

# Town of Bethlehem

## Agricultural and Farmland Protection Plan

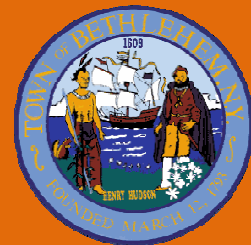


**FINAL**  
**SEPTEMBER 2009**

**Prepared By:**

**Town of Bethlehem  
Department of Economic  
Development and Planning**

**Agricultural and Farmland  
Study Advisory Committee**



**In Association with:**

**American Farmland Trust**





**Town of Bethlehem  
Agricultural and Farmland Protection Plan**

**Prepared by the Town of Bethlehem**

**Department of Economic Development and Planning**



**American Farmland Trust**



**In association with the Bethlehem Agricultural and Farmland Study Advisory Committee**

Lynn Dente  
Tom Gallagher  
Paul Kleinke  
George Leveille  
Stuart Lyman

Nancy Neff  
Chuck Preska  
Tim Stanton  
Bob Verstandig, Jr.  
Giles Wagoner

**FINAL**

SEPTEMBER 2009





Table of Contents

Executive Summary..... 1

Introduction ..... 6

Planning Process ..... 7

State of Agriculture and Farmland..... 8

    Land in Agriculture..... 8

    Agricultural Districts..... 10

    Prime Farmland Soil ..... 11

    Statewide Importance Soil..... 11

Value to Agricultural Economy ..... 13

    Town of Bethlehem Data ..... 13

    Albany County Data ..... 13

Indicators of conversion pressure..... 14

    Population and Housing Trends..... 15

        Population Trends..... 15

        Housing Trends ..... 16

        Location of Residential Development..... 17

        Sewer and Water ..... 18

Zoning and Farmland Location..... 18

Open Space Value ..... 19

Consequences of possible conversion pressure ..... 19

Overview of Existing Plans and Regulations ..... 20

Public Input ..... 22

    Public Meetings..... 23



May 15, 2008 Meeting..... 23

October 6, 2008 Meeting..... 23

October 23, 2008 Meeting..... 24

August 5, 2009 Meeting..... 24

Agricultural Landowner Interviews..... 25

Strengths, Weaknesses, Opportunities, and Threats Analysis..... 25

Goals and Recommendations ..... 26

Implementation ..... 36

**Appendices**

Appendix A: Year Structures Built Map

Appendix B: School Districts Map

Appendix C: Town of Bethlehem Location of Water and Sewer Services Map

Appendix D: Town of Bethlehem Zoning Map

Appendix E: NYSDAM Site Plan Process Guidelines

Appendix F: Analysis of Existing Town of Bethlehem Zoning Regulations as they pertain to  
Agriculture

Appendix G: October 6, 2008 Landowner Meeting Summary

Appendix H: October 23, 2008 Open Space Topics Public Meeting – Agriculture and Farmland  
Summary

Appendix I: August 5, 2009 Presentation of Draft Plan Public Meeting *(to be included)*

Appendix J: Landowners Interview Summary

Appendix K: Strengths, Weaknesses, Opportunities, and Threats Analysis

Appendix L: Albany County Right-to-Farm Law

Appendix M: Sample Legislation and Language for Establishing an Agricultural Advisory  
Committee

Appendix N: Links to Sample Community Farm Guides

Appendix O: Sample Industrial Development Agency and Economic Development Corporation  
Activities that Assist Agricultural Businesses

Appendix P: Sample Term Easements/Tax Abatement Local Laws

Appendix Q: Farming and Agricultural Resources List

*THIS PAGE INTENTIONALLY LEFT BLANK*

## Executive Summary

The Town of Bethlehem's Comprehensive Plan vision for the future identifies the Town as a community of attractive residential neighborhoods, vibrant hamlets, successful mixed-use commercial centers, modern industrial facilities, and productive rural lands. The high quality of life enjoyed by Town residents is a result of the balance of the Town's suburban and semi-rural settings. The semi-rural setting is represented by the various agriculture and farming activities in the Town. To encourage the continuance of the Town's semi-rural setting, this Plan presents several goals and recommendations for the protection of agriculture and farmland. The term protection should be perceived as an opportunity to support agriculture as a business, and on a voluntary basis protect farmland as a land use in the community. The term is not used as a means of restricting a property owner's rights to the use of their land. Protection is defined as follows:

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

In February 2008, the Town was awarded a grant from the New York State Department of Agriculture and Markets to embark on the development of "Agricultural and Farmland Protection Plan" to work with individuals involved in the Town's agricultural industry to **establish strategies that will result in the enhancement, management and continued viability of agriculture and farmland areas in the Town**. The Town Board established a ten-member Agricultural and Farmland Study Advisory Committee of local farmers, landowners and stakeholders in the agricultural industry to steer development of the plan with support from the Town Department of Economic Development and Planning and American Farmland Trust.

The development of this Plan was designed to be inclusive with many opportunities to hear concerns, challenges and opportunities for agriculture directly from farmers, landowners and community members. The process of developing this Plan included four public meetings with two conducted concurrently with the Citizen Advisory Committee on Conservation's open space discussions, confidential one-on-one agricultural stakeholder interviews, and monthly Study Advisory Committee meetings open to the public. This process gave the Study Advisory Committee, Department of Economic Development and Planning, and American Farmland Trust the most accurate information regarding the needs of agriculture in the community and the best methods the Town could assist in meeting them.

## Agricultural and Farmland Data

Information regarding the Town's agriculture and farming industry was obtained with the assistance of Cornell Cooperative Extension of Albany County, Albany County Farm Service Agency, Town of Bethlehem Assessor's Office, Albany County Office of Natural Resource Conservation, and the New York State Office of Real Property Service. The following information highlights characteristics, reflecting 2007 – 2009 data, of the Town's agriculture and farming industry:

- 63 operating farms are located in Bethlehem, working just over 5,900 acres of land;
- Corn, hay, and pasture land represent the majority of agricultural and farming operations (others include horses, greenhouses/vegetables, and livestock);
- 33 farms are rented – nearly half the farms in Bethlehem, working just over 2,800 acres of land;
- 4,760 acres of land are enrolled in the Albany County Agricultural District #3;
- 4,000 acres receive agricultural assessment from the Town;
- Majority of farmland soils (10,000 acres) in the Town consist of Class II and III, very few are Class I;
- 77% of all agriculture and farmland are located in three Zoning Districts – Residential A (23%), Rural (30%), and Rural Light Industrial (24%);
- 68% of all agriculture and farmland are located in the Ravena-Coeymans-Selkirk School District.

## Agricultural Landowner Interviews

The agricultural landowner interviews were conducted with eleven farmers and owners of agricultural land in the Town. The following are common themes born of the interviews:

- Opportunities exist to educate farmers and landowners on existing programs to protect farmland and to provide new programs that make farmland more affordable;
- Farmers in Bethlehem are challenged by poor soils, disappearing farm support services, availability of labor and high land values;
- Increasingly suburban nature of the Town has resulted in conflicts and a perceived lack of respect and understanding between farmers, non-farm residents and town government;

- The challenges faced by farmers today will impact what the future looks like for agriculture in the Town of Bethlehem tomorrow.

## Goals and Recommendations

The evaluation of the needs and issues associated with the existing conditions listed above resulted in the development of five main goals of the Plan. Recommendations were then developed to implement and address these goals. By implementing the tools in this Plan, the Town of Bethlehem will take a strong stance in supporting the farm businesses that help to sustain agriculture as a land use. The following list is an abbreviated summary of the goals and recommendations outlined in detail in the Plan.

### *Goals*

**Goal 1:** Foster communication between farmers and non-farming community to encourage and support the existence of the agricultural industry within the Town.

**Goal 2:** Encourage flexible town policies and regulations that are supportive of agriculture.

**Goal 3:** Assist and support in resolving issues causing adverse impacts on agriculture and farmland.

**Goal 4:** Support economic opportunities for farms and businesses that complement agriculture.

**Goal 5:** Provide voluntary incentives for agricultural landowners to continue agricultural activities.

### *Recommendations*

The following recommendations have been developed to address Goals 1 -5 above. The recommendation number reflects the goal number that it is intended to address.

Implementation items have been identified as short term (0-1 year implementation), medium term (1-3 year implementation), and ongoing. It is recommended that the Plan be implemented by Town Department of Economic Development and Planning, with assistance from an Agricultural Advisory Committee (proposed).

**SHORT TERM IMPLEMENTATION**

Recommendation 1.a: Draft and adopt a resolution in support of the Albany County Right to Farm Law.

Recommendation 1.b: Establish an Agricultural Advisory Committee to provide advisory information to the Town Board, Planning Board or Zoning Board of Appeals with regard to agricultural related issues.

Recommendation 3.a: Encourage open communication between farmers/owners of agricultural land and Town Police Department.

Recommendation 3.c: Include Agricultural Advisory Committee in the Town’s Development Planning Committee review of potential projects to determine impact on agriculture.

Recommendation 4.a: Adopt New York State Department of Agriculture and Markets definition of “agri-tourism” and include the term as an “Agricultural Use” as defined in the Zoning Law.

Recommendation 4.b: Further review the Zoning Law Schedule of Use Regulations (§128-99) to determine complimentary uses that support agriculture and farmland.

Recommendation 4.c: Increase the temporary off-site signage (Zoning Law §128-59) allowed for farms.

**MEDIUM TERM IMPLEMENTATION**

Recommendation 1.d: Provide educational materials about agriculture and related benefits to the community.

Recommendation 1.e: Work with existing educational programs in schools to educate youth on farming.

Recommendation 4.d: Work with Albany County to update the “Albany County Bounty” farm guide to help promote Bethlehem agricultural and farming businesses.

Recommendation 4.e: Explore opportunities for the Bethlehem Industrial Development Agency to invest in agricultural businesses.

Recommendation 5.a: Research and consider the development of a term conservation easement program.



Recommendation 5.b: Develop amenity/incentive zoning to assist in preserving farm and agricultural lands.

**ONGOING IMPLEMENTATION**

Recommendation 1.c: Encourage Town Board to include representation from agricultural enterprises on town committees and boards.

Recommendation 2.a: Educate and provide support to agricultural businesses and farms during the planning review process.

Recommendation 2.b: Require all Planning Board members to receive training on agricultural land use planning.

Recommendation 2.c: Educate landowners about the land division review process available in the Town Zoning Law.

Recommendation 3.b: Explore ways to provide assistance with property encroachment matters.

Recommendation 3.d: Explore opportunities for remedial actions where drainage from existing development and infrastructure negatively impacts farmland.

Recommendation 5.c: Provide education regarding existing Purchase of Development Rights (PDR) programs and natural resource conservation programs (Federal and State) and support applications as they arise.

*THIS PAGE INTENTIONALLY LEFT BLANK*

**AGRICULTURAL AND FARMLAND PROTECTION PLAN RECOMMENDATION PRIORITIZATION TABLE**

GOAL	RECOMMENDATION	IMPLEMENTATION	RESPONSIBILITY	COMPLETE
1	Draft and adopt a resolution in support of the Albany County Right to Farm Law	SHORT TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
1	Establish an Agricultural Advisory Committee to provide advisory information to the Town Board, Planning Board or Zoning Board of Appeals with regard to agricultural related issues.	SHORT TERM	TOWN	<input type="checkbox"/>
3	Encourage open communication between farmers/owners of agricultural land and Town Police Department.	SHORT TERM	TOWN/CACC/ AG COMMITTEE	<input type="checkbox"/>
3	Include Agricultural Advisory Committee in the Town's Development Planning Committee review of potential projects to determine impact on agriculture.	SHORT TERM/ONGOING	DPC/ AG COMMITTEE	<input type="checkbox"/>
4	Adopt NYS Department of Agriculture and Markets definition of agri-tourism and include the term as an "Agricultural Use" as defined in the Zoning Law.	SHORT TERM	TOWN/ AG COMMITTEE	<input type="checkbox"/>
4	Further review the Zoning Law Schedule of Use Regulations (§128-99) to determine complimentary uses that support agriculture and farmland.	SHORT TERM	TOWN	<input type="checkbox"/>
4	Increase the temporary off-site signage allowed for farms.	SHORT TERM	TOWN	<input type="checkbox"/>
1	Provide educational materials about agriculture and related benefits to the community.	MEDIUM TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
1	Work with existing educational programs in schools to educate youth on farming.	MEDIUM TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
4	Work with Albany County to update the "Albany County Bounty" farm guide to help promote Bethlehem agricultural and farming business.	MEDIUM TERM	TOWN/ AG COMMITTEE	<input type="checkbox"/>
4	Explore opportunities for the Bethlehem IDA to invest in agricultural businesses.	MEDIUM TERM	TOWN/IDA	<input type="checkbox"/>
5	Research and consider the development of a term conservation easement program.	MEDIUM TERM/ ONGOING	TOWN	<input type="checkbox"/>
5	Develop amenity/incentive zoning to assist in preserving farm and agricultural lands.	MEDIUM TERM	TOWN	<input type="checkbox"/>
1	Encourage Town Board to include representation from agricultural enterprises on town committees and boards.	ONGOING	TOWN	<input type="checkbox"/>
2	Educate and provide support to agricultural businesses and farms during the planning review processes.	ONGOING	TOWN	<input type="checkbox"/>
2	Require all Planning Board members to receive training on agricultural land use planning.	ONGOING	TOWN PLANNING BOARD	<input type="checkbox"/>
2	Educate landowners about the land division review process available in the Town Law.	ONGOING	TOWN	<input type="checkbox"/>
3	Explore ways to provide assistance with property encroachment matters.	ONGOING	TOWN	<input type="checkbox"/>
3	Explore opportunities for remedial actions where drainage from existing development and infrastructure negatively impacts farmland.	ONGOING	TOWN	<input type="checkbox"/>
5	Provide education regarding existing Purchase of Development Rights (PDR) programs and natural resource conservation programs (Federal and State) and support applications as they arise.	ONGOING	TOWN	<input type="checkbox"/>

**\*IMPLEMENTATION LEGEND**

SHORT TERM: 0-1	RECOMMENATIONS THAT CAN BE IMPLEMENTED IMMEDIATELY
MEDIUM TERM: 1-3 YEARS	RECOMMENDATIONS THAT CAN BE IMPLEMENTED FOLLOWING THE COMPLETION OF SHORT TERM ITEMS.
ONGOING	RECOMMENDATIONS THAT ARE ONGOING ACTIVITIES, TO BE INCORPORATED INTO THE ACTIVITIES OF TOWN DEPARTMENTS (i.e. PLANNING, ENGINEERING, HIGHWAY, ETC.)

NOTE: The Town desires to fund these recommendations with grant opportunities from Federal and State Agencies, when available. The prioritization of these recommendations may change as grant opportunities arise and based on availability of Town staff.

*THIS PAGE INTENTIONALLY LEFT BLANK*

**GOAL:** To encourage and support agricultural uses of land and protect property owners' rights.

## Introduction

The purpose of this Plan is to work with individuals involved in the Town's agricultural industry to establish strategies that will result in the enhancement, management and continued viability of agriculture and farmland areas and lands in the Town of Bethlehem.

The plan is called an "Agricultural and Farmland Protection Plan." During the planning process there was much discussion among the Study Advisory Committee members regarding the use of the term "protection". Some members expressed concern that the term protection implies land use

**Protection:** The preservation, conservation, management and improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production. (*NYS Agriculture and Markets Law Article 25AAA*)

restrictions on agricultural properties. However, an understanding of the definition of "protection" by the New York State Department of Agriculture and Markets (NYSDAM) eased these concerns. According to the Agriculture and Markets Law Article 25AAA, protection is defined as: "the preservation, conservation, management and improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production." The use of the word "protection" in this Plan should not be perceived as a means of restricting a property owner's rights to the use of their land, but rather an opportunity to support agriculture as a business and on a voluntary basis protect farmland as a land use in the community.

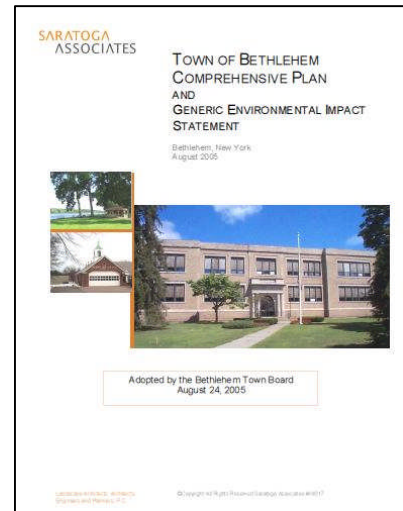
## Planning Process

In August 2005, the Town of Bethlehem adopted its first Comprehensive Plan. The adoption culminated an eighteen-month public process and conversation about the future of the community. The Comprehensive Plan is a document that guides the Town's land use and community development initiatives and investment decisions. One recommendation of the 2005 Comprehensive Plan was for the Town Board to consider the creation of a Farmland and Open Space Protection Program. The program was among several important community topics that emerged throughout the comprehensive planning process, but required more focused consideration and consensus-building prior to Town Board implementation.

In 2007 the Comprehensive Plan Oversight Committee recommended the Town Board initiate the farmland and open space planning process. In early 2008, the Town Board authorized the development of a Farmland and Open Space Protection Program. Recognizing the importance for an open space planning process to be unique to Bethlehem, the Board commenced the initial phase as an assessment of the Town's issues, needs and opportunities related to open space. This assessment was to be based on community input. The Board noted that the program would be referred to as the open space plan, anticipating that a more appropriate theme and/or title would emerge during the planning process and following input from the community.

The Town identified the Department of Economic Development and Planning (DEDP) to lead the Plan with professional planning assistance from Behan Planning and Design, and American Farmland Trust. Recognizing that open space preservation and farmland protection were two distinct ends with different stakeholders and purposes, the Program was separated into two components, a needs assessment for open space and an Agricultural and Farmland Protection Plan. The Citizens Advisory Committee on Conservation (CACC) was charged with serving as the advisory committee to provide advice and recommendations for the open space component. (See "Town of Bethlehem Recommendations on Open Space Needs and Opportunities".)

In February 2008, the Town was awarded a grant from the New York State Department of Agriculture and Markets for the development of the Agricultural and Farmland Protection Plan. The purpose of this component is to work with individuals involved in the Town's agricultural

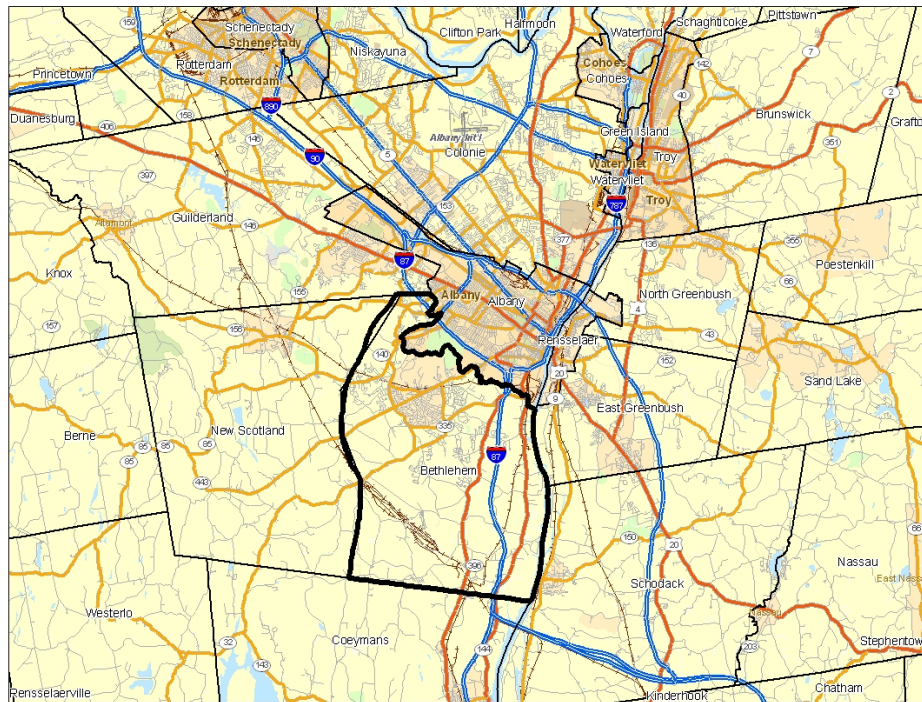


*The 2005 Comprehensive Plan recommended the Town Board consider the creation of a Farmland and Open Space Protection Program.*

industry to establish strategies that will result in the enhancement, management and continued viability of agriculture and farmland areas and lands in the Town of Bethlehem. The Town Board established an Agricultural and Farmland Study Advisory Committee of local farmers, landowners and stakeholders in the agricultural industry to steer the development of the plan with support from the DEDP and American Farmland Trust. The Agricultural and Farmland Protection Plan was conducted in tandem with the development of the open space needs and opportunities assessment and there was opportunity for the interaction of both components during several public meetings.

## **State of Agriculture and Farmland**

The Town of Bethlehem is located along the western banks of the Hudson River, just south of the City of Albany in Albany County, New York.



## ***Land in Agriculture***

Quantifying land use in agriculture at the Town scale proves difficult in practice. Information was gathered from several sources to get a general sense of where agriculture is predominantly occurring in the Town of Bethlehem. While these numbers aren't always consistent with one another, they paint a picture of the scale and scope of agriculture and farmland use in the

Town. The Town Zoning Law defines agriculture and agricultural use as, “The employment of land, including for the primary purpose of obtaining a profit in money, for raising, harvesting, and selling crops, or feeding, including but not limited to grazing, breeding, managing, selling or producing livestock, poultry, fur-bearing animals or honeybees, or dairying and the sale of dairy products, or any other horticulture, floriculture or viticulture, aquaculture, hydroponics, silviculture, animal husbandry, or a combination thereof. It also includes the employment of land, including for the primary purpose of obtaining a profit, for stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows, including other on-farm niche marketing promotions.”

The New York State Office of Real Property Service classifies land use in a series of standard codes, with agricultural codes including those between classification codes 100-199. Approximately 4,400 acres, or 115 parcels in the Town of Bethlehem are listed in agricultural codes according to this data source. This represents approximately 14% of the Town’s land area. This estimation likely does not capture a true picture of agricultural land. In some instances, land is coded as agricultural when it is not in fact farmed. In addition, farmland can be coded under “vacant” or “residential” codes depending on how the assessor views the property. For example, often parcels coded as “vacant” are simply hay fields that have been left fallow. Also, some parcels that are predominantly agricultural in use are coded as “residential” if they contain a house.

An alternative way of using property classification information to quantify agricultural land use in the Town of Bethlehem is to look at the number of parcels receiving agricultural assessment. According to the Bethlehem Assessor’s Office, in 2007, approximately 4,000 acres, representing 127 parcels, received agricultural assessment. In order to qualify for agricultural assessment, a parcel must be farmed for at least two consecutive years, be greater than 7 acres in size and worked by a farm that grosses an average of \$10,000 or more in sales per year. A parcel can be

**Agriculture; Agricultural Use - “The employment of land, including for the primary purpose of obtaining a profit in money, for raising, harvesting, and selling crops, or feeding, including but not limited to grazing, breeding, managing, selling or producing livestock, poultry, fur-bearing animals or honeybees, or dairying and the sale of dairy products, or any other horticulture, floriculture or viticulture, aquaculture, hydroponics, silviculture, animal husbandry, or a combination thereof. It also includes the employment of land, including for the primary purpose of obtaining a profit, for stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows, including other on-farm niche marketing promotions (Bethlehem Zoning Law §128-22)**



eligible if it is less than 7 acres in size if the farm grosses an average of \$50,000 or more in sales per year. In addition, rental land may qualify for these benefits if it is rented by an eligible farm operation. Start-up farms are eligible after their first year of production if they meet the acreage and income thresholds. It is expected that some agricultural parcels in Bethlehem don't qualify for agricultural assessment or have been inactive so this estimation of acreage in agriculture is also not complete. Further information regarding agricultural assessments can be obtained from the NYS Office of Real Property.

Often the best source of information on agricultural land use at the Town scale comes from local knowledge. Cornell Cooperative Extension (CCE) of Albany County and Albany County Farm Service Agency (FSA) representatives reviewed their farm records to quantify agricultural land use in the Town of Bethlehem. This is likely the most accurate information available. The agency's review concluded that there are 63 operating farms located in Bethlehem working just over 5,900 acres in the Town of Bethlehem. This represents approximately 19% of the Town's land area. CCE and FSA's review of acreage devoted to agricultural commodities concluded that approximately 910 acres are devoted to corn, and 1,760 acres are devoted to hay. Additionally, pasture land is represented by 394 acres and vegetables are represented by 40 acres. Nearly half the land in agriculture in Bethlehem – just over 2,800 acres - is rented to other farming operations. Animals currently raised on farms in Bethlehem include, dairy cows and heifers, horses, beef cows and other small livestock.

### ***Agricultural Districts***

In 2009, in the Town of Bethlehem there were over 4,760 acres enrolled in the Albany County Agricultural District #3. This represents approximately 15% of the Town's land area. These lands are somewhat dispersed throughout the town. New York's Agricultural Districts Law was enacted in 1971 to help keep farmland in agricultural production. State-certified districts are reviewed by the County Agricultural and Farmland Protection Board, approved by the County Legislature, and certified by NYS Department of Agriculture and Markets. They provide important "right-to-farm" protections to enrolled farms. For example, when requested, the Department of Agriculture and Markets can provide a determination whether land uses are agricultural or if farm practices are "sound agricultural practices". Such determinations can help defend farmers in zoning disputes or private nuisance lawsuits. Farms may enroll through an annual review process by contacting the County Agricultural and Farmland Protection Board. Land rented for agricultural purposes can also be included in an Agricultural District.

The Agricultural and Farmland Location Map illustrates areas that are involved in farming and agriculture based on available 2007 data. The map represents a “snapshot” of Bethlehem’s 2007 farming and agriculture areas based on the following data sources as described above:

- Albany County Agricultural Districts
- Town of Bethlehem Agricultural Assessment
- NYS Office of Real Property Service Agricultural Land Use Classification.

### ***Prime Farmland Soil***

The U.S. Department of Agriculture groups soils according to their suitability for field crops. Prime farmland soils is a classification given to soil groups that produce the highest yields with minimal inputs of energy and economic resources, and farming them results in the least damage to the environment. The Town of Bethlehem has approximately 10,000 acres classified as prime farmland soils mainly spread across the southeastern portion of the Town. The majority of lands currently being farmed contain prime farmland soils. Approximately 2,082 acres or 20% of the Town’s prime farmland soil occurs on lands that are involved in agriculture or farming. However, over the past twenty years several acres of prime farmland soils in Bethlehem have been developed for residential subdivisions. Although the USDA lists certain soils as prime farmland there is no guarantee that food crops will grow successfully. This may be reflected in the fact that, in Bethlehem, corn, hay, and pasture land represent the majority of agricultural and farming operations.

### ***Statewide Importance Soil***

“Soils of statewide importance” is a classification given to soils considered of statewide importance for the production of crops. These soils are important to agriculture in the state, but exhibit some properties that do not meet Prime Farmland criteria, such as seasonal wetness, and erodibility. Such land produces fair to good yields when managed appropriately. In Bethlehem, only 9% (2,760 acres) of the total land area is considered soils of statewide importance. Approximately 1,100 acres or 40% of soils of statewide importance occurs on lands that are involved in agriculture or farming.

The Farmland Soils map illustrates areas in Town that contain prime farmland soils and statewide importance soils.

## Land Capability Classification I - IV

Land capability classification provides another measure of the agricultural productivity of the land. According to the Albany County Soil Survey, land capability classification shows the suitability of soils for most kinds of field crops. Capability classes are designated by Roman numerals I through VIII. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The Land Capability Classification Map illustrates the location of Class I through IV soils in the Town, reflecting those that are similar to the categories of prime farmland soils and soils of statewide importance.

According to the Albany County Soil Survey, Class I soils are defined as having slight limitations that restrict their use. Class II soils are defined as having moderate limitations that reduce the choice of plants or that require moderate conservation practices. Class III soils are defined as having very severe limitations that reduce the choice of plants or that require special conservation practices, or both. Class IV soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

A review of Class I through IV soils indicates that only 1% is represented by Class I. The breakdown of the remaining soil capability classes are as follows: 46% in Class II, 42% in Class III, and 11% in Class IV. Where they exist, Class I and II are patchy as can be seen by the Land Capability Class I-IV map. These small pockets of good soils are surrounded by poorer quality soils. This information is consistent with local insight that indicates the limitations of the soils in Town to grow high value crops.

### **Value to Agricultural Economy**

The 2002 and 2007 Agricultural Census provides information concerning areas of farming and agricultural operations in the United States, including production expenses, market value of products, and operator characteristics. Results of the 2007 agricultural census were released in February 2009 and at this time only provide information at the County level. However, the 2002 Agricultural Census provides data at the zip code level. Data obtained at the zip code level for Bethlehem includes zip codes 12077, 12158, and 12054 since these areas reflect the locations of lands involved in agriculture and farming.

### ***Town of Bethlehem Data***

The 2007 Census of Agriculture reports that approximately 89% of farms in Bethlehem sold less than \$50,000 each in agricultural products with 9% selling between \$50,000 and \$249,000 and only 1 farm selling greater than \$250,000 annually in farm products. The Census estimated that 33% of farms are between 1 – 49 acres in size, while 66% of farms are between 50 – 999 acres in size<sup>1</sup>. 41% of principal operators report farming as their primary occupation. Collectively, this data reflects the sentiments provided by the agricultural community, which is, a majority of farming is conducted on average sized lands by individuals that rely on other occupations as their primary means of income.

### ***Albany County Data***

According to the US Agricultural Census, there were 61,030 acres of agricultural and farmlands, representing 498 farms, in Albany County in 2007. This represents an 11% loss of agricultural land from 2002 to 2007. Albany County is one of the fastest growing counties in New York and much of new development is occurring on agricultural land. Surprisingly, however, the number of farms increased by 14 from 2002 to 2007, showing a renewed interest in agriculture in the region. The same population that is pressuring the use of the land also represents an increased customer base that desires access to fresh, local food. Indeed, the market value of agricultural products sold from farms in Albany County increased from \$19.4 million in 2002 to \$22.4 million in 2007. Despite high input prices, most farms showed a positive net farm income in Albany County in 2007 – a trend not seen in many neighboring counties.

Farms in Albany County contributed significantly to the economy according to Agricultural Census data from 2007. Farms spent approximately \$1.7 million on property taxes while not demanding the same level of services as residential development. American Farmland Trust

---

<sup>1</sup> Categories defined by the Agricultural Census.

“Cost of Community Services” studies across the nation have shown that farms pay approximately 60% more in taxes than they demand back in services such as schools, roads and emergency services. Farms were also an important employer in Albany County in 2007. Farms spent \$2.7 million in hired labor in 2007 according to the Agriculture Census and employed 393 people on farm.

Farms in Albany County are increasingly dependent upon rental land. According to the Agricultural Census, more agricultural land is rented rather than owned outright by farmers (See Figure A). While both categories

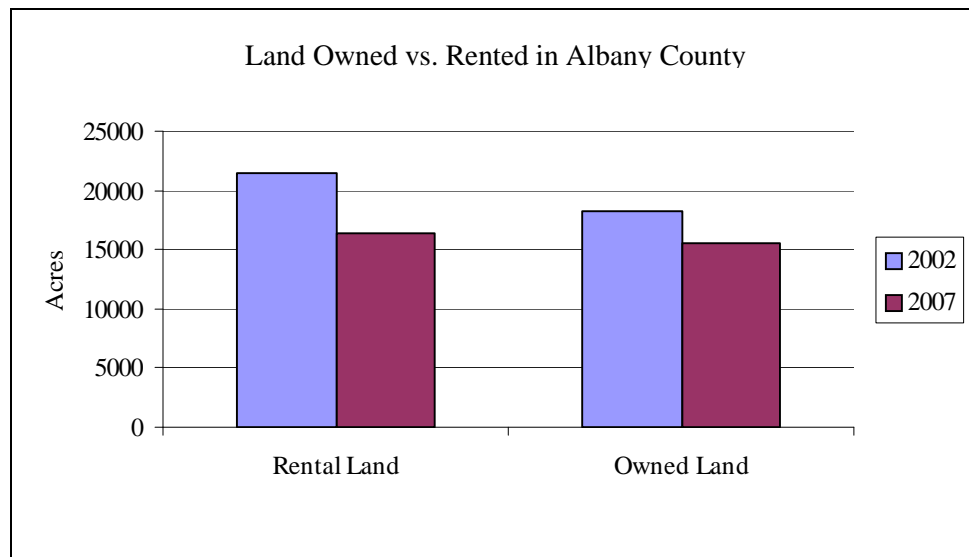


Figure A. Source: 2007 US Agricultural Census

experienced losses in farmland from census years 2002 to 2007, rental land lost considerably more acreage – upwards of 24% of rental land left agricultural use.

Farm businesses (rentee) are often dependent upon the availability of rental land to grow crops, graze livestock, and manage manure resources effectively, amongst other agricultural uses. Rental land helps to increase the efficiency and productivity of the farm business. Additionally, renting land is a way for landowners (rentors) to retain/obtain their agricultural assessment and/or benefit from a source of income from their land asset when they retire. Renters often have limited control over land availability and are limited to use of the land based on the time frame of the rental agreement. Currently, half the land in productive agriculture in Town is rented, according to CCE and FSA.

### Indicators of conversion pressure

A review of Bethlehem’s population and housing trends provides an indication of the level of conversion pressure on the agricultural and farming lands in the Town.

## Population and Housing Trends

### Population Trends

The Town of Bethlehem has been experiencing significant population growth over the past two decades. In 2000, the Town of Bethlehem had a population of 31,304. This represents a 28.8% increase in population from 1980 to 2000 and a 13.6% increase between 1990 and 2000. Bethlehem’s rate of growth significantly exceeded Albany County’s between 1980 and 2000 and between 1990 and 2000. It is also the largest percentage increase of all adjacent municipalities (Albany, Guilderland, New Scotland, and Coeymans). Table 1 contains Bethlehem population data from 1980 to 2000 from the 2000 US Census.

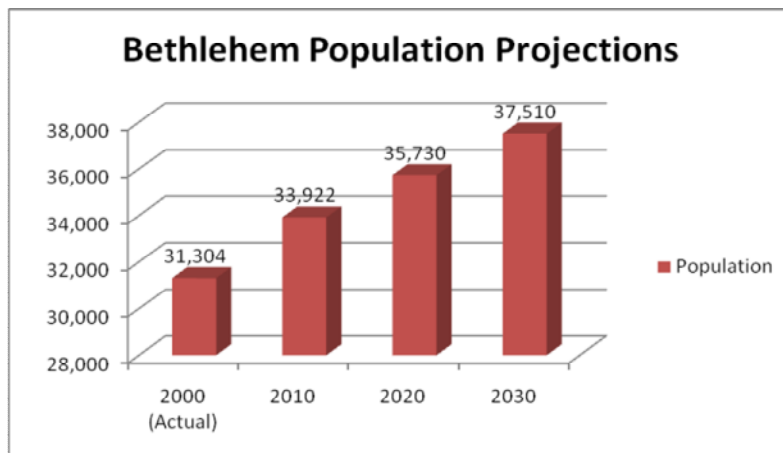
**Table 1: Bethlehem Population and Population Change 1980 – 2000**

1980	1990	2000	Change 1980 – 2000	Change 1990 – 2000
24,296	27,552	31,304	28.8%	13.6%

Utilizing 2000 Census data, the Capital District Regional Planning Commission (CDRPC) developed projections using a Population Projection Model (See Figure B). The CDRPC is tasked with developing population and household projections for the four-county Capital District Region.

The CDRPC population projections have been relatively accurate in the past. Previous projections for the year 2000, for example, were slightly below actual population numbers for the Town of Bethlehem. According to *A Profile of the Capital District* (December 1999) published by CDRPC, year 2000 projections indicated a population of 30,524. Actual year 2000 Census indicated a population of 31,304 – approximately 780 persons higher than projected. Projections for Bethlehem are found in the graph below.

The 2030 population projections developed by the Capital District Regional Planning

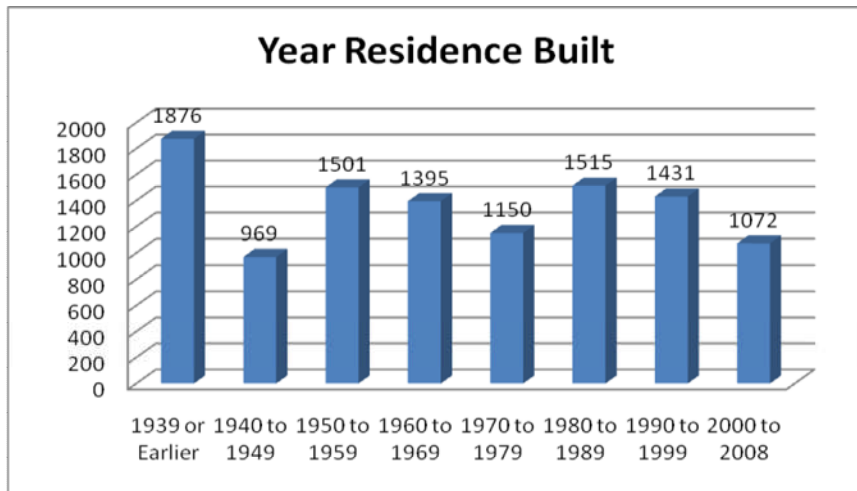


**Figure B**

Commission (CDRPC) indicate an increase of approximately 6,200 persons by 2030 in the Town of Bethlehem, or approximately 206 persons per year over the next 30 years. This represents a 29% increase in population over a 30-year period. Bethlehem is projected to capture between 11% and 12% of Albany County’s population growth through 2030.

### Housing Trends

Housing trends are an established indicator of suburban growth, specifically the development of 1 and 2-family homes. Furthermore, residential land use represents approximately 80% of the Town’s tax base. Housing data is provided by the New York State Office of Real Property Services (NYSORPS) and the Town of Bethlehem Building Department.



According to NYSORPS data, more than one-half of all housing units in the Town of Bethlehem were constructed in the 1950s or later (See Figure C). Fewer than 20% were constructed before 1939. Nearly 90% of all housing units are single family dwellings.

Figure C. Source: 2008 NYS ORPS

New housing development has occurred throughout the Town. More specifically, over the past 30 years it has occurred south of the NYS Route 32(Delmar Bypass) and the northwestern section of Town. This residential development has occurred in areas that have access to public sewer and water. The “Year Structures Built Map” in Appendix A illustrates the development pattern of housing units over the past sixty years.

A closer look at building permits awarded over the past eight years (2000 to 2008) illustrates a decline in one and two family residential building permits in the Town (See Figure D). As illustrated in Figure C, this is in comparison to the twenty year period of the 1980s and 1990s

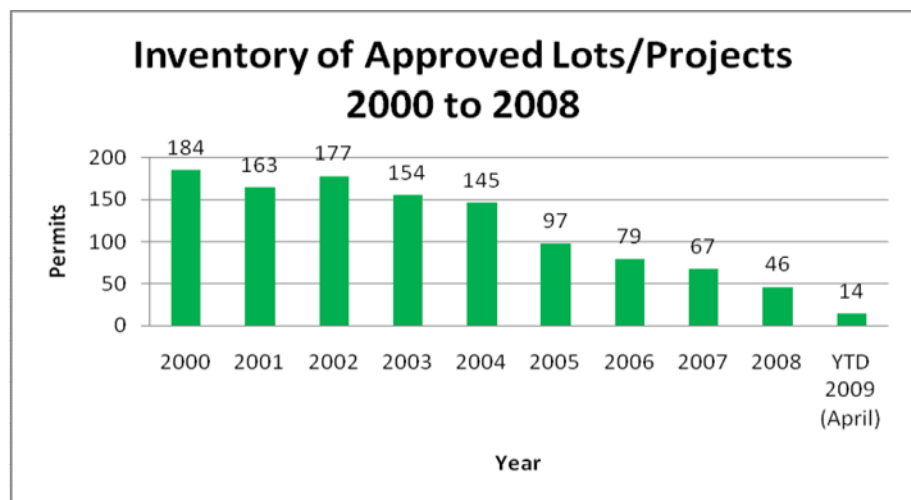


Figure D. Source: Bethlehem Building Department

when development pressure was at its highest level. Note the Town adopted a building moratorium on residential development during 2004 and 2005 in order to prepare a Comprehensive Plan and update zoning and subdivisions regulations. From 2005 to 2008 yearly residential building permits have decreased steadily by approximately 20%.

The Bethlehem Comprehensive Plan Oversight Committee (CPOC) Report, prepared in August 2007, provided a review of development activity and trends. The Report listed a variety of factors that could be influencing the reduction of residential development, including the location and physical characteristics of remaining developable residential lands in the Town, downturn in real estate market trends in the region and Town, and the Town’s decisions on limiting infrastructure extensions.

### Location of Residential Development

Figure E illustrates housing trends over the past eight years (2000- 2008 and 2009 YTD) and identifies building permits based on their location within the Town’s three school districts (Bethlehem Central, Ravena-Coeymans-Selkirk, and

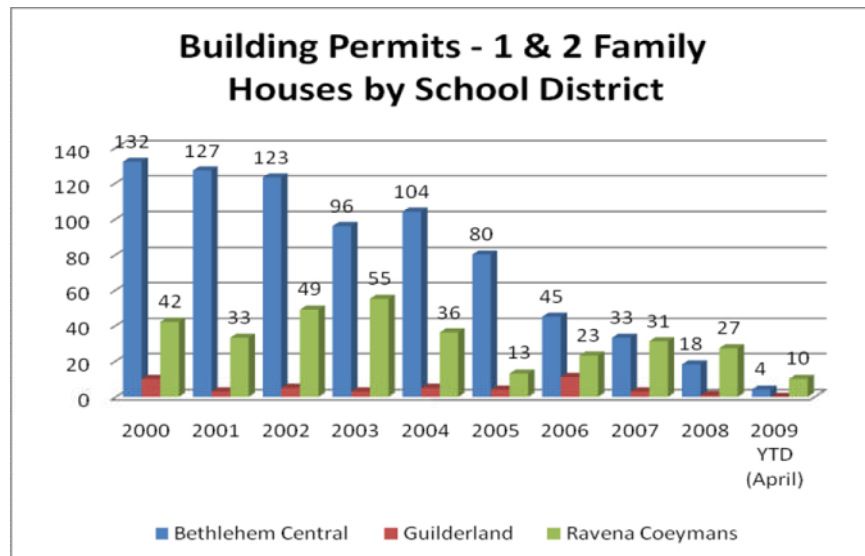


Figure E. Source: Bethlehem Building Department

Guilderland). The “Town of Bethlehem School Districts Map”, in Appendix B, illustrates the location of the three school districts in the Town. A review of the data indicates in the early part of this decade (2000 to 2006) the Bethlehem Central School District experienced a greater percentage of residential development than the Ravena-Coeymans-Selkirk and Guilderland school districts. However, in 2007, 2008, and 2009 year-to-date this trend began to change with the Ravena-Coeymans-Selkirk School District experiencing a greater percentage of residential development. It is important for the Town to monitor this trend since approximately 68% of the land area involved in agriculture and farming are located in the Ravena-Coeymans-Selkirk School District (see Table 2).



**Table 2: School Districts and Agricultural and Farmland Location**

School District	Agricultural and Farmland	
	Area (acres)	Percentage
Bethlehem Central	2,155	31%
Ravena-Coeymans-Selkirk	4,615	68%
Guilderland	50	1%

### Sewer and Water

The availability of sanitary sewer and water services makes land more attractive for development. The sewer and water maps located in Appendix C illustrate the location of sewer and water services in proximity to agricultural and farmed land in the Town.

### Zoning and Farmland Location

A review of the location of farmland and agricultural lands in relation to zoning district boundaries helps to identify opportunities and challenges for continued agricultural use of the land. The review revealed that of all parcels of land recognized by the NYSORPS data as agricultural (Land Use Codes 100 – 199), Bethlehem agricultural assessment parcels, and Agricultural District lands, approximately 77% are located within three Zoning Districts – Residential A (23%), Rural (30%) and Rural Light Industrial (24%). Not surprisingly, as listed in Tables 3 and 3A, these three districts also contain the highest percentages of prime and statewide important soils (Class I – IV), a USDA classification system that identifies good soils for agriculture.

Appendix D contains the Town of Bethlehem Zoning Map.

**Table 3: Zoning and Farmland Location**

Zoning District	Agricultural and Farmland		Land Capability Classification							
			Class I		Class II		Class III		Class IV	
	Area (acre)	%	Area (acre)	%	Area (acre)	%	Area (acre)	%	Area (acre)	%
RESIDENTIAL A	1,598	23%	0	0%	582	54%	400	37%	100	9%
RURAL	2,084	30%	24	2%	652	46%	511	36%	220	16%
RURAL LIGHT INDUSTRIAL	1,656	24%	2	0%	448	40%	584	52%	91	8%

Table 3A: Zoning and Farmland Location

Zoning District	Statewide Importance Soils	
	Area (acre)	Percent
RESIDENTIAL A	450	40%
RURAL	347	31%
RURAL LIGHT INDUSTRIAL	164	15%

### Open Space Value

As noted previously, agriculture and farming have been identified as an important industry or business in the Town. However, the community has also identified lands involved in agriculture and farming as open space.

Bethlehem’s Citizens Advisory Committee on Conservation (CACC) recognizes agricultural lands in its definition of open space.

Lands involved in agriculture and farming provide the rural character and scenic resources that attract many to Bethlehem. Working farms help define the rural landscape and by protecting cropland, and pastures Bethlehem can retain its traditional sense of place and rural identity.

**Open Space** is land that is not intensively developed for residential, commercial, industrial or institutional use. It serves many purposes, whether it is publicly or privately owned. It includes agricultural and forest land, community gardens, undeveloped shorelines, undeveloped lands that provide scenic value, public/private parks and recreation fields, walking and bicycling pathways or corridors, and nature/wildlife areas. It also includes water bodies such as rivers and streams. Its occurrence enhances the community character and quality of life for the Town of Bethlehem.

These lands, all of which are in private ownership, help to enhance the quality of life for all residents. It is important to recognize that an agricultural landowner’s stewardship of the land whether for business or open space purposes serves to benefit the greater Bethlehem community. The protection of agricultural and farmlands also helps to serve the greater community goal of preserving open space.

### Consequences of possible conversion pressure

Several consequences would occur as a result of current agricultural lands converting to development. In regards to conversion to residential development, this could impose costs to the community in the form of increased demand for schools, roads, water, sewer, and other community services. Numerous “cost of community services” studies conducted by American Farmland Trust have shown that farms and agricultural lands generate more local tax revenue

than they cost in services. By comparison, residential development typically fails to make up for local costs with property tax revenue.

In addition, historically, residential development has resulted in changes to drainage patterns due to increased impervious surfaces. Well managed farms provide important environmental benefits to the community in filtering water and decreasing runoff from impervious surfaces like pavement and concrete.

## **Overview of Existing Plans and Regulations**

---

### Comprehensive Plan

The Town of Bethlehem's 2005 Comprehensive Plan vision statement describes the Town as a community with productive rural lands. The Town recognizes that as it continues to grow, its agricultural lands and natural resources face increasing conversion pressure. In order to achieve its vision, a recommendation of the Comprehensive Plan was for the Town to consider the creation of a farmland and open space protection program for the protection of its high quality farmland and significant open space resources. The Comprehensive Plan also recommended encourage participation in Agricultural Districts, establish local right-to-farm provisions, promote agriculture through education, and develop an agricultural economic strategy.

### Albany County Farmland Protection Plan

The Albany County Agricultural and Farmland Protection Plan was prepared in 2004 to develop goals and strategies to support and enhance Albany County's agricultural industry and agricultural resources. The plan was prepared by the Albany County Agricultural and Farmland Protection Board, a board established by the County Legislature, whose role includes, review of Agricultural Districts, review of local laws and government actions affecting land in Agricultural Districts and implementation of the County Farmland Protection Plan. In addition to addressing County-level goals and strategies, the Plan identified what local governments can do to protect farmland, many of which Bethlehem's Agricultural and Farmland Protection Plan desires to accomplish:

Work with local farmers to develop techniques to preserve farmland and sustain agriculture.

- Support Agricultural Districts since they offer farms many protections.
- Pass a local right-to-farm ordinance to supplement State and County law.
- Provide agricultural value assessment on property tax and ensure that assessors are properly trained to assess agricultural structures.
- Discourage land uses that will conflict with neighboring agricultural operations.
- Include agriculture in local economic development plans. Ensure that local ordinances encourage economic viability by permitting roadside stands, farm markets, greenhouses, and use of off-site signs to attract customers.

- Review planning and zoning ordinances and make revisions to support agriculture and incorporate farmland protection and the needs of agriculture.

### Bethlehem Zoning Law – Land Use Review Procedures

The Town of Bethlehem Zoning Law contains a Schedule of Uses table, which lists the land uses permitted in the Town’s Zoning Districts. In Bethlehem, reviews of land use projects are designated as “by right”, “site plan”, and “special use permit”. The Town Planning Board is the authorized body to review, approve or disapprove land use projects designated as site plan and special use permit. The following discussion is intended to help inform the community of the land use review procedures that may be applicable to agricultural uses or uses that complement agriculture.

#### *By-Right*

A land use designated by right is one that does not require review by the Town Planning Board; however, it may be subject to a building permit and/or certificate of occupancy. Based on the Town of Bethlehem Zoning law, current agricultural uses located in a state-certified Agricultural District are allowed by right, regardless of the zoning district in which the property is located. In addition, the seasonal planting of crops is allowed by right in any zoning district. The construction, extension, or alteration of existing principal or accessory structures used for agricultural purposes, including those situated on property located within a county agricultural district are exempt from site plan approval.

#### *Site Plan Review*

Requirements of the Town’s site plan review process are intended to protect the community from traffic congestion, noise, flooding, excessive soil erosion, excessive noise and odor and other forms of pollution; and encourage a design that will be in harmony with surrounding development. A land use designated as site plan review is required to be designed and prepared by a licensed engineer, landscape architect, or surveyor in accordance with certain standards and criteria determined by the Town. However, new agricultural operations located in the Agricultural District subject to the site plan review process shall follow the Site Plan Process Guidelines as set forth by the Commissioner of Agriculture and Markets. (Appendix E includes the Guidelines). The NYSDAM developed a streamlined model site plan review process to respond to farmers' concerns while ensuring the ability to have local issues examined.

The Site Plan Process Guidelines include the submittal of a sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved, existing features of the site, proposed location and arrangement of buildings and uses on the site,

including means of ingress and egress, parking and circulation of traffic, and a description of the project. The sketch is not required to be prepared by an architect, professional engineer or land surveyor.

### *Special Use Permit*

Special permit uses are specifically declared to be allowed within the district in which they are located, provided that they meet special use permit performance standards (i.e. noise, odors, traffic access, circulation, parking, etc.). A site plan review is required for special permit uses.

Appendix F contains a review of the Town's Zoning Law Schedule of Uses Table as it relates to agriculturally related uses and their current land use review status (i.e. by-right, site plan review, or special use permit).

### *NYS Town Law and Planning Board Member Appointments*

The New York agriculture industry has a substantial impact on the overall economic health and well-being of the state. As such, New York State Town Law (§271) states: " A Town Board may, if an agricultural district created pursuant to section three hundred three of article twenty-five-AA of the Agriculture and Markets Law exists wholly or partly within the boundaries of such town, include on the planning board one or more members each of whom derives ten thousand dollars or more annual gross income from the agricultural pursuits in said town. As used in this subdivision, the term "agricultural pursuits" means the production of crops, livestock and livestock products, aquacultural products, and woodland products as defined in section three hundred one of the agriculture and markets law."

## **Public Input**

---

Public input was particularly important to the Town and the Study Advisory Committee in this planning process. Public outreach was seen as a two-way communication stream. The community was given several opportunities to provide input on the needs of the agricultural industry in Bethlehem and the strategies that would best support farm businesses. In addition, the Town had an opportunity to educate the community on the development of the plan and possible tools that would help landowners and farm businesses.

As previously mentioned the Town undertook a process of developing a farmland and open space protection program. As such, the public meetings allowed for public input on both topics. The Town employed several different methods to ensure public participation in the plan. In addition to the public meetings discussed below, a regularly scheduled public comment

period at the end of each Study Advisory Committee meeting provided an opportunity for public input. Information and feedback provided through these channels was used to guide the recommendations and strategies of the plan.

## ***Public Meetings***

### **May 15, 2008 Meeting**

On May 15, 2008 a public orientation meeting was held to obtain feedback on what open space means to the community. The meeting resulted in the identification of Agriculture and Farmland as an important topic area to the community. Additionally, the definition of open space that emerged from the meeting included agricultural lands.

### **October 6, 2008 Meeting**

On October 6, 2008 a meeting with large-acreage landowners (i.e. owners of 7+ acres) was held. A majority of these landowners represented agricultural interests. The purpose of this meeting was to solicit concerns and identify opportunities from landowners related to open space conservation, particularly farmland protection, and to address the land stewardship topic identified at the May 15, 2008 open space meeting. This meeting also provided an opportunity to introduce and explain conservation options to landowners.

At the meeting, Behan Planning and Design, and American Farmland Trust provided a presentation on conservation tools and land management options. The presentation was based on information received during interviews with the Town's agricultural community/large-acreage landowners. The interviews were conducted in August 2008 by American Farmland Trust. The presentation included a discussion on the following topics, respect for property, affordability of large acreages, and land asset/estate planning. The consultants also presented an overview of potential farmland and open space tools and various solutions that other communities in the Capital Region have adopted to address these issues. Following the presentation, participants separated into small groups and asked questions about the various conservation options.

During the small group discussions, facilitators gauged the participant's interest in the various tools. Some participants expressed interest in a term easement program or an incentive/amenity zoning option.

A summary of the feedback received from the October 6 meeting is included in Appendix G.

### **October 23, 2008 Meeting**

On October 23, 2008 approximately 60 residents attended a public meeting to further discuss the topics identified from the May 15 meeting: Recreation and Pathways, Agriculture and Farmland, and Natural Systems. At the meeting, Town Planning Department staff provided a presentation on the existing conditions of the open space resources, including agriculture and farmland in the Town. Staff discussed the value and benefits of these resources to the Town, and provided maps that illustrated the locations of recreation lands, pathways, agricultural and farmed lands, as well as natural systems (i.e. steep slopes, floodplains, wetlands, streams, etc.). Following the presentation, participants were randomly separated into three groups and the consultants and Town staff traveled between the groups to discuss community goals associated with each of the topics: Recreation and Pathways, Agriculture and Farmland, and Natural Systems. This exercise afforded all participants the opportunity to provide their input on each of the three topics.

A summary of the feedback received from the October 23 public meeting is included in Appendix H.

### **August 5, 2009 Meeting**

On the evening of August 5, 2009, the Department of Economic Development and Planning (DEDP), in association with the Agricultural and Farmland Study Advisory Committee hosted a public meeting to present the Draft “Bethlehem Agricultural and Farmland Protection Plan” to the community. Approximately 30 attendees (10 of which included Study Advisory Committee members, Town Board members, and Town staff) viewed a presentation by the DEDP and American Farmland Trust, which provided an overview of the Plan’s planning process, goals, recommendations, and implementation.

A summary of the feedback received from the August 5 public meeting is included in Appendix I.

### ***Agricultural Landowner Interviews***

Eleven interviews were conducted with farmers and owners of agricultural land in the Town of Bethlehem in August and September of 2008. The interviews were conducted by Laura Ten Eyck, a field consultant for American Farmland Trust's New York State office. Agricultural commodities represented in the interviews included dairy, horticulture, beef and produce. No representatives of the Study Advisory Committee for the Plan were interviewed. The Interview Summary provided in Appendix J highlights common themes born of the interviews as interpreted by Ms. Ten Eyck. Where illustrative of a repeated theme, quotes have been used as stated by the interviewees.

### ***Strengths, Weaknesses, Opportunities, and Threats Analysis***

In July 2008 a Strengths, Weaknesses, Opportunities, and Threats exercise regarding agriculture in the Town, was conducted in cooperation with the Agricultural and Farmland Study Advisory Committee. Generally, strengths and weakness are factors that may be internal to the community, while opportunities and threats may be factors that are external to the community. This information provided important information to the Study Advisory Committee as they developed draft goals and recommendations for the plan. Recommendations were written with the hope of addressing weaknesses and threats to agriculture while expanding opportunities to capitalize on its strengths. The results of this analysis can be found in Appendix K.



## **Goals and Recommendations**

The goals and recommendations in this section are intended to address the agricultural issues and opportunities resulting from the agricultural landowner interviews, SWOT analysis, and the Agricultural and Farmland Study Advisory Committee and public meetings. They are intended to serve as strategies that will result in the enhancement, management and continued viability of agriculture and farming in the Town of Bethlehem.

**GOAL: Foster communication between farmers and non-farming community to encourage and support the existence of the agricultural industry within the Town.**

Agriculture has remained an important part of the Town's heritage and a foundation for economic growth in our community. In recent years, residential growth has created the need to increase awareness for the value and importance of the agricultural industry within our community. Informing Town residents about the agricultural industry's benefits to the community can help to continue the operation of farms that serve the Town and Region.

### **I. RECOMMENDATIONS:**

- a. **Draft and adopt a resolution in support of the Albany County Right to Farm Law**  
The Albany County Right to Farm Law was carefully developed with input from the Albany County farming community. The Law includes provisions for participation by the municipality in dispute mediation and provides enhanced protection to those provided through the NYS Agricultural Districts Law. In lieu of drafting a Bethlehem Right to Farm Law the Town should draft and adopt a resolution in support of the Albany County Right to Farm Law (see Appendix L). This action could provide farmers and agricultural landowners with a sense of security in knowing that farming is a valued and accepted activity in the community.
- b. **Establish an Agricultural Advisory Committee to provide advisory information to the Town Board, Planning Board or Zoning Board of Appeals with regard to agricultural related issues.**  
An agricultural advisory committee can be established as a component of a Town Right to Farm Law or under stand alone legislation. An Agricultural Advisory Committee would meet as needed to address issues in town that could have an impact on agricultural businesses. The committee membership can include active and retired farmers, agri-business people and representatives from agricultural agencies. The Committee would provide advisory information to the Town Board, Planning Board or Zoning Board of Appeals any time a proposed project borders agricultural properties, including but not limited to those within 500-feet of an Agricultural District or receiving agricultural

assessment. These properties are illustrated on the Agriculture and Farmland Location Map. The suggested review process outlined in the Albany County Agricultural and Farmland Protection Plan (pg. 58) could provide some assistance on how to conduct reviews. In such a way, the Committee can act as a sounding board to regulatory boards to mitigate future challenges between farms and non-farm neighbors. It is important the Town appoint a Town staff person to serve as a liaison between the Committee and Town departments. At times, a representative from Town Departments, such as DEDP, Buildings, Highway, Public Works, and Police could provide assistance to the Committee. Sample legislation and language for establishing an Agriculture Advisory Committee is included in the Appendix M.

**c. Encourage Town Board to include representation of an agricultural enterprise on town committees and boards.**

Over the years, the Town of Bethlehem has appointed several agricultural and farmer representatives to committees that have been tasked with discussing conservation issues, and future growth and development in the Town. For example, the Bethlehem Planning Advisory Committee, Citizens Advisory Committee on Conservation, US Route 9W Corridor Study Advisory Committee, and the Local Waterfront Revitalization Study Advisory Committee have included representatives of the agricultural community. It is important for the Town to continue this practice to provide opportunities for agricultural landowners to offer their perspective and input during community discussions.

Furthermore, the Agriculture and Farmland Study Advisory Committee recognizes that it is the prerogative of the Town Board to appoint members to Town committees and boards. This Committee notes that the only mention in Town Law Section 271 of specific group representation, in relation to appointment of Planning Board members, is an agriculture associated member in the event that Agricultural Districts are located within the Town. The Committee supports this concept.

**d. Provide educational materials about agriculture and related benefits to the community.**

The Town can provide education regarding farm practices and products through their website and other traditional educational resources available at the Town. For example, the Town can provide important information to agricultural landowners regarding tax abatement programs and the state-certified Agricultural District program through the Planning Department and/or Assessor's Office websites.

**e. Work with existing educational programs in schools to educate youth on farming.**

Work with Cornell Cooperative Extension of Albany County, Agriculture in the Classroom, New York Farm Bureau, and the Town's school districts to encourage implementation of lessons that help students gain a greater awareness of the role agriculture plays in the economy and society.

Currently, the Bethlehem Middle School has planted a 'kitchen garden' that teaches students about the connections between the food on their plates, local farms and good nutrition. Vegetables planted and harvested include beats, onions, potatoes, green beans, Indian corn, as well as others. The vegetables are used in the school's cafeteria and donated to local food pantries. Additionally, the Bethlehem School District plans Farm to You Fest activities during the Fall season. Activities include visiting farmers teaching in classrooms at Hamagrael Elementary School, and Eagle Elementary School students touring Sunnyside Farms located on Van Dyke Road.

**GOAL: Encourage flexible town policies and regulations that are supportive of agriculture.**

II. RECOMMENDATIONS:

**a. Educate and provide support to agricultural businesses and farms during the planning review processes.**

In many cases, the planning process is viewed as a challenge to new agricultural businesses or new on-farm enterprises. As the Town recognizes the many benefits that agriculture and farming provide as a business and land use in the community, assistance and education can be provided by the Town Department of Economic Development and Planning and Engineering Division staff to help guide proposed agricultural projects through the process.

**b. Require all Planning Board members to receive training on agricultural land use planning.**

Currently, New York State Town Law Section 271 requires that all Planning Board members receive four (4) hours of annual training related to land use issues. At minimum, during a Planning Board member's seven year term, a portion of the training requirements (5 to 7 hours) should focus on planning relative to agriculture and related topics. This training is accessible through several avenues, including, but not limited to, workshops sponsored by the New York Planning Federation, American Farmland Trust, New York State Department of State, Office of Real Property Services and Department of Agriculture and Markets, and other local organizations.

**c. Educate landowners about the land division review process available in the Town Zoning Law.**

A land division permits the division of a parent parcel into not more than four lots (exclusive of the parent parcel) during any ten-year period, not to exceed one new lot in any twelve month period. This tool allows landowners in the R, RLL, RA, RB, RC, CR, RR, RH, and RLI zoning districts to be exempt from the requirements of a minor or major subdivision as long as not more than four lots are created (exclusive of the parent parcel) during any ten-year period. The landowner is still required to follow all Federal, State, and County environmental and design regulations; however, the Planning Board is not required to review the application. The land division is reviewed by the Department of Economic Development and Planning and approved by the Director of Economic Development and Planning. (See Zoning Code Section 103-20 for process and requirements). This information could be distributed in the Town's e-Newsletter or Bethlehem Report.

**GOAL: Assist and support in resolving issues causing adverse impacts on agriculture and farmland.**

During the development of this plan, farmers and landowners shared challenges faced in owning and working farmland in the Town of Bethlehem. The maintenance of roadways, including repavement as it affects access to farm fields, and confusion surrounding the New York State Vehicle and Traffic Law relative to agricultural practices were identified as specific challenges. Many farmers also reported significant damage to crops caused by motorized and un-motorized trespassers. In addition, encroachment poses a significant challenge in maintaining the land for agriculture. Encroachment occurs when an adjacent property owner advances beyond their property line; thereby entering into the property of a neighboring lot. Examples of encroachment include the placement of structures such as sheds or fences, and mowing of lawn areas on an adjacent/neighboring lot. Many of these issues can be resolved through better communication and education between farmers/landowners, Town staff, and the community at large.

**III. RECOMMENDATIONS:**

**a. Encourage open communication between farmers/owners of agricultural land and Town Police Department**

A farmer or agricultural landowner's ability to easily manage the land increases the likelihood that the land will remain as a viable farming or agriculture operation. In many

instances, the Town Police Department can play a proactive role in supporting the farmer's ability to perform normal agricultural business practices. The establishment of a dialogue between the Town Police Department and farmers/owners of agricultural land regarding agricultural practices and trespassing could result in a better understanding of these issues. Representatives from the Town, CACC, and Agricultural Advisory Committee could be involved in this activity. The NYS Department of Agriculture and Markets and Cornell Cooperative Extension could assist in these discussions to provide technical assistance as needed.

An example of this is Cornell Cooperative Extension's and the New York Farm Bureau's informal workshop that discusses agricultural issues related to the New York State Vehicle and Traffic Law.

**b. Explore ways to provide assistance with property encroachment matters**

Advancing technologies in Geographic Information Systems (GIS) may offer the ability for the Town to provide property information when requested by a property owner. This information may include aerial photography and GIS tax parcel mapping. It is important to note that this information would be provided to the requestor with certain qualifications regarding its accuracy. The Town's GIS database was not prepared with the intention or level of detail necessary to establish the exact location of property lines.

Additionally, the Town maintains several property plot and subdivision plans archived at Town Hall. When requested these plans can be provided for information purposes through the Freedom of Information Law process. To assist with property encroachment matters related to future development, the Town may wish to require that survey markers (iron rods) be placed at the property corners of new lots when future subdivisions are developed.

**c. Include Agricultural Advisory Committee in the Town's Development Planning Committee review of potential projects to determine impact on agriculture.**

The Town's Development Planning Committee (DPC) consists of representatives of the various Town departments that are involved in facilitating or servicing development projects in Town. The DPC holds regularly scheduled monthly meetings during which prospective developers can present development concepts and receive feedback from the Town on a host of development related issues. A representative of the Agricultural Advisory Committee may attend the monthly DPC meeting to voice questions or

concerns regarding the potential impact of proposed development on neighboring agricultural land.

It is recommended that the Chair of the DPC notify the Chair of the Agricultural Advisory Committee regarding DPC monthly meeting agendas. Subsequently, the Chair of the Agricultural Advisory Committee would notify an adjacent agricultural and farm landowner(s) when appropriate.

**d. Explore opportunities for remedial actions where drainage from existing development and infrastructure negatively impacts farmland.**

New development must meet current NYSDEC standards for stormwater management that are intended to mitigate the drainage impacts of the development on adjacent lands (including farmland). The NYSDEC standards are also intended to minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels.

However, problems exist, specifically with drainage on farmland, caused by existing development that was approved under prior to NYSDEC stormwater management standards. During routine Town roadway and/or drainage maintenance activities there may be an opportunity to remediate these problems, where feasible and appropriate. A potential funding source may include the amenity/incentive zoning provision discussed in Recommendation V-b.

It is recommended that Town Department's including Public Works, Highway and Planning, continue to provide engineering/planning review of problem areas (i.e. drainage) that are affecting agricultural lands, and consider options to address problem areas where feasible and appropriate. Currently, stormwater drainage issues such as illicit stormwater connections or activities, or construction activities causing stormwater pollution, can be reported to the Town Stormwater Management Program Coordinator via phone (439-4955) or the Town's website ([www.townofbethlehem.org](http://www.townofbethlehem.org)).

**GOAL: Support economic opportunities for farms and businesses that complement agriculture.**

In many ways, the best way to protect agriculture as a land use is to support it as a business. If farms are profitable, they will be under less financial pressure to convert the land to other uses. In some cases, farm profitability is supported by complimentary businesses (accessory uses) occurring on the farm, including bed and breakfasts, home offices or machine repair shops. These businesses help diversify the farm and bring income to the farm family, while not affecting the use of the land for agriculture. In other cases, profitability depends upon access to farm support services like tractor dealerships, animal processing facilities and value-added kitchens. The Town of Bethlehem should support the agricultural industry just as it does other industries in town.

IV. RECOMMENDATIONS:

- a. Adopt New York State Department of Agriculture and Markets definition of “agri-tourism” and include the term as an “Agricultural Use” as defined in the Zoning Law.** Currently, the Town’s Zoning Law does not include a definition for agritourism and the Schedule of Uses Table does not include agritourism in its list of uses. According to the New York State Department of Agriculture and Markets “Agricultural tourism” means ‘activities conducted by a farmer on-farm for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public’s understanding and awareness of farming and farm life.’ The addition of this term to the “agricultural use” definition in the Zoning Law will allow for agri-tourism to occur in any zoning district where agricultural uses are allowed, subject to the same review process currently required..
- b. Further review the Zoning Law Schedule of Use Regulations (§128-99) to determine complimentary uses that support agriculture and farmland.** The review of the Zoning Law Schedule of Use Regulations, located in Appendix F, identified potential complimentary uses to the principal use of an agriculture/farm operation (agriculture use). However, as this was only a cursory review, further research to identify appropriate review approval (i.e. by-right, site plan, special use permit), scale, and externalities is needed before recommending specific changes to the Schedule of Use Regulations. This review could be conducted by the Department of Economic Development and Planning with assistance from the Agricultural Advisory Committee during the Department’s annual zoning update period.

**c. Increase the temporary off-site signage (Zoning Law §128-59) allowed for farms.**

Farms do not have the luxury of locating close to their consumers, unlike other businesses. Signs assist farmers in marketing their businesses and products they have to sell. In most cases, such signs are temporary, during the growing season, or often only in certain peak times of harvest. Currently, the Zoning Law allows agricultural premises to place in an off-site location not more than one temporary sandwich board, chalkboard, or reader board type sign. This recommendation increases the quantity of temporary signs to a maximum of four (4) off-site, provided all other design and siting guidelines are met.

**d. Work with Albany County to update the “Albany County Bounty” farm guide to help promote Bethlehem agricultural and farming businesses.**

Albany County has produced “Albany County Bounty”, a County farm guide that provides information regarding the locations of farms in the County and lists their production. The information from this guide is available on the County website [www.albanycounty.com/bounty](http://www.albanycounty.com/bounty) and is also produced in a fold-out brochure. Updates to the guide would be developed with the approval of willing landowners/business owners. Links to similar farm guides developed in other communities can be found in the Appendix N.

**e. Explore opportunities for the Bethlehem Industrial Development Agency to invest in agricultural businesses.**

The mission of the Bethlehem Industrial Development Agency (IDA) is to promote and assist business growth that will increase the tax base, develop employment opportunities, and enhance the quality of life for Bethlehem residents. The Town recognizes that agriculture is a business, which could benefit from the resources that the IDA may be able to provide, including financial assistance or tax exemptions to agriculturally related businesses. The IDA with assistance from the Albany County Business Development Corporation may be able to develop programs specifically related to agricultural businesses, such as low interest revolving loan funds or working capital programs, where legally possible. The Town Department of Economic Development and Planning can offer assistance with this activity. Samples of such support from other IDA’s and Economic Development Agencies can be found in the Appendix O.

**GOAL: Provide voluntary incentives for agricultural landowners to continue agricultural activities.**

Incentive-based land protection tools are just one of many strategies to implement the Town’s farmland protection plan. All incentive tools must be voluntary in order to be successful. All



participants in programs as described below should consult carefully with their financial advisors to ensure the right decision for each individual farm family is made. The Town of Bethlehem should support such landowner-driven farmland protection tools.

### V. RECOMMENDATIONS:

#### **a. Research and consider the development of a term conservation easement program.**

During the agricultural landowner interviews and public meeting there was interest in researching a term conservation easement program for the Town. A term conservation easement program would provide tax relief to agricultural landowners who agree to the conservation of resources for a given term of years. The easement may be set up on a sliding scale where the tax benefit increases the longer the term of the easement. Samples of such a term easement/tax abatement program can be found in the Appendix P.

In general, the following steps should be followed by Town staff in developing such a program:

- Develop criteria for term easements (types of resources to preserve, terms of easement, etc.)
- Identify eligible parcels in cooperation with willing landowners and develop a methodology to document the resources associated with the eligible parcels.
- Evaluate fiscal impacts and make a recommendation on the extent of the program.
- Draft and recommend a term conservation easement law for Bethlehem Town Board consideration.

#### **b. Develop amenity/incentive zoning to assist in preserving farm and agricultural lands.**

New York State Town Law Section 261-b, Incentive Zoning, empowers Town Boards to provide for a system of zoning incentives. By developing amenity/incentive zoning, the Town may grant zoning incentives in the form of density bonuses to developers to encourage the provision of certain community benefits or amenities, such as contributions to offset costs resulting from term easements, purchase of development rights, or to assist with drainage remediation projects that preserve active agricultural lands. Funds collected through the amenity/incentive zoning process would be placed in a dedicated fund for the preservation of agriculture and open space resources of willing landowners. A pilot project in which this type of amenity zoning might be used is the New Scotland Road Hamlet area.

Steps in the development of amenity/incentive zoning would include the identification of permitted areas for density bonuses (most likely Hamlet Zoning Districts) and identification of desired amenities (community benefits such as open space and agricultural resources). A draft local law would be developed and example scenarios testing should be conducted to evaluate the law before adoption.

**c. Provide education regarding existing Purchase of Development Rights (PDR) programs and natural resource conservation programs (Federal and State) and support applications as they arise.**

The Purchase of Development Rights (PDR) is a voluntary tool that pays landowners for their development rights to protect their land for agriculture. An easement that runs with the deed to the land in perpetuity is placed on the property ensuring it cannot be developed for non-agricultural uses. The landowner still maintains ownership of the property and all other rights to it. PDR can be applied to agricultural properties as well as lands with scenic, natural, or other open space values.

The town should consider advancing purchase of development right projects by supporting those that provide multiple benefits and receive various funding sources, such as farmland protection and watershed protection. The town could assist landowners who desire to apply to the Federal and State PDR programs by providing application assistance from the Town Planning Department in the form of staff time and technical support. The town does not need to have a PDR program in place to submit projects or state grant funding.

In addition, other programs exist through the Farm Services Agency, Natural Resource Conservation Service and Soil and Water Conservation Districts that temporarily protect land through easements and provide grants for environmental stewardship of land. The Town can assist farmers in learning more about these programs and connecting them with the right project partners.

## Implementation

This section prioritizes the recommendations for short, medium, and ongoing activities, and identifies the responsible parties to assist with implementation. The Town, including the Department of Economic Development and Planning and existing Boards and Committees, and the establishment of an Agricultural Advisory Committee, will play a vital role in the implementation and success of the Plan. Short term recommendations are those that could be implemented immediately, within 0 – 1 year. Medium term recommendations are those that could be implemented following the completion of short term items (1 – 3 years). The products of short term items could be utilized for the development of the medium term recommendations. Ongoing recommendations are actions that are to be incorporated into the ongoing activities of Town Departments (i.e. Planning, Public Works, Engineering, Highway, etc.).

The recommendations provided in the Implementation Table have been organized based on the implementation timeframe (in no particular order of importance). Goal numbers are provided to identify the goal intended to be achieved. The goals and their respective numbers are listed below:

**Goal 1:** Foster communication between farmers and non-farming community to encourage and support the existence of the agricultural industry within the Town.

**Goal 2:** Encourage flexible town policies and regulations that are supportive of agriculture.

**Goal 3:** Assist and support in resolving issues causing adverse impacts on agriculture and farmland.

**Goal 4:** Support economic opportunities for farms and businesses that complement agriculture.

**Goal 5:** Provide voluntary incentives for agricultural landowners to continue agricultural activities.

*THIS PAGE INTENTIONALLY LEFT BLANK*

**AGRICULTURAL AND FARMLAND PROTECTION PLAN RECOMMENDATION PRIORITIZATION TABLE**

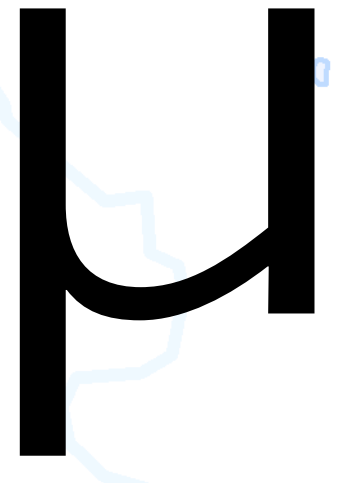
GOAL	RECOMMENDATION	IMPLEMENTATION	RESPONSIBILITY	COMPLETE
1	Draft and adopt a resolution in support of the Albany County Right to Farm Law	SHORT TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
1	Establish an Agricultural Advisory Committee to provide advisory information to the Town Board, Planning Board or Zoning Board of Appeals with regard to agricultural related issues.	SHORT TERM	TOWN	<input type="checkbox"/>
3	Encourage open communication between farmers/owners of agricultural land and Town Police Department.	SHORT TERM	TOWN/CACC/ AG COMMITTEE	<input type="checkbox"/>
3	Include Agricultural Advisory Committee in the Town's Development Planning Committee review of potential projects to determine impact on agriculture.	SHORT TERM/ONGOING	DPC/ AG COMMITTEE	<input type="checkbox"/>
4	Adopt NYS Department of Agriculture and Markets definition of agri-tourism and include the term as an "Agricultural Use" as defined in the Zoning Law.	SHORT TERM	TOWN/ AG COMMITTEE	<input type="checkbox"/>
4	Further review the Zoning Law Schedule of Use Regulations (§128-99) to determine complimentary uses that support agriculture and farmland.	SHORT TERM	TOWN	<input type="checkbox"/>
4	Increase the temporary off-site signage allowed for farms.	SHORT TERM	TOWN	<input type="checkbox"/>
1	Provide educational materials about agriculture and related benefits to the community.	MEDIUM TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
1	Work with existing educational programs in schools to educate youth on farming.	MEDIUM TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
4	Work with Albany County to update the "Albany County Bounty" farm guide to help promote Bethlehem agricultural and farming business.	MEDIUM TERM	TOWN/ AG COMMITTEE	<input type="checkbox"/>
4	Explore opportunities for the Bethlehem IDA to invest in agricultural businesses.	MEDIUM TERM	TOWN/IDA	<input type="checkbox"/>
5	Research and consider the development of a term conservation easement program.	MEDIUM TERM/ ONGOING	TOWN	<input type="checkbox"/>
5	Develop amenity/incentive zoning to assist in preserving farm and agricultural lands.	MEDIUM TERM	TOWN	<input type="checkbox"/>
1	Encourage Town Board to include representation from agricultural enterprises on town committees and boards.	ONGOING	TOWN	<input type="checkbox"/>
2	Educate and provide support to agricultural businesses and farms during the planning review processes.	ONGOING	TOWN	<input type="checkbox"/>
2	Require all Planning Board members to receive training on agricultural land use planning.	ONGOING	TOWN PLANNING BOARD	<input type="checkbox"/>
2	Educate landowners about the land division review process available in the Town Law.	ONGOING	TOWN	<input type="checkbox"/>
3	Explore ways to provide assistance with property encroachment matters.	ONGOING	TOWN	<input type="checkbox"/>
3	Explore opportunities for remedial actions where drainage from existing development and infrastructure negatively impacts farmland.	ONGOING	TOWN	<input type="checkbox"/>
5	Provide education regarding existing Purchase of Development Rights (PDR) programs and natural resource conservation programs (Federal and State) and support applications as they arise.	ONGOING	TOWN	<input type="checkbox"/>

**\*IMPLEMENTATION LEGEND**

SHORT TERM: 0-1	RECOMMENATIONS THAT CAN BE IMPLEMENTED IMMEDIATELY
MEDIUM TERM: 1-3 YEARS	RECOMMENDATIONS THAT CAN BE IMPLEMENTED FOLLOWING THE COMPLETION OF SHORT TERM ITEMS.
ONGOING	RECOMMENDATIONS THAT ARE ONGOING ACTIVITIES, TO BE INCORPORATED INTO THE ACTIVITIES OF TOWN DEPARTMENTS (i.e. PLANNING, ENGINEERING, HIGHWAY, ETC.)

NOTE: The Town desires to fund these recommendations with grant opportunities from Federal and State Agencies, when available. The prioritization of these recommendations may change as grant opportunities arise and based on availability of Town staff.

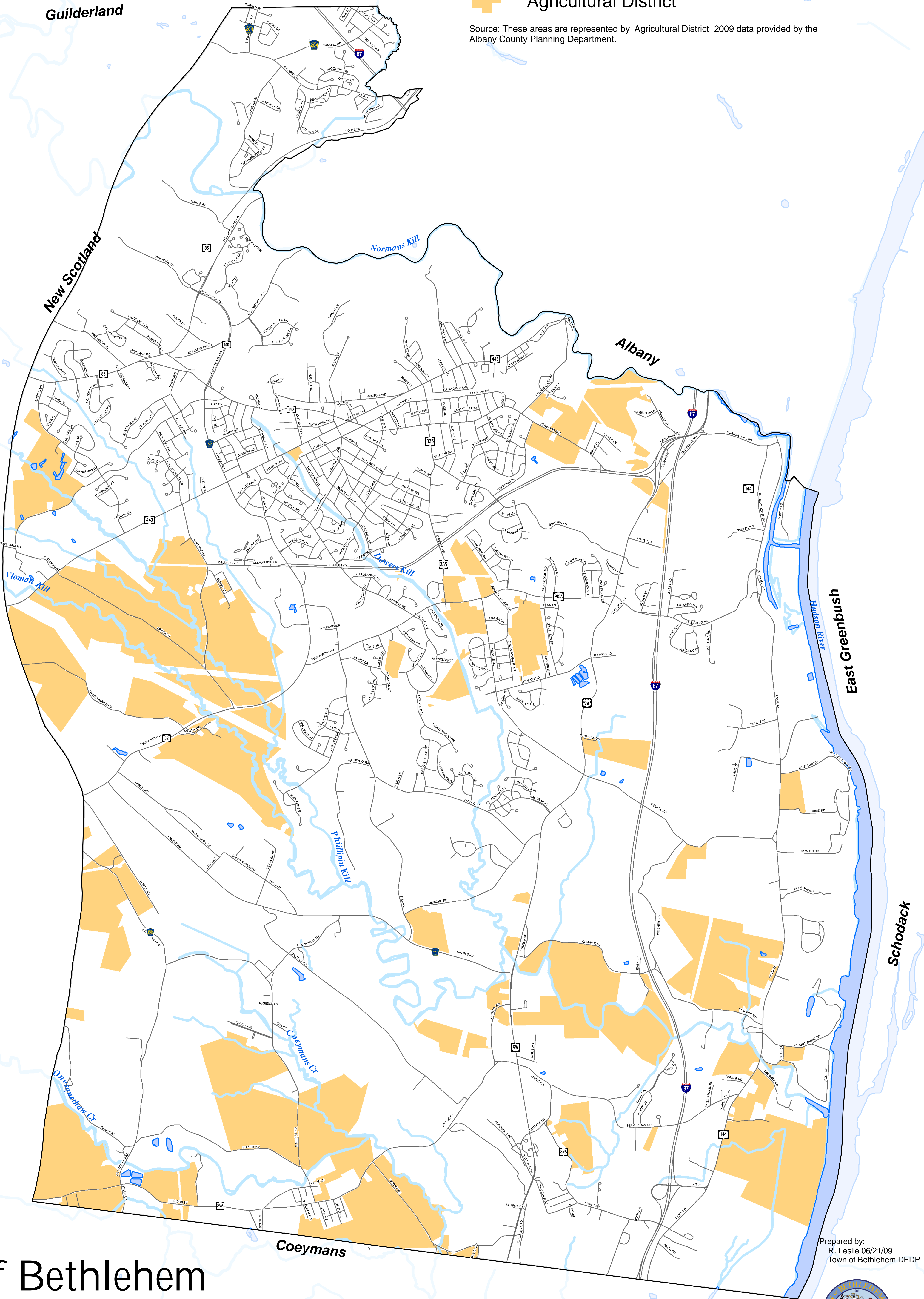




# Legend

 Agricultural District

Source: These areas are represented by Agricultural District 2009 data provided by the Albany County Planning Department.



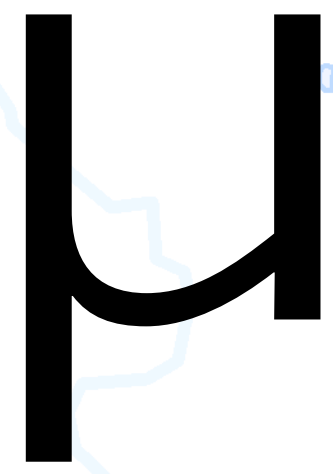
# Town of Bethlehem Agricultural District Map

0 0.25 0.5 1 Miles

Prepared by:  
R. Leslie 06/21/09  
Town of Bethlehem DEDP







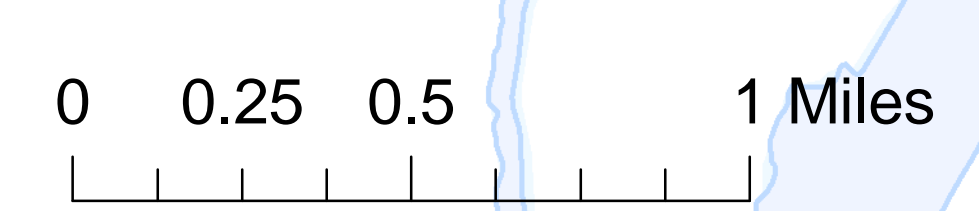
# Legend

 Areas Involved in Farming and Agriculture

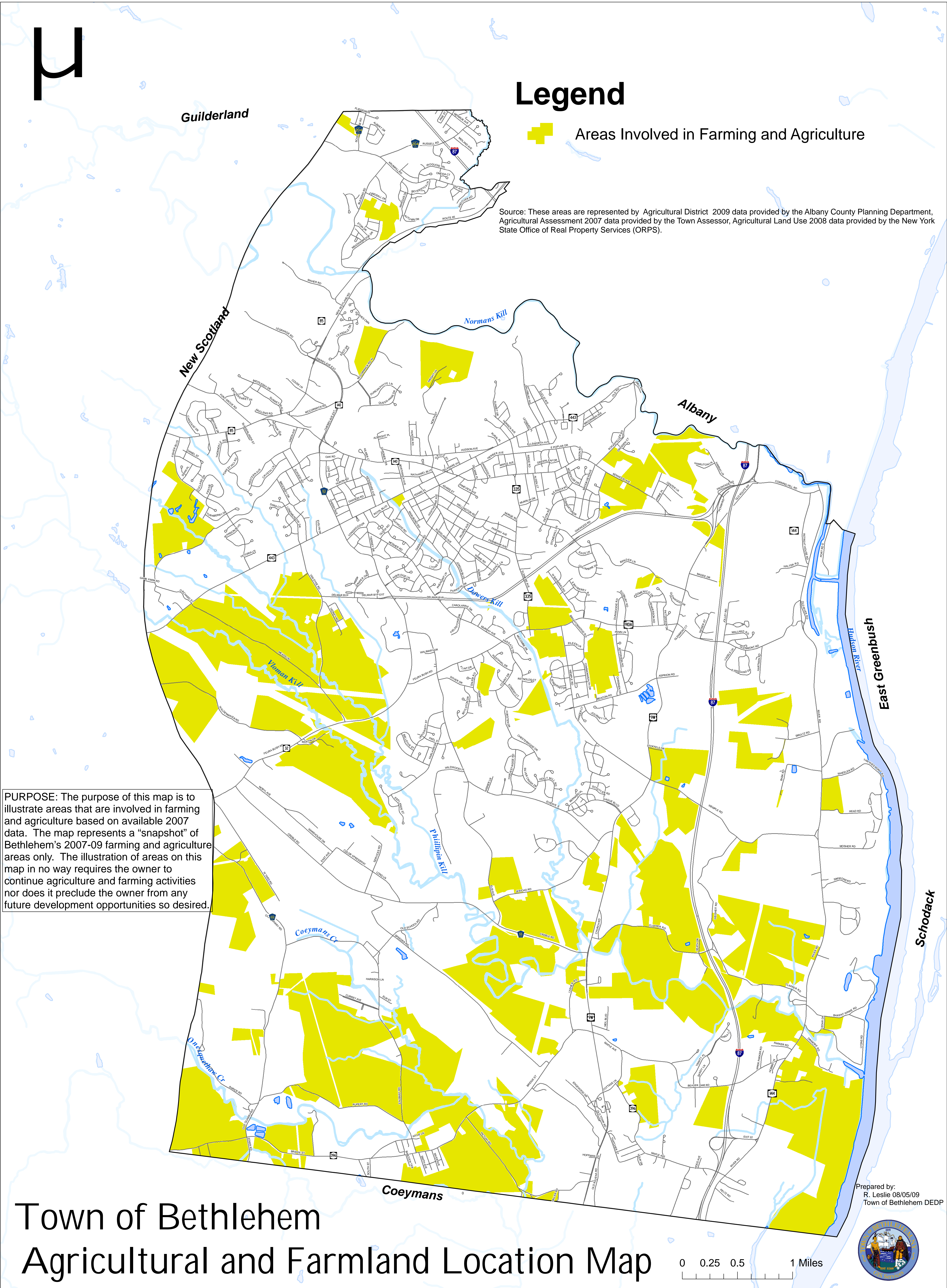
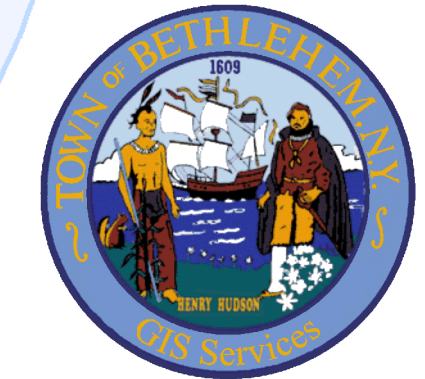
Source: These areas are represented by Agricultural District 2009 data provided by the Albany County Planning Department, Agricultural Assessment 2007 data provided by the Town Assessor, Agricultural Land Use 2008 data provided by the New York State Office of Real Property Services (ORPS).

PURPOSE: The purpose of this map is to illustrate areas that are involved in farming and agriculture based on available 2007 data. The map represents a "snapshot" of Bethlehem's 2007-09 farming and agriculture areas only. The illustration of areas on this map in no way requires the owner to continue agriculture and farming activities nor does it preclude the owner from any future development opportunities so desired.

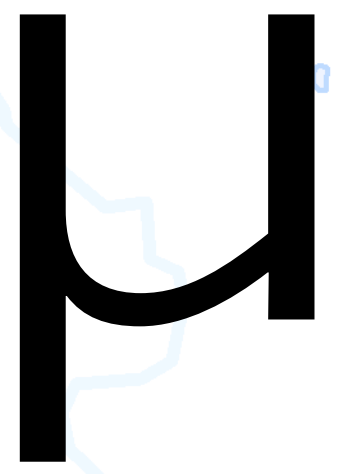
# Town of Bethlehem Agricultural and Farmland Location Map



Prepared by:  
R. Leslie 08/05/09  
Town of Bethlehem DEDP



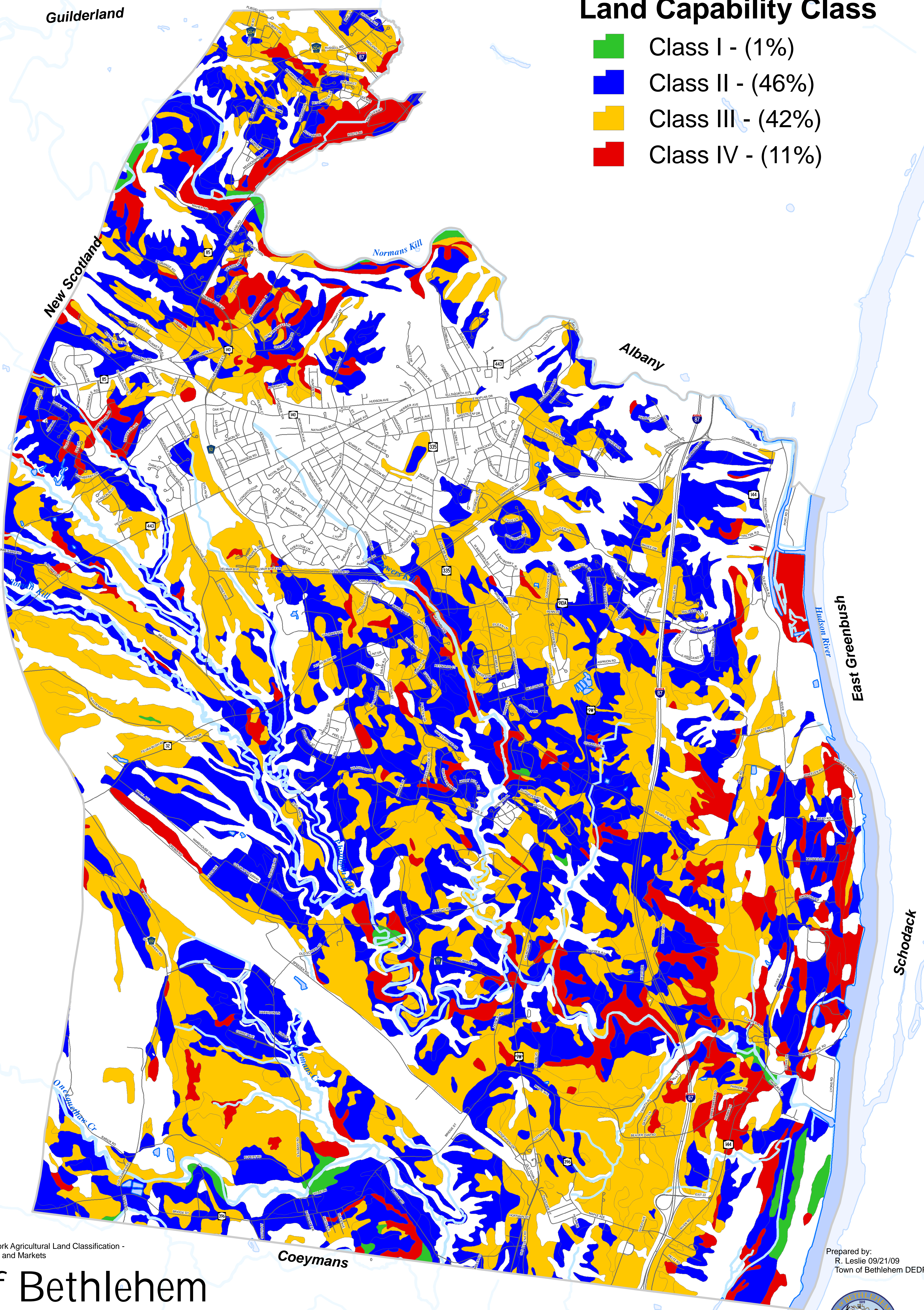




# Legend

## Land Capability Class

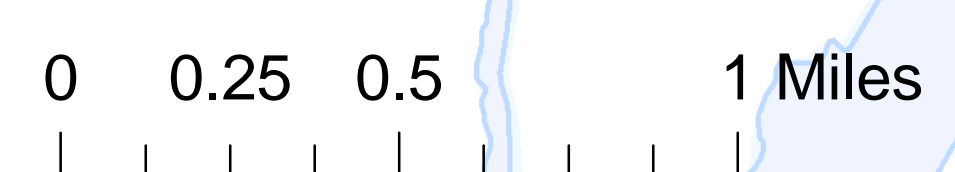
- Class I - (1%)
- Class II - (46%)
- Class III - (42%)
- Class IV - (11%)



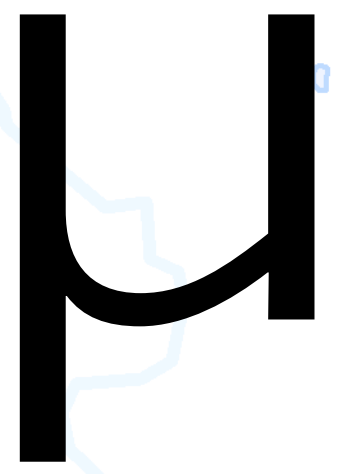
Source: Soils data based on 2009 New York Agricultural Land Classification - New York State Department of Agriculture and Markets

# Town of Bethlehem Land Capability Class I - IV

Prepared by:  
R. Leslie 09/21/09  
Town of Bethlehem DEDP







# Legend

-  Prime Farmland Soils\*
-  Soils of Statewide Importance

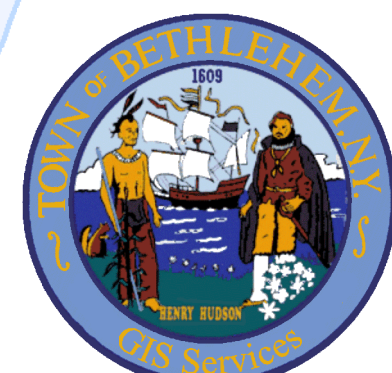
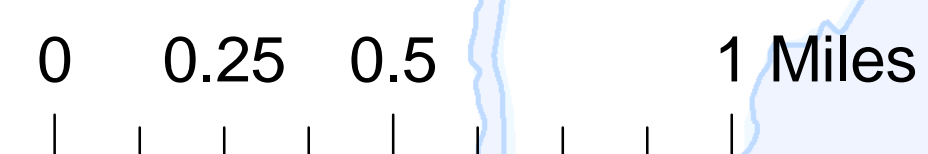
\*Note: Although the USDA lists certain soils as prime farmland there is no guarantee that food crops will grow successfully.



Source: Soils data provided by Albany County Department of Economic Development, Conservation & Planning

# Town of Bethlehem Farmland Soils

Prepared by:  
R. Leslie 09/21/09  
Town of Bethlehem DEDP





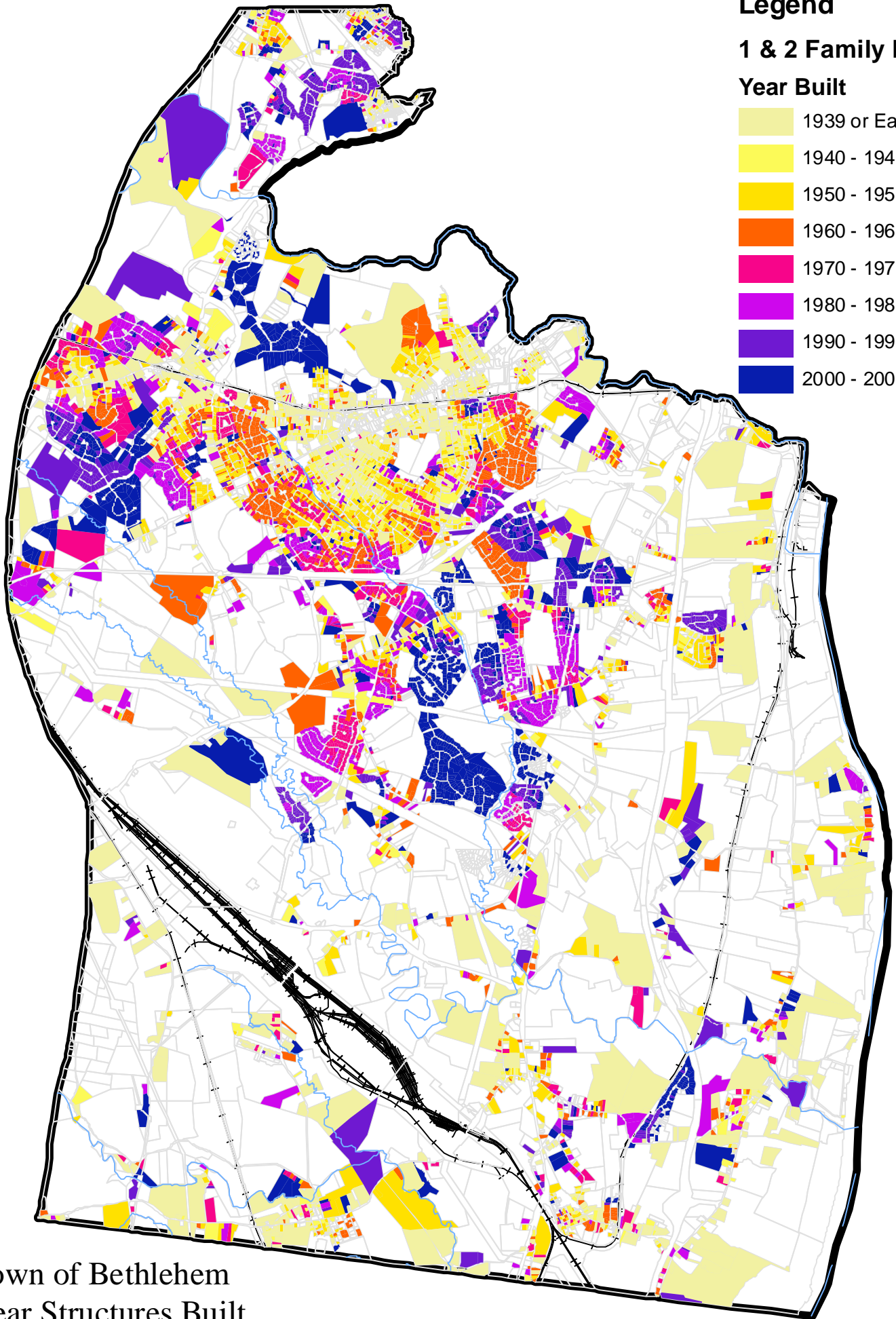
Appendix A  
Year Structures Built Map

# Legend

## 1 & 2 Family Homes

### Year Built

- 1939 or Earlier
- 1940 - 1949
- 1950 - 1959
- 1960 - 1969
- 1970 - 1979
- 1980 - 1989
- 1990 - 1999
- 2000 - 2008



Town of Bethlehem  
Year Structures Built

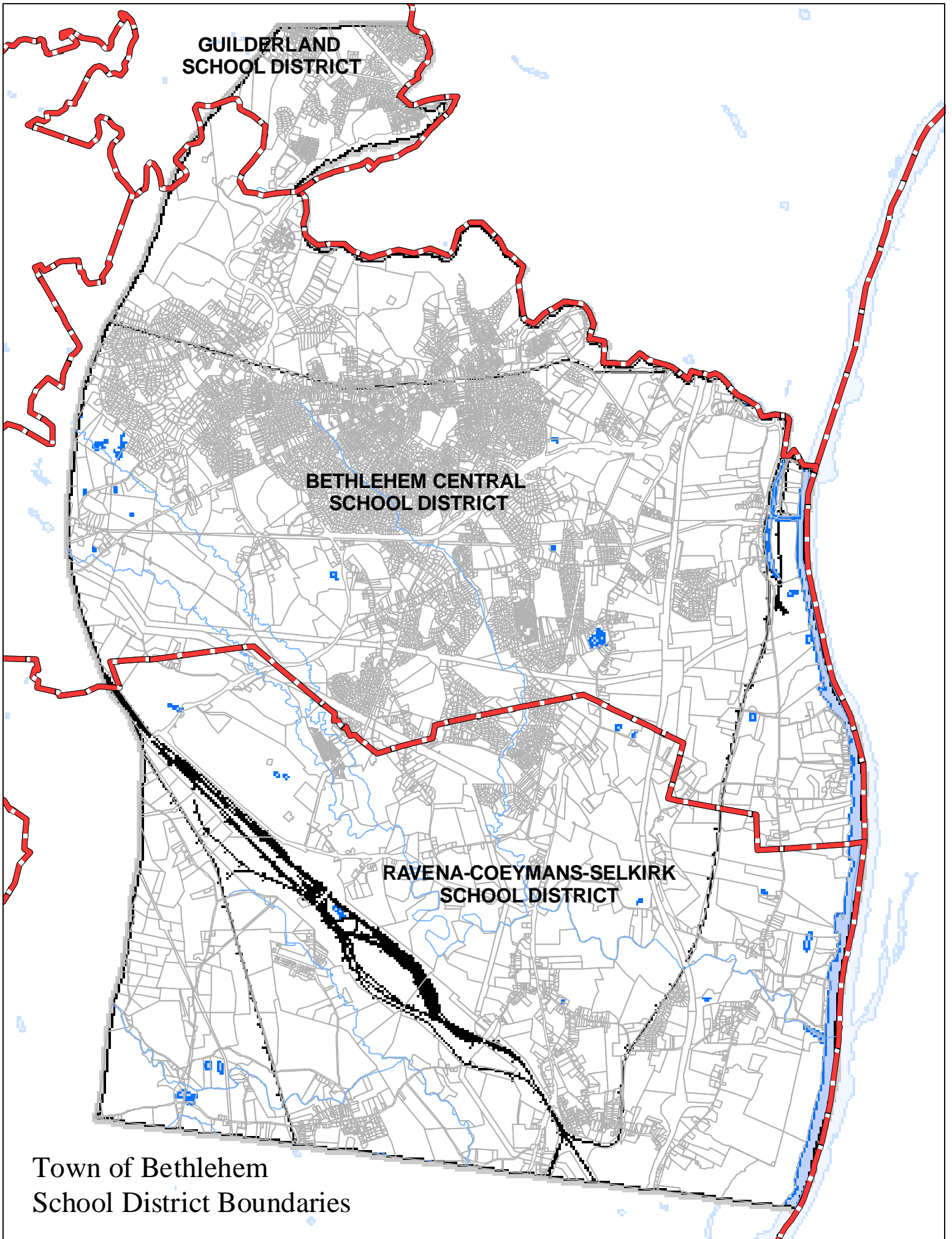
Appendix B  
School Districts Map

**GUILDERLAND  
SCHOOL DISTRICT**

**BETHLEHEM CENTRAL  
SCHOOL DISTRICT**

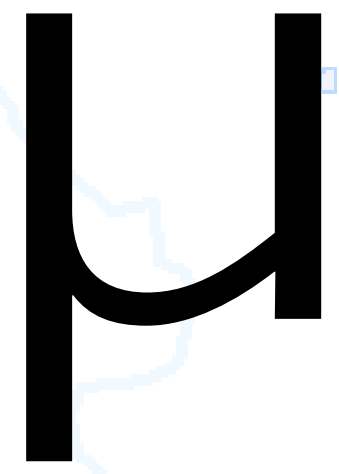
**RAVENA-COEYMANS-SELKIRK  
SCHOOL DISTRICT**

Town of Bethlehem  
School District Boundaries



Appendix C:  
Town of Bethlehem  
Location of Water and Sewer Service  
Maps





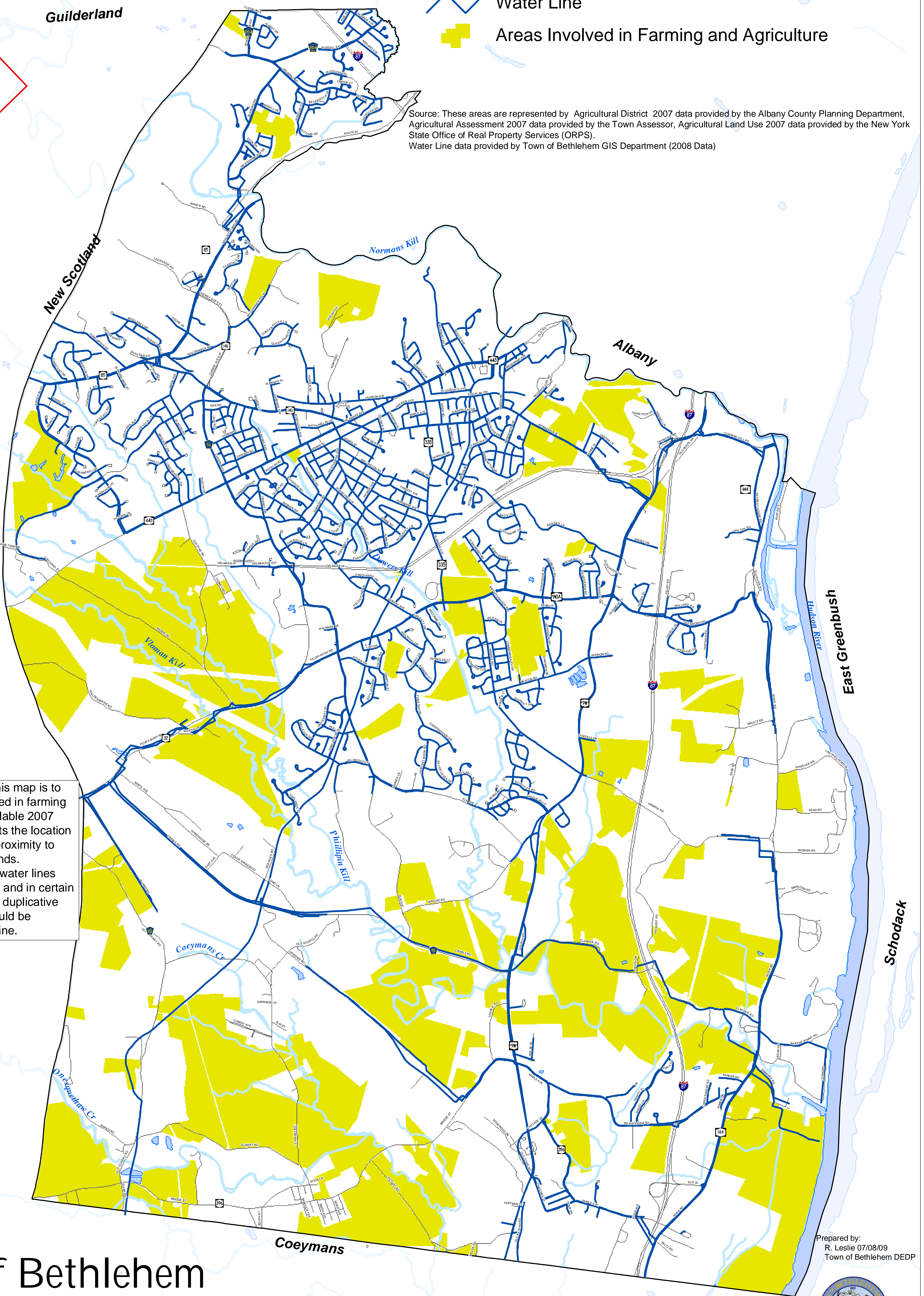
# Legend

-  Water Line
-  Areas Involved in Farming and Agriculture

**DRAFT**

Source: These areas are represented by Agricultural District 2007 data provided by the Albany County Planning Department, Agricultural Assessment 2007 data provided by the Town Assessor, Agricultural Land Use 2007 data provided by the New York State Office of Real Property Services (ORPS).  
Water Line data provided by Town of Bethlehem GIS Department (2008 Data)

**PURPOSE:** The purpose of this map is to illustrate areas that are involved in farming and agriculture based on available 2007 data. The map also represents the location of water lines in the Town in proximity to the agricultural and farmed lands.  
**NOTE:** The representation of water lines is based on several data files, and in certain areas there may appear to be duplicative water lines. These areas should be interpreted as a single water line.



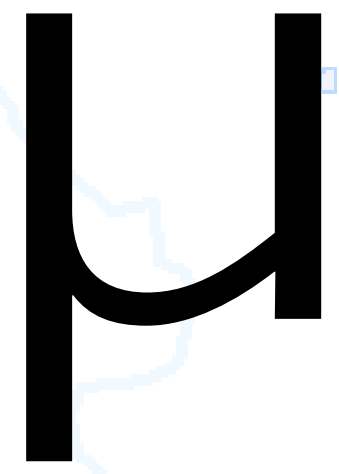
# Town of Bethlehem Water Line Location Map

0 0.25 0.5 1 Miles



Prepared by:  
R. Leslie 07/08/09  
Town of Bethlehem DEDP







# Legend

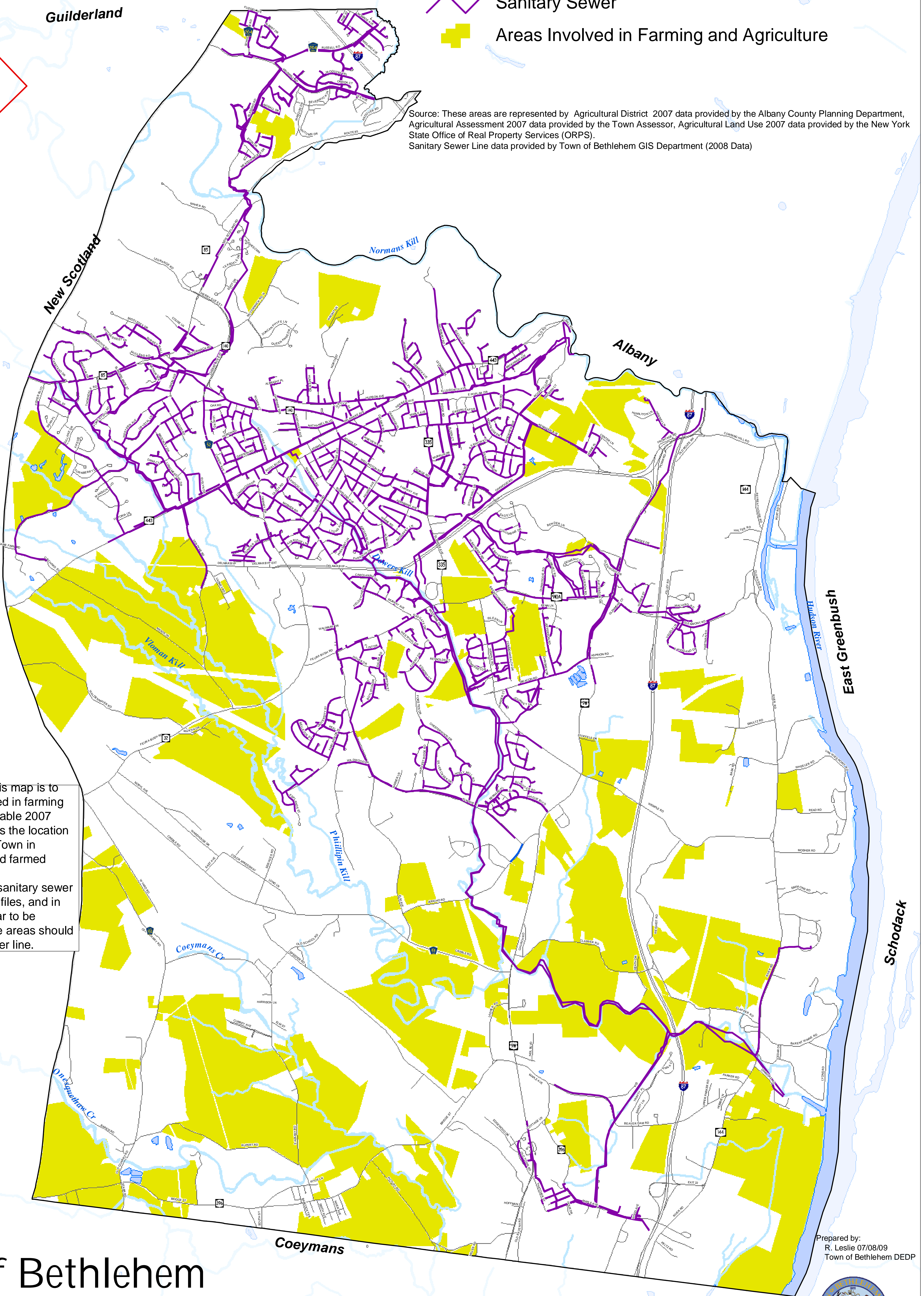
-  Sanitary Sewer
-  Areas Involved in Farming and Agriculture

Source: These areas are represented by Agricultural District 2007 data provided by the Albany County Planning Department, Agricultural Assessment 2007 data provided by the Town Assessor, Agricultural Land Use 2007 data provided by the New York State Office of Real Property Services (ORPS).  
Sanitary Sewer Line data provided by Town of Bethlehem GIS Department (2008 Data)

**DRAFT**

**PURPOSE:** The purpose of this map is to illustrate areas that are involved in farming and agriculture based on available 2007 data. The map also represents the location of sanitary sewer lines in the Town in proximity to the agricultural and farmed lands.

**NOTE:** The representation of sanitary sewer lines is based on several data files, and in certain areas there may appear to be duplicative sewer lines. These areas should be interpreted as a single sewer line.



# Town of Bethlehem Sanitary Sewer Location Map

0 0.25 0.5 1 Miles

Prepared by:  
R. Leslie 07/08/09  
Town of Bethlehem DEDP



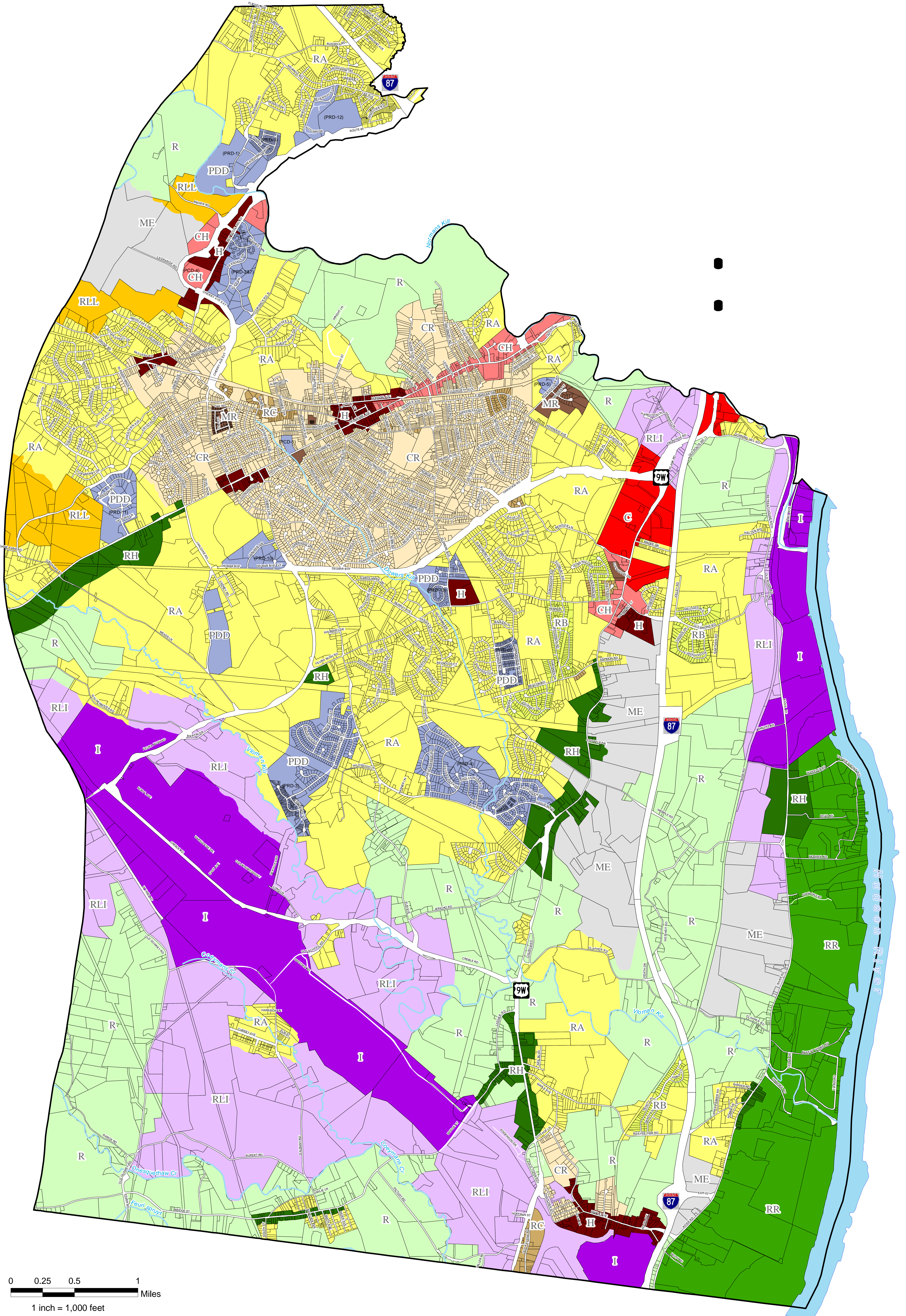


## Appendix D

# Town of Bethlehem Zoning Map



# Zoning Map of the Town of Bethlehem, New York



0 0.25 0.5 1  
Miles  
1 inch = 1,000 feet



**Effective September 1, 2006**  
**Amended October 17, 2008**

This map is computer generated using data from the Town of Bethlehem, New York and is intended only for reference, planning and presentation purposes. Documentation of data sources, specifications and limitations are available upon request from the Town GIS Specialist. This map is not intended for and should not be used to establish boundaries, property lines, location of objects or to provide any other information typically needed for construction or any other purpose when engineered plans or land surveys are required.

\* (PRD-#): FORMER  
ZONING CLASSIFICATION

## Legend

### ZONING

- |  |                                    |  |                              |
|--|------------------------------------|--|------------------------------|
|  | COMMERCIAL HAMLET (CH)             |  | RESIDENTIAL A (RA)           |
|  | CORE RESIDENTIAL (CR)              |  | RESIDENTIAL B (RB)           |
|  | GENERAL COMMERCIAL (C)             |  | RESIDENTIAL C (RC)           |
|  | HAMLET (H)                         |  | RESIDENTIAL LARGE LOT (RL)   |
|  | HEAVY INDUSTRIAL (I)               |  | RURAL (R)                    |
|  | MIXED ECONOMIC DEVELOPMENT (ME)    |  | RURAL HAMLET (RH)            |
|  | MULTI-FAMILY (MR)                  |  | RURAL LIGHT INDUSTRIAL (RLI) |
|  | PLANNED DEVELOPMENT DISTRICT (PDD) |  | RURAL RIVERFRONT (RR)        |



## Appendix E:

# NYSDAM Site Plan Process Guidelines

and reviewed locally through a process which includes public notice and hearing, much like zoning laws are adopted and amended. Therefore, absent any showing of an overriding local concern, generally, an exemption from special use permit requirements should be provided to farm operations located within an agricultural district.

The application of site plan and special permit requirements to farm operations can have significant adverse impacts on such operations. Site plan and special permit review, depending upon the specific requirements in a local law, can be expensive due to the need to retain professional assistance to certify plans or simply to prepare the type of detailed plans required by the law. The lengthy approval process in some local laws can be burdensome, especially considering a farm's need to undertake management and production practices in a timely and efficient manner. Site plan and special permit fees can be especially costly for start-up farm operations.

Generally, farmers should exhaust their local administrative remedies and seek, for example, permits, exemptions available under local law or area variances before the Department reviews the administration of a local law. However, an administrative requirement/process may, itself, be unreasonably restrictive. The Department evaluates the reasonableness of the specific requirement/process, as well as the substantive requirements imposed on the farm operation. The Department has found local laws which regulate the health and safety aspects of the construction of farm buildings through provisions to meet local building codes or the State Building Code (unless exempt from the State Building Code <sup>1</sup>) and Health Department requirements not to be unreasonably restrictive. Requirements for local building permits and certificates of occupancy to ensure that health and safety requirements are met are also generally not unreasonably restrictive.

### **Site Plan Review for Farm Operations within an Agricultural District**

Many local governments share the Department's view that farm operations should not have to undergo site plan review and exempt farms from that requirement. However, the Department recognizes the desire of some local governments to have an opportunity to review agricultural development and projects within their borders, as well as the need of farmers for an efficient, economical, and predictable process. In view of both interests, the Department developed a model streamlined site plan review process which attempts to respond to the farmers' concerns while ensuring the ability to have local issues examined. The process could be used for farm buildings and structures (new and significant expansions) proposed for a site, but should not be required for non-structural agricultural uses. For example, to require farm operations in an agricultural district to undergo site plan review to engage in the production,

---

<sup>1</sup> A discussion of the New York State Uniform Fire Prevention and Building Code follows below.

preparation and marketing of crops, livestock and livestock products, would generally be unreasonably restrictive.

The authorizing statutes for requiring site plan review are quite broad and under "home rule" municipalities retain significant flexibility in crafting specialized procedures (e.g., the selection of a reviewing board; uses which trigger submission of site plans; whether to have a public hearing and the length of time to review an application). Town Law §274-a and Village Law §7-725-a define a site plan as "a rendering, drawing, or sketch prepared to specifications and containing necessary elements as set forth in the applicable zoning ordinance or local law which shows the arrangement, layout and design of the proposed use of a single parcel of land... ." These sections of law further outline a list of potential site plan elements including parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses as well as additional elements.

Many municipalities have also added optional phases to the site plan review. While a preliminary conference, preliminary site plan review and public hearings may assist the applicant earlier in the review process and provide the public an opportunity to respond to a project, they can result in a costly delay for the farmer.

For the sake of simplicity, the model site plan process and the following guidance presume that the planning board is the reviewing authority.

### **Site Plan Process**

The applicant for site plan review and approval shall submit the following:

- 1) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.

Show the existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.

- 2) Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
- 3) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.

- 4) Provide a description of the project and a narrative of the intended use of such proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
- 5) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.
- 6) Application form and fee (if required).

If the municipality issues a permit for the structure, the Code Enforcement Officer (CEO) determines if the structures are subject to and comply with the local building code or New York State Uniform Fire Prevention and Building Code prior to issuing the permit. Similarly, the Zoning Enforcement Officer (or the CEO in certain municipalities) would ensure compliance with applicable zoning provisions.

The Department urges local governments to take into account the size and nature of the particular farm buildings and structures when setting and administering any site plan requirements for farm operations. The review process, as outlined above, should generally not require professional assistance (e.g., architects, engineers or surveyors) to complete or review and could be completed relatively quickly.<sup>2</sup> The Department understands, however, that in some cases, a public hearing and/or a more detailed review of the project which may include submission of a survey, architectural or engineering drawings or plans, etc., may be necessary. The degree of regulation that may be considered unreasonably restrictive depends on the nature of the proposed activities, the size and complexity of the proposed buildings or structures and whether a State agricultural exemption applies.

### **Time Frame for Review and Decision**

Town Law §274-a and Village Law §7-725-a require that a decision on a site plan application be made within a maximum of 62 days after receipt of the application or date of a public hearing, if one is required. Town and Village Law authorize town boards and village boards of trustees to adopt public hearing requirements and local laws often provide planning boards with the discretion whether to hold a public hearing. The Department recommends that if the municipality requires construction of farm buildings and structures within a state certified agricultural district to undergo site plan review, that the review and decision be expedited within 45 days, with no public hearing. The Department recognizes that the Town Law allows municipalities to determine which uses

---

<sup>2</sup> Please see discussion of Agricultural Exemptions below.

must undergo site plan review, the time frame for review (within the 62 day maximum), and whether to conduct a public hearing. A protracted review of most agricultural projects could, however, result in significant economic impacts to farmers.

The process outlined above affords the community an opportunity to examine a proposed agricultural project and to evaluate and mitigate potential impacts in light of public health, safety and welfare without unduly burdening farm operations. Of course, the “process” must also be administered in a manner that does not unreasonably restrict or regulate farm operations. For example, conditions placed upon an approval or the cost and time involved to complete the review process could be unreasonably restrictive.

### **Agricultural Exemptions**

**State Environmental Quality Review (SEQR)** - Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with “generally accepted principles of farming” are designated as Type II actions which do not require preparation of an Environmental Assessment Form (EAF) and are not subject to compliance with State Environmental Quality Review (SEQR). 6 NYCRR §617.5(a), (c)(3). [See *In the Matter of Pure Air and Water Inc. of Chemung County v. Davidsen*, 246 A.D.2d 786, 668 N.Y.S.2d 248 (3<sup>rd</sup> Dept. 1998), for application of the exemption to the manure management activities of a hog farm.] The SEQR regulations require localities to recognize the Type II actions contained in the statewide list.

**New York State Uniform Fire Prevention and Building Code** - While farmers must comply with local requirements which regulate health and safety aspects of the construction of farm buildings, many farm buildings are exempt from the State Uniform Fire Prevention and Building Code (“Uniform Code”). The Uniform Code recently underwent major revisions and now is comprised of seven sub-codes (the Building Code, Fire Code, Residential Code, Plumbing Code, Mechanical Code, Fuel Gas Code, and the Property Maintenance Code). The exemption for agricultural buildings has been incorporated in the following portions of the revised Uniform Code and the Energy Conservation Construction Code, which became fully effective on January 1, 2003.

- Agricultural building is defined in §202 of the Building Code as “A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.”

- Building Code §101.2(2) provides an exemption from the Building Code for "[a]gricultural buildings used solely in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation."
- Section 102.1(5) of the Fire Code of New York State provides that "[a]gricultural buildings used solely in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation" are exempt from the provisions of the Fire Code pertaining to construction but are subject to applicable requirements of fire safety practice and methodology.
- Section 101.4.2.5 of the Energy Conservation Construction Code ("ECCC") exempts "nonresidential farm buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes" from the provisions of the ECCC.

The above briefly highlights the agricultural buildings exemptions. Any specific questions regarding the interpretation and applicability of the revised State Uniform Fire Protection and Building Code should be directed to the Department of State's Codes Division at (518) 474-4073.

**Professionally Stamped Plans** - Education Law §7209(1) provides that no official of the State or any city, county, town or village charged with the enforcement of laws, ordinances or regulations may accept or approve any plans or specifications that are not stamped with the seal of an architect, or professional engineer, or land surveyor licensed or authorized to practice in the State. Thus, where local laws, ordinances or regulations require that plans and specifications for private construction be accepted or approved, they may not be accepted or approved without the required seal, subject to the exceptions set forth in the statute. 1981 Op Atty Gen April 27 (Informal).

However, the exceptions contained in Education Law §7209(7)(b) include "farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes." As a result, plans and specifications for such buildings are not required to be stamped by an architect, professional engineer or land surveyor.<sup>3</sup>

Against this backdrop, specific guidelines for review of zoning and planning regulations by local governments and the Department can best be understood.

### **Generic Review Guidelines**

Generic reviews are those of entire zoning regulations or sections of zoning regulations that impact the municipality's farm community as a class or several farm operations in the same way. Examples of actions which might result in a generic review include the adoption or administration of an entirely new or

---

<sup>3</sup> Similar requirements and exceptions are also provided in Education Law §7307(1) and (5).



substantially amended zoning regulation that results in a material change in the use and area standards applied to farm operations in a State certified agricultural district. In such cases, the Department recommends that the municipality ask itself the following questions:

- Do the regulations materially limit the definition of farm operation, farm or agriculture in a way that conflicts with the definition of “farm operation” in AML §301, subd.11?
- Do the regulations relegate any farm operations in agricultural districts to “non-conforming” status?
- Is the production, preparation and marketing of any crop, livestock or livestock product as a commercial enterprise materially limited, restricted or prohibited?
- Are certain classes of agriculture subject to more intensive reviews or permitting requirements than others? For example, is “animal agriculture” treated differently than crop production without demonstrated links to a specific and meaningful public health or safety standard designed to address a real and tangible threat?
- Are any classes of agricultural activities meeting the definition of “farm operation” subject to special permit, site plan review or other original jurisdiction review standard over and above ministerial review?
- Are “farm operations” subject to more intensive reviews than non-farm uses in the same zoning district?
- Are “farm operations” treated as integrated and interdependent uses, or collections of independent and competing uses on the same property?
- Is the regulation in accordance with a comprehensive plan and is such a plan crafted consistent with AML Article 25-AA as required by law?

If the answer to any of the first six questions is “yes,” or if the answer to either of the last two is “no,” the zoning regulations under review are likely to be problematic and may be in violation of AML §305-a, subd.1. Certainly such regulations would appear to be on their “face” inconsistent with the statutory requirement that *“Local governments ...shall exercise these powers in such manner as may realize the policy and goals set forth in this article [Article 25AA-Agricultural Districts].”*

### **Guidelines for Site Specific Reviews**

AML §305-a zoning case reviews often involve application of zoning regulations to a specific farm operation. Such cases typically result from applying the site plan, special use permit, use or non-conforming use sections, yard requirements, or lot density sections of the municipal zoning device to an existing farm operation.

These cases often evolve because although the zoning regulation may appear to be consistent with the agricultural districts law, its application to a specific issue or set of facts is not. In such cases, the Department recommends that the municipality ask itself the following questions:

- Is the zoning regulation or restriction being applied to a use normally and customarily associated with a “farm operation” as defined in AML Article 25-AA?
- Does the regulation or restriction materially limit the expansion or improvement of the operation without offering some compelling public benefit?
- Is the regulation or restriction applicable to the specific farm operation in question or, under the same circumstances, would it apply to other farm operations in the community?
- Does the zoning regulation impose greater regulation or restriction on a use or farming activity than may already be imposed by State or federal statute, rule or regulation?
- Is the regulation or restriction the result of legislative action that rendered the farm operation a “non-conforming use”?

If the answer to any of these questions is yes, then the zoning regulation or restriction under review is likely to be problematic and may be in violation of the statutory prohibitions against unreasonably restrictive regulation of farm operations in an agricultural district, unless a threat to the public health or safety is demonstrated.

### **Guidance on Specific Zoning Issues**

The following are some specific factors that the Department considers when reviewing local zoning laws<sup>4</sup>:

#### **A. Minimum and Maximum Dimensions**

Generally the Department will consider whether minimum and maximum dimensions imposed by a local law can accommodate existing and/or future farm needs. For example, many roadside stands are located within existing garages, barns, and outbuildings that may have dimensions greater than those set by a local ordinance. Also, buildings specifically designed and constructed to accommodate farm activities may not meet the local size requirements (e.g., silos and barns which may exceed maximum height limitations). The size and scope of the farm operation should also be considered. Larger farms, for example, cannot effectively market their produce through a traditional roadside

---

<sup>4</sup> Please see other Department guidance documents for further information on issues related to specific types of farm buildings and practices.

stand and may require larger farm markets with utilities, parking, sanitary facilities, etc.

## B. Lot Size

Establishing a minimum lot size for farm operations within a zoning district that includes land within a State certified agricultural district might be unreasonably restrictive. The definition of "farm operation" in AML §301, subd. 11 does not include an acreage threshold. Therefore, the Department has not set a minimum acreage necessary for protection under AML §305-a and conducts reviews on a case-by-case basis. For example, a nursery/greenhouse operation conducted on less than 5 or 10 acres may be protected as a "farm operation" under §305-a if the operation is a "commercial enterprise" and more than a hobby farm.

For agricultural assessment purposes, however, AML §301, subd. 4 states that a farm must have "land used in agricultural production" to qualify (either seven or more acres and gross sales of an average of \$10,000 or more in the preceding two years *or* have less than seven acres and average gross sales of more than \$50,000 in the preceding two years). A recent amendment to AML §301, subd. 4 also provides for an agricultural assessment on seven or more acres which has an *annual* gross sales of \$10,000 or more "...when such land is owned or rented by a newly established farm operation in the first year of operation." AML §301, subd. 4.h. *Laws of 2003, Chapter 479*, effective September 9, 2003.

Local requirements for minimum lot sizes for farm buildings raises concerns similar to those involving minimum and maximum building dimensions. A farmer may be unable to meet a minimum lot size due to the configuration of the land used for production or lying fallow as part of a conservation reserve program. The need to be proximate to existing farm roads, a water supply, sewage disposal and other utilities is also essential. Farm buildings are usually located on the same property that supports other farm structures. Presumably, minimum lot size requirements are adopted to prevent over concentration of buildings and to assure an adequate area to install any necessary utilities. Farm buildings should be allowed to be sited on the same lot as other agricultural use structures subject to the provision of adequate water and sewage disposal facilities and meeting minimum setbacks between structures.

## C. Setbacks

Minimum setbacks from front, back and side yards for farm buildings have not been viewed as unreasonably restrictive unless a setback distance is unusually long. Setbacks that coincide with those required for other similar structures have, in general, been viewed as reasonable.

A farm operation's barns, storage buildings and other facilities may already be located within a required setback, or the farm operation may need to locate new facilities within the setback to meet the farm operation's needs. Also, adjoining land may consist of vacant land, woodland or farmland. The establishment of unreasonable setback distances increases the cost of doing business for farmers because the infrastructure needed to support the operation (e.g., water supply, utilities and farm roads) is often already located within, and adjacent to, the farmstead area or existing farm structures. Setbacks can also increase the cost of, or make it impracticable to construct new structures for the farm operation.

#### D. Sign Limitations:

Whether or not a limitation on the size and/or number of signs that may be used to advertise a farm operation is unreasonably restrictive of a farm operation depends upon the location of the farm and the type of operation. A farmer who is located on a principally traveled road probably will not need as many signs as one who is located on a less traveled road and who may need directional signs to direct the public to the farm. The size of a sign needed may depend on whether the sign is used to advertise the farm's produce or services (e.g., for a commercial horse boarding operation) as part of the farm's direct marketing, or just for directional purposes.

#### E. Maximum Lot Coverage

Establishing a maximum lot coverage that may be occupied by structures may be unreasonably restrictive. For example, it may be difficult for horticultural operations to recoup their investment in the purchase of land if they are not allowed to more fully utilize a lot/acreage for greenhouses. Farm operations within an agricultural district should be allowed the maximum use of available land, consistent with the need to protect the public health or safety. Generally, if setbacks between buildings are met and adequate space is available for interior roads, parking areas (where required), and safe operation of vehicles and equipment, health and safety concerns are minimized.

#### F. Screening and Buffers

Some municipalities impose buffer requirements, including setbacks where vegetation, landscaping, a wall or fencing is required to partially or completely screen adjacent land uses. Often, the buffer area cannot be used or encroached upon by any activities on the lot. Requirements for buffers or setbacks to graze animals, construct fences and otherwise use land for agricultural purposes are generally unreasonably restrictive.

Buffers and associated setbacks may require farmers to remove land from production or otherwise remove land from use for the farm operation. The impact on nursery/greenhouse operations is especially significant since they are often

conducted on smaller parcels of land. Maintenance of the buffer also creates a hardship to the landowner. If a setback is required for fencing, the farmer may have to incur the expense of double fencing the perimeter of the property, or portion thereof, to prevent encroachment by neighboring property owners.

A requirement to screen a farm operation or agricultural structures such as farm labor housing or greenhouses from view has been found by the Department to be unreasonably restrictive. Screening requirements suggest that farm operations and associated structures are, in some way, objectionable or different from other forms of land use that do not have to be screened. Farmers should not be required to bear the extra costs to provide screening unless such requirements are otherwise warranted by special local conditions or necessary to address a threat to the public health or safety. While aesthetics are an appropriate and important consideration under zoning and planning laws, the purpose of the Agricultural Districts Law is to conserve and protect agricultural lands by promoting the retention of farmland in active agricultural use.

## Appendix F:

# Analysis of Existing Town of Bethlehem Zoning Regulations as they pertain to Agriculture

# Analysis of Existing Town of Bethlehem Zoning Regulations As They Pertain to Agriculture

September 2009

The Agricultural and Farmland Study Advisory Committee, together with Town Planning staff and American Farmland Trust, reviewed the “Schedule of Uses” Table for consistency with the goals for the Plan to protect agriculture as a land use and business. The table was reviewed with a desire towards identifying potential agriculturally related uses and complementary businesses that would support farms and help diversify farm income.

Currently, agricultural uses located in a County Agricultural District are allowed by right, regardless of the zoning district in which the property is located. In addition, the seasonal planting of crops is allowed by right in any zoning district. In certain zoning districts, new agricultural operations are subject to the site plan review process that follows the Site Plan Process Guidelines as set forth by the Commissioner of Agriculture and Markets.

Of all parcels of land coded by the assessor as agricultural, participating in the Agricultural District, or receiving agricultural assessment, 76% are located within three zoning districts – Residential A, Rural and Rural Light Industrial. Not surprisingly, these three zoning districts also contain the highest percentages of prime and statewide important soils, a USDA classification system that identifies good soils for agriculture. This review is focused on the uses allowed within these three zoning districts for this reason.

This review flags potential areas for expansion of the uses as currently allowed. It follows the Schedule of Uses chart found in the Zoning Law (Chapter 128) as adopted September 1, 2006, amended October 2008, and identifies opportunities for expansion or areas of concern. This review is intended to provide information for continued review and research by the Town to determine how best to meet the needs of agriculture while protecting public health, safety and other adjacent uses in each zone.

## **Zoning District Purpose (§128-24)**

### **R: Rural District**

“Areas of the town designated under this district are characterized by working landscapes. Traditionally, these areas have been places where resource based economic activities have flourished. Rural areas typically have less demand for public services, and outside of the hamlets, agriculture and forestry have been the primary uses. With its remaining agricultural businesses, undeveloped lands, and natural resources, this portion of the community stands in contrast to the more developed areas of the town. Its rural character is highly valued by those that live in these areas and it also contributes to the overall quality of life of the town. The purpose of this district is to encourage a variety of uses, including agriculture, forestry, mining, small-scale commercial and light industrial activity, and development using traditional farmstead designs where appropriate.”

**RA:** Residential A (defined in the code with Residential B together).

“Areas of town designated under these districts are characterized by traditional suburban residential development including developed single-family dwellings, as well as undeveloped residential building lots. These areas also include active agricultural lands facing immediate growth pressures to convert to non-agricultural uses. The purpose of these districts is to protect the residential viability of established residential settlements.”

*Since 32% of all agricultural parcels lie in this district, and 20% of the land area (acreage) in the district is agricultural, consider adding language that allows for continued agricultural use as compatible with the residential development occurring in this area of town.*

**RLI:** Rural Light Industrial (defined with Heavy Industrial)

“Areas of the town designated under these districts are those with good highway access which are deemed appropriate for light and heavy industrial uses. Portions of these areas presently include some limited residential uses, although the dominant uses are manufacturing, assembly, processing and transportation related. The purpose of these districts is to encourage the development of light and heavy industrial uses that require trucking or rail transportation to move goods and materials.”

*Since 16% of all agricultural parcels lie in this district and 44% of the land area (acreage) in the district is agricultural use, consider adding language that allows for continued agricultural use and agricultural support businesses that may also require trucking or rail transportation to move goods and materials.*

**MED:** Mixed Economic Development District

“Areas of town designated under this district are those with good highway access and which do not presently contain significant agricultural uses. The purpose of this district is to encourage the treatment of individual lots as part of an integrated plan for development of planned office, industry, service, small-scale retail and technology based businesses.”

*Although only 10% of the total agricultural land base in Bethlehem falls in this district this equates to nearly 50% of the entire acreage of the district. There appears to be some inconsistency in stating that significant agricultural uses do not exist. Consider modifying the definition to acknowledge present agriculture.*



**Discussion of Land Uses:**

This section discusses the current allowance of uses that may be complimentary to agriculture. Each use includes a table that indicates the current allowance and the type of land use review based on the Schedule of Uses. Note BR designates a use by right, subject to building permit and certificate of occupancy for certain improvements; SP designates a use allowed subject to site plan approval; and SUP designates a use permitted subject to special use permit and site plan approvals and the special permit criteria of §128-69F in addition to the criteria of Article VIII for certain designated use.

**Animal Hospital, Animal Clinic:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Animal Hospital, Animal Clinic	SP		SP
Definition			
Animal Hospital: An establishment for the medical and surgical care of sick or injured animals.			

This definition may restrict landowners in the RA district from operating a large animal clinic on their property, or if a veterinarian lives in this district, they may be prohibited from treating animals. (Note that his use may be allowed as a home occupation if it meets the requirements of §128-50 Home Occupation of the Town Zoning Law.

*Consider allowing an agricultural hospital, animal clinic in the RA district, or define an agricultural animal clinic separately and allow for its use.*

**Bed&Breakfast (B&B):**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Bed & Breakfast	SP	SP	
Definition			
A structure where rooms are rented to guests for a maximum stay of two weeks and where meals produced on premises shall only be provided to those individuals staying at the bed-and-breakfast. The maximum number of rented rooms permitted in a bed-and-breakfast shall be limited to five. A bed-and-breakfast does not qualify as a home occupation use.			

Current regulations §128-45Bed-and-Breakfasts of the Town Zoning Law specify that “establishments may not be used commercially for conference centers, weddings, concerts, a public restaurant, auctions, retreats or other for hire events.” Traditionally, farms diversify their income with a B&B in the old farmstead. Allowing for one-day events such as weddings or other private for-hire events would expand opportunities for farm income, while remaining compatible with existing farm use. One-day events could be subject to mass-gathering permits or other restrictions to limit the impact on the neighboring community.

*Consider allowing B&B use in RLI and allowing one-day events on properties with B&B’s.*

**Bulk Storage of Materials:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Bulk Storage of Materials			
Definition			
The accumulation of wholesale quantities of raw or finished materials (solids, liquids and gases) preparatory to use in a manufacturing process or to retail sales, a permanent reserve being maintained. Junk and scrap materials do not qualify for inclusion in this category.			

Currently, this use is only allowed by Special Use Permit in the Heavy Industrial district. The Committee expressed concern whether agricultural materials would qualify as bulk storage – examples including, animal feed, sawdust for bedding or mulch products in greenhouse/nursery businesses. In these cases, storage of such materials would be prohibited in any district but Heavy Industrial.

*Consider adding an exemption in this definition for storage of agricultural products, including but not limited to animal feed, bedding and fertilizer to be used during the course of the growing season.*

**Cold Storage Facilities:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Cold Storage Facilities	SP		SP
Definition			
The storage of materials, commodities or goods in a cold and typically refrigerated place for the purpose of preserving such materials, commodities or goods.			

Cold storage is defined as “The storage of materials, commodities or goods in a cold and typically refrigerated place for the purpose of preserving such materials, commodities or goods”. Cold storage facilities are often used on farms to store products for later sale, including apples and meat products.

*Consider allowing with approvals in the RA district.*

**Commercial Bakery, No Retail Sales:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Commercial Bakery, No Retail Sales	SP		SP
Definition			
Not available			

The current zoning law does not include a definition of the Commercial Bakery, No Retail Sales land use. Perhaps this use is intended for the production of baked goods on a large scale (manufacturing) for distribution to local commercial retail businesses (i.e. convenience stores, restaurants). As a complimentary use to agriculture, a commercial bakery would utilize produce (fruits and/or vegetables) grown on the farm or from local farms.

*Consider allowing with approvals in the RA district.*

**Commercial Recreation:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Commercial Recreation	SUP		SUP
Definition			
Private outdoor and/or indoor recreational facilities such as golf courses, playgrounds, swimming pools, ice rinks, tennis courts, fishing and hunting preserves, water parks, tennis courts, driving ranges, basketball courts, handball and racquet courts, baseball and softball fields, football fields, polo fields, tracks, and riding rinks.			

For many farms, commercial recreation is a compatible use to the farm operation that brings in additional income for the property. The definition of commercial recreation includes “riding rinks” while the definition of agriculture includes “employment of land for the primary purpose of obtaining a profit, for stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows...” There appears to be inconsistency between activities associated with the commercial recreation and agricultural land uses.

*Consider allowing limited commercial recreation in R and RLI districts as compatible with agriculture and changing the definition of commercial recreation to exclude riding rinks.*

**Day Camp, Vacation Campground:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Day Camp, Vacation Campground	SP		SP
Definition			
<p><u>Day Camp:</u> Any land, including any building thereon, used for any assembly of persons for what is commonly known as "day camp" purposes, and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups.</p> <p><u>Vacation Campground:</u> Two or more cabins, tents, travel or camping trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.</p>			

Current regulations §128-64 Vacation Campgrounds of the Town Zoning Law discusses scale and design considerations. The current definition does not specify what constitutes a “day camp”. The concern is that it could include activities that happen on farms, such as equestrian camps where lessons are provided and care of animals is taught. These activities may be appropriate in the RA district as the residents of the district would also be the consumers of the activity.

*Consider allowing day camps in the RA district or consider adding a definition for agricultural camps and allowing for its use in the RA district.*

**Fabrication Shop:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Fabrication Shop	SP		SP
Definition			
A use involving the construction of machines, tools and structures from various raw materials. Fabrication shops generally concentrate on the metal preparation, welding and assembly aspects, while the machine shop is more concerned with the final assembly, fitting and finishing of the project. As used herein the term includes a machine shop and welding shop but excludes auto body repair shops.			

Most farms have a farm shop – a place on the farm where machinery is repaired and equipment renovated. In many instances, farmers will repair the machinery or equipment of other farmers as a diversified income stream. Such uses are compatible with agriculture and help support the farm economy as a whole. The question on whether this is restrictive to agriculture becomes, at what point does a farm shop become a “fabrication shop or machine shop” according to the zoning code.

*Consider... Review the concerns and considerations with the Committee*

**Farm Equipment Rentals, Sales & Repair:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Farm Equipment Rentals, Sales & Repair	SP		SP
Definition			
Not available			

Similar to the fabrication shop discussion above, farm equipment repair is often done on farms as a supplemental income. It is difficult to determine whether the code is restrictive since there is no definition of the use. The question that arises is the extent to which a farm equipment rentals, sales & repairs use becomes more than supporting the activities of the agricultural community. For example, farm equipment typically includes tractors and other heavy equipment that could also be purchased by the construction industry.

*Consider establishing a definition that is associated with agricultural activities.*

**Food Processing:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Food Processing			SP
Definition			
A manufacturing establishment that produces, processes, cans and/or packages food for off-site consumption where the gross floor area of the establishment exceeds 2,500 square feet, and/or less than 25% of the gross floor area is devoted to on-site display and retail sale of such products to the general public. Food processing establishments may include, but are not limited to, facilities involved in the production, processing, canning or packaging of bakery products, sugar and confectionary products, dairy products, fats and oil products (exclusive of rendering plants), fruit and vegetable products, grain mill products, meat and poultry products (excluding facilities that slaughter animals), seafood products, and miscellaneous food preparation from raw products, but excluding restaurants, food stores and similar establishments where such activity is customarily carried on as a secondary part of the business.			

The Rural district may have acceptable sites to locate a food processing business (e.g. milk processing facility), since 31% of the zoning district is in agricultural use. The proximity to active farms would make it ideal to locate such businesses there; however, it is currently prohibited.

*Consider allowing for food processing in the R district.*

**Grain Storage, Processing and Distribution:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Grain Storage, Processing and Distribution			SUP
Definition			
Not available			

Currently the Zoning Law does not include a definition for Grain Storage, Processing and Distribution.

*Consider establishing a definition and agriculture should be exempt from this definition in all districts as farms store and sometimes process grain for animal feed.*

**Heavy Equipment Sales, Rental and Service:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Heavy Equipment Sales, Rental and Service			SP
Definition			
Not available			

Currently, the Zoning Law does not include a definition for Heavy Equipment Sales, Rental and Service. The concerns for this land use are similar to those of the Farm Equipment Rentals, Sales and Repair land use.

**Home Occupations:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Home Occupations	BR	SP	BR
Definition			
A nonresidential use, occupation or business activity operated for financial gain in, or directed from, a residential dwelling unit or accessory building by one or more family members residing within that dwelling unit and where such use is clearly secondary and subordinate to the existing principal residential use.			

**Review the concerns and considerations with the Committee**

**Inn:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Inn	SP	SP	SP
Definition			
A building or portion thereof kept, used, maintained, advertised or held out to the public, containing 40 or fewer units used for sleeping accommodations for guests, and providing meals and other incidental services to guests and the public.			

**Review the concerns and considerations with the Committee**

**Junkyard:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Junkyard			
Definition			
Any place of storage or deposit, whether in connection with another business or not, where two (2) or more old or secondhand motor vehicles, whether registered or unregistered, no longer intended or in condition for legal use on the public highways are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose.			

The storage of agricultural equipment (such as tractors) should be exempt from this definition as farm equipment that is no longer functioning often serves an important purpose to provide parts for new equipment. Currently, the Town does not recognize the storing of agricultural equipment on agricultural lands as junk yards.

*Consider exempting the storage of agricultural equipment from the definition of junkyard.*

**Kennel:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Kennel	SUP		SUP
Definition			
A parcel of land used for the harboring of more than three dogs that are more than six months old or more than 12 dogs that are under six months of age. Any dog owner whose dog(s) bear(s) more than one litter of puppies that are of registered pedigree and offered for sale shall, for the purposes of this chapter, be considered as maintaining a dog kennel and must adhere to all regulations governing the same.			

Current regulations §128-76 Kennels of the Town Zoning Law discusses bulk regulations, which include a minimum lot area of 5 acres and the location of a kennel, runway or exercise pen located 200 feet from any lot line. The breeding of dogs could be a compatible use to a farm business, helping to bring in additional revenue to the farm.

*Consider allowing the kennel use in the RA district.*

**Lumber Yard, Mill:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Lumber Yard, Mill	SP		SP
Definition			
Not available			

Currently, the Zoning Law does not include a definition for lumber yard, mill; however, it the land use is allowed in the R and RLI zoning districts.

*Consider... Review the concerns and considerations with the Committee*

**Nursery:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Nursery	BR		BR
Definition			
A place where trees, shrubs, vines and/or flower and vegetable plants are grown and/or are offered for sale, to be transplanted onto the lands of the purchaser by the purchaser or by the nursery establishment itself.			

Similar to the definition of a nursery, the definition of “agriculture” in the Zoning Code includes, “the employment of land... for horticulture, floriculture or viticulture... silva-culture...” Since agriculture is allowed in the RA district, than by the definition included, nurseries should be allowed as well.

Consider adding definition of greenhouse and including its use as part of the definition of agriculture. NYS Agricultural and Markets Law provides a fact sheet on how the Agricultural District defines a greenhouse for agricultural purposes.

*Consider allowing for nursery use in RA district. Define greenhouse and include its use as part of the definition of agriculture.*

**Public Utilities:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Public Utilities			
Definition			
Not available			

Currently, the Zoning Law does not include a definition for public utilities; and the use is not allowed in the R, RA, or RLI zoning districts. If the definition includes utility lines, often that is a compatible use with agriculture as several of the agricultural lands in the Town have utility lines that traverse the land.

*Consider adding definition for public utilities and list compatible zoning districts and type of land use review*  
*Consider adding definition for alternative energy generation (wind, solar, methane digestion) and include its use in the chart.*

**Riding Academy:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Riding Academy	BR		BR
Definition			
Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.			

Riding academies are typically associated with an agricultural use. Agriculture as a use is allowed in the RA district with site plan approval and the definition of agriculture includes “the employment of land... for stabling and training equines, including but not limited to providing riding lessons, training clinics and schooling shows...” There appears to be inconsistency between activities associated with riding academies and agricultural land uses.

*Consider allowing “Riding Academies” by site plan approval in the RA to remain consistent with current definition of agriculture.*

**Slaughter Plants, Packing Houses, Animal by-Products Rendering and other such Animal Processing Activities:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
<b>Slaughter Plants, Packing Houses, Animal by-Products Rendering and other such Animal Processing Activities:</b>			
Definition			
Not available			

Currently, the Zoning Law does not include a definition; and the use is not allowed in the R, RA, or RLI zoning districts. Typically, these activities are compatible with agriculture and support the business of agriculture.

*Consider developing a definition for this land use and allowing for “Animal Processing” in the R and/or RLI zones.*



**Telecommunications Facilities, Non Co-located Facilities:**

Land Use	Zoning District		
	Rural (R)	Residential A (RA)	Rural Light Industrial (RLI)
Telecommunications Facilities, Non Co-located Facilities	SUP	SUP	SUP
<b>Definition</b>			
Personal wireless radio telecommunication facilities using an automated high-capacity system with two or more multichannel fixed base stations arranged as part of an integrated cellular system providing radio telecommunication from the fixed (immobile) base stations to mobile stations. Such personal wireless radio telecommunication facilities employ low-power transmitting and receiving and automatic handoff between base stations of communications in progress to enable channels to be reused at short distances for the purposes of voice, data or paging transmissions. Cellular systems may also employ digital techniques such as voice encoding and decoding, data compression, error correction and time or code division multiple access in order to increase system capacities. Personal wireless radio telecommunication facilities ("PWRT facilities") shall include cellular services, personal communication services (PCS), specialized mobile radio services, and paging services.			

Current, regulations require an area variance for a new telecommunication facility that exceeds a height of three times the maximum height of the specific zoning district. The undeveloped areas of agricultural lands may accommodate telecommunication facilities and provide a secondary means of income (through land leasing) to the agricultural landowner.

***Consider... Review the concerns and considerations with the Committee***

Additional land uses that are not listed or may be listed as a use but may not be defined or vice versa include: **garage, commercial; parking garage; religious camp or retreat; service business; conservancy; greenhouse; library; museum; art gallery; restaurant – commercial kitchen and/or value added kitchen; service business; and alternative energy sources (i.e. solar, wind, biomass, etc.)**

## Appendix G

# October 6, 2008 Landowner Meeting Summary



**OCTOBER 6, 2008 PUBLIC MEETING**  
**SUMMARY OF COMMENTS**

On the evening of October 6, 2008, the Department of Economic Development (DEDP) and Planning in association with the Citizens Advisory Committee on Conservation (CACC) hosted a public meeting to educate Bethlehem landowners with parcels greater than 7 acres on farmland and open space tools. The Town's consulting team of American Farmland Trust and Behan Planning Associates provided an overview of the various tools and facilitated four group discussions to identify concerns of the landowners and gauge interest in the tools.

The DEDP and CACC received excellent feedback from the sixty attendees at this meeting. The facilitators (American Farmland Trust and Behan Planning Associates) recorded the comments and DEDP staff assembled and organized the comments into several topical categories. While the comments may not be recorded verbatim, the DEDP believes that this summary accurately captures the spirit of the comments made at the meeting. Also, in presenting these comments, the intent is purely objective and should not be interpreted as reflecting the opinion of the DEDP and CACC or of any of its members.

**Solutions/Interest in Tools:**

- Education of landowners or program benefits is needed
- Address lack of trust in town government
- Incentive Zoning
- Term easements are a good start
- Assistance with land posting requirements
- Landowners might benefit by being matched with renters to qualify for agriculture assessment
- Tax abatement in exchange for term easements
- Right to Farm law should be accompanied by requirement to use best practices
- Landowner/farmer representation on planning and/or zoning board
- Residential zoned property allowed to have some small low-impact agriculture
- Town/County could require written permission to drive ATV – registration
- Town enforcement of laws for illegal trespassing and dumping
- Organization of large landowners to get better communication
- Town officials need to become more familiar with rural part of Town
- Assessment – fairness – inconsistency for people who have a lot of land
- Needs of non-agricultural landowners may not be addressed by current programs



**Concerns Regarding Tools:**

- Right to Farm law that creates another group to interact with Town not helpful because don't need more bureaucracy
- Smaller, "hobby" farms currently not eligible for agriculture assessments and run into zoning problems
- Tools will raise taxes for conservation purposes
- Right to Farm law would be a problem and is not needed
- Incentive Zoning – developer will just pass the cost on to the buyer
- Layers of regulations not desired
- Don't want to be penalized
- Open Space preservation hurts people who bought open land for investment

**Programmatic/Operational:**

- Long history of land ownership by one family becoming difficult to hold onto it
- Lack of respect and trust
- Would like to see areas for denser development to take pressure off rural land – mix of land uses
- Land on river with no heirs and would like to keep it green. How can Town develop options to do so?
- Next generation would like to keep the family land undeveloped.
- Like how Town is now – mix of uses. Equitable way to keep it that way.
- Opportunity between interested community and interested landowners
- Liability for public access – who is held liable?
- Who will pay to maintain trails?
- What can we really afford to do (priorities – infrastructure)
- Issue with non-profits and reduced taxes putting tax burden on others
- Losing Freedom – vocal minority wants open space
- Protect cemetery from misuse
- Trails need to be monitored and maintained

**Rights of Property Owners (Willing Landowners):**

- Initiating trail program – Town must take responsibility for when it is abused – Attractive Nuisance
- Respect for private property – keep trespassers off private land
- Problem with the town requiring other people coming onto my property
- Encroachment and trespassing
- Don't want government telling me what to do
- Open Space preservation will make trespassing on private property worse – liability

Appendix H  
October 23, 2008 Public Meeting  
Summary



**GOAL DEVELOPMENT**  
**SUMMARY OF COMMENTS**

On the evening of October 23, 2008, the Department of Economic Development (DEDP) and Planning in association with the Citizens Advisory Committee on Conservation (CACC) hosted a public meeting for the Open Space Plan. At the May 2008 public orientation meeting, residents identified Recreation and Pathways, Natural Systems, and Agriculture and Farming as topic areas to be addressed in the Plan. This meeting presented an overview of the existing conditions of these topics, and provided an opportunity for community discussion and development of the Plan's goals for these topics.

The DEDP and CACC received excellent feedback from the sixty attendees at this meeting. Attendees were randomly separated into three groups. The facilitators (Behan Planning Associates, American Farmland Trust, and DEDP) represented each of the three topics and rotated amongst the three groups to discuss potential goals. The facilitators recorded the comments and prepared a summary of the goals based on attendee feedback.

**Natural Systems**

Facilitators: Jeff Lipnicky and Melissa Barry

- Water resource protection
- Stormwater Management
- "Urban Forests" Trees, small, micro-scale
- Connected open space
- Respect what we have before taking on more
- "Green" development

**Agriculture and Farmland**

Facilitators: John Behan and Laurie Ten Eyck

- Allow hobby farms in residential zones
- Community Farm in Town
  - Network of Community Farms
- Town help CSA's get started
  - Combine conservation subdivision with CSA
- Educate community on agriculture
- Create way for people to buy locally grown food
- Farm – School Program
  - Kids gets local food & educate them about agriculture and local farms
- Maintain ratio between farmland and development (develop here – preserve there)
- Enforce no trespassing laws
- Lower taxes on agriculture land
- Have a Town Agriculture coordinator
  - Farmer education
  - Grant writing



**Recreation and Pathways**

Facilitators: Mike Morelli and Rob Leslie

- Develop a viable – priority network (safe) for non-vehicular traffic that facilitates access to parks, services, and daily activities
- Education for all users (bicyclists, pedestrians, and motorists) on “rules of the road”
- Define pathways and subcategories (e.g. sidewalks, trails, multi-use paths, bicycle lanes, shared roadways)
- Provide pathways consistent with their surroundings and compatible with adjacent landowners
- Mitigate impacts of pathways and trails on adjacent property owners
- Provide non-vehicular access to the Hudson River
- Connect neighborhoods to Town parks

## Appendix I

### August 5, 2009 Public Meeting Summary



# Bethlehem Agricultural and Farmland Protection Plan

## August 5, 2009 Public Meeting

### Summary of Public Comments



On the evening of August 5, 2009, the Department of Economic Development and Planning (DEDP), in association with the Agricultural and Farmland Study Advisory Committee hosted a public meeting to present the Draft “Bethlehem Agricultural and Farmland Protection Plan” to the community. Approximately 30 attendees (10 of which included Study Advisory Committee members, Town Board members, and Town staff) viewed a presentation by the DEDP and American Farmland Trust, which provided an overview of the Plan’s planning process, goals, recommendations, and implementation. Listed below is a summary of the comments (verbal and written) that were provided during the question and comment period of the public meeting.

#### **Comment A:**

- Congratulate the Committee for recognizing that the Town Board may appoint a representative from the agricultural community to the Planning Board.
- IDA is looking at various ways to help businesses in the Town. There is potential to establish a Business Development Corporation with IDA assistance. Next IDA meeting could discuss how to assist agricultural businesses.

#### **Comment B:**

- Discussion of Town’s agricultural activities should not only include field crops but also livestock. Suggestion to provide definition of agricultural products in the Plan.
- Housing development trends towards the RCS School District is a result of the build-out of the Bethlehem School District.

#### **Comment C:**

- 46% that listed farming as their primary occupation seems high.
- What was the interest in the PDR program?

#### **Comment D:**

- Responses to primary occupation question most likely a result of a husband or wife claiming they are full-time on the farm while the spouse works to provide benefits.
- Assume the percentage of those listing farming as their primary occupation would be closer to 20%.

#### **Comment E:**

- Amongst the short term recommendations what would be the order of implementation?

#### **Comment D:**

**Bethlehem Agricultural and Farmland Protection Plan**  
**August 5, 2009 Public Meeting**  
**Summary of Public Comments**

- Did interviewees indicate that farming is dead in the Town of Bethlehem?

**Comment E:**

- New residential development could adhere to buffer regulations that would require increased setback regulations to adjacent agricultural properties. Buffers could help to reduce residential land use and agricultural land use conflicts. Did the Committee consider the use of buffers for new residential developments?

**Comment F:**

- Since Federal and State funds for purchase of development rights (PDR) programs are limited, the Town should consider supporting the funding of a Town PDR program.

**Comment G:**

- Other municipalities have conducted Cost of Community Service studies and/or Build-Out studies during the development of their Plans. Cost of Community Service studies have illustrated that farms and agricultural lands generate more local tax revenue than they cost in services. Did the Study Advisory Committee consider the development of these studies during the development of the Plan?

**Comment H:**

- Cornell Cooperative Extension has a breakdown of cost of community services studies.
- County IDA has funding for agricultural support services.

Appendix J

Agricultural Landowners Interview  
Summary

## **Town of Bethlehem Agriculture and Farmland Protection Plan Interview Summary**

Eleven interviews were conducted with farmers and owners of agricultural land in the Town of Bethlehem in August and September of 2008. The interviews were conducted by Laura Ten Eyck, a field consultant for American Farmland Trust's New York State office. Agricultural commodities represented in the interviews included dairy, horticulture, beef and produce. No representatives of the Study Advisory Committee for the Plan were interviewed. The following Interview Summary highlights common themes born of the interviews as interpreted by Ms. Ten Eyck. Where illustrative of a repeated theme, quotes have been used as stated by the interviewees.

### **Opportunities exist to educate farmers and landowners on existing programs to protect farmland and to provide new programs that make farmland more affordable.**

Among farmers interviewed there was a significant degree of misunderstanding and lack of knowledge about New York State's Agricultural District Law, Agricultural Assessments and Farmland Protection Program. In general the majority of farmers and landowners renting to farmers did not believe a farmland protection plan was necessary for the Town and viewed it as interference in their private affairs that would restrict their options as landowners.

Most farmers and landowners interviewed had reservations about the permanent sale of development rights to preserve farmland. Most were opposed to permanent conservation easements as they did not want to inhibit what the next generation could do with the property. However, some farmers acknowledge that the future of farming in the Town may depend on farmland protection. "I don't feel there's a future for agriculture in the Town," says one farmer. "If someone wanted to come in and farm they couldn't afford it because of the price of land unless the government intervenes and buys the development rights." One farmer did express an interest in seeing his farm protected, but felt that the Town would not be supportive. In addition, farmers renting land have expressed an interest in purchasing land from individuals who would be interested in selling their development rights. In general farmers and landowners are more open to the concept of tax relief in exchange for conservation easements with term limits.

### **Farmers in Bethlehem are challenged by poor soils, disappearing farm support services, availability of labor and high land values.**

In general, farmers interviewed in the Town of Bethlehem feel that much of the soil in Town is composed primarily of wet, heavy clay that limits agricultural production at times. Farmers have to travel between 25 and 60 miles or more to access equipment dealers, feed and farm supply vendors, and veterinary services. "If I have to call a vet because of a problem with one of the calves it takes them an hour and a half to get here," says a beef farmer. Processing facilities for meat and milk are also hard to find.

Finding quality farm labor is another challenge farmers reported that they face. Most farmers felt that people no longer wanted to do farm work because it is too strenuous and doesn't pay well enough. Some farmers rely on family members to lend a hand during crunch times. Some choose to only take on as much work as they can handle on their own. Some of the larger farms employ migrant labor from Mexico. "I wouldn't run my farm without migrant labor," one farmer says.

Because of high land values in town, many farmers reported that they rely on rental land. Most of the farmers interviewed do not have a business plan or a retirement plan. Some farmers expressed a willingness to sell their farms to another farmer to “keep it going”, but are not optimistic about the presence of existing farmers or new farmers interested in purchasing land. The majority of farmers interviewed do not have a next generation interested in taking over the farm and view their farmland as an asset they will have to liquidate in order to finance their retirement. “You can preserve the land all you want,” points out one farmer. “How are you going to preserve the farmers?”

**The increasingly suburban nature of the Town of Bethlehem has resulted in conflicts and a perceived lack of respect and understanding between farmers, non-farm residents and the town government.**

The suburban nature of the Town of Bethlehem presents additional challenges to farmers in the area. Because of the high volume of traffic it is very difficult for farmers to move farm machinery on roads in the town. “The situation is getting more and more dangerous,” says one farmer who is dependent upon rental land scattered around Town for his farm business. It can also be difficult for farms in the Town to receive deliveries, which come on large tractor-trailers that interfere with commuter traffic. Continual repaving of roads has increased the grade of ditches making it increasingly difficult for farmers to get their equipment into fields. Farmers complain of being wrongly ticketed and delayed by the Town police force for carrying out legal farm activities. In addition, trespassing is a major problem for farmers. People dump yard waste and trash on farmland and teenagers gather on farmland to have parties and leave behind garbage. People riding ATVs have caused significant crop damage. “We’ve been trashed by ATVs says one farmer. “We have a worn path.”

New residential neighbors have sometimes presented challenges to the business of farming in Town. Some farms have experienced increased flooding of fields due to changes in drainage patterns caused by new development. Suburban neighbors complain about the odor of manure being spread on fields as well as other farm practices such as spreading lime. Farmers believe the Town needs to educate the public about agriculture. “A couple of generations ago everyone was involved in farming,” points out one farmer. “Everybody still had a connection to farming. Today people think food comes from Price Chopper.”

Farmers believe the property and school taxes on their land are too high in relationship to the amount of money they can make from the land. Farmers and landowners who rent land to farmers also believe that they are over regulated by the Town through local zoning and subdivision laws. Farmers feel they have a lack of representation on Town boards and committees that deal with land use issues. Many farmers feel threatened by the Town’s desire to preserve open space and create a community trail system and believe that such plans may have a negative impact on their rights as property owners.

**The challenges that face farmers today will impact what the future looks like for agriculture in the Town of Bethlehem tomorrow.**

Most of the farmers interviewed were born in the Town or have lived there for most of their lives. All of the individuals interviewed personally valued farmland and viewed agriculture as central to their heritage and their way of life. “You can call it a business; you can call it anything you like. It’s a passion. You love it or you wouldn’t do it,” one individual says of farming.

Some individuals did see a future for farms in the increased consumer interest in purchasing local foods. Although the Town does have a farmers market, some farmers were concerned that the vendors might be coming from outside the town and were not really farmers but simply vendors who bought and resold produce.

The two young farmers interviewed were hardworking and optimistic with plans to continue to operate their family's farms into the future. Both however found they were significantly limited by the lack of available and affordable farmland. One older farmer saw a strong future for direct marketing of locally grown produce from his location however his children were not interested in farming and he thought it would be hard to find a farm buyer. Another older farmer expressed an interest in seeing his farmland preserved, but had little understanding of the available options and feared the Town would not allow it. Another farmer felt that the best way to preserve farmland in the Town was for farmers to sell land to wealthy individuals who would build second homes on a section of the land and then sell or donate the development rights on the rest. The majority of the farmers and landowners interviewed believed hobby farms, part-time farms, niche farms and equine operations to be the most likely face of agriculture in the town in the years to come.

## **Summary**

The majority of the farmers and rural landowners interviewed feel at odds with the local government and uncomfortable with the suburban community. Many believe open space planning and farmland protection are ploys to take away their right to develop their land.

All farmers and landowners felt that the town and the farmers needed to work together to educate town residents about where their food comes from, the role farms play in the community and the reality of how farms operate. Specifically, many farmers were worried about children growing up without an understanding of where their food comes from. They expressed a desire to see schoolchildren brought to farms to start learning about agriculture at a young age and also wished that farm youth programs such as the FFA and the 4H, which were once strong in the town, could be reestablished as popular programs for those interested in agriculture.

## Appendix K

# Strengths, Weaknesses, Opportunities, and Threats Analysis

## Town of Bethlehem Agricultural and Farmland Protection Plan

---

### ***Strengths, Weaknesses, Opportunities, and Threats Analysis***

In July 2008 a Strengths, Weaknesses, Opportunities, and Threats exercise regarding agriculture in the Town, was conducted in cooperation with the Agricultural and Farmland Study Advisory Committee. The Committee's responses are listed below. Generally, strengths and weakness are factors that may be internal to the community, while opportunities and threats may be factors that are external to the community. This information provided important information to the Study Advisory Committee as they developed draft goals and recommendations for the plan. Recommendations were written with the hope of addresses weaknesses and threats to agriculture while expanding opportunities to capitalize on its strengths.

#### **INTERNAL FACTORS**

<b>Strengths</b>	<b>Weaknesses</b>
Proximity to markets and relatively affluent customer base that is demanding local food	High property/school/sewer taxes
Relatively flat land with diverse soils that allow for growing a multitude of crops	Wet heavy clay soils limit agricultural production and income potential of land
Proximity to Albany law makers and service providers	Neighbor issues - in some cases neighbors are reporting perceived violations to local/state regulations
Proximity to other rural/farming areas - town agricultural land is part of bigger agricultural community	Trespassing on agricultural land causes damage to crops
Good access to transportation systems to distribute/receive products	Support businesses are far away, including vets, feed, and equipment dealers. Fewer farms mean less services in the future as well.
Community at large is supportive of aesthetics of agriculture and rural nature of town	Deteriorating farm facilities. Structures/equipment need replacing
Those involved in agriculture have long tenure in community and much experience/knowledge	Moving equipment on busy roads - especially a challenge with bicycles and pedestrians
Large population of young people interested in equine	Disparity between the value of land as agriculture and as development
Water and sewer services provided by Town - help some farms by providing access	Issues with the Planning Board and Zoning Board of Appeals in meeting requirements



## EXTERNAL FACTORS

Opportunities	Threats
Get farmers involved in local policy - on Planning Board or Zoning Board of Appeals	Development pressure is encroaching on agricultural land
Direct marketing/Agri-tourism - tap into local interest and capture more of retail dollar	Impact of new senior housing construction on agricultural land - odors/liability/loose animals
Opportunity to value school taxes differently – (farmer school tax credit requires 50% income from farm)	Lack of younger generation to take over the farm - long hours/poor income leading them to take other jobs
Reforms in liability insurance - currently difficult to invite public onto the farm	Current zoning may not allow for new agricultural uses - or may make it difficult to start new uses
Implement a tax on non-farmers to subsidize farmers	Public/community doesn't understand the realities of agriculture - only enjoy the scenic qualities
Educational opportunities for general public	Drainage from new development impacting water flow on farmland - flooding fields and barns
Expand Farmer's Market in Town and increase access to it - encourage local farmers to sell/restrict to local farmers only?	Lack of knowledge of public officials and local police in dealing with trespassing/truck permits, etc.
Growth in interest in equine	Lack of competent local labor force
Town legislation to prevent people from outside town/county to sell farm products next to farm landowners in town	Estate tax issues after 2010 - taxes are due in nine months - not feasible
Review zoning in non-rural areas	Conflict over the future of the land within families
Education in schools - encourage back to agricultural 4H/ offer credit opportunities for high schoolers to work on farm	
Link older/younger generation farmers or existing and new farmers to help prepare the next generation	
Opportunity to attract processing slaughterhouse/milk processing facilities	

## Appendix L

### Albany County Right-to-Farm Law

## LOCAL LAW NO. "E" FOR 2007

### A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ENACTING A RIGHT-TO-FARM LAW

Introduced: 4/9/07

By Messrs. Gordon, Houghtaling, Aylward, Reilly, Shafer, Dawson, Cotrofeld, Nichols, Mss. McKnight, Wiley, Messrs. Hoblock, Tunny, Monjeau, Infante, Horstmyer, Burke and Ms. Connolly:

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

#### SECTION 1. Legislative intent and purpose.

The Albany County Legislature hereby recognizes that small and large farms are an integral component of the County's economic base; productive agricultural soil is an irreplaceable asset; and agriculture contributes to the economic diversity, environmental quality and overall quality of life in Albany County. Through this local law, this Legislature also declares that it is the policy of Albany County to promote effective communication between farm and non-farm neighbors resulting in a shared understanding of the value of the agricultural enterprises to Albany County and the necessary day-to-day operations involved in farming.

It is the general purpose and intent of this Local Law to maintain and preserve the agricultural traditions of Albany County; to permit the continuation of sound agricultural practices necessary for the operation of farms; to encourage the initiation and expansion of farms and agribusinesses where it is compatible with existing land use regulations; and to promote effective and efficient means to resolve disputes which may arise concerning agricultural practices and farm operations.

#### SECTION 2. Definitions.

a. Agricultural and Farmland Protection Board – The board formally appointed by the Albany County Legislature according to Article 25AA section 302 of NYS Agriculture and Markets Law.

b. Farmland – Any single or multiple, contiguous, or non-contiguous parcel or parcels that are being used for agricultural farm operations or upon which agricultural practices are being utilized or upon which agricultural farm operations or agricultural practices may be established or utilized in the future.

c. Agricultural Products – Those products including but not limited to:

1. Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.
2. Fruits, including apples, peaches, grapes, cherries and berries.
3. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
4. Horticultural crops, including nursery stock, ornamental shrubs, ornamental trees, flowers and sod.
5. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, farmed deer, farmed buffalo, fur bearing animals, milk, eggs and furs.
6. Maple sap and maple syrup.
7. Christmas trees derived from a managed tree operation whether dug for transplanting or cut from the stump.
8. Aquaculture products, including fish, fish products, water plants and shellfish.
9. Woody biomass, which means short rotation woody crops raised for bio-energy and shall not include farm woodland.
10. Apiary products, including but not limited to honey, royal jelly, pollen, beeswax and propolis.
11. Compost products

d. Farmer – Any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops or the raising of livestock.

e. Farm operation – 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 including a “commercial horse boarding operation” as a commercial enterprise, with \$2,000 or more in annual gross sales.

f. Agricultural Practices – Those practices necessary for the on-farm production, preparation, and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, nutrient management, proper use of agricultural chemicals, and other crop protection methods, and construction and use of farm structures and fences.

### SECTION 3. Right to Farm Declaration.

Farmers, and those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this county at all times and at all such locations as are reasonable and necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and

consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies and whether the practice is reasonable and necessary, conducted in accordance with generally accepted agricultural practices and not a threat to public health.

#### SECTION 4. Nuisance.

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

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

#### SECTION 5. Notification to Real Estate Buyers.

Lands in agricultural districts; disclosure.

When any purchase and sales contract is presented for the sale, purchase, or exchange of real property located in Albany County partially or wholly within an agricultural district established pursuant to the provisions of Agriculture and Markets Law Section 310 of Article twenty-five-AA or within 500 feet of an Agricultural District, the prospective grantor shall present to the prospective grantee a disclosure notice which states the following: "It is the policy of Albany County to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective buyers that the property they are about to acquire lies partially or wholly within an Agricultural District or within 500 feet of an Agricultural District and that farming activities occur within the area. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective buyers are also informed that the location of property may impact the ability to access water and/or sewer services for such property under certain circumstances."

A copy of this notice shall be included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made. Receipt of such disclosure notice shall be recorded on a property transfer report prescribed by the state board of real property services as provided for in section three hundred thirty three of the real property law.

## SECTION 6. Resolution of Disputes.

In order to maintain a viable farming economy in Albany County, it is necessary to limit the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

This process is intended to resolve disputes between farmers and non-farming neighbors through a mutual understanding of each other's needs, concerns, and desires so that both parties are afforded due property rights.

- a. Should any dispute arise regarding an agricultural operation or agricultural practice which cannot be settled by direct negotiation between parties involved, either party may submit the controversy to a dispute resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action and prior to a request for a determination by the Commissioner of Agriculture and Markets about whether the practice in question is sound pursuant to Section 308 of Article 25AA of the State Agriculture and Markets Law.
- b. Any controversy between parties shall be submitted to the committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.
- c. The committee shall be composed of three (3) members; the Chairman of the County Agricultural and Farmland Protection Board or a designee, the Supervisor from the local government in which the dispute arose or a designee, and a Cornell Cooperative Extension Agricultural Agent. In the case that a member of the Committee must recuse himself due to a conflict of interest, the Chair of the Agricultural and Farmland Protection Board shall appoint an alternate.
- d. The effectiveness of the committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
- e. The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Thereafter, the committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting at a mutually agreed upon place and time to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each considers to be pertinent facts. The time limits provided in this subsection for action by the committee may be extended upon the written stipulation of all parties in the dispute.

- f. Parties bringing a complaint to the committee for settlement or resolution may not involve legal counsel in the meeting.
- g. Parties requesting mediation shall stipulate, in writing, that the statements made in mediation shall be deemed to be in the nature of settlement discussions, and that such statement, and any agreement reached in mediation shall not be used for evidentiary purposes in any other action or proceeding.
- h. Any reasonable costs associated with the functioning of the dispute resolution committee process shall be borne by the participants.
- i. Records of the dispute resolution committee shall be maintained by the Albany County Agricultural and Farmland Protection Board.

#### SECTION 7. Severability.

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

#### SECTION 8. Precedence.

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

#### SECTION 9. Effective Date.

This local law shall take effect immediately.

*Referred to Conservation and Improvement Committee. 4/9/07*

*Favorable recommendation – Conservation and Improvement Committee.  
5/29/07*

*On roll call vote the following voted in favor: Messrs. Aidala, Aylward, Mss. Barlette, Benedict, Messrs. Beston, Burke, Carman, Clay, Clenahan, Clouse, Collins, Commisso, Ms. Connolly, Messrs. Cunningham, Dawson, Domalewicz, Ethier, Gordon, Hoblock, Horstmyer, Houghtaling, Infante, Joyce, Ms. Maffia-Tobler, Messrs. Mayo, McCoy, Ms. McKnight, Messrs. Monjeau, Morse, Nichols, Ms. Prentiss, Messrs. Reilly, Shafer, Steck, Tunny, Ward, Mss. Wiley and Willingham - 38.*

*Those opposed: - 0.*

*Local Law was adopted. 6/11/07*

## Appendix M

# Sample Legislation and Language for Establishing an Agricultural Advisory Committee



## **APPENDIX Sample Legislation and Language for Establishing an Agricultural Advisory Committee**

A municipal Agricultural Advisory Committee can be established by resolution of the Town Board, or by local law. Two examples are included here. The Town of Ithaca used a resolution to establish the Committee while the Town of Eden used a local law to achieve the same end. While both mechanisms are valid, using a local law instead of a resolution provides more clarity on the membership of the committee and its duties and responsibilities. Such clarity can be helpful to both the community and the Committee in understanding their role and interaction with other Town Boards and Committees.



# TOWN OF ITHACA

126 EAST SENECA STREET, ITHACA, N.Y. 14850

FINAL

TOWN CLERK 273-1721 HIGHWAY 273-1656 PARKS 273-8035 ENGINEERING 273-1747 PLANNING 273-1747 ZONING 273-1747

Town Board Meeting 10/5/92  
Agenda Item No. 33  
Town of Ithaca Agricultural Committee  
Resolution No. 266

WHEREAS, the Agricultural Committee of the Town of Ithaca Conservation Advisory Council has presented their report Planning for Agriculture in the Town of Ithaca to the Conservation Advisory Council, the Town of Ithaca Planning Board and Town Board; and

WHEREAS, the Agriculture Committee solicited input from representatives of various segments of the agricultural community in preparing its report; and

WHEREAS, the report outlines the contributions agriculture makes to all residents of the Town of Ithaca and recommends actions to foster a healthy agricultural sector in the Town; and

WHEREAS, one of those recommendations is the establishment of a permanent Town of Ithaca Agricultural Committee in order that there might be a mechanism for the agricultural sector in the Town to inform the Town of their concerns, of state and national legislation that influences agriculture, and to be available to the various Boards of the Town as a resource in decision making; now therefore be it

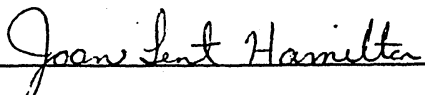
RESOLVED, that the Town of Ithaca hereby establishes a Town of Ithaca Agriculture Committee. Members of the Committee, not to exceed eight in number, will be appointed by the Town Board. Officers of the Committee will be appointed by the Town Board, upon recommendation of the Agricultural Committee. Christiann Dean is hereby appointed Chairwoman Pro Tem, in order that a meeting of persons interested in serving on the Agriculture Committee may be convened. Recommendations for appointment to one year terms should be forwarded to the Town Board for action. The Committee once appointed, shall recommend to the Town Board a list of officers, Chair, Vice-Chair and Secretary.

MOVED: Supervisor Raffensperger

Carried Unanimously

SECONDED: Councilman Whitcomb

DATED: October 5, 1992

  
\_\_\_\_\_

Joan Lent Hamilton, Town Clerk

**REGULAR MEETING OF THE ITHACA TOWN BOARD  
MONDAY, JULY 12, 2004**

**TB RESOLUTION NO. 2004-122: Consider Increasing the Number of Members on the Agricultural Committee**

WHEREAS, members of the Town of Ithaca agricultural community met June 28, 2004, to recommend representatives to serve on the Town Agricultural Committee, and

WHEREAS, there were a number of individuals interested in serving on the Agricultural Committee, and

WHEREAS, Town Board Resolution No. 266 of 1992 limits membership to eight persons, now, therefore

BE IT RESOLVED, that the Town Board of the Town of Ithaca increases membership on the Agricultural Committee from eight to nine members.

MOVED: Councilman Engman

SECONDED: Councilman Stein

VOTE: Supervisor Valentino, aye; Councilwoman Grigorov, aye; Councilwoman Gittelman, aye; Councilman Stein, aye; Councilman Engman, aye.



# TOWN OF ITHACA

126 EAST SENECA STREET, ITHACA, N.Y. 14850

TOWN CLERK 273-1721 HIGHWAY 273-1656 PARKS 273-8035 ENGINEERING 273-1747 PLANNING 273-1747 ZONING 273-1783  
FAX (607) 273-1704

**TOWN BOARD MEETING - 5/8/00**  
**Agenda Item No. 17**  
**APPOINTMENT OF MEMBERS**  
**AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE**  
**Resolution No. 66**

WHEREAS, the Town Board on July 12, 1999 adopted the Policies and Procedures Manual for the Town of Ithaca Agricultural Land Preservation Program; and

WHEREAS, said policies and procedures call for the establishment of the Town of Ithaca Agricultural Land Preservation Advisory Committee to (a) advise the Town Board on all proposed policies, rules and regulations for the administration of the program; (b) review all applications for participation in the program; and (c) make recommendations to the Town Board regarding all agricultural conservation easement acquisitions; and

WHEREAS, the Agricultural Land Preservation Advisory Committee is to be comprised of (1) the Town Supervisor or his or her designee; (2) the chairperson of the Planning Board or their designee; (3) two members of the Agriculture Committee; and (4) one Town Board member, for a total of five members; now, therefore, be it

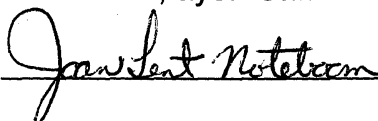
RESOLVED, that the Town Board of the Town of Ithaca hereby appoints the following members to the Agricultural Land Preservation Advisory Committee for a term of office through December 31, 2000, retroactive to January 1, 2000:

Catherine Valentino, Town Supervisor  
William Lesser, Town Board Member  
Fred Wilcox, Chair, Planning Board  
A. Thomas McMillan, Member Agriculture Committee  
Debbie Teeter, Member Agriculture Committee

MOVED: Councilman Niederkorn

SECONDED: Councilman Klein

Supervisor Valentino, aye; Councilwoman Russell, aye; Councilwoman Grigorov, aye; Councilman Klein, aye; Councilman Conley, aye; Councilman Lesser, aye; Councilman Niederkorn, aye. Carried unanimously.

  
\_\_\_\_\_  
Joan Lent Noteboom, Town Clerk

Joan Lent Noteboom, Town Clerk

[HISTORY: Adopted by the Town Board of the Town of Eden 4-13-1994 by L.L. No. 1-1994. Amendments noted where applicable.]

## GENERAL REFERENCES

Public improvement -- See Ch. 158.

### § 5-1. Title.

This chapter shall be known as the "Agricultural Advisory Committee Law of the Town of Eden, New York."

### § 5-2. Purpose.

The purpose of this chapter is to:

A. Recognize the importance of agriculture as both a vital local economic base and as a land form that provides the Town of Eden with much of its rural, rustic character and charm.

B. Assure the continued viability of farming as an industry which is important to the local economy and to the preservation of open space and vistas.

C. Provide for the most beneficial relationship between the use of land and buildings and the agricultural practices of the community and to further encourage the wise use and management of the town's natural resources through modern farming practices.

D. Provide the Town Board, Planning Board and other relevant boards/committees of our government with a conduit for recommendations from the agricultural community on the long- and short-term impact of a variety of matters and questions considered by these groups.

### § 5-3. Formation of Committee; membership; terms of office.

A. The Committee shall be composed of five members appointed by the Town Board as follows:

(1) Five residents of the Town of Eden from the agricultural community, including but not limited to representatives from the greenhouse, crop production and dairy segments

of the industry. The members shall recommend a Chairperson for appointment by the Town Board.

(2)One member of the Planning Board, the Board of Assessors Chairperson, one representative from the Erie County Farm Bureau and one member of the Town Board shall serve as ex officio members.

B.The members appointed to the Committee shall serve for a three-year term. Upon initial formation, one member shall serve for a one-year term, two members for a two-year term and all others for a three-year term. Each year thereafter, reappointments or new appointments will be for three-year terms.

C.Appointments shall be from January 1 through December 31.

D.Members shall serve without salary.

#### § 5-4. Powers and duties.

The Committee shall:

A.Advise the Town Board and the County Agricultural and Farmland Protection Board in relation to the proposed establishment, modification, continuation or termination of any county agricultural district. The Board shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area.

B.Review of proposed zoning change or development in agricultural districts.

(1)Whenever a proposed zoning, policy change or development (residential, business or industrial) affecting town agricultural zoning districts is presented to the Town Board within or contiguous to a county agricultural district or town agricultural zones, it shall be referred to the Agricultural Advisory Committee for review. The Agricultural Advisory Committee shall have 45 days to respond with a recommendation(s) for the action(s).

(2)The Board shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area. This recommendation(s) shall include a determination as to whether the proposed action(s) will have an unreasonable adverse effect on the continuing viability of a farm enterprise or enterprises within the county or town agricultural districts. This recommendation(s) shall be advisory only.

C.Review county, state and federal legislation affecting agricultural issues and communicate the effect to the appropriate board and/or the Town Board.

D.Serve as a vehicle for communication between the agricultural community, the town and/or the County Agricultural and Farmland Protection Board.

## Appendix N

### Links to Sample Community Farm Guides

## **APPENDIX   Links to Sample Community Farm Guides**

Community Farm Guides can take all forms. In some communities, they have worked to educate the community about agriculture. In others, they have used a map or driving tour to promote farms and increase business at retail operations. Either way, the result is the community taking action to promote farms and educate the public about agriculture in their region.

---

Tompkins County has a brochure they developed to help educate residents and visitors about the realities of working agriculture at home in the County. It is included here.

Saratoga County Chamber of Commerce has developed a self-guided driving tour of participating farms in the County. A copy of the map is included here and more information can be found at: <http://www.saratoga.org/visitors/agri-tourism.asp>

Several Hudson Valley Counties have created County-wide farm maps, showing participating farms, their location, contact information and products they raise or sell. These maps have been done through Cornell Cooperative Extension, County Tourism Departments or private groups. A sample from Dutchess County is included here.



## Country Living

A quiet, rural life appeals to many people, as evidenced by the continuing growth of residential homes in what has traditionally been open farmland.

As more and more non-farm families build or move into homes adjacent to actively farmed land, conflicts are bound to arise.

This brochure provides tips to keep you, your family and your farm neighbor safe; help you enjoy your farm neighbor; and avoid making your farm neighbor's life more difficult or dangerous.

Farmers provide the stewardship that results in the beauty of the rural landscape. One way non-farm residents can help farmers sustain that beauty is to educate themselves about what it means to live in farm country.

## New York State Agricultural Districts

**When a home is purchased in an Agricultural District, notification is given at closing to expect farm activities and that water and/or sewer access may be limited.**

New York State Agricultural Districts, which include many non-farm residential properties, help protect farmland. It provides for property tax assessment based on farmland's productive value and limits local regulations that would unreasonably restrict farm practices. Agricultural District law includes a Right to Farm section, which states that sound agricultural practices shall not constitute a private nuisance.

## “Cultivate” a Good Relationship with your Farm Neighbor

A good relationship with your farm neighbor will result in a friend you can turn to; there is almost always someone around on a farm if you need immediate help. It also offers a wonderful opportunity for your family. Farms are a great place to visit, especially if there are baby animals on hand. A request for a visit during a quiet time of the year will result in a valuable learning experience.

Good communication is essential to developing and maintaining good relationships between farm and non-farm neighbors. Farmers are typically willing to notify neighbors when they expect to be engaging in activities you might want to prepare for, such as spreading manure or spraying pesticides, if they know how to reach you. Remember that the weather is often a factor, so you may get a time frame of when activities are expected to occur, not a specific date.

Farmers are also often willing to discuss practices that may concern you. Be aware that even though something bothers you it may be a sound, accepted agricultural practice. Farmers are required to be trained and licensed to apply pesticides and Environmental Protection Agency regulations require farms to have a manure management plan to protect water quality.

This brochure was developed on behalf of the Tompkins County Agriculture and Farmland Protection Board. For more information on farming in your community, contact:

Cornell Cooperative Extension of Tompkins County  
615 Willow Avenue  
Ithaca NY 14850  
607-272-2292

[www.cce.cornell.edu/tompkins](http://www.cce.cornell.edu/tompkins)

# Living In the Country



## What to Expect from your Farm Neighbors

## Life on the Farm

### Noise, dust and odors are all part of farming and therefore part of living near farms.

Farms are active places, driven by the change of seasons and dependent on the weather. Farmers plow, plant, fertilize, treat for pests and harvest crops. This means that when the season and weather are right, farmers spend long hours on their machinery in the fields.

### Smells from animal manure should be expected.

Many farms raise livestock of one type or another. In this area you'll find dairy and beef cattle, sheep, goats, pigs, llama, alpaca and poultry—and their manure—in pastures. The manure is typically spread in farm fields as fertilizer.



### Livestock often have access to pasture year around.

Livestock are built for outdoor living. They have fur or feathers to keep them warm and don't require heated barns or constant protection from the elements; they are fine in the rain or on winter pasture.

### Sometimes livestock get through a pasture fence and into the road or your yard or garden.

Pasture fences are often electrified, but can short out in the rain or if growing grass touches them, allowing livestock to get through. If you see livestock out of their pasture, report this to your farm neighbor to avoid property damage or livestock injury.

## Keep Safe on or near a Farm

Farming is one of the most hazardous occupations. There are many opportunities for injury on a farm, for farm workers as well as for non-farmers who have no knowledge of farm operations. Be aware:

- *Livestock fences are often electrified and can give quite a jolt if brushed against or touched*
- *Some livestock do not like people in their pasture and will charge*
- *Livestock have teeth and can bite*
- *Always wash hands after touching farm animals to avoid the possibility of bacteria-borne illness*
- *Plowed ground is soft, uneven and frequently stony; walking on it can be hazardous*
- *Farm fields may be treated with pesticides*

## Keep Farms Safe

### Don't touch farm animals without permission of the owner.

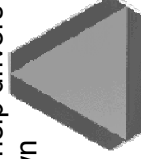
Just as you can get sick from an animal's germs, animals can get sick from yours. Also, if you've been on another farm recently, you can spread illness from one farm to another on your clothes and shoes.

### Dogs should be leashed or under owner's command in areas that include livestock.

Farm animals, especially smaller ones, are at risk from family pets. Dogs can chase large livestock and cause injury and can kill smaller animals like chickens and lambs.

### Slow Moving Vehicle Emblems should not be used to mark mailboxes or driveways.

Slow Moving Vehicle Emblems help drivers recognize the need to slow down when approaching a vehicle bearing them. It is illegal to use them on stationary objects.



## Share the Road

Expanding residential areas have interrupted once contiguous farm fields. As a result, farmers must often use public roads to get from barns to fields and from field to field. Here are some tips to help keep you and your farm neighbor safe:

- *Farm vehicles are slow; reduce speed when approaching from either direction*
- *Farm machinery is BIG; it often needs more than one lane, especially when crossing a bridge*
- *Visibility on farm machinery is limited; leave plenty of room between you and a farm vehicle*
- *Passing farm machinery can be dangerous for you and for the farmer*
- *"Horse and Buggy" signs mean watch for these conveyances; slow down and give them space*



## Respect Farmers and Farmland

### Do not trespass on farmland. Ask for permission to use farmland and, if granted, abide by all use requirements.

Living near farm fields does not convey a right to use this land for personal recreation. ATV's, 4-wheel drive vehicles, snowmobiles and horses cause permanent damage to crops.

# SARATOGA AREA FALL FARM TOUR

Enjoy the season with this 15 mile tour of pick-your-own fields, fall foliage, farmland and family fun! This area rich in agriculture, as well as American history is bordered by the Champlain Canal and Hudson River and offers fantastic views of New York, Vermont and Massachusetts.

**Please keep in mind most of these farms are full-time working farms and are not be open to the public. Be respectful of private property and exercise caution while driving. Please refer to map as roads may not always be well marked.**

From the main entrance to Saratoga race course, follow Union Avenue .6 miles. Turn left on Henning Rd. and continue. At light turn right onto Route 29 (Lake Avenue), and follow for 8 miles.

## 1 SCHUYLER FARMS

Corn maze, 18-hole miniature golf, pet and feed the animals, hayrides to pick-your-own pumpkin, refreshments and gift shop.

Continue on Rt. 29 .4 miles

## 2 SARATOGA APPLE

Saratoga Apple is open year-round and grows over 25 varieties of apples. Fresh picked apples, vegetables and pumpkins, apple cider, homemade cider donuts and pies, maple syrup, honey and different cheeses are available at their seasonal farm market and country store. Take a tractor-pulled wagon ride to the orchard to pick-your-own apples.



Go to light and turn left on Route 4. Follow Rt. 32 north 2.7 miles Turn right on West River Road. Continue .8 miles

## 3 WELCOME STOCK FARM

Sixth generation dairy farm where the Peck's have worked the soil since 1836. Milking 450 cows 3 times a day with a herd average of over 28,000 lbs. per cow per year. They also, market purebred Holstein cattle, bulls and embryos around the world. Crop 1,100 acres split between corn and hay.

Continue .8 miles

## 4 FOSTER FARM

Foster Farm pasture-raises lamb, poultry, and turkey naturally without antibiotics or hormones. They have 50 acres in production growing hay, oats, and straw. Also offer pick-your-own strawberries and asparagus, wool and wool products, angora from rabbits, and compost. Products for sale at Saratoga Farmer's Market.

Go .4 miles Left on Callahan Road. Continue 1.8 miles through stop sign.

## 5 BARBER BROTHERS DAIRY FARM

Barber Brothers has over 300 cows and produces corn and alfalfa on 1,200 acres of farm land.

Left on Route 32 south. Continue 1 mile

## 6 CLEAR ECHO DAIRY FARM

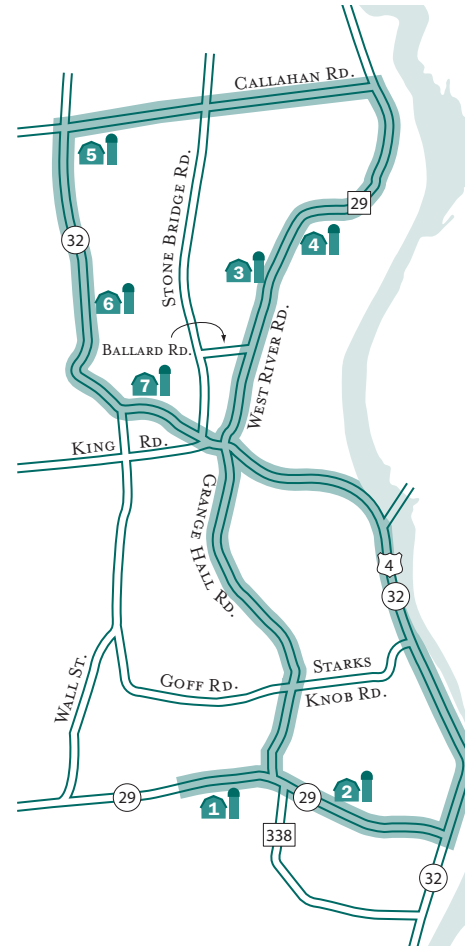
Clear Echo was established in 1868 and is presently managed by the 5th generation. Milk 380 registered Holsteins and grow corn and hay on 800 acres. Also merchandise bull and embryos across the United States.

Go .9 miles

## 7 WINNEY'S BLUEBERRY FARM

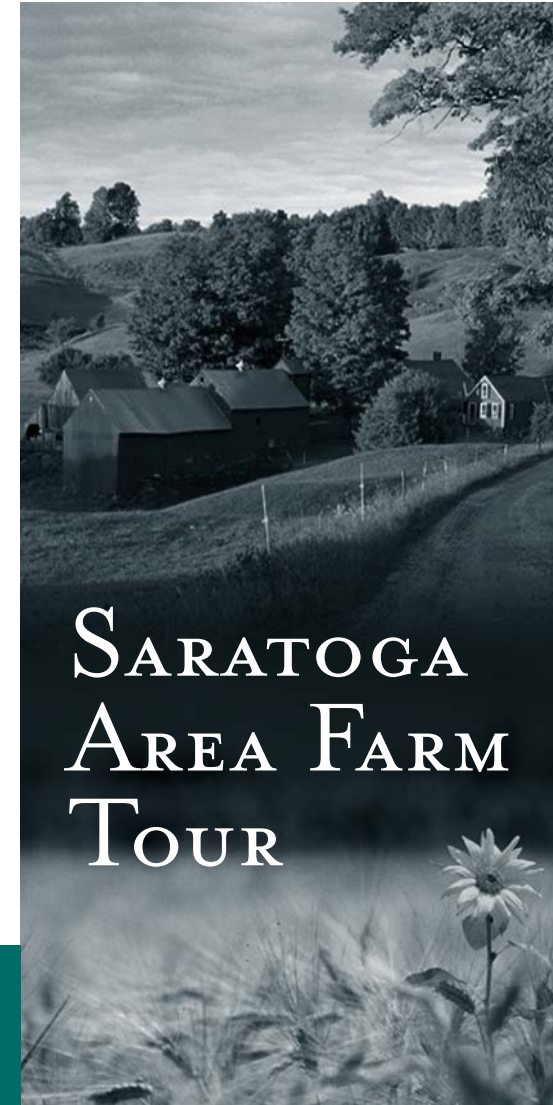
Winney's Blueberry Farm is the largest grower of blueberries in Saratoga County. Located in Bacon Hill, offering pick your own berries or already picked at the farmstand.

Go .4 miles, turn right on Grange Hall Road. Go 1.8 miles Turn right on Route 29 (back to Saratoga). End of tour.



Produced by the Saratoga County Chamber in cooperation with Cornell Cooperative Extension:  
(518) 885-8995 • [www.ccesaratoga.org](http://www.ccesaratoga.org)  
and Saratoga County Tourism

For more information about Saratoga area farms, visit [www.saratogafarms.com](http://www.saratogafarms.com) or [www.saratoga.org](http://www.saratoga.org)



# SARATOGA AREA FARM TOUR

Saratoga County Chamber of Commerce  
28 Clinton St., Saratoga Springs, NY 12866  
(518)584.3255 • [www.saratoga.org](http://www.saratoga.org)





## SARATOGA AREA FARM TOUR

*This scenic 20 mile tour will take you on a beautiful country drive where you will see rolling hills, grazing animals, fields of agricultural riches and spectacular mountain views.*

**Please keep in mind most of these farms are full-time working farms and are not be open to the public. Be respectful of private property and exercise caution while driving. Please refer to map as roads may not always be well marked.**

From the main entrance to Saratoga race course, follow Union Ave./Rt. 9P 3.9 miles to Fitch Road. Turn left on Fitch Road (Fitch Road bears left), and follow for 1.6 miles.

### 1 McMAHON OF SARATOGA THOROUGHBREDS

McMahon of Saratoga Thoroughbreds, LLC is a family owned and operated thoroughbred breeding farm that has been in operation for over 30 years. The farm currently stands eight stallions and boards about 300 mares, yearlings and foals. Our services include breeding, boarding, foaling, sales prepping, sales consignments, pedigree analysis and more.

Continue .8 miles on Fitch Road; turn right at stop sign. Go another .8 miles.

### 2 WILLIAM HANEHAN & SONS DAIRY FARM

William Hanehan and Sons is a family owned dairy farm. The farm has a milking herd of 575 cows with young stock totaling 500 animals. The farm has total crop acreage of 1400 acres. The milk produced is sent to Dairylea coop and sold locally and nationally.

Continue 1.4 miles and turn left on Burke Road (look to the right).

### 3 KOVAL BROTHERS DAIRY

Koval Brothers Dairy has a milking herd of 250 cows plus young stock totaling 200 animals. Kovals' crop and pasture 850 acres. Milk goes to Stewart's Dairy and is sold locally.

Continue on Burke Road.

### 4 IRISH HILL CENTURY FARM

Irish Hill Century Farm is a full-care thoroughbred boarding farm, operating on 300 acres of land. The Farm grows and bales 200 acres of hay for use on own farm as well as many local area horse and dairy farms. Recently received the Century Farm Award for staying an active family run farm for over 100 years.

Continue on Burke Road .4 miles and turn right on Mabb Road. At stop sign on Mabb Road, bear left on County Road 67 (not Ruckytuck Road) for .7 miles, bear right on Spook Hollow Road. Continue on Spook Hollow Road .6 miles and turn left on to Cedar Bluff Road. Follow Cedar Bluff Road, look for white fence on right (no sign).

### 5 SARATOGA LLAMAS

Saratoga Llamas, with views of the Green and Adirondack mountains, is home to 38 outstanding llamas. In addition to providing llama kisses and local fundraising, these lovely llamas donate their fiber for luxurious handspun yarns and llama products for purchase.

Continue to stop sign and turn right on Rt. 32. Follow Rt. 32 (approx. 2.5 miles)



### 6 PARKVIEW FARM

Parkview Farm has been in operation for over 40 years. The farm raises Angus beef and also grows crops and sells horse hay and feeder cattle.

Immediately after Parkview Farm turn right on Munger Hill Road. Go to stop sign and turn right on Gronczniak Road. Continue .7 miles Turn left on Henry Robens Road (look to the left).

### 7 MARSHALLS CHRISTMAS TREE FARM

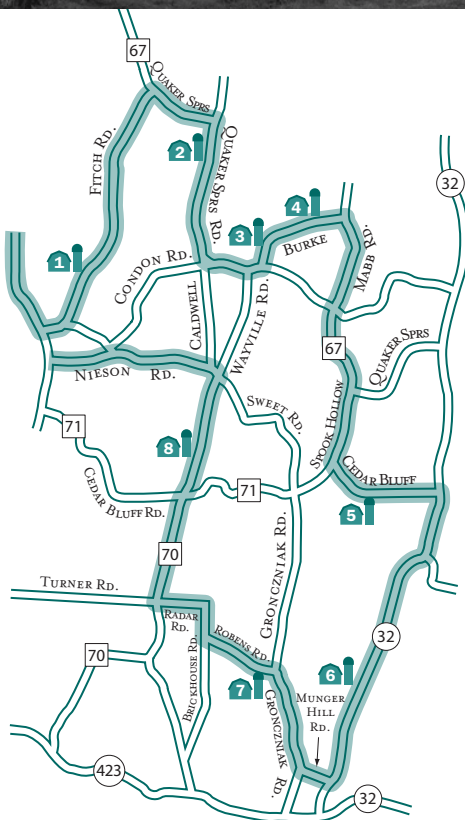
Marshall's has been in operation for 22 years. The 4 acre farm has approximately 3,000 balsam firs which are maintained year-round. Open weekends during the holiday season (October-December).

Continue .3 miles to stop sign and turn right on Brickhouse Road. Continue on Brickhouse Road and turn left on to Radar Road. Continue .4 miles, at stop sign turn right and go 1 mile on County Road 70. Continue through the stop sign.

### 8 MILL CREEK FARM

Mill Creek Farm is a thoroughbred and standardbred breeding operation offering foaling, breeding and mare care for horses owned by people all over the East Coast. Produce 25,000 bales of hay per year for 80 resident mares. During breeding season there may be as many as 175 horses on the farm.

Continue .5 miles Turn left on Neilson Road, follow Neilson Road to end. At Saratoga Lake, turn right on Rt. 9P. End of tour. Follow Rt. 9P 1 mile to bridge. Rt. 9P turns into Union Ave. which will take you into Saratoga Springs.





**PHONE**  
Note: All telephone area codes are 845 unless otherwise noted.

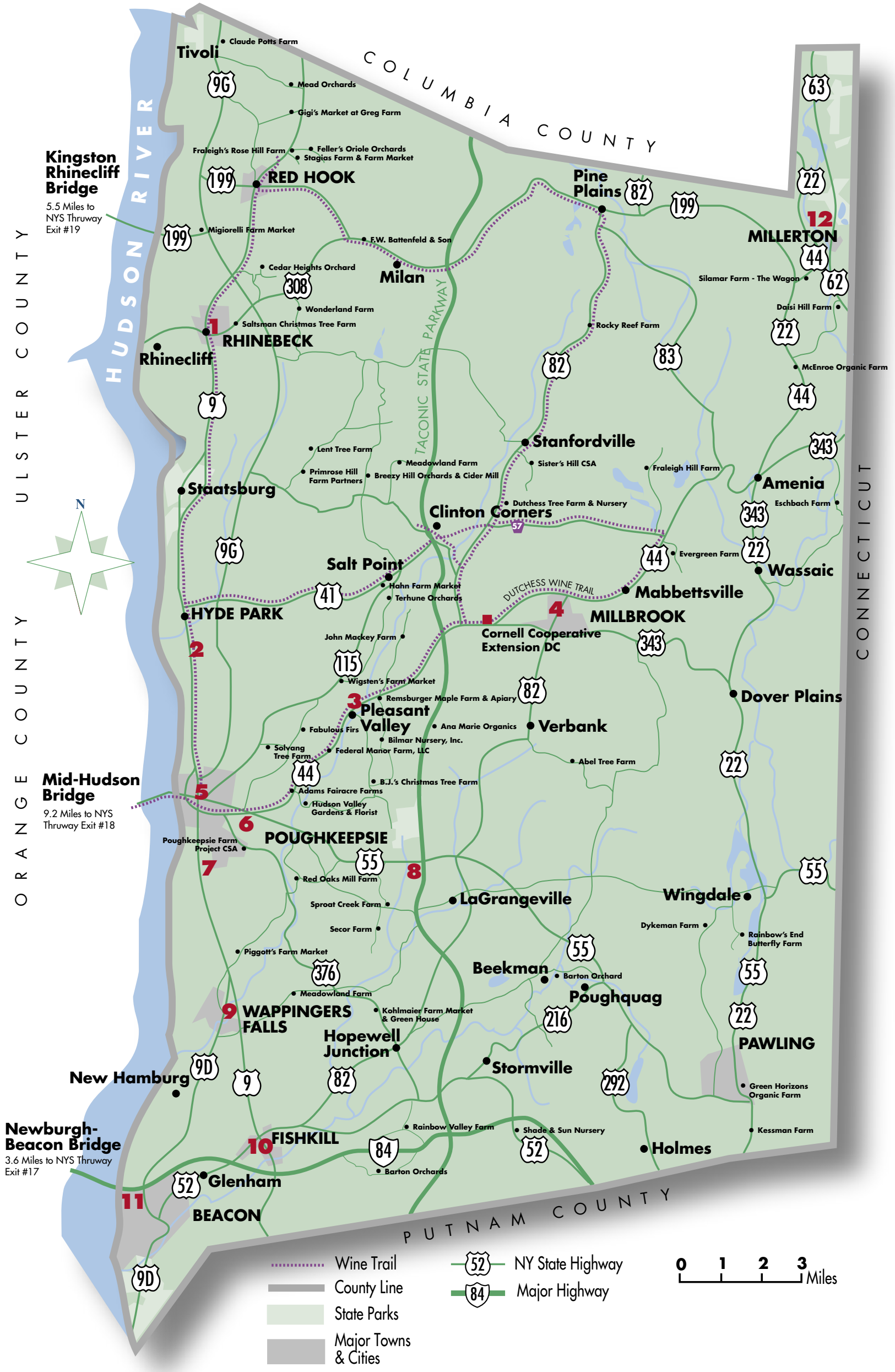
**OPEN**

**PICK-YOUR-OWN FARM**  
**FARM MKTG/GARDEN CTR**  
**CHRISTMAS TREE FARM**  
**HOMEMADE PRODUCTS**  
**GIFT SHOP**  
**APPLES**  
**BERRIES**  
**PUMPKINS**  
**TREE FRUIT**  
**VEGETABLES IN SEASON**  
**HAYRIDES**  
**GROUPS WELCOME**  
**EVENTS/FESTIVALS**

	PHONE	OPEN	PICK-YOUR-OWN FARM	FARM MKTG/GARDEN CTR	CHRISTMAS TREE FARM	HOMEMADE PRODUCTS	GIFT SHOP	APPLES	BERRIES	PUMPKINS	TREE FRUIT	VEGETABLES IN SEASON	HAYRIDES	GROUPS WELCOME	EVENTS/FESTIVALS
<b>Beekman</b> Barton Orchards, Cty Rt. 7, Beekman/Poughquag Rd.	227-2306	June-Dec	•	•	•	•	•	•	•	•	•	•	•	•	•
<b>Clinton</b> Breezy Hill Orchards, Cty Rt. 18, 828 Centre Rd. Meadowland Farm, Schultsville Rd. Primrose Hill Farm Partners, 203 Fiddlers Bridge Rd.	266-3979 266-4966 889-4725	June-Dec In Season Dec	•		•			•						•	•
<b>East Fishkill</b> Shade & Sun Nursery, 5 Shady Ln., Rt. 52	221-5294	Daily	•						•		•				•
<b>Hopewell Junction</b> Barton Orchards, 15 Fishkill Farms Rd. Kohlmaier Farm Market & Greenhouses, 689 Rt. 376 Rainbow Valley Farm, Rt. 52 and Taconic Parkway	897-2266 226-5028 226-4259	June-Oct Apr-Dec Jul-Oct	•	•	•	•	•	•	•	•	•	•	•	•	•
<b>LaGrange</b> B.J.'s Christmas Tree Farm, 4 Old Pleasant Valley Rd. Red Oaks Mill Farm, 12 Red Oaks Mill Rd. Sprout Creek Farm, 34 Lauer Rd.	635-1587 463-0032 485-9885	In Season w/e Apr-Dec Daily			•		•	•	•	•	•	•		•	•
<b>Millbrook</b> Ana Marie Organic Farm, Rt. 82 Dutchess Tree Farm & Nursery, 5482 Rt. 82 Evergreen Farm, 407 N. Tower Hill Rd.	868-7273 677-8233 677-3785	April-Oct. w/e Mar-May, Sept-Dec Nov-Dec w/e			•							•			•
<b>Millerton</b> Daisi Hill Farm, 438 Indian Lake Rd. McEnroe Organic Farm Market, Rt. 22/44 Silamar Farm - The Wagon, 5744 Rt. 22	518/789-3393 518/789-4191 518/789-3067	May-Oct & Dec Daily Apr-Dec		•	•			•	•	•	•	•	•	•	•
<b>Pawling</b> Dykeman Farm LLC, 823 West Dover Rd. Green Horizons Organic Farm, 6 South Dingle Ln. Kessman Farms, 83 Rt. 22 Rainbow's End Butterfly Farm, 13 Rainbow's End	832-6068 855-5555 878-7492 832-6749	Jul-Oct Apr-Oct Apr-Dec May-Sept	•	•	•			•	•	•	•	•	•	•	•
<b>Pleasant Valley</b> Bilmar Nurseries, Inc., 26 Bilmar Blvd. John Mackey Farm, 366 Pine Hill Rd. Remsburger Maple Farm & Apiary, 756 Traver Rd. Wigsten's Farm Market, Salt Point Tpke.	635-3206 635-2422 635-9168 235-7469	In Season In Season Daily June-Oct			•	•		•	•	•	•	•	•	•	•
<b>Poughkeepsie</b> Adams Fairacre Farms, 765 Dutchess Tnpk. Fabulous Firs, Van Wagner Rd. Federal Manor Farm, LLC, 1209 Dutchess Tpk. Hudson Valley Gardens & Florist, 125 De Garmo Rd. Piggott's Farm Market, 46 Spring Rd. Solvang Tree Farm, 80 Bedell Rd.	454-4330 635-2155 471-7986 451-4484 297-3992 473-0224	Daily Dec Jul-Oct Daily Oct w/e In Season		•	•	•	•	•	•	•	•	•	•	•	•
<b>Red Hook</b> F.W. Battenfeld & Son, 856 Rt. 199 Feller's Oriole Orchards, 134 Feller-Newmark Rd. Fraleigh's Rose Hill Farm, Fraleigh Ln. Gigi's Market at Greig Farm, 227 Pitcher Ln. Greig Farm, 223 Pitcher Ln. Hardeman Orchards, 194 W. Market Mead Orchards LLC, 15 Scism Rd., off Rt. 9 Montgomery Place Orchards, Rts. 9G & 199 Stagias Farm & Farm Market, 7832 Albany Post Rd.	758-8018 758-9355 758-4215 758-1999 758-1234 758-5154 756-5641 758-6338 758-6722	Sept-May June-Mar June, Sept-Oct w/e Daily May-Oct May-Oct Aug-Oct w/e June-Nov In Season		•	•	•	•	•	•	•	•	•	•	•	•
<b>Rhinebeck</b> Cedar Heights Orchard, 8 Crosby Ln. Migliorelli Farm Market, Cor. of River Rd & Rt. 199 Saltsman Christmas Tree Farm, 214 Rt. 308 Wonderland Farm, 191 White Schoolhouse Rd.	876-3231 757-3276 876-8801 876-6760	Sept-Oct May-Dec Nov-Dec June-Dec	•		•			•	•	•	•	•	•	•	•
<b>Salt Point</b> Hahn Farm Market, 1331 Netherwood Rd. Terhune Orchards, 761 North Ave.	266-5042 266-5382	May-Dec July-Nov		•	•			•	•	•	•	•	•	•	•
<b>Staatsburg</b> Lent Tree Farm, 29 Deer Ridge Dr.	889-4237	Nov-Dec			•										
<b>Standfordville</b> Rocky Reef Farm, 6906 Rt. 82	868-7171	Last w/e in Sept-Oct 31	•						•						
<b>Tivoli</b> Claude Potts Farm, 5170 Rt. 9G	757-4171	July-Nov		•				•	•	•	•				
<b>Verbank</b> Abel Tree Farm, 435 N. Clove Rd.	677-6395	Nov-Dec			•										
<b>Wappingers Falls</b> Meadowbrook Farm, 29 Old Myers Corners Rd. Secor Farms, 63 Robinson Ln.	297-3002 452-6883	Daily June-Aug, Oct	•	•	•	•		•	•	•	•	•	•	•	•
<b>Wingdale</b> Judson's Farm Market, 3187 Pleasant Ridge Rd.	832-6286	May-Oct		•											



Farms



**Farmers Markets**

1. **Rhinebeck Farmers Market**  
Municipal Parking lot, 23 E. Market Street, Rhinebeck. 845-876-7756
2. **Hyde Park Farmers Market**  
Hyde Park Drive-In, Rt. 9, Hyde Park. 845-229-9111
3. **Pleasant Valley Farmers Market**  
Town Hall, Rt. 44, Pleasant Valley. 845-635-3918
4. **Millbrook Farmers Market**  
Front Street & Franklin Ave., Millbrook. 845-677-3125
5. **City of Poughkeepsie Farmers Market**  
253 Main Street, Poughkeepsie. 845-473-1415
6. **Arlington Farmers Market**  
Raymond & Collegeview Aves, Poughkeepsie. 845-471-2770
7. **Poughkeepsie Plaza Farmers Market**  
Poughkeepsie Plaza parking lot, 2600 Rt. 9
8. **LaGrange Farmers Market**  
120-130 Stringham Rd., LaGrange. 845-632-9168
9. **Village of Wappingers Falls Farmers Market**  
Mesier Park, East Market Street & Rt. 9D, Wappingers Falls. 845-297-2837
10. **Fishkill Farmers Market**  
Grand Union parking lot, Rt. 52, Fishkill.
11. **Beacon Farmers Market**  
Beacon Train Station, waterfront at the ferry landing, Beacon. 845-562-0192 or 845-597-5028.
12. **Millerton Farmer's Market**  
Dutchess Ave. just off Main St., Millerton 518-789-4613

## Appendix O

# Sample Industrial Development Agency and Economic Development Corporation Activities that Assist Agricultural Businesses

## **Appendix Sample Industrial Development Agency and Economic Development Corporation Activities that Assist Agricultural Businesses**

### **Genesee County Economic Development Center**

Agribusiness is one of their targeted industries – markets the County as an ideal location for new agri-business. Provide incentives and marketing to actively attract new agribusiness to the region.

<http://www.gcedc.com/targeted/agribusiness.php>

### **Wayne County Planning Department**

The Wayne County Planning Department has an Ag Development Specialist on staff to address agricultural issues. Administers the Microenterprise Loan Program for agricultural businesses, assists in farmland protection projects and provides marketing and promotion assistance to farmers in the County. The mission statement of the position is attached along with a brochure describing the Microenterprise Loan Program.

<http://www.co.wayne.ny.us/Departments/planningdept/AgDev.htm>



# **Wayne County Ag Development**

"Planning today, building tomorrow for agribusiness"

Mission- Helping Wayne County farmers and agribusinesses position themselves in today's world economy as profitable, rewarding enterprises, with an emphasis on strategic and programmatic, municipal and institutional change.

## **A Objectives-**

- 1 Develop programs which improve the climate for Agricultural Economic Development-**
- 2 Support efforts which include and foster agricultural land in Municipal Land Use planning documents and laws-**
- 3 Support efforts to utilize Farmland Preservation programs as farmers and municipalities express interest -**
- 4 Foster interest in and support efforts by farmers to develop new products or marketing channels-**
- 5 Develop programs which support New Farmers and agribusinesses and improve the viability of the new businesses-**
- 6 Support Regional and Statewide efforts to increase the effectiveness of the ag economic development profession-**
- 7 Improve AED skills through Professional Development programs.**

# Wayne County Ag Development

"Planning today, building tomorrow for agribusiness"

**Mission-** Helping Wayne County farmers and agribusinesses position themselves in today's world economy as profitable, rewarding enterprises, with an emphasis on strategic and programmatic, municipal and institutional change.

---

## **1 Develop programs which improve the climate for Agricultural Economic Development-**

- a Build partners in the established Economic Development arena that will allow farmers to benefit from traditional Economic Development tools.
  - **Goals for 2004-**
    - *Continue to strengthen working relationship between County, IDA, CCE, Farm Credit and NY FarmNet in micro program*
    - *Develop relationship with Ag lenders to partner with the program*
- b Develop micro-loan and business planning program
  - **Goals for 2004-**
    - *Meet GOSC program goals for loans, business planning job retention*
    - *Submit reports as needed*
    - *Broaden the pool of qualified applicants to include non-ag businesses in order to fully utilize the loan funds.*
    - *Expand the scope of business planning audiences by offering seminars to landscape businesses and for those considering a farm transfer.*
    - *Support loan applicants and review committee*
  - **Goals for 2004-**
    - *Meet as needed with applicants and committee*
- c Develop tracking program for available land for rent or purchase
  - **Goals for 2004-** none

## **2 Support efforts which include and foster agricultural land in Municipal Land Use planning documents and laws-**

- a Represent the County Planning Director on the Ag Development Board
- b Educate municipal boards as to viable land use planning techniques which foster viable farms
  - **Goals for 2004-**
    - *Meet with 2 Town Boards regarding land use issues*
- c Educate municipal boards as to reasonable zoning laws which foster agribusiness
  - **Goals for 2004-**
    - *Incorporate into presentations the issue of farms as part of a working landscape and point out that an agribusiness offers greater scenic buffer than most businesses*
    - *b) Work with Macedon, Walworth and Ontario to implement a proposal for a feasibility study for Cluster development enhancement to GTC UPWP if awarded .*
- d Support comprehensive planning efforts at the regional, county and local levels
  - **Goals for 2004-**
    - *Meet with 2 Town master plan committees regarding ag economic development as it relates to zoning*
    - *Work to insure that ag issues are identified in new County Master Plan*
- e Assist in the Ag District review process as needed
  - **Goals for 2004-**
    - *Assist with the map and writing of the report for Consolidated Ag District 1.*
    - *Assist with the reports for the Annual window of opportunity to be included in an existing Agricultural District.*
    - *Assist with the survey and reports for Consolidated Ag District 2.*

## **3 Support efforts to utilize Farmland Preservation programs as farmers and municipalities express interest -**

- a Provide education to farmers and municipal Boards regarding positives and negatives of Conservation Easements and Purchase of Conservation Easements (PACE) programs
  - **Goals for 2004-**
    - *Meet with 3 Town Boards regarding use and impact of PACE*
- b Provide grant writing services for PACE projects
  - **Goals for 2004-**
    - *Write (2) State proposals and (1) Federal proposal*
- c Facilitate/implement funded grant proposals
  - **Goals for 2004-**
    - *Either develop a defined process for document flow in the PDR closing process or:*
    - *Move the implementation of Farmland protection grants to the Town*

# Wayne County Ag Development

"Planning today, building tomorrow for agribusiness"

- d Support ongoing stewardship/monitoring of PACE projects
  - **Goals for 2004-** none
- e Support owners efforts to transfer PACE land to the next generation of farmer.
  - **Goals for 2004-**
    - *Work with two farms interested in identifying a new farmer-buyer as part of a purchase of development rights sale*
    - *Work with one farmer in developing plan for continued use of protected farmland*
- f Improve the ability of farmers to make informed decisions regarding farmland preservation.
  - **Goals for 2004-**
    - *House the on-line workbook/course on the Growing New Farmers website.*
- 4 Foster interest in and support efforts by farmers to develop new products or marketing channels-**
  - a Support Finger Lakes Culinary Bounty
    - **Goals for 2004-**
      - *Represent Wayne County on FLCB board*
      - *Try to find a replacement for me on the FLCB board*
      - *Work on distribution study committee for NYSDAM grant award*
  - b Provide support for agri-businesses who are seeking to develop new markets or diversification of existing enterprises
    - **Goals for 2004-**
      - *Work with Tourism and 12 farm markets to develop for a Wayne County farm markets map if the a Pride of NY marketing grant is awarded*
  - c Review and/or write grant proposals for new projects
    - **Goals for 2004-**
      - *Review 2 farmer written grant proposals in an effort to improve their presentation*
  - d Help implement to the extent possible funded proposals
    - **Goals for 2004-no specific goals**
- 5 Develop programs which support New Farmers and agribusinesses and improve the viability of the new businesses.**
  - a Develop an educational and support network for new and beginning farm business owners.
    - **Goals for 2004-**
      - *Attend the Growing New Farmers conference, identify a potential program for Wayne County*
  - b Develop New Farmer apprentice program
    - **Goals for 2004-**
      - *work with Steve Richards(possibly) NY FarmNet to develop a working model for apprentice program*
      - *Identify Dairy and/or other farm organizations which might assist in underwriting program*
      - *Develop a pilot program*
- 6 Support Regional and Statewide efforts to increase the effectiveness of the ag economic development (AED) profession-**
  - a Support efforts by Cornell University to educate those in the AED profession
    - **Goals for 2004-**
      - *Serve on the Agricultural Community Economic Development Program Work Team (PWT)*
  - b Support efforts by New York State Department of Agriculture and Markets concerning AED
    - **Goals for 2004-**
  - c Participate with the Lake Plains Resource Conservation and Development (RC&D) committees
    - **Goals for 2004-**
      - *Attend 2 meetings*
  - d Be a resource for new AED appointees in the State
    - **Goals for 2004-**
      - *Contact the new Ontario County AED specialist*
- 7 Improve AED skills through Professional Development programs-**
  - a Attend 4 seminars or continuing ed programs.
- 8 Increase outreach**
  - a Develop a series of articles which detail the advantages of farmland and open space preservation.
  - b Develop a better working relationship with GLT
    - **Goals for 2004-**
      - *Understand GLT's organizational strengths and interests*
      - *Identify areas where we can work together to further open space preservation in Wayne County*
  - c Continue development of AED site to be housed on the County website

## **Wayne County Ag Development**

"Planning today, building tomorrow for agribusiness"

- Areas of interest
  - Ag micro program
  - New Farmer Support
  - Open Space

## **Why is Wayne County's Agribusiness Micro-Enterprise Program Important?**

**Agriculture is a major industry in Wayne County.** More and more farmers are looking beyond the traditional crops to developing new enterprises, including value-added processes, with an interest in serving the population centers of the Northeast.

**The Wayne County Agribusiness Micro-Enterprise Program** will provide technical assistance and loans to help small farmers and agribusiness owners properly plan for expanding and diversifying their existing operations or starting new enterprises.

**The Program is funded with a \$600,000 a Community Development Block Grant** made possible by the New York State Governor's Office for Small Cities and the U.S. Department of Housing and Urban Development.

## *Who Should be Interested in This Program?*

- **Small Farm Owners**
- **Agribusiness/Agribusiness Owners**
- **Anyone Interested in an Agricultural Start-up**

**Call us!** Let's talk about how the Wayne County Agribusiness Micro-Enterprise Program can help you.

Small farm, agribusiness and agribusiness owners of operations employing five or less workers (including the owner) and those interested in start-up enterprises are eligible.

### **The Wayne County Agribusiness Micro-Enterprise Program Offers You:**

- Free Technical Assistance
- Free Business Planning and Enhancement Workshops
- a Wayne County Agribusiness Development Center
- a \$500,000 Revolving Loan Program with below-market interest rates

### **For More Information, Contact:**

**Ora Rothfuss**  
Agriculture Development Specialist  
Wayne County Planning  
9 Pearl Street, Lyons, New York 14489  
315-946-5919  
[orothfuss@co.wayne.ny.us](mailto:orothfuss@co.wayne.ny.us)



## **WAYNE COUNTY AGRIBUSINESS MICRO-ENTERPRISE PROGRAM**

***Helping Small Farms,  
Agribusinesses  
and Agribusinesses  
Begin, Grow & Diversify***



## Business Planning Workshops

Cornell Cooperative Extension of Wayne County will offer business planning workshops for qualified farms and agribusiness owners, and will technical support and workshops in various agricultural interest areas, e.g. apple growing. Call 315-331-8415 for workshop dates & details.

## Free One-on-One Business Planning Assistance

NY FarmNet and Farm Credit of Western New York consultants will work one-on-one to develop business plans with qualifying existing farm and agri-business owners and with those interested in startup enterprises.

For more information or for a referral for assistance, contact Wayne County Planning, 315-946-5919.

## New Agribusiness Development Center

The Agribusiness Development Center, located at the Cornell Cooperative Extension offices at 1581 Rt. 88 N in Newark, offers you:

- a library with books and videos devoted to developing agribusiness
- a computer with internet access
- software to assist with business planning.

Please call 315-331-8415 for more details.



## Agribusiness Micro-Enterprise Loan Program

*A \$500,000 low-interest loan program for Wayne County's farming industry*

The Wayne County Industrial Development Agency (IDA) will oversee the program offering loans with below-market interest rates to qualifying micro-enterprises.

A micro-enterprise is a business employing five or fewer workers, including the owner. Seasonal and part-time employees will be measured on a full-time equivalent basis.

Loan applicants must have a business plan. Technical assistance is available to those who need to develop a plan.

Loans may be used for:

- business startup costs
- equipment
- leasehold improvements
- owner-occupied real estate
- working capital.

Call 315-946-5919 or 946-5917 for more information.

## TO APPLY FOR TECHNICAL ASSISTANCE AND/OR A MICRO-ENTERPRISE LOAN

### CONTACT:

Ora Rothfuss  
Agriculture Development Specialist  
Wayne County Planning  
9 Pearl St, Lyons, NY 14489  
315-946-5919  
orothfuss@co.wayne.ny.us

### OR

Wayne County  
Industrial Development Agency  
16 William St., Lyons, NY 14489  
(315) 946-5917  
wedcny@redsuspenders.com

THE WAYNE COUNTY AGRIBUSINESS MICRO-ENTERPRISE PROGRAM IS A COLLABORATIVE EFFORT OF:

- **WAYNE COUNTY PLANNING**
- **WAYNE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**
- **CORNELL COOPERATIVE EXTENSION OF WAYNE COUNTY**
- **NY FARMNET**
- **FARM CREDIT OF WESTERN NEW YORK**



## Appendix P

# Sample Term Easements/Tax Abatement Law

**Local Law No. 1 of 2004, a local law amending Chapter 125,  
Conservation Easement of the Town Code, as adopted by Local Law No. 12 of 1996**

**Chapter 125, CONSERVATION EASEMENT**

**[HISTORY: Adopted by the Town Board of the Town of Clifton Park 12-16-1996 by L.L. No. 12-1996. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Environmental Conservation Commission -- See Ch. 13.  
Farming -- See Ch. 102.  
Freshwater wetlands and stream protection -- See Ch. 124.  
Land development -- See Ch. 141.  
Parks and preserves -- See Ch. 152.  
Subdivision of land -- See Ch. 179.  
Zoning -- See Ch. 208.  
Planned development districts -- See Ch. A217.

**§ 125-1. Title.**

This chapter shall hereinafter be known and cited as the "Conservation Easement Law of the Town of Clifton Park."

**§ 125-2. Purpose.**

It is the purpose of this chapter to provide for the acquisition of interests or rights in real property for the preservation of historic buildings and landmarks and open space and areas which shall constitute a public purpose for which public funds may be expended or advanced after due notice and a public hearing, by which the Town of Clifton Park may acquire, by purchase, gift, grant, bequest, devise, lease or otherwise, the fee or any lesser interest, development right, easement, covenant or other contractual right necessary to acquire open space or open area or historic buildings or landmarks as the same are defined in § 125-5 herein.

**§ 125-3. Legislative authority.**

In accordance with § 247 of the General Municipal Law of the State of New York, the Town Board of the Town of Clifton Park has the authority to acquire such interests or rights in land. Pursuant to the above authority, the Town Board has prepared and adopted this chapter setting forth standards to be followed in the acquisition of such interest.

**§ 125-4. Jurisdiction.**

This chapter shall apply to the entire area of the Town of Clifton Park.

**§ 125-5. Definitions.**

For the purpose of this chapter, the terms used herein are defined as follows:  
**FARM or FARMING** -- As defined in §§ 208-7 and 208-8 of the Town Code.  
**HISTORIC BUILDINGS OR LANDMARKS** -- As described in Article XIII of Chapter 208 of the Town Code.  
**LOT** -- As defined in § 208-7 of the Town Code.

**OPEN SPACE or OPEN AREA --** Any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. For the purposes of this section, natural resources shall include but not be limited to agricultural lands defined as open lands actually used in bona fide agricultural production.

**§ 125-6. Procedure for granting easement.**

**A. Proposal by owner.** Any owner or owners of land which constitutes an historic building or landmark for an historic conservation easement or a minimum of 15 acres per lot, or a minimum of 7.5 acres each for any two adjoining lots for a conservation easement may submit a proposal to the Town Clerk, who shall refer such application to the Town Board. The Town Board shall refer such application to the Historic Preservation Commission or to the Environmental Specialist, as appropriate, and the Planning Board for review and comments within 45 days if deemed necessary and/or appropriate. Such proposal shall be submitted on a conservation easement application form available in the Town Clerk's office. It must include a copy of a full size tax map showing the property, if the entire parcel is being encumbered, or a copy of a survey map and metes and bounds description of the proposed area if it is part of a parcel.

**B. Review by Historic Preservation Commission or Environmental Specialist in conjunction with the Planning Board.** Upon receipt of such proposal, the Historic Preservation Commission or Environmental Specialist and Planning Board shall investigate the area to determine if the proposal would be of benefit to the people of the Town of Clifton Park. If the Historic Preservation Commission or Environmental Specialist and Planning Board, if such a referral has been made by the Town Board, determines that it is in the public interest to accept such a proposal, each shall recommend to the Town Board that it hold a public hearing for the purpose of determining whether or not the town should accept such proposal.

**C. Public hearing by Town Board.** The Town Board shall, within 45 days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a place within the Town of Clifton Park. At least 10 days' notice of the time and place of such hearing shall be published in a paper of general circulation in such town, by the Town Clerk. A written notice of such proposal shall be mailed by the applicant to all adjacent property owners and to any municipality whose boundaries are within 500 feet of the boundaries of said proposed area and to the school district in which it is located. Receipts of mailing shall be submitted to the Town Clerk's office prior to the date of the public hearing.

**D. Determination.** The Town Board, after receiving the reports of the Historic Preservation Commission or Environmental Specialist and the Clifton Park Planning Board and after such public hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety.

**E. Recording agreement.** If such proposal is adopted by the Town Board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the Town Clerk's office.

**F. Cancellation.** Said agreement may not be canceled by either party. However, the owner or owners thereof may petition the Town Board for cancellation upon good cause shown, and such cancellation may be granted only upon payment of the penalties provided in § 125-8 herein.

**G.** The owner shall pay to the town a fee of \$15 which shall be deemed a reasonable sum to cover the costs of administration, no part of which shall be returnable to the applicant.

**§ 125-7. Valuation for taxation.**

After acquisition of any such interest pursuant to this chapter, the valuation placed upon such area for purposes of real estate taxation shall take into account and be limited by the limitation on the future use of the land.

**§ 125-8. Penalty for violation or cancellation.**

In the following paragraph "substantial" will be defined as a 100% increase in the density of the parcel which will trigger a review and final determination by the combined efforts of the Town Assessor, Director of Planning and Environmental Specialist. The determination of substantial as it relates to historic structures will be referred to the Historic Preservation Commission, as it has expertise in this area and will review the project to make a determination on the penalty.

If there is a substantial violation of the terms and conditions of the easement agreement or if said agreement is canceled by the Town Board upon petition, the then owner or owners of said property must pay to the Town of Clifton Park the following amounts:

**A.** All taxes granted abatement under and pursuant to the Historic Preservation Commission or Environmental Specialist easement agreement, said taxes to include the state, county, town, school districts and all special improvement districts and other taxing units to which the property is subject. Said back taxes shall be limited as follows: Any easement broken before its 11th year will be subject to a five-year maximum rollback; an easement broken between its 11th and 15th year will be subject to a four-year maximum rollback; an easement broken in its 16th year or later will be subject to a three-year maximum rollback.

**B.** The penalty assessed on the basis of the previous year's tax abatement multiplied by a factor equal to the term of the easement divided by the current year of the easement. This factor shall not exceed five.

**C.** Property covered by a conservation easement that is destroyed by fire or natural disaster will not be penalized unless the future use of the land or buildings is changed.



**§ 125-9. Types of Easements.**

In applying for the easement, the applicant should state the type of easement proposed. The following types of easements may be proposed:

a Conservation easement: the applicant agrees that land under easement will not be developed, built upon or otherwise changed during the term of the easement.

b Conservation easement (farming purposes): the same as Subsection a, except that farm structures as described in §§ 208-7 and 208-8 of the Town Code which are used as part of an active agricultural operation, are permitted, and are granted the same percentage(%) of easement value remaining taxable on the land. The land and buildings under easement shall be principally and actively used for farming purposes for the term of the easement, but approved farming easement applicants can also apply for other tax saving programs without penalty. The conservation easement will be applied first, and can not be shifted from one program to another.

c Conservation easement (historic preservation): the applicant shall preserve the Historic Building or Landmark as described in Article XIII of Chapter 208 of the Town Code.

Land covered by a conservation easement may be sold at any time, but the terms and conditions of the easement shall run with the land and continue until its expiration.

**§ 125-10. Duration.**

Easements proposed must be subject to a minimum term of 15 years. There is no maximum term.

**§ 125-11. Valuation percentages.**

The assessor is legally required to take into account and be limited by the limitation on the future use of the land resulting from the easement. The following table of tax assessment is presently in use.

**Percent of Pre-Easement Value Remaining Taxable**

Years	Conservation	Farming Purposes	Historic Preservation
15	20	15	15
16	19	14	14
17	18	13	13
18	17	12	12
19	16	11	11
20	15	10	10
21	14	10	10
22	13	10	10
23	12	10	10
24	11	10	10
25±	10	10	10

**§ 125-12. Exceptions.**

Other than for historic preservation easements, it will be required that a parcel which include a principal dwelling exclude a one acre, (43,560 square feet) area with a maximum of three acres (130,680 square feet) encompassing the dwellings and designate that area as an exception to the easement.

**§ 125-13. Cancellation.**

The easement may be canceled by applying to the Town Board. At the time of such cancellation or if the terms of the easement have been violated by the landowner, the town will assess rollback taxes and a penalty as outlined in § 125-8 of this chapter. The penalty shall be assessed against all the land under easement, except in the case of the death of a sole owner in which case the penalty will be assessed only against that portion which is to be developed or changed in use within one year of the date of death. Thereafter, the penalty and back taxes will be levied upon the land under easement.

**TOWN OF CLIFTON PARK – CONSERVATION EASEMENT**

**PENALTY MULTIPLIER**

(Applied to the previous year's tax reduction)

	15	5.0	5.0	5.0	3.8	3.0	2.5	2.1	1.9	1.7	1.5	1.4	1.3	1.2	1.1	1.0
	14	5.0	5.0	4.7	3.5	2.8	2.3	2.0	1.8	1.6	1.4	1.3	1.2	1.1	1.0	
	13	5.0	5.0	4.3	3.3	2.6	2.2	1.9	1.6	1.4	1.3	1.2	1.1	1.0		
	12	5.0	5.0	4.0	3.0	2.4	2.0	1.7	1.5	1.3	1.2	1.1	1.0			
	11	5.0	5.0	3.7	2.6	2.2	1.8	1.6	1.4	1.2	1.1	1.0				
	10	5.0	5.0	3.3	2.5	2.0	1.7	1.4	1.3	1.1	1.0					
<b>Easement</b>	9	5.0	4.5	3.0	2.3	1.8	1.5	1.3	1.1	1.0						
<b>Term</b>	8	5.0	4.0	2.7	2.0	1.6	1.3	1.1	1.0							
	7	5.0	3.5	2.3	1.8	1.4	1.2	1.0								
	6	5.0	3.0	2.0	1.5	1.2	1.0									
	5	5.0	2.5	1.7	1.3	1.0										
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
	<b>Current Year Of Easement</b>															

## CONSERVATION EASEMENT

### *125 Attachment 1*

#### **Policy Statement**

Clifton Park continues to grow. Each year, more and more people are buying land and building homes in the town as the area continues to expand. Pressures to find buildable land will necessarily move sights westward.

People want to live in Clifton Park for many reasons. The town is a wonderful place to live. It is convenient to job centers, it has an excellent school system and well-managed, active recreation programs; but, most of all, Clifton Park is exceptionally scenic, with lots of historic landmarks, wooded hills and rolling fields.

Many of Clifton Park's first suburban residents came here to escape the crowded urban environment of the city, but the city has followed. In a few cases, not much thought was given to the need to preserve some of Clifton Park's original character - the very historic and environmental quality that attracts people to the town.

Open space and historic conservation is more than aesthetics. There are other needs for open space in Clifton Park. Open space areas can help to meet basic human needs for places to relax or play, to meet with friends and neighbors, to enclose neighborhoods so they can be easily identified as social communities, to link homes with shopping centers so they can be safely reached by walking or cycling.

Rural areas with valuable mineral, agricultural and forest lands need to be set aside for sand, gravel, food and timber production, especially when the future supplies of these goods from other areas are becoming more and more uncertain.

Finally, many open lands in Clifton Park play important parts in the ecological system; they absorb floodwaters, prevent soil erosion, provide habitat for wildlife, help cleanse the air of pollutants and moderate the climate by providing shade and windbreaks. They help to reduce dust and noise pollution and provide visual relief from the often cluttered urban landscape. These wetlands must be protected.

Our commitment is to the citizens of Clifton Park, those who live here now and those who will live here in future years. On your behalf, we are dedicated to keeping Clifton Park as a community of people who have a close relationship with the land. Open land is a part of our lives, and we are all part of the Clifton Park environment. What we do with our lands and landmarks will shape our future and our children's future.

We are committed to Clifton Park's future as a community with coexisting suburban, rural and agricultural areas which welcomes development interests consistent with the preservation of these characteristics.

## CLIFTON PARK CODE

We are also concerned with our lands which represent valuable areas of regulated resource. We want to maintain farming and forest production as a viable way of life. We believe suburban and rural interests can coexist in harmony but that Clifton Park's future growth should be related to the existing characteristics.

Our neighborhoods and communities should be separated as distinct areas instead of mindless extensions of suburban sprawl.

Parks and recreation areas should be closely related to neighborhoods and communities; places people can walk or cycle to, rather than drive.

Commercial and employment centers should be screened from, but linked to, residential areas.

Development should minimize disturbance to the land; neighborhoods with trees, streams and soils left intact.

It is this Board's intention and desire to preserve open space and historic landmarks whether they are isolated or adjacent to residential or commercial development.

## Appendix Q

# Farming and Agricultural Resources List



## Resources for additional information and technical support

### **Albany County Department for Economic Development, Conservation and Planning**

*Providing technical assistance in economic development opportunities, planning and farmland protection*

112 State Street

Room 720

Albany NY 12207

(518) 447-5660 <http://www.albanycounty.com/edcp/>

### **Albany County Agricultural and Farmland Protection Plan – 2004**

[http://www.albanycounty.com/uploadedFiles/Programs\\_and\\_Services/General\\_Government/ED\\_CP/\\_AgPlan.pdf](http://www.albanycounty.com/uploadedFiles/Programs_and_Services/General_Government/ED_CP/_AgPlan.pdf)

### **Albany County Agricultural Districts**

<http://www.albanycounty.com/departments/edcp/agDistricts.asp?id=1162>

### **Albany County Soil & Water Conservation District (SWCD)**

*Provide information, service, and technical/financial assistance to agricultural, rural, urban and suburban constituents regarding conservation, use and development of soil, water and related resources.*

PO Box 497

24 Martin Road

Voorheesville, NY 12186

518-765-7923 <http://www.albanycounty.com/swcd/>

### **Albany County Farm Service Agency**

24 Martin Road

Voorheesville, NY 12186

518-765-2326

### **American Farmland Trust**

*Providing technical assistance to towns and counties to develop and implement farmland protection plans*

112 Spring St., Suite 207

Saratoga Springs, NY 12866

(518) 581-0078 [www.farmland.org](http://www.farmland.org)

### **Capital District Farmers Market**

*Farmers gather at the market every Monday, Wednesday, and Friday to sell and buy their products. Selling begins at 5:30 AM and lasts until 7 or 8. During the weekends, farmer members from nine counties offer locally grown products to the public, every week from the beginning of May to the end of October.*

381 Broadway

Menands, New York 12204

(518)-465-1023

### **Cornell Cooperative Extension of Albany County**

*Providing technical assistance to farmers and farm businesses*

24 Martin Road

P.O. Box 497

Voorheesville, NY 12186

(518) 765-3500 <http://www.ccealbany.com/>

## Resources for additional information and technical support

### **Mohawk Hudson Land Conservancy**

*Providing technical assistance in farmland protection and planning to farmers interested in protecting their properties*

P.O. Box 567

Slingerlands, NY 12159

(518) 436-6346 <http://www.mohawkhudson.org/>

### **New York Farm Bureau**

*Purpose is to solve economic and public policy issues challenging the agriculture industry*

106 Main Street

Greenwich, NY 12834

518-692-2204 <http://www.nyfb.org/>

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

*Providing technical assistance and grant funding for farmland protection, marketing and many others*

10B Airline Dr.

Albany, NY 12235

(518) 457-3880 or 800-554-4501 [www.agmkt.state.ny.us](http://www.agmkt.state.ny.us)

### **New York State Department of State**

*Providing technical assistance in planning*

99 Washington Ave.

Albany, NY 12231-0001

(518) 474-4752 [www.dos.state.ny.us](http://www.dos.state.ny.us)

### **New York State Office of Real Property Services**

*Providing technical assistance in agricultural assessment*

16 Sheridan Ave.

Albany, NY 12210-2714

(518) 474-2982 [www.orps.state.ny.us](http://www.orps.state.ny.us)

*John H. Cunningham*  
Town Supervisor

*Michael J. Morelli*  
Director

**TOWN OF BETHLEHEM**  
*Albany County - New York*  
**ECONOMIC DEVELOPMENT AND PLANNING**  
445 DELAWARE AVENUE  
DELMAR, NEW YORK 12054  
(518) 439-4955 x1189  
Fax: (518) 439-5808  
Email: [mmorelli@townofbethlehem.org](mailto:mmorelli@townofbethlehem.org)



To: John H. Cunningham, Supervisor  
Town Board Members

From: Rob Leslie, Senior Planner;

Date: November 19, 2009

**Re: Submittal/Presentation of Bethlehem Agricultural and Farmland Protection Plan**

---

On behalf of the Agricultural and Farmland Study Advisory Committee (SAC), I am forwarding for the Town Board's review and consideration the Bethlehem Agricultural and Farmland Protection Plan. The Plan culminates a 1 ½ year planning effort by the Department of Economic Development and Planning, SAC, and American Farmland Trust. At its meeting of September 21, 2009, SAC members voted to endorse the Plan and forward it to the Town Board with a recommendation for its acceptance.

The purpose of the Plan is to work with individuals involved in the Town's agricultural industry to establish strategies that will result in the enhancement, management and continued viability of agriculture and farmland areas in the Town. The Plan was designed to be inclusive with many opportunities to hear concerns, challenges and opportunities for agriculture directly from farmers, landowners and community members. The process of developing this Plan included four public meetings with two conducted concurrently with the Citizen Advisory Committee on Conservation's open space discussions, confidential one-on-one agricultural stakeholder interviews, and monthly Study Advisory Committee meetings open to the public. This process gave the Study Advisory Committee, Department of Economic Development and Planning, and American Farmland Trust the most accurate information regarding the needs of agriculture in the community and the best methods the Town could assist in meeting them.

The Plan is an outgrowth of the 2005 Comprehensive Plan. The Comprehensive Plan recommended the Town Board to consider the creation of a Farmland and Open Space Protection Program. Recognizing the business-nature of agriculture and farming, a separate Agricultural and Farmland Protection Plan was developed. As you are aware, in October 2009, I presented the Recommendations on Open Space Needs and Opportunities Report to the Town Board.

Please contact me with any questions or comments you may have. I look forward to presenting the Plan at the November 24 Town Board meeting.

Cc: Agricultural and Farmland Study Advisory Committee Members  
M. Morelli, Director - DEDP