting agricultural and farmland protection efforts. These actions address four areas:

economic development, business environment, farmland protection and public education and outreach. The plan also lists more than 50 specific strategies that the county and towns can take to implement the 16 recommendations.

### **PRIORITY RECOMMENDATION ACTION ITEMS**

The following is a list of recommended actions that were selected by the AFPB as being high priority action items:

1. Ameliorate property taxes on farms by utilizing agricultural assessment values when taxing farmland for service districts such as fire and ambulance and implementing term easement tax abatement programs to provide incentives for farmland not eligible for the state agricultural assessment program.
2. Seek additional funds for agricultural protection and agricultural business development activities by use of a shared grant writer for the Ag support services, i.e. AED, CCE, SWCD to explore grants and funding opportunities for agribusiness development and farmland protection.
3. Develop a website and other social media sources that provide information for farmers on:
  - a. business planning and development, research, marketing, and financing as well as a directory of existing agricultural and non-agricultural technical assistance providers and support service providers such as mechanics, welders, tire companies, etc.
  - b. various online employment networks specific agriculture and employment opportunities on farms as skilled retirees that are interested in working on farms. Use local colleges to determine students available for internships and employment on farms.
  - c. buyer/seller networks (i.e. hay sellers and hay buyers, small local retailers interested in selling locally grown product), employer/employee networks, ag service providers, farm product guide and map. Incorporate various social media, i.e. Facebook, twitter, etc.
  - d. energy programs for farms and determine grant funds available.
  - e. apps useful for farmers
  - f. contacts at NYS DOT and utility companies regarding specifications of bridge, roadway and wire specifications and problems when they occur
4. Provide information to elected officials about how agricultural use valuation impacts the tax base.
5. Continue training programs for assessors in agricultural land and farm building assessment and require assessors to receive this training so that local assessors apply consistent principles in the assessment of farmland and farm structures and “current use” standards to farmland.
6. Work with and assist towns and existing programs and organizations interested in maintaining rural character to promote teamwork to assist farmland owners in

completing purchase of development rights applications, coordinate resources and encourage accepting stewardship responsibilities for conservation easements.

7. Prepare information materials about the dangers and impacts of trespassing on farm property and encourage the County Clerk and Department of Motor Vehicles to distribute these materials.
8. Encourage schools to create a school garden to help children to understand how food is grown and harvested.
9. Educate farmland owners about Agricultural Assessment.
10. Develop and deliver effective messages at Rotary Clubs, schools, town meetings, the Schaghticoke Fair and farmers' markets and special events, increase positive media coverage with an active spokesperson group made up of farmers and agency staff about why communities should support agriculture, including materials including video to explain:
  - a. the cost of doing business and what happens to a community when farms go out of business,
  - b. the tax advantages of farmland,
  - c. the importance of agriculture and farmland.
  - d. the importance of local farms and their contributions
11. Create for non-farmers, including town and law enforcement officials, realtors, lawyers and potential property buyers, social media, fact sheets or brochures on the benefits of local farms, describing typical farming practices that explains the realities of living in an agricultural district as well as maps of agricultural districts, information about right-to-farm legislation, and disclosure notices to include in their newsletters and websites.
12. Encourage towns to review bridge, road and wire specifications to ensure compliance with requirements for farm vehicles.

By becoming familiar with the plan and assisting in its implementation, residents, elected officials and government agencies can help support Rensselaer County farmers now and into the future.

## Background

### Chapter 1

#### Why Keep Farms Growing

Rensselaer County's family farms produce a diverse array of fresh farm goods – including milk, vegetables, flowers and livestock. Rensselaer County farms also safeguard many economic and natural resources, such as the County's clean drinking water and air, scenic natural landscapes and open spaces, and economic livelihood.

Rensselaer County farmers face increasing challenges. Low commodity prices, high costs of business, a tight labor market, development pressure, loss of farm services and consecutive years of bad weather threaten our farms. When Rensselaer County farms go out of business or are sold for development, our communities lose the many resources they provide. An important first step toward keeping our farms in the business is recognizing the benefits of a thriving agricultural industry in our communities.

#### **Keeping Farms Growing –**

##### ***Sustains the Economic Impact of Agriculture***

Agriculture is a major industry throughout the state and in Rensselaer County. New York farmers produce more than \$ 5.4 billion annually in gross receipts and Rensselaer County farmers produce 53 million in annual farm sales. Farms provide employment, generate local economic activity and add diversity to the county's economy. Many of the dollars generated by family farms are spent at local businesses across the county and region, helping support local economies. Strengthening the farm sector helps ensure that agriculture remains a viable industry in our communities.

##### ***Safeguards Farmland***

Farms support nearly 90,000 acres of farmland – approximately 21 percent of the county's land base. The majority of Rensselaer County farmland is in production; cropland covers 50,643 acres and pastureland 11,529 acres. Farm woodlands alone make up 22,240 acres of county land. Conserving Rensselaer County farmland guarantees that a critical farming resource will be available for farming in the future.

##### ***Provides an Alternative to Sprawling Development***

Communities pay a high price for allowing unplanned growth. Scattered development contributes to traffic congestion, air and water pollution, loss of open space and increased demand for costly public services. Protecting farmland provides a hedge against fragmented suburban development while supporting a diversified economic base. Protecting farms can make the difference in efforts to contain unplanned sprawl.

##### ***Keeps Taxes Lower***

By keeping land in agriculture, towns are better able to manage the cost of providing services to new residences. According to American Farmland Trust, fifteen Cost of Communities Services

studies were completed in New York. COCS studies analyze revenues and expenditures on a land use basis, helping towns assess the costs to town and school budgets of development as opposed to other land uses. These studies have shown that farm, forest and open land generate more taxes than they receive in public services, compared with residences that typically require more in public services than they pay in taxes. Farm, forest and open land cost \$0.29 per dollar of revenue raised; commercial \$0.26 per dollar and residential \$1.27 per dollar. Communities should strive to maintain a balance of land uses and encourage growth in areas with access to infrastructure in order to preserve fiscal soundness and a robust economy.

### ***Maintains Water Quality and Wildlife Habitat***

Protecting farmland can be an important way to maintain the water quality of our reservoirs, streams, rivers, lakes and aquifers. Well-managed farms often are considered a better land use for water quality protection, because agricultural activities generally create less nutrient and pollutant runoff than residential activities on a per acre basis. Septic system waste and failure, runoff from lawn chemicals and contamination from road salts, heavy metals and oil are well-documented causes of water pollution from urban and residential land uses.

In the Rensselaer County's Tomhannock Reservoir watershed, efforts have been made to fund Best Management Practices on farms in the reservoir watershed. The voluntary projects – made possible by federal Natural Resources Conservation Service funding and the New York State Environmental Protection Fund – will help maintain good soil and water conservation practices by area farms.

Farmland also provides habitat for wildlife, including many game species such as turkey, pheasant and deer. At the national level, farmland provides more than 70 percent of the habitat for America's wildlife.

### ***Preserves Scenic Landscapes, Open Spaces and Quality of Life***

Rensselaer County family farms provide the scenic landscapes that cover much of the county. The county's attractive countryside is a draw for tourism. Many visitors come to drive the pastoral country roads and visit farm stands. Agriculture also is integral to the culture of Rensselaer County – the focus of local tours, fairs and harvest festivals such as the Schaghticoke Fair, Goold Orchards' Apple Festival and Liberty Ridge Farm's Fall Festival.

### **Why Rensselaer County Needs to Act Now**

Rensselaer County's family farmers face economic pressure from both national and international competition. Government food policies, environmental regulations economic inflation and property taxes negatively impact farmers' profitability. Oftentimes the market value of farmland is much higher for development than for agriculture. A farmers' decision to sell his or her land is often dependent on the market value of the property. Farmers unable to earn a decent living farming are often forced to sell their land for the higher price.

Forty years ago, there were 1,150 farms in Rensselaer County and 179,500 acres of farmland – 42 percent of the county’s land base. Since then, Rensselaer County has lost 90,737 acres of farmland to other land uses. By 2012, only 21 percent of county land was farmed.

In order to maintain the agricultural industry in the county, local and state leaders should recognize the importance of the industry and what must be done to support agriculture. Agricultural and farmland protection efforts will not succeed without solutions that address the increasing number farms forced out of business and the conversion of good farmland to other uses.

This plan offers 20 recommended actions that are needed to address the challenges facing agriculture. Listed under each action are suggested measures to be taken by the county and towns in implementing the 20 recommendations.

### **Background**

Since the passage of the 1971 Agricultural Districts Law, New York State has enacted a variety of policies to confront some of the issues affecting agriculture. Farms included in agricultural districts receive certain benefits, including “right-to-farm” protections to help keep land in agricultural production.

In Rensselaer County, the first agricultural districts were created in 1973. Rensselaer County farmers played a major role in their formation, organizing a total of eight districts that contain much of the county’s important farmland. The county and state then ratified the districts. The districts are reviewed on an eight-year schedule, with a district being reviewed almost every year. The eight districts have since merged into six districts.

### **Agricultural and Farmland Protection Efforts**

In 1992, New York State amended the Agricultural Districts Law by passing the Agricultural Protection Act. Agricultural districts committees were expanded and renamed as agricultural and farmland protection boards (AFPBs). The Agricultural Protection Act also set in motion the development of county agricultural and farmland protection plans.

Agricultural and farmland protection plans play an important role in sustaining New York agriculture. Across the state, the plans have drawn attention to the importance of farming and to issues affecting the agricultural sector. They also have raised awareness about the need to integrate agriculture into economic and land use initiatives and have fostered community and government support for agriculture and farmland protection.

In the summer of 1999, Rensselaer County was awarded a grant to prepare its first agricultural and farmland protection plan, which was finalized in 2000 and adopted in 2001. In 2012, Rensselaer County applied to the Hudson River Greenway Council for funding to update the “Keep It Growing Rensselaer County Agricultural and Farmland Protection Plan.” These updates to the agricultural and farmland protection plan should provide a path to follow for the next

decade for assisting farmers in dealing with the significant changes that are happening in agriculture today.

### **Planning Efforts**

The development of the Rensselaer County agricultural and farmland protection plan update involved numerous planning activities, including GIS mapping, surveys of farmers, outreach activities and analyses of trends in agriculture and growth patterns. The planning efforts culminated in a set of updated recommendations that will help maintain and strengthen the county's farm industry.

Outcomes from the planning efforts include:

- ◆ Agricultural Resource Guide for Towns – the guide presents individualized information about local agriculture and farmland protection strategies for each rural Rensselaer County town. A listing of resources provides contacts for those interested in more detailed information. Farmer Outreach Meetings – in the late autumn of 2012, the working group held five town meetings throughout the county to identify issues and strengthen farms and stabilize the land base.
- ◆ GIS Mapping of Agricultural Resources – GIS maps were produced of farmland, soils, agricultural districts, significant natural resources and development activity. The mapping system can identify key agricultural areas based on soils, significant natural resources, conversion pressure and other criteria
- ◆ Surveys of Farmers– a survey was undertaken in the summer of 2012 to gather information about county agriculture from county farmers. The first questionnaire gathered information from part- and full-time farmers about their future plans, issues affecting farming, and their interest in farmland protection tools. Results from the survey were used to identify target issues and to create the foundation of the plan's recommendations. Survey results are summarized in Appendix B.
- ◆ Interviews of Farmers and Agribusiness Owners - interviews were conducted in February and March 2014. The 2012 farmer survey results were reviewed with the farmers and major issues affecting farming were discussed. The goal of the interviews was to identify the challenges and opportunities of the farm owners as well as discuss the issues affecting farmers today.

## **Chapter 2**

### **Agriculture in Rensselaer County**

Agriculture is an important industry in Rensselaer County. The county's 495 farms – family owned and operated – contribute millions of dollars to the local tax coffers and the local economy and employ more than 700 full-time, part-time and seasonal laborers. They also maintain thousands of acres in farmland and woodland, providing many valuable non-market goods and services that are harder to quantify in monetary terms.

Many elements contribute to the success of Rensselaer County's agricultural industry: fertile soils, a moderate climate, abundant water and a rolling landscape. Slopes and soil conditions in the county are favorable for dairy and livestock production. Rensselaer County farms also produce more than 100 different crops – from alfalfa and asparagus to zucchini and zinnias.

The success of county agriculture also is due largely to the many talented farmers and farm families who make their livelihood from the land. Throughout the generations, these farmers have made extensive investments to improve their farm businesses and produce commodities for the market place. Rensselaer County farmers also participate in a wide variety of programs, available through agencies and organizations that help farmers strengthen their operations. In addition, an extensive network of area agribusinesses provides supplies and services for local farmers.

This chapter summarizes the economic contributions of Rensselaer County farms, and discusses economic trends affecting county agriculture. Unless noted, Census of Agriculture data from 2012 and preceding years were used in this report, providing a historical perspective of trends affecting Rensselaer County farms.

#### **Economic Impact**

In 2012 Rensselaer county farms generated nearly \$53 million from the sale of farm products. The total value of milk and other dairy products was \$17.2 million or 32 percent of the total agricultural products sold. Grains comprised 23 percent of the total; vegetables 5 percent; fruits and berries 2 percent; nursery and greenhouse 15 percent; hay and other crops 7 percent and cattle and calves 9 percent. Many specialty products are produced on county farms including organically grown produce, berries, sweet corn, apples, garlic, daylilies, buffalo, hogs, sheep, wool, maple syrup, fire wood, Christmas trees, hops, beer, grapes and wine.

Production expenditures are the most significant agricultural contribution to the local economy. Rensselaer County farms directly spend more than \$46 million per year for supplies and services, generating a high economic multiplier effect. A complex support system of seed and grain companies, insurance agents, bankers, veterinarians, consultants, hardware stores, lumber companies, and petroleum suppliers services local farmers. As farms purchase goods and services, they support many local businesses.

Rensselaer County farms provide the primary livelihood for farmers and family members on 259 full-time farms and are a source of income for 236 part-time farmers. In addition, farmers employ another 698 full- and part-time employees and seasonable laborers.

Farms support local municipal budgets by paying large sums of property taxes. In 2012, farmers paid over \$5 million in property taxes throughout Rensselaer County. While agriculture may not generate large tax revenue in some communities, it provides a revenue surplus rather than a drain to local budgets<sup>1</sup>.

Farming also supports the county's economic well-being in other important but less tangible ways. Farms provide local sources of food, nursery and bedding plants, entertainment, Christmas trees, and agricultural fairs and festivals. Groundwater recharge and open space are other examples of non-market goods and services that local farms provide.

### **Family Farms**

Families form the foundation of Rensselaer County agriculture. The vast majority of county farms are family-run businesses, many of which extend back several generations. Nearly 84 percent of county farms are owned by an individual or family; 11 percent are held by partnership (which may be family owned); and five percent are family-held corporations.

In 2012, 52 percent of Rensselaer County farmers considered agriculture their principal occupation, a decrease of four percent from 2007. However, many farm families now depend greatly on off-farm employment for expensive health insurance benefits and to offset the current low profitability of agriculture.

Successful farms are built throughout a lifetime and over several lifetimes. Farmers in the county, on average, are 20 years older than the general public. In 2012, the average Rensselaer County farmer was 59. The average age of farmers has increased county-wide as well as nationally. Beginning and transitioning farmers are crucial to the long-term viability of farms. Without committed and experienced farmers to farm, the likelihood of farms going out of business is greater.

### **Agricultural Economic Trends**

Between 1992 and 2012, Rensselaer County lost 51 farms, representing an 11 percent decline. Dairy farms declined by 71.9 percent between 1992 and 2012, with the loss of 87 farms. The high loss of dairy farms during this period is largely a result of decreasing milk prices and increasing production costs. Overall, the decline in Rensselaer County farm numbers is consistent with the region. Despite tremendous farm consolidation, the economic impact of the county's agricultural industry continues to grow.

The average farm size in Rensselaer County is on the decline. In 2012, the average farm size was 179 acres – down 14 percent from 1992. The number of farms larger than 1,000 acres has

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<sup>1</sup> See pages 16-18

increased from seven in 1992 to 15 in 2012. These larger farms tend to rely heavily upon rental land as well.

### **Agricultural Sales**

Despite the decrease in number of farms, the market value of agricultural products sold in Rensselaer County has been increasing. Sales of agricultural products were 53 million in 2012, up 50 percent from 1992.

On average, sales of products per farm in 2012 were \$107,204. This amounts to 30 percent average increase per farm since 2007, and an 81 percent increase overall since 1992.

In terms of sales and the number of farms, dairy continues to be the largest sector of the county's agricultural industry. Dairy farms generated \$17.2 million in sales in 2012, accounting for 32 percent of Rensselaer County's total agricultural sales. Dairy farms comprise 7 percent of the county's total number of farms.

Despite a dramatic decrease of dairy farms in the past 20 years, Rensselaer County has held its position in milk production and sales. Increased farm size and more efficient facilities have allowed farms to milk more cows with less labor. Increasingly, efficiency is becoming a necessity as low milk prices place many family dairies under pressure.

The value of other major commodities produced by Rensselaer County farms in 2012 included cattle and calves at \$5 million, grain crops at \$12.5 million, hay and silage at \$3.8 million, vegetables at \$2.7 million and greenhouse and nursery at \$8 million .

### **Farm by Agricultural Sales**

In relation to the amount of county agricultural products sold, a smaller number of farms are capturing a larger portion of the sales. In 2012, fifteen farms sold at least \$100,000 or more of agricultural products. In contrast, 149 farms sold less than \$2,500 of agricultural products.

The largest category of farms has sales of less than \$2,500. This category contains 30 percent of all farms. Farms with sales of \$100,000 or more make up 16 percent of county farms. This tends to be the trend in neighboring counties as well.

Like most counties in the Hudson Valley, Rensselaer County has a high percentage of part-time farms. In 2012, nearly 50 percent (236) of the county's 495 farms were part-time. For those farms, agriculture tends not to be the primary source of family income. Farms with sales less than \$2,500 increased by 18 percent from 2007 to 2012. Part-time farms play an important role in the county's farm economy. They maintain a sizeable portion of the county's farmland, and their purchases help support larger farms and local businesses. Agricultural and farmland protection policies should consider the needs of smaller part-time farms as well as the needs of larger commercial farms.

Although they make up only 24 percent of the county's farms, farms with sales of \$50,000 or more are responsible for the vast majority of agricultural sales. Most of the 118 farms in this category derive their primary income from farming.

### **Farm Production Expenses**

Rensselaer County farm production expenses totaled approximately \$46.9 million in 2012. This was an average of \$96,654 in expenses per farm. Payment of farm expenses injects millions of dollars each year into the local and regional economy.

However, escalating expenses reduce farm profitability. Overall, farm production expenses more than doubled percent in the ten-year period between 2002 and 2012. Fuel, feed and "other" expenses contributed largely to the increasing costs. Farm labor, property taxes, repairs, and maintenance also represent a significant expense. "Other" expenses consist primarily of agricultural chemicals, contract labor, custom work, and miscellaneous expenses.

The on-going trend of rising energy costs, particularly for fuel, has had a significant impact on the profitability of county farmers. In 2012 energy costs were almost \$5 million, more than doubling over a ten-year period. Rising energy costs also increase the costs of other inputs such as fertilizer and feed.

Escalating production expenses and low commodity prices have created slimmer farm profit margins – a major challenge facing farm families. In 2012, net cash return per farm was \$20,887. Although net cash income per farm increased significantly since 2007, production cost also increased resulting in the decreased net cash per farm. Such slim profit margins can evaporate quickly in an economic downturn, forcing generations of farmers off their land.

### **Farm Employment**

Overall, the number of hired farm laborers – mostly part-time and seasonal – decreased between 2007 and 2012. Of the 698 workers employed in 2012, 15 percent (107) worked fewer than 150 days. Part-time and seasonal worker are becoming critical components of the agricultural economy, in part due to the increased number of vegetable farms. The tight market – exacerbated by the struggling farm economy and competition from other industries – is a critical issue for Rensselaer County farmers, many of whom have become increasingly reliant on hired farm labor.

### **Value of Land and Buildings**

The total value of Rensselaer County agricultural land and buildings reflects a substantial investment of \$305 million. Average farm real-estate values have increased significantly in Rensselaer County. In 2012, the average estimated value of land and buildings was \$615,414, a 23 percent increase from 1992.

Unlike other businesses, farms cannot improve profitability by selling cropland. Higher land and building values make it harder for farm families to carry the "opportunity cost" of farming. Higher land values are a considerable barrier to farm expansion. New farmers who wish to

purchase farms often are forced to carry large debts and rent or lease farmland from non-farmers because they cannot afford to purchase farmland.

### **Farmland in Rensselaer County**

#### ***Farmland Trends***

Approximately six decades ago, farms made up 42 percent of the county's land base. Now farms occupy 20.9 percent of the total county land area (approximately 88,763 acres). In just fifty years, Rensselaer County lost nearly half of its farmland.

Next to forestland, farmland is the second largest land use in the county. Farms currently occupy a land base equivalent to the size of North Greenbush, East Greenbush, Schodack, Sand Lake and Troy combined. The 2012 census reflected a 4.4 percent gain in farmland, all of which was harvested cropland.

Rensselaer County has lost less farmland than other Capital District counties. Between 1992 and 2012, Rensselaer County lost 4 percent (3,902 acres) of farmland. In comparison to other Capital District counties, this may reflect Rensselaer County's comparatively less development pressure, stronger farm economy and county efforts to maintain agriculture.

#### ***Growing Conditions***

Rensselaer County's moderate climate is favorable for crop production. On average, natural rainfall is sufficient for most crops, and irrigation is used for only high value crops such as vegetables. The county is drained by the Hudson River, streams are abundant and most farms have adequate water supplies. The county – especially its northern tier – also collects rain from summer storms since its highland receives storms that travel east along the Mohawk River Valley.

Fertile soils are scattered throughout the county in valleys and in flat and undulating plains. The majority of county farms are located where there are better soils – the northern tier, the Taconic Valley, and in the southwest. The better agricultural soils also tend to be those most easily “developed” as seen in the large section of prime agricultural soils under housing developments in East Greenbush and North Greenbush.

**Map 1** shows important Rensselaer County agricultural soils, including soils of prime and statewide significance. Prime soils are those with the soil quality, growing season and moisture supply to produce high yield crops. Soils of statewide significance are nearly prime and are capable of producing high yield crops when managed with modern farming practices. Much of Rensselaer County has soils of statewide significance. County farmers successfully produce high yields on soils of statewide significance.

Rensselaer County prime farmland is concentrated in major valleys and on the nearly level plains of the western and central part of the county. The towns with the largest percentage of farmland relatively to their total land area are Hoosick, Pittstown, Schaghticoke, Schodack, Brunswick and Stephentown. The areas with high quality soils and high potential for crop

productivity are also closest to the urbanized areas and intense development pressures. Towns such as Schaghticoke, Brunswick and Schodack contain large portions of farmland that are directly in the path of development. The three towns are adjacent to urbanized areas and are bisected by major transportation routes. Land uses conflicts in these areas are bound to intensify as development pressure increases.

The Route 7 corridor in the Town of Brunswick demonstrates the startling transformation that takes place in a community when agricultural land is lost to development. Here, development pressure has led to the conversion of large tracts of farmland to retail establishments, resulting in traffic congestion and the loss of rural character. Several large parcels of land adjacent to the retail strip are under increasing pressure from development.

Rural areas also experience the effects of sprawl in the form of single-family homes scattered on large lots and commercial strip development along highways. Nearly 90 percent of farmers surveyed felt that the development pressure on farmland in their towns has increased in the past five years. Chapter 6 discusses the effects of increased development pressure in greater detail.

### ***Cropland***

Rensselaer County farmland consists mainly of cropland. In 2012, 57.1 percent of county farmland was cropland - slightly lower than the 58 percent of cropland in 1992. Cropland has remained relatively stable. As dairy farms have gone out of business, the better cropland has stayed in agricultural production for corn production.

Farmland also contains non-tillable land such as woodlots, pastures and wetland. Woodlots made up a quarter of Rensselaer County farmland. Pastures covered 9.6 percent and other land uses such as house lots, ponds, etc. made up a little less than 8.3 percent of farmland.

### ***Woodlots***

Forests – owned by more than 2,400 private landowners – cover 62 percent of Rensselaer County. The soft and hardwood forests are typical of the Northeast, consisting primarily of maple, oak, ash, beech, red and white pine and hemlock. Approximately 27.65 percent of these forests are farm woodlots and are a critical component to the county's extensive logging and wood milling industry.

When properly managed, farm woodlots are an important economic resource providing an additional revenue source from firewood, hardwoods and maple syrup production.

### ***Rented Land***

Rental land is increasingly important to Rensselaer County farm businesses. In 2012, more than 25,000 acres – 26 percent of the total land in farms – were rented. This represents a significant increase from 1997. Large dairy and grain farms have a much greater reliance on rental land.

The high percentage of rental land indicates that farms, as they grow, rely more on land owned by others.<sup>2</sup>

### **Agricultural Districts**

In 1971, New York State passed landmark legislation that allowed for the creation of agricultural districts. The districts provide farmers with property tax relief, right-to-farm protections and other provisions in exchange for a commitment to keep the land in agricultural use. Rensselaer County farmers have actively supported and implemented agricultural districts since 1973, when the first district was created in the Breese Hollow area. Eight districts were established in the county between 1973 and 1981.

Rensselaer County's eight original districts were consolidated into six and have grown to encompass more than 135,000 acres in all of the county's towns. Most of the county's important farmland falls within an agricultural district, including nearly 70 percent of the county's prime agricultural soils. In total, district farms have gross sales of approximately 53 million. Map 3 shows the parcels enrolled under this program.

### **Tax Advantages of Farmland**

Because of the long-term tax implications, town officials and taxpayers often are reluctant to accept a program that permanently protects farmland. They argue that restricting the development potential of land prevents the possibility of construction that could bring in substantial property tax revenue. Instead, they often encourage residential growth as a way to increase their tax base and lower their tax bills.

The chart below shows various aspects of agricultural use valuation parcels as part of their respective towns, as well as the property taxes per acre for these parcels and population of towns. There is a relative opposite correlation between the size of the percent of total valuation of the town versus the agricultural use assessment and the property taxes per acre, as well as population size. Even high commercial growth areas such as East Greenbush and North Greenbush have high property taxes per acre compared to the rural, highly agricultural towns that are have agriculture as their largest industry.

	# of Ag Use Value Parcels	Acres in Ag Use Value Parcels	% of Total # of Parcels	% of Total Acreage	% of Total Value/Full Assessment	% of Total Value/Ag Use Assessment	Property Taxes/Acre	2010 Population
Berlin	27	2,483.54	1.9%	6.6%	4.0%	3.7%	\$51.28	1,880
Brunswick	134	8,277.86	2.6%	30.3%	3.7%	2.6%	\$77.93	11,941
East Greenbush	31	1,625.85	0.5%	11.2%	0.5%	0.3%	\$76.35	13,419
Grafton	1	27.07	0.05%	0.1%	<0.01%	<0.01%	\$ 5.91	1,718

<sup>2</sup> Wickswat, Cathy. "The Dairy Business in Northern Hudson Valley: How It Has Changed During the Last Two Decades." *Cornell Cooperative Extension Agricultural News*, July 2000.

Hoosick	229	20,385.45	11.5%	52.8%	16.8%	14.8%	\$49.31	5,532
Nassau Town	24	2,431.29	1.0%	9.7%	1.9%	1.8%	\$63.76	3,919
North Greenbush	13	583.04	0.3%	5.2%	0.2%	0.2%	\$82.82	12,075
Petersburgh	25	2,659.49	2.5%	10.3%	5.8%	4.6%	\$53.87	1,525
Pittstown	255	18,686.41	10.6%	46.4%	14.3%	10.6%	\$54.56	5,735
Poestenkill	19	1,379.02	0.9%	6.7%	1.6%	1.1%	\$70.79	4,530
Sand Lake	36	2,137.86	0.9%	9.6%	1.2%	0.9%	\$80.33	8,530
Schaghticoke Town	222	16,175.18	6.8%	52.7%	10.1%	6.2%	\$44.57	7,679
Schodack	214	10,214.00	4.2%	27.4%	4.1%	2.6%	\$49.73	12,794
Stephentown	56	4,423.14	3.3%	12.2%	5.6%	4.7%	\$60.21	2,903
Total	1288	91,489.20						

Cost of Community Services studies approach the issue by examining the difference between taxes generated by different types of land uses, and the costs of services they require.<sup>3</sup>

Although the ratios vary from town to town, the studies generally conclude that farmland pays more than its costs, while residences cost more than they pay. Studies of towns in New York found that only 29 cents of every tax dollar generated by farm property was needed to provide services to farm parcels. Farmland produced a surplus of 71 cents. Residences, on the other hand, created a deficit by requiring \$1.27 in services for every dollar they generated.

The point to be made by these studies is not that growth is bad, but that we should not be expecting development to lower taxes. Towns should reconsider how they value farmland. In addition to the many benefits associated with farmland, farmland also provides a net tax gain. Farmland protection may be viewed as a strategy to improve the long-term fiscal health of a community.

### **Agricultural Support System**

Rensselaer County farmers participate in a wide variety of programs that help them strengthen their operations. Several agencies and organizations have been very effective in providing support to county agriculture. They include Cornell Cooperative Extension, USDA Farm Service Agency and Natural Resources Conservation Service, Rensselaer County Soil and Water Conservation District, Rensselaer County Economic Development and Planning and Rensselaer County Farm Bureau. A list of the agencies and the major services they provide is included in Appendix A.

Addressing the challenges facing Rensselaer County farms – including pressure from the urban-edge location and low profitability in commodity markets – requires changes in policy and business development assistance so that farms can make better decisions to increase their bottom lines.

Additionally, numerous businesses and services are needed to support the average farm, including tractor and machinery parts and repair, large animal veterinary services, and cooler servicing. Unfortunately many of the businesses that once provided services to farmers in the

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<sup>3</sup> Cost of Community Services (COCS) Studies were pioneered by American Farmland Trust.

county have closed over the years,, creating issues where farmers need to travel an hour or more to purchase a necessary part for a tractor or combine or wait several days for a repairman to appear. Time in transit is time not spent plowing or harvesting and downed equipment and affects the profit margins of many farmers.

## **Chapter 3**

### **Tools to Keep Farms Growing!**

Rensselaer County and its towns can employ a variety of tools to enhance farm viability and protect farmland. Some of the techniques described below are regulatory, while others are compensatory and voluntary. No single means alone can keep Rensselaer County farms growing.

The following recommendations serve as a guide to implement agricultural and farmland protection programs and policies.

1. Integrate economic development with farmland protection. Keeping farms viable is as important as protecting the resource base essential for farming.
2. Target agricultural and farmland protection initiatives towards blocks of viable farmland.
3. Give farmers incentives to protect farmland. Treat farmers fairly by giving them a fair return for what they provide to the public.
4. Examine the long-term cost effectiveness of incentive programs that compensate farmers for not developing their land. By combining tax, spending and regulatory programs, local communities can strongly support agriculture and meet budgetary needs.
5. Develop land use policies and zoning ordinances that work for agriculture. Conventional “large-lot” zoning is ineffective because it accelerates residential development and converts agricultural areas into lots that are too small to farm.
6. Encourage inter-municipal cooperation. Since farming spans town and county borders, farmland protection requires cooperation between towns and among levels of government. Efforts to promote development in one town can derail farmland protection efforts in bordering towns.
7. Develop a coalition of interests to support agricultural and farmland protection efforts. Reach out to non-farmers by organizing farmers’ markets, farm events and workshops. Unite the farmland protection interests of farm and nonfarm community members by protecting farmland that provides scenic views, includes important water resources, or preserves historic landscapes.
8. Promote thoughtful planning to prevent conflicts between farmers and neighbors. Manage residential growth in farming communities; buffer farms from neighboring residences.

Following are brief descriptions of some of the state, federal and local tools available to enhance agriculture and protect farmland. Changes may occur to some of the federal and state programs if new legislation is enacted.

Across the nation, communities making the greatest advances in farmland protection have utilized a combination of tools, including:

- ◆ Educating officials and residents about farm practices;
- ◆ Promoting farms and facilitating the development, retention and expansion of farm businesses;
- ◆ Adopting farm friendly land use policies and ordinances;
- ◆ Providing property and building tax incentives;
- ◆ Continuing purchase of development rights and other incentive programs;
- ◆ Coordinating local land use laws with the Agricultural Districts Law;
- ◆ Using innovating zoning and subdivision regulations to steer development away from fertile agricultural soils;
- ◆ Placing limitations on sewer and water extensions on farmland.

### **New York State Tax Reduction and Exemption Tools**

#### ***Agricultural Assessment***

Local property taxes, New York's principal funding mechanism for schools and local services, place a substantial burden on farming operations. Farmers have substantial equity in their land and buildings and as a result face considerable property taxes.

Agricultural assessment was established under New York's Agricultural Districts Law to provide tax relief for farmers. Any owner of land used for agricultural production may qualify if the land meets the requirements or is rented to an eligible farm operation. Land does not have to lie within an agricultural district to receive the assessment.

Agricultural assessment provides "use value" assessment for eligible agricultural land. This allows farmland to be taxed for its agricultural value, rather than its full market (i.e. non-farm development) value. In 2012, farmers received more than \$58 million in property tax savings as a result of the agricultural assessment program. The agricultural assessment applies to school, county and town taxes, but does not include special districts, i.e., fire districts, ambulance, library, etc. Towns can be supportive of agricultural assessment through outreach efforts and by encouraging assessors to receive training about the program.

Since 2006, New York State has been increasing the base value of agricultural land under the "use value" assessment, resulting in less property tax savings for farmers than over 10 years ago **when property taxes were lower**. If the trend continues in the increase of agricultural use valuation, this section of the agricultural district protection will be of no effect and farmers using the agricultural use valuation will find themselves paying more than if they were not using it.

#### ***Farmer's School Tax Credit***

The Farmers' School Tax Credit allows qualified farmers to obtain a state income tax credit for school taxes. A corporation, individual or an estate or trust engaged in the business of farming may be entitled to an income tax credit for the amount of eligible school district

property taxes paid on qualified agricultural property. The credit applies to school taxes paid by farmers on land, structures, and buildings used for agricultural production in New York. Farmhouses used as personal residences do not qualify. However, farmers may qualify for the New York State School Tax Relief (STAR) program to receive a partial exemption on the assessment of their houses.

The farmers' school tax credit is fully funded by the state. It is neither a real property tax exemption nor is it affiliated with the agricultural assessment program. The credit does not diminish local school district revenue and will not shift the school tax burden to the farmers' neighbors.

### ***Farm Building Exemptions***

Several provisions in the Real Property Tax Law exempt farm buildings or structures from property taxes. Section 483 of the Real Property Tax Law exempts new or reconstructed agricultural buildings, such as barns or farmworker housing from any increase in assessed value that results from improvements for ten years. Sections 483-a, 483-c and 483-d permanently exempt certain agricultural structures from taxation, including farm silos, feed grain storage bins, commodity sheds, bulk milk tanks and coolers, manure storage and handling facilities and commissaries/food preparation facilities. To claim each of these exemptions, owners must apply to their local assessor.

### **Forestland Exemption**

Section 480-a of the Real Property Tax Law allows eligible forest land owners a reduction in their tax assessment. Landowners must develop forest management plans prepared by qualified foresters and approved by the NYS Department of Environmental Conservation. In order to qualify for the exemption, landowners must comply with the program for a 10-year period after obtaining each annual exemption.

### **Historic Barns Rehabilitation Tax Credit**

Individuals and corporations who have restored a barn built before 1936 can qualify for an income tax credit equal up to 25 percent of the cost of rehabilitating the barn. To qualify, the barn must be built to house farm equipment, livestock or agricultural products. The barn must also meet the tax definition of income producing (farming, rental, office or commercial).

### **Replanted or Expanded Orchards and Vineyards Exemption**

A partial tax exemption is available for owners of orchards and vineyards to newly replanted or expanded orchard and vineyard land. Land eligible for an agricultural assessment and used solely for the replanting or expansion of an orchard or vineyard is exempt from taxation for up to six successive years. Land eligible for the exemption cannot exceed 20 percent of the orchards or vineyard's total acreage (unless the land is located in a disaster emergency area).

### **NYS Conservation Easement Tax Credit**

The Conservation Easement Tax Credit (CETC) offers New York State taxpayers a refundable income tax credit of 25% of their school district, county, and town property taxes paid during

the year. The tax credit is available to owners of land under a conservation easement. It does not matter when the easement was created, as long as the easement is held by a public conservation agency or private conservation organization. The maximum credit available is \$5,000. If the landowner's tax credit exceeds the amount he or she owes in state income taxes, the landowner receives payment for the difference.

### **Federal Conservation Tax Incentive**

A conservation easement that is voluntarily donated to a land trust or government agency and benefits the public by permanently protecting important conservation resources can qualify as a charitable tax deduction on the property owner's federal income tax return. The incentive allows for: a deduction up to 50% of the property owner's annual income; a carry-forward period for a donor to take tax deductions for a voluntary conservation agreement up to 15 years and a deduction for qualifying farmers up to 100% of their income.

### **Farmland Protection Tools**

#### ***Agricultural Districts***

New York's Agricultural Districts Law allows interested landowners who collectively own at least 500 acres or 10 percent of the land proposed for a district, whichever is greater, to submit a proposal to their county to create an agricultural district. The petition to create the district must be approved by the county legislative body and the Commissioner of Agriculture. Farmers have the opportunity to enroll in the district during the 8-year review process and also open enrollment during the 30-day period. Agriculture is designated the primary activity in the district, and landowners receive incentives to continue in farming. The incentives include:

- ◆ Limitations on local regulation of farming structures and practices;
- ◆ Limitations on taxing farmland for municipal improvements such as sewers, water, lighting, non-farm drainage, solid waste disposal or other landfill operations;
- ◆ Protection from nuisance suits brought by neighboring property owners;
- ◆ Limitations on public projects affecting agricultural districts;
- ◆ Disclosure requirements for real estate transfers within a district;
- ◆ Coordination of local planning and land use decision-making through agricultural data statement reviews.

While agricultural districts encourage investment in agriculture, they do not represent a permanent farmland protection measure. Towns can bolster the effectiveness of agricultural districts by ensuring the local ordinances add further protection and do not conflict with the districts' intent.

#### ***New York State Farmland Protection Program***

New York State's Farmland Protection program provides grants to permanently protect farmland in counties and towns with approved agricultural and farmland protection plans. The Farmland Protection Program pays farmland owners who volunteer for the program to permanently protect their land for agriculture by placing a deed restriction, known as a

conservation easement on the property. Conservation easements restrict the development and subdivision of land while all other rights of ownership are retained by the property owners

Since the adoption of the “Keep It Growing Rensselaer County Agricultural and Farmland Protection Plan” in 2001, Rensselaer County and several of its municipalities have received \$3.6 million in state funding and ASA leveraged an additional \$285,000 in federal funds and \$445,000 in local match for the purchase of development rights in the county, preserving over 4,000 acres from future non-agricultural development.

Rensselaer County presently is contracted with the Agricultural Stewardship Association (ASA) to implement the county’s Farmland Protection program. ASA updated its Farmland Conservation Plan Priority Conservation Areas and Special Project Areas map with input from the Rensselaer County Agricultural and Farmland Protection Plan Ad Hoc committee. The map has two levels of recommended preservation. *Priority Conservation Areas* are defined as areas containing significant amounts of high quality farmland that are conducive to a long-term agricultural business environment. *Special Project Areas* are defined as areas that contain farms that define community character and farms of special importance due to wildlife habitat or environmental significance. Special Project Areas are of secondary focus after Priority Conservation Areas.

Since the properties protected under the Farmland Protection program usually have been receiving agricultural use valuation, there are usually no local property tax impacts due to this program since the agricultural use valuation should be approximately that to the value of the land which is now permanently committed to agriculture.

### **Local Tools**

#### ***Agricultural Economic Development***

Agriculture is an important part of local economies in many Rensselaer County towns. By recognizing the value of agriculture and including it in municipal economic development planning, communities can create a business environment that is supportive of farming. Towns can facilitate farm expansion and diversification by arranging discussions with business and industrial development agencies such as IDA and LDC. Towns also can improve local farm economies by seeking grants from local, state and federal agencies.

#### ***Public Education***

Educating the public about agriculture has become increasingly important, as many people are not unfamiliar with modern farming. Lack of understanding about agricultural practices can lead to conflicts over the sights, smells and sounds associated with farms. Towns can help prevent these conflicts by fostering communications between farmers and nonfarm neighbors through local right-to-farm laws, agricultural fairs and festivals and municipal newsletters.

#### ***Fiscal Impact/Cost of Community Services Studies***

Cost of Community Services studies help local communities determine the net fiscal contribution of different land uses to their local budgets. The studies produce a set of ratios that compare the annual tax income generated by a land use to the annual expenditures it requires. Communities can use the findings of these studies to reassess how they view farmland.

In New York, over 15 COCS studies have found that farm and forestland average only \$0.29 in municipal services for every dollar they create in tax revenue. By comparison, residential properties cost \$1.27 for every dollar of municipal revenue they generate. While an acre of land with a new house generates more total revenue than an acre of hay or corn, farm and forestland require much less in public infrastructure and community services. Thus, farm and forestland actually provide tax savings for local communities.

### ***Farmers' Markets and Farm Stands***

Farmers' markets and farm stands are popular venues for farmers to generate revenue and educate the nonfarm public. Farmers' markets range from seasonable roadside stands to large, year-round operations. To encourage farmers' markets and farm stands, local ordinances should be crafted to balance public health and safety concerns with the size and scale of the farm market operation. Graduated farm stand ordinances can be crafted to allow farm stands to expand as the businesses get bigger.

### ***Farm Events and Festivals***

Celebrating Rensselaer County agriculture and its contributions is an important way to support the farming community. Festivals promote interaction within the farm community, provide education opportunities for the nonfarm public and boost sales for local agricultural products.

### ***Farmland Impact Fees***

Farmland impact fees require developers of farmland to pay for the cost of protecting an equivalent quantity of farmland. Much like a recreation fee, developers are charged a per lot fee that is then used by the town for farmland protection.

### ***Term Easement Tax Abatement Programs***

Term easement tax abatement programs reduce assessed land values for landowners who agree not to develop their land for a period of years. Often these programs will reduce assessed land values by 70 to 90 percent in exchange for term conservation easements that are valid for a period of 15 to 20 years.

In nearby Saratoga County, the town of Clifton Park enacted a local tax abatement program for owners of 15 or more acres of farmland or open space who agree to keep their land in farming, or open, for at least 15 years. More than 1,437 acres were approved for the program in the first year, including 741 acres of farmland. This farm acreage, primarily ineligible for agricultural assessment, will remain in agriculture and may provide a buffer for the town's remaining commercial farms as development encroaches.

### ***Local Purchase of Development Rights Programs***

The towns of Hoosick, Pittstown and Schaghticoke have initiated purchase of development rights (PDR) programs to compensate landowners for placing conservation easements on their land. Funding for these programs has come from the New York State PDR program with some local appropriation towards ameliorating the costs of administration, but bonding and real estate transfer taxes can also be used towards funding such programs. Local programs are often used to leverage state and federal PDR grants, which require local matching funds.

### ***Transfer of Development Rights***

Transfer of development rights programs (TDR) allow landowners to shift the right to develop one parcel of land to a different parcel of land. (Conversely, cluster zoning usually transfers density within a parcel). TDR programs can protect farmland by shifting development from agricultural areas to areas planned for growth.

For TDR to work, communities must build consensus on its use as a way to protect resources and direct future growth. A market must exist for both the development rights (either in the private sector or via a municipal development rights bank) and the higher density development that will result. While the TDR technique holds promise in theory, it has not been utilized in New York due to the complexity of its administration and its unproven track record.

### ***Estate Planning***

Estate planning is often equated with drafting a will. However, farm estate planning involves much more: a) making a will; b) examining how property is held or owned; c) reviewing family insurance programs; d) considering gifts and disposition of assets to avoid estate taxes; and e) reviewing the organization of the family business. Since the average age of farmers in Rensselaer County is 58, looking ahead to the next generation of farm operators is extremely important for keeping farms going into the decades ahead.

Given the scale and complexity of modern farm operations, estate planning is critical for the successful transfer of farms. Successful farm estate planning and farm transfer requires a team effort – including financial, farm management, tax and legal expertise. Local communities, land trusts and other organizations can assist farmers by providing workshops and technical assistance on farm estate planning. When a farm is successfully transferred from one generation to another, the entire community benefits because the long-term security and viability of the farm operation increases.

### ***Land Trusts***

Land trusts are non-profit organizations committed to the protection of land, often including farmland. These entities are an increasingly popular vehicle for permanently protecting farmland through the sale or donation of conservation easements. Land trusts often are involved in assisting municipalities and farmers with applications for purchase of development rights grants; negotiating conservation easements; and monitoring existing conservation

easements to ensure that agreement terms are upheld. It is important that land trusts involved with farmland conservation projects understand agriculture and create conservation easements that allow farmers the flexibility necessary to remain viable. The Rensselaer Land Trust (RLT) and the Agricultural Stewardship Association (ASA) are land trusts serving Rensselaer County.

### ***Conservation Easements***

Conservation easements are legally recorded, voluntary agreements that limit land to specific uses. Easements may apply to entire parcels of land or to specific parts of the property. Land protected by conservation easements remains on the tax rolls and is privately owned and managed.

In many farmland conservation projects, conservation easements are often purchased. However, these types of deed restrictions also may be donated to land trusts or municipalities. By facilitating the sale or donation of conservation easements, towns can permanently protect farmland from development. Towns can help with these projects by assisting with grant applications or paying grant writers to do so. Towns also could pay for real estate appraisals and agree to monitor conservation easements.

### ***Comprehensive Land Use Planning***

Comprehensive plans, also known as master or general plans, allow municipalities to create a long-term vision for their future. They outline local government policies, objectives and guidelines regarding development. Typically, they identify areas best suited for a variety of land uses, including agriculture, forestry, residential, commercial, industrial and recreational activities.

Comprehensive plans can establish a commitment to local agriculture by protecting natural resources and promoting farm business opportunities. Comprehensive plans can form the basis of a local farmland protection strategy by identifying areas to be protected for agriculture and areas where development will be encouraged. They also should aim to conserve natural resources while providing affordable housing and adequate public services.

### ***Farm-Friendly Zoning Ordinances***

Zoning is a form of land use control used by local governments to segment cities and towns into areas devoted to specific land uses. It also can establish standards and densities for development.

Some communities have used farm-friendly zoning to control growth into farming areas. By integrating a variety of land use strategies, these communities have found fair but effective methods for protecting farmland and supporting farmers. Some of these techniques include offering smaller minimum lot sizes, increased use of cluster development and designation of agricultural overlay zones and hamlet zones that allow higher density and mixed uses. Farm-friendly zoning can be used to encourage roadside stands; visible farm signs; farm-related enterprises such as food processing, equipment sales and repair; manure composting; agritourism; and even farmer-owned small scale enterprises unrelated to agriculture.

While zoning ordinances can be crafted to be farm-friendly, they have the potential to encourage development of farmland and harm farm businesses. Often, local governments and planning boards assume that farming is a residential land use. Worse, they consider agriculture to be a temporary land use until further suburban or nonfarm development occurs. In other communities, local governments try to decrease housing density by increasing the minimum lot size to “large lots” – often 3-5 acres. Rather than protecting farmland, this technique accelerates the loss of fertile agricultural resources and leads to the creation of lots “too big to mow and too small to farm.”

#### *Overlay Districts*

Some communities have used overlay districts to direct development away from prime farmland. While overlays lessen the impact of development on agriculture, they generally regulate how, not if, farmland is developed. So far, such districts have not been used to change underlying density requirements or limit nonfarm uses. Agricultural overlay districts can be used to trigger cluster-zoning provisions, buffer strips or other performance standards. These districts add an extra layer of protection over a community’s fertile soils and farming regions.

#### ***Subdivision Regulations***

Unlike zoning regulations, which address whether specific uses are permitted, subdivision regulations specify how development will actually occur. For example, zoning regulations designate how many lots can be developed on a parcel, but subdivision regulations determine where those lots will be located and how the land is developed. A number of techniques have been incorporated into subdivision regulations to lessen the impact of development on agriculture.

#### ***Buffers***

In rapidly growing areas, development inevitably will occur adjacent to active farm operations. Based on the concept that “good fences make good neighbors,” buffers create physical barriers between potentially incompatible land uses. Buffers may be created by strips of land (from 50 to 500 feet wide) or by vegetation such as existing hedgerows, planted trees and shrubs. These buffers should be placed on new residential or commercial developments rather than on neighboring farmland to allow farmers to maximize the use of their agricultural resources. Buffers could be required through subdivision laws, in the case of residential development, or in the site plan review process prior to commercial development.

#### ***Mixed-Use Hamlet Development***

Mixed-use hamlet development encourages higher-density development and the provision of public services to already developed hamlets. This technique encourages a pattern of development based upon the traditional village model. Often it limits the size of non-residential building and requires parking to be located on the street or to the rear of commercial buildings. This type of development avoids the typical commercial strip development that occurs when large parking lots are located to the front of buildings.

### **Federal Tools**

Below are several federal programs offered through USDA Natural Resources Conservation Service (NRCS) that augment state and local programs.

#### **Environmental Qualities Incentive Program (EQIP)**

EQIP provides financial and technical assistance to agricultural producers in order to address natural resource concerns and deliver environmental benefits such as improved water and air quality, conserved ground and surface water, reduced soil erosion and sedimentation or improved or created wildlife habitat.

#### **Conservation Stewardship Program (CSP)**

The Conservation Stewardship Program helps agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities to address priority resources concerns.

#### **Agricultural Management Assistance Program (AMA)**

AMA helps agricultural producers use conservation to manage risk and solve natural resource issues through natural resources conservation.

#### **Agricultural Conservation Easement Program (ACEP)**

The Agricultural Conservation Easement Program (ACEP) provides financial and technical assistance to help conserve agricultural lands and wetlands and their related benefits. Under the Agricultural Land Easements component, NRCS helps Indian tribes, state and local governments and non-governmental organizations protect working agricultural lands and limit non-agricultural uses of the land. Under the Wetlands Reserve Easements component, NRCS helps to restore, protect and enhance enrolled wetlands.

#### **Healthy Forests Reserve Program (HFRP)**

The Healthy Forests Reserve Program (HFRP) helps landowners restore, enhance and protect forestland resources on private lands through easements and financial assistance. Through HFRP, landowners promote the recovery of endangered or threatened species, improve plant and animal biodiversity and enhance carbon sequestration.

### **What Farmers and Owners of Farmlands Say**

Surveys of Rensselaer County farmers and other owners of farmland identified some of the strengths of county agriculture as well as its challenges. While the agricultural industry remains an important part of Rensselaer County's economy, both farmers and farmland owners believe that taxes, low commodity prices, regulations, development pressure, and vandalism and trespassing are having a significant impact on the future of agriculture with the county.

To help address the challenges facing agriculture, Rensselaer County farmers and farmland owners are interested in participating in a variety of local and state programs. Tax relief

programs, right-to-farm laws, agricultural zoning, and agricultural districts were identified as areas of interest for both farmers and farmland owners. A majority of farmers and farmland owners were also interested in term or permanent conservation easement programs to help protect farmland, reduce their property tax obligations or increase their income. Finally, a majority of farmers wanted assistance in improving their marketing skills, community relations, and environmental and business planning. A detailed survey report is provided in Appendix B.

## **Chapter 4**

### **Strengthen Farm Viability and the Agricultural Economy**

**GOAL:** Maintain and support a viable agricultural economy in Rensselaer County by promoting economic development of the agricultural sector.

One of the primary challenges facing the agricultural industry in Rensselaer County is the ability to remain profitable. Many factors have contributed to profitability: volatile commodity prices, high overhead expenses, government food policy, competition from other regions and foreign markets, the rising cost of land, high property taxes and the unpredictability of Mother Nature.

#### **Objectives**

1. Maintain and enhance local agricultural infrastructure and support services.
2. Target agriculture with economic development activities including business planning and development assistance, marketing initiatives and marketing support, and private investment of capital.
3. Diversify the agricultural economic base.

While many of the unfavorable economic conditions affecting agriculture are out of farmers' control, some programs are already in place to help improve the bottom line of farming.

The following section outlines actions the county can take to promote the economic development of its agricultural sector.

#### **Issues:**

##### ***Low Profitability***

Record low commodity prices, coupled with escalating costs of doing business, have resulted in inadequate farm income for farmers across the nation. Low profitability affects a farmers' cash flow, accounts receivable, return on investment, incentive to invest and ability to remain in farming. Rensselaer County farmers have identified low commodity prices as well as the high costs of taxes, labor, regulatory compliance requirements-such as Concentrated Animal Feeding Operations (CAFOs) - and utility expenses as major factors affecting their bottom line.

##### ***High Property Taxes***

New York relies heavily on property tax revenue to fund local services. This places increased pressure on farmers who require an extensive land base, use few municipal services and cannot pass such costs on to consumers. While much has been done in recent years to reduce property taxes for farm businesses, such reform has not adequately addressed the negative effects of property taxes on farm viability. Special district taxes, in most cases, use the full valuation, not agricultural use valuation, which, when combined with a high tax rate, impose higher taxes than town and town highway taxes for services not used or not often used on the farm. Many farmers and owners of rented farmland are ineligible for current tax relief.

programs, thus constraining the effectiveness of these programs. In addition, some farmers have reported that their town assessors make it difficult for them to participate in the agricultural assessment program.

### ***Lack of Skilled and Experienced Labor Force***

Labor issues continue to heavily influence farm profitability. Wages, a healthy job market, low farm profitability and agriculture's image problem contribute to this problem. As farms become larger, their dependence on hired labor has grown. Low profitability and long hours make farming unattractive for the next generation, adding to the labor shortage. Work force development that addresses labor supply and training is critically needed.

### ***Lack of Economic Development Initiatives for Agriculture***

County leaders should give serious attention to retaining and expanding existing farm operations, as well as facilitating the private investment of capital in the agricultural industry. It is critical that agriculture be integrated into economic development programs and infrastructure planning. Municipalities should consider alternative funding mechanisms to encourage farms to keep farming in their communities.

### ***Compliance with State and Federal Regulations***

A variety of regulations affect farming and some add significantly to the cost of farm production. Farmers are affected by regulations regarding unemployment insurance, worker compensation and environmental and non-point source pollution. Compliance with Concentrated Animal Feeding Operations (CAFO) standards is a major concern for livestock farmers. County farmers need assistance in developing environmental plans and obtaining financial support to become CAFO compliant.

### ***Lack of Marketing Capacity***

Farmers in urban-edge areas such as Rensselaer County face higher costs of production as a result of development. However, the proximity of farms to urban areas creates greater potential for them to market directly to consumers and take advantage of a growing customer base.

## **Recommended Actions**

### **1. Expand Support for Agriculture in Economic Development and Tourism initiatives**

Rensselaer County and its farm community must provide leadership, direction and additional resources for these efforts. Agriculture economic development in Rensselaer County also will require high levels of support and cooperation from policy and program staff in the areas of economic, labor and small business development; tourism; planning; agriculture and the county legislature. Recommended actions to expand agricultural development include:

- a. Establish and continue an advisory committee made up of AFPB, agribusinesses, CCE, USDA-FSA and economic development representative to provide support, leadership and direction to the agriculture economic development specialist;

- b. Determine priorities, develop strategies and set benchmarks for agricultural economic development efforts;
- c. Seek additional funds for economic and business development activities directed toward agriculture;
- d. Make a concerted effort to communicate and meet on a regular basis with economic development and business representatives as well as county departments on agricultural issues and needs;
- e. Address the needs of agriculture in economic development plans, including strategic planning for agriculture.
- f. Require that the AFPB complete a yearly review of the Ag & Farmland Protection Plan.
- g. Consider a shared grant writer for the Ag support services, i.e. AED, CCE, and SWCD.

**Potential key players:** AFPB, ED&P, CCE, USDA FSA; USDA NRCS; SWCD; HMRC&D; Agribusiness representative.

**Benchmark:** formation of advisory committee, resources and targeted economic development activities.

## **2. Improve Labor Availability and Retention**

Recommended actions include:

- a. Set-up an annual educational program, including a short farm tour, for representative from the Office of Employment and Training, Questar III, Hudson Valley Community College, etc. to educate them about the labor development needs of farm businesses;
- b. Work with the Office of Employment and Training to provide labor screening and recruitment services to farm businesses through its One-Stop Center;
- c. Explore the use of shared labor among farm enterprises;
- d. Assist farmers in meeting the housing and bilingual needs of migrant laborers;
- e. Conduct a needs assessment of the labor needs and availability on farms;
- f. Develop a database of skilled retirees that are interested in working on farms;
- g. Develop a farm apprentice program that trains people interested in being employed on farms;
- h. Develop a network for employment opportunities on farms. Contact local colleges to determine students available for internships and employment on farms;
- i. Develop a database of various online employment networks specific to agriculture.

**Potential key players:** CCE, OE&T, Questar III, HVCC, Farm Bureau, ED&P, Hudson Mohawk RC&D

**Benchmark:** hold a program/tour, demonstration activity

## **3. Expand Business Development and Assistance to Farm Businesses**

Providing increased business development assistance to farm business is essential for meeting the challenges currently facing the industry. To enhance business growth, farmers need assistance in business development and planning, research and marketing, financing, etc. Small business assistance is available to new and expanding businesses: however, farmers do not readily utilize such assistance because it tends to be inapplicable to farm operations.

Efforts that bring expertise and assistance directly to farmers will help provide support services to agricultural enterprises that are diversifying or expanding their operations. Efforts to expand business development assistance could include:

- a. Establish a business development program consisting of a network of business consultants, small business development counselors and SCORE (Service Corps of Retired Executives) volunteers to provide technical assistance in enterprise development, business planning, marketing and financial management;
- b. Make information available to economic development professionals, SCORE counselors and small business development counselors on agricultural business development so they are better able to serve the farm community;
- c. Offer workshops for farmers on business planning and development, research, marketing and financing;
- d. Explore grants and funding opportunities for agribusiness development;
- e. Develop an entrepreneurial program for farmers that offers a business planning course with agricultural-related topics suited to the farm season as well as low interest loans;
- f. Develop a directory of existing agricultural and non-agricultural technical assistance providers for Rensselaer County farmers;
- g. Develop a network of support service providers, i.e., mechanics, welders, tire companies, etc. that can provide services within the county;
- h. Create a marketing assistance program to assist producers with getting their product processed and marketed;
- i. Create an incentive for grocery stores to sell locally grown products.

**Potential key players:** ED&P, CCE, USDA FSA, USDA NRCS, SWCD, Hudson Mohawk RC&D, SBDC

**Benchmark:** establish and utilize a network of consultants and volunteers, hold workshops, develop directory

#### **4. Improve Access to Financing and Capital**

Access to financing and capital is important for entrepreneurial development and innovation in agribusiness. Actions to improve access to financing and capital could include:

- a. Provide continued support for programs that farmers can access for low-interest loans and business development;
- b. Consider developing a revolving loan fund to provide gap financing for agricultural businesses;
- c. Provide assistance in obtaining grants and low interest loans for business start-up, expansion and retention;
- d. Study methods to enhance private investment in the industry;
- e. Involve the Rensselaer County Industrial Development Agency (IDA) to play a role in providing financing and support for the agricultural industry;
- f. Survey farmers to determine if they have difficulty accessing financing;
- g. Develop a guide for beginning farmers on how to access financing.

**Potential key players:** ED&P, USDA FSA, IDA, Hudson Mohawk RC&D

**Benchmark:** Expanded access to low-interest loans

## **5. Expand Efforts to Promote Rensselaer County Farm Businesses and Farm Products**

The Capital District Region and the cities of Boston and New York provide ample opportunities for the marketing of local farm products. Rensselaer County can play a major role in publicizing and promoting farms and farm products while promoting tourism.

- a. Work with Farm Bureau, farm marketing group (see 6a below), CCE and County Tourism to produce high quality farm maps and brochures;
- b. Work with public and private tourism organizations to strengthen the role of farms and agriculture in promotional efforts;
- c. Work with local retail stores and institutions, such as state offices, hospitals, schools and other institutions to purchase food produced locally or regionally;
- d. Expand cooperative efforts with neighboring counties in the areas of tourism, promotion and marketing;
- e. Explore opportunities to connect consumer to farms. Work with interested farms to host a county-wide farm tour.

**Potential key players:** EDP, Tourism, AFB, CCE, Rensselaer County Farm Bureau, Hudson Mohawk RC&D, volunteers

**Benchmark:** Promotional materials and purchasing agreements

## **6. Improve the Marketing Capacity of Farmers**

Over the years, Rensselaer County farmers have taken measures to adapt to changing market conditions. While many have expanded and consolidated their operations, other have diversified into new commodities or taken advantage of their urban edge location by direct marketing their good. The following actions are recommended to increase the marketing capacity of farmers:

- a. Create a marketing group made up of successful farmers to identify areas of potential growth and opportunity for marketing farm products;
- b. Research niche markets in Boston and New York, including ethnic markets, to identify market opportunities for processors and producers in Rensselaer County;
- c. Encourage and facilitate new joint marketing efforts;
- d. Offer expanded assistance to help farmers improve their research and marketing skills;
- e. Encourage collaboration with ongoing efforts in the region;
- f. Provide personnel with expertise to help farmers with production, marketing and business management;
- g. Determine current marketing capacity of farmers and explore opportunities to expand marketing capacity;
- h. Explore the opportunities for an online network for hay sellers and hay buyers;
- i. Create a list of small local retailers interested in selling locally grown product. Promote retailers through regional website;
- j. Explore opportunities for developing a county agricultural website to include buyer/seller networks, employer/employee networks, ag service providers, farm product guide and map. Incorporate various social media, i.e. Facebook, twitter, etc.

**Potential key players:** CCE, ED&P, Farmers, SCORE, Hudson Mohawk RC&D

**Benchmark:** New marketing initiatives

## **Chapter 5**

### **Support Farm Operations and the Right-to-Farm**

**GOAL:** Promote agriculture as a vital aspect of Rensselaer County’s economic and community life. Increase broad-based community support for the County’s farms and farmers.

Farming is an extremely competitive business. And like other businesses, it requires a supportive business environment and infrastructure to remain competitive and successful. This is especially true for farms in the Northeast where so many nonfarm residents live next to farms and in farming areas.

Programs and policies have been enacted to foster an environment favorable to commercial farming in the face of development pressure. New York’s Agricultural District Law’s intent is to provide farmers with the assurance that if they conduct normal farm practices, they will not be taxed or regulated out of business before they gain the full benefits of their investments.

The Agricultural District Law also contains right-to-farm legislation protecting farm operations in agricultural districts from nuisance suits as long as the farm follows “sound agricultural practices.” The law requires landowners who sell or transfer property in an agricultural district to provide “disclosure notices” that place prospective buyers on notice that they are buying land in an area where farming activities may cause noise, dust and odors. Under the right-to-farm provision, towns cannot enact local laws and regulations that are “unreasonably restrictive” on farmers and farm operations.

#### **Objectives**

1. Guide public policy in protecting and promoting agriculture, supporting the agricultural industry, recognizing its needs and understanding the forces affecting the industry.
2. Foster a dialogue between non-farmers, government officials and the agricultural community and create coalitions of organizations and individuals to promote Rensselaer County agriculture and local, state and federal issues of importance to it.

When surveyed, a majority of Rensselaer County farmers believed that their town and county governments are adequate-to-strong in providing an acceptable business environment. However, as conversion pressures increase, the county and towns will have to work harder to maintain an environment that encourages commercial agricultural activities.

Promoting a better understanding of farm practices and the needs of agriculture will help build local support for farming. Greater emphasis needs to be placed on making sure ordinances and local regulations do not inhibit farming operations and are farmer-friendly. Town and county government should seek input from the farm community when considering ordinances and regulations.

Local governments should also assist farmers with protecting environmental benefits and water supplies. While much work has already been accomplished in this area, farmers should have assistance with developing environmental plans. There is currently a demand among farmers for help in complying with CAFO and AFO state and federal regulations.

Other areas where farmers need support are in agricultural education, wildlife damage and woodlot management. This section discusses ways to improve business support for farmers in Rensselaer County.

## **Issues**

### ***Neighbor Conflicts***

Newcomers to rural agricultural areas often have little understanding of farm realities. When nonfarm development occurs adjacent to active farm operations, conflicts may arise between farmers and their nonfarm neighbors. Such conflicts can damage the business environment for farming. While residents may appreciate the bucolic scenes that farms provide, they often complain about manure spreading, noise, dust, chemical spraying and slow moving farm equipment.

Production costs rise as farmers deal with losses stemming from neighbors who trespass, damage crops with four wheelers, allow dogs to harass and maim livestock or dump trash on farmland. These conflicts can threaten farm viability and weaken farmers' willingness to make long-term investments. Town and law officials are not always aware of the right-to-farm provisions. A high percentage of Rensselaer County farmers surveyed were interested in receiving assistance to improve neighbor relations and communication.

### ***Infrastructure Needs***

Like other businesses, farms need municipal support in order to compete successfully in the global economy. Roads, bridges and utilities need to be maintained to meet the needs of farm operations. Road conditions are currently being improved, but have been a problem for farmers. While farms do not need newly blacktopped roads, they do need good road conditions for milk truck pick-up and tractor operation. Farms also need power to operate, especially dairy operations. When there is a power outage, getting farms back onto the grid should be a priority. Cable and telephone lines are often hung low so that farm equipment snag lines while entering farm fields.

### ***Improving Agricultural Education***

Currently, adequate levels of agricultural education are not offered in Rensselaer County. Questar III and other Programs are needed to help train skilled labor. There also is a need to educate students about agriculture, especially those students who are interested in agricultural careers. Rensselaer County schools do not offer secondary education courses or programs in agriculture, although Hoosic Valley High School students have the option of attending the agricultural program in Greenwich.

### ***Continue Support for Technical Assistance***

Farm operations currently need increased assistance in developing environmental plans, reducing wildlife damage, improving timber management practices and developing a specialized systems approach to farm management. In addition, technical assistance for total resource management plans for farms allows operators and landowner to be eligible for a host of programs. Crop and orchard damage from wildlife reduces farm profitability. Deer alone cost the average county farmers an estimated \$16,000 in damage per year. Farmers can utilize hunting or boom guns to contain wildlife damage, but their use is often met with neighbor complaints.

Many woodlots currently are not efficiently managed. Educational outreach will inform farmers about the equity in their woodlots and about the benefits of utilizing professional foresters to develop forest management plans and supervise timber harvests. Increasing technical assistance in these areas will help ensure that farms continue to provide environmental and economic benefits to the community.

### **Recommended Actions**

#### **1. Encourage the county and towns to meet the infrastructure needs of the farm sector.**

To support farm businesses, municipalities must ensure that telephone, electric and other wires are high enough to prevent accidents with farm equipment. They must plow the snow from roads leading to dairy farms to allow milk trucks easy access. They also should avoid directing road run-off onto farm fields. Roads and bridges should be upgraded to handle tractor-trailer vehicles commonly used to provide services to farms. Actions recommended to meet farm infrastructure needs include:

- a. Review bridge, road and wire specifications to ensure compliance with requirements for farm vehicles;
- b. Give snowplowing priority to roads serving dairy farms to allow milk truck access;
- c. Minimize road water run-off onto farm fields; monitor discharge from road repairs to prevent damage to farm fields; and Install or improve drainage for farmland when building and altering roads;
- d. Upgrade bridges and roads to meet farm vehicle weight requirements;
- e. Include farmers in county transportation planning to ensure their needs are addressed when new roads and transportation plans are created.
- f. Explore ways to reduce energy costs to farms;
- g. Determine contact at NYS DOT regarding bridge, road and wire specifications. Provide this information to farmers, town and county highway officials;
- h. Determine contacts at utility companies and provide information to farmers;
- i. Determine energy programs for farms and determine grant funds available. Post on CCE website and Facebook;
- j. Provide information to insurance companies about vehicle safety on farms;
- k. Advocate for utility companies to supply three-phased power to farm operations.

***Potential key players:*** NYSDOT, CDTC, power companies, towns and county

***Benchmark:*** service and infrastructure improvements

## **2. Support the Right-to-Farm**

Supporting the right-to-farm gives farmers the security that farming is a valued and accepted activity in their community. The concept of “right-to-farm” reaffirms the importance of farming, recognizes that farming activities may be deemed a nuisance by neighbors, and protects farmers from nuisance suits as long as sound agricultural practices have been followed. County and town officials should become familiar with the provisions of the law. Local actions that support the right-to-farm, demonstrate support for farming and prevent unnecessary lawsuits include:

- a. Urging towns to strengthen right-to-farm laws that require alternative dispute resolution and early disclosure notices;
- b. Require agricultural disclosure notices be placed on new subdivisions and tax maps;
- c. Encourage the county and towns to amend local ordinances to make sure local laws do not inhibit or curtail farming operations (see Appendix C); and encourage municipalities to seek input from the AFPB and farmers when creating and revising ordinances;
- d. Establish a mediation committee comprised of farmers and non-farmers to mediate problems and disputes between farms and neighbors;
- e. Provide information to farmers and towns about the New York State Agricultural Mediation Program.

**Potential key players:** towns and county, AFPB

**Benchmark:** enhanced implementation of the above recommendations

## **3. Improve Neighbor Relations and Understanding of Commercial Farm Activities and Needs**

In an urban-edge setting, many farmers have neighbors who are new to a rural environment and have little knowledge of farm practices. This lack of understanding may lead to misunderstanding, complaints and possible lawsuits. A greater level of communication between farmers and their neighbors is needed to achieve good neighbor relations and respect for property. Recommended actions include:

- a. Offer educational programs on farm practices for non-farmers including town and law enforcement officials;
- b. Create a “Neighbor Relations” packet for farmers to give their neighbors, including sample outreach letter, a fact sheet on the benefits of local farms and a fact sheet describing typical farming practices;
- c. Encourage farms to hold open houses and farm tours for their neighbors;
- d. Provide realtors and lawyers maps of agricultural districts, information about right-to-farm legislation, disclosure notices and fact sheets that describe sound farming practices;
- e. Create and distribute a brochure for realtors to give potential buyers that explains the realities of living in an agricultural district;
- f. Provide information to towns about neighbor relations to include in their newsletters and websites;
- g. Distribute information about NYS Agricultural District to towns and realtors;
- h. Use social media as a tool to increase awareness about farming to non-farm neighbors.

**Potential key players:** CCE, farmers

**Benchmark:** brochures, educational programs, outreach measures

#### **4. Encourage Respect for Farm Property**

Local governments and law officials should be encouraged to enforce trespassing laws and respect for farm property. Without asking permission, many people are riding four wheelers and snowmobiles across farm fields, hunting without permission and discarding garbage on farm property. Such trespassers may not be aware of the damage they cause to crops and fields and the liability to which they expose farmers. Raising awareness and enforcing trespassing laws would encourage respect for farm property. Elements of this action include:

- a. Prepare information materials about the dangers and impacts of trespassing on farm property;
- b. Encourage law officials to enforce trespassing laws to prevent unnecessary damage to farm fields and buildings;
- c. Encourage the County Clerk and Department of Motor Vehicles to distribute information materials about the impacts of motor vehicle trespassing on farmland;
- d. Provide information to insurance companies about vehicle safety on farms.

**Potential key players:** CCE, Towns, County Clerk/Motor Vehicles, law officials

**Benchmark:** prepare and distribute informational brochure, enforcement of trespassing laws

#### **5. Continue Support For Technical Assistance to Farm Operations**

Farmers currently receive technical assistance and explore funding for developing farm environmental plans and meet eligibility requirements for federal programs by maintaining farm bill compliance for highly erodible cropland;

- a. Provide technical assistance to farms on precautions for biosecurity measures;
- b. Support and expand efforts to educate farmland owners on managing and marketing timber;
- c. Advocate for increased technical assistance and funding for farmers to help them control wildlife damage;
- d. Develop industry specific short coursed for young farmers to meet their training needs.

**Potential key players:** CCE, NRCS, SWCD, NYFOA, NYSDEC, NYSA&M, Hudson Mohawk RD&D

**Benchmark:** provision of technical assistance in above areas

## Chapter 6

### Protect Farmland as a Valuable Natural Resource

**GOAL:** Promote development patterns, land use policy and conservation measures that encourage agriculture and protect productive farmland.

Farming is a resource-dependent industry. Along with sunshine and rain, farmers need fertile soils to grow their products. Fertile farmland, which takes thousands of years to develop, is a finite and irreplaceable resource. Once converted, it is rarely returned to agricultural use.

#### **OBJECTIVES**

1. Strengthen support for farm management practices that promote continued environmental benefits.
2. Increase neighbor awareness of farm practices and a better understanding of farm issues.
3. Work with entering young farmers to ensure there will be a next generation of farmers.

Farmland is increasingly recognized for its environmental importance. Well-managed farmland protects soil and water resources and can prevent flooding. It absorbs carbon, filters wastewater and provides groundwater recharge.

Yet despite its agricultural and environmental importance, Rensselaer County farmland is at greater risk than ever of being converted out of agriculture. The county's urban-edge location, sprawling development and declining farm profitability are major forces fueling conversion. Towns in the western half of the county have experienced the greatest loss of farmland, in areas around Troy along the major corridors of I-90, Routes 4, 7 and 40 and along the Troy-Schodack axis. As towns transform from rural to suburban and from suburban to urban, the pressures mount on farmers to sell their land.

Farmland is threatened not only in areas on the urban fringe. Farmers in fairly isolated rural areas are also feeling development pressure. In rural areas, sprawl takes the form of single-family houses scattered on large lots of 5- and 10-acres.

Conventional land use policies do not protect agriculture. In towns with land use regulations, agriculture is permitted in rural-residential or residential-agriculture districts. These districts often require large-lot sizes to limit density, intending to inhibit development and reduce land use conflicts. Instead, such zoning has created the potential for widespread residential development to replace agriculture. Large-lot development ends up fragmenting farmland at a faster rate, into lots too small to farm.

As more people move into agricultural areas, farm operations face greater pressure because development:

- Fragments the land base, making it more difficult to farm and assemble rental land;
- Creates pressure on rental land, which increases future uncertainty for farmers and decreases their investment in improvements to the land;
- Drives up the cost of land and taxes beyond what farmers can afford to pay, making it more difficult for farmers to transfer their operations to the next generation;
- Increases neighbor conflicts and associated costs;
- Increases traffic, making it harder to move farm equipment safely;
- Weakens farm profitability and discourages and diminishes the agricultural sector.

Agriculture remains a predominant land use in Rensselaer County, with 99,000 acres of the county's land in farming. To protect the most fertile and threatened farmland from further conversion, communities must employ innovative solutions to stabilize the land base, support farm economies and protect natural resources.

State and local governments have utilized a variety of tools to address the loss of farmland, using both regulatory and incentive-based strategies. The most effective efforts integrate financial incentives with regulation and demonstrate support for farming. (Please refer to Chapter 3 for more information on various farmland protection tools.)

Rensselaer County Economic Development and Planning has reviewed comprehensive plans, zoning and subdivision regulations of municipalities with agricultural districts in them to examine these documents for farm-friendliness. The results of this review can be found in Appendix B. It is recommended that municipalities review this document and adopt changes in their local regulations to allow agriculture to thrive in their communities. Additionally, individual sheets showing the importance of agriculture in for each town were created, as well as a spreadsheet of fire district tax implications if fire districts adopted the agricultural use valuation for agricultural properties.

Maps of the county's agricultural resources have also been developed for the plan. These maps incorporate information on soil groups, land use, agricultural investment, water resources and other natural areas to facilitate an area-wide analysis of strategic farmland. Rensselaer County and its towns can use the maps to direct farmland protection resources to priority areas-those that contain the most viable soils and operations. In addition, a map showing Farmland Conservation Priority Areas is included in appendix D, which can be used to prioritize farms for purchase of development rights and other farmland protection efforts.

To protect farmland, towns need not be anti-development. A town's growth should not be curtailed; however, a town can balance growth by protecting one of its most important natural resources-farmland. The recommendations in this section focus on conditions in Rensselaer County and the actions that the county, towns and community members can take to protect farmland and natural resources. Since land use decisions fall under the jurisdiction

of local governments in New York State, certain strategies in this section are specifically recommended for action at the town level.

## **Issues**

### ***Escalating Development Pressure***

Portions of Rensselaer County are experiencing significant development pressure. Nearly 90 percent of farmers surveyed felt that development pressure on farmland in their towns has increased over the past five years. Farmers also indicated that escalating development has led to higher taxes, increased traffic and loss of the farming community. Nonfarm development intensifies conflicts with neighbors who do not necessarily appreciate that farming involves manure spreading, chemical spraying and slow moving vehicles. Farmers identified nonfarm neighbors and an increase in traffic as major issues facing county agriculture.

### ***Declining Farmland Resource***

Farmland is a finite resource-once gone, it is lost forever. Since 1982, Rensselaer County has lost a considerable amount of farmland. During a 15-year period, the county lost 18,600 acres of farmland, a decline of 16 percent. Farmland loss would have been greater if not for gains made between 1992 and 1997 when farmland acreage grew by 6 percent. Farmland protection tools are needed to protect remaining viable blocks of farmland. Agriculture is best suited to large areas of contiguous farmland where residential development is at a distance.

### ***Increased Reliance on Rental Land***

Rensselaer County farmers increasingly rely on rental land as a source of farmland. Currently, 26 percent of the county's farmland base is rental land. As farms grow, they rely more on land owned by others. For commercial dairy farms, the percentage of land rented is 55 percent. Nearly three-quarters of farmers interviewed (who rent land) did not believe their rental land would be available in five years for farming. The lack of available rental land is a major concern to about a third of the farmers surveyed. For farmers, high reliance on rental land reduces their incentive to invest in their operations. Rented farmland does not receive the same tax treatment, thus limiting the incentive of owners to rent the land for agricultural use. Further incentives are needed to encourage owners of rental farmland to keep their land in agriculture.

### ***Public Perception***

Public policy currently undervalues local agriculture and its contribution to our economy, rural character and ability to produce local food and fiber. At the same time, residential development tends to be overvalued because of the perception that it brings in more tax dollars per acres than agricultural land. As a result, agriculture is often viewed as a temporary land use until its "higher use" is realized, while "development" is encouraged and supported with public funds by policy-makers. As such, economic development and land use policy decisions are often biased against agriculture. A strong farmland conservation ethic helps ensure that agricultural land is not viewed simply as "vacant land" awaiting a better use. Land in agriculture should be considered at its highest and best use.

### ***Development in Active Farm Areas Creates Conflicts***

Farming is an industry that should be kept separate from conflicting land uses. The practical aspects of farming often lead to conflicts between production agriculture and residential neighbors. Rensselaer County farmers unanimously point to neighbor conflicts as an area they feel needs to be addressed.

### ***Weak Agricultural Land Use Policy***

Conventional subdivision regulations and land use policy are not effective in maintaining farmland and rural character because they promote widespread residential development. Current land use policies need to be strengthened to provide incentives for farming. Planning board, elected officials and local developers need to be familiar with agricultural land use issues and farmland protection tools. County farmers identified local land use regulations as a major concern. The majority of farmers surveyed indicated that farmland protection efforts and agriculture-friendly land use ordinances were lacking in their towns. A farmland protection program-especially in threatened areas with fertile soils-would help ensure that land and infrastructure needed for profitable farming will be here for the next generation.

### ***Taxes, Taxes, Taxes!***

New York State offers preferential assessment for agricultural and forest land, to compensate for assessments exceeding the value of land used for the production of crops. While these programs help reduce the tax incentive to sell farmland for development, more needs to be done. Some town assessors make it difficult for eligible landowners to participate in the agricultural assessment program because of the overall tax increase that may result. Extending the agricultural assessment program to include more land for farmers and owners of rental land would encourage landowners to keep their land in agricultural use. Additionally, special districts such as fire districts are usually based on the non-agricultural use valuation. Fire districts, library districts and the like can adopt the use of agricultural use valuation to reduce the effect of these special district taxes can have on a farmer's bottom line.

### **Recommended Actions**

#### **1. Encourage Local Land Use Policies That Support Agriculture and Protect Farmland**

For farmland protection to succeed, it must be encouraged and enacted at all government levels. However, local governments and communities play a major role in land use policy. This is especially true in New York State, where land use issues are under the jurisdiction of localities. Towns are encouraged to develop land use policies and programs that support agriculture and protect farmland. Towns also have the ability to work closely with farmers. The goal of towns should be to develop land use policies that support agriculture and steer residential development away from farmland. Recommended actions for consideration include:

- a. Actively engage all towns in agricultural and farmland protection efforts;
- b. Offer town officials and landowners training in techniques and tools to assist in the protection of farmland;
- c. Encourage towns to create development guidelines based on soil information data;

- d. Encourage municipalities to update zoning laws and subdivision regulations to create farm-friendly regulations;
- e. Coordinate county plans, policies and programs with local farmland protection efforts;
- f. Encourage town zoning and planning board members to create an agriculture advisory committee to review any changes to zoning laws.

#### **TOWN LEVEL**

- g. Create an agricultural advisory committee to review existing town policies and assist in formulating new policies that support farming;
- h. Create/update comprehensive plans to profile agriculture in the community and identify steps to support farmers and protect farmland;
- i. Tailor zoning ordinances and subdivision regulations to guide growth away from farmland and buffer farm from neighboring land uses;
- j. Require buffers between residences and farm fields and buildings as part of new residential subdivisions and commercial development;
- k. Demonstrate municipal support for farming by sponsoring farm-related events and workshops;
- l. Educate town zoning and planning board members and consultants about reasonable zoning and planning laws that are less restrictive of agriculture.

**Potential key players:** towns, EDP, AFPB, CCE, NRCS/SWCD

**Benchmark:** county and towns support farmland protection initiatives

## **2. Support the Purchase of Development Rights (PDR) on Farmland**

PDR programs are voluntary and enable landowners to separate and sell their right to develop land from their other property rights. Farmers typically are paid the difference between the restricted value of the land and the fair market value of the land. The land remains private and on the tax rolls.

New York State and the federal government have established PDR matching grant programs. Rensselaer County and its towns, as well as qualified not-for-profits are eligible to apply for state PDR funds. No revenue source is currently available, however, to provide the required local match for the state program. Actions that support PDR include:

- a. Use the "Farmland Conservation Priority and Special Areas (appendix H) that was developed by the Agricultural Stewardship Association for towns and the AFPB to identify the most important farmland and focus limited resources on priority areas;
- b. Sponsor workshops to acquaint farmers and town officials with the PDR process;
- c. Assist landowners in compiling purchase of development rights applications;
- d. Study possible funding sources for the local match to purchase of development rights projects;
- e. Encourage partnerships between landowners; local governments; private organizations and the county to leverage access to existing state and federal funds;
- f. Update the criteria to prioritize agricultural lands;
- g. Explore options to create an endowment for farmland protection.

## **TOWN LEVEL**

- h. Assist farmland owners in completing purchase of development rights applications and consider accepting stewardship responsibilities for conservation easements;
- i. Adopt the “Farmland Conservation Priority and Special Areas” or develop and utilize a set of selection criteria to identify the most important farmland and focus limited resources on priority areas (see Appendix H);
- j. Consider funding mechanisms for local farmland protection efforts;
- k. Support conservation easements as a tool to protect farmland.

**Potential key players:** CCE, EDP, EMC, NRCS/SWCD, ASA, and AFPB

**Benchmark:** Implement PDR projects

### **3. Promote Tax Relief Efforts**

Tax relief is an important issue for farmers. Farms need land to operate and property taxes on farmland are a significant expense. Taxes on farm buildings are often substantial as well, especially since assessors are frequently at a loss assessing buildings that are outdated or unused. The value of specialized agricultural building drops precipitously, yet the assessment often does not. Tax relief measures are considered a farmland protection tool. Since overtaxed agricultural land is usually more susceptible to conversion, tax incentives, such as agricultural value assessment and the Farmers’ School Tax Credit, have had a positive impact on lowering farm taxes. While these programs help, the tax burden for farmers in New York is still high compared to farmers in other states. These programs have not solved the problem for all farmland owners. Local tax relief programs are needed to provide incentives for some farmland owners who are not eligible for existing programs to keep their land in agriculture. Recommended actions include:

- a. Lobby the state to expand eligibility for the Farmers’ School Tax Credit;
- b. Educate farmland owners about Agricultural Assessment and the Farmers’ School Tax Credit;
- c. Continue training programs for assessors in agricultural land and farm building assessment;
- d. Urge the state to reduce the base values used for agricultural assessment and to extend the agricultural assessment eligibility to complete parcels of both rental and owned land;
- e. Allow property owners who rent land to farmers’ to participate in NYS’ Farmers’ School Tax Credit.

## **TOWN LEVEL**

- f. Implement term easement tax abatement programs (see page 30) to provide incentives for farmland not eligible for the state agricultural assessment program;
- g. Require assessors to receive training on the real value of agricultural buildings and structures;
- h. Urge local assessors to apply consistent principles in the assessment of farmland and farm structures and “current use” standards to vacant farmland;

- i. Utilize agricultural assessment values when taxing farmland for service districts such as fire, library and ambulance;
- j. Provide information to elected officials about how agricultural use valuation impacts the tax base.

**Potential key players:** towns, assessors, CCE, EDP, NRCS/SWCD, and AFPB

**Benchmark:** increased tax relief

#### **4. Provide Technical Assistance on Other Farmland Protection Initiatives and Conservation Options**

In addition to the tools discussed above, the county and towns also should explore other farmland protection initiatives including cluster development/conservation subdivision and farmland impact fees. There is a growing interest in private conservation options, such as the donation of conservation easements. Farmers and town officials need to become acquainted with conservation easements and other farmland protection initiatives.

- a. County and towns should encourage the use of conservation easements and promote public-private partnerships to expand these efforts;
- b. The AFPB should sponsor programs on topics of interest such as estate planning, conservation easements, PDR, conservation subdivision, farmland impact fees, etc.;
- c. Provide information to property owners about estate planning.

**Potential key players:** AFPB, CCE, EMC, NRCS/SWCD, RLT, ASA

**Benchmark:** workshops and training programs

## Chapter 7

### Foster Greater Recognition and Public Support for Agriculture

**GOAL:** Promote agriculture as a vital aspect of Rensselaer County's economic and community life. Increase broad-based community support for Rensselaer County farms and farmers.

Agriculture is a valuable component of Rensselaer County's communities. Farms add economic, environmental, scenic, cultural and educational value to our lives - helping make our communities attractive places to live.

#### Objectives

1. Demonstrate the value of agriculture to the economy, environment and quality of life of Rensselaer County.
2. Identify productive county agricultural land and protect it from conversion to non-agricultural uses.
3. Direct growth away from agricultural areas to minimize the loss of viable agricultural soils and disruptions to farming operations by use of planning techniques and tools that help protect farmland and educate local government and landowners on the use of these tools.

Today only a small percentage of the population lives on farms and helps produce our food. Granted, if all of the farms in Rensselaer County went out of business, we would not starve. However, we would lose the many benefits of having farms in our communities. Local farms give us scenic views, open fields, woodlands and wetlands. They generate jobs and economic activity in our communities. They help keep our air and water clean. They produce sweet corn, apples and other fresh, safe food for our families. They are an integral part of our heritage and help connect us to our history. Farms also help buffer fragmented and poorly planned suburban development.

However, local farms can only provide these benefits if they stay healthy and profitable and competitive in local, national and global markets.

#### Issues

##### ***Lack of Public Awareness and Appreciation***

The public's awareness of and appreciation for agriculture is limited. Most people today have never farmed and are generations removed from farming. Consequently, most people are unaware of the full range of benefits they receive from farming. They also have little understanding of how farms operate and the issues facing farmers. This lack of understanding and appreciation often results in land use decisions that increase development pressure on farmland and in economic policies that negatively affect agriculture. It also results in missed opportunities for economic development, land stewardship and farmland protection.

### ***Increase Public Support and Leadership are Essential***

Public support is essential for the future of Rensselaer County agriculture. To keep farms in business, local government, planning boards and the county legislature must understand agriculture so they can support farming and protect farmland. This is more likely to occur when there is widespread community support for agriculture and the leadership to galvanize that support into action. Developing an agricultural and farmland protection plan is a good step toward building public support. However, much more support and leadership is needed if we are to stem the slow and steady loss of Rensselaer County farms and farmers.

### ***Greater Collaboration and Teamwork***

Many groups and agencies, in addition to farm businesses and organizations, have an interest in keeping Rensselaer County agriculture healthy. These include municipalities, open space supporters and tourism, economic development and planning departments. More collaboration is needed among these county and regional stakeholders to promote agriculture.

### ***Better Communication***

Time constraints and the geographic distance between county farms hinder communication within the farm community. Although there are 495 farms within the county, generally there is not a lot of interaction among farmers working in different commodities and different parts of the county. Improved communication would foster greater unity within the farm community. Farmers also need to improve communication with nonfarm neighbors and customers. Farmers must connect with nonfarm residents to help build support and appreciation for local farms.

### **Recommended Actions**

#### **1. Foster Greater Appreciation For Agriculture Among Government Officials and Nonfarm Residents Through Education and Outreach Efforts**

Non-farmers and government officials need to understand why farming should remain a solid part of our communities and that farmland has great value. If there is a greater understanding, then non-farmers will begin to value agriculture as an important land use.

- a. Provide town officials with opportunities to visit farm businesses in their towns;
- b. Develop and deliver effective messages about why communities should support agriculture;
- c. Develop fact sheets for town residents and officials that clearly state the tax advantages of farmland (as compared to residential);
- d. Promote the finding of the Cost of Community studies (see pages 18-20) that demonstrate why farmland benefits the tax base;
- e. Increase positive media coverage of local farms and their contributions;
- f. Secure funds to develop a public relations campaign that could include compelling visual displays and brochures/maps for high traffic farm stands and tourism sites, professionally designed public service announcements and newspaper inserts, etc.;

- g. Establish and Promote an active spokesperson group made up of farmers and agency staff to speak about the importance of local farms at Rotary Clubs, schools, town meetings and special events, etc.;
- h. Hold special on-farm events to allow non-farmers to visit farms and experience the contribution farms make;
- i. Strengthen agricultural education at the Schaghticoke Fair;
- j. Work with existing programs and organizations to promote teamwork, maximize effectiveness and coordinate resources;
- k. Encourage tourism agencies and organizations to integrate farms into existing tourism/recreational marketing efforts;
- l. Hire an expert about farming and land use to give presentations prior to town board meetings to educate residents why farms are important to the community;
- m. Make a video about the importance of agriculture and farmland protection to show to the public at different events including the Schaghticoke Fair and farmers' markets;
- n. Develop materials to explain the cost of doing business and what happens to a community when farms go out of business.

**Potential key players:** farm businesses, Farm Bureau, USDA FSA/NRCS, CCE, SWCD, nonprofits, county government, EMC

**Benchmark:** allocate promotional duties to staff, implementation of promotional activities and programs

## **2. Build Widespread Community Support**

The effectiveness of this plan depends greatly on the support of numerous individuals and groups with a range of interests. Establishing a link to other groups interested in maintaining rural character and quality of life will broaden support for agriculture. This action recommends building a coalition of interests to advocate increased support for agriculture and farmland protection in Rensselaer County.

**Potential key players:** AFPB, Farm Bureau, RLT, interest groups, nonprofits, community leaders

**Benchmark:** obtain support of groups

## **3. Encourage Legislators and Local Officials to Increase Support of Rensselaer County Farms**

Farmers and farm organizations must rally for increased support for agricultural and farmland protection efforts in Rensselaer County. To leverage greater support, farm leaders should make a concerted effort to build an effective coalition with community groups who support open space, historic preservation and conservation. Farm leaders also should engage city and nonfarm legislators in educational and outreach efforts. Agriculture must continually develop and maintain quality leaders to promote support for the industry. The actions in this recommendation could include:

- a. Educate government officials about how they can improve the climate for farming;
- b. Conduct training in farmland protection and planning for policy makers and local officials;

- c. Advocate for the county to explore ways to establish matching grant funds to leverage state agricultural and farmland protection grants;
- d. Expand leadership development training opportunities for young farmers so they can provide quality leadership for the next generation;
- e. Provide opportunities for young farmers and beginning farmers to get involved through a farm symposium and appreciation dinner.

**Potential key players:** AFPB, Farm Bureau, SWCD, nonprofits, community leaders

**Benchmark:** increased support resulting from actions

#### **4. Improve Communication and Networking Within the Farm Community**

Improved communication within the farm community will lead to greater collaboration and support among farmers. Actions that foster communication include:

- a. Hold a farmer symposium/appreciation dinner at which farmers have the opportunity to network with farmers from other commodity sectors and different areas of the county;
- b. Expand farmer-to-farmer contact in the county by creating and hosting a list-serv or bulletin discussion board wherein farmers could pose and answer questions as well as promote joint marketing and buying opportunities;
- c. Create a website for Rensselaer County farmers that contains a contact list of services, individuals or organizations that can provide assistance on specific topics.

**Potential key players:** AFPB, farmers, Farm Bureau, CCE, SWCD, USDA FSA/NRCS

**Benchmark:** increased networking opportunities

#### **5. Develop Stronger Connections Between Schools and Local Farms**

Schools offer an excellent opportunity to educate students about the importance of local farms, especially in urban and suburban areas where there is little direct contact with farming. Many local farms and orchards offer tours and programs for students. Schools and teachers should be made aware of opportunities to visit farms and learn about local agriculture.

Innovative school programs offer another avenue for cultivating stronger connections between the community and local agriculture. Such programs include From Field to Food, a program for fourth grade classrooms organized by the 4-H program of Cornell Cooperative Extension of Rensselaer County. The program teaches students the process involved in getting a gallon of milk from the farm to the table. New York Ag Literacy Week takes place in March every year and agriculturalists can volunteer to deliver the Ag Literacy reading and classroom lesson any time from mid-March through June. Efforts to develop stronger connections would include:

- a. Develop promotional materials about farm and farm-related tours and programs for students;
- b. Distribute these updated promotional materials each year to school administrators and teachers' mailboxes;
- c. Secure funding to expand farm-to-school programs such as the 4-H *From Field to Food* and *Ag Literacy Week* programs;

- d. Produce press release and invite the press to cover programs at schools;
- e. Encourage school administrators to purchase local produce for Rensselaer County schools;
- f. Work with schools to place milk dispenser machines in schools;
- g. Advocate county support for an FFA agricultural education program for secondary schools;
- h. Set up a term of volunteers charged with coordinating and implementing these efforts;
- i. Encourage schools to create a school garden to help children to understand how food is grown and harvested.

**Potential key players:** farm businesses, schools, CCE, SWCD, 4-H, nonprofits

**Benchmark:** implementation of promotional activities and programs

## Chapter 8

### Implementing the Plan

Numerous members of the farming community, county agencies and agricultural and conservation organizations have contributed their time and ideas to *Keep it Growing!* Update. This plan outlines strategies for enhancing farm viability and protecting farmland. In order to ensure that the plan's recommendations are implemented, this section assigns responsibilities and selects measures for immediate action.

General responsibility and oversight for implementation will rest with the Rensselaer County Agricultural and Farmland Protection Board. Rensselaer County Economic Development and Planning and Cornell Cooperative Extension will continue to supply staff assistance to the board. An advisory committee comprised of members of the current working group and economic development representatives will provide executive assistance to the board to coordinate the implementation of the plan and the activities of the key player.

To successfully implement the plan, the AFPB should accomplish the following:

- Coordinate implementation activities among the key players;
- Advise those responsible for implementation and encourage them to follow through with their commitments;
- Educate and involve the public to broaden support for agricultural and farmland protection efforts;
- Facilitate local-level implementation by working with local planning and town boards;
- Strengthen the communication with the Legislature to inform them of the needs and to recommend actions;
- Connect within interest groups to ensure continued support and local level implementation;
- Secure funding for implementation to maximize local investment in agriculture;
- Measure and monitor success to determine if goals are being met;
- Periodically update and revise the recommendations of the plan to reflect changing conditions.

Chapters 4, 5, 6 and 7 address four key focus areas - economic development, business environment, farmland protection and public outreach and recommend 16 major actions to promote agriculture and farmland protection in Rensselaer County. The plan also offers a list of more than 50 specific actions to be taken by the county and towns in implementing the 16 recommendations.

Realizing that the county and towns may not be able to implement all elements of the recommendations, the AFPB has identified items for immediate action to focus the implementation efforts.

### **For Immediate Action**

The following steps have been selected for immediate action. They should yield tangible results and significant benefits.

1. Ameliorate property taxes on farms by utilizing agricultural assessment values when taxing farmland for service districts such as fire and ambulance and implementing term easement tax abatement programs to provide incentives for farmland not eligible for the state agricultural assessment program.
2. Seek additional funds for agricultural protection and agricultural business development activities by use of a shared grant writer for the Ag support services, i.e. AED, CCE, SWCD to explore grants and funding opportunities for agribusiness development and farmland protection.
3. Develop a website and other social media sources that provide information for farmers on:
  - a. business planning and development, research, marketing, and financing as well as a directory of existing agricultural and non-agricultural technical assistance providers and support service providers such as mechanics, welders, tire companies, etc.
  - b. various online employment networks specific agriculture and employment opportunities on farms as skilled retirees that are interested in working on farms. Use local colleges to determine students available for internships and employment on farms.
  - c. buyer/seller networks (i.e. hay sellers and hay buyers, small local retailers interested in selling locally grown product), employer/employee networks, ag service providers, farm product guide and map. Incorporate various social media, i.e. Facebook, twitter, etc.
  - d. energy programs for farms and determine grant funds available.
  - e. apps useful for farmers
  - f. contacts at NYS DOT and utility companies regarding specifications of bridge, roadway and wire specifications and problems when they occur
4. Provide information to elected officials about how agricultural use valuation impacts the tax base.
5. Continue training programs for assessors in agricultural land and farm building assessment and require assessors to receive this training so that local assessors apply consistent principles in the assessment of farmland and farm structures and “current use” standards to vacant farmland
6. Work with and assist towns and existing programs and organizations interested in maintaining rural character to promote teamwork to assist farmland owners in completing purchase of development rights applications, coordinate resources and encourage accepting stewardship responsibilities for conservation easements
7. Prepare information materials about the dangers and impacts of trespassing on farm property and encourage the County Clerk and Department of Motor Vehicles to distribute these materials.
8. Encourage schools to create a school garden to help children to understand how food is grown and harvested.

9. Educate farmland owners about Agricultural Assessment.
10. Develop and deliver effective messages at Rotary Clubs, schools, town meetings, the Schaghticoke Fair and farmers' markets and special events, increase positive media coverage with an active spokesperson group made up of farmers and agency staff about why communities should support agriculture, including materials including video to explain:
  - a. the cost of doing business and what happens to a community when farms go out of business;
  - b. the tax advantages of farmland;
  - c. the importance of agriculture and farmland;
  - d. the importance of local farms and their contributions
11. Create for non-farmers, including town and law enforcement officials, realtors, lawyers and potential property buyers, social media, fact sheets or brochures on the benefits of local farms, describing typical farming practices that explains the realities of living in an agricultural district as well as maps of agricultural districts, information about right-to-farm legislation, and disclosure notices to include in their newsletters and websites.
12. Encourage towns to review bridge, road and wire specifications to ensure compliance with requirements for farm vehicles.

### **Key Players and Their Roles in Implementing the Plan**

The actions presented in Chapters 4, 5, 6 and 7 list a number of potential key players who would be pivotal members of an integrated effort to carry out steps contained in the plan. Several of these organizations are government agencies already involved in providing assistance to agriculture at the county, state and federal level.

#### ***Town Government***

Many issues affecting agriculture, such as land use planning, municipal services and the business environment are addressed at the town level. This plan suggests several actions that town governments can implement to address these matters, including updating zoning regulations to improve farm friendliness. Town governments also can incorporate agriculture into local land use plans. Key players likely to implement such actions are local town and planning boards and commissions

#### ***County Government***

The county, through the AFPB, has played a key role in coordinating the development of the agricultural and farmland protection plan. The AFPB should continue to take a lead role in implementing the plan drawing together key players to coordinate its efforts and policies. Some of the key agencies providing assistance to agriculture at the county level include Cornell Cooperative Extension, the Soil and Water Conservation District, Economic Development & Planning, Environmental Management Council and Real Property Services. The Legislature is responsible for providing leadership, passing laws and appropriating funds for many programs important to agriculture.

***State Agencies***

New York State, through various agencies, provides technical and financial assistance for various programs related to agriculture. The New York State Department of Agriculture and Markets plays a key role in farmland protection, agriculture economic development and environmental management issues. Additionally, the Hudson River Valley Greenway promote agriculture by requiring the recognition of agriculture in planning grants, as well as providing grants for the promotion of agriculture.

***Federal Agencies***

USDA has a strong presence in Rensselaer County through NRCS and FSA. NRCS provides financial and technical assistance on farmland protection and conservation initiatives, including securing grants for best management practices. FSA lends money and provides credit counseling and supervision to farm businesses.

***Business and Industry***

Local farm businesses are a critical component of the plan's implementation efforts. Farm Bureau has been effective in drawing together farm business interests and can play an important role in providing input as the plan is implemented. Private industry, nonfarm businesses and the Chamber of Commerce also play an important role in promoting the agricultural sector and protecting its economic resources. Farmers require many support services and providers of parts and equipment to keep their farm businesses running. Local services and parts dealers can save money and time for the farmer, keeping their equipment running and the bottom line solid.

***Non-Governmental Organizations***

Many actions in the plan list non-profit organizations as potential key players. This includes organizations related to agriculture, conservation, watershed protection, historic preservation and maintaining the quality of life in Rensselaer County. Farm Bureau has long been active in organizing and supporting the activities of farm interests in the county. Other organizations such as the Agriculture Stewardship Association and Rensselaer Land Trust have been active in conservation and education.

***Residents***

In many ways, Rensselaer county residents can be involved in the implementation of the plan. They can educate themselves about local farms and issues facing farmers. They can be more appreciative of farmers and understanding of farming practices. They can buy locally produced products from farmstands and farmers' markets. Most importantly, they can be supportive of, and advocate for, agricultural and farmland protection initiatives in their communities.

## KEY RECOMMENDATIONS

TIMEFRAME	ACTION	DESIRED OUTCOME	LEAD ORGANIZATION	PARNERING ORGANIZATIONS(S)
<b>WITHIN 1 YEAR:</b>				
Agricultural Use Valuation	Provide information to elected officials about how agricultural use valuation impacts the tax base	Increase in number of elected officials who realize the value farms in their communities	EDP	CCE, AFPB
Agricultural Assessment Workshops	Set up workshops for farmland owners about Agricultural Assessment	Farmland owners enroll properties eligible for agricultural assessment	CCE	EDP, AFPB
Trespassing on Farm Property	Prepare information materials about the dangers and impacts of trespassing on farm property to be distributed by the County Clerk and Department of Motor Vehicles	Less trespassing on farm property	EDP	County Clerk, DMV
Video and Presentations	Develop and deliver presentations at Rotary Clubs, schools, town meetings, the Schaghticoke Fair, farmers' markets and special events explaining farmers' cost of doing business, tax advantages of farmland, importance of agriculture and farmland and local contribution of farms	More informed public	CCE	EDP, AFPB, Farm Bureau
Benefits of Local Farms	Create and distribute fact sheets or brochures on the benefits of local farms to non-farmers, realtors, lawyers, town and law enforcement officials and potential property buyers	Increased awareness by public about agriculture in their communities	EDP	CCE, AFPB
Bridge, Road and Wire Specifications Compliance	Encourage towns to review bridge, road and wire specifications to ensure compliance with requirements for farm vehicles	Updated specifications by towns	EDP	CCE, towns

TIMEFRAME	ACTION	DESIRED OUTCOME	LEAD ORGANIZATION	PARNERING ORGANIZATIONS(S)
<b>WITHIN 2-5 YEARS</b>				
Agricultural Assessment Values	Ameliorate property taxes on farms by urging towns to utilize agricultural assessment values when taxing farmland for service districts	Decrease in property taxes paid by farmers for service districts such as fire and ambulance	EDP	CCE, AFPB, towns
Agricultural Business Development Funding	Seek funds for agricultural business development activities by use of a shared grant writer for the agricultural support services	Increase in funding available for agribusiness development	EDP	CCE, SWCD, HVADC
Farmers' Website	Develop a website and other social media sources that provides information for farmers	Information available for farmers online including: Business planning and development, research, marketing and finance; agriculture technical assistance and support service provider network; agriculture employment networks including farm employment opportunities; buyer/ seller networks; employer/employee networks; ag service providers, farm products and map; farm energy programs; farm apps listing; NYS DOT and utility company contact listing	CCE	CCE, SWCD, Farm Bureau
<b>ONGOING</b>				
Agricultural Assessment Training for Assessors	Continue training programs for assessors in agricultural land and farm building assessment and require assessors to receive this training	More town assessors trained to assess land and farm buildings	CCE	AFPB, NYS
Farmland Protection	Continue to work with towns and	Increase in number of acres of	ASA	ASA, AFPB, farmers,

TIMEFRAME	ACTION	DESIRED OUTCOME	LEAD ORGANIZATION	PARNERING ORGANIZATIONS(S)
Resources	existing programs and organizations to assist farmland owners with the protection of their farmland	farmland protected		towns
School Gardens	Encourage schools to create school gardens to teach children about how food is grown and harvested	More students learn how food is grown and harvested	CCE	Farm Bureau, school administrators

## **Appendix A**

### **Rensselaer County Agricultural Agencies and Organizations**

#### **Cornell Cooperative Extension of Rensselaer County**

61 State Street, Troy, NY 12180

Phone: 272- 4210

**Web site:** [www.ccerensselaer.org](http://www.ccerensselaer.org)

From the beginning farmer through specialized established businesses, information based on worldwide research and experience is supplied to enable family farms to grow and compete in a global economy. Recognizing that farms do not have unlimited assets, specialists work with the farmer to develop a strategic plan tailored to meeting the goals of the business within the constraints of their resources. From buffalo to begonias, corn to organic carrots, greenhouses to grass hay, links with Cornell University and other institutions are utilized to provide local information to grow local businesses.

#### **USDA Farm Service Agency (FSA)**

61 State Street, Troy, NY 12180

Phone: 271-1889

**Web site:** [www.fas.usda.gov](http://www.fas.usda.gov)

Farm Service Agency lends money and provides credit counseling and supervision to eligible applicants who operate family-sized farms. FSA offers several types of loan programs.

- Guaranteed loans are made and serviced by commercial lenders, such as banks, the Farm Credit System, or credit unions. FSA guarantees the lender's loan against loss, up to 95 percent. FSA has the responsibility of approving all eligible loan guarantees and providing oversight of the lender's activities.
- Direct loans are made and serviced by FSA using Government money. FSA has the responsibility of providing credit counseling and supervision to its direct borrowers by helping applicants evaluate the adequacy of their real estate and facilities, machinery and equipment, financial and production management, and goals.
- The Microloan program serves the unique financial operating needs of beginning, niche and the smallest of family farm operations by modifying its Operating Loan application, eligibility and security requirements. The program will offer more flexible access to credit and will serve as an attractive loan alternative for smaller farming operations like specialty crop producers and operators of community supported agriculture (CSA).
- FSA also makes operating loans of up to \$5,000 to eligible individual youths ages 10 to 20 to finance income-producing, agriculture-related projects. The project must be of modest size, educational, and initiated, developed and carried out by youths participating in 4-H Clubs, FFA, or a similar organization.

### **USDA Natural Resources Conservation Service (NRCS)**

61 State Street, Troy, NY 12180

Phone: 271-1740

**Web site:** <http://www.nrcs.usda.gov>

Offers landowners and farm operators financial, technical, and educational assistance to implement conservation practices. Using the technical assistance provided by NRCS, farmers and landowners can apply practices that reduce soil erosion, improve water quality, and enhance cropland, wetland and wildlife habitat.

- Environmental Quality Incentives Program (EQIP)
- Agricultural Conservation Easement Program (ACEP) Wetland Reserve Easements
- Agricultural Conservation Easement Program (ACEP) Agricultural Land Easements
- Conservation Technical Assistance (CTA)

### **Rensselaer County Soil and Water Conservation District**

61 State Street, Troy, NY 12180

Phone: 271-1740

Provides services not available from other sources such as recommendations and advice on solving conservation problems, historical aerial photographs from 1948, 1960, 1968, & 1978; DEC Protected Wetlands and Protected Streams maps; Soil Group worksheets (needed to complete agricultural assessment forms); Environmental Protection Fund Water Quality grants; stream bank protection, tile design and layout; approved tile outlet pipes and animal guards; geotextile for barnyards, stream crossings and farm roads; critical area and road bank seedings; tree & shrub sale; fish sale.

**Rentals:** Bale mulcher, tree planter, no-till drill

### **Rensselaer County Agricultural and Farmland Protection Board**

Rensselaer County Legislature, County Office Building, Troy, NY 12180

Phone: 272-2885

As a result of state legislation enacted in 1992, the Agricultural and Farmland Protection Board (AFPB) was formed by the county to replace county agricultural districting advisory committees. The role of the AFBP may also review notice of intent filings and make recommendations about the effects of proposed actions involving public funds or public acquisitions of farmland in agricultural districts. They may also develop and approve county agricultural and farmland protection plans.

### **Rensselaer County Economic Development and Planning**

Ned Pattison Government Center, 1600 Seventh Avenue, Troy, NY 12180

Phone: 270-2914

Rensselaer County's Economic Development Office will assist businesses in locating sites, growing market share, and attaining federal, state and local incentives. The office also provides demographic, zoning, agricultural district and other information about Rensselaer County to individuals, businesses and municipalities. The director of the office serves on the Agricultural and Farmland Protection Board. The office is in charge of the mapping of the agricultural districts as well as reporting on the districts for creation or recertification.

**Rensselaer County Environmental Management Council**

Ned Pattison Government Center, 1600 Seventh Avenue, Troy, NY 12180

The Rensselaer County Environmental Management Council (RCEMC) is an advisory body to the Rensselaer County Legislature and other elected officials on issues regarding natural resources and the environment. The RCEMC represents the county legislature in a wide variety of projects, including representing their interests in SEQRA proceedings regarding projects that will have county-wide implications. The RCEMC also manages a 157-acre nature preserve in the towns of Schodack and East Greenbush. The group also runs recycling, adopt-a-roadside, and public outreach and education programs as well as representing the county's interest in the cleanup of inactive hazardous waste sites. The RCEMC has worked on agricultural issues in the county and is a part of the working group formed to promote Rensselaer County's agricultural future.

**Rensselaer County Farm Bureau**

Rensselaer County Farm Bureau is a private, non-partisan volunteer organization that serves as an advocate for agricultural and rural interests. As part of the foundation for state (New York State Farm Bureau) and national (American Farm Bureau) organizations, RCFB has a unique ability to represent these interests as the local, state and national levels. A growing number of other member services includes insurance and worker's compensation.

**New York State Department of Agriculture and Markets**

10B Airline Drive, Albany, NY 12235

[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

The Department of Agriculture and Markets is charged with fostering a competitive and safe New York State food and agriculture industry for the benefit of producers and consumers. The department's major responsibilities include encouraging the growth and economic health of the state's agricultural and food industry and conducting various inspection and testing programs to enforce laws on food safety, animal and plant health and accuracy of labeling. The department also acts to preserve the use of agricultural resources and improve soil and water quality, and operates the annual State Fair in concert with the Industrial Exhibit Authority.

**Hudson Mohawk Resource Conservation and Development Council**

479 Rt. 66, Hudson, NY 12534

The mission of the Hudson Mohawk Resource Conservation and Development Council is to promote regional economic and natural resources development. Representatives from Rensselaer County and five other counties along the upper Hudson and lower Mohawk Rivers provide input on regional issues. The RC&D is a nonprofit organization that works on local projects, including grazing, forestry management, livestock management and local food systems.

**Regional Farm and Food Project**

P.O. Box 621, Saratoga Springs, NY 12866

[www.farmandfood.org](http://www.farmandfood.org)

The Regional Farm and Food Project is a 10-county membership organization that promotes sustainable agriculture and a healthy local food system through farmer education and various community development activities. They launched the Troy Farmer's Market in downtown Troy that offers consumers a great selection of farm-raised foods and quality crafts.

### **American Farmland Trust**

American Farmland Trust is the largest private, nonprofit conservation organization dedicated to protecting the nation's strategic agricultural resources. Its activities include public education, technical assistance, policy research and development and direct land protection projects. AFT's Northeast Regional Office is located in Saratoga Springs, New York.

### **Rensselaer Land Trust**

415 River St., Troy, NY 12180

(518) 689-5263

[www.renstrust.org](http://www.renstrust.org)

The Rensselaer- Land Trust is a non-for-profit land trust dedicated to the preservation of land in Rensselaer County with significant open spaces, historic significance, natural habitats or agricultural value. As a not-for-profit land trust, the RLT holds conservation easements and provides information to local governments, organizations and developers about land use issues and natural resources, including information from their sophisticated geographical information system (GIS).

E-mail: [renstrust@renstrust.org](mailto:renstrust@renstrust.org)

### **Agricultural Stewardship Association**

2531 State Rt. 40, Greenwich, NY 12834

(518) 692-7285

[www.agstewardship.org](http://www.agstewardship.org)

The Agricultural Stewardship Association is ASA is a non-profit land trust helping landowners conserve farmland in Washington and Rensselaer counties in the upper Hudson River Valley. The goal of ASA is to ensure that future generations can continue to enjoy our local agricultural traditions, landscapes, and products.

## **Additional Resources**

### **Advanced Ag Systems**

[www.advancedagsys.com](http://www.advancedagsys.com)

(518) 421-2132

### **Capital Area Ag Consulting**

(518) 733-5137

### **Christmas Tree Farmers Association of New York**

[www.christmastreesny.org](http://www.christmastreesny.org)

(518) 854-7386

### **Cornell Small Farms Program**

[www.smallfarms.cornell.edu](http://www.smallfarms.cornell.edu)

(518) 607-255-9227

### **Empire Sheep Producers Association**

[www.sheep.cornell.edu/empire-sheep-produce](http://www.sheep.cornell.edu/empire-sheep-produce)

### **Empire State Honey Producers Association**

[www.eshpa.org](http://www.eshpa.org)

### **Hudson Valley Agribusiness Development Corporation**

[www.hvadc.org](http://www.hvadc.org)

(518) 432-5360

### **New York Apple Association**

[www.nyapplecountry.org](http://www.nyapplecountry.org)

(585) 924-2171

### **New York Farm Bureau**

[www.nyfb.org](http://www.nyfb.org)

1-800-342-4143

### **New York Forest Owners Association**

[www.nyfoa.org](http://www.nyfoa.org)

1-800-836-3566

### **New York State Flower Industries**

[www.nyflowergrowers.org](http://www.nyflowergrowers.org)

(716) 941-3502

**New York State Maple Producers Association**

[www.nysmaple.com](http://www.nysmaple.com)

(315) 877-5795

**New York State Vegetable Growers Association**

[www.nysvga.org](http://www.nysvga.org)

(585) 993-0775

**New York Sustainable Ag Working Group**

[www.ny-sawg.org](http://www.ny-sawg.org)

(716) 316-5839

**Northeast Beginning Farmer Project**

[www.nebeginningfarmers.org](http://www.nebeginningfarmers.org)

(607) 255-9911

**Northeast Organic Farming Association of New York**

[www.nofany.org](http://www.nofany.org)

(585) 271-1979

**Southern Adirondack Beekeepers Association**

[www.adirondackbee.org](http://www.adirondackbee.org)

## APPENDIX B

### 2012 Survey Report of Farmers

Over 220 surveys were sent to farmers in June of 2012. Surveys were also collected during the outreach workshops in November 2012. Of the 220 surveys sent, 40 were returned (18 percent response rate). The results are as follows:

Average Age: 63

Percent family income from agriculture: 47.3 (average)

**Question: Do you file a Schedule F?** 29 Yes 7 No

**What are your estimated 2011 gross farm sales?** \$5,032,500.00 (17 farms)

Average estimated 2011 gross farm sales per farm: \$269,029

#### **Type of Business Structure:**

Sole Proprietorship 26

Partnership 6

Corporation 4

Limited Liability Corp. 4

**Question: Do you have a formal business or enterprise plan?** 11 Yes 26 No

#### **Number of Employees**

Full-time: 58

Part-time: 41

Seasonal: 129

#### **Type of Farm Operation**

Agritourism 1

Beef 8

Dairy 12

Grain 3

Hay 7

Horse 1

Livestock 2

Maple 2

Orchard 1

Vegetable 2

### Size of Farm Operation in Acres

Type of Farmland	Owned	Rented
Cropland – grain (corn)	1,722	2,415
Cropland – soybeans	43	95
Cropland – Oats	460	125
Cropland – haylage and/or silage	2,528	1,939
Cropland – fruits & vegetables	117	175
Woodland	3,181	10
Pasture	1,590	185
Hay	2,061	1,097
Orchard	12	5
Horticulture	4	10
Sugarbush	52	4.6
Other	458	
<b>Total</b>	<b>12,228</b>	<b>6,060.6</b>

### Types of Livestock

Beef 793  
Dairy 5,064  
Goats 7  
Hogs 116  
Horses 22  
Sheep 377  
Turkeys 30

**Years in Operation: 38.7 (average)**

**Question: Is it the intent of you or a family member to continue the operation of this farm for at least another:**

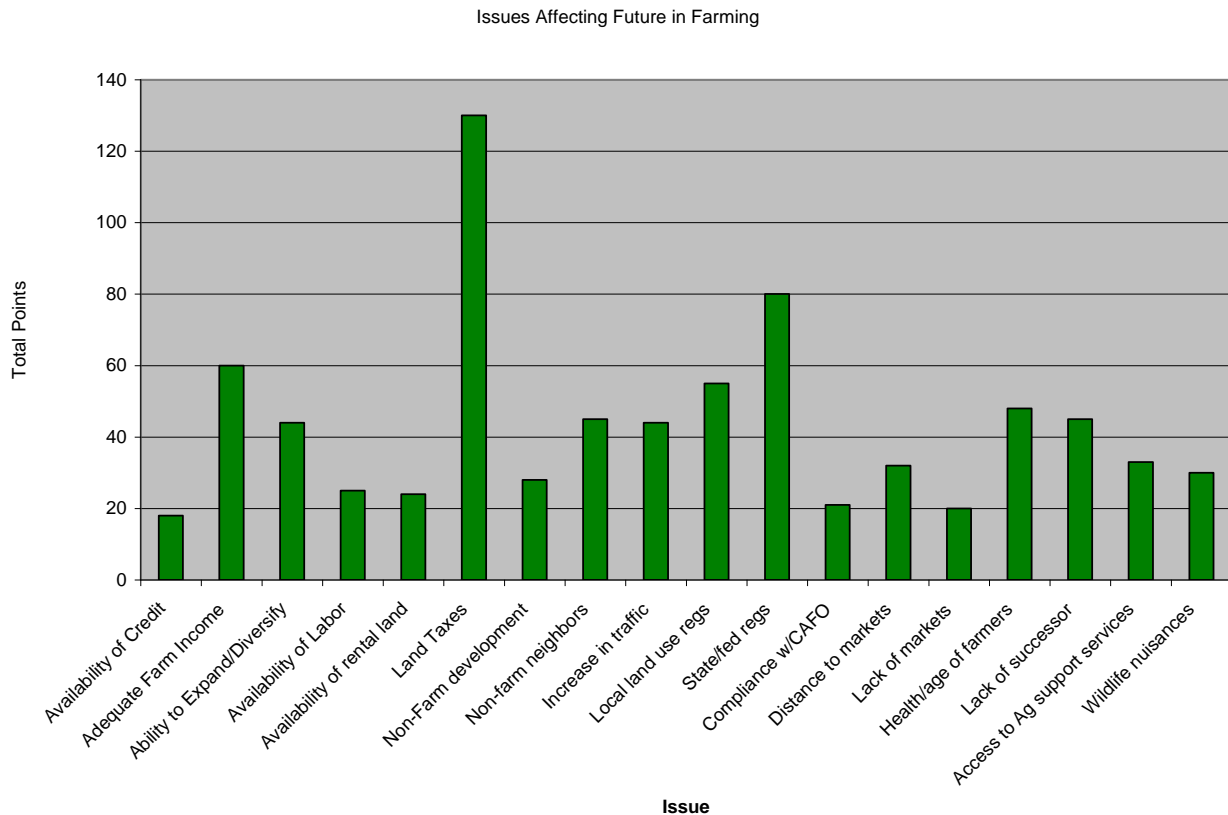
5 yrs.: 15 yes  
10 yrs.: 15 yes  
20 yrs.: 24 yes

**Question: If not, which of the following applies?**

Retiring due to age: 4  
Pursue new occupation: 0  
Debt obligation: 0  
Attractive purchase offer: 2

**Question: To what extent is each of the following affecting your future of farming?**

**Not an Issue (1) (2) (3) (4) (5) Major Issue**



As shown in the chart above, when the issues were weighted 1 to 5, land taxes (130) received the greatest number of points, followed by state and federal regulations (80) and adequate farm income (60).

**Question: What is the plan for the future of the farm?**

Maintain as farmland 37  
 Expand or diversify 5  
 Subdivide for family 0  
 Sell or subdivide for houses 3  
 Return to natural state 1

**Question: What are your major property concerns?**

Taxes, trespassing, rental land, age, governmental regulations, development pressure, property taxes, neighbor disputes, ATV's, adequate land acreage, insurance, affordability, staying in business, passing farm to next generation

**Question: What are the most important issues facing your farm today?**

Commodity prices, taxes, insurance, wildlife nuisance, profitability, age, health, CAFO, input costs, hurricane costs, Right to Farm, sales, neighbor issues, land availability, migrant labor, non-farm neighbors, federal regulations, expansion barriers, transfer land ownership

**Question: Are you participating in any local agricultural or educational programs?**

11 Yes

14 No

Farmers indicated that the programs they are participating in include the following: extension, private education, research, farmland protection, NRCS CREP, NRCS WRP, farm to school, soil fertility, corn program, fencing program, UCONN programs

**Question: What programs would be most valuable to your farm operation?**

Youth in farming, i.e. FFA, better weather forecasts, soil fertility, alternate land use/crops, agricultural districts, farmland protection, grant writing, funding for expansion, property tax waiver, fund for not developing, pasture restoration and management, land use rights (Sand Lake), farmland protection funding, hay production-round bales

Do you have trouble renting suitable land? 13 Yes 21 No

Do you think the land you rent will be available next year? 28 Yes 1 No

Do you think the land you rent will be available to rent in 5 years? 22 Yes 4 No

Do you think the land you rent will be available to rent in 10 years? 13 Yes 10 No

Does your farmland currently receive an agricultural assessment? 38 Yes 1 No

Are you participating in NYS farmers' school tax credit program? 23 Yes 15 No

Is your land currently in an agricultural district? 38 Yes 0 No

Are you interested in farmland protection programs? 27 Yes 7 No

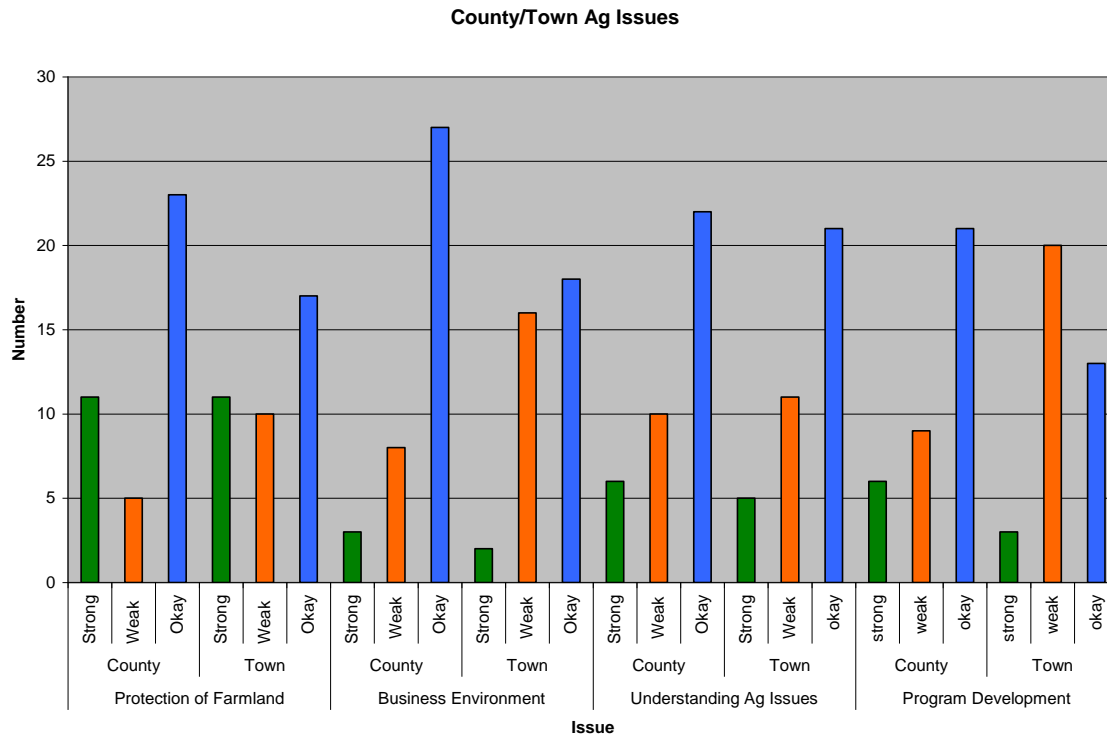
Have you received any type of grant funding? 14 Yes 24 No

Are you interested in any alternative crop or energy programs? 22 Yes 14 No

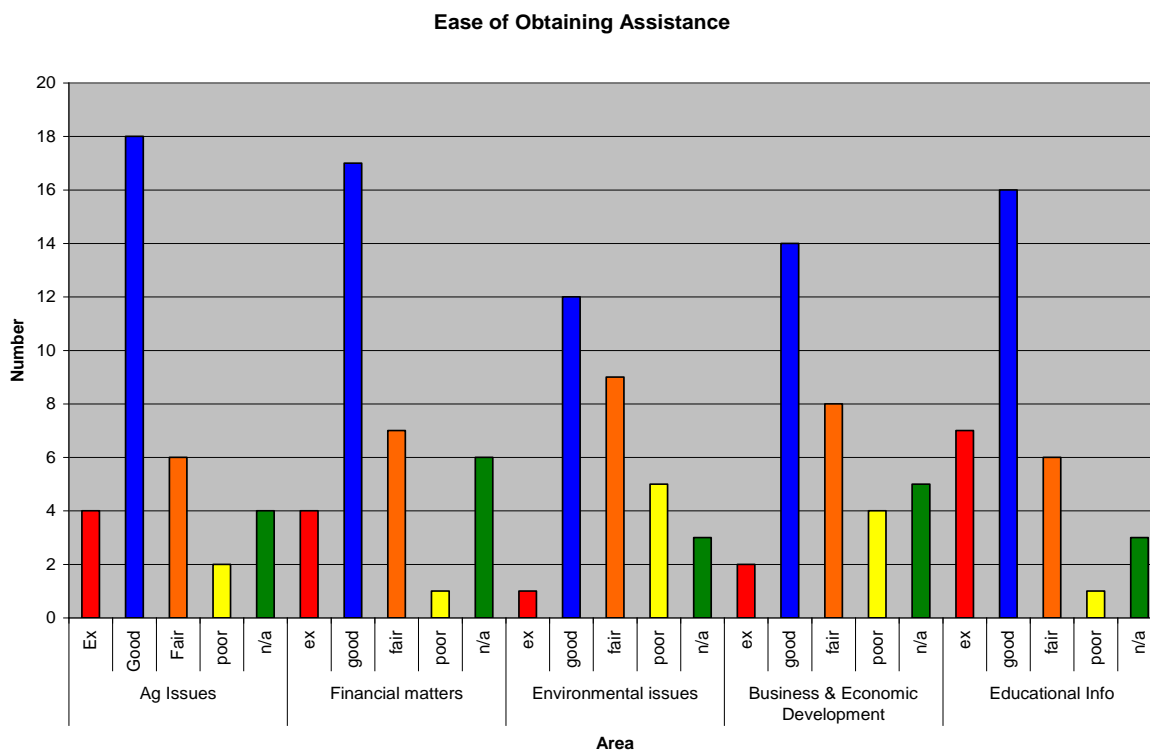
Are you interested in low-interest loan programs? 14 Yes 16 No

Are you interested in whole farm planning? 17 Yes 17 No

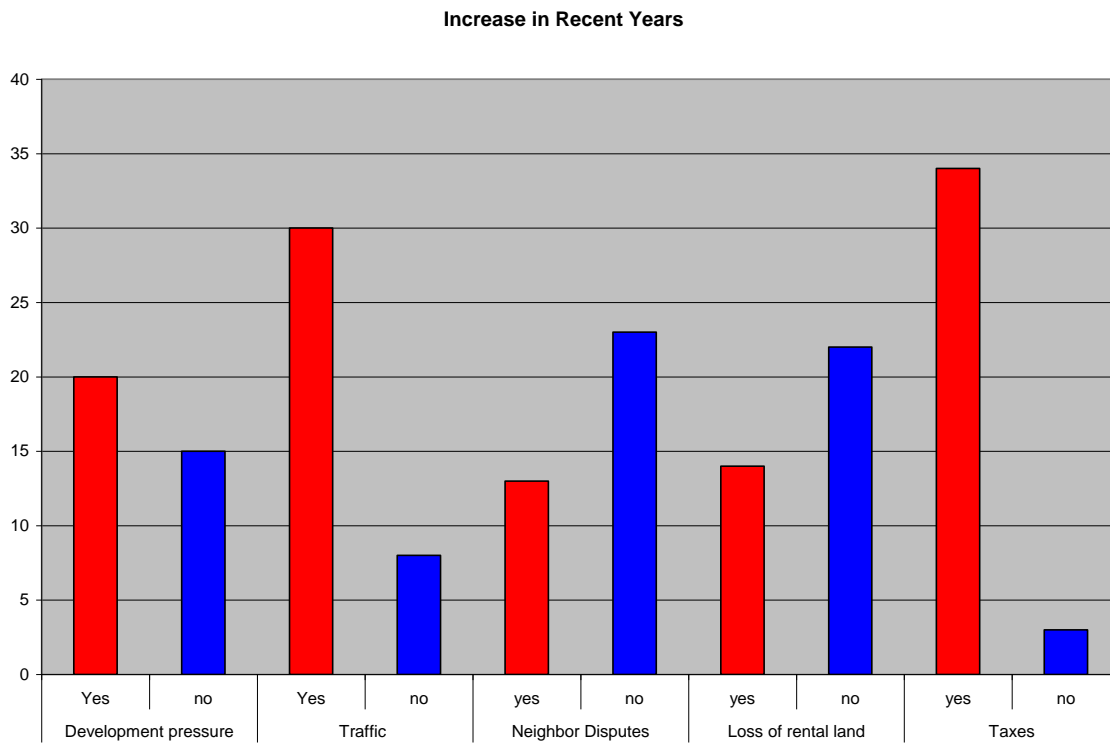
**Question: From an agricultural standpoint, please indicate if you think each is strong, weak or okay in addressing issues.**



**Question: How would you rate the ease of obtaining assistance in the following areas?**



**Question: Have the following increased in the last few years?**



## APPENDIX C

### Rensselaer County Agricultural Data U.S. Census of Agriculture

**Table 1. Number of Farms, Land in Farms and Average Farm Size for Rensselaer County, NY: 1992 to 2012**

Item	2012	2007	2002	1997	1992	% Change
Farms	459	506	549	459	444	11.49
Land in Farms (acres)	88,763	85,034	92,344	98,965	92,683	-4.23
Average Farm Size (acres)	179	168	168	216	209	-14.35

Source: U.S. Census of Agriculture 2012, 2007, 2002, 1997 & 1992

**Table 2. Farms by Size of Acreage for Rensselaer County, NY: 1992 to 2012**

Farm Size	2012	2007	2002	1997	1992	% Change
1 to 9 acres	40	55	59	31	24	66.67
10 to 49 acres	129	126	149	92	86	50.0
50 to 179 acres	186	168	167	167	152	22.37
180 to 499 acres	97	123	134	124	146	-33.56
500 to 999 acres	28	28	33	32	29	-3.45
1,000 acres or more	15	6	7	13	7	114.29

Source: U.S. Census of Agriculture 2012, 2007, 2002, 1997 & 1992

**Table 3. Farms by Value of Sales for Rensselaer County, NY: 1992 to 2012**

Farm Size	2012	2007	2002	1997	1992	% Change
Less than \$2,500	149	181	238	144	127	17.32
\$2,500 to \$4,999	52	34	54	57	52	0
\$5,000 to \$9,999	55	56	50	50	45	22.22
\$10,000 to \$24,999	87	85	73	65	64	35.93
\$25,000 to \$49,999	34	54	33	36	34	0
\$50,000 to \$99,999	39	28	43	36	46	-15.22
\$100,000 or more	79	68	58	71	76	3.95
TOTAL	495	506	549	459	444	

Source: U.S. Census of Agriculture 2012, 2007, 2002, 1997 & 1992

**Table 4. Market Value of Products Sold for Rensselaer County, NY: 1992 to 2012.**

Products Sold	2012	2007	2002	1997	1992	% Change (2012\$)
Crops Sales (\$1,000)	28,075	14,102	12,013	9,612	8,198	109.27
Livestock Sales (\$1,000)	24,991	23,410	16,109	19,088	18,114	-15.69
TOTAL (\$1,000)	53,066	37,512	28,122	28,700	26,312	50.41

Source: U.S. Census of Agriculture 2012, 2007, 2002, 1997 & 1992

**Table 5. Value of Sales by Commodity Group for Rensselaer County, NY: 1992 to 2012.**

Commodity Group	2012 (\$1,000)	2007 (\$1,000)	2002 (\$1,000)	1997 (\$1,000)	1992 (\$1,000)	% Change (2012\$)
Grains, oilseeds, dry beans and dry peas	12,516	2,621	1,329	2,052	1,479	417.11
Vegetables, melons, potatoes and sweet potatoes	2,716	3,778	2,638	1,265	1,072	54.82
Fruits, tree nuts and berries	928	1,342	(D)	155	466	21.69
Nursery, greenhouse, floriculture and sod	8,027	3,887	5,814	4,948	4,103	19.55
Cut Christmas Trees and short rotation wood crops	42	53				
Other crops and hay	3,847	2,422	1,899	1,192	1,079	-28.44
Poultry and eggs	108	236	63	60	60	9.99
Cattle and calves	4,963	2,246		2,227	2,429	24.85
Milk and other dairy products from cows	17,179	19,660	13,613	16,376	15,130	-30.69
Hogs and pigs	124	102	74	192	326	-76.76
Sheep, goats and their products	435	210	205	75	65	308.94
Horses, ponies, mules, burros and donkeys	953	809	287			
Aquaculture		4				
Other animals and other animal products	1,230	143	98	158	104	622.70
<b>TOTAL</b>	<b>53,068</b>	<b>37,512</b>	<b>28,122</b>	<b>28,700</b>	<b>26,312</b>	<b>50.42</b>

Source: U.S. Census of Agriculture 2012, 2007, 2002, 1997 & 1992

**Table 6. Land in Farms by Type of Land for Rensselaer County, NY: 1992 to 2012**

Type of Land	2012	2007	2002	1997	1992	% Change
Cropland (acres)	50,643	45,175	53,912	59,409	53,876	-6.0
Pasture (acres)	11,529	9,115	6,192	10,200	12,000	-3.92
Woodland (acres)	22,240	23,512	25,580	25,900	26,400	-15.76
Other	7,391	7,236	6,516	7,600	6,700	10.31

Source: U.S. Census of Agriculture 2012, 2007, 2002, 1997 & 1992

**Table 7. Estimated Market Value of Land, Buildings, Machinery and Equipment for Rensselaer County, NY: 1992 to 2012**

	2012	2007	2002	1997	1992	% Change (2012\$)
<b>Land and buildings:</b>						
Average per farm	\$616,414	\$529,827	\$357,354	\$407,172	\$306,350	22.95
Average per acre	\$3,436	\$3,153	\$2,595	\$1,813	\$1,544	35.99
<b>All machinery and equipment:</b>						
Average per farm	\$104,001	\$89,289	\$55,105	\$51,435	\$37,547	69.26

Source: U.S. Census of Agriculture 2012, 2007, 2002, 1997 & 1992

**Table 8. Net Cash Farm Income for Rensselaer County, NY: 1992 to 2012**

	2012	2007	2002	1997	1992	% Change (2012\$)
<b>Government payments</b>						
Farms	151	153	145			
(\$1,000)	733	818	1,480			
<b>Income from farm related sources</b>						
Farms	204	158	174			
(\$1,000)	3,394	2,037	1,294			
<b>Total farm production expenses (\$1,000)</b>	46,854	35,621	21,848	23,375	19,600	195.10
<b>Average per farm (dollars)</b>	94,654	70,397		50,706	44,144	31.02
<b>Net cash farm income of operations</b>						
Farms	495	506	554	459	444	11.49
(\$1,000)	10,339	4,745	8,581	4,830	4,684	34.88
<b>Average per farm (dollars)</b>	20,887	9,378	15,490	10,477	10,551	20.97

Source: U.S. Census of Agriculture 2012, 2007, 2002, 1997 & 1992

**Table 9. Principal Operator for Rensselaer County, NY: 1992 to 2012**

Principal Operator	2012	2007	2002	1997	1992	% Change
<b>By primary occupation:</b>						
Farming	259	271	319	232	243	6.58
Other	236	235	230	227	201	17.41
<b>By days worked off farm:</b>						
Any	282	328	313	254	234	20.51
200 days or more	170	190	197	187	147	15.65

Source: U.S. Census of Agriculture 2012, 2007, 2002, 1997 & 1992

**Table 10. Livestock and Poultry Inventory for Rensselaer County, NY: 1992-2012**

Livestock and poultry	2012	2007	2002	1997	1992	% Change
<b>Cattle and calves</b>						
Farms	170	192	216	239	265	-35.85
number	11,366	12,522	14,343	16,597	15,732	-27.75
<b>Beef Cows</b>						
Farms	115	126	130	131	140	-17.86
Number	1,680	1,915	1,570	1,742	1,494	12.45
<b>Milk cows</b>						
Farms	34	57	82	91	121	-71.90
number	4,061	4,852	5,890	7,063	7,077	-42.62
<b>Cattle and calves sold</b>						
Farms	124	147	146	221	236	-47.48
number	5,878	4,391	4,144	6,215	6,764	-13.0
<b>Hogs and pigs</b>						
Farms	25	23	15	26	37	-32.43

<b>Livestock and poultry</b>	<b>2012</b>	<b>2007</b>	<b>2002</b>	<b>1997</b>	<b>1992</b>	<b>% Change</b>
<b>number</b>	482	642	479	1,131	1,334	-63.87
<b>Hogs and pigs sold</b>						
<b>Farms</b>	17	35	22	18	27	-37.04
<b>number</b>	661	1,079	1,506	2,579	3,455	-80.87
<b>Sheep and lambs</b>						
<b>Farms</b>	50	32	56	32	37	35.14
<b>number</b>	3,397	1,866	4,834	1,581	2,278	49.12
<b>Layers</b>						
<b>Farms</b>	80	77	46	36	42	90.48
<b>number</b>	5,566	12,571	3,693	6,088	6,337	-12.17
<b>Broilers and other meat-type chickens sold</b>						
<b>Farms</b>	10	6	10	4	2	400
<b>number</b>	1,773	(D)	3,974	227	(D)	

Source: U.S. Census of Agriculture 2012, 2007, 2002, 1997 & 1992

**Table 11. Selected Crops Harvested for Rensselaer County, NY: 1992-2012**

<b>Selected crops harvested:</b>	<b>2012</b>	<b>2007</b>	<b>2002</b>	<b>1997</b>	<b>1992</b>	<b>% Change</b>
<b>Corn for grain</b>						
<b>Farms</b>	40	44	58	92	111	-63.96
<b>Acres</b>	12,697	6,552	6,220	11,455	8,182	55.18
<b>bushels</b>	1,6444,303	892,517	633,637	1,190,275	980,884	67.63
<b>Corn for silage or greenchop</b>						
<b>Farms</b>	54	66	83	118	133	-59.40
<b>Acres</b>	4,776	4,696	5,205	8,177	6,385	-25.2
<b>bushels</b>	80,146	67,632	72,067	92,248	99,847	-19.73
<b>Oats for grain</b>						
<b>Farms</b>	7	8	19	16	27	74.07
<b>Acres</b>	253	180	437	317	571	55.69
<b>bushels</b>	19,120	8,810	19,580	16,473	25,315	24.47
<b>Barley for grain</b>						
<b>Farms</b>	2	3	5			
<b>Acres</b>	(D)	35	102			
<b>bushels</b>	(D)	(D)	6,226			
<b>Forage</b>						
<b>Farms</b>	261	291	318	311	313	-16.61
<b>Acres</b>	22,710	25,364	30,171	27,077	27,308	16.84
<b>Tons, dry</b>	47,504	62,383	64,426	42,892	53,185	10.68
<b>Vegetables harvested for sale</b>						
<b>Farms</b>	56	62	51	49	60	-6.67
<b>Acres</b>	1,489	1,324	1,107	1,169	1,123	32.59
<b>Land in orchards</b>						
<b>Farms</b>	28	16	33	16	16	75.0
<b>Acres</b>	305	242	114	220	191	59.69

Source: U.S. Census of Agriculture 2012, 2007, 2002, 1997 & 1992

**APPENDIX D**  
**Rensselaer County Agricultural and Farmland Protection Plan Workshops –**  
**November & December 2012**  
*Results of SWOT Analysis\**

DATE	TOWN	STRENGTHS	WEAKNESSES
11/8/12	Schaghticoke	Neighbors prefer farm to housing development - Opportunity	Property and school taxes
		Land availability	Regulatory burden
		Prime soils	Fuel and machinery costs
		Climate	Loss of infrastructure - services
			Flood damage along Tomhannock Creek and Hoosic River
			Conversion
			No next generation
11/15/12	Brunswick	Available locally produced food - Opportunity	Taxes - Threat
		Open space - Opportunity	Financial - Threat
		Care for environment – habitat – Opportunity Threat (deer)	Environmental issues – manure and erosion – Opportunity/Threat
		Preserving history of area - Opportunity	Hilly topography – Opportunity/Threat (pretty landscape)
		Financial impact – jobs & services & tax dollars (careful balance – need to properly maximize)	Small fields – inefficient - Threat
		Provide rural opportunities to youth in the area – Opportunity (fairs, education, 4-H, raising animals, school field trips)	Infrastructure including vet, welding, tire repair, ancillary service lacking and distant - Threat
		Provide alternative careers - Opportunity	Federal wetlands – ditches and outlet on tile lines - Threat
			Labor availability - Threat
			Neighbors – too many, disconnected and attitude of newcomers – Opportunity/Threat
11/29/12	Hoosick	Land base/good land – Opportunity/Threat	Taxes - Threat

DATE	TOWN	STRENGTHS	WEAKNESSES
		Rising supermarket prices – Opportunity/Threat	<b>Regulations - Threat</b>
			Aging farmers - Threat
			Prices to get in farming for new farmers - Threat
			Product prices low/production costs high - Threat
			Overall expenses that are set - Threat
			No origin of labeling in supermarkets - Threat
<b>12/6/12</b>	<b>Schodack</b>	Proximity to many customers with disposable income (Capital District) – Opportunity/Threat	Development vs. cropland – expansion problems with available land - Threat
		Diversity of operations - Opportunity	General population doesn't understand farming – disconnect – Opportunity?/Threat
		Strong and active extension service - Opportunity	People want farms but don't support them
		Supportive county government - Opportunity	<b>Taxes - Threat</b>
			Development is wasteful – new homes built in middle of farmland – Opportunity/Threat
			Getting help – skilled labor - Threat
			<b>Lack of services (large animal veterinarians, dealer networks) - Threat</b>
			<b>Regulations (general governmental, DOT &amp; OSHA) - Threat</b>

**\*SWOT analysis** (alternately **SWOT Matrix**) is a structured planning method used to evaluate the **Strengths, Weaknesses, Opportunities, and Threats** involved in a project or in a business venture. A SWOT analysis can be carried out for a product, place or person. It involves specifying the objective of the business venture or project and identifying the internal and external factors that are favorable and unfavorable to achieving that objective.

## **APPENDIX E**

### **Farmer Interviews Summary**

Seventeen farmers and agribusiness owners were interviewed in February and March 2014. The 2012 farmer survey results were reviewed with the farmers and major issues affecting farming were discussed. The goal of the interviews was to identify the challenges and opportunities of the farm owners as well as discuss the issues affecting farmers today.

Farmers interviewed included: dairy (8), crops (3), vegetables (4), orchard (1) and agritourism (1).

#### Labor

Labor availability is a major concern of many of the farmers interviewed. An adequate, legal and reliable supply of workers is one of the most pressing issues facing farmers today. Dairy and vegetable farms rely on immigrant labor to a large degree to operate their farm businesses. Although the H-2A Temporary Agriculture Worker Program provides seasonal workers, the system has become burdensome to farmers seeking seasonal labor. Dairy farms employing immigrant labor must rely on a broken immigration system. According to most of the dairy farmers interviewed, the local labor force is not adequate due to the lack of skills, knowledge and work ethic required. The vegetable farmers voiced similar concerns, indicating that the H-2A system is an extremely difficult system to navigate and that governmental regulations make it overly burdensome. In addition, the proposed farm labor law would increase labor costs, thereby increasing the overall costs of doing business.

#### Availability of Farmland

A majority of the dairy and crop farms stated that the availability of quality farmland is a limiting factor in the ability to expand or diversify their operations. This is in part due to the expansion of farms in neighboring counties, thus increasing the competition for affordable land. One farmer commented that farms have to expand. Land availability is a huge concern because he does not have the land base. Rented land presents another issue because as one farmer stated, "as the older generation of landowners pass away - we are at their mercy." Another factor contributing to the land issue is the price of farmland. In many parts of the county, farmland is not affordable for agriculture. Land sold for development tends to bring a much higher price per acre than land sold for farming.

#### Profitability

High input costs and fluctuating commodity prices have a negative impact on farms in the Northeast. The volatility of milk prices at the farm level and the increasing costs of energy, labor, regulations, land and property taxes have a huge impact on farm profitability and financial security. One farmer stated energy costs increased 50 percent, impacting the farm's overall energy costs. Several of the farmers interviewed stated that they have installed solar panels to reduce their energy costs.

### Regulations

Farmers must comply with a myriad of regulations. These regulations include farm work agreements, housing inspections if providing migrant housing, workers' compensation and minimum wage postings, prohibiting smoking in the workplace, EPA reporting of water usage, pesticide record-keeping, inspection of petroleum storage tanks, DEC petition to clear drainage ditches on non-farm property, EPA Worker Protection Standard program, Good Agricultural Practices audit, Confined Feeding Animal Operations regulations and the Federal Information Security Act regulations. One farmer interviewed stated that regulations are difficult to keep on top of. Another farmer mentioned that there are not any resources for farmers fighting regulations and there is no way to appeal or talk to representatives. Some of the vegetable and fruit farmers interviewed stated the H-2A temporary agriculture program has become difficult due to the cost of H-2A workers based on the Adverse Effect Wage Rate and the New York State's cumbersome and broken system.

### Renewable Energy

Farming is an energy intensive business. In recent years a number of Rensselaer County farmers have utilized renewable energy programs. NYSERDA's solar programs offer grants and incentives to farmers to install solar panels to generate electric and heat water. Of the 17 farmers interviewed, 5 of the farmers have installed solar panels. The programs have helped farmers to reduce their overall energy costs. Some of the farmers interviewed also mentioned that they are interested in installing solar and will consider it in the future.

### Farm Succession

Of the 17 farmers interviewed, all of them stated that they will be farming in 5 years, 16 of them will be in 10 years and 2 of the farmers in 20 years. 5 of the farmers indicated that they had succession plans and 5 of them stated that the next generation will be taking over the farm. Farm owners planning to transition, transfer or sell their farms should develop succession plans to determine if all or part of the farm will be sold, if the business income can realistically support those who want to work on the farm and how the farm business will be restructured or amended to be viable and support the future owners/operators. NY Farm Link provides services and resources to farmers interested in transferring their farms.

### Farm Transition

Farmers were asked if they felt that there were adequate resources available for people transitioning into and out of farming. Most of the farmers stated that they do not feel that there are adequate resources for people getting into farming. Several farmers mentioned that it is difficult for farmers to get into farming due to the financial commitment. One farmer commented that the biggest challenge is credit for someone that doesn't have a down payment. Some of the farmers stated that they don't know how a beginning farmer would get into it. One farmer suggested that you don't go into farming unless you have deep pockets.

### Farm-Friendly Community

When asked about the town and county being 'farm-friendly,' eight of the farmers interviewed felt that their towns are farm friendly and two farmers stated that their towns were not farm friendly. Five farmers stated that the county is farm friendly.

### Importance of Farming

Farmers were questioned about whether or not they felt the non-farm public realizes the importance of farming and is supportive of agriculture. Nine farmers responded that the non-farm public does not realize the importance and is not supportive. Two farmers stated that the non-farm public does realize the importance and are supportive. Several of the farmers mentioned that the non-farm public does not have a clue about farming. Other farmers felt that more people are beginning to understand the importance and support farms by purchasing from them.

### Agricultural Opportunities for the Next Generation

The last question farmers were asked was if they think young people are aware of the opportunities available in agriculture. Ten farmers responded that no, young people are not aware. Several of the farmers mentioned that farm kids and young people who go to college for agriculture are aware of the opportunities. For those young people from a non-farm background, few opportunities are available. One farmer stated that young people don't go into agriculture unless they grew up here. Another responded that in farming you don't see people making six figures – have not been great opportunities or money in farming. Another farmer mentioned that young people are not aware unless they've been exposed to it and the younger they're exposed, the more chance they have.

### Future of Farming

As for the future of farming, as one farmer stated, if you're not profitable, you're not staying in business.

## APPENDIX F

### County and Municipal Planning and Land Use Programs

#### *The Effects of Land Use Regulations on Agriculture*

Farmers in the 21<sup>st</sup> Century have many regulations that they are required to follow – federal, state, county and local. Whereas, some of the laws are strictly there to keep the farmer, his customers, the environment and community safe, some laws are nuisance-type – there to discourage all farmers or specific ones while other laws were not well written or thought out.

Agriculture has changed enormously in the past few decades. In reviewing the comprehensive or master plans, zoning regulations and subdivision regulations of the towns and Village of East Nassau, it was found that some “farm friendly” regulations had not kept pace with the changes in agriculture. Other “farm friendly” regulations were only friendly with certain varieties of agriculture, not necessarily those which are practiced in the community today.

Dairy is greatly diminished, and many of the dairy farms that survive today look very different from those of thirty years ago. Due to regulations and the size of herds, many dairy farms have the equivalent of a small sewage treatment plant, along with large equipment to plant, fertilize or spray pesticides and harvest. Silage, for the most part, is not kept in silos, but in large plastic bags that spread lengthwise and are much safer for the farmer and his workers. Hay is in round or extremely large rectangular bales which require front loaders to move. Machinery is larger and cannot turn in small corners of fields or pass through narrow roads or under dangling telephone and cable wires. Due to the large distances between farm headquarters and crop fields in more and more cases, large trucks are needed to move seed, fertilizer, equipment and grain to and from the fields. Federal laws regulate how close manure, fertilizers and pesticides can be used to houses and wells.

Farm workers and laborers are often not local and require housing, not just for vegetable and fruit but also for dairy. Pick-Your-Own fields become the affordable method of crop harvest for berries and other fruit due to the costs and requirements of labor. Vandalism from ATVs and pick-up trucks off-roading through fields reduces crop yields and cut fences on pastures can release cows, buffalo, horse, sheep and other livestock, as well as letting in dogs and coyotes.

Farms must be recognized as the industry that they are. They provide jobs, tax revenues beyond service demands, keep volunteer fire districts running during the day, spend their money as locally as they can and provide a daytime presence in some bedroom communities which are empty during the day. Without local farms and local farm products, we would be reliant on food products that may be sourced from dubious sources, and if the price of fuel rose greatly or a country-wide disaster would strike, our food would be expensive and could be scant. Allowing agriculture to do what it has to do should be considered by a community to be part of improving food safety and security to its citizens. Allowing citizens to participate in

hobby and small agriculture where it does not impact neighbors or the environment, encourages a greater appreciation for the difficult work farmers do on a regular basis.

**Note:** The text in *italics* are taken verbatim from the various documents reviewed.

## ***Rensselaer County***

Rensselaer County does not have a comprehensive plan as designated in the New York State's 1993 amendment to General Municipal Law. Rensselaer County prepared a Master Plan in 1989 which was adopted by its Planning Agency. Counties in New York State do not have the authority to issue zoning regulations. Some control over land use exists in the Health Department which issues permits for septic systems in areas without public sewers.

**Master Plan** - The Rensselaer County Master Plan is primarily a guidance document which provides a listing of policies for the County and its municipalities to follow for guiding development. It promotes carefully managed growth and development to reduce impacts on communities.

Land Use Policy 13: *Rensselaer County supports the use of land use methods that allow existing agricultural operations and appropriate new development to coexist. These methods should also be aimed at maintaining prime farmland in agricultural use whenever possible.* (Further text encourages the use of Planned Unit Development, buffering, conservation easement, purchase of development rights and leasing agricultural land to farmers.)

Land Use Policy 14: *Rensselaer County promotes land use methods that foster the conservation of wooded areas and natural vegetation throughout the County.* (This policy promotes the conservation of forested areas which cover a large percentage of the County.)

Land Use Policy 15: *Rensselaer County urges all municipalities to comply with the requirements of Section 239 l and m of the General Municipal Law governing review of local zoning actions.* (Although this does not directly mention agriculture, the Rensselaer County Planning Office has taken a proactive approach when reviewing local zoning laws and amendments, local comprehensive plans and other municipal actions with respect to agriculture. General Municipal Law has been amended to require zoning actions within 500 feet of a farm operation in an agricultural district to require county planning review.)

Environment Policy 1: *Rensselaer County advocates that areas of prime and important farmland soils be preserved to the greatest extent possible, and that incentives to maintain agricultural operations be fully utilized.* (Further text encourages the purchase or transfer of development rights, conservation easements, land use regulations tied to soil types and the Agricultural District program.

Environment Policy 2: *Rensselaer County encourages the adoption of erosion and sedimentation control measures as a means of preserving soils.* (Further text encourages working with the USDA

SCS (NRCS) and Rensselaer County Soil and Water Conservation District for farmers, planning boards and developers.)

Economic Development Policy 4: *Rensselaer County recognizes agriculture as an important part of its economy and promotes efforts to maintain its vitality.*

Economic Development Policy 14: *Rensselaer County encourages the development of a promotion campaign in order to publicize the County's assets and thereby attract new businesses and industries.* (Further text adds that industries to be attracted include support services for agriculture.)

Recreation and Open Space Policy 10: *Rensselaer County encourages the preservation of open space in rural areas.* (Further text encourages land uses that foster an open space character such as nurseries, the use of agricultural districting (zoning) and the use of conservation or open space easements.)

Recreation and Open Space Policy 11: *Rensselaer County advocates the creation of public open spaces within urban areas, suburban centers and hamlets in order to foster a sense of community identity.* (Further text encourages The Capital District Community Gardens organization that allows residents to participate in gardening and green projects in urban areas of the county.)

**Agricultural and Farmland Protection Plan** - Furthermore, Rensselaer County prepared and adopted its Agricultural and Farmland Protection Plan *Keep It Growing* in 2001 that put forth 20 major action items for the County, its municipalities, New York State, farmers and other groups to perform to further agriculture in the County. This document is part of an update to the original Agricultural and Farmland Protection Plan. The original plan does not examine planning actions of the county or its municipalities. The original Agricultural and Farmland Protection Plan did include, as an appendix, "Is Your Town Farm Friendly?" originally written by the New Hampshire Coalition for Sustaining Agriculture. In this update of the Rensselaer County Agricultural and Farmland Protection Plan, we are reviewing farm friendliness through this appendix's review of local laws and planning documents.

## ***General Town Planning Issues***

Most towns in Rensselaer County presently have recent comprehensive or master plans, zoning/ land use regulations and subdivision regulations. The subdivision regulations primarily date to the 1980s or earlier with updates reflecting changes in the communities. Comprehensive plans primarily date to the 2000s, and zoning regulations date as far back as the 1950s in one community. All towns have adopted Right-to-Farm laws.

If it were not for New York State Agricultural Districts, many farm parcels would be unable to be used for agriculture as agriculture is not an allowed use in the land use zoning district in which they are located. Many communities are relying on the Agricultural Districting law to protect their farmers by ignoring agricultural uses in their zoning and land use regulations. This issue

makes it seem that those communities do not want agriculture in their borders and do not value the attributes that agriculture brings – jobs, locally-produced food, open space, clean air, clean water, taxes without requested services.

Several issues have arisen, of which some were not totally addressed by agricultural district law. One dairy farmer wanted to make wood chip bedding for his own use but also to sell to other farmers or for other uses (landscaping). Under the zoning law of his town, making wood chips for bedding would be an industrial use and would require industrial zoning for any chips to be used off site. The size of the dairy is such that a small chipper would not fulfill the needs of the farm while a large chipper can provide far beyond the farm's needs. The Town of Hoosick, which had strong input from the farming community during the creation and public review of its land use regulations, allows farmer ancillary businesses of 5,000 square feet which would allow for sub-businesses such as this. Additionally, an allowance for the production and sale of a certain percentage of non-direct farm products, such as bedding, firewood or similar items used on the farm could be written into local zoning and land use regulations. The allowance of ancillary businesses for farmers should be encouraged and would provide necessary services for farmers and for the community in general in many cases.

Subdivision of land for gift to family relatives or to pay off debt or to buy equipment is an issue in several towns. One town wanted to require, as part of the subdivision regulations, that a minimum lot size for a farmer to give to his family members be five acres, although the zoning law requirements were one acre or what was required by the County Health Department for septic purposes. Other subdivision laws require the surveying of the entire parcel to subdivide off one lot, creating a financial issue for the farmer. Others require that the subdivision of more than two parcels off the primary parcel would be considered a major subdivision, not only requiring an entire survey and platting, but a four to six month lengthy process. Allowing the subdivision of a useable by Health Department standards parcel of land to direct family members – parents, children, grandchildren and siblings – through “minor” subdivision requirements should be part of subdivision law, following the standard “minor” subdivision requirements of an abbreviated review with a survey of the land to be conveyed only.

One town wanted to eliminate migrant farm worker housing and farm worker housing in mobile homes. Although the regulation was struck down through the Agricultural Districts local program, the minimum size requirement for mobile homes for migrant and regular farm worker housing is twice that of mobile homes allowed in the town for non-farm workers. Other communities have outlawed mobile homes in their communities except in mobile home parks. Communities have a responsibility to allow and provide lower income housing, such as mobile homes. Mobile home requirements should not be higher for agricultural uses than for regular residential uses.

## ***Towns in Rensselaer County***

### ***Town of Berlin***

Its Comprehensive Plan was adopted on September 8, 2011. Its Land Use Regulations were adopted 1989. For subdivision regulations, it has adopted a law that refers to the New York State Town Law.

**Comprehensive Plan** - Under the Natural Resources Chapter of the Town's Comprehensive Plan, the second action item is to identify lands with significant ecological qualities or quality farmland to be preserved with conservation easements. The fifth action item of the same chapter is to encourage the use of best management practices in agriculture to minimize soil erosion, preserve and increase soil fertility, maintain water and air quality and provide a healthy living environment for livestock. The seventh action item, *maintain flood infrastructure and the Little Hoosick River riverbed to reduce the effects of flooding*, is important to agriculture because the best farmland in the town is along the Little Hoosick and has a history of flood damage. The fourth action item of the Infrastructure chapter encourages development in areas of existing public water infrastructure where smaller lot sizes can be used – i.e. the Berlin hamlet area. A section of the Business/Economy chapter is dedicated to agriculture and an additional small section to Forestry/Wood Products. The agriculture section denotes existing establishments, the three different soil areas of the town (Taconic slopes, Little Hoosick valley, Rensselaer Plateau) and what crops and uses would work well in each. The Planning & Zoning chapter includes a section on Green Development/Low Impact Development where conservation subdivision and the reuse of existing buildings are discussed. The fourth action item of the Planning & Zoning chapter is to determine areas for conservation of open space and agriculture including the Rensselaer Plateau and the Taconic Crest.

**Zoning Regulations** - The Town's Land Use Regulations cite as an enacting purpose "To recognize the significant of and to promote sound agricultural and forestry practices in the Town." Although forestry uses are listed under the District Schedule of Use Regulations, no agricultural uses are listed. Since "Permitted Use" as defined in the definition section only allows "*A specific use noted in Article III of this Local Law for which land, lots, buildings or structures may be used, occupied or maintained,*" agriculture is not a permitted use of land or buildings in the town. Agriculture would be considered a Prohibited Use, as defined as "*Any use which is not listed as a special, permitted or accessory use in the Schedule of Use Regulations shall be considered a prohibited use under this Local Law.*"

Minimum setbacks in the Rural Use land use district, which covers much of the agricultural areas in the town, have significant minimum setbacks. The front setback is 75 feet, side setback 100 feet and rear setback 75 feet. This issue created a problem several years back when a farmer wanted to set up a green house on property between the Little Hoosick River and Route 22 and was turned down for an area variance, although more than sufficient area existed to place a greenhouse without crowding.

Excavation, stripping, grading and filling are allowed without special permit for agricultural operations. Roadside stands are permitted as long as sufficient parking off the public right-of-way is provided and the stand is set back at least 20 feet from the nearest roadway surface.

Forestry practices shall be conducted in accordance with New York State Department of Environmental Conservation regulations.

Development, according to the definitions section, *does not include normal agricultural, conservation or forest management activity with materially affects the existing condition of land or improvements.* Farm is defined as *any parcel of land used principally in the commercial raising or production of agricultural products, and the necessary or usual dwelling, farm structures, storage and equipment. Agricultural products shall include, but are not limited to, field crops, vegetable crops, fruit, livestock and livestock products and fowl. It excludes kennels and stables used by the public.* Livestock is defined as *any four-legged domestic type farm animal, including by not limited to horses, cows, beef cattle, sheep or goats.* Roadside stand is defined as *a structure where products grown on the premises or elsewhere by the operator of the roadside stand may be sold and purchased.* This definition is good, since farmers can fill gaps in their produce or fulfill customer needs by purchasing lacking product and providing it at their stands.

**Recommendations** - It is recommended that the Town of Berlin, when it next reviews its Land Use Regulations, amend the regulations to add agricultural uses and farms as permitted uses in its use schedule. It should also examine reducing setbacks in the Rural Use zone, at least for agricultural activities. Additionally, the requirement should be added that special use permits, site plan reviews and use variances within 500 feet of a farm operation in an agricultural district will need to be referred to the Rensselaer County Bureau of Economic Development and Planning under General Municipal Law Section 239 l and m. This change has occurred since the adoption of the Land Use Regulations.

Requirements for buffers between new uses and existing agricultural uses including crop lands should be added to both the Subdivision Regulations and the Land Use Regulations. The location of houses and wells would be prohibited in the buffer zone, which would optimally be 50 to 100 feet in width.

Agricultural Data Statements should be mentioned as requirements for subdivisions, special permits and use variances for properties within 500 feet of a farm operation located in an Agricultural District as defined by NYS Ag and Markets Law. This has been added subsequent to the adoption of the Land Use Regulations.

### **Town of Brunswick**

Its Comprehensive Plan was adopted in February 2001 and is presently updating the Comprehensive Plan. Major parts of the zoning law dates to the late 1950s. Its subdivision regulations were adopted in June 1982.

**Comprehensive Plan** – The vision listed in the Comprehensive Plan is very broad with statements such as:

*The future of Brunswick will depend on the ability of residential, commercial, industrial and agricultural interests to develop together at a pace and in a manner that will not lower the high quality of life presently enjoyed by its residents.*

*The Town of Brunswick will engage policies that embrace community, economic development, environment, land use, recreation, agriculture and transportation.*

It also states that *the future should ensure environmental quality and protection of natural resources. These resources include, but are not limited to, scenic vistas, wooded lots, green space, agricultural production lands, wetlands, stream corridors and open space.*

In the Summary of Major Recommendations, there is one Agricultural Policies recommendation:

*Brunswick should strive to promote conservation easements and support the Right-to-Farm laws within the Town. Even though there are fewer active farms in the Town than in the past, the Town recognizes that existing active farms are generally larger and require additional lands to remain productive and viable. Preservation of agricultural lands is essential for those farms that continue to operate in the Town.*

Two additional recommendations, the Land Use Policies and Environmental Policies, also have bearing on agriculture.

*Land Use – Brunswick will encourage enhancement of site development standards, promotion of cluster development, conservation of natural resources and use of buffer areas...*

*Environmental – Brunswick should formulate environmental policies, guided by existing county, state and federal regulations, to conserve and protect natural resources. Brunswick will encourage activities to ensure that proper use and conservation of natural resources in the Town are maintained.*

In its Land Use Policies section, it proposes protecting farms by buffer areas under the policy of *Brunswick should encourage buffer areas between existing residences and new, non-residential development or farms.*

Several policies in the Environmental Policies section relate to agriculture, including *Brunswick should encourage preservation of scenic vistas and rural land qualities. Brunswick should encourage Agricultural operations, Brunswick encourages cooperation between landowners and the U.S. Department of Agricultural Natural Resources Conservation Service to implement best management practices to conserve soils and reduce siltation and pollutant discharge into streams and ponds.*

There is an entire section on Agricultural Policies with two policies. They are: *Brunswick should encourage easements in order to protect and conserve valuable natural and cultural resources. Brunswick recognizes agriculture as an important part of its economy, and promotes efforts to maintain its continuation including the present Right-to-Farm Law and supporting cooperative business ventures that aid agriculture.*

In the Implementation Practices section, a couple actions are applicable to agriculture: *Contact the American Farmland Trust, Nature Conservancy and Rensselaer-Taconic Land Conservancy to determine their ability and willingness to purchase development rights; encourage the local business and farming communities and cultural organizations to develop a strategy to capture economic benefit from tourism.*

In Appendix 1, Types of Land Use Development Options, Agriculture is defined as –

*This land is generally located in the central and eastern sections of the community as is presently in agricultural use. Lands along Route 2, McChesney Avenue, Tamarac Road and to the south along Route 351 are good examples of such lands. Some of this land has already been rezoned for residential commercial use. However, for the immediate foreseeable future, it should generally remain in agricultural use. This would benefit the community at large and the farming community specifically. It is axiomatic that land is the primary tool or inventory of the farmer. The Town must protect its agricultural heritage and its present agricultural businesses by taking affirmative steps to preserve the tools of the business, namely, sufficient land for agricultural use. For this reason, a maximum density of one family per five acres is recommended and any substantial residential development is of the clustered type to preserve these lands.*

The Land Use Development Options section also defines and explains the Transfer of Development rights as a method of protecting agricultural lands.

**Zoning Regulations** – The Comprehensive Zoning Plan Ordinance define a farm as *any parcel of land containing at least 5 acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels.* The zoning regulations also define Hog or Pig Farm as *a farm on which hogs or pigs are raised for commercial gain.* In the List of Districts, an A-40 Agricultural District is established.

In the Use Chart, Farms except Hog Farms are listed as a permitted principal use under the A-40 zone only. Permitted accessory uses in the R-40 District and subsequent R-25, R-15 and R-9 district allow chicken coops and runs and accessory farm buildings. These accessory uses are also allowed in the A-40 district, along with usual agricultural pursuits and usual agricultural accessories and accessory buildings. Roadside stands are allowed only as an accessory agricultural use to sell agricultural produce and must be at least 25 feet from the highway right-of-way line.

Hog farms are listed under Special Use Permit Standards even if they are not listed under Special Use Permits. Requirements under the Special Use Permit are that they must comply with all state and local laws, regulations and such other standards and regulations as the Town Board shall from time to time prescribe.

**Subdivision Regulations** – The Town of Brunswick Land Subdivision Regulations allow for a waiver for the application of subdivision regulations and has a mechanism for Minor Subdivisions which apply to subdivisions with four lots or less on existing roadways.

**Recommendations** – The Town should review its zoning map and allow agricultural uses in zones where agricultural uses are being practiced. The definition of Farm should have the requirement of 5 acres removed to allow for truck and vegetable farms which do not require 5 acres. Accessory farm businesses should be allowed, such as the manufacturing of farm needs such as bedding, provision of farm services such as tires and tractor repair, trucking, vehicle repair, machine shop, feed retail, etc. The prohibition of hog farms should be removed. Roadside stands should be allowed as an accessory use to residences (beginning farmers).

Requirements for buffers between new uses and existing agricultural uses including crop lands should be added to both the Subdivision Regulations and the Land Use Regulations. The location of houses and wells would be prohibited in the buffer zone, which would optimally be 50 to 100 feet in width.

Agricultural Data Statements should be mentioned as requirements for subdivisions, special permits and use variances for properties within 500 feet of a farm operation located in an Agricultural District as defined by NYS Ag and Markets Law.

### **Town of East Greenbush**

Its Comprehensive Plan was adopted in February 2006. The Town's zoning laws were greatly updated in 2008. The original Subdivision Regulations were adopted in April, 1950 and were comprehensively amended in June, 1986. Subsequent amendments occurred in 1987 and 1999.

**Comprehensive Plan** – The Town of East Greenbush: Land Use Plan Update and Zoning Study has a section in its Existing Conditions portion entitled "Farms and Farm Heritage" which state that farms are concentrated mainly near and east of I-90, as well as along the Hudson River waterfront area and along Route 9J in the southwest portion of the town.

In the Character Areas and Recommendations section of the plan, the eastern portion of the town is designated as Rural East Greenbush. The vision for this area is to conserve the scenic, agricultural character and key natural resources. Recommendations include reviewing and using cluster subdivision and defining important open spaces to be protected. The farm areas along Route 9J are located within what is designated as the Hudson River Waterfront and Route 9J. Continuation of farming uses are desired in the Land Use Vision, as well as recreational, residential and potential commercial development in lieu of industrial development. *Eco-tourism and agri-tourism enterprises are land uses that would be compatible and desired in the area.* To protect agricultural settlement, it was recommended that a maximum cap of 5,000 s.f. be made for small-scale, commercial development. In the Town-Wide Land Use Vision, recommendation 8 states *"Conserve the rural landscape character, especially in the eastern, rural portion of town and*

*along rural roadways and farmsteads.”* The plan does encourage development to be focused toward already-developed areas.

**Zoning Regulations** – An Agricultural-Residential A-R district is established under the residential zoning districts. Intent of the A-R zone is to permit agricultural, rural and open space uses, and also to permit a very low density of residential use (approximately 1 unit per 5 acres) designed to retain the open space and rural character of the District without conflicting with farm operations. The intent of the Rural-Open Space R-OS district is to permit agricultural, rural and open space uses, and also to permit a low density of residential use (1 unit per 2 acres) designed to retain the open space and rural character of the District.

Agriculture, horticulture and farming, general is allowed in the A-R zone by right, as well as in the Residential-Open Space R-OS, Residential-Buffer R-B, Residential 1 R-1, Residential 1A R-1A, Corporate Office/Regional Commercial OC and Coastal Industrial CI zones. Agriculture, livestock or dairy is allowed by right in the A-R, R-OS, Corporate Office/Light Industrial OI, and CI zones and with Special Permit in the OC zone. Agriculture, farm stand or market is allowed by right only in the A-R, R-OS, R-B and CI zones. Animal; boarding, horse farm or stables are allowed by right in the A-R, R-OS, R-B and O-C zones only. Retail; landscaping/gardening with outdoor display is allowed by right in the Business 2 B-2, and OC zones and with special permit in the Business 1 B-1 zone. Accessory use of Animal; boarding, private stable is allowed by right in the A-R, R-OS, OI and CI zones and by special permit in the R-B zone. Accessory use of Structure; customary garage, shed or greenhouse is allowed by right in all zones except the B-1, B-2 and Office Only O zones.

House trailers and mobile homes are prohibited in all districts. Since house trailers are the standard for agricultural worker housing, this prohibition can create problems if the Agricultural Districts law is not in effect to void local laws effects on agriculture in ag districts.

The definition of Agriculture; horticulture and farming, general is *general farming operations including the cultivation of crops, a garden, orchard or nursery; the cultivation of flowers, fruits, vegetables, or ornamental plants.* The definition of Agriculture; livestock or dairy is *the raising, feeding or breeding of livestock or poultry, including dairy farming.* The definition of Agriculture; farms stand or market is *a structure or outdoor market not exceeding 100 square feet, where products grown or produced on the premises by the operator of the market may be sold and purchased.* The definition of Animal; Boarding, Horse farm or stables is *premises on which two or more horses not the property of the proprietor are boarded, or on which horse are maintained commercially for hire, exhibition or sale. Any establishment where horse are kept for riding, training, driving or stable for compensation or incidental to the operation of any club, ranch or similar establishment.* The definition of Animal; Boarding, private stable is *premises on which two or more horses not the property of the proprietor are boarded, and including the horse of the proprietor not maintained for commercial purposes; is accessory to a farm or dwelling.* The definition of Nursery is *a building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail on the premises to the general public.*

**Subdivision Regulations** – Minor subdivisions are defined as *any subdivision not more than 4 lots, each fronting on an existing street, not involving any new street or extension of municipal facilities, not adversely affecting the development of the remainder of the parcels or adjoining properties, and not in conflict with any provisions or portion of the Master Plan, Official Map, Zoning Ordinance or these Regulations.* Minor subdivisions require less information, including a survey of only the tract being subdivided and reduced review.

General requirements for subdivisions allow that the Planning Board may require the preservation of all natural features which add value to the residential developments and to the community. Cluster subdivisions are allowed by request of the subdivider.

**Recommendations** – The keeping of fowl, an agricultural pursuit that appears to be popular in many suburban and even urban settings, is not permitted in many of the residential zones. Apiary uses (bee hives) have also become a more popular urban and suburban agricultural use that may need to be addressed in the near future. It is recommended that lots under 20,000 square feet require a special permit to keep fowl so that manure management and fencing can be addressed in tightly settled areas. The broad nature of the definition of agriculture also includes flower and vegetable gardens in residential yards. The definition may want to add the word “commercial” in front of horticulture and floriculture.

As with the Town of Brunswick, accessory agricultural or farm businesses should be allowed, such as the manufacturing of farm needs such as bedding, provision of farm services such as tires and tractor repair, trucking, vehicle repair, machine shop, feed retail, etc.

Requirements for buffers between new uses and existing agricultural uses including crop lands should be added to both the Subdivision Regulations and the Land Use Regulations. The location of houses and wells would be prohibited in the buffer zone, which would optimally be 50 to 100 feet in width.

Agricultural Data Statements should be mentioned as requirements for subdivisions, special permits and use variances for properties within 500 feet of a farm operation located in an Agricultural District as defined by NYS Ag and Markets Law.

### **Town of Grafton**

The Town of Grafton adopted its Master Plan Revision in December 1990. Although the Town has a Site Plan Review law, it does not have zoning regulations. The subdivision regulations were most recently updated in 2006.

**Comprehensive Plan** – Mention is made that some open land is still in use for marginal hay production or for maintaining livestock. Mention is also made that farming is now active in only a very small manner and not as the major source of income.

**Subdivision Regulations** – Minor subdivision procedures are given for when two, three or four lots are created with frontage on an existing roadway.

**Recommendations** – The Town of Grafton has made the active decision to not have zoning regulations due to the extreme soil constraints in the town which limit the use of property. In this fashion, they have allowed mixed use development throughout the town with no proscriptions on agriculture. Agriculture, though, is not protected through the regulation of land use, either.

### **Town of Hoosick**

The Town of Hoosick adopted their Comprehensive Plan Update in August 2004. Subsequently, a Land Use Law was written and adopted in February 2009. The present version of subdivision regulations were approved in July, 2011 with an amendment in July, 2012. A draft Agricultural and Farmland Protection Plan was written in 2010, but has been finalized in 2013.

**Comprehensive Plan** – A key issue identified during the public input and stakeholder interviews was protecting the town’s natural resources including agricultural lands, scenic areas and water resources. Strengths identified during the first public meeting were Hoosick’s scenic beauty, its agricultural base, resources, and its strategic location near Vermont, the Capital District, and Saratoga. A major threat identified was the loss of working farms and prime agricultural land and external threats to agriculture businesses.

Three goals dealing with agriculture were developed – *Goal 1: Preserve and enhance the existing rural character of the Town while accommodating a balanced mix of recreational, residential, commercial, agricultural, and industrial uses; Goal 8: Support economic development in the commercial, industrial, and agricultural sectors; and Goal 9: Protect farmlands as a valuable natural resource and strengthen farm viability and the agricultural economy.*

Several of the objectives from Goal 1 include: *To protect the agricultural land and the scenic beauty of the area, development is discouraged in the Agricultural Districts. If any development is permitted, conservation subdivisions are recommended. This requirement can be stipulated in the Subdivision Regulations; and To prevent any sprawl and encroachment on agricultural and vacant land, scattered development of any type is discouraged and should only be permitted if there is extreme hardship or other kind of extenuating circumstance demonstrated.* Recommended Actions for Goal 1 include:

*2. Consider the development of a Zoning Ordinance to regulate future development in the Town. The Zoning Ordinance should stipulate districts based on the recommended land use in this plan and provide for the protection of the Town’s agricultural, environmental, economic, cultural, and historic resources. The Zoning Ordinance should contain regulations to ensure compatible and quality development in each district.*

*3. Work with the surrounding Towns and Village of Hoosick Falls to ensure that future development serves the needs of the region in providing a balanced mix of agricultural, residential, recreational, commercial and industrial uses for the welfare of the residents and the protection of the Town’s resources.*

A recommended action under the Municipal Services Goal 4 has an effect on agriculture – *2. Prohibit large-scale development in agricultural areas unless sanitary sewers are provided by the developer. This can be accomplished in the subdivision site plan review.* This action could provide sanitary sewers beyond the development that would greatly increase pressures on surrounding farmland.

Although Goal 8 wants to promote the economic development of the agricultural sector and has as an objective - *to maintain a viable agricultural economy in the Town of Hoosick and promote the economic development of the agricultural sector* - there are limited recommended actions to do so. These actions are:

*4. Foster public and private efforts to develop businesses in the tourism industry. These include craft production, craft shops, craft lessons and lectures, bookstores, museum gift shops, expanded farmer's markets, cultural and historic events. Work with business owners in developing the marketing program and help organize the business community.*

*5. Support the agriculture industry through the continued use of Agricultural Districts and agricultural tax rate.*

Goal 9 is to *promote land use policy and conservation measures that encourage agriculture and protect productive farmland. Maintain a viable agricultural economy; promote the economic development of the agricultural sector.* Its objectives are to:

- *Direct growth away from agricultural areas to minimize loss of prime soils and disruption of farm operations*
- *Guide public policy in promoting agriculture*
- *Demonstrate the importance of farming and the integral part it plays in supporting the rural character of the Town as well as the part it plays in Hoosick's quality of life*
- *Support the purchase of development rights on farmland*
- *Expand efforts to promote Town farm business and farm products.*

Five recommended actions arise from the goal and objectives – *1. Encourage local land use policies which support agriculture and protect farmlands; 2. Create an AG Advisory Committee to review existing Town policies to promote farming industry as well as farm-related events, and to research funding opportunities; 3. Support the purchase of Development Rights (PDR) on farmland; 4. Develop an Agricultural Directory for Hoosick Farms; and 5. Promote community support for agriculture through educational efforts and materials.*

**Zoning Regulations** – The first purpose of the Land Use Law is to *encourage the management of agricultural resources.* A further purpose is to *assure adequate sites for residential, agricultural, industrial and commercial uses.* A land use district Agricultural/Residential AR is created of rural areas including *small and large farms, low density residential and rural uses.*

In the Schedule of Use regulations, Animal Husbandry is allowed by right in the Rural Residential RR, AR, Historic Overlay HO and Flood Fringe Overlay FFO districts, and by special

permit in the Hamlet H and Conservation Resource Management CRM districts. Animal Husbandry is not allowed in the Light Industrial/Commercial LIC and Dailey Mine DZ district. Field crops, greenhouses, nurseries, Farm Stand small, Agri-tourism, Farm Bed and Breakfast and Forestry are allowed by right in all districts except the DZ district. Farm Stand large is allowed by right with site plan review in all districts except the DZ district. Riding stables are allowed by right in the LIC, AR, CRP, HO and FFO districts and by special permit in the RR district, and not permitted in the Hamlet zone. Zoos are allowed by right in the AR district and by special permit in the HO and FFO zones only. Farm Occupations are allowed by right in all districts except the DZ district.

Roadsides stands for the sale of agricultural goods and products shall provide adequate parking, where parking facilities shall be arranged so that vehicles may easily turn around and reenter the public roadway in a forward direction. Conservation and forestry should follow the New York State Department of Environmental Conservation guidelines.

Agricultural buffers are required when new uses unrelated to agricultural operations abut agricultural operations. Agricultural Data Statements are required as under New York State Agriculture and Markets Law Section 305-a 2. A disclosure is required for residential development next to agricultural uses.

Special permit applicants must show that the proposed use will not adversely affect farming operations.

*For animal husbandry, sufficient area or acreage should be provided for the shelter and exercise of livestock as well as for the storage of food and manure. Manure must be stored away from property lines whenever possible and in accordance to best management practices according to NYS Department of Ag and Markets.*

*Definition of Agricultural Data Statement is an identification of farm operations within an agricultural district located within five hundred feet of the boundary of property upon which an action requiring municipal review and approval by the Planning Board, Zoning Board of Appeals or Town Board pursuant to Article 16 of the Town Law is proposed, as provided in Section 305-a of Article 25AA of the New York State Agriculture and Market Law. Agritourism is defined as corn mazes, agricultural education venues, hay rides, and other assorted agriculture-associated activities that occur on an ongoing basis. Animal husbandry is defined as the raising of animals and birds for food, wool, breeding, preservation or pleasure.*

*Farm Bed and Breakfast is defined as a bed and breakfast facility that is located on a working farm. Farm Occupation is defined as a business run by a farmer or his family member(s) on farm property that is incidental and not necessarily related to the farm business. The farm occupation, if not located in a barn or other existing outbuilding, is limited to a new building of 5,000 square feet in area. Farm Stand large is defined as an enclosed building that sells produce from the landholder and from off-site producers. The large farm stand is likely to have multiple customers regularly. Farm Stand small is defined as a table or shelter that sells produce from the land holder and neighboring properties. Field crops are defined as the growing of fruit and vegetables outdoors for food, fodder*

*and grain. Includes hay and straw fields. Forestry is defined as the management, including logging or timber harvesting of 100 trees or more, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration and/or maintenance of wood roads, skid ways, landing areas, fences and forest drainage systems.*

*Greenhouses is defined as the commercial growing of plants in traditional glass or temporary greenhouses. Nursery is defined as the growing of trees, bushes and flowering plants and sales of such plants. Riding Stables and Academies is defined as facilities that board for fee five or more horses and may provide training on riding and horsemanship. Zoo is defined as the keeping of non-domestic and other animals for viewing, research, preservation and breeding under a DEC permit.*

**Subdivision Regulations** – The 2012 amendment of the Subdivision Regulations placed the minimum lot size to 2 acres for the purpose of gifting a portion of property to a family member without impacting the owner's ability to further subdivide the property, which is greater than that of the Land Use Regulations.

*A simple subdivision is defined as any subdivision containing no more than 3 lots where all the lots front on an existing road and where each lot can be shown to meet New York State Department of Health standards for Individual Water Supply and Sewage Disposal. A family subdivision is defined as individuals who own more than 10 acres of property can subdivide that property for the purpose of gifting a portion of said property to a family member without impacting the owner's ability to further subdivide the property in accordance with this regulation or any other subdivision regulations. Each lot subdivided according to this provision must contain at least 2 (previously 5) acres.*

No method of review is given for simple and family subdivisions. Minor subdivisions of 4 to 6 lots have reduced review and filing requirements.

**Recommendations** – The Town should provide in the Land Use Law a minimum distance for agricultural buffers of 50 feet where no residence or well is located.

The raising of fowl should be separated from Animal Husbandry and allowed on lots of sufficient size in the H District.

The requirement, as per NYS Agriculture and Markets Law, to provide an Ag Data statement for all subdivisions of property within 500 feet of agricultural properties in Ag Districts should be added to the Subdivision Regulations, as well as a requirement of a buffer for subdivision of at least 50 feet between new uses and active agricultural properties.

### **Town of Nassau**

The Town of Nassau re-adopted its Comprehensive Plan with modifications in July 2011 and readopted its Zoning Law which had been previously adopted in 2008 and overthrown by a subsequent lawsuit September 2011. A present lawsuit has the Town operating under its 1986 Zoning Regulations until the lawsuit is settled.

**Comprehensive Plan** – A portion of the vision statement deals with agriculture – *...Nassau will be a community of beautiful rural landscapes, productive and expanding agricultural uses interspersed with thriving small to mid-sized commercial enterprises and home-based businesses...*

In the Comprehensive Plan, *open spaces is defined as undeveloped or agricultural lands where either natural processes, habitats and wildlife predominate, or where the naturalistic landscapes associated with agriculture comprise a pastoral component of community character.* Agricultural resources are said to comprise approximately 8.5% of the town. Active farming includes grasslands for hay and pasture, as well as croplands for typical corn/hay rotation. Dairy farming has drastically declined while specialty farming such as alpaca, sheep and horse farms are in the increase. A resurgence of interest in organic farming, small farm plots and farm based local products has recently occurred, enabling some of the small farms to diversify their operations.

In the Comprehensive Plan's Recommendations section, there is a subsection on agriculture. The goal stated in this subsection is: *encourage the preservation, protection and enhancement of agriculture in order to safeguard irreplaceable farmland; improve the stability and profitability of farming; benefit the local economy; and preserve open space.* Six objectives are listed in this subsection.

*Objective 1: Maintain and enhance local agriculture and related support services.* The Town states that it will work with farmland owners to ascertain whether they are receiving the ag use valuations they may be entitled to, as well as other tax credits and exemptions. Additional local property and farm building tax incentives will also be explored. Phased-in assessments for upgraded farm buildings should be considered. New York State's Timber Harvesting Guidelines – Best Management Practices will be promoted as well as the Forestry Assessment for forest lands.

*Objective 2: Identify farming products and marketing initiatives that lead to greater farm stability and profitability.* The Town proposes to work with residents, various government and non-government organizations, and any local food co-op/compact to identify products and marketing initiatives, including niche and specialty markets. The plan encourages farmers to produce vegetables and other products for the ample number of farmers markets in the Capital District and Pittsfield regions.

*Objective 3: Provide farmers and agribusiness investors with appropriate resource referrals for business planning and development assistance.* The Town proposes to integrate economic development with farmland protection, using programs such as "Grow New York" to assist farmers with professional help in financial planning and farm mentoring.

*Objective 4: Identify productive town agricultural land; promote development patterns, land use policy and conservation methods that encourage agriculture and protect farmland from conversion to non-agricultural uses.* The Town proposes to investigate conservation easements, purchase of development rights (PDR), smart estate planning, public fishing rights purchase by DEC, Right-

to-Farm law updates, buffer zones, preparation of a town Agricultural and Farmland Protection Plan and the development of land use regulations that preserve farmland.

*Objective 5: Protect farmland in water resource areas.* The town proposes to be mindful of the contribution of farmland to a safe, unpolluted aquifer.

*Objective 6: Increase public awareness and participation in Nassau's agriculture.* The town proposes to explore the viability of farms with retail or other agriculturally related business components that may supplement income from farming, as well as farm tours, farm events, the establishment of a farmers market and other farmer/non-farmer participatory activities. Placement of signs stating the Right-to-Farm law to increase awareness and continued programs like those offered at the Nassau Free Library on sustainable farming and other areas of interest to gardeners and small farm owners are also proposed.

**Zoning Regulations** – This is a review of the September 2011 Zoning Law.

One purpose of the zoning law is *to preserve and protect agricultural lands, especially prime agricultural soils, and active farms so that agriculture is encouraged and maintained as an important and vital economic base of the Town.*

Agricultural uses are placed under a residential zoning district. *The Rural Residential district is established to maintain and protect the rural character, environmental quality and natural habitat of these parts of the Town while allowing for a mixture of housing types, opportunities and home occupations, and to provide for current and future residents the opportunities for a wide range of activities including rural living, agriculture, forestry, recreation and the enjoyment of wildlife.* This makes agriculture a side line of a residential use, much like a home occupation or hobby or “the enjoyment of wildlife”. Agriculture is a business venture. There is no place in the zoning districts for a business venture such as agriculture to grow out of the home occupation phase.

Agricultural accessory structures do not have to fulfill the required setbacks defined in the bulk chart.

Clear cutting of more than one-half acre is not allowed for agricultural pursuits as defined by the State Department of Agriculture and Markets unless with a zoning permit, and only with site plan approval for an area more than ten acres. Storage of agricultural vehicles, equipment, products or materials does not have to be hidden from public roads or neighboring properties. Signs that denote the name of the farm and owner of a farm are allowed without a sign permit, but not any other enterprise or business. Agricultural uses are waived from the special regulations for Lakes, Ponds, Streams and Wetlands.

A Protection of Agriculture section is part of the Zoning Law. The first part of this section is a Right to Farm subsection:

*Notwithstanding and other provisions of law, it is the intention of this section to supersede to the extent legally possible any prior statutory or court developed rule of law regarding nuisances or*

*similar types of actions against agricultural practices or uses on any land in the Town of Nassau. An agricultural use or practice shall not constitute a private nuisance when an action is brought by a person provided such agricultural use or practice constitutes a sound agricultural use or practice pursuant to an opinion issued upon request by the New York State Commissioner of Agriculture and Markets. Nothing in this section shall be construed to prohibit an aggrieved party from recovering damages for personal injury or wrongful death.*

A second subsection is for required disclosure to potential purchasers of lots or dwelling units warning of the noises, smells, possible chemicals, possible dangers and other possible nuisances that may be posed from living near agricultural uses. A third subsection proposes that a minimum 200 foot buffer between agricultural uses and new uses be provided. A fourth subsection requires Agricultural Data Statements as required in Agriculture and Markets Law. A fifth subsection allows roadside or farm stands as long as the sale is restricted to grains, fruits, vegetables, flowers, honey and/or similar products. Adequate parking is required for the farm stands, which must be located at least 20 feet from the nearest roadway surface.

In the Conservation Subdivision section, preserving active agricultural lands is listed as one of the purposes for conservation subdivisions. *...Farming activities are allowed to continue on proposed open space areas pursuant to an agricultural easement or other suitable arrangements. Where active agricultural lands are set aside in a Conservation Subdivision, such lands may remain in active agricultural use. In approving such a Conservation Subdivision, the Planning Board shall consider the potential incompatibility of residential and agricultural uses in establishing appropriate screening, buffer area, setback or other requirements.* Open space areas for PDDs may also be used for agriculture.

A Concentrated Animal Feed Operation (CAFO) section places special requirements on animal feeding operations, including special permits and site plan review. CAFOs must have a minimum of 50 acres, a minimum of 200 foot buffers between any aspect of the CAFO and the parcel boundary line, must comply with NYSDEC regulations and have a plan for best management of animal wastes products (required as part of NYSDEC regulations) as part of the special permit or site plan application. Whereas the number of dairy cows listed was the limit under DEC CAFO regulations, the DEC regulations have been proposed to be loosened to 300 mature dairy cattle. Additionally, the number of ducks is one tenth of the State's requirement of 1,500 for farms with liquid manure handling. Since the requirements of the State change due to changes in federal requirements and state of the industry, requiring farmers to apply for site plan and special permits every time the operation must change due to changes in requirements is onerous.

Excavations, stripping, filling or grading undertaken to enhance the agricultural use of lands or to provide for structure or other improvements which benefit or are necessary for agricultural activities pursuant to generally acceptable agricultural practices as defined by NYS Department of Ag and Markets is allowed, but only where minerals resources removal improves the agricultural usability or productivity, the mineral resources stay on site and the area is less than half an acre. If the area is more than half an acre, a zoning permit is needed. If the area is more than 10 acres, site plan review is needed.

Agriculture is defined as an enterprise in which activities include the cultivation of food, fiber or horticultural crops or the raising of livestock or poultry, in accordance with the New York State Agriculture and Markets law. Accessory uses such as the on-site retail sale of agricultural-type products, such as produce, food items, goods manufactured on the farm, shall be considered part of such agricultural use. Agricultural Associated Animal Waste is defined as manure obtained from agricultural activities. Agricultural Data Statement is defined as an identification of farm operations within an agricultural district located within 500 feet of the boundary of property upon which a subdivision is proposed, as provided in Section 305-a of the Agriculture and Markets Law of the State of New York. An "Agricultural Data Statement" shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the Agricultural Data Statement.

Agricultural Related Businesses are defined as – includes the following:

**Agriculture, Equipment Repair:** Land whose primary purpose is the storage, maintenance, and repair of machinery related to agricultural uses.

**Agriculture, Labor Housing:** Housing provided for and agricultural operation that meets the current definition for agriculture provided in the New York State Agriculture and Markets Law and that provides housing for laborers (and their families) working on the farm where the housing is provided. Such housing must be removed within 12 months from the time that it is no longer used for agricultural labor.

**Agriculture, Nurseries and Greenhouses (without retail):** Land use for the cultivation of trees, shrubs, and/or other plants are propagated for a period of at least 6 months and/or where flowers and vegetables of an annual variety are germinated before transplanting. The use does not include retail.

**Agriculture Research/Development Laboratories;** Land and/or structures used for experimentation in pure or applied research, design, development and production of prototype machines or of new products specifically related to agricultural uses, wherein products are not manufactured for wholesale or retail sale, wherein commercial servicing or repair of commercial products is not performed, and wherein there is no outside display of any materials or products.

**Agriculture, On-Farm Food Processing Activities with Wholesale and Retail Trade Areas:** A facility used for the cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which prepares the naturally grown product for consumer use. May include wholesale and retail as secondary uses.

**Agriculture, Retail Sale of Farm, Nursery, and Related Products:** An establishment whose primary purpose is the retail sale of farm, nursery, and related products, including but not limited to fruits, vegetables, and plants (includes farmers markets and farm stands not in conjunction with a working farm).

**Agriculture, Tourism Activities on Ongoing Farm Operation:** Land and/or structures utilized for agriculture-related tourism for visitors or residents, with the purpose of providing additional revenue to the primary establishment. This includes but is not limited to pick-your-own and special seasonal events.

**Agriculture, Warehousing/Wholesaling Farm/Nursery Products:** Land and/or structures utilized for the storage of agricultural goods, wares, and merchandise whether for the owner or for others, and/or an establishment or place of business primarily engaged in selling and/or distributing agriculture-related merchandise to retailers; to industrial, commercial, institutional, or professional business users,

or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Agricultural Structures are defined as *structures originally intended or exclusively for support of an agricultural function, and exemplified by, but not restricted to, barns, silos, water towers, windmills, and greenhouses*. Clearcutting is defined as *any cutting of trees one inch or more in diameter measured at four and one-half feet above ground which results in a residual density of trees of less than thirty square feet per acre. Residual density shall be determined by calculating the sum of the cross-section of all trees two or more inches in diameter measured at four and one-half feet above the ground*. Concentrated Animal Feed Operation is defined as (a/k/a CAFO or feedlot): *a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure*. Open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered by be animal feedlots. Pastures shall not be considered animal feed lots. See section 6.5-2 for detailed definition. Conservation Subdivision (a/k/a Cluster Development) is defined as *a development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for agriculture, recreation, common open space, or the preservation of historically or environmentally sensitive features*.

Fertilizer is defined as *any commercially produced mixture generally containing phosphorus, nitrogen and potassium which is applied to the ground to increase nutrients to plants*. Forestry Use is defined as *any management, including logging of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, fences and forest drainage systems*. Herbicide is defined as *any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed, and being those substances defined as herbicides pursuant to the NYS Environmental Conservation Law, Section 33-0101*. Manure is defined as *animal feces and urine*. Nurseries and Greenhouses (with Retail) is defined as *land or structures used for the cultivation of trees, shrubs and/or other plants and are sold on the premises on a retail basis*. Pest is defined as *any insect, rodent, fungus or weed; or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism (except viruses, bacteria or microorganism on or in living man or other living animals) which the Commissioner of the NYSDEC declares to be a pest as provided by ECL, Section 33-0101*. Pesticide is defined as *any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator defoliant or desiccant, and being those substances defined as pesticides pursuant to ECL, Section 33-0101 et seq*. Stable is defined as *a structure or land use in or on which horses or ponies are kept for sale or sheltered, fed or kept for hire to the public*. Breeding, boarding, training, riding lessons or riding may also be conducted.

In the Schedule of Land Uses Chart, for Agriculture, farms require zoning permits for all land use districts. Agricultural structure, Reuse requires special permit for all land use districts. Forestry uses are not permitted in the Waterfront Residential and Hamlet districts and require zoning permits in the Rural – Residential, General Business and Aquifer Overlay districts. Agricultural related businesses are not allowed in the Waterfront Residential district, require special

permits in the Hamlet and Aquifer Overlay districts and require site plan review in the Rural Residential and General Business districts. CAFOs are not permitted in the Waterfront Residential, Hamlet, General Business and Aquifer Overlay Districts and require Special Permits in the Rural Residential district. Horse Riding/Stables are not allowed in the Hamlet and General Business districts, require special permits in the Waterfront Residential and Aquifer Overlay districts and require site plan review for the Rural Residential district. Nursery/Greenhouse (retail) is not allowed in the Waterfront Residential and Aquifer Overlay districts, requires special permit in the Hamlet district and site plan review in the Rural Residential and General Business district. For non-residential uses, which agriculture is one, setback requirements in the Rural Residential district require a 75 foot setback for the front, side and rear yards.

**Subdivision Regulations** – Provides for minor subdivisions up to 4 lots fronting on existing streets with no new streets proposed with lesser review and requirements, such as only requiring the survey of the lot portion to be conveyed.

**Recommendations** – In order to make the Zoning Law in accordance with their vision in the Town of Nassau's Comprehensive Law, the word "agriculture" should be part of the "Rural Residential" name of the district that best allows agriculture and contains most of the agriculture.

The requirements for agricultural related businesses should be relaxed, especially in the Rural Residential and General Business districts. Non-retail nurseries that grow field trees and bushes are actually an agricultural use. Agricultural labor housing cannot be segregated from the actual business of the farm as a separate business as it is not a separate business. Farmers need to repair their equipment, which should not be considered as a separate business. Pick-your-own orchards and berry patches should not be excluded from the Aquifer Overlay zone since they do not create more chemical and pesticide use than that of many residential uses.

Requiring a special permit review of CAFOs, which already must present a detailed nutrient management plans to the NYSDEC is redundant and will create problems as the CAFO laws evolve and as farm plans change. Each time the nutrient management plan requires an adjustment, the farmer must file a new special permit request. Also, if the Town Board requires changes to the nutrient management plan that does not follow state and federal regulations, the farmer is place in a hardship. The Town should require the filing of the nutrient management plans or the filing of a copy of CAFO SPDES permit application at the time the farmer files the CAFO SPDES permit with the state. The requirements for what is covered under this section should also follow NYS DEC regulations or otherwise farmers will be overly burdened with town regulations.

The definition of clear cutting should be changed. Under the definition of clear cutting, the removal of one sapling in a half acre of pasture with only three saplings would be considered clear cutting, requiring a permit. The maintenance of a ten acre area of pasture would require site plan review if not done every three or four years.

The Town of Nassau's Comprehensive Plan is strong on preserving and helping agriculture. It would be good if the Town of Nassau's Zoning Law were to reflect that sentiment.

### **Town of North Greenbush**

The Town of North Greenbush adopted their Comprehensive Plan in 2009. The Comprehensive Zoning Law as adopted originally in January 1981 and updated multiple times since. The Town's subdivision regulations were adopted in May 1976 and amended since.

**Comprehensive Plan** – In its Introduction, the Comprehensive Plan notes a decline in agriculture with only two active farms at writing. Ten percent of the town was considered agricultural according to the real property data. Most of the farmland is located in the southeastern portion of the town. Approximately 71 percent was dedicated to field crops, with the remainder vacant, other crops or cattle. The Comprehensive Plan refers to the *Keep It Growing – An Agricultural and Farmland Protection Plan for Rensselaer County*.

Action item 1.2 of the Sustainability & Environmental Resource Objectives recommends updating the Recreation and Open Space Master Plan to consist of an inventory that identifies key agricultural lands, scenic landscapes, important ecological resources and other significant open spaces that should be preserved and also a management plan that prioritizes goals and identifies an implementation strategy. Action item 1.3 of the Sustainability & Environmental Resource Objectives encourages the protection of open space and farmland in the Town by providing assistance to interested landowners and farmers. It also recommends working with Rensselaer County, Rensselaer County Land Trust, as well as other local/regional organizations to protect the Town's natural resources. When feasible, the town should consider purchasing development rights from property owners or maintaining conservation easements for key open space land. Conservation easements should be required as part of future development when appropriate and feasible to preserve significant open spaces or create "green" linkages or connections throughout the Town.

Action item 3.2 of the Infrastructure & Municipal Services Objectives section recommends the exploration of a consolidated civic center that might include space for a farmers market and community gardens.

Action Item 1.3 of the Land Use Objectives and Strategies recommends considering the allowing the redevelopment of barns for uses other than residential units to help preserve the rural character of the community as well as the barns themselves. Action item 1.10 recommends reducing the road frontage requirements for subdivisions in low density, open space and agricultural areas of the Town and considering limiting the number of subdivisions allowed from an original or parent parcel. Land Use Objective 2 promotes a balance of uses to support sustainable patterns of development including healthy neighborhoods, thriving commercial districts, working farms and a high quality of life. Action item 2.3 of that section recommends initiating zoning changes that will encourage open space conservation and agricultural viability

(both small- and large-scale agriculture) while targeting specific area for future residential, retail, mixed-use or commercial growth.

On the Proposed Land Use map, approximately one-quarter of the land area is proposed for Agriculture/Open Space/Low Density Residential. This section is south of the hamlet of Wynantskill and generally runs south, west of Snyders Lake, to the East Greenbush border and along the Sand Lake border. In the write-up description of Agriculture/Open Space/Low Density Residential, it states that *“the remaining farmlands and open spaces are integral to the identity of the Town and, as indicated in the public workshops and stakeholder interviews, are important to the Town’s residents. Preserving the larger parcels within these areas of the Town should be a priority into the future.”* *“The Town should encourage these areas to remain available for open space, conservation, farming, agricultural support businesses, large lot single-family homes or small conservation subdivisions, outdoor recreation, appropriate home-based businesses and recreation.”* In the descriptions of the Single-Family Residential areas and Moderate Density Residential areas, one purpose for these more dense residential areas is to provide areas to direct growth to so as to protect the Agriculture/Open Space/Low Density Residential area.

**Zoning Regulations** – The Town has two of its 18 districts pertaining to agriculture: Agricultural Rural District and Agriculture Residence District. No definition of agriculture, farm, farming or similar is given.

Two accessory buildings are not to exceed 1,500 square feet with one not exceeding 900 square feet are allowed in side or rear yards. Height limitations do not apply to silos. No front or side yard parking in an Agriculture Residence district shall be used for the storage of trucks or trailers, except that one camping or travel trailer and one boat, snowmobile or other utility trailer will be permitted per dwelling unit in the side or rear yard of residential units.

The raising or keeping of livestock, poultry and fur-bearing animals is permitted by right in the Agriculture Residence, Industrial and Agricultural Rural districts. The raising or keeping of livestock, poultry and fur-bearing animals is allowed in the other districts only by special permit where adequate land is available and said operations are incidental to a single family occupancy and the products thereof are only for the use or consumption of the occupants.

Open space uses for cluster subdivisions include open woodland and farm fields.

Uses Permitted by Right in the Agricultural Rural district include general farming, nursery, grazing and ranching, including sale of products produced on the same lot, reforestation areas, and riding academy. Permitted Accessory Uses in the same district include customary farm buildings, riding stables and greenhouses. Uses Permitted by Right in the Agriculture Residence district include general farming, nursery, grazing and ranching, including sale of products produced on the same lot, reforestation areas and riding academy. Permitted Accessory Uses in the same district include customary farm buildings, riding stables and greenhouses. In the Residential Single-Family and Residential Multifamily districts, general farming and nursery, including sale of products produced on same lot are uses permitted by special permit, with

greenhouses as permitted accessory use in the Residential Single Family district. In the Neighborhood Business district, all uses permitted by right in the least restrictive adjacent residential district, subject to all requirements of that district, are allowed. In the Industrial and Natural Products districts, general farming, nursery, grazing and ranching including sale of products produced on site are permitted by right.

Setbacks in the Agricultural Rural and Agriculture Residence district are 75 feet in front and rear, and 60 feet for side setbacks. Front setbacks are from the property line.

**Subdivision Regulations** – Allows minor subdivisions of up to 4 lots fronting on existing streets and not involving any new street or road with reduce review.

**Recommendations** – Requirements for buffers between new uses and existing agricultural uses including crop lands should be added to both the Subdivision Regulations and the Land Use Regulations. The location of houses and wells would be prohibited in the buffer zone, which would optimally be 50 to 100 feet in width.

Agricultural Data Statements should be mentioned as requirements for subdivisions, special permits and use variances for properties within 500 feet of a farm operation located in an Agricultural District as defined by NYS Ag and Markets Law.

The Town should allow the sale of vegetables, plants and fruit and minor amounts of eggs from residential lots in the non-agricultural zones. The Town should eliminate the accessory building size limitation for agricultural uses as well as reduce setbacks if lot sizes are sufficient. The Town should allow farmer accessory businesses for authentic farmers (not business that hire a few animals to skirt regulations).

### **Town of Petersburg**

The Town of Petersburg does not have a Comprehensive Plan or Land Use regulations. The Town does have Subdivision Regulations adopted in 1973 and a Site Plan Review Law.

**Subdivision Regulations** – The Town’s Subdivision Regulations allow for Minor Subdivisions of 3 building lots or less, with existing road frontage, no new streets and not affecting the development of the remainder of the property or adjacent property. Major subdivisions have a reduced review.

**Right to Farm Life Law** – The Town’s Right to Farm Life Law provides the following limits on certain animal husbandry uses:

*“a.) Elevated cage type poultry or commercial pig operations may only be established upon approval by the Planning Board of a plan, commented on by Rensselaer County Cooperative Extension, and approved by the USDA Soil Conservation Service. Commercial pig operations*

*shall be defined as any operation that sells, trades or barter any live pig(s) or any meat from the operation.*

*b.) High density livestock operation shall be permitted only upon approval by the Planning Board of a plan commented upon by the Rensselaer County Cooperative Extension, and approved by the USDA Soil Conservation Service."*

The Right to Farm Life Law also sets a minimum acreage for raising farm animals for subsistence purposes at two acres and the operation shall be placed at the farthest distance from existing neighboring occupied homes. Application fees for elevated cage poultry and commercial pig operations are set at \$250.

**Recommendations** – There is no definition of what is considered a high density livestock operation. Is it a confined barn dairy operation or just a mid-western style 1,000 cattle feed lot? Would the DEC Concentrated Animal Feeding Operation (CAFO) which regulates operations with 200 cows or other animals with a similar total mass and manure output be what the Town is looking to regulate? CAFOs are presently regulated through a stormwater permits with the NYS Department of Environmental Conservation. The Town may want to have the CAFO plans be filed with the Town Clerk instead of requiring additional review. For small pig operations which propose to sell between one and ten pigs, the cost of \$250 for the review will be cost constraining. Is this the size operation which the Town wants to limit? For issues such as too many animals on a too small lot, or the dumping of manure on a property line to antagonize neighbors, the Site Plan Review law could be used to provide sufficient pasturage and properly sited manure piles for small operations.

### **Town of Pittstown**

The Town of Pittstown adopted its latest Comprehensive Plan in November, 2005. Its Land Use and Development Code was adopted in January 1975 with updates in 1988. Both Land Use Regulations and Subdivision Regulations are part of the Land Use and Development Code.

**Comprehensive Plan** – The Comprehensive Plan opens with a Strengths, Weaknesses, Opportunities and Threats Analysis in which farmland and active farms are identified as strengths, loss of farmland and open spaces are considered weaknesses, and loss of farmland and open space and commercial and residential development of agricultural lands, woodlands, and lands close to the Reservoir are considered threats. Issues identified include loss of farms, farmland and open space and potential development of agricultural lands, woodlands, and lands near the Reservoir.

Agriculture is prominent in the first paragraph of the Vision Statement which reads:

*"Pittstown is a rural community defined by its scenic beauty, clean environment, open spaces, agricultural land uses, and with development that is consistent and compatible with our rural character. Agricultural activities play an important role in the cultural, environmental and economic setting of Pittstown. The environmental quality of our water, air, vegetation, wildlife habitats, and natural scenery are protected. The Tomhannock Reservoir is an important environmental, recreational and aesthetic resource in Pittstown, and special care is taken to protect its watershed and to ensure proper use of it."*

The first goal is *to encourage a land use development pattern that can accommodate sustainable future growth that promotes the economy, agriculture and housing opportunities that are compatible with, and preserves our rural character and environment.* A sub-strategy of this goal is to *place buffers between structures, if needed, and avoid close proximity with farm operations such as pastures, barns, and crop fields.* Another sub-strategy of the goal is that there may be circumstances, such as important agricultural features, i.e. ag district lands, prime farmland soils, soils of statewide significance and active agricultural operations, when cluster or conservation subdivisions should be required and the Planning Board should be given the authority to require these techniques under certain outlined conditions.

Under the sub-strategy to update the Town's subdivision laws, the seventh action item proposes that all subdivisions should have a drainage improvement plan.

Under the sub-strategy to update the Town's land use law, the first action item proposes to include a narrower, specific use schedule for the RA and H zones that would show land uses acceptable in each district, along with supplemental standards and other criteria for these uses. This action item refers to a box that proposes to limit commercial uses in the RA district that is stated that may not be consistent with the goals of protecting the environment, farming and rural character. Additionally, the box text proposes increasing the guidelines for special permit use approval. The third action item on updating the land use law proposes to create a maximum density less than one acre for dwellings in the RA district and less than one acre for density in the Hamlet district if public water or public sewer should be constructed. The fourth action item proposes the requirement of the submission of flexible subdivision layouts for major subdivisions over 15 acres which contain such items as state or federal wetlands over 25% of the site, steep slopes over 25% of the site, flood plains, critical environmental areas, scenic views or vistas, total land area more than 15 acres, number of lots more than 4 or parcel included within an Agricultural District or with a farm operation on or adjacent to it.

Under the sub-strategy to amend the zoning to address mobile homes, the first action item is to prohibit single-wide mobile homes outside of mobile home parks. Existing single-wide mobile homes must be replaced with a double-wide, modular or stick built house if there is a change in ownership and/or the single wide is to be replaced.

The second goal is *to conserve Pittstown's abundant natural resources, open spaces and scenic landscapes.* Under the third strategy of this goal, to institute Best Management Practices to reduce erosion and sedimentation, the third sub-strategy is to *encourage the voluntary adoption of Best Management Practices by farm operations and encourage participation in the federally sponsored Agricultural Environmental Management (AEM) program for farms.* The tenth sub-strategy includes the proposal of initiating a timber harvesting permit process. The twenty-fifth sub-strategy proposes to *require (or permit to happen) conservation subdivision design on all parcels greater than 15 acres in size.* The thirty-fourth sub-strategy encourages the use of the 480-a Forest Tax Law exemptions that allows forest owners to apply for up to 89% tax exemption by committing their forest land to a DEC approved forest management plan. The

thirty-fifth sub-strategy proposes to acquire land through conservation easements, lease arrangements, management agreements, mutual covenants, fee simple sales or donations.

The third goal is to *strengthen and diversify Pittstown's economic base consistent with the rural, aesthetic and historic character and environment of the town*. The second strategy proposes creating a multi-faceted rural community economic development initiative based on connecting activities relating to historic, cultural, and natural resource protection with tourism, agriculture, land use planning, business development and marketing. The seventh strategy is to *foster tourism and take advantage of the agri-tourism, cultural tourism, and attract Vermont bound travelers*. The ninth strategy is to *form a committee of farmers, tourism businesspeople, artisans, and elected officials to develop agri-tourism ideas and programs for Pittstown*. Some of the ideas could include formation of a local multi-purpose cooperative to support dairy value added processing, sale of locally produced goods and crafts. Encourage and ensure that zoning allows farm product retail storefronts, crafts and artisan product storefronts, and ag-related businesses such as processing facilities. Training workshops in agri-tourism could be arranged through various agencies (such as Cooperative Extension). One area to further explore would be Bed and Breakfasts. Work with county and other regional efforts to attract Amish, Mennonite and other small-scale farmers to farms that are going fallow or may be sold for development.

Under Goal 5, which relates to town government, an action item under the third strategy is to *develop a landowner's conference*. This is an educational opportunity for landowners to learn about their land, environmental and open space conservation methods and programs, small farming opportunities, etc.

Goal 7 deals entirely with agriculture – *To maintain working farms and farmlands, and to encourage a diversity of agricultural operations and opportunities*.

*Strategy A. Update your local Right to Farm Law (Local Law #1 of 1987) so that it is more consistent with the state model. – Specifically, it should have a section in there about dispute resolution, should have a notification section, and should mirror the definitions for farm operations as per the Ag and Markets laws.*

*Strategy B. Amend the local land use law to make it more "farm-friendly" as follows:*

- 1. Change definitions of agriculture to match that established by Ag and Markets.*
- 2. Add definitions for farm, farm operation, horse farm, stables, riding academy consistent with state established definitions.*
- 3. Include in a new site plan law a modified set of procedures and standards as per the New York State Department of State recommended model so that Pittstown can adequately review proposed large farm operations.*
- 4. Remove from local zoning the current regulations requiring 10 acres for agricultural use because they are inconsistent with state law. Zoning should be consistent with the State definition of a farm operation as being anything on 7 acres or more earning more than \$10,000 in gross income or less than 7 acres earning \$50,000 or more in gross income from the farm.*
- 5. Add definitions and provisions in zoning for farm markets, farm stands, and ag-related businesses.*

6. Ensure that zoning allows mobile homes on any farm within an Ag District for farm housing of staff or family working on the farm. State allows for placement of mobile homes on farms and should be reflected.
7. Add definitions and provisions to zoning to address horse farms and riding academies.
8. Both zoning and subdivision laws should reflect the need for new development to buffer itself from existing farms. Consider adding a statement in zoning that requires setbacks, buffers, or screening of development from any lot line with an existing farm.
9. Ensure that the Planning Board follows all provisions of Ag and Markets 25-aa Section 305-a which require use of an agricultural data statement and evaluation of impacts of a proposed use on continuing agriculture in or adjacent to the New York State ag district in Pittstown.
10. Institute land use methods as discussed in other goals including clustering, conservation subdivision design, and use of density instead of minimum lot sizes.
11. Consider other land use methods to benefit farming such as;
  - a. Create an agricultural overlay zone where density is reduced to levels that can sustain continuing agriculture or where clustering/conservation subdivision is mandatory for all parcels 15 acres or larger.
  - b. Consider use of a density bonus where a landowner receives added density in exchange for permanently protecting active farmland.
  - c. Together with density, consider setting a maximum lot size for residences in an agricultural overlay or within the agricultural district to set a limit on the size of residential lots. This will encourage less development of farm and forestlands.
12. Use performance standards in zoning and subdivision to minimize new development impact on existing farms. Consider standards that steer development away from prime ag soils and existing operations.

*Strategy C. Work with the county and local land trusts to arrange for fee-simple acquisitions of farmland, advanced acquisition and land banking, and purchases or donations of development rights (conservation easements). Voluntary conservation easements and deed restrictions are other ways landowners can protect land.*

1. *In order to be successful to have a successful Purchase of Development Rights program, the town will need to decide which farmlands to protect, which areas to target and how to set priorities, what restrictions to put on the land, how much to pay for easements, how to raise funds, how to administer PDR programs, and how to monitor easements. These tasks could be accomplished by using a prioritization system to choose critical lands to target these programs toward. There are many ways a PDR program could be instituted. You could also offer incentives such as tax incentives. The town should watch these programs such as use of real estate transfer taxes. Pittstown can also offer density bonuses for preservation of active farmlands as well.*

*Strategy D. Consider offering additional property tax incentives above and beyond what the state offers for lands eligible for agricultural exemptions.*

*Strategy E. Develop an ad hoc agricultural protection task force committee of local farmers and Pittstown government officials.*

*Strategy F. Ensure that the appropriate staff is knowledgeable about the exemption of agricultural buildings in the State Uniform Fire Prevention and Building code effect as of January 1, 2003.*

*Strategy G. Work with local farmers and landowners to educate them and encourage them to participate in existing programs that benefit farms.*

*Strategy H. Ensure that the Town Assessor follow through on imposing fees and penalties required by New York State law for properties that have received agricultural tax benefits if they are converted to non-farm use.*

*Strategy I. Work with Rensselaer County and economic development officials to aggressively pursue a program in agricultural economic development. This will assist existing or new farmers to be as profitable as possible.*

*Strategy J. Utilize the section called “Prioritizing Agricultural Land” in the Rensselaer County Agricultural and Farmland Protection Plan to prioritize parcels of land for conservation easement programs. – Locally important agricultural lands could include those active farmlands that are in an agricultural district, receive an agricultural tax exemption, and that have 50% or more of the farm in prime or statewide important soil groups.*

*Strategy K. Current regulatory practices in town encourage widespread residential development. The overall philosophy should be to encourage higher density in and near the hamlets or other nodes and not sprawled across active agricultural lands. Designated hamlets and requiring hamlet style development as discussed in other goals will assist with this strategy.*

*Strategy L. If the need arises, and the town considers public water and sewer infrastructure in the future, work to focus water and sewer to the hamlet areas. Hamlet zoning districts should be drawn include “room to grow” and infrastructure should not be allowed to expand beyond that boundary.*

**Zoning Regulations** – The Land Use Regulations are part of the Land Use and Development Code adopted in 1975. The first purpose of the Land Use Regulations is to preserve the rural character of the community in recognition of the extensive land areas devoted to agricultural activities.

Agriculture is defined as the raising of crops, animals or animal products; limited forestry, the selling of products grown on premises, and any other commonly accepted agricultural operations. Incidental mechanical processing and the sale of products grown on the premises are included in the definition.

Agriculture is a permitted use in the Residential Agricultural (RA) district, which covers the majority of the town. Ten acres are required for agricultural use in the RA district, whereas residential use only requires one acre. Farm access roadways do not have to comply with the 450 feet requirement between residential driveways. Principal and secondary structures are required to be setback 50 feet from the roadway lot line. Side and rear setbacks are minimally the height of the tallest point of the structure.

Agriculture is not listed as a permitted use in the Hamlet district, which allows any use not expressly permitted in this district may be considered a Special Use and subject to the Special Use regulations in Article VII. The Hamlet district primarily covers densely developed hamlet areas in the town.

Agricultural signs are limited to one two-dimensional sign identifying the use at the site, not exceeding 32 square feet on a surface, and limited in wording and graphics to the name of the establishment and its principal service or purpose.

In the Supplementary Regulations subsection D, it states that *Agricultural and Conservation use are permitted in all districts and do not require development or use permits.*

**Subdivision Regulations** – The Subdivision Regulations are part of the Land Use and Development Code adopted in 1975. Minor subdivisions are those with not more than two building lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities or adversely affecting the development of the remainder of the parcel or adjoining property. Only the parcel to be split off requires an actual field survey for minor subdivisions.

**Recommendations** – The Comprehensive Plan, under its first goal, proposes to require drainage improvement plans for all subdivisions. For subdivisions of one or two lot splits for farmer giving lots to their children or selling a lot to pay taxes, loans or buy farming needs, requiring and following through on a drainage plan for a single small lot, or for their entire property would be cost-prohibitive and would likely put the farmer out of business. The first goal also proposes to update the land use law to include a narrower, specific use schedule for each of the districts. Although a large use schedule would make understanding the law easier for some, the use schedule should be inclusive - allowing uses similar to those listed - and not exclusive – not allowing any uses not listed in the schedule. Commercial and light industrial uses should be allowed in the RA district as long as they are complementary to agricultural and surrounding residential uses, are relatively limited in size, and do not create negative impacts on the environment. Agriculture, after all, is an industry. Supplemental standards should be limited for agriculture and farm uses so that no onerous requirements are placed on farmers, driving them out of the town.

A sub-strategy under the first goal proposes to increase the density above one acre in the RA district to preserve farmland. This will not preserve farmland as it will just increase lot sizes and eat up farmland with larger lawns. Requiring conservation subdivisions for all major subdivisions or those in the ag district or on or near an active farm operation will probably not preserve farmland either. Requiring buffers between residential lots and active farm parcels including crop fields and pastures will help limit farmer/neighbor issues. The idea to prohibit single-wide mobile homes will limit housing opportunities for farmers who use mobile homes to house their workers. Requiring the larger, more expensive, double-wide mobile home for bachelor farm hands places an unneeded expense on farmers.

In the second goal, requiring a timber harvesting permit will create extra expense for farmers who use their woodlots to provide necessary funds to their operation, as well as provide heat to their homes and farms. Requiring a conservation subdivision for a farmer wanting to split a lot from his 50-acre parcel for a child or to pay bills will create hardship on the farmer.

Under Goal 7, Strategy B proposes changes to the local land use law that are supposed to make the law more “farm-friendly.” Some of these may have the opposite effect.

The definition of agriculture in the Agricultural Districts section of the NYS Ag and Markets Law primarily refers to those uses on parcels that are allowed to receive reduced taxable value for property taxes. The definitions in this section are regularly changed as agriculture in New York State is changed, and certainly changed more often than local land use laws in Rensselaer County. The Agricultural Districts definitions leave out new farming operations, farming operations that are too small acreage- or sales-wise, and farming operations that are primarily for self-sufficiency, a growing agricultural trend. It is recommended that the Town of Pittstown come up with its own definitions for agriculture, farm, farm operations, etc. that reflect the agriculture found in the town and the town itself.

Requiring site plan review for farm operations will become onerous to the farmers. Who on the Planning Board will be able to properly review the site plan? Will the farmer then have to pay the Town for hiring a consultant to review the agricultural site plan? For concentrated animal feed operations (CAFOs), the Town could require that the nutrient management plans or SPDES permit application be filed with the Town instead.

The recommendation that the minimum requirement of 10 acres for agricultural use to be replaced by the state agricultural use valuation requirement of 7 acres if the farmer makes \$10,000 or less than 7 acres if the farmer makes more than \$50,000 in gross sales leaves out agricultural uses that are new, that are for private use (horses, chickens, etc.) or bad years. Will the building inspector require forms stating gross sales each year?

In the Land Use Regulations, the minimum lot size for agriculture should be decreased down to one or two acres, since agriculture in the town of Pittstown is not primarily dairy anymore as it was when the Land Use Regulations are written.

Additionally, incidental uses to agricultural operations should be allowed by right beyond the *incidental mechanical processing and sale of products grown on premises*. These can be limited to an area limit, percentage of sales, etc. to keep the actual use on the site primarily agricultural.

In the Subdivision Regulations, Minor Subdivisions should be raised to four lots with existing roadway frontage.

### **Town of Poestenkill**

The Town of Poestenkill Comprehensive Plan was adopted in November, 2006. The Zoning Law, now the Land Use Chapter of the Town Code was originally adopted in 1986, and updated a number of times since then. The Town of Poestenkill Subdivision Regulations were originally adopted on March 23, 1967 and have been amended several times throughout the years.

**Comprehensive Plan** – The Vision Statement in the Comprehensive Plan ends in: *The Town of Poestenkill will accommodate carefully planned new residential development, commercial enterprises and public infrastructure which fit harmoniously into the Town fabric, are compatible with established neighborhoods, and are designed in a manner that conserves its important natural resources, waterways and aquifer, agricultural lands and family farms.*

In the Natural Resources Chapter, two items were cited under Threats, Issues and Goals for Prime Farmland Soils: Use conservation or cluster development to preserve tracts of prime farmland; and Preserve the best farmland by Purchase of Development Rights (PDRs), easements or other methods. Additionally, for Forest Lands, the following is listed under Threats, Issues and Goals: The Town recognizes forestry as an important industry in the town and encourages the best forestry practices to maintain the viability of the forest.

Four items are listed for Issues, Threats and Goals of the Economy Chapter Agriculture section: Review local laws and ordinances to ensure that the laws and ordinances are not onerous to the agricultural community; Provide buffers between developments and agricultural uses; Create a farmers market in the hamlet area to provide a direct marketing and contact opportunities for farmers/growers and residents; and Work with the agricultural community and Rensselaer County Agricultural and Farmland Protection Board on purchasing development rights on the quality farmland in the town. The Forestry Section of the same chapter lists two items under Issues, Threats and Goals: encourage the use of the NY State Forestry BMP Field Guide in the harvesting of lumber to reduce erosion, water impacts and improve future harvesting opportunities; and encourage the owners of forested lands to have long-term timber harvesting plans.

There is no direct goal for agriculture or agricultural protection in the Action Plan chapter. The closest goal to encouraging agriculture is *The Town will endeavor to encourage the development of new, and the expansion of current business enterprises that is compatible with the existing character of the town of Poestenkill.* Objective 6-4 of this goal states that *the Town will support development of program that encourage sustainable owner operated farming in the town.* Action items under this objective are:

- Recognize the desire of our residents and those residents in surrounding towns and villages to obtain local “home grown” vegetables and fruits and other farm products;
- Establish incentives to promote the agricultural industry. The Right to Farm Law is important as it provides a formal statement of local support for agricultural operations. The Town should go further by working with federal, state and local entities to obtain increased technical assistance and capital support for local farms;
- Encourage to work with the Rensselaer County Agricultural and Farmland Protection Board, Rensselaer Taconic Land Conservancy and similar organizations in exploring techniques for preservation of farm land, open spaces, wooded areas and natural vegetation, e.g., purchasing development rights for farming, exploring land trust options, creating land conservation zones;
- Promote local farmers’ market for Poestenkill farmers to sell their produce, farm products and value-added farm products;

- Encourage consumer/resident support for local farmers through education and awareness activities, such as community gardening projects, 4-H demonstrations and school and church presentations;
- Take a leadership role in establishing an Agricultural Development Advisory Council composed of local farmers, 4-H leaders, representatives from Cooperative Extension, representative from Soil Conservation, representatives from Poestenkill Town and Planning Boards and other relevant parties and organizations from the local, county and state level;
- Review local laws and ordinances to ensure that they are not onerous to the agricultural community;
- Not extend local water and/or sewer into prime agricultural areas;
- Require buffers between new development and agricultural operations; and
- Maintain steady tax rates to keep farm operations profitable.

**Zoning Regulations** – One of the purposes of the Land Use Section of the Poestenkill Town Code is to *encourage the continuation of commercial agricultural activity within the town.*

The definition of agriculture is *the growing of field or garden crops and the maintenance of plants, vineyards and orchards on any parcel, the keeping of fowl on a lot of five or more acres and the keeping of livestock on a farm lot of 10 or more acres in accordance with the provisions of this chapter. The term "agriculture" does not include the operation of a hog farm, fur farm, riding academy, livery or boarding stable and dog kennel or cattery. The definition of farm is any parcel of land containing at least 10 acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. The term "farm" includes necessary farm structures within the prescribed limits established within this chapter and the storage of equipment used as part of the farm operation. The term "farm" specifically excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels. Roadside Stand is defined as a structure within which agricultural products grown on the premises or elsewhere by the operator of the stand are sold.*

Agriculture has fencing setback requirement specific to agricultural uses.

Agriculture as defined shall be permitted in all land use districts, provided that the following criteria are met:

A. *Buildings or structures for permitted fowl or livestock shall be located not less than 50 feet from any lot line nor, except in the RA District or where the farm operation precedes the residential use, within 200 feet of the nearest neighboring residential structure. No fenced area for such fowl or livestock, except in the RA District, shall be closer than 100 feet to an existing structure.*

B. *The storage of manure or other dust- or odor-producing substances shall be adequately screened from the view of adjacent properties and located not less than 100 feet from any lot line, stream or other water body or well providing a source of potable water nor within 200 feet of the nearest neighboring residential structure.*

For keeping of animals and fowl on nonfarm parcels, at least two acres in size and up to 10 acres in size shall be permitted in accordance with the following limitations:

- A. The keeping of not more than one adult or fully grown horse, cow, beef cattle, sheep, goat or other four-legged domestic-type farm animal or combinations thereof per acre of land shall be permitted.
- B. In addition, the keeping of not more than a total of any combination of 12 adult or fully grown chickens, ducks, geese or other fowl or birds of any type per acre of land shall be permitted.
- C. In all instances, all animals shall be adequately housed, fenced and otherwise maintained in a sanitary and safe manner so as, on the finding of the Code Enforcement Officer, not to create a nuisance, health or safety hazard to nearby property, property owners or inhabitants of the neighborhood or the animals themselves.
- D. A special use permit shall be required the R, RR1 and CLI Land Use District.
- E. The setback requirements for building structures and storage cited above shall be fully observed.

Roadside stands shall be permitted in the H, R, RA, RR1 and RR2 Districts, provided that:

- A. Such stand is located not less than 25 feet from any street line, except in the H District, where 10 feet shall be the required front setback.
- B. Such stand is solely used for display and sale of agricultural products grown exclusively on the premises or elsewhere by the operator of the roadside stand.
- C. Signage is limited to 12 square feet and is located not less than five feet from any street line.
- D. A special use permit is required in the R, RR1 and RR2 Land Use Districts

In the Natural Products District, it is stated that *nothing contained herein shall prohibit excavation for the purpose of moving topsoil, soil or earth from one location to another location on the same or contiguous parcel for grading, improving or draining said land, provided that such excavation is necessary for, or accessory to, farming operations. Also, nothing contained herein shall prohibit construction of private farm ponds with a tributary drainage area of less than one square mile, farm ditches and fire ponds. However, construction must meet all criteria required by the Department of Environmental Conservation (DEC) concerning classified waterways.*

In the Residential Agricultural zone, the minimum lot size is 2 acres. Front and rear setbacks are 50 feet with side setback of 25 feet.

Agriculture according to its definition is allowed by right in all zones. The keeping of fowl and livestock on nonfarm parcels is allowed by right in the RA, RR2 and NP districts, allowed by special permit in the R, RR1 and CLI district and not allowed in the H district. Noncommercial stable for horses is allowed by right in the RA and RR2 district and by special permit in the R and RR1 district, but not allowed in the H, CLI and NP districts. Roadside stands are allowed by right in the RA and H district, by special permit in the R, RR1 and RR2 district and not allowed in the CLI and NP districts. Riding academies are only allowed by special permit in the RA and RR2 districts and not allowed in any other districts.

**Subdivision Regulations** – The regulations allow for minor subdivisions of not more than four lots fronting on an existing street, not involving any new street or extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property. The entire property requires an actual field survey for minor subdivisions.

Multiple minor subdivisions in one lot that create more than four lots become a Major Subdivision when the fifth lot is created.

**Noise Pollution Control Law** – this law make it illegal to let it be permitted to be heard beyond their property boundaries continuous animal noises occurring between 10 PM and 7 AM.

**Recommendations** – The definition of agriculture in the Land Use Law should remove the acreage amounts and the prohibition of hog farming. The definition of farm should remove the 10 acre requirement. The definition of roadside stand should allow the sale of some product grown by other than the operator of the stand, or two levels of roadside stand could be created as seen in some of the other land use laws.

Agricultural fencing should not have a setback unless the fencing is of a solid nature, then setbacks at road intersections and front yards may provide sight distance safety.

The additional standards for agriculture create issues, some of which may be repaired in upcoming code changes. The required setback from structures for fenced areas for fowl and livestock create issues where chicken runs must be located 100 feet from the chicken coop and paddocks located 100 feet from horse shelters and barns. Requiring a 50 foot side or rear setback for agricultural buildings on agricultural properties where no residential neighbors are located is onerous.

Keeping of animals and fowl is only allowed on parcels between 2 and 10 acres. What if a property owner has more than 10 acres? Requiring an acre to keep a dozen chickens and requiring 2 acres to keep 24 chickens seems to be overkill, since the chickens will be in runs much smaller than half an acre.

Requiring a special permit for a card table or picnic table with vegetables on it appears to be overkill, even when if the roadside stand is located in a residential district.

### **Town of Sand Lake**

The Town of Sand Lake adopted its Comprehensive Law and a new Zoning Law in 2009. A subsequent lawsuit overturned the Zoning Law, which was again adopted in 2011 and subsequently thrown out. Presently, the Town is using its Zoning Law from April, 1972 which has had a few amendments through the years. The Subdivision Regulations were adopted in July, 1968 with several subsequent amendments throughout the years.

**Comprehensive Plan** – The Comprehensive Plan, in its Future Land Use Map, identifies a concept area called “Agricultural/Residential” in which: *this area encompasses the majority of active farms and good soil in the Town. The retention of farmland and low density residential uses in this area is encouraged in this plan.*

One of the recommendations in the Rural Character, Open Space, and the Environment Section, Objective #2 is to use the Transfer of Development Rights (TDR) to preserve open areas such as farms, by a “one for one” transfer of residential units from farm or open space areas to “receiving areas.”

Another recommendation is to: *Implement techniques to preserve farmland and working forest when updating the Zoning Ordinance. – The presence of active farms and working forests in the Town is highly prized by residents. In recognition of the importance of agriculture, the Town recently enacted a right-to-farm law as a way to preserve the legacy of farming within Sand Lake. The Town should also consider enacting a right-to-forestry law as a way to preserve the legacy of forest within Sand Lake. In addition, the Town should research other regulatory methods which could further the goal of retaining active agriculture, such as easements, purchase of development rights, or other methods.*

Text under Objective #2 of the Economic, Housing and Community Sustainability section states: *There are other important economic components of the Town’s economy and way of life, such as very small businesses, agriculture, and forestry, and others. However, these types of businesses can also lead to conflicts with incompatible neighboring land uses.*

**Zoning Regulations** – The 1972 Zoning Regulations define farm as a parcel of land containing at least 10 acres which is used for gain principally in raising of agricultural or dairy products. The term includes the necessary farm structures and farm equipment. It excludes the raising of fur-bearing animals, riding academies, boarding stables and dog kennels. It also excludes a holding area where cattle, livestock or poultry are held and fed commercially in a restricted area, as distinguished for a traditional farm.

Two agriculturally-based districts are designated, A-1 Agricultural District and RA-1 Residential Agricultural District. The purpose of the A-1 district is to *delineate those areas of the Town which are appropriate for agricultural purposes and for low-density residential uses and to preserve the integrity of such areas for such purposes.* Permitted uses in the A-1 district include one- and two-family dwellings, churches, church schools, parks and playgrounds, municipal buildings and uses, golf courses, marinas or beaches, farms, nurseries or truck gardens, including roadside stands for sale of home grown products, picnic groves and fish or game clubs, game management areas, grange halls, fraternal clubs or lodges, public utility structures or uses, Home Occupations I and customary accessory uses. Special Exception uses include sanitary landfills, junkyards, automobile junkyards, commercial excavation, conversion of existing buildings into multiple dwellings, Home Occupation II, veterinary or animal hospital and kennel.

Permitted uses for the RA-1 district include one- or two-family dwellings, churches and church schools, parks and playgrounds, municipal buildings and uses, farms, nurseries or truck gardens, including roadside stands for sale of home grown products, Home Occupation I, accessory buildings or uses, commercial woodlots, mobile homes and charcoal manufacturing. Special Exception Uses are the conversion of existing buildings into multiple dwellings and Home Occupation II.

Farms, nurseries or truck gardens, including roadside stands for sale of home grown products and commercial woodlots are also allowed in the R-1 Residential District. Farms, nurseries or reforestation areas as well as forest practices, including management, soil conservation, forest harvesting, charcoal manufacturing, commercial woodlot, farm ponds and wildlife protection are allowed in the O-S Open Space District. Milk plants (dairy processing facilities) as well as feed and fuel sales are allowed in the C-2 Commercial District. The manufacturing, assembly or processing of dairy or food products is allowed in the M-1 Manufacturing District.

Nurseries and the sale of farm equipment are exempted from required screening from adjoining residential districts and public rights-of-way. Accessory farm buildings include barns, silos and other farm structures. There shall be no height limitation on barns, silos and other farm structures. Accessory farm buildings shall be a minimum of 100 feet from the road center line and 75 feet from the side line. Roadside stands must provide sufficient number of off-street parking spaces for off street space on the side or rear yard for all customers.

Advertising signs and commercial billboards are allowed in the A-1 District, with a size restriction of 12 feet high and 50 feet long with the bottom at least 4 feet and no more than 6 feet above the ground, located at least 400 feet from the edge of pavement from the nearest street or highway, intersection or dwelling. Advertising signs require a permit from the Town Board.

In the use Regulations/Bulk Schedule, Farm, nursery, truck garden, including roadside stand for the sale of homegrown products require 10 acres lot size and 500 feet for a lot width in the A-1 and R-2 Districts. The uses of Farm, nursery, truck garden, including roadside stand for the sale of homegrown products is not listed under RA-1 as an allowed use, although they are listed in the district description.

In the twice proposed Zoning Regulations passed in 2010 and 2012, several districts apply to agriculture. They are:

*RR — Rural Residential. The purpose of this district is to encourage agriculture, forestry, and low-density residential and compatible nonresidential uses in rural and environmentally sensitive areas where intensive residential development is impractical and undesirable.*

*AR — Agricultural/Residential. The purpose of this district is to encourage agriculture and compatible open space uses while maintaining low- and medium-density residential areas.*

*AR2 — Agricultural/Residential 2. The purpose of this district is to encourage agricultural uses located near low- and medium-density residential areas, while allowing for limited commercial extraction uses.*

In the Use Table, agriculture which includes forestry is allowed by right in the RR, AR, AR2 R Residential, PR(O) Professional Residential Overlay and PDD Planned Development District zones and not allowed in the HMU Hamlet Mixed Use, HC Hamlet Commercial or RM Residential Mobile Home districts. Agricultural uses, personal accessory is allowed by right in the PR(O) n HMU Hamlet Multi-Use, HC Hamlet Commercial and PDD districts and not allowed in the RR, AR, AR3 or R districts. Equestrian facility is allowed by right in the RR, AR, AR2 and PDD districts and by

special permit in the R district and not allowed in the PR(O), HMU, HC and RM districts. Nursery is allowed by right in the RR, AR, AR2 and PDD districts and by special permit in the R and PR(O) districts. Roadside stands are allowed by right in the PDD districts and by special permit in the RR, AR, AR2, R and PR(O) districts and are not allowed in the HMU and HC districts.

The dimensional Table requires 3 acre lot sizes for the RR district and 2 acres for the AR and AR2 districts. There are no off-street parking requirements for the agricultural/forestry and personal accessory agricultural uses. Off-street parking requirements for equestrian facilities are per the special permit requirements. Off-street parking requirements for nurseries are 1-2 per 1,000 GFA.

*Residential and agricultural accessory buildings may be erected in accordance with the following setbacks:*

- (1) Rear and side yard setback: 10 feet from side or rear property lines.*
- (2) Corner lot side yard setback: the same as for principal building.*
- (3) Front yard setback: the same as for the principal building*

*Outdoor agricultural storage areas - In the R and PR(O) Zones, outdoor storage areas or structures dedicated to the storage of manure, fertilizer, and/or silage shall be located a minimum of 100 feet from any property line.*

*Personal accessory agriculture uses.*

- A. The minimum lot size for the keeping of animals and fowl as part of a personal accessory agriculture use shall be two acres.*
- B. The keeping of not more than one adult or fully grown horse, cow, beef cattle, sheep, goat or other four-legged domestic-type farm animal or combinations thereof per acre of land shall be permitted.*
- C. In addition, the keeping of not more than a total of any combination of 12 adult or fully grown chickens, ducks, geese or other fowl or birds of any type per acre of land shall be permitted.*
- D. In all instances, all animals shall be adequately housed, fenced and otherwise maintained in a sanitary and safe manner so as, on the finding of the Code Enforcement Officer, not to create a nuisance, health or safety hazard to nearby property, property owners, or inhabitants of the neighborhood or the animals themselves.*

*Equestrian facilities - In addition to the requirements of the Dimensional Table of this chapter, equestrian facilities shall have a minimum lot size of 10 acres in all zones.*

*Nurseries - The minimum acreage for nurseries located in the R Zone shall be five acres and outdoor storage of materials not associated with retail displays shall be screened from the view of the public right-of-way as well as neighboring residential uses.*

For conservation subdivisions, active farmland, agriculture districts, prime agricultural soils and/or soils of statewide importance for farming are examined for conservation analysis. A permanent deed restriction or a conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes shall be granted with the approval of the Planning Board. The permanent protection shall prohibit residential, industrial, or commercial use of open space land, including power generation facilities (except in connection with agriculture, forestry, and passive recreation), and shall not be amendable to permit such use. Access roads, driveways, wells,

*underground sewage disposal facilities, local utility distribution lines, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures shall be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices.*

*Agricultural Use, Personal Accessory is defined as the production, keeping or maintenance, of plants and animals, as an accessory to a permitted use, where the sale of agricultural products is limited to those products produced on the lot and such sales are only permitted from a single temporary roadside stand or display. Agriculture is defined as the raising of crops, animals, animal products or fowl; forestry; and other commonly accepted agricultural operations. Equestrian Facility is defined as a commercial facility available to the public providing one or more of the following services: horse-riding lessons, horse training, leasing of horses, boarding of horses, sale of horses other than an occasional sale of a horse owned and used solely for personal purposes by the owner of a noncommercial facility. Equestrian facilities shall not include horse racing, wagering, or pari-mutuel uses. Nursery is defined as a building or structure and lands for the growing of flowers, fruits, vegetables, plants, shrubs, trees or other similar vegetation, together with garden accessories which are sold at retail from such building or lot to the general public. Roadside Stand is defined as a direct marketing operation offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, enhanced agricultural products and handmade crafts.*

**Subdivision Regulations** – The Subdivision Regulations allow for minor subdivisions of four or fewer lots. The Planning Board can waive the submission of any of the required supporting materials required for a preliminary plat if deemed unnecessary to adequately review the proposal. Minimum lot sizes for lots with individual sewerage with individual or community water supply are set by soil percolation rate.

**Recommendations** – In the new Zoning Regulations, agricultural uses, personal accessory should be switched so that residents in the RR Rural Residential, AR Agricultural Residential and AR2 Agricultural Residential 2 districts who are required to have large lots can enjoy the rural life they moved into those areas for. It makes not sense to allow Agricultural uses, personal accessory in the hamlet zones where lot sizes make it impossible to follow the acreage requirements in the supplemental requirements section.

The definition of nursery also includes that of truck farms, since it includes lands for the growing of vegetables. The nursery off-street parking requirement is confusing. Does the gross floor area cover outside sales or only that of the building that goes with the outdoor sales? The requirement for 5 acres for nurseries in the R zone seems excessive. This could be dropped to 3 acres or less, keeping in place the requirement to screen storage areas.

The requirement of one acre per 12 birds for personal accessory agricultural uses is excessive, as well as the one acre per livestock for over 5 livestock.

Requirements for buffers between new uses and existing agricultural uses including crop lands should be added to both the Subdivision Regulations and the Land Use Regulations. The

location of houses and well would be prohibited in the buffer zone, which would optimally be 50 to 100 feet in width.

### **Town of Schaghticoke**

The Town of Schaghticoke adopted its Comprehensive Plan in 2005. Its Zoning Regulations were greatly overhauled and adopted in June, 2005. Its Subdivision Regulations date to 1971 with amendments several times over the years.

**Comprehensive Plan** – In its vision statement, the Schaghticoke Comprehensive Plan states: *Agriculture remains a vital part of our local culture and landscape.*

In a Strengths, Weaknesses, Opportunities and Threats Analysis, the presence of active agricultural resources was considered a strength. Weaknesses include:

- *Zoning and other land use controls may not be appropriate to control growth in a way that meets the rural character and farmland preservation goals of the community*
- *Housing development has occurred in ways that can, cumulatively, negatively impact rural character. Sprawling land use patterns contribute to increased taxes, loss of rural character, negative impacts on existing farms, and increased traffic*
- *The town does not actively promote itself or take advantage of opportunities for business, agribusiness, or cultural/historic/tourism development*

Opportunities include that *agricultural resources, together with beautiful scenery and the rivers provide opportunities for enhancing tourism.* Threats include:

- *High taxes, or the perception of high taxes, can lead to disinvestments in the town and private properties. There is a lack of tax revenue from commercial businesses and new residential development usually costs a community more than it pays in real property taxes. Loss of farmland also can negatively impact the tax base.*
- *There has been a large decrease in the number of people employed in the agricultural, manufacturing, and retail trade occupations. As the agricultural economy continues to decline, there will be more and more land available for other types of development – most likely residential uses.*
- *The number of housing units has steadily increased and outpaces population. Development patterns not suited to rural areas can lead to loss of open space and farmland, and a degradation of the environment. Many people perceive the town as becoming over-developed. As the Capital Region grows economically, there will be more development pressure on Schaghticoke.*
- *Loss of farmland, rural environment and open space/scenic views due to development.*

Under the first Goal, the plan recommends zoning changes to encourage residential development in the hamlet areas. New siting and design options in subdivision regulations and zoning can allow preservation of open space and farms. Recommendation 9 of Objective 1.1 proposes to develop or facilitate purchase of lands or use of purchased or leased easements to protect agriculture, open space, and/or important resources in the town. Recommendation 10 of Objective 1.1 recommends the exploration of a Transfer of Development Rights program as

part of the zoning law. Recommendation 12 of Objective 1.1 proposes changing the minimum lot size to a density of three acres for the RA zone.

Under the second Goal, zoning should be amended to allow for wider diversity of uses such as bed and breakfast inns and agri-tourism related businesses (subject to site plan review). Objective 2.3 proposes to protect farmland and address issues affecting the viability of agriculture, including municipal regulations and marketing opportunities.

The third goal supports agriculture – *Support farms and protect agricultural lands*. Issues identified under this goal are:

- *The town supports a substantial number of farm operations, and has large acreages in active agricultural use.*
- *Farms play an important and desired role in Schaghticoke.*
- *Residential growth patterns, especially in the northern sections of Schaghticoke, will likely increase conflicts between agricultural uses and will lead to the reduction of existing open spaces and lands available for agriculture.*
- *Loss of active farmland will also impact community character, the environment, the local tax base, and the overall economy.*

Objective 3.1 is to *encourage new and alternative agricultural uses of farmland and support existing agricultural uses*. Recommendation 1 of this Objective recommends sponsoring a forum to help local farmers become aware of current and emerging state/national market opportunities and trends. Recommendation 2 of this Objective recommends that farmers participate in farmers markets and consult with organizers about unmet needs and product trends. Recommendation 3 proposes that the town ensure that agricultural structures be properly assessed, following depreciation schedules and town assessors receive training on the valuation of agricultural buildings and that the assessors apply principals consistently. Recommendation 4 proposes that the Planning Board and Zoning Board of Appeals follow requirements of NY Ag and Markets Law Section 25 AA: that the fines be instituted when a piece of land is taken out of agriculture for a non-ag use; determining applications before the planning board have no negative impact on agriculture and that the ag notification requirements be followed. Recommendation 5 proposes that additional locally sponsored property and building tax incentives be provided including smaller and hobby farms and term easement tax abatements. Recommendation 6 proposes to continue the local purchase of development rights program. Recommendation 7 proposes educating farmers on the GROW New York program. Recommendation 9 proposes to work with landowners to increase participation in state tax exemption and tax credit programs.

Objective 3.2 is to *reduce conflicts between agricultural and residential land uses*. Recommendation 1 of this Objective proposes that new residential development include buffers or landscaping screens where it abuts existing agricultural operations. Recommendation 2 of this Objective recommends that grants should be sought to conserve and buffer important lands north of the Hoosic River. Recommendation 3 proposes to support 4H groups and other programs to increase knowledge and understanding of agriculture to the school curricula and other youth-oriented community activities.

Objective 3.3 is to *enhance local land use regulations and policies to support agriculture.*

Recommendation 1 of this objective proposes to change the zoning schedule of uses to allow farm stands by right in the RA zone. Recommendation 2 of this Objective proposes to develop detailed definitions for agricultural uses such as agricultural and horticultural crops, livestock, storage of farm produce, etc. Recommendation 3 proposes to add other agricultural uses as a principal permitted or accessory use such as riding stable, greenhouse, etc. Recommendation 4 proposes to change the existing zoning definition of farm, which currently excludes riding academies and stables and requires 10 acres, to include hobby farms and other alternative agricultural uses on smaller parcels. Recommendation 5 proposes to develop streamlined review processes and flexibility in standards regulating signs, parking, etc. for agribusinesses. Recommendation 6 proposes to allow preserved land of residential cluster subdivisions to be used for agricultural uses. Recommendation 7 proposes to allow farm stands to sell produce from other farms as well as limited non-agricultural products and to encourage producers to direct-sell their produce. Recommendation 8 proposes to ensure that the planning board has an agricultural representative on it. Recommendation 9 proposes to authorize the use of conservation and clustered subdivision and requiring their use for major subdivisions of 20 acres or more. Recommendation 10 proposes to target agricultural and farmland protection programs towards blocks of viable farmland. Recommendation 11 proposes that the RA district should be down-zoned to one dwelling per three acres. Recommendation 12 proposes to increase density in hamlet areas to delineate between the countryside and hamlet areas. Recommendation 13 proposes to focus water and sewer infrastructure in already developed areas.

Goal 7 refers to transportation and traffic. Recommendation 5 of Objective 7.2 recommends that the town's highway department consider participating in the Cornell Local Roads program including the classification of roads including classifications of farm access and agricultural-land access.

**Zoning Regulations** – The general purpose of the Zoning Law is ... *to encourage the balanced development for industrial, commercial, residential, agricultural, environmental and public uses.* The Zoning Law is based on principals including: *the assurance of adequate sites for residential, agricultural, industrial and commercial uses; the guarantee of the right to farm; the development of land and the use thereof for the protection and enhancement of agricultural lands as part of any Agricultural Districts, as established in accordance with NYS Agriculture and Markets Law.*

The Residential Agricultural (RA) District is considered a residential district. The uses permitted in the RA District include agricultural & horticultural crops and livestock and the storage or processing of farm produce. Permitted accessory uses include outside agricultural storage, fowl and domestic animals and Agricultural Accessory Use. Uses permitted subject to site plan review include horse farm or horse boarding, greenhouse, farm market, agri-tourism uses, U-pick agricultural operations and roadside stand. Uses requiring a special permit and site plan review include farm and garden equipment sales & service, Riding Stable or Academy and rural business.

The R Residential District also allows agricultural & horticultural crops and livestock and storage or processing of farm produce as permitted uses with permitted accessory uses of farm market, outside agricultural storage, and fowl and domestic animals. Uses requiring a special permit in the R District include roadside stand.

The R40 Residential or HD Hamlet Districts do not allow agricultural uses by right or special permit.

The HC Highway Commercial District allows agricultural & horticultural crops and livestock and storage or processing of farm produce by right. The MD Marine District allows agricultural & horticultural crops and livestock and storage or processing of farm produce by right with farm market, outside agricultural storage and fowl and domestic animals as permitted accessory uses.

The height limitations do not apply to barns, silos and grain elevators. Permitted accessory buildings are allowed in the required side or rear yard, as long as they are shorter than the average height of the principal building, is set back 10 feet or the height of the structure, whichever is greater, from the lot line, shall not occupy more than 30% of any required yard, is behind the front yard setback, and if only two accessory structures, other than a permitted sign or satellite antenna and of which no more than one shall be a private sign or a private garage are on the individual lot except, when a lot is more than 2 acres, a special permit will be needed.

There is no limitation on the number of agricultural vehicles permitted accessory to a farm use.

Roadside stands selling agricultural produce in season shall be permitted a temporary sign area of 32 square feet without permit, set back at least ten feet from the public right-of-way, and removed at the end of the selling season.

Timber harvesting permits are required if timber is harvested in quantities greater than 50 standard cords of wood, 4,400 cubic feet of wood or 25,000 board feet of timber as measured by the international ¼" log rule in any one year. Timber harvesting permits require a timber harvesting plan prepared by a New York State Cooperating Consulting Forester or professional forester with active membership in the Society of American Foresters or the Association of Consulting Foresters.

A special Agriculture section is part of the Supplemental Regulations. It reads:

1. *The growing of field and garden crops, vineyards, orchards and nurseries; the keeping of livestock on a lot of 10 acres or more; the keeping of fowl on a lot of 5 acres or more shall be permitted as allowed by the Schedule of Use Regulations provided:*
  - a. *Building structures for such uses shall be located not less than 150 feet from any side or rear lot line and shall additionally conform to the front yard requirements for the principal building.*

- b. *The storage of manure or other dust or odor-producing substances shall be adequately screened from the view of adjacent properties and located not less than 150 feet from any lot line.*
  2. *Roadside stands, as permitted in RA, R and R40 districts, provided that:*
    - a. *Such stand shall not exceed 1,000 square feet in total area;*
    - b. *Such stand shall be located not less than 50 feet from any street line;*
    - c. *Such stand shall be solely used for display and sale of agricultural products.*
  3. *Outdoor agricultural storage for crates or other packing containers and farm equipment as permitted in RA and R40 districts, provided that:*
    - a. *Such crates or other packing containers are for use with agricultural products grown principally on the premises; and*
    - b. *No such storage is located within any required yard.*
  4. *Horses and ponies, for private use, may be kept on properties within the R and RA districts in accordance with the following schedule:*

<u>Max # Horses</u>	<u>Min. # Acres</u>
1	1.5
2	3
3	5
4	7
5 or greater	10
  - a. *Fences and/or buffer areas shall be located in such a manner to adjacent properties so as not to cause a nuisance.*
  5. *Buffering of Existing Farms from New Uses. New residential development located adjacent to existing farmlands or active farm structures including, but not limited to barns and silos, shall provide for its own buffer zone and/or landscaping for screening when necessary. The width of buffer shall be determined based on topography and proposed site layout but shall not be less than 50 feet.*

Two mobile homes are allowed by permit to be occupied only by full-time farm workers and their families employed by the owners. The mobile homes must be located on a lot at least 100 feet by 150 feet and no closer than 40 feet to the farmhouse and any farm building, provided that the lot is free from training problems and fenced off from farm animals.

Not more than one commercial vehicle in excess of 20 feet in length may be stored on a lot in a residential district, and shall occur inconspicuously on that portion of the lot behind the minimum front yard setback and not less than 5 feet from the nearest lot line.

A purpose of the clustering and conservation subdivision section is to protect agricultural areas by conserving blocks of land large enough for continued agricultural operations. Clustering or conservation subdivision design is required on all contiguous parcels that are 20 acres or larger and which three or more parcels are proposed to be subdivided, either now or in the future. At least 50% of the land shall be preserved as open space under the clustering or conservation subdivision, either as a portion of one or more large lots or on a separate open space lot. Agricultural and horticultural uses as allowed and defined in the law are allowed uses for the required 50% open space.

Agricultural land management practices and construction of agricultural structures are exempt from the requirements of the Steep Slope Overlay district.

Special permit requirements of roadside stands include that the location of the roadside stand is within a RA, R or R40 zoning district and that safe ingress and egress and off-street parking shall be provided.

General farming or nursery use permitted by right is exempted from site plan review.

*Agriculture is defined as all activities directly related to the grazing, growing or raising of crops or livestock, including but not limited to horticultural and fruit production, but not including timber harvesting, provided that such activities are conducted on 7 acres producing \$10,000 in gross sales or less that 7 acres producing \$50,000 in gross sales. Timber harvesting and drainage or permanent alteration of wetlands, watercourses or controlled areas is not included in agricultural activities. See also definition for farm. Agritourism is defined as activities conducted on a farm and offered to the public, or to invited groups, for the sale of agricultural products, education, recreation or active involvement in the farm operation. An agritourism activity may be secondary to the primary farm use on a property located in the RA district. Agritourism activities may be conducted in an accessory building or structure. Agritourism activities include, but are not limited to on-farm bed and breakfasts, farm stay programs, u-pick operations, and pumpkin patches. Clearing is defined as any activity which removes or significantly disturbs trees, brush, grass or any other type of vegetation. Farm is defined as the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise, including a commercial horse boarding operation as defined in this local law. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other. Farm market is defined as for the purpose of this Local Law, a Farm Market is a permanent year-round structure for the purpose of the sale of farm produce and agricultural products.*

*Forestry is defined as commercial logging operations, clearing or destruction of forested or woodland areas, selective cutting or clearing for commercial or other purposes, clearing for agricultural or other prospective land uses, and clearing of vegetation in reserved open space or resource protection area; however, it shall not include clearing for single family residence construction sites where such clearing shall be carried out as part of the Building Permit issuance procedure. All such other operations shall be subject to and carried out in conformance with New York State Department of Environmental Conservation Timber Harvesting Guidelines for New York. Fowl is defined as includes but is not limited to domesticated birds such as chickens, ducks, geese, turkeys and pheasants raised in confinement. Horse Boarding Operation is defined as a farm operation of at least seven acres and boarding at least ten horses, regardless of ownership, that receives \$10,000 or more in gross receipts annually for fees generated either through the boarding of horses or through the production for sale of crops, livestock products, or through both such boarding and such production. A horse boarding operation provides care, housing, health, related services and training to animals kept on the premises or on other properties owned or leased by the farm operator. Riding and training activities that are directly related to and incidental to the boarding and raising of horses, including riding lessons for persons who own or have a long-term lease from the farm owner for the horse that is boarded at the farm and uses for such activities, are*

part of the farm operation. Riding academies offering riding lessons to the public and to individuals that do not own or have a long-term lease for the horse that is boarded and used at the facility for such riding and operations whose primary function is horse racing are not consider a horse boarding operation. Horse farm is defined as an agricultural enterprise, consisting or at least seven acres and boarding at least ten horses, regardless of ownership, that receives \$10,000 or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this be construed to include operations whose primary on site function is horse racing.

Livestock is defined as animals, including but not limited to, domestic animals such as sheep, horses, cattle and goats. Riding stable or academy is defined as an operation that offers riding lessons to the public and to individuals that do not own or have a long-term lease for the horse that is boarded and used at the facility for such riding. A riding academy is not considered to ban an agricultural activity. Roadside stands are defined as for the purpose of this Local Law, roadside stands are temporary seasonal structures where produce and other agricultural products are sold. Rural business is defined as rural business shall mean any retail or public service business, excluding home occupation as defined in this Law, conducted solely on the premises and provided that the principal owns and resides on said premises. Structure is defined as a static construction of materials, the use of which requires a fixed location on the ground or attachment to an object having such fixed location. Structures shall include, among others, buildings, stadiums, sheds, storage bins, reviewing and display stands, platforms, towers, walls, fences, swimming pools, gasoline pumps, billboards, signs, and mobile dwellings.

**Subdivision Regulations** – The purpose of the Subdivision Regulations is to consider land subdivision as part of a plan for the orderly, efficient and economical development of the Town. Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other menace and shall be subdivided in a manner which maintains the rural and small Town character of Schaghticoke. Further purposes are to ensure that agricultural lands are protected and public water supplies are protected.

For a resubdivision, the same procedure, rules and regulations apply as for a subdivision. When a resubdivision occurs so that four or more lots have been created from the original parcel, that subdivision shall be deemed a major subdivision.

Preferred locations for development include the nonprime agricultural soils and in a manner which permits access to active agricultural land. Prime farmland soils and soils of statewide importance shall be avoided. Where a parcel contains both open fields and woodlands, preferred locations for development are along the far edges of open fields adjacent to any woodland, so as to reduce impact on agricultural operations and enable new construction to be visually absorbed by natural landscape features.

Preliminary plats submitted to the Planning Board shall be drawn to a convenient scale, not less than one inch equals 100 feet, and shall show the following information, including:

L. Location of any actively farmed field, farm access road, and boundary of New York State-certified agricultural district within 500 feet of the parcel.

M. *Agricultural data statement.* If any portion of the project is located on property within a certified New York State agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation located in an agricultural district, the application must include an agricultural data statement containing the name and address of the applicant, a description of the proposed project and its location, the name and address of any owner of land within the agricultural district, the land of which contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed, and a Tax Map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement. In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure, as per New York State Agriculture and Markets Article 25-AA, to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides, and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration." This disclosure shall be required as a note on a subdivision plat.

*In conformance with the Town's Comprehensive Plan, the purposes of cluster or conservation subdivisions are as follows:*

E. *To protect agricultural areas by conserving blocks of land large enough for continued agricultural operations.*

(1) *The Planning Board shall require application of a clustering or conservation subdivision design on all contiguous parcels of land that are 20 acres in size or larger and three or more parcels are proposed to be subdivided, either now or in the future. When two or more parcels are combined, a flexible subdivision shall occur if their combined area is 20 acres or more.*

*The sketch plan shall include an Existing Resources Map and Site Analysis Plan including the information listed below:*

*Agricultural lands: active farmland within a New York State-certified agricultural district, or lands within 500 feet of a New York State-certified agricultural district, or soils classified in Groups 1 to 4 of the New York State Soil Classification System.*

*Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the tract, by a setback at least 200 feet deep, if practical. No clearing of trees or understory growth shall be permitted in this setback (except as may be necessary for street or trail construction). Where this buffer is unwooded, the Planning Board may require that vegetative screening be planted or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.*

*The Planning Board shall evaluate proposals to determine whether the proposed layout:*

(b) *Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.*

(c) *Sites dwellings on the least prime agricultural soils, or in locations at the edge of a field, as seen from existing roads if development is on open fields.*

*The conservation easement, declaration of covenants or deed restriction shall restrict development of the open space and allow the use of such space only for agriculture, forestry, recreation or similar purposes.*

*The Town of Schaghticoke has determined that piecemeal subdivision of large properties where a small number of individual lots are subdivided off to circumvent major subdivision regulations will have a detrimental impact on neighborhood character, preservation of open space and agricultural lands, and the ability to provide traditional streetscapes and/or pedestrian networks. Therefore, where four or more lots are subdivided from any parcel within a two-year period, the fourth lot shall be deemed a major subdivision.*

*Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Town Plan or the Zoning Ordinance, if such exists.*

*Agricultural data statement is defined as a written statement required when certain land use determinations within 500 feet of a farm operation located in an agricultural district take place. The statement must include information about the proposed project and is to be included in the application for project approval. A notice of the project application is mailed to owners of land associated with the neighboring farm operation identified in the statement. The Planning Board is required to evaluate and consider the statement in its review of possible impacts of a project on nearby farm operations. Agricultural district is defined as an area of land designated by the Rensselaer County Legislature according to Article 25-AA (Agricultural Districts) of the New York State Agriculture and Markets Law to protect and promote agricultural activities. Farm is defined as the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise, including a commercial horse boarding operation as defined in this chapter. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.*

**Right-to-Farm Law** – The Right to Farm Law defines farmer as 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, the raising of livestock and the operation of poultry farms. Farming practices is defined as any activity, now permitted by law, engaged in by a farmer as defined herein, in connection with and in furtherance of the business of farming and shall include, without limitation, the collection, transportation, distribution and storage of animal wastes; storage, transportation and use of equipment for tillage, planting and harvesting; transportation, storage and use of legally permitted fertilizers and limes, insecticides, herbicides, and pesticides all in accordance with local, state and federal law and regulations and in accordance with the manufacturer's instructions and warnings; construction of farm structures and facilities as permitted by local and state building codes and regulations; and construction and maintenance of fences.

**Recommendations** – The Zoning Law should follow the definitions of farmer and farming practices when addressing agricultural pursuits. The majority of farms are located in the RA

district, which is considered a residential district. This district should be considered an agricultural zoning district.

In the RA district, horse farms, horse boarding, greenhouses, u-pick operations, roadside stands and riding stable or academy should be allowed by right. The HC district should allow roadside stands, u-pick operations, greenhouses, riding stable and academy, and horse farms by right.

The accessory structures limitations should have an exception for agricultural buildings and uses. Fences should be removed from the definition of structure. The requirement of setbacks of 150 feet for agricultural buildings and structures is excessive. The maximum setback required should be 50 feet.

Requiring 5 acres to raise fowl is excessive, as well as 10 acres for keeping livestock. The setback requirement of 50 feet for a roadside stand, defined as a non-permanent structure, which is often times a picnic table, is extremely excessive. A twenty foot setback from the road right-of-way should be more than sufficient. Outdoor storage for crates and packing containers should be allowed in the required side and rear yard setbacks as long as the area is screened and the crates and packing containers empty.

The size limitation for horses and ponies is excessive for 4 and 5 horses. It may be better that the town require an acre of pasture for the first animal and an additional half acre pasturage for each additional animal, since the pasturage is often much smaller than the lot size.

The limitation of 2 mobile homes for full-time farm workers only creates issues for the vegetable farmers who rely on seasonal workers. What difference is it if the mobile homes are empty in the winter?

Commercial vehicles are very common on farms and used to transport commodities such as milk, vegetables, fruit and grain to market or between field and farm. The limitation of only one commercial vehicle allowed in the RA zone for farm operations probably causes problems, if followed. It is recommended that either farm vehicles be defined to allow commercial vehicles or the exempt farm parcels from the one vehicle limitation.

As written, the cluster subdivision section will create hardship for farmers which propose to subdivide a few lots for children or for paying bills. A farmer with three lots that are adjacent that wants to subdivide a lot for a child will be required to follow the cluster subdivision requirements and lay out the farm into a proposed future subdivision and put a 50% open space easement on their lands. The 50% open space provision in the RA district places the development potential of any property in the district at 4 units per acre since the County Health Department requires, in most instances, 2 acre lots for single family residential subdivisions. This further lessens the value of the land, which often is used as leverage for farm funding.

Agricultural Data Statements should be mentioned as requirements for Special Permits and Use Variances for properties within 500 feet of a farm operation located in an Agricultural District as defined by NYS Ag and Markets Law. This is well defined in the Subdivision regulations.

The definition of Agriculture keeps out any new farmers who have not had any sales yet, as well as hobby farmers which are mentioned in the Right-to-Farm law. All reference to gross annual receipts should be removed. Timber harvesting is part of farming operations as the wood lot often provides fence posts, lumber for repairs and wood for heating.

Small fruit U-pick operations are standard agricultural operations due to the cost of labor of picking. Unless a U-pick operation is combined with some other agritourism use, it should be considered standard agriculture.

The wording of the definition of Clearing makes the harvesting of grain or hay a “clearing.” The words “grass or any other type of vegetation” should be replaced by “ground or surface cover.”

The zoning definitions and the zoning law make a large distinction about horse boarding versus horse farm. These definitions are succinct in the Agricultural Districting section of Ag & Markets law due to the profitability and therefore land valuation differences, but the uses are extremely similar. These should be combined and the uses allowed in similar places as other livestock. Cows make as much smell as horses.

In the subdivision regulations, in the Conservation Subdivision requirements, wooded or grown up buffers around agricultural uses seem to be preferred. Trees at the edge of crop fields can shade crops and compete for moisture. Weed seeds can create other issues in farm fields. It is recommended that buffer edges at farm fields be long grass. If trees are to be planted, they should be located at least 20 feet from the field’s edge.

### **Town of Schodack**

The Town of Schodack adopted its Comprehensive Plan in January, 2011. The Zoning Law was originally adopted in the 1960s and has been regularly amended. The subdivision regulations were adopted in January, 1974 and have been amended multiple times.

**Comprehensive Plan** –The first paragraph of the vision statement of the Comprehensive Plan reads:

*The Town of Schodack will continue to be a desirable place to live, work and recreate, offering an excellent quality of life for residents and visitors. The Town will encourage and manage its growth to preserve its historic, cultural and natural resources for this and future generations. Schodack will retain its “small-town feel” by encouraging the preservation of prime farmland and agriculture, the key components to preserving rural character and natural landscapes which are so valued by many residents. Sensitive natural resources such as steep slopes, wetlands, lakes, rivers, and streams will be protected and forested areas and other natural resources will be managed sustainably. The Hudson River waterfront will provide public access for a variety of outdoor recreational activities as well as business enterprises.*

The first guiding principal of the Comprehensive Plan is: *In recognition of the historically rural nature of the Town of Schodack, protect and conserve open space and agricultural land as much as it is reasonably and economically feasible.* Planning and development techniques proposed under this principal include:

- *High density cluster development coupled with restricted open space set asides for historic, recreational, agri-business or leisure use.*
- *Collaborative efforts between the Town and agri-business interests to promote the continued acceptance of agri-business in the community, and economic support which helps to sustain their economic viability.*
- *Participation in New York State's Purchase of Development Rights (PDR) program for the preservation of agricultural lands.*
- *Partner with Rensselaer County to identify lands eligible for the Purchase of Development Rights (PDR) program in compliance with Keep It Growing!, the agricultural and farmland protection plan for Rensselaer County.*

Guiding Principal 4 deals with businesses: *Encourage and target business growth to build a strong tax base for public services and to provide appropriate retail and service businesses for Town residents.* One technique listed under this principal is: *Collaborative efforts should be established between the Town, the County of Rensselaer, and the State of New York to promote the best possible economic use of Schodack commercial assets, while taking into consideration the needs of citizens and the interests set forth in this Comprehensive Plan regarding the rural, historical, and agricultural interests of the Town.*

Agricultural areas identified in the Existing Conditions chapter are located west of Interstate 90 and to the north and east of Nassau Lake. Approximately 12,290 acres, 22.9% of the Town, are identified as agricultural lands, according to the New York State Real Property System. There are approximately 203 agricultural "exemptions" filed the year the Comprehensive Plan was written.

In the Economy section of the Existing Conditions chapter, farming is recognized as *a significant economic activity in the Town.* Along with the raising of buffalo and the training of riding and race-horses, produce and products identified include apples, berries, grapes, melons, vegetables, pumpkins, sweet corn, tomatoes, herbs, flowers, plant, Christmas trees, cider, wine, honey, eggs, maple syrup, meat, baked goods, and dairy. In 2007, there were 13 businesses listed for agriculture & mining in the town, with 70 employees working in these businesses.

**Chapter 116 – Farm (Right to Farm Law)** – The Farm chapter of Schodack Town Code mandates that farmers, as defined by Farm Operation in the NYS Department of Agriculture and Markets §301 Subdivision 11 "Farm Operation" (Note: this subdivision does not limit by acreage or gross sales) *"may lawfully engage in farming operations...at such times, including nighttime hours, and at such locations, as are necessary to conduct the business of farming, and that no person, entity, association, partnership or corporation shall engage in any act to prevent or deter such conduct as is approved herein."*

**Zoning Regulations** – Two purposes of the Zoning Law are the assurance of adequate sites for residential, agricultural, industrial and commercial uses and the development of land and the use thereof for the protection and enhancement of agricultural lands as part of any agricultural district, as established in accordance with the New York State Agriculture and Markets Law.

Agriculture is defined as the use of land for sound agricultural purposes, including farming, dairy, horse boarding, pasturing, grazing, horticulture, floriculture, viticulture, timber harvesting, animal and poultry husbandry, and those practices necessary for the on-farm production, preparation, and marketing of agricultural commodities. Agriculture does not include dude ranches or similar operations. Farm is defined as any parcel of land containing at least 10 acres which is used for gain in raising of agricultural products, horticultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

Farm market is defined as a permanent year-round structure for the purpose of the sale of farm produce and agricultural products grown primarily on the farm. Forestry is defined as commercial logging operations, clearing or destruction of forested or woodland areas, selective cutting or clearing for commercial or other purposes, clearing for agricultural or other prospective land uses and clearing or vegetation in reserved open space or resource protection areas; however, it shall not include clearing for single-family residence construction sites where such clearing shall be carried out as part of the building permit issuance procedure. All such other operations shall be subject to and carried out in conformance with New York State Department of Environmental Conservation Timber Harvesting Guidelines for New York. Fowl is defined as includes but is not limited to domesticated birds such as chickens, ducks, geese, turkeys and pheasants raised in confinement.

Livestock is defined as animals, including but not limited to domestic animals such as sheep, horses, cattle and goats. Roadside stands are defined as temporary seasonal structures made up of two types, general roadside stand and limited roadside stand. General roadside stand is defined as a roadside stand where produce and products sold are not necessarily grown or produced on the premises where stand is located. Limited roadside stand is defined as a roadside stand where all produce and products are grown or produced on the premises (lots) where the stand is located and are sold only by the owner(s) of said premises.

The Zoning Law creates the following district: RA Residential Agricultural.

Barns, silos and grain elevators are exempt from the height limitations. Accessory buildings are allowed to be 25 feet high or less and are allowed in the required rear and side yard setbacks as long as they are 5 feet from the side or rear lot lines, 10 feet from the principal buildings, do not exceed the maximum structure coverage and not within the required front yard. On a lot less than 2 acres, more than 2 accessory structures are allowed only with a special permit.

There is no limitation on the number of agricultural vehicles permitted accessory to a farm use. Not more than one commercial vehicle in excess of 20 feet in length may be stored outdoors on a lot in a residential district

Fences and walls shall not exceed eight feet in height when erected in side or rear yards nor three feet in height when erected within 25 feet of the front lot line or highway right-of-way, except agriculture fencing which may be five feet

The growing of field or garden crops, vineyards, orchards and nurseries, the keeping of livestock on a lot of 10 acres or more and the keeping of fowl on a lot of five acres or more shall be permitted in all districts, provided that:

1. Building structures for such uses shall be located not less than 150 feet from any side or rear lot line and shall additionally conform to the front yard requirements for the principal building.
2. The storage of manure or other dust or odor-producing substances shall be adequately screened from the view of adjacent properties and located not less than 150 feet from any lot line.

Roadside stands shall be permitted in RA and R40 Districts provided that: such stands shall not exceed 1,000 square feet in total area; such stands shall be located not less than 50 feet from any street line; and such stands shall be solely used for display and sale of agricultural products grown principally on the premises.

Outdoor agricultural storage for crates or other packing containers and farm equipment shall be permitted in RA and R40 Districts, provided that such crates or other packing containers are for use with agricultural products grown principally on the premises and no such storage is located within any required yard.

Horses for private use may be kept on properties within the RA and R40 Districts in accordance with the following schedule:

<b>Maximum Number of Horses</b>	<b>Minimum Number of Acres</b>
2	2
3	4
4	7
5	10

More than five horses may be permitted, upon review and approval by the Planning Board and the issuance of a special permit in accordance with Article X, Special Permit Uses, with the following minimum considerations: the location and size of the property; facilities, such as barns, stables, storage sheds, etc.; impact on adjacent properties and land uses; and fences and/or buffer areas which shall be located in such a manner to adjacent properties so as not to cause a nuisance.

Roadside stands selling agricultural produce in season shall be permitted a temporary sign area of 32 square feet without a permit or fee.

A timber harvesting permit must be obtained from the Planning Board by anyone desiring to harvest timber in quantities greater than 50 standard cords of wood or 4,000 cubic feet of timber as measured by the International Log Rule in any one year in the town. Such permit shall be applied for jointly by the property owner and the logger. If the owner of the property on which said timber is located is an active cooperator under the New York State Cooperative Forest Management Program or the Forest Practice Act Program or if the property is currently receiving tax benefits under the provisions of § 480-a of the Real Property Tax Law, the Planning Board, in its discretion, may waive

*this permit requirement provision. However, the town shall enforce all other provisions of this Article in pertaining to the application procedure.*

Cluster development allows the open space to be in its natural state for passive recreational, open space, archaeological or historical resources. The Planning Board may approve conservational uses such as open woodland, wetlands, slopes, escarpments or farm fields.

Special permit additional requirements include:

*Outdoor storage of building supplies, raw materials, fuels, finished products, machinery and equipment shall be screened by an eight-foot solid wall or fence uniform in finish and appearance and in a state of proper and continuing maintenance and shall not be stored so as to exceed the height of such wall or fence or be visible from either the public right-of-way or boundaries of the lot.*

*Roadside stands: general roadside stands are permitted by special use permit; limited roadside stands are permitted by right as long as safe entry and exit and off-street parking are provided.*

The Use Schedule allows crops and livestock and the storage or processing of farm produce by right in the RA zones, with farm markets, outside agricultural storage and fowl and domestic animals as permitted accessory uses and farm equipment sales/service and storage of construction vehicles as special permit uses. Under the Residential 40 (R-40) zone, crops and livestock are an allowed permitted principal uses, with farm markets, outside agricultural storage and fowl and domestic animals as permitted accessory uses. Agricultural uses are not listed for the Residential 20 (R-20), Residential Multi-Family (RMF), Local Business (LB), Highway Commercial (HC), Highway Commercial Two (HC2), Marine Commercial (MC), Manufacturing (M). Planned Development One (PD-1), Planned Development Three (PD-3) and Planned Development Four (PD-4) districts. In the Planned Waterfront (PW) district, agricultural uses subject to the conditions set for in the Residential Agricultural district are allowed as permitted principal uses.

The Schedule of Area and Bulk requires 60,000 square feet per dwelling unit without central water and sewer in the RA district, with 10% maximum structure coverage. The minimum front yard setback for properties without central water and sewer in the RA district is 50 feet, with a 30-foot side yard setback and 35-foot rear yard setback.

**Subdivision Regulations** – Allows for minor subdivisions of the creation of not more than 4 lots in 36 month period, fronting on an existing street, not involving any new street or road or the extension of municipal facilities, and not adversely affecting the orderly development of the rest of the property or adjoining properties. Minor subdivisions have reduced requirements of review.

**Mobile Home Regulations** – The Mobile Home regulations have a section that covers farm worker housing.

Farm operation is defined as *land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation, as defined in the Agriculture and Markets Law. Farm worker housing is defined as on-farm structures occupied by farm laborers employed or used more than 51% of the*

year by the farm operation where the structures are located and nonworking family members of such laborers; provided that the number of persons residing in said structures shall not exceed the number permitted by the State of New York for such sized units as are utilized. Farm worker housing shall not include housing for any owners, lessees, or operators of the farm, or any officers, partners, or members thereof, and further provided that the laborers may work inside and/or outside the Town of Schodack during the period they are not working on the Town farm.

Farm worker housing is limited to those portions of the Town of Schodack located in state-certified agricultural districts. Site review by the Town of Schodack Planning Board shall be required if three or more farm worker housing units are to be placed or constructed on the same farm.

The following standards shall apply:

Mobile homes utilized as farm worker housing shall be secured to a permanent foundation or as required by the New York State Uniform Fire Prevention and Building Code, whichever is more restrictive; shall be skirted unless installed upon a concrete block or other wall-type foundation; shall exhibit all labels, data plates and certificates required by New York State and federal laws and regulations or be accompanied by a written inspection report by a New York State licensed architect or engineer or other inspector satisfactory to the Codes Enforcement Officer as required by 9 NYCRR § 1231.5(e); and shall be accompanied by a written inspection report by a New York State licensed architect or engineer or other inspector satisfactory to the Codes Enforcement Officer certifying that the unit is structurally sound and free of heating system, electrical system, plumbing system and fire or other hazards if the unit has been damaged or altered such that the Codes Enforcement Officer has reasonable grounds to believe that the structural integrity or safety of the unit may have been compromised.

Minimum size of a farm worker housing unit shall be 720 square feet. Housing units shall be separated from each other and any other structures at least 25 feet. A minimum of 5,000 square feet of land shall be allotted per housing unit. Setbacks from roads and property lines for any unit shall be no less than 125 feet in side yards and 100 feet in front yards, unless waived by the Planning Board upon application. Farm worker housing must comply with New York State Department of Health and any other applicable regulations. Farm worker housing in excess of two units should generally be screened by vegetation, fencing or land from adjacent residential properties, unless waived by the Planning Board upon application. The Planning Board shall be authorized to waive the requirements in whole or in part, on a case-by-case basis, if the requirements are unreasonable in the particular situation.

The requirements of Code § [147-13A\(2\)](#) shall apply to farm worker housing, except that information may be provided by other than an architect or licensed professional engineer. Mobile home units permitted by the Town Board or occupied as farm worker housing as of the date of this local law shall be exempt from any new requirements contained in Subsection [C\(3\)\(a\)](#), [\(b\)](#), [\(c\)](#), [\(d\)](#), [\(e\)](#) and [\(g\)](#). Farm worker housing shall be removed if it has not been used for such purposes for two consecutive years. Effective in 2003 and thereafter, applications for permits shall include an affidavit attesting to compliance with this local law in a form to be provided by the Town Clerk.

**Recommendations** – Although agriculture is an important part of the economy and a major land use in the town of Schodack, very little importance is given to it in the Comprehensive Plan and it is regulated and prohibited in the zoning regulations – almost as if the Town would like to see it discontinue. If it were not for the protections of the State Ag and Markets Law

Agricultural Districts program, farming would be regulated into leaving the town. Agricultural uses should be allowed in those zones where much of the agriculture takes place – HC, PD-1, PD-3 and PD-4

The definition requirement that farms have 10 acres should be removed as it is in conflict with Chapter 116 of the Town's Code.

Commercial vehicles are very common on farms and used to transport commodities such as milk, vegetables, fruit and grain to market or between field and farm. The limitation of only one commercial vehicle allowed in the RA zone for farm operations would cause problems if followed. It is recommended that either farm vehicles be defined to allow commercial vehicles or the exempt farm parcels from the one vehicle limitation.

Requiring 5 acres to raise fowl is excessive, as well as 10 acres for keeping livestock, especially if one is allowed to have 2 horses on 2 acres. The setback requirement of 50 feet for a roadside stand, defined as a non-permanent structure, often times a picnic table, is extremely excessive. A twenty foot setback from the road right-of-way should be more than sufficient. Outdoor storage for crates and packing containers should be allowed in the required side and rear yard setbacks as long as the area is screened and the crates and packing containers empty.

Agricultural Data Statements should be mentioned as requirements for subdivisions, special permits and use variances for properties within 500 feet of a farm operation located in an Agricultural District as defined by NYS Ag and Markets Law. This is well defined in the Subdivision regulations.

In the mobile home regulations, the definition of farm operation should not refer to the Agriculture and Markets Law, which definition is meant for the provision of property tax relief. The definition is fine without it. The requirement for farm worker housing sounds identical to that of a building permit, which is not needed for agricultural uses in an agricultural district.

Requirements for buffers between new uses and existing agricultural uses including crop lands should be added to both the Subdivision Regulations and the Land Use Regulations. The location of houses and well would be prohibited in the buffer zone, which would optimally be 50 to 100 feet in width.

### **Town of Stephentown**

The Town of Stephentown does not have a written Comprehensive Plan but has Land Use Regulations and Land Subdivision Regulations, both adopted in 1991.

**Zoning Regulations** – Two purposes of the Land Use Regulations are *to wisely manage and develop the community, while insuring that residential, educational, agricultural, commercial, or light industrial growth will be appropriate to the topography, water resource, air and soil capabilities of the Town* and *to encourage sound agricultural and forestry practices.*

In the Schedule of Use Regulations, Agricultural Uses and Conservation Uses are combined; Farms are listed separately. Agricultural uses/conservation uses, roadside stands and farms are permitted by right in the Residential R-1, Commercial C, Industrial I and Rural Use RU districts and are not allowed in the Extraction and Fill EF district. Forestry uses are allowed by right in the C, I and RU districts and by special permit in the R-1 district and are not allowed in the EF district.

Agricultural silos and similar features are restricted to a maximum height of 100 feet above finished grade. In the District Schedule of Area and Bulk Regulations, the minimum lot area in the RU district is one acre, with minimum front setback of 50 feet, and required side and rear set back at 25 feet.

Agriculture is defined as *the growing of field or garden crops, or the raising or keeping of fowl or livestock, including the sale of products grown or raised on such land, and any structures associated with such activities.* Conservation is defined as *the protection or management of open land in a natural state, including such management practices as supplementary clearing and replanting, stream channel maintenance, and erosion control.* Farm is defined as *any parcel of land used principally in the commercial raising or production of agricultural products, and the necessary or usual dwelling, farm structures, storage and equipment.* Agricultural products shall include, but are not limited to, *field crops, vegetable crops, fruit, livestock and livestock products and fowl.* It excludes kennels and stables used by the public.

Forestry use is defined as *any management, including logging or timber harvesting of a forest woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, fences and forest drainage systems.* Livestock is defined as *any four-legged domestic type farm animal, including but not limited to horses, cows, beef cattle, sheep and goats.* Roadside stand is defined as *a structure where products grown on the premises or elsewhere by the operator of the roadside stand may be sold and purchased.* A stable is defined as *a stable maintained and operated for the boarding, buying, selling and renting of horses.* Stripping is defined as *any activity including clearcutting which removes or significantly disturbs trees, brush, grass, or any other kind of vegetation.* Timber harvesting is defined as *activity that removes trees whose volume in any year is greater than twenty full cords of wood or sixteen hundred cubic feet of wood or ten thousand board feet of timber as measured by the International 1/4" Log Rule.* The clearing of lands for utility line rights of way which shall remove trees greater than such volumes shall specifically be included within this definition.

**Subdivision Regulations** – Subdivision is defined as *means the division of any parcel of land into five or more lots, parcels, or sites, with or without streets, roads or ways and including re-subdivision of a previously subdivided parcel.*

**Recommendations** – The Subdivision Regulations are extremely simple, which is good when a farmer needs to split a parcel for a family member or ready cash, but not very good when protecting farm operations. The Subdivision Regulations should add a section with definitions for Minor Subdivisions, where 4 or less lots are created with existing street frontage and

allowing the future development of the remaining parcel. The Minor Subdivision would only require one public hearing as the preliminary plat would also be the final plat.

Requirements for buffers between new uses and existing agricultural uses including crop lands should be added to both the Subdivision Regulations and the Land Use Regulations. The location of houses and wells would be prohibited in the buffer zone, which would optimally be 50 to 100 feet in width.

Agricultural Data Statements should be mentioned as requirements for subdivisions, special permits and use variances for properties within 500 feet of a farm operation located in an Agricultural District as defined by NYS Ag and Markets Law. This is well defined in the Subdivision regulations.

### **Village of East Nassau**

The Village of East Nassau adopted its Comprehensive Plan and Land Use and Development Regulations in 1999 and adopted its Local Subdivision Regulation Law in April, 2000. It adopted an expanded Land Use and Development Regulation in July, 2010.

**Comprehensive Plan** – The Comprehensive Plan recognizes the Village of East Nassau as very rural for a village with a number of small agricultural businesses including dairy, crop and horse farms. Under its Services and Economy section, it is stated that: *in contrast, open spaces have provided for the establishment of small scale agriculture which is in harmony with the rural residential character of the village. The continued growth of small scale agriculture practiced in an environmentally sound manner would be welcome.*

**Zoning Regulations** – The first purpose listed in the Land Use and Development Regulations is to recognize the significance of and to promote small scale farming and sustainable forestry practices in the Village. Exemptions from the requirement of a zoning permit are the sale of products grown or raised on the land and the construction, alteration and maintenance of agricultural fences, roads, drainage systems and farm ponds.

The Establishment of Districts article creates the Rural Residential district, which purpose is *established to maintain and protect the rural character, environmental quality and natural habitat of these parts of the Village while allowing for a mixture of housing types, opportunities and home occupations, and to provide for current and future residents the opportunities for a wide range of activities including rural living, agriculture, forestry, recreation and the enjoyment of wildlife.*

Agricultural uses, plant nursery and horse riding/boarding stable are permitted by right in the Rural Residential district, are permitted by right with site plan review in the Waterfront Residential district, and allowed by special permit with site plan review in the Hamlet District. Forestry uses are prohibited in the Hamlet or Waterfront Residential districts and are allowed by right in the Rural Residential district. Commercial greenhouse is permitted with site plan

review in the Rural Residential district, allowed by special permit with site plan review in the Hamlet district and prohibited in the Waterfront Residential district.

Minimum lot size for non-residential uses in the Rural Residential district is 2 acres, with the required front, rear and side setbacks of 75 feet. Maximum lot coverage in the Rural Residential district is 15%.

General performance standards of the Supplemental Regulations article exclude agricultural and forestry uses from preserving to the extent possible trees over 12 inches in diameter measured at 4 ½ feet above ground. Accessory structures are not allowed in the required front yard or less than 10 feet from the side or rear lot lines.

Under the Excavation, Stripping, Grading or Filling section, *agricultural uses that are conducted pursuant to acceptable agricultural practices* are allowed in all land use districts without the requirement of a zoning permit, along with *household gardening and activities related to the maintenance of landscaping*.

In the Outdoor Storage section, agricultural products or materials are exempt from the requirement that the storage area must be appropriately placed and screened on the site as part of the approval process. *The outdoor storage of agricultural vehicles and equipment used for agricultural purposes on the property where such are stored shall be permitted in all Districts.*

*Required Screening – A non-residential use shall provide sufficient fencing, screening or landscaping, maintained in good order, to obscure objectionable aspects of such use from view from adjoining residential properties and from the public right-of-way in a manner acceptable to the Zoning Board of Appeals.*

*Roadside Stands shall be permitted provided sale is restricted to non-alcoholic locally produced products. Adequate parking off the public right-of-way shall be provided and the structure shall be set back at least 20 feet from the nearest roadway surface.*

Agriculture is defined as *the raising of crops, animals or animal products or any related activity*. Farm is defined as *a parcel of land used principally in the commercial raising or production of agricultural products and the necessary or usually dwellings, farm structures, storage and equipment*. *Agricultural products shall include but are not limited to field crops, vegetable crops, fruit, livestock and livestock products and fowl. It excludes kennels and stables used by the public*. Forestry use is defined as *any management, including logging of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skid ways, landings, fences and forest drainage*. Horse riding/boarding stable is defined as *any establishment where 4 or more horses are kept for riding, driving or stabling for compensation*.

**Subdivision Regulations** – The subdivision regulations provide for Minor Subdivisions, defined as any subdivision containing not more than 2 lots all fronting on an existing street or highway, not involving any new street or extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining parcel and not in conflict with the

Comprehensive Plan, zoning law or subdivision law. Minor subdivisions have reduced requirements for submittal, including that the outparcel is required to be surveyed only.

One purpose for cluster subdivisions is to preserve active agricultural land. Unfortunately, agricultural lands are not listed under the items for preservation (Article V, §1, B).

**Recommendations** – Requirements for buffers between new uses and existing agricultural uses including crop lands should be added to both the Subdivision Regulations and the Land Use Regulations. The location of houses and wells would be prohibited in the buffer zone, which would optimally be 50 to 100 feet in width.

Agricultural Data Statements should be mentioned as requirements for subdivisions, special permits and use variances for properties within 500 feet of a farm operation located in an Agricultural District as defined by NYS Ag and Markets Law.

Minor subdivisions should allow for an additional lot or two before the requirements of Major Subdivisions occur.

### ***Including Agriculture in Urban Area Zoning***

The cities of Rensselaer and Troy as well as the villages not listed in the zoning review have the ability to include agriculture in their communities, even though most of their land area is already developed. Most of these municipalities are located on what were once prime agricultural soils along rivers and creeks. The dense or denser, in the case of villages, development patterns create warmer environments for plants, making sub-climates that allow longer growing seasons and survivability for plants that do not usually do well in Rensselaer County's climate. Although Rensselaer County is considered to be in Zone 5 in the USDA hardiness zone chart, parts of downtown Troy may be closer to Zone 6, where more plants are considered survivable through our harsh winters.

Perhaps due to the economy or to food safety issues, home gardening and growing of chickens has become popular again. Apiaries (bee hives), home brewed beer, the fermenting of wine and other items, and the making of cheese and other semi-processed foods has become a popular hobby of the middle class. Allowing these hobbies on appropriately-sized lots can do much to making a community friendly to newly retired baby boomers or those moving in from suburban locations.

Landscaping requirements should allow the growing of vegetables and fruit along with the regular flowers, shrubs and bushes. Dwarf fruit trees and fruit bushes such as blueberries should be able to be substituted for flowering crabapples, Bradford pears and euonymus.

Steep hillside areas that cannot support the weight of buildings can support the growth of grape vines, berry bushes and dwarf fruit trees. The roots of the grape vines can help support the soils to keep land from sliding. Vineyards and orchards can also provide jobs in the

maintenance of plants as well as harvesting and processing of fruit. Urban vineyards and orchards can also give a city a “cachet” to bring tourists and other businesses into its limits. An acre of vineyard can produce approximately 6 tons of wine depending on the type of grape and planting density.

Chicago and Detroit have successfully used abandoned, blighted areas to start vegetable farms and commercial greenhouses. The proximity of the blighted urban areas to restaurants and markets gives them a locational advantage and provide such services as natural gas to cleanly and cheaply heat greenhouses and clean e coli-free public water to use in the processing of vegetables for sale. Additionally, produce that is of lesser quality (i.e. spotted, small, etc.) that restaurants may not want can be given to workers, local charities and neighbors or sold at a discount, providing quality food to low income neighborhoods. Some jobs would be created in the greenhouses that would likely be filled by locals. In addition, the care and greening of blighted lots will increase the value of surrounding properties and make other nearby lots more desirable for redevelopment. HUD has studied the effect of simply seeding grass and mowing vacant lots and found that they were preferred for development, rather than the standard weedy overgrown lots.

Urban gardens should be allowed to have fences along the building lines to discourage thievery, vandalism, dog walking in the garden and urban wildlife. Greenhouses should be allowed to be located at the side property line with either a fence or brick wall of an adjoining house or with a setback of 10 feet if an adjoining house on the property line is faced with wood, vinyl or other flammable siding. A “shed” which houses equipment, heating equipment, a bathroom and sinks, supplies and a working area should be allowed, as long as the shed is of reasonable size to the lot and operation (i.e. not 20’ by 50’ when the lot is only 50’ by 100’).

Another gardening space becoming popular in New York City and other cities where space is at a premium is rooftops. Rooftop vegetable gardens are being used as green roofs in New York City, where the fresh produce is being sold in local markets and to restaurants. Stormwater is collected and used to irrigate and being supplemented with city water when necessary. The vegetable gardens provide food and remove stormwater from the City’s combined sewer system, making a double win.

The keeping of chickens and small fowl in single family urban areas was popular until approximately 50 years ago when it went out of fashion. If allowed, fencing and runs should be required, as well as manure plan and metal containers for feed storage to discourage rodents. The total number of chickens should be limited to lot size. Minimum lot size for a dozen or less chickens should be 50 feet by 100 feet or greater depending on circumstances. Outlying lots of two acres or more in cities and villages can support larger animals with proper care and discretion.

Apiaries, or bee hives, can presently be found in downtown Paris, London and New York City. In these major cities, the hives are often kept on roof tops, away from crowds. In the less dense

urban areas of Rensselaer County, bee hives can be kept much like chickens, without the smell and noise. A limit of two or three hives per lot of 50 feet by 100 feet should be made.

**APPENDIX G**  
**POTENTIAL ACTIVITIES TO SUPPORT GOALS AND RECOMMENDATIONS**

IMPLEMENTATION STRATEGY	RECOMMENDED ACTION	LEAD ORGANIZATION	PARTNERING ORGANIZATIONS	PRIORITY	TIMEFRAME
<b>AGRICULTURE ECONOMIC DEVELOPMENT AND MARKETING</b>					
Agricultural Economic Development Support	Create an ad hoc advisory committee to provide support to the agriculture economic development specialist	AFPB	EDP, CCE, USDA-FSA, farmers, agribusinesses and planning representatives	Moderate	Within 1 year
Regional Marketing	Create and support regional marketing groups made up of successful farmers to identify areas of potential growth and opportunity for marketing farm products	HVADC	EDP, CCE, farmers	Moderate	2 to 5 years
Marketing Technical Assistance	Create a marketing assistance program to assist producers	EDP	CCE, HVADC	Moderate	More than 5 years
Marketing	Integrate farms into existing tourism/recreational marketing efforts	EDP	Farm Bureau, CCE, County Tourism, marketing groups	Moderate	Ongoing
Link Institutional Purchases and Farmers	Work with local retail stores and institutions, such as state offices, hospitals, schools and other institutions to purchase food produced locally or regionally.	EDP	EDP, HVADC, FINYS, retail stores and institutions	Moderate	2 to 5 years
<b>FARM OWNERSHIP, SUCCESSION AND NEW FARMERS</b>					
Succession Planning Training	Develop online program to address succession planning options and	AFT	ASA, CCE	Moderate	Ongoing

IMPLEMENTATION STRATEGY	RECOMMENDED ACTION	LEAD ORGANIZATION	PARTNERING ORGANIZATIONS	PRIORITY	TIMEFRAME
	contacts for assistance				
Succession Planning Education	Distribute educational materials to farmers in need of assistance in planning farm ownership succession	EDP	AFT, CCE, ASA	High	Within 1 year
Succession Planning Capacity Building	Build capacity of CCE educators and agriculture service providers to assist farmers in succession and/or transition planning	AFT	CCE,ASA, Agriculture Service Providers	Moderate	Ongoing
<b>BUSINESS DEVELOPMENT</b>					
Farmer Study	Conduct a study of farmers to determine labor needs and availability on farms, housing and bilingual needs of migrant laborers, energy needs, difficulty of accessing financing and marketing capacity	EDP	CCE, HVADC, SWCD, Farm Bureau	Moderate	2 to 5 years
Business and Marketing Technical Assistance	Establish a business development program consisting of a network of business consultants, small business development counselors and NY FarmNet to provide technical assistance to farmers	EDP	CCE, HVADC	Moderate	2-5 years
Agricultural Business Development Funding	Seek funds for agricultural business development activities by use of a shared grant writer for the agricultural support services	EDP	CCE, SWCD, HVADC	High	2-5 years
Farmers' Website	Develop a website and other social media sources that provides information for farmers	CCE	CCE, SWCD, Farm Bureau	High	2-5 years
Gap Financing for Agricultural Businesses	Develop a revolving loan fund for agricultural businesses	EDP	CCE, HVADC	Moderate	2-5 years

IMPLEMENTATION STRATEGY	RECOMMENDED ACTION	LEAD ORGANIZATION	PARTNERING ORGANIZATIONS	PRIORITY	TIMEFRAME
Agricultural Business Training	Develop an education program about the business needs of agriculture for representatives from educational and training institutions and economic and business development organizations	CCE	EDP, farmers	Moderate	2-5 years
<b>LABOR</b>					
Farm Apprentice Program	Research farm labor programs that train employees for farm jobs and develop programs to fulfill gaps such as a farm apprentice program	CCE	EDP, OET, HVADC, Farm Bureau, Questar III, HVCC	Moderate	2-5 years
Agriculture Workforce Training	Work with the Office of Employment and Training to provide labor screening and recruitment services to farm businesses through its One-Stop Center	EDP	OET, CCE, HVADC, Farm Bureau, Questar III, HVCC	Moderate	2-5 years
Shared Labor Opportunities	Explore the use of shared labor among farm enterprises	EDP	OET, CCE, HVADC, Farm Bureau, Questar III, HVCC	Moderate	2-5 years
<b>BUSINESS ENVIRONMENT</b>					
Town Policies and Laws Review	Encourage the creation of town agricultural advisory committees to review changes to policies and zoning laws and formulate new policies that support farming	AFPB	EDP, town boards	Moderate	Within 1 year

IMPLEMENTATION STRATEGY	RECOMMENDED ACTION	LEAD ORGANIZATION	PARTNERING ORGANIZATIONS	PRIORITY	TIMEFRAME
Land Use Laws Review	Assist towns in reviewing and amending local land use laws, tailoring zoning ordinances and subdivision regulations and providing model zoning and subdivision text and principals to guide growth away from farmland and buffer farm from neighboring land uses.	EDP	AFPB, Farm Bureau, towns, farmers	Moderate	2-5 years
Agricultural Mediation	Provide information to farmers and towns about the New York State Agricultural Mediation Program	CCE	EDP, NYSDAM, towns, farmers	Moderate	Within 1 year
Neighbor Relations	Set up local meetings to encourage farmers and nonfarm neighbors to share ideas on how to resolve conflicts and improve relations	CCE	EDP, Farm Bureau, farmers	Moderate	2-5 years
Trespassing on Farm Property	Prepare and distribute information materials about the dangers and impacts of trespassing on farm property for the County Clerk and Department of Motor Vehicles	EDP	County Clerk, DMV	High	Within 1 year
Trespassing Laws	Encourage law officials to enforce trespassing laws to prevent unnecessary damage to farm fields and buildings	Farm Bureau	Farmers, law enforcement	Moderate	2-5 years
On Farm Vehicle Safety	Provide information to insurance companies about vehicle safety on farms	CCE	EDP, traffic safety	Moderate	2-5 years
Bridge, Road and Wire Specifications Compliance	Encourage towns to review bridge, road and wire specifications to ensure compliance with	EDP	CCE, towns	High	Within 1 year

IMPLEMENTATION STRATEGY	RECOMMENDED ACTION	LEAD ORGANIZATION	PARTNERING ORGANIZATIONS	PRIORITY	TIMEFRAME
	requirements for farm vehicles				
Three-Phased Power	Advocate for utility companies to supply three-phased power to farm operations	Farm Bureau	Farmers, power companies	Moderate	2-5 years
<b>FARMLAND PROTECTION</b>					
Farmland Protection and Planning Resources	Coordinate county plans, policies and programs with local farmland protection efforts and assist towns to address the needs of agriculture in their plans	EDP	AFPB, CCE, SWCD, towns	Moderate	2-5 years
Priority Areas for Farmland Protection	Identify the most important farmland for protection and focus limited resources on priority areas	AFPB	EDP, ASA	High	Completed
PDR Informational Sessions	Continue holding workshops to acquaint farmers and town officials with the PDR process	ASA	EDP, AFPB	High	Ongoing
Farmland Protection Resources	Continue working with towns and existing programs and organizations to assist farmland owners with the protection of their farmland	ASA	ASA, AFPB, farmers, towns	High	Ongoing
Funding for Farmland Protection	Create funding mechanisms for county and local farmland protection efforts including funding sources for the PDR local match and options to create an endowment for farmland protection	ASA	ASA, landowners, private organizations	High	Ongoing
<b>AGRICULTURAL DISTRICTS AND ASSESSMENTS</b>					
Agricultural Districts Informational Sheets	Distribute information about NYS Agricultural District to towns and	EDP	CCE, AFPB	Moderate	Within 1 year

IMPLEMENTATION STRATEGY	RECOMMENDED ACTION	LEAD ORGANIZATION	PARTNERING ORGANIZATIONS	PRIORITY	TIMEFRAME
	realtors				
Benefits of Local Farms Informational Sheets	Create and distribute fact sheets or brochures on the benefits of local farms to non-farmers, realtors, lawyers, town and law enforcement officials and potential property buyers	EDP	CCE, AFPB	High	Within 1 year
Agricultural Assessment Workshops	Set up workshops for farmland owners about Agricultural Assessment	CCE	EDP, AFPB	High	Within 1 year
Agricultural Use Valuation Informational Sheets	Provide information to elected officials about how agricultural use valuation impacts the tax base	EDP	CCE, AFPB	High	Within 1 year
Agricultural Assessment Training for Assessors	Provide training for assessors in agricultural land and farm building assessment and require assessors to receive this training	CCE	AFPB, NYS	High	2-5 years
Farmland protection and Planning Trainings	Set up trainings for local, county, state and federal government officials about how they can improve the climate for farming	EDP	CCE, ASA, AFPB, Farm Bureau	Moderate	2-5 years
Right-to-Farm Laws	Urge towns to strengthen right-to-farm laws to require alternative dispute resolution and early disclosure notices	EDP	AFPB, Farm Bureau, towns	Moderate	2-5 years
<b>TAX INCENTIVES</b>					
NYS' Farmers' School Tax Credit	Lobby the state to allow property owners who rent land to farmers' to participate in NYS' Farmers' School Tax Credit	Farm Bureau	AFPB	Moderate	2-5 years

IMPLEMENTATION STRATEGY	RECOMMENDED ACTION	LEAD ORGANIZATION	PARTNERING ORGANIZATIONS	PRIORITY	TIMEFRAME
Agricultural Assessment Values	Ameliorate property taxes on farms by urging towns to utilize agricultural assessment values when taxing farmland for service districts	EDP	CCE, AFPB, towns	High	2-5 years
Term Ease Tax Abatement Program	Urge towns to implement term ease tax abatement programs to provide incentives for farmland not eligible for the NYS agricultural assessment program	EDP	CCE, AFPB, towns	Moderate	2-5 years
Agricultural Assessment Values and Eligibility	Urge the state to reduce the base values used for agricultural assessment and to extend the agricultural assessment eligibility to complete parcels of both rental and owned land	Farm Bureau	Farm Bureau, RC Legislature	Moderate	2-5 years
<b>COMMUNITY SUPPORT</b>					
Town Events and Workshops	Encourage towns to demonstrate municipal support for farming by holding farm events and workshops	EDP	CCE, ASA, Farm Bureau, farmers, town representatives	Moderate	2-5 years
Town Board Presentations	Give presentations at town board meetings to educate residents why farms are important to the community and urge town officials to visit farm businesses	CCE	AFPB, Farm Bureau	Moderate	2-5 years

IMPLEMENTATION STRATEGY	RECOMMENDED ACTION	LEAD ORGANIZATION	PARTNERING ORGANIZATIONS	PRIORITY	TIMEFRAME
Video and Presentations	Develop and deliver presentations at Rotary Clubs, schools, town meetings, the Schaghticoke Fair, farmers' markets and special events explaining farmers' cost of doing business, tax advantages of farmland, importance of agriculture and farmland and local contribution of farms	CCE	EDP, AFB, Farm Bureau	High	Within 1 year
<b>AGRICULTURAL EDUCATION</b>					
Farm Visits and Events	Encourage non-farmers to visit farms and strengthen agricultural education at the Schaghticoke Fair	CCE	EDP, Farm Bureau	Moderate	Within 1 year
School Gardens	Encourage schools to create school gardens to teach children about how food is grown and harvested	CCE	Farm Bureau, school administrators	High	Ongoing
Agricultural Education Program Funding	Secure funding and support for agricultural education programs	CCE	Farm Bureau, school administrators, farmers	Moderate	2-5 years
Farm Promotional Materials	Develop farm programs and tours for students and distribute information to school administrators and teachers	CCE	EDP, farmers, school administrators	Moderate	Ongoing
<b>YOUNG FARMERS</b>					
Young Farmers' Trainings	Expand leadership development training opportunities for young farmers	Farm Bureau	EDP, CCE, Farm Bureau	Moderate	Ongoing
Farmer Appreciation Dinner	Hold a farmer symposium/appreciation dinner and provide opportunities for young farmers and beginning farmers to get involved	Farm Bureau	EDP, CCE, farmers	Moderate	Within 1 year

## **APPENDIX H**

### **Farmland Conservation Priority and Special Areas**

Rensselaer County has provided funding to the Agriculture Stewardship Association to administer the county's Purchase of Development Rights (PDR) program since 2007. The funding has enabled ASA to conserve 3,694 acres of farmland in the county. The following information is from ASA's five-year strategic farmland conservation plan that was developed during 2013 to 2015. The plan identifies land protection priorities and assesses fundraising needs and capabilities to protect an additional 8,400 acres of farmland in Rensselaer and Washington Counties by the end of 2020.

#### **Agricultural Stewardship Association's Farmland Conservation Plan Methodology<sup>5</sup>**

The Agricultural Stewardship Association's (ASA) farmland conservation plan identifies farm soils that are important to conserve, prioritizes farm parcels based on their agricultural values, and shows where the concentrations of the most important farmland are located. In drafting their plan, ASA relied upon geographic information systems (GIS) analysis and digital soils data to identify areas for farmland protection efforts. GIS data was obtained from Washington and Rensselaer counties, New York State, the United States Department of Agriculture Natural Resource Conservation Service (USDA NRCS) and other land conservation organizations. ASA's Land Projects and Stewardship Committee next prioritized these areas based on six criteria identified through meetings with farmers and agricultural organizations in both counties, including Farm Bureau, USDA NRCS, local Soil and Water Conservation Districts, and the Planning Committee of the Rensselaer County Agricultural and Farmland Protection Board. Each criterion was assigned a number of points to reflect its importance as follows:

- Land in current agricultural production, as identified by the most recent aerial photography (5 points)
- Prime soils, as identified and classified by USDA NRCS (4 points)
- Statewide Important and Unique soils, as identified and classified by USDA NRCS (3 points)
- Land within 1/4 mile of conserved land (ASA easements, state land, etc.) (3 points)
- Land within 1/8 mile of current agricultural parcels (2 points)
- Land within 100 feet of a water resource (1 point)

Once the data layers were combined and mapped, seven "Priority Areas" and seven, secondary "Special Areas" were delineated based on the highest concentrations of the ranking criteria. See Appendix \_\_\_\_ for maps of Soil Classifications, Ranking Criteria, Priority Areas and Special Areas. A separate category of Independent Project Sites was also identified for projects located outside of the Priority Areas and Special Areas, but which otherwise meet the ranking criteria.

**Priority Areas** contain significant amounts of high quality farmland and productive soils that are conducive to a long-term agricultural business environment. Priority Areas also include current concentrations of conserved farmland and other important anchor farms.

***A total of seven Priority Areas were identified:***

- 1. Hudson River Corridor (along Route 40)*
- 2. White Creek Valley (along Route 153 – not in Rensselaer County)*
- 3. Batten Kill (along Route 313 – not in Rensselaer County)*
- 4. Hoosic River Watershed*
- 5. Brunswick (along Route 7)*
- 6. Schodack*
- 7. Stephentown*

**Special Areas** are areas that contain productive farms and woodlands, areas of scenic, environmental or historic significance and farms that define our unique community character. Special Areas are of secondary priority after Priority Areas.

***A total of seven Special Areas were identified:***

- A. Kingsbury-Fort Ann Flats (not in Rensselaer County)*
- B. Champlain Canal Corridor (not in Rensselaer County)*
- C. Granville/Hebron (not in Rensselaer County)*
- D. Black Creek Valley (along Routes 30 and 31 – not in Rensselaer County)*
- E. Historic Route 22 Corridor*
- F. Greenwich-Cambridge Corridor (along Route 372 – not in Rensselaer County)*
- G. West Hoosick Hills*

**Independent Project Sites** are individual or contiguous properties that otherwise meet the criteria for Priority or Special Areas, but fall outside of Priority Areas and Special Areas. These properties are important to protect by reason of location, farm viability, scenic quality or specific development threats. This category also includes properties for which the owners are willing to donate their development rights and/or properties for which private funding is available.

Once Priority and Special Areas were delineated, a three-step process was used to establish how much land to protect in each Area, given an overall goal of protecting an additional 8,400 acres. To begin, ASA set a farmland protection goal totaling 1,000 acres for Independent Project Sites, and subtracted that from the 8,400 acre goal. The initial acreage goals for Priority Areas and Special Areas were then calculated based on the amount of unprotected agricultural land in each area proportionate to the total amount of unprotected agricultural land found in all areas combined. Next, to put higher emphasis on farmland protection efforts within the Priority Areas, the acreage goals were weighted approximately 60% in Priority Areas and 40% in Special

Areas. Additional adjustments were made to reflect the feasibility of farmland protection efforts in each area.

<b><u>Priority Areas</u></b>	<b><u>Total Acreage Goal</u></b>
Hudson River Corridor	1,150
White Creek Valley	400
Batten Kill	200
Hoosic River Watershed	1,800
Brunswick	500
Schodack	350
Stephentown	200
<b><u>Special Areas</u></b>	<b><u>Total Acreage Goal</u></b>
Kingsbury-Fort Ann Flats	500
Champlain Canal Corridor	700
Granville/Hebron	350
Black Creek Valley	200
Historic Route 22 Corridor	300
Greenwich-Cambridge Corridor	150
West Hoosick Hills	600
Independent Project Sites	1,000
<b>TOTAL</b>	<b>8,400</b>

The priority areas in Rensselaer County include the Hudson River Corridor, Hoosic River Watershed, Brunswick, Schodack and Stephentown. The ranking to determine priority and special areas was based on the following criteria:

The ***Hudson River Corridor Priority Area*** is located along the Hudson River and includes approximately 35,808 acres of unprotected farmland. Farmland in this priority area includes some of the most productive soils in the region. Many of the properties in this priority area are ranked as medium or high priority. ASA holds 4 conservation easements on 588 acres in this Priority Area in Rensselaer County.

The ***Hoosic River Watershed Priority Area*** is located in the Hoosic River Valley and contains approximately 43,080 acres of unprotected farmland. This Priority Area supports a number of highly productive dairy farms and vegetable operations. The Hoosic River Watershed was identified in the 2009 New York State Open Space Conservation Plan as a Regional Priority Conservation Project Area. ASA currently holds 17 conservation easements on 3,233 acres in this Priority Area in Rensselaer County.

The **Brunswick Priority Area** is located in the towns of Brunswick, Pittstown and Poestenkill, south of the Tomhannock Reservoir and east of the City of Troy and contains approximately 12,757 acres of unprotected farmland. ASA does not currently hold any conservation easements in this priority area.

The **Schodack Priority Area** is located in the towns of East Greenbush and Schodack and is bounded by the Hudson River to the west, the city of Rensselaer to the north and Columbia County to the south. This priority area contains approximately 11,726 acres of unprotected farmland and includes 187 acres of Schodack Island State Park. ASA does not hold any easements in the Schodack Priority Area currently.

The **Stephentown Priority Area** is located in the towns of Berlin and Stephentown and contains approximately 6,892 acres of unprotected farmland. This priority area borders the State of Massachusetts to the east and Columbia County to the south and is in close proximity to the Taconic Ridge and Berlin State Forests. ASA holds a conservation easement on 108 acres of farmland in this area.

The **Historic Route 22 Corridor Special Area** is located in the towns of Petersburg and Berlin in Rensselaer County and Fort Ann, Granville, Hebron, Salem and Jackson in Washington County and contains approximately 10,630 acres of unprotected farmland. ASA holds one conservation easement on 50 acres in this area in Rensselaer County.

The **West Hoosick Hills Special Area** is bounded by the Hoosic River Watershed, the Tomhannock Reservoir and the Rensselaer Plateau and contains approximately 21,968 acres of unprotected farmland. This Special Area includes the 893-acre Tibbits State Forest and a portion of the 1,105 acre Pittstown State Forest. ASA holds three conservation easements of 514 acres of farmland in this area.

<sup>5</sup>Agricultural Stewardship Association. "Ensuring a Future for Farming and Food in the Upper Hudson Valley of New York State," May 2015.

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## List of Abbreviations

<b>AED</b>	Agricultural Economic Development
<b>AFPB</b>	Agricultural and Farmland Protection Board
<b>AFO</b>	Animal Feeding Operations
<b>AFT</b>	American Farmland Trust
<b>ASA</b>	Agricultural Stewardship Association
<b>CAFO</b>	Concentrated Animal Feeding Operations
<b>CCE</b>	Cornell Cooperative Extension
<b>COCS</b>	Cost of Community Services
<b>CRP</b>	Conservation Reserve Program
<b>DOT</b>	Department of Transportation
<b>EDP</b>	Economic Development and Planning
<b>EMC</b>	Environmental Management Council
<b>EPF</b>	Environmental Protection Fund
<b>FPP</b>	Farmland Protection Program
<b>FINYS</b>	Farm to Institution New York State
<b>FSA</b>	Farm Service Agency
<b>HVADC</b>	Hudson Valley Agribusiness Development Corporation
<b>GIS</b>	Geographic Information System
<b>IDA</b>	Industrial Development Agency
<b>NRCS</b>	Natural Resources Conservation Service
<b>NYS DAM</b>	New York State Department of Agriculture and Markets
<b>NYS DEC</b>	New York State Department of Environmental Conservation
<b>NYFOA</b>	New York Forest Owners Association
<b>OET</b>	Office of Employment and Training
<b>PDR</b>	Purchase of Development Rights
<b>RC&amp;D</b>	Resource Conservation and Development
<b>RLT</b>	Rensselaer Land Trust
<b>SBDC</b>	Small Business Development Center
<b>SCORE</b>	Service Corp of Retired Executives
<b>STAR</b>	School Tax Assessment Relief
<b>SWCD</b>	Soil and Water Conservation District
<b>TEA-21</b>	Transportation Efficiency Act-21
<b>USDA</b>	United States Department of Agriculture
<b>WRP</b>	Wetland Reserve Program

Maps