

Town of Butler Agricultural and Farmland Protection Plan



**Approved by the Butler Town Board and
Wayne County Agricultural Development Board**

October 2009

Prepared with financial assistance from the NYS Department of Agriculture & Markets

Town of Butler Agricultural & Farmland Protection Plan

OCTOBER 2009

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A. Introduction and Methodology

The Town of Butler received a \$25,000 grant from the NYS Department of Agriculture & Markets to prepare this Agricultural & Farmland Protection Plan. This plan forms the basis for the agricultural section of the Town's Agricultural & Comprehensive Plan.

The Town of Butler retained the consulting firm Stuart I. Brown Associates, a division of LaBella Associates, P.C., to assist with the preparation of the Plan. The consultants conducted research, helped to organize and facilitated public meetings, prepared drafts for Committee review, and prepared the final plan document.

The Town appointed a Steering Committee that consisted of farmers, residents and representatives of the Town Planning Board and Zoning Board of Appeals. The following persons participated in the preparation of the Agricultural & Farmland Protection Plan:

- Eugene VanDeusen, Chairman
- Bert Everhart
- Joseph Geffert
- Barb Harper
- Carol Merrell
- Chris Reed
- Marvin Stewart
- Ora Rothfuss, Wayne County Planning Department

In November 2008, the Committee conducted a survey of farmers and farmland owners to help identify the community's issues and priorities. The results from this survey are included in Appendix A.

All farmland owners were invited to participate in two focus group meetings. The first meeting, held in July 2008, featured representatives of the Genesee Land Trust and Farm Bureau. The meeting offered information about the tools available to retain farmland and support agriculture at the local government level. The second meeting, held in April 2009, offered an opportunity for farmers and landowners to comment on the recommendations proposed to be included in the draft Plan.

In addition, the consultants conducted in-person interviews with several farmers who were identified by the Steering Committee as representative of the farm operations in the Town. The consultant visited the following farms for in-person interviews with the farmers:

- Merrell Farms – dairy
- Harper Farms – cash crops
- Delmar Rutt – hogs
- Wagner Farm – fruit
- Martin Farms – fruit

B. Overview of agricultural resources

1. Agricultural Soils

Nearly one-half of the land in the Town of Butler consists of prime agricultural soils and other soils of Statewide importance. (See Map 1: Agricultural Soils.) These soils have been identified by the USDA Natural Resources Conservation Service as highly suited for agricultural production.

Table 1: Agricultural Soils

Prime agricultural soils	12,492	54.7%
Agricultural soils of statewide importance	3,078	13.5%
Other soils	7,015	30.7%
Not noted (includes water)	241	1.1%
	22,826	100.0%

SOURCE: Soils data provided by the USDA Natural Resources Conservation Service and Wayne County Planning Department; Acreages calculated from GIS shapefiles.

Table 2 on the following page lists the soil types present in the Town and indicates the extent of each soil type in the Town.

2. Active Farmland

A majority of the Town's land area is in cropland or pasture. Map 2: Active Farmland depicts the active farmland and other open land, based on aerial photographs. Approximately 8,617 acres are actively farmed. This represents 36% of the approximately 23,808 acres in the Town.

3. Farm Operations

The types of farms operating in the Town of Butler are extraordinarily diverse. Farm operations include dairy, cash crops (primarily soybeans and corn; also wheat and hay), livestock (primarily cattle, hogs and horses), fruits and vegetables. Types of farms by tax parcel are depicted in Map 3: Agricultural Parcels.

The largest dairy farm in Wayne County – Merrell Farms - is based in the Town of Butler. Merrell Farms owns and rents several hundred acres in the Town. Other dairy farms in the Town are operated by Bert Everhart, High, Warrick, Burghdurf, and Clay and their families.

Most of the agricultural land in the Town is devoted to field crops. Crops are primarily corn and soybeans, with some wheat and hay. Harper Farms is among the larger operations.

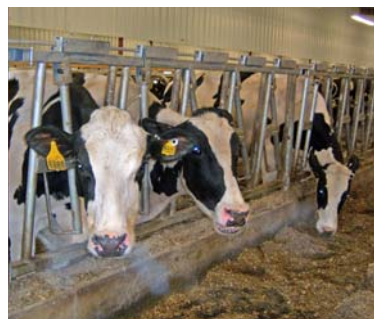


Table 2:

**Prime & Important
Agricultural Soils**

Prime Soils		Acres
AgA	ALTON	167.0
AgB	ALTON	738.8
AIA	ALTON	98.8
AIB	ALTON	123.6
Ap	APPLETON	698.6
BoA	BOMBAY	5.6
BoB	BOMBAY	9.9
CeB	CAZENOVIA	66.5
CrB	COLLAMER	390.8
CsA	COLONIE	3.6
CsB	COLONIE	70.4
EIA	ELNORA	62.2
EIB	ELNORA	180.5
Fr	FREDON	51.8
HnA	HILTON	419.4
HnB	HILTON	3,116.5
MdB	MADRID	6.7
MfA	MASSENA	205.7
MfB	MASSENA	17.0
Mn	MINOA	140.2
Ne	NEWSTEAD	76.0
Ng	NIAGARA	71.1
OaB	OAKVILLE	105.2
OnB	ONTARIO	3,311.3
OvA	OVID	72.1
OvB	OVID	51.7
PcA	PALMYRA	1.7
PcB	PALMYRA	319.5
PoA	PHELPS	203.5
PoB	PHELPS	202.6
PpA	PHELPS	102.3
RaA	RHINEBECK	436.7
RaB	RHINEBECK	15.5
SdB	SODUS	93.9
Te	TEEL	8.6
Wa	WALLINGTON	202.2
WcA	WASSAIC	11.0
WcB	WASSAIC	8.8
WnA	WILLIAMSON	104.9
WnB	WILLIAMSON	520.2
Total Prime Soils:		12,492.3

Unclassified		Acres
CFL		8.0
Pt		77.5
Pv		36.5
W		119.6
Total Unclassified:		241.5

Soils of Statewide Importance		Acres
AgC	ALTON	138.1
BoC	BOMBAY	4.2
CeC	CAZENOVIA	3.4
CsC	COLONIE	25.2
Ed	EDWARDS	23.6
FaB	FARMINGTON	10.6
HnC	HILTON	69.6
IrA	IRA	21.2
IrB	IRA	190.6
IrC	IRA	2.2
Jo	JOLIET	24.9
LdB	LAIRDSVILLE-RIGA	39.4
Lk	LAKEMONT	14.1
LoA	LOCKPORT-BROCKPORT	2.3
LoB	LOCKPORT-BROCKPORT	21.9
Ma	MADALIN	23.9
MdC	MADRID	11.9
OnC	ONTARIO	2,172.2
PcC	PALMYRA	21.1
SdC	SODUS	104.1
WnC	WILLIAMSON	153.4
Total Soils of Statewide Importance:		3,077.8

Other Soils		Acres
Aa	ADRIAN	10.8
AD	ALLUVIAL LAND	59.3
AgD	ALTON	28.6
Ca	CANANDAIGUA	2,425.1
Cd	CARLISLE	1,864.6
CsD	COLONIE	11.2
CTE	COLONIE-DUNKIRK	9.5
DkC3	DUNKIRK	19.4
DkD	DUNKIRK	0.7
FW	FRESH WATER MARSH	61.7
Ha	HALSEY	122.1
Lm	LAMSON	186.4
Ls	LYONS	56.3
MdD	MADRID	10.6
Me	MARTISCO	15.3
OnD	ONTARIO	628.8
OSE	ONTARIO	780.4
Pa	PALMS	269.5
PhD	PALMYRA	4.2
PLE	PALMYRA-ALTON	15.7
SdD	SODUS	52.5
SSE	SODUS	42.1
Wd	WAYLAND	340.0
Total Other Soils:		7,014.9

Orchards in the Town of Butler produce apples, both for fresh market and processing, as well as apricots, peaches, and cherries. The larger fruit farms include those operated by the Norris, Wagner and Martin families.

Several livestock farms are located in the Town. These include a large hog farm operated by Delmar Rutt, a horse farm operated by the Robinson family, as well as several beef cattle operations. Many of the cattle operations are operated as part-time ventures.

Wayne Farms, based in Savannah, grows potatoes on a parcel of muckland in the Town.

Several of the farms in the Town of Butler are operated by Mennonite families. These farms typically utilize family labor and do not rely on large equipment.

Representative Farm Profiles

Merrell Farms, headquartered on Whiskey Hill Road, is Wayne County's largest dairy farm, with approximately 1,800 milking cows. The farm works approximately 4,300 acres, including some rented land, and grows most of the corn used to feed the cows. In January 2009, a new barn and milking parlor was completed which incorporates modern technology to automate many of the tasks.

Harper Farms, located on Whiskey Hill Road and South Butler Road, is primarily a cash crop operation. The farm was formerly a dairy and currently boards heifers for a neighboring farm. The operation uses a total of 2,600 acres, of which a majority is rented. New technology, including GPS-based yield mapping and hybrid seeds, has increased productivity in recent years.

Martin Farms produces fresh fruit and berries, including peaches, cherries, apricots and strawberries. Produce is marketed to various direct market outlets in NYS and Pennsylvania.

Norris Farms produces apples for both fresh market and processing. Norris Farms maintains approximately 100 acres of apple trees in the Town of Butler, plus an additional 120 acres in neighboring towns.

Delmar Rutt raises hogs on a contract basis and grows cash crops at his farm on Butler-Conquest Road. Since his family purchased the farm in 1981, he has renovated some buildings and built new ones. Hog manure is used to fertilize the cropland, reducing the need for petroleum-based fertilizers.

Philip Wagner operates a 157-acre fruit farm on Crane Road that produces apples as well as sweet and tart cherries. Some of the fruit is sold to processors but much of the harvest is sold directly to consumers by appointment.

Trends

The latest Census of Agriculture for Wayne County reports that the number of farms and the amount of land in farms has remained stable during the last five years. While some large farms continue to expand, many small and part-time farms have become established. A summary of the statistics from the 2007 Census of Agriculture for Wayne County is included in Appendix B.

4. Rented Land

Most of the farms in Butler rely to some extent on rented land. The survey of farmland owners found that 61% of farmers use rented land. If the rented land were no longer available, 40% of survey respondents indicated that it would have a serious impact on the farm operation and 25% stated that it would have a moderate impact on the operation.

5. Markets

Farms in Butler benefit from nearby markets. Butler's location, midway between Syracuse and Rochester and near the NYS Thruway and NYS Route 104, offers advantages in marketing farm products. A survey of farmers in Butler identified several of the markets used by Butler farmers.

Milk produced in Wayne County is sold to plants in Rochester, Batavia, Syracuse, Cohocton, Oneida and Campbell, mostly through dairy cooperatives such as DairyLea.

Grains, dry beans, soybeans and corn are typically sold through brokers, such as the Lansing Trade Group in Auburn, and sold to plants cover a similar area. Ethanol plants have been a significant market for corn, although some area plants have closed and other planned plants will not be constructed. A major regional grain handling facility, Sheppard Grain, is located in Phelps. Wheat is sold to a mill in Churchville, NY. Dry bean processing plants are located in Geneva, Leroy, Churchville, and Seneca Falls. Some grains are sold directly to area livestock farms for use as feed.

The market for dry hay is stable due to the proximity of the Finger Lakes Racetrack in Farmington, Ontario County. A hay auction, located in Canandaigua, offers an additional market for hay and straw. Some farmers sell hay to area dairy farms.

Several farms sell fruits, berries, vegetables and sweet corn directly to customers at roadside stands or area farmers' markets.

Apples are sold for processing to Mott's in Williamson, which manufactures applesauce and apple juice, or Cahoon's in Wolcott, which processes apple slices and dried apples. Some fruit and berries are marketed through Mennonite retail networks throughout New York and Pennsylvania. Some organic produce is marketed through the Finger Lakes Organic Growers Coop, a member-owned wholesaler.

Map 4: Regional Markets depicts the location of some of the key regional markets for agricultural products.

6. Support and ancillary businesses

Many suppliers of farm products are located within 50 miles of Butler. Specific suppliers of equipment, seed, fertilizer and other supplies that were identified by Butler farmers include:

- Lakeland Equipment, a John Deere dealer in Savannah
- Main and Pinckney, an equipment dealer in Auburn
- CaroVail Fertilizer, a branch of Carolina Eastern-Vail, located in Auburn
- Monroe Tractor, an equipment dealer with a branch in Auburn
- Farmer Boy, a livestock equipment provider in Junius
- Stanton Ag Services, a fertilizer wholesaler in Marion
- Saroodis Ag Services in Port Byron, and
- Helena, a farm chemicals provider with an office in Geneva.

Financial, consulting, construction, veterinary and other services are also found within 50 miles of Butler.

Some farms obtain seeds, fertilizer and specialty supplies such as high tensil wire from suppliers located more than 50 miles from Butler.

Several farm-related businesses contribute to the regional economy and supplement farm income. The two sawmills in the Town of Butler offer a market for lumber taken from woodlots on farms. The sawmills also manufacture products used by farmers, such as crates.

C. Summary of Strengths, Weaknesses, Opportunities and Threats (SWOT)

Strengths/ Opportunities

- Strong agricultural area – Community support for farming; Agricultural heritage/ character of the community; many farms in region, supported by suppliers and market outlets. Diversity of farm sizes and types contributes to strong agricultural community
- Excellent location, highway access
- Sparse population makes farming easier
- Increasing demand for local farm products – Wayne County and neighboring communities as well as Syracuse and Rochester markets
- Support from Ag. Experiment Station Food Ventures, research; Opportunities for value-added processing on farms
- Potential future market for cellulosic ethanol, other specialized products

Challenges

- Some neighbor complaints, esp. for livestock/ dairy operations. Concerns about groundwater quality, odor and mud on the road. The non-farming public is generally not aware of the extent to which farmers minimize impacts, such as by incorporating manure into the soil whenever possible, monitoring wind direction, and pre-treating waste effluent. These activities are costly but considered essential to conducting business.
- Potential impact on water quality from farm operations. Topography requires farming on slopes, where runoff must be managed to avoid impacting wetlands and ponds.
- Increase in residential development would make farming more difficult.
- Competition for land makes land more expensive, rental land less available. Rental prices increasing such that it is more feasible to buy farmland than to rent it. Currently, most of the competition for land is among farmers, although the NYS DEC has purchased and has expressed intent to purchase additional farmland.
- Purchase of land by NYS DEC for wetlands/ Montezuma complex limits land available for agriculture. Land leased back to farmers is restricted and sometimes flooded.
- Ethanol plants cutting back, not being built, affect market for corn. Recent processor closings affect the market, prices for certain crops

Strengths, Weaknesses, Opportunities and Threats (SWOT)

Relating to Farmland and Agriculture

<u>Strengths</u> <ul style="list-style-type: none">• Large number of farms• History/ tradition of farming in the community• Local/ regional demand for agricultural products• High quality soils• Fresh water supply – Lake Ontario• Several machinery dealers within 6-8 miles• Road system can accommodate heavy trucks• Low density population• Relatively low land prices	<u>Weaknesses</u> <ul style="list-style-type: none">• High taxes• Cost of utilities, broadband• Absence of local processors (e.g., Reckett leaving Wolcott; Comstock's closing resulted in reduction in production of sweet cherries)
<u>Opportunities</u> <ul style="list-style-type: none">• Ethanol – market for corn• Cellulosic fuel plans• Wind energy – potential income from leases• Value-added processing – i.e., artisan cheese (Yancey's Fancy), salsa• Small-scale processors – help available at Agricultural Experiment Station's Food Ventures Center. Support for incubator to locate in Wayne County• Extension of public water service - attract processors; serve agricultural production (esp. livestock)• State funding for purchase of development rights• Public concern about food safety may result in support for local food production	<u>Threats</u> <ul style="list-style-type: none">• Future tax increases• Disappearing processors – processor closings eliminate local processing markets, resulting in increased transportation costs and change in the types of crops grown• Consolidation of agricultural industries – processing, distribution, production• Residential development – makes it more difficult to farm• Purchase of land by NYS DEC for wetlands preserve and buffers• Lack of market (e.g., ethanol)• Lack of adequate drainage diminishes value of some land for agricultural use

D. Issues and Opportunities

a. NYC DEC purchase of wetlands and wildlife buffers affects farm drainage and the availability of land for agricultural production.

The NYS Department of Environmental Conservation has purchased a significant amount of land in southeastern Wayne County, including approximately 125 acres in the Town of Butler, to serve as a buffer to the Montezuma Wetlands complex. In addition, NYS and federal wildlife managers have altered drainage controls, resulting in formerly productive agricultural lands that are adjacent to State-owned land becoming too wet to farm effectively.

b. Conflicts may arise between farmers and non-farming landowners

Conflicts between farmers and non-farming neighbors makes farming more difficult. A local right-to-farm law would clearly express the Town's policy of support for farming and establish a local grievance committee to provide locally-based mediation of neighbor disputes.

c. Agriculture-related businesses support farming and contribute to the regional economy.

Farms in Butler benefit from the proximity of agricultural support and supply businesses. Such businesses should be encouraged to locate in the Town. New businesses may be supported by regional resources such as the Cornell Agricultural Experiment Station Food Ventures Center in Geneva and at the Morrisville facility. County and State agencies should be encouraged to continue to attract and retain processors and to explore new markets, such as for biofuel.

Sales of farm products directly to the public provide additional income to farm operations. Organizations such as Cooperative Extension and Wayne County Tourism are active in promoting farm markets and roadside stands.

Some farm operations may need financial assistance to support expansion. Grant funds are available to such expansions when they will result in the creation or retention of jobs.

d. Permanent protection of high quality farmland would ensure that land remains available for agricultural production

Significant areas in the Town of Butler consist of prime agricultural soils that are actively farmed. Areas determined to be most suitable for continued agricultural use consist of those lands that are outside areas designated for hamlet (mixed use), commercial, residential and public/ community service uses, excluding designated wetlands. (See Future Land Use Map.)

Conservation easements may be donated privately or purchased by New York State or the Federal government. (See Tools & Techniques section.)

e. Non-farming residents may need better information about standard farming practices and the significance of agriculture to the community and the regional economy.

Many non-farming residents of Butler, particularly those new to the area or country living, find certain farm practices to be a nuisance or perceive that they threaten the environment. These residents many benefit from additional information about the extent to which farmers manage resources to prevent runoff of manure or chemicals, for example, or minimize odor.

f. Support of conservation practices helps retain land for agricultural production.

Wayne County Cooperative Extension, Wayne County Agricultural Development Board, and Wayne County Soil and Water Conservation District administer numerous programs to support Wayne County farmers and agricultural industry. The Town may be able to assist with local promotion of these programs.

g. Drainage projects need to be constructed and maintained in order to ensure productivity of agricultural land

Some of the agricultural land in the Town of Butler requires management of drainage in order to maintain productivity. Most of these projects require cooperation among several landowners, as easements are needed to allow access for maintenance.

The County Soil & Water Conservation District has received funding from the Wayne County Board of Supervisors to construct new drainage projects and is responsible for maintaining existing projects. A list of potential projects, including projects in the Town of Butler, is maintained by the Wayne County Soil & Water District. Additional funding is needed to construct new drainage projects in the Town of Butler.

h. The extension of public water service into agricultural areas of the Town needs to be managed to minimize impacts on agriculture.

Public water tends to encourage residential development, which can make farming more difficult. However, some farms may benefit from public water service.

i. New residential development needs to be sited and designed in a “farm-friendly” manner.

When farm operations are in close proximity to residences, the potential for neighbor complaints increases. The Town has the ability to manage the design of new residential development so that it minimizes the potential for conflict. New house lots should be sited to ensure that they do not impede efficient farm operations, do not disturb drainage, and maintain buffers between farms and new house lots.

j. Some farmland owners may not participate in tax relief programs

Some landowners may not be aware of all of the tax relief programs that are available to them, such as agricultural use assessments; capital improvement exemptions, etc. Owners of land that is rented for farming, in particular, may not know that they are eligible for agricultural use assessments if their land is utilized by a qualifying farmer.

E. Farmland Targeted for Protection

The Future Land Use Map (Map 5) prepared as part of the Town's Comprehensive Plan identifies those areas in the Town that are most suited for commercial, residential and mixed use development. The remainder of the Town is intended for primarily agricultural use. While residential development may be accommodated on individual lots, such development should be sited and designed in such a way that potential conflicts with agriculture are minimized.

As most of the Town consists of high quality agricultural soils that are part of productive farm operations, targeting certain parcels or areas is difficult. The priority lands are those that are currently farmed and consist of prime or important agricultural soils. Map 6: Priority Farmlands depicts concentrations of these lands in the Town of Butler.

In order to assist the Town, Wayne County and other entities in identifying agricultural parcels to be protected through Purchase of Development Rights (PDR) or other means, the following criteria should be applied:

1. Quality of the agricultural soils.
 - Parcels to be preserved for continued agricultural use should contain predominantly prime agricultural soils. (See Map 1)
2. Long-term viability of the farm operation.
 - The land to be protected should contain enough acres to independently support a viable farm operation. The size will vary depending on the type of operation. For example, dairy farming requires more total acres than fruit farming.
 - The farm operation should be well managed, including participation in federal conservation programs.
 - The farm operation is likely to be operated in future generations, either by a member of the same family or
3. Buffers significant natural resources
 - The farm helps to maintain open land as a buffer to wildlife habitat or other natural resources

F. Analysis of Conversion Pressure

Farmland in the Town of Butler is more at risk for conversion to wetlands and wildlife habitat than to residential or other development. Purchase of lands by the NYS Department of Environmental Conservation to expand and enhance the Montezuma Wetlands Complex has reduced the amount of land available for agriculture. Management of these lands – such as by removing drainage improvements - has also affected the productivity of remaining farmland.

In addition to conversion of farmland for wetlands and wildlife habitat, the land identified in Part E as targeted for protection may be affected by scattered residential development. Such development has the potential to make farming more difficult due to increased potential for conflicts between farmers and non-farming neighbors, fragmentation of farm fields as well as conversion of farmland, on a small scale for residential development.

Larger-scale development, either for residential or business uses, is unlikely outside of the areas designated in the Town's land use plan for business and residential development.

Future technological developments or opportunities to exploit natural resources such as natural gas may result in the conversion of farmland in the future. However, natural resource-based development at a large scale is not foreseeable at this time.

G. Agricultural & Farmland Protection Tools and Techniques

This section provides information about the tools and techniques available to local governments to support agricultural operations and encourage the retention of high quality farmland.

1. Subdivision Regulations and Site Plan Review

NYS Town Law enables Towns to authorize the Town Planning Board to review and approve proposed subdivisions. The Town must determine what constitutes a “subdivision.” Some towns define “subdivision” as any lot split from a parent parcel, while others do not regulate lot splits unless five or more lots are involved.

Towns can authorize their Planning Board or Town Board to review Site Plans for new development. The Site Plan Review process can ensure that new development does not compromise existing drainage facilities or farm access lanes and incorporates sufficient buffers between farms and residences.

2. Local Right to Farm Law

Local “right to farm” laws typically clearly state the town’s policy in support of farming, define “generally accepted agricultural practices,” and affirm a farmer’s right to employ such practices. The laws also include a statement that farm practices may include odors, noise and other activities.

Such a law often establishes a local “grievance” procedure to resolve complaints between farmers and non-farm neighbors. A local committee consisting of local farmers as well as non-farming residents, may be formed to hear and resolve complaints. Such a committee includes. Municipalities may appoint an existing committee, such as the Farmland Protection Board, to act as the Grievance Committee.

A local law would supplement right to farm provisions in the NYS Agricultural Districts Law and in Wayne County’s recently amended right to farm law (See Relevant Plans and Programs section.) Samples of local “right to farm” laws are included in Appendix C.

3. Private, voluntary conservation easements

Landowners may place farmland under a permanent conservation easement to be held and monitored either by the Town or by a private land trust or other non-profit organization. The donation of easements may be helpful to some families in estate planning, as the value of the donated easement can be claimed as a tax deduction. Donation of easements provides permanent protection of farmland and open space at no cost to the town. The decision to donate an easement is made voluntarily by a private landowner.

The Genesee Land Trust, based in Rochester, and the Finger Lakes Land Trust, based in Ithaca, are private, non-profit land trusts that accept donations of property or development rights and work with individual landowners and community leaders to protect land resources. Both the Genesee Land Trust

and the Finger Lakes Land Trust are active in Wayne County and are willing to discuss the possibility of donating conservation easements with interested landowners. Contact information and additional information about these land trusts are provided in Appendix D.

4. Public purchase of development rights

Purchase of Development Rights is a public program which purchases the development rights from willing landowners and results in a conservation easement being placed on the land that prohibits future development. The value of development rights is calculated as the difference between the value of the land for agricultural purposes and its value for development. A permanent conservation easement typically restricts future development on the parcel to agricultural buildings only. Ownership of the parcel does not change. The easement holder -- either the Town, Wayne County or a private land trust -- is responsible for ensuring that the property is not developed. The owner may continue to farm the parcel, and/or sell it and the land remains on the tax roll.

When development of a property is limited due to a permanent conservation easement, the assessment on the property must take into consideration the impact of the easement on the value of the property. This may result in reduced property taxes for the owner. However, in practice, properties that are receiving an agricultural use value assessment would continue to be assessed based on the agricultural value rather than the market value of the property.

PDR programs are regarded as fair to landowners, who receive fair market value for the development rights. The property remains privately owned and is assessed at a value that reflects its limited use. Such programs achieve permanent protection of farmland and open space.

Some municipalities have established Town purchase of development rights programs that are funded by bond issues. State and federal grant funding is also available to support the purchase of development rights to farmland.

State funding for PDR provides up to 75% of the cost of purchasing development rights. The remaining 25% may be obtained through a combination of Federal grant funds, private foundation funds, local government funds, or by the landowner. Some landowners agree to sell their development rights for less than the appraised amount (known as a “bargain sale”), thereby donating the difference and often claiming a tax deduction for the amount donated.

In order to allocate these funds in a manner that is fair to all interested landowners and focused on the priorities of the Town, the Town needs to establish a process to solicit, review and evaluate potential projects.

Purchase of Development Rights may be utilized by the NYS Department of Environmental Conservation as an alternative to outright purchase of uplands that function as buffers to protected wetlands and wildlife habitat. This alternative would result in similar protections, through customized conservation easements, but would not take land off tax rolls.

5. Infrastructure Management

Tools available to municipalities to minimize the impacts of sewer and water line extensions on agricultural land include the use of Agricultural Data Statements and lateral restrictions.

Notice of Intent Process

Section 305 of the Agricultural Districts law requires local governments, before extending a water or sewer line that would serve non-farm structures within an Agricultural District, to file a preliminary and a final Notice of Intent with the NYS Department of Agriculture and the County Agricultural & Farmland Protection Board. The law states:

Any ... local government ... which intends to construct, or advance a grant, loan, interest subsidy or other funds within a district to construct, ... water or sewer facilities to serve non-farm structures, shall use all practicable means in undertaking such action to realize the policy and goals set forth in this article, and shall act and choose alternatives which, consistent with social, economic and other essential considerations, to the maximum extent practicable minimize or avoid adverse impacts on agriculture in order to sustain a viable farm enterprise or enterprises within the district.

The Notice of Intent (NOI) must set forth:

- A description of the proposed action and its agricultural setting
- The agricultural impact of the proposed action, including short-term and long-term effects
- Any adverse impacts on agriculture that cannot be avoided
- Alternatives to the proposed action
- Any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed action
- Mitigation measures proposed to minimize the adverse impact of the proposed action on the continuing viability of farms within the district
- Any aspects of the proposed action which would encourage non-farm development

A preliminary notice must be filed before the municipality issues a determination of significance pursuant to the State Environmental Quality Review Act (SEQR). The final notice must be filed at least 65 days prior to the construction or advancement of public funds. The commissioner has 45 days from receipt of the final notice to determine whether the action may have an unreasonably adverse effect on farm viability, and may take an additional 60 days to review the proposed action and issue findings.

The commissioner of agriculture may propose reasonable or practical alternative actions that would minimize or avoid the adverse impact of the proposed action on agriculture. The municipality or funding agency may either accept the proposed alternative or certify that other actions have been taken to minimize impacts on agricultural operations.

Lateral Restrictions

Often, as an outcome of the Notice of Intent process, a municipality will adopt a resolution that restricts hookups for non-farm structures to a new water or sewer line that extends into an Agricultural District. Typical language for such a resolution is:

LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the [municipality] has created the [name of water district] pursuant to Town Law for the express purpose of providing public water supply to residents [geographic extent of water district]; and

WHEREAS, as part of the land area within the [name of water district] is also within the [name of Agricultural District]; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within the [name of Agricultural District]; and

WHEREAS, the New York State Department of Agriculture and Markets has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural Districts,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to limit connections to the public water supply only to existing non-farm uses and to farm related uses within that portion of [name of water district] which is also within the limits of the [name of Agricultural District].

The restriction on hookups would apply to non-agricultural structures for as long as the property is located within an Agricultural District.

6. Promotion of Local Farm Products

Several State and regional programs have been established to promote local products and raise public awareness of the contributions of the agricultural industry. These programs include:

- “Pride of New York” program, administered by the NYS Department of Agriculture and Markets, offers labeling and promotional materials to participating farmers and encourages consumers to purchase locally grown products.

-
- The “Farm to School” program, administered by the NYS Department of Agriculture and Markets, connects farmers who are interested in selling products to schools with schools who are interested in purchasing local products. The program also encourages schools to integrate food system concepts into the curricula and supports the development and marketing of healthy products targeted for children. The Wolcott-Rose school district has explored participating in this program.

Information on these programs is included in Appendix D.

7. Tax Relief Programs

Agricultural Use Assessments

Farming utilizes large amounts of land but does not demand proportionally large expenditures from local governments. In response to this situation, New York State has established programs to reduce property taxes on farmland that meets certain eligibility requirements.

Agricultural Use Assessments base property taxes on the value of the land as farmland, rather than its value for development. Eligible farms located within certified Agricultural Districts, as well as farms outside a District that meet certain requirements, may receive Agricultural Use Assessments.

Agricultural Use Assessment is available to landowners who rent the property to an eligible farmer.

The NYS Department of Agriculture & Markets has established a formula to determine the Agricultural Use value of property based on soil types and projected crop yields. In areas where the land is valuable for development purposes, the agricultural use value will be much lower than the market value, resulting in significantly lower property taxes. However, in areas where farming is the “highest and best use” of the property – where a farmer is likely to pay as much for the land as anyone else - the agricultural use value is the same as the market value.

Other Tax Credits and Exemptions

New York State has established the Farmers School Property Tax Credit program for eligible farmers to receive refunds of up to 100% of School taxes on up to 350 acres of agricultural land, and 50% of School taxes on acreage in excess of 350 acres. To be eligible for this tax credit, farmers must earn at least 2/3 of their income in excess of \$30,000 from farming. The credit may be claimed in the farmer’s annual NYS tax return.

Farm worker housing is exempt from property taxes, provided that the facility meets all safety and health standards set by the State building code and the NYS Department of Labor. Renovation of a historic barn for continued agricultural use also qualifies for a property tax exemption.

Certain property and services used in agricultural production is exempt from sales tax. Farmers need to complete Form ST-125 in order to receive the exemption.

8. Public Education

Some municipalities work with farmers and County or regional organizations to help raise public awareness of the importance of the agricultural industry to the region's economy and to help residents understand farm practices.

H. Strategies and Recommended Actions

1. Advocate on behalf of agricultural interests regarding the State purchase and management of land for wetlands and wildlife buffers.

The NYS Department of Environmental Conservation has purchased a significant amount of land in southeastern Wayne County, including approximately 125 acres in the Town of Butler, to serve as a buffer to the Montezuma Wetlands complex. Although some of this land is leased to farmers for agricultural production, the farm operators have little assurance that the land will be available year-to-year.

In addition, NYS and federal wildlife managers have altered drainage controls on public land, including dismantling drainage ditches. This has resulted in formerly productive agricultural lands becoming too wet to farm effectively.

The NYS DEC and the NYS Department of Agriculture & Markets have worked together to develop regulations for Concentrated Animal Feeding Operations (CAFOs). The two agencies should collaborate to develop policies for land acquisition that take into consideration the importance of retaining agricultural lands in farming use, while allowing these lands to function as wildlife buffers as well.

Recommended Actions

a. Work with Farm Bureau, NYS Agriculture & Markets and other agencies to:

- ensure that the impacts on farmland and agriculture are considered in decisions to alter drainage patterns.
- Encourage NYS DEC to continue to lease buffer lands to area farmers for agricultural production

b. Work with the Wayne County Soil & Water Conservation District to identify the specific impacts on farmland resulting from the management of drainage facilities on public lands.

2. Avoid and/or mitigate conflicts between farmers and non-farm neighbors

Conflicts between farmers and non-farming neighbors makes farming more difficult. A local right-to-farm law would clearly express the Town's policy of support for farming and establish a local grievance committee to provide locally-based mediation of neighbor disputes.

Recommended Actions

- a. **Adopt a local Right to Farm Law**

3. Support agricultural businesses

Recommended Actions

- a. **Encourage farm-related businesses to locate in the Town**
- b. **Promote sales of local farm products. Work with Cooperative Extension, Wayne County Tourism and other agencies to promote farm markets and roadside stands.**
- c. **Work with Wayne County to facilitate grants and loans for the creation, expansion or improvement of agriculture-related businesses. Such grants must be tied to job creation. (Example: The Town of Huron received a Small Cities grant to extend public water lines to Marshall Farms.)**
- d. **Encourage the development of agricultural-related businesses. Publicize the resources available at the Cornell Agricultural Experiment Station Food Ventures Center and at the Morrisville facility. Work with Wayne County to establish an agricultural ventures incubator.**
- e. **Work with County and State agencies to encourage retain and/or attract processors. Seek new markets, such as for biofuel.**
- f. **Provide information about existing programs such as the Industrial Development Agency's revolving loan program and the agricultural micro-enterprise loan program.**

4. Encourage the permanent protection of high quality farmland through conservation easements

Significant areas in the Town of Butler consist of prime agricultural soils that are actively farmed. Areas determined to be most suitable for continued agricultural use consist of those lands that are outside areas designated for hamlet (mixed use), commercial, residential and public/ community service uses, excluding designated wetlands. (See Future Land Use Map.)

Conservation easements may be donated privately or purchased by New York State or the Federal government. (See Tools & Techniques section.)

Purchase of Development Rights (PDR) may be an appropriate technique to protect lands near the Montezuma Wildlife Refuge. Viable farmland that also serves as a buffer to significant natural areas receive additional points in the rating system that the NYS Department of Agriculture & Markets' for PDR applications.

Recommended Actions

- a. Provide information to landowners who may choose to donate conservation easements to a land trust, potentially as part of estate planning
- b. Sponsor applications to NYS for Purchase of Development Rights (PDR)/ Work with Wayne County to obtain funding to preserve farmland in Butler

5. Educate the public about standard farming practices and the significance of agriculture to the community and the regional economy.

Many non-farming residents of Butler, particularly those new to the area or country living, find certain farm practices to be a nuisance or perceive that they threaten the environment. These residents many benefit from additional information about the extent to which farmers manage resources to prevent runoff of manure or chemicals, for example, or minimize odor.

Recommended Actions

- a. Provide information to residents about farm practices.
- b. Publicize environmental management activities of area farms.
- c. Support educational activities such as Farm to School program and Agriculture in the Classroom.

6. Encourage farmers to implement practices that protect water quality and the environment.

The protection of water quality is important to Town residents, most of whom rely on private wells for drinking water. Wetlands and other natural resources in the Town represent unique ecosystems that provide habitat for wildlife.

Recommended Actions

- a. Provide information to farmers about programs that encourage farmers to implement agricultural practices that minimize impacts on the environment. For example, collaborate with the Wayne County Soil & Water Conservation District to publicize the Agricultural Environmental Management Program.

7. Support agricultural drainage projects

Some land in the Town of Butler requires improved drainage to make it viable for farming. The muckland that results from draining wet soils creates very high quality farmland. Cooperation among several landowners is typically needed to complete drainage projects.

Recommended Actions

- a. Work with the Wayne County Soil & Water Conservation District to identify, obtain funding for, and construct drainage projects that would benefit agricultural operations in the Town.**
- b. Work with landowners to encourage participation in drainage projects.**
- c. Encourage Wayne County to continue to maintain existing drainage improvements.**

8. Minimize the impact on farmland from gas wells and other utility expansions.

Explorations for gas and other minerals can result in damage to properties that reduce the land's viability for agricultural production. For example, when topsoil is not properly segregated from subsoil when land is excavated for exploratory gas wells, the land will no longer be suitable for agriculture.

Recommended Actions

- a. Provide information to farmland owners and gas exploration companies to ensure that both parties are aware of the procedures that need to be followed to properly manage agricultural soils during and after gas well drilling and other land disturbance activities.**

9. Manage the extension of infrastructure as appropriate to support and protect agricultural operations.

Public water tends to encourage residential development, which can make farming more difficult. However, some farms may benefit from public water service.

Recommended Actions

- a. Obtain funding to extend water infrastructure as needed to support agricultural operations.**
- b. Adopt lateral restrictions to limit residential hookups while the land is within a designated County Agricultural District.**

10. Encourage new residential development to be sited and designed in a “farm-friendly” manner

When farm operations are in close proximity to residences, the potential for neighbor complaints increases. The Town has the ability to manage the design of new residential development so that it minimizes the potential for conflict. New house lots should be sited to ensure that they do not impede efficient farm operations, do not disturb drainage, and maintain buffers between farms and new house lots.

Recommended Actions

- a. Adopt subdivision regulations and empower the Planning Board to review lot splits. Incorporate guidelines that help the Planning Board and the landowner/developer to site new house lots in a way that minimizes the potential for conflict with farming.**

11. Encourage landowners to participate in tax relief programs

Some landowners may not be aware of all of the tax relief programs that are available to them, such as agricultural use assessments; capital improvement exemptions, etc. Owners of land that is rented for farming, in particular, may not know that they are eligible for agricultural use assessments if their land is utilized by a qualifying farmer. As the Towns of Butler, Rose and Huron utilize the same assessor, the three towns may be able to collaborate in carrying out the recommended outreach efforts.

Recommended Actions

- a. Identify owners of land that is rented for agricultural production whose owners do not receive agricultural use assessments and mail them information about the program.**
- b. Ensure that information about various tax relief programs are available in the Assessor’s Office and elsewhere at the Town Hall.**
- c. Encourage the Town Assessor to inform farmland landowners about tax relief programs that they may be eligible for, including information about deadlines for applying. Include information about exemptions in the Town’s annual mailing regarding agricultural assessments.**

12. Maintain partnerships with governmental and not-for-profit agricultural support agencies.

Wayne County Cooperative Extension, Wayne County Agricultural Development Board, and Wayne County Soil and Water Conservation District administer numerous programs to support Wayne County farmers and agricultural industry. Often, these programs would benefit from local promotion.

Recommended Actions

- a. Make information about programs administered by Wayne County agencies available at the Butler Town Hall.**
- b. Maintain communications with Wayne County agencies about programs to assist and support farmers and farm-related businesses in the Town.**

I. Implementation

1. Advocate on behalf of agricultural interests regarding the State purchase of land for wetlands and wildlife buffers.

a. Work with Farm Bureau, NYS Agriculture & Markets and other agencies to:

- Ensure that the impacts on farmland and agriculture are considered in decisions to alter drainage patterns.
- Encourage NYS DEC to continue to lease buffer lands to area farmers for agricultural production.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Planning Board; County SWCD and other agency staff
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

b. Identify the specific impacts on farmland resulting from the management of drainage facilities on public lands.

Time Frame:	Short-term
Responsible Agency:	County SWCD
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

2. Avoid and/or mitigate conflicts between farmers and non-farm neighbors.

a. Adopt a local Right to Farm Law that incorporates a system to mediate conflicts that may arise between farmers and non-farming landowners.

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board
Estimated Cost:	Approximately \$400 for legal review
Potential Funding Sources:	Existing Town budget

3. Support agricultural businesses

a. Encourage farm-related businesses to locate in the Town.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Cooperative Extension; Farm Bureau; Wayne County Tourism
Estimated Cost:	To be determined based on project
Potential Funding Sources:	Agency budgets; State grants

b. Promote sales of local farm products. Work with Cooperative Extension, Wayne County Tourism and other agencies to promote farm markets and roadside stands.

Time Frame:	As needed
Responsible Agency:	Town Board; Wayne County Board of Supervisors
Estimated Cost:	\$3,000 - \$5,000 if grant writing consulting services needed
Potential Funding Sources:	NY Office for Small Cities; USDA Rural Development

c. Work with Wayne County to facilitate grants and loans for expansion of agriculture-related businesses. Such grants must be tied to job creation.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Wayne County Economic Development
Estimated Cost:	\$2,500 - \$5,000 to prepare grant application
Potential Funding Sources:	Grant preparation: Town; Wayne County Implementation: NYS Department of Agriculture & Markets

d. Encourage the development of agricultural-related businesses. Publicize the resources available at the Cornell Agricultural Experiment Station Food Ventures Center and at the Morrisville facility. Work with Wayne County to establish an agricultural ventures incubator.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Wayne County Economic Development
Estimated Cost:	Minimal
Potential Funding Sources:	Town budget

-
- e. Work with County and State agencies to encourage retain and/or attract processors. Seek new markets, such as for biofuel.**

Time Frame:	Ongoing
Responsible Agency:	Town Board; Wayne County Economic Development; NYS Department of Agriculture & Markets
Estimated Cost:	Minimal
Potential Funding Sources:	Town budget

4. Encourage the permanent protection of high quality farmland.

- a. Provide information to landowners who may choose to donate conservation easements to a land trust, potentially as part of estate planning.**

Time Frame:	Ongoing
Responsible Agency:	Town Board; Planning Board; land trusts
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

- b. Sponsor applications to NYS for Purchase of Development Rights (PDR)/ Work with Wayne County to obtain funding to preserve farmland in Butler.**

Time Frame:	Immediate (within one year); Ongoing
Responsible Agency:	Town Board; Wayne County Planning Dept.
Estimated Cost:	Minimal to sponsor if match is obtained from landowner or other sources
Potential Funding Sources:	Existing Town budget

5. Educate the public about standard farming practices and the significance of agriculture to the community and the regional economy.

a. Provide information to residents about farm practices.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Cooperative Extension
Estimated Cost:	Minimal
Potential Funding Sources:	Existing agency budgets

b. Publicize the environmental management activities of area farms.

Time Frame:	Ongoing
Responsible Agency:	Town Board; SWCD; Cooperative Extension; Farm Bureau
Estimated Cost:	Minimal
Potential Funding Sources:	Existing agency budgets

c. Support educational activities such as Farm to School program and Agriculture in the Classroom.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Cooperative Extension; North Rose –Wolcott Central School District
Estimated Cost:	Minimal
Potential Funding Sources:	Existing agency budgets

6. Encourage farmers to implement practices that protect water quality and the environment.

- a. Provide information to farmers about programs that encourage farmers to implement agricultural practices that minimize impacts on the environment. For example, collaborate with the Wayne County Soil & Water Conservation District to publicize the Agricultural Environmental Management Program.**

Time Frame:	Ongoing
Responsible Agency:	Wayne County SWCD; NYS Dept. of Agriculture & Markets; SWCD; USDA NRCS; Cooperative Extension; Town Board
Estimated Cost:	To be determined
Potential Funding Sources:	NYS Department of Agriculture & Markets; SWCD; USDA NRCS

7. Support agricultural drainage projects

- a. Work with the Wayne County Soil & Water Conservation District to identify, obtain funding, and construct for drainage projects that would benefit agricultural operations in the Town.**
- b. Work with landowners to encourage participation in drainage projects.**

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Wayne County SWCD; NYS Dept. of Agriculture & Markets; Town Board; Wayne County Board of Supervisors
Estimated Cost:	To be determined
Potential Funding Sources:	NYS Department of Agriculture & Markets; Wayne County

- c. Encourage Wayne County to continue to maintain existing drainage improvements.**

Time Frame:	Ongoing
Responsible Agency:	Wayne County SWCD; Town Board; Wayne County Board of Supervisors
Estimated Cost:	To be determined
Potential Funding Sources:	NYS Department of Agriculture & Markets; Wayne County

8. Minimize the impact on farmland from gas wells and other utility expansions.

Recommended Actions

- a. **Provide information to farmland owners and gas exploration companies to ensure that both parties are aware of the procedures that need to be followed to properly manage agricultural soils during and after gas well drilling and other land disturbance activities.**

Time Frame:	Ongoing
Responsible Agency:	Wayne County SWCD; NYS Dept. of Agriculture & Markets; Town Board
Estimated Cost:	To be determined
Potential Funding Sources:	NYS Department of Agriculture & Markets; Wayne County

9. Manage the extension of infrastructure as appropriate to support and protect agricultural operations.

- a. **Obtain funding to extend water infrastructure as needed to support agricultural operations.**

Time Frame:	As needed
Responsible Agency:	Town Board; Wayne County Board of Supervisors
Estimated Cost:	\$3,000 - \$5,000 if grant writing consulting services needed
Potential Funding Sources:	NY Office for Small Cities; USDA Rural Development

- b. **Adopt lateral restrictions to limit residential hookups to productive agricultural land while the land is within a designated County Agricultural District.**

Time Frame:	As needed
Responsible Agency:	Town Board
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

11. Encourage new residential development to be sited and designed in a “farm-friendly” manner.

- a. **Adopt subdivision regulations and empower the Planning Board to review lot splits. Incorporate guidelines that help the Planning Board and the landowner/developer to site new house lots in a way that minimizes the potential for conflict with farming.**

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board
Estimated Cost:	Included in current project budget; Legal cost if needed
Potential Funding Sources:	Town Board; Planning Board

12. Encourage landowners to participate in tax relief programs.

- a. **Identify owners of land that is rented for agricultural production whose owners do not receive agricultural use assessments and mail them information about the program.**

Time Frame:	Immediate (within one year); Ongoing
Responsible Agency:	Town Assessor
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

- b. **Ensure that information about various tax relief programs is available in the Assessor’s Office and elsewhere at the Town Hall.**

Time Frame:	Ongoing
Responsible Agency:	Town Assessor; County Office of Real Property Services
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

-
- c. **Encourage the Town Assessor to inform farmland landowners about tax relief programs that they may be eligible for, including information about deadlines for applying.**

Time Frame:	Ongoing
Responsible Agency:	Town Assessor
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

13. Maintain partnerships with governmental and not-for-profit agricultural support agencies.

- a. **Make information about programs administered by Wayne County agencies available at the Butler Town Hall.**

Time Frame:	Ongoing
Responsible Agency:	Town Board; SWCD; Cooperative Extension; Farm Bureau
Estimated Cost:	Minimal
Potential Funding Sources:	Existing agency budgets

- b. **Maintain communications with Wayne County agencies, Farm Bureau and other organizations about programs to assist and support farmers and farm-related businesses in the Town.**

Time Frame:	Ongoing
Responsible Agency:	Town Board; SWCD; Cooperative Extension; Farm Bureau
Estimated Cost:	Minimal
Potential Funding Sources:	Existing agency budgets

TOWN OF BUTLER

Agricultural and Comprehensive Plan



ADOPTED: OCTOBER 2009

*Prepared with financial assistance
from the NYS Department of
Agriculture & Markets*

TOWN OF BUTLER

Wayne County

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Residents Survey Results

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INTRODUCTION

PURPOSE

The purpose of the Town of Butler Agricultural & Comprehensive Plan is to guide local officials and community members in making decisions that will affect the future of the Town. Future Town actions that will be based on the policies and recommendations in the Plan include implementation of land use management local laws and regulations, capital budgeting, and providing services to the community. The Comprehensive Plan addresses the full spectrum of issues facing the Town and balances competing needs and interests in the community.

LEGAL BASIS

The Comprehensive Plan has been prepared pursuant to NYS Town Law §272-a. This statute specifies that the Town Board is responsible for preparing and adopting a Comprehensive Plan. As the law also permits the Town Board to delegate this responsibility to an ad hoc committee established for the express purpose of preparing Comprehensive Plans, the Town Board appointed a Steering Committee to guide the preparation of the Comprehensive Plan.

The Comprehensive Plan is a policy document that does not, in itself, have the force of law. However, the Plan will influence changes in Town laws and regulations as well as funding decisions and other Town actions during the next 10 to 15 years. In particular, local land use regulations must be consistent with the Comprehensive Plan.

PROCESS OF PREPARING THE PLAN

The Town of Butler Agricultural & Comprehensive Plan represents the culmination of a planning process that began in the Fall of 2007 with a communitywide Residents Survey. The results of the survey are summarized in Appendix A.

In 2008, the Town received a grant from the NYS Department of Agriculture & Markets for the preparation of a Farmland and Agricultural Preservation Plan, which has both been incorporated into this Comprehensive Plan and will be published as a stand-alone document.

The Town retained Stuart I. Brown Associates, a planning and management consulting firm based in Rochester, New York, to facilitate the planning process and prepare the plan document.

The Town Board appointed a Steering Committee to guide the preparation of the Agricultural & Comprehensive Plan. The Steering Committee met regularly between July 2008 and May 2009 to coordinate the preparation of the Plan.

Members of the Steering Committee included Town staff and representatives from the Town Board, Planning Board, Board of Appeals and the community at large. Representatives from Wayne County also participated. The following persons participated in the preparation of the Agricultural & Comprehensive Plan:

- Eugene VanDeusen, Chairman
- Bert Everhart
- Joseph Geffert
- Barb Harper
- Carol Merrell
- Chris Reed
- Marvin Stewart
- Ora Rothfuss, Wayne County Planning Department

Public participation included a public hearing conducted by the Steering Committee on June 1, 2009 and a Town Board public hearing held on September 21, 2009.

Several Steering Committee meetings also included presentations from experts on the following topics:

- South Butler – history, infrastructure and housing
- Business and Economic Development
- Farmland and Agriculture protection tools

PLAN ORGANIZATION

The **Land Use Overview** presents an overview of the community, summarizes the issues addressed in each section, and shows how the individual topical areas relate to one another. It also presents an introduction to land use and subdivision regulations, which are the primary tools available to the Town to help achieve the land use goals of the Plan.

A **Future Land Use Map** presents the Town policy regarding land use, and will be used as a guide creating land use management policies and coordinating future development.

Topical sections of the Comprehensive Plan address the major issues identified by the community:

- Natural Resources and Environmental Protection;
- Farmland and Agriculture;
- Housing;
- Business and Economic Development;
- Transportation and Utilities;
- Government and Community Services;
- Historic Resources.

In each section, the Plan presents:

- goals;
- information about existing conditions;
- overview of existing plans and programs;
- overview of issues and opportunities;
- tools and techniques available to address the issues; and
- recommended actions.

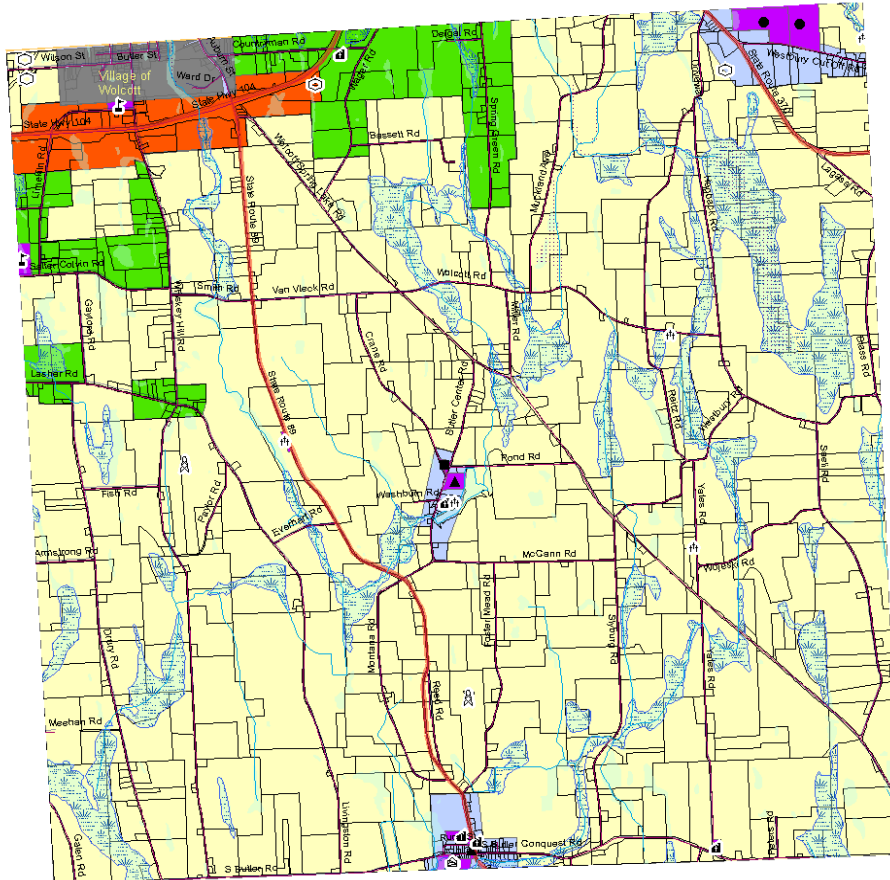
The **Implementation Strategy** summarizes the recommended actions by topic, with a proposed time frame, responsible agency, cost estimate, and potential funding sources. A summary of the recommended actions by time frame provides a year-by-year guide to implementing the Plan.

MONITORING AND UPDATING THE PLAN

Over time, changes that occur in the community may render the Comprehensive Plan outdated or inappropriate if the Plan is not updated to take the changes into consideration. Accordingly, it is essential for the Town Board to monitor changes in the community and to reevaluate the relevance and appropriateness of the goals set forth in the Plan as well as the actions recommended to achieve the goals. The Plan should then be updated, as necessary, to appropriately revise the goals and recommended actions so that the Plan may continue to serve as useful and relevant guide for Town officials.

The Town Board may enlist members of local boards and other community representatives to assist with reviewing and updating the Plan, as they may have information and insight to assist the Town Board in determining how the Plan should be revised. As with the initial adoption of the Comprehensive Plan, future amendments to the Plan will require both environmental reviews to evaluate potential adverse impacts and public hearings to provide members of the public to comment on the proposed amendments.

LAND USE OVERVIEW



See Map 3 on page 23
for a larger scaled
view.

GOALS

- Maintain the predominantly rural and agricultural character of the Town.
- Accommodate new residential and business development that is compatible with maintaining the Town's rural character.

EXISTING CONDITIONS

REGIONAL ORIENTATION

The Town of Butler is located in the eastern portion of Wayne County and includes a portion of the Village of Wolcott. It is bordered by the Town of Wolcott to the north, Huron to the northwest, Rose to the west, Savannah to the south, and the Towns of Victory and Conquest in Cayuga County to the east. The City of Rochester is located approximately 25 miles west of the Town. (See Map 1: Regional Setting: page 19.)

NYS Route 104, a major east-west thoroughfare, traverses the northern part of the Town and connects Butler to the City of Rochester to the west and the City of Oswego to the east. NYS Route 89, a major north-south route, connects Butler with the NYS Thruway and the Finger Lakes region to the south. NYS Route 370 passes through the northeast corner of the Town and connects Butler with I-690 and the City of Syracuse to the east.

EXISTING LAND USE

The existing land uses by tax parcel are depicted on Map 2: Town of Butler Land Use Property Classifications (page 21) and summarized in Table 1 (next page). The land use classifications are based on 2008 tax parcel records.

Parcels used primarily for agriculture predominate in the Town, occupying 23,753 acres and 60% of the Town's land area. A description of the agricultural resources is found in the Farmland and Agriculture chapter.

Natural features in the Town include streams, ponds, wetlands, and woodlots. A description of the natural features is included in the Natural Resources chapter.

A total of 531 parcels in the Town are classified as residential. Nearly all of these are single-family dwellings or individual manufactured homes. Additional information is presented in the Housing chapter.

Most of the Town's commercial businesses are located along Route 104 at Whiskey Hill Road, just south of the Village of Wolcott. Several mining operations are located throughout the town. A logging company is located along NYS Route 370 in the northeastern portion of the Town. Descriptions and analysis of businesses in the Town are presented in the Business and Economic Development chapter.

TABLE 1: Tax Parcel Summary

Assessor's Property Classification	# Parcels	Approximate Total Area (Acres)	% Total Land Area (Acres)
105 Productive Agricultural Land (no buildings)	30	821	3.6%
110 Livestock and Products	7	225	1.0%
112 Dairy	28	3,028	13.2%
113 Cattle, Calves, Hogs	2	477	2.1%
116 Other Livestock	1	178	0.8%
117 Horse Farm	3	250.5	1.1%
120 Field Crops	159	8,123	35.5%
130 Truck Crops - Mucklands	8	144	0.6%
150 Orchard Crops	4	339	1.5%
151 Apples, Pears, Peaches, Cherries, etc.	2	19	0.1%
910 Private Wild and Forest Lands	3	149	0.7%
Total Agricultural	247	13,753	60.1%
210 Single Family Residence	307	1,168	5.1%
220 Two Family Residence	5	96	0.4%
240 Rural Residence (>10 acres)	101	2,706	11.8%
241 Primarily residential, also agricultural	7	415	1.8%
260 Seasonal Residence	1	45	0.2%
270 Manufactured Home	92	689	3.0%
271 Multiple Manufactured Homes	4	49	0.2%
280 Multi-Purpose / Multi-Structure	9	70	0.3%
281 Multiple Residences	1	81	0.4%
283 Residence with Incidental Commercial	3	11	0.0%
416 Mobile Home Park	1	1	0.0%
Total Residential	531	5,330	23.3%
300's Vacant	163	2,892	12.6%
Total Vacant	163	2,892	12.6%
400 Commercial	1	13	0.1%
430 Motor Vehicle Services	1	6	0.0%
431 Auto Dealer - Sales & Service	4	21	0.1%
450 Retail Services	1	1	0.0%
452 Area or Neighborhood Shopping Centers	1	1	0.0%
455 Large Retail Outlets	1	2	0.0%
472 Dog Kennels, Veterinary Clinics	2	82	0.4%
486 Mini-mart	1	6	0.0%
533 Private Retreat	8	378	1.7%
Total Commercial	20	510	2.2%

TABLE 1: Tax Parcel Summary (continued)

Assessor's Property Classification		# Parcels	Approximate Total Area (Acres)	% Total Land Area (Acres)
612	Schools	2	21	0.1%
620	Religious Institution	7	18	0.1%
651	Highway Garage	1	3	0.0%
652	Government Office Building	2	11	0.0%
662	Police and Fire Protection	1	14	0.1%
670	Correctional	2	99	0.4%
695	Cemetery	5	7	0.0%
Total Public & Community Service		20	172	0.8%
441	Gasoline, Fuel, Oil Storage and/or Distribution	1	14	0.1%
443	Grain and Feed Elevators, Mixers, Sales Outlets	1	5	0.0%
444	Lumber Yard, Sawmill	3	14	0.1%
449	Other Storage, Warehouse, Distribution	1	5	0.0%
720	Mining and Quarrying	4	167	0.7%
Total Industrial and Storage		10	205	0.9%
822	Water Supply	5	16	0.1%
830	Communication	1	4	0.0%
833	Radio	1	0	0.0%
872	Electric SubStation	1	1	0.0%
Total Utilities & Transportation		8	21	0.1%
TOTAL:		999	22,882	100.0%

SOURCE: 2008 Real Property Tax Records provided by the Wayne County Office of Real Property Tax Services

Land used for transportation and utilities include highways, railroads, and telecommunications facilities. Information and analysis of these facilities and services are presented in the Transportation and Infrastructure section of the Plan.

Local government facilities in the Town include the Town Hall, Highway Department, fire stations, schools and cemeteries. New York State operates a correctional facility that is partly in the northeast corner of the Town of Butler. Private community facilities include several churches. These facilities and related issues are addressed in the Government and Community Services chapter.

Recreational facilities include a private retreat (Savannah Du) in the southwestern part of the Town.

HAMLETS

The hamlet of South Butler, located in the southern part of the Town, consists of approximately 75 houses, two churches, a fire station, a post office.



Hamlet of South Butler

The historic hamlet of Butler Center, located along Butler Center Road in the center of the Town, currently consists of a few houses, the Town Hall and Highway Garage, a church and associated cemetery, and a saw mill.

A portion of the hamlet of Westbury, located along Westbury Cut-off Road in the northeast part of the Town, is located in the Town of Butler. The eastern part of the hamlet is in the Town of Victory in Cayuga County.



Hamlet of Westbury



Hamlet of Butler Center

EXISTING PLANS, PROGRAMS AND REGULATIONS

The Town of Butler currently enforces the following land use regulations:

- Codes of New York (NYS Building and Property Maintenance Codes)
- A local law regulating lot size, setbacks and lot coverage for new residential development
- Junk/ junkyard law

ADMINISTRATION AND ENFORCEMENT OF NYS CODES

The Town has empowered the Code Enforcement Officer to administer and enforce the NYS Uniform Code (building and property maintenance code) and the State Energy Conservation Code. A building permit is required for construction, alteration, improvement, relocation or demolition of buildings or structures that must conform to the Uniform Code and/or Energy Code and for the installation of a solid fuel burning furnace or chimney. Buildings designed and intended for agricultural use do not require a building permit.

The following types of work do not require a building permit:

- Sheds smaller than 144 square feet
- Installation of swing sets or playground equipment
- Installation of above ground swimming pools with water depth of less than 24 inches
- Installation of fences that do not enclose a swimming pool
- Construction of retaining walls
- Installation of window awnings supported by an exterior wall
- Painting, wallpapering, tiling, carpeting or similar finish work
- Installation of portable electrical, plumbing, heating, ventilation or cooling equipment or appliances
- Replacement of equipment
- Repairs that do not involve removing parts of a load bearing wall, changing the means of egress, changing a building system or removing part of a fire protection system

In addition to issuing building permits, the Code Enforcement Officer has the following duties:

- Issue Stop Work Orders when construction does not comply with the building code, issue certificates of occupancy/ certificates of compliance when work is completed properly
- Issue Operation Permits for buildings of public assembly (100 persons or more) or for handling or storing hazardous materials.
- Perform fire safety and property maintenance inspections for buildings used for public assembly (yearly) and for multi-family dwellings (every three years).
- Investigate complaints
- Issue written Compliance Orders if a property is determined to be in violation of the Codes
- Maintain records of all applications received and the action taken, as well as other actions
- Submit annual reports to the Town Board

SINGLE AND MULTIPLE FAMILY DWELLING

These regulations require new single family dwellings to be placed on a lot at least two acres in size with a minimum width of 150 feet. Multiple dwellings require an additional 25,000 sq. ft. for each additional dwelling unit.

All structures must be set back a minimum of 75 feet from the street right-of-way, and not less than 50 feet from the side or rear property line or any existing structure. Buildings may not occupy more than 40% of the lot area.

Dwellings must contain at least 720 sq. feet of floor area.

Other regulations address fuel storage, prohibit outdoor storage of trash and garbage for more than two weeks.

Manufactured homes must be no more than five years old, unless it is being moved from another location in the Town of Butler. Additions to manufactured homes must be placed on a concrete floor or an insulated and raised wooden deck. A storage building is required, as well as a foundation and skirting.

Mobile home parks require a permit as well as site plan review by the Town Planning Board. A minimum of 10 acres is required and each dwelling must have an area of at least 5,500 sq. ft. The mobile home park must have an approved water and sewer system, street lights, drainage system, and interior roadways.

The Town Board of Appeals is empowered to grant exceptions (“variances”) to the requirements of this law.

JUNK / JUNKYARD LAW

The Town’s Junk / Junkyard law requires all junk to be stored out of view from public roads. “Junk” is defined as:

- Three or more junk vehicles
- One or more junk mobile homes
- Two or more abandoned or inoperable appliances
- Two or more abandoned or irreparably damaged indoor furniture
- Any combination of the above or parts of the above that total three or more items.

The Town requires a junkyard permit for the outdoor storage of any of the following:

- Five or more junk vehicles (defined as unlicensed, abandoned or stored, not in condition to be used legally on public highways and would cost more to repair than its reasonable market value.)
- Two or more junk mobile homes (defined as a mobile home, travel trailer or camper that is no longer habitable)
- Five or more junk appliances (such as washers, dryers, stoves, refrigerators, or televisions)
- Five or more pieces of junk furniture (defined as abandoned or irreparably damaged sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs, or chests of drawers)

A junkyard permit requires that junk be stored at least 100 feet from any property line, stream or other body of water, park, church, school, or public building and at least 50 feet from the right-of-way of any public highway. The entire junkyard must be secured by an 8-foot fence with a locking gate and be screened from view.

An application for a junkyard permit must be accompanied by a site plan, and environmental assessment form and a \$100 application fee. The Town Board must hold a public hearing before acting on the application.

In considering whether to grant the permit, the Town Board must consider:

- Proximity to established residential or recreational areas and main routes thereto
- Proximity to streams or other water bodies
- Local drainage patterns
- Availability of other suitable sites

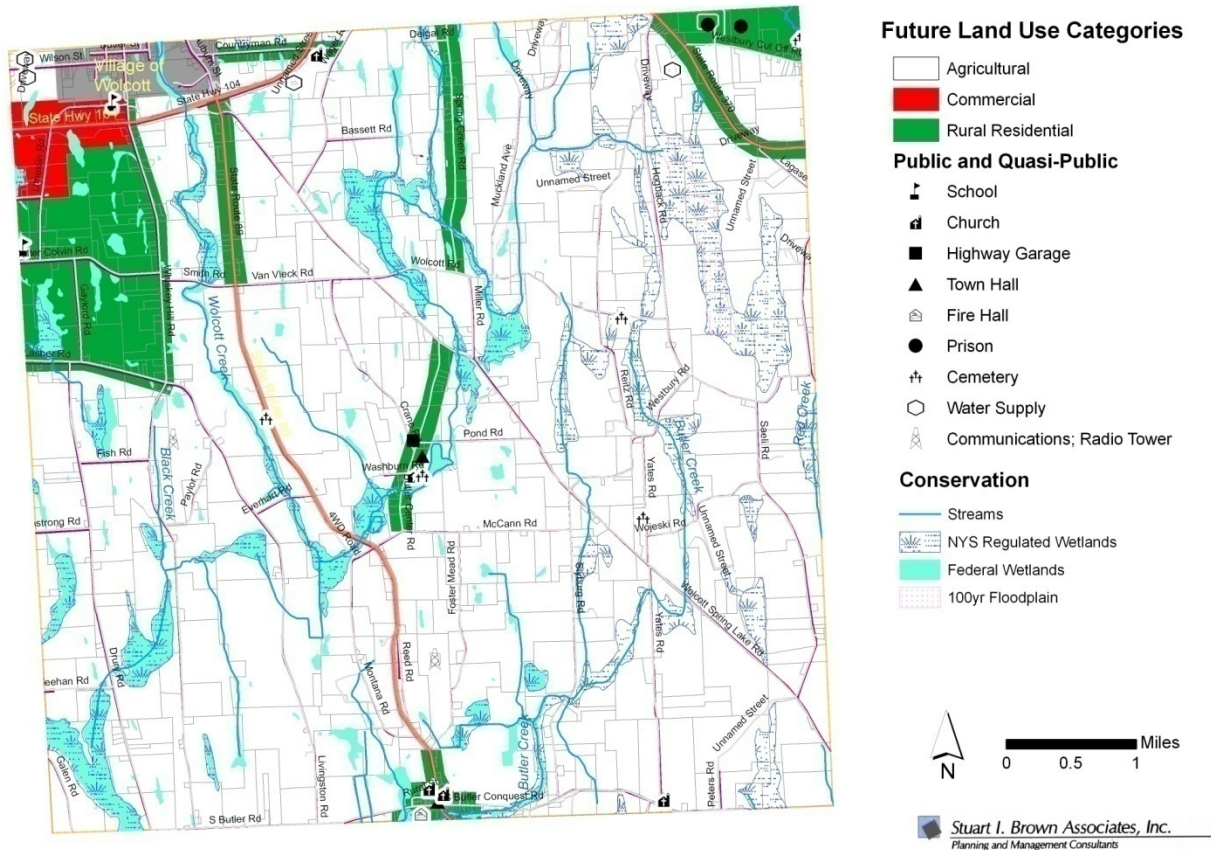
A junkyard operating under a permit granted by the Town Board is subject to restrictions on hours of use and must maintain the facility in a safe and sanitary manner.

DRAFT COMPREHENSIVE PLAN FOR THE TOWN OF BUTLER – 1990

The Town of Butler prepared a draft Comprehensive Plan in 1990. The 1990 draft Comprehensive Plan included information about Butler's history, physical characteristics, population, infrastructure, and land use as well as an analysis of needs and opportunities for future development, transportation facilities, infrastructure and future land use. The 1990 Plan recommended that residential development be directed to certain areas and corridors at densities of one dwelling per two acres. Public and quasi-public uses were encouraged to continue and conservation areas protected. Land use categories from the 1990 draft Comprehensive Plan are depicted on the following map.

The 1990 draft Comprehensive Plan recommended that the Town of Butler adopt a zoning law consistent with the Plan and to review and update the Comprehensive Plan every five years.

Recommended Land Use Categories - 1990 Draft Comprehensive Plan



COMPREHENSIVE PLANS OF NEIGHBORING MUNICIPALITIES

The Village of Wolcott adopted a Comprehensive Plan in 2000. Areas of the Village within the Town of Butler include residential neighborhoods, part of the elementary school. The Plan recommended that those parts of the Village located within the Town of Butler should continue to be utilized for residential purposes and for various public/ institutional uses, including the elementary school.

The Town of Savannah recently completed a Comprehensive Plan in cooperation with the Town of Galen and the Village of Clyde. The draft plan dated May 2009 Plan includes goals and objectives relating to: regional cooperation and coordination; community character; transportation, infrastructure and community facilities; land use; agriculture; natural resources and open space; recreation; and economic development. The land use recommendations are general in nature and encourage the town to coordinate with neighboring communities, revitalize existing hamlets, support agriculture, and promote appropriate economic development.

ISSUES AND OPPORTUNITIES

LAND USE REGULATIONS

The Town of Butler does not have comprehensive zoning regulations that specify what types of uses may be established in designated areas of the Town. However, the Town does regulate minimum lot sizes and setbacks for residences as well as mobile home parks and junkyards. A Board of Appeals has been established to issue variances to provide relief from the strict application of the regulations where appropriate.

The Town also requires applications for building permits for non-residential uses to be referred to the Town Board for action. The Town Board requires applicants to complete the environmental review process pursuant to the NY State Environmental Quality Review Act (SEQRA.)

Formalization of the existing land use regulations into a comprehensive land use regulations would protect property values and encourage business development.

TOOLS AND TECHNIQUES

New York State has authorized towns, villages and cities to regulate land use through various regulatory tools, including zoning, subdivision regulations, and site plan review.

FUTURE LAND USE PLAN

The Future Land Use Plan for the Town (see Map 3: Future Land Use: page 23) designates areas of the Town that are most appropriate for various land uses.

AGRICULTURAL

Most of the Town is designated Agricultural. These areas are intended for continued agricultural uses, and farming within these areas is the preferred use. Residential, small scale commercial and industrial uses are also appropriate in these areas, provided that they do not conflict with farming and agriculture.

RURAL RESIDENTIAL

Areas designated Rural Residential are located where residences are the predominant use. Small-scale commercial uses are also appropriate, provided that they do not conflict with the residential character of these areas.

HAMLETS

The Town's historic hamlets represent unique places where neighbors live in close proximity to one another and where community services are concentrated. The hamlets are envisioned to continue their primary function as residential neighborhoods and as centers for public and community services. Small scale business or commercial uses may be appropriate if they are designed in a manner that does not detract from the neighborhood character.

COMMERCIAL

Areas designated Commercial encompasses existing business development along Route 104, as well as additional land for future commercial uses. The Route 104 corridor represents the Town's best opportunities for new commercial development, due to traffic volumes, visibility and the potential for extension of public sewer and water services.

PUBLIC / COMMUNITY SERVICES

Areas designated for Public / Community Services include existing churches, schools, cemeteries and government buildings. Such facilities are assets to the community and are envisioned to continue in these locations for the foreseeable future.

CONSERVATION OVERLAY

The Conservation Overlay includes freshwater wetlands regulated by the NYS Department of Environmental Conservation and the U.S. Army Corps of Engineers and areas susceptible to flooding. Wetlands and flood zones do not represent separate land use categories, but apply in addition to the underlying designation.

RECOMMENDED ACTIONS

1. Adopt comprehensive land use regulations that incorporate the lot size and setback requirements that currently apply to residential uses.
2. Establish a formal Site Plan Review process for the Town Board review of proposed business uses (may be part of comprehensive land use regulations).

Map 1: Regional Setting

Map 1: Back

Map 2: Existing Land Use

Map 2: Back

Map 3: Future Land Use

Map 3: Back

NATURAL RESOURCES



GOALS

- Protect and maintain the natural environment in balance with the needs of agriculture and community residents.

EXISTING CONDITIONS

WATERCOURSES AND DRAINAGE BASINS

The largest streams in the Town of Butler are Wolcott Creek, Black Creek and Butler Creek. A segment of Red Creek is located along the eastern border of the Town.

The streams in the Town of Butler are classified “C” by the NYS Department of Environmental Conservation (DEC). This classification means that the water quality of these streams is not considered to be suitable to be used for drinking water, swimming or for fish habitat. The classification is based upon the concentration of Coliform bacteria, pH, dissolved solids and dissolved oxygen. As all of the streams in Butler are Class “C”, no permit is required from the DEC for activities along the bank or in the bed of these streams. DEC stream classifications include the following:

Class AA or A – Assigned to waters used as a source of drinking water

Class B – Assigned to waters best suited for swimming and other contact recreation, but not for drinking water

Class C – Assigned to waters supporting fisheries and suitable for non-contact activities

Class D – Lowest classification for waters in New York State

Wolcott Creek and Red Creek and their associated sub watersheds are part of the Lake Ontario Drainage Basin. Land within these sub watersheds generally drains north towards Lake Ontario. Butler Creek and Black Creek and their sub watersheds are part of the Oswego River Drainage Basin. (See Map 4: Streams and Watersheds: page33.)

Several ponds are located in the Town of Butler. The largest is Millpond, located east of Butler Center along a tributary to Wolcott Creek. A smaller pond is located northeast of the intersection of Everhart and Livingston Roads.

Flood Hazard zones and floodways are usually located along watercourses. (See Map 5: Wetlands and Flood Zones: page 35.) Those areas within the one hundred year flood boundary could be expected to be flooded once every hundred years, on average. The Town has adopted a local flood control ordinance that specifies, consistent with federal standards, the conditions under which development can occur in such areas. As a result, federal flood insurance is available to landowners within flood hazard zones.



WETLANDS

Wetlands provide unique habitat for wildlife and plants. They also assist with flood control by storing a large quantity of storm water.

The largest wetland in the Town is located in the northeastern area, east and north of Hogback Road. Other wetlands are located throughout the Town, primarily along stream corridors.

New York State's Freshwater Wetlands Act and regulations protect all delineated wetlands of 12.4 acres or more in size. State regulations also restrict development within the adjacent one hundred foot buffer area that extends beyond the delineated limits of the wetland.

Wetlands smaller than 12.4 acres are regulated by the federal government through the U.S. Army Corps of Engineers. The locations of wetlands mapped by State and Federal agencies are depicted in Map 5: Wetlands and Flood Zones: page 35. The exact boundaries of regulated wetlands must be verified in the field by a qualified individual.

TOPOGRAPHY

The topography of the Town of Butler is depicted in Map 6: USGS Topographic Map: page 37. This map shows the numerous drumlins that were formed when glaciers receded to the north. Drumlins are narrow, elongated hills that are generally oriented north-south, with steep slopes along the northern edge and gradual slopes to the south.

WOODLANDS

Woodlands are located throughout the Town, as shown in Map 7: Aerial View: page 39. Nearly all of such lands consist of regrowth following logging decades ago.



MINERAL RESOURCES

The NYS Mined Land Reclamation Law requires mine operators to obtain a permit from NYSDEC. The permit establishes operating standards and requires a plan for reclamation of the land once mining is complete. The law requires mine operators to post a bond in an amount sufficient to ensure that the land is reclaimed.

The locations of existing mines are depicted in Map 8: Mines: page 41. The NYS Department of Environmental Conservation, Division of Mineral Resources has issued permits for five active mines in the Town of Butler:

- A limestone quarry operated by Hanson Aggregate, permitted through 3/7/2010, is located in the northeast part of the Town between Muckland Avenue and Reitz Road. The current permit authorizes mining of 55.4 acres; the total acreage proposed to be mined is 72 acres.
- Hanson Aggregates operates a sand and gravel mine, permitted through 12/26/2011, located near the eastern boundary of the Town.
- The Town of Butler operates two sand and gravel mines. A 20-acre mine along Wager Road operated by the Town Highway Department is permitted through 1/28/2013. A 9-acre mine along Limekiln Road is permitted through 4/22/2012.
- Kenneth Bond operates a 19.2 acre sand and gravel mine on Route 89 which is permitted through 7/6/2010.

The DEC permit requires mined land to be reclaimed upon completion of mining operations. The Town's 9-acre mine along Limekiln Road will be reclaimed for recreational open space. The Bond mine will be reclaimed as meadow/ grass land. The other mines will be reclaimed for agricultural cropland.

Several inactive sand and gravel mines are located in the Town:

- A 10-acre mine along Wager Road, permitted to Jesse Smith
- A 23-acre mine along NYS Route 370, permitted to J. W. Pritchard/ Oswego Excavating, was reclaimed to residential/ commercial development
- An 8-acre mine along Wolcott Road, permitted to Wayne County Highway Department, was reclaimed to agricultural cropland
- A 9-acre mine located along Westbury Cut-off Road, permitted to J. W. Pritchard/ Oswego Excavating, was reclaimed to agricultural cropland
- Four acres of a 25-acre mine located along NYS Route 370, permitted to Dale and Barbara Dawson, was reclaimed to cropland
- Two sand and gravel mines that do not require DEC permits are located along Hogback Road (Dauphin/ Kifer) and Wolcott Road (Town of Butler.)

EXISTING PLANS, PROGRAMS AND REGULATIONS

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

All municipalities must follow the State Environmental Quality Review (SEQR) process before acting on any funding or development approval. The SEQR process provides a framework for governmental agencies to evaluate the potential impacts of their actions on the environment. Nearly all site plan, subdivision, variance, and rezoning applications are subject to review, as well as actions that involve the purchase of property or the change in use of buildings or land. By requiring the developers or municipalities that propose a project to document any potential environmental impacts, the regulations ensure that the potential impacts of an activity are considered before final approvals are granted.

ISSUES AND OPPORTUNITIES

ACQUISITION OF LANDS FOR WILDLIFE HABITAT

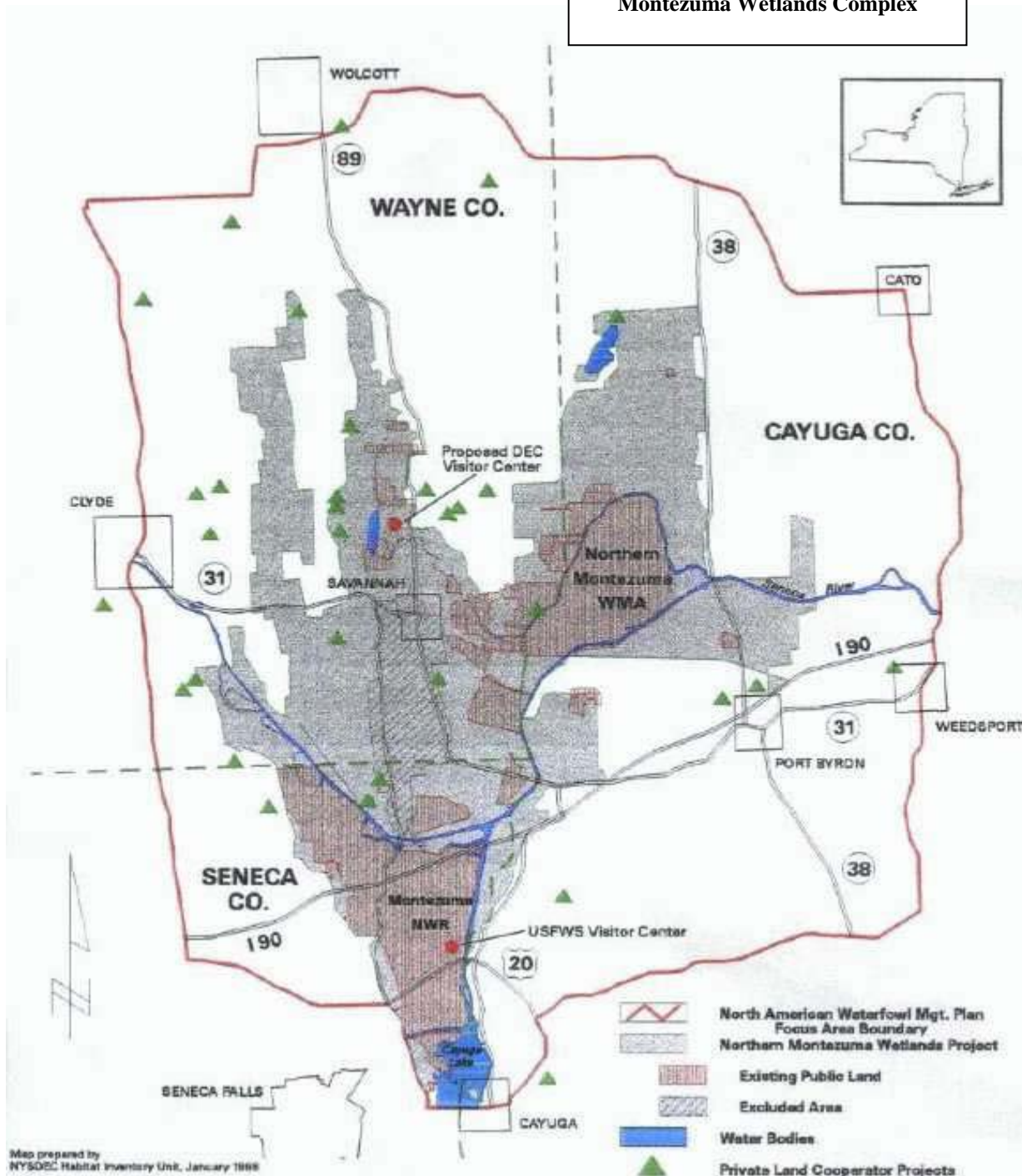
The NYS Department of Environmental Conservation has been working with the U.S. Fish & Wildlife Service and Ducks Unlimited to enhance bird habitat in and around the Montezuma National Wildlife Refuge (NWR). The approximately 8,700-acre Montezuma National Wildlife Refuge (NWR) is part of the 50,000-acre Montezuma Wetlands Complex (MWC) that encompasses public and private lands at the north end of Cayuga Lake in the heart of the Finger Lakes Region of central New York State. More than 1,000,000 waterfowl, as well as a diversity of shore, wading and songbirds, pass through the Complex each year. (*Source: Montezuma National Wildlife Refuge Habitat Management Plan – DRAFT, May 2008*). The MWC extends into the Town of Butler, as shown on the map on the following page.

NYS DEC has purchased approximately 125 acres of land east and north of the hamlet of South Butler. Most of this land is currently leased for agricultural purposes. However, it is not known whether agriculture will continue to be permitted on these lands in the future.

The management objectives for land within the MWC include:

1. Protect 19,221 acres of existing and potential wildlife habitat
2. restore and enhance 12,500 acres of wetland habitat
3. establish 5,000 acres of grassland habitat
4. manage non-grassland upland habitats to support wildlife diversity

Montezuma Wetlands Complex



Agriculture is recognized as a means to prevent the spread of invasive species. However, NYS DEC may seek to re-establish these lands in the future as wetlands, woodlands, or grasslands.

In addition to impacts on agriculture, the purchase of lands for wildlife habitat creates additional tax-exempt land.

RECOMMENDED ACTIONS

1. Continue to consider the environmental impacts of actions proposed by government agencies.
2. Work with the NYS Department of Environmental Conservation, the U.S. Fish and Wildlife Agency and other entities to minimize the impacts of land acquisition for the Montezuma Wildlife Complex on agricultural viability and the Town's tax base.
3. Encourage the NYS DEC and other agencies and organizations to utilize a combination of agricultural and conservation easements to achieve their goals.

Map 4: Streams and Wetlands

Map 4: Back

Map 5: Wetlands and Flood Zones

Map 5: Back

Map 6: USGS Topography Map

Map 6: Back

Map 7: Aerial View

Map 7: Back

Map 8: Mines

Map 8: Back

FARMLAND AND AGRICULTURE



GOALS

- Advocate on behalf of agricultural interests regarding the State purchase of land for wetlands and wildlife buffers.
- Encourage the permanent protection of high quality farmland.
- Avoid and/or mitigate conflicts between farmers and non-farm neighbors.
- Manage the extension of infrastructure as appropriate to support and protect agricultural operations.
- Educate the public about standard farming practices and the significance of agriculture to the community and the regional economy.
- Promote agriculture-related businesses.
- Encourage new residential development to be sited and designed in a “farm-friendly” manner.
- Encourage farmland owners to utilize available tax relief programs.
- Maintain partnerships with governmental and not-for-profit agricultural support agencies.

OVERVIEW OF AGRICULTURAL RESOURCES

AGRICULTURAL SOILS

Nearly one-half of the land in the Town of Butler consists of prime agricultural soils and other soils of statewide importance. (See Map 9: Agricultural Soils: page 59.) These soils have been identified by the USDA Natural Resources Conservation Service as highly suited for agricultural production. Table 2, below, summarizes the proportion of prime, important and other soils in the Town.

TABLE 2: Agricultural Soils

Prime agricultural soils	12,492	54.7%
Agricultural soils of statewide importance	3,078	13.5%
Other soils	7,015	30.7%
Not noted (includes water)	241	1.1%
	22,826	100.0%

SOURCE: Soils data provided by the USDA Natural Resources Conservation Service and Wayne County Planning Department; Acreages calculated from GIS shapefiles.

ACTIVE FARMLAND

A majority of the Town's land area is in cropland or pasture. Map 10: Active Farmland: page 61, depicts the active farmland and other open land, based on aerial photographs. Approximately 8,617 acres are actively farmed. This represents 36% of the approximately 23,808 acres in the Town.

FARM OPERATIONS

The types of farms operating in the Town of Butler are extraordinarily diverse. Existing farms include dairy, cash crops (primarily soybeans and corn; also wheat and hay), livestock (primarily cattle, hogs and horses), fruits and vegetables. Types of farms by tax parcel are depicted in Map 11: Agricultural Parcels: page 63.



The largest dairy farm in Wayne County – Merrell Farms - is based in the Town of Butler. Other dairy farms in the Town are operated by Bert Everhart, High, Warrick, Burghdurf, Clay and their families.

Most of the agricultural land in the Town is devoted to field crops. Crops are primarily corn and soybeans, with some wheat and hay. Harper Farms is among the larger operations.

Orchards in the Town of Butler produce apples, both for fresh market and processing, as well as apricots, peaches, and cherries. The larger fruit farms include those operated by the Norris, Wagner and Martin families.

Several livestock farms are located in the Town. These include a large hog farm operated by Delmar Rutt, a horse farm operated by the Robinson family, as well as several beef cattle operations. Many of the cattle operations are operated as part-time ventures.

Wayne Farms, based in Savannah, grows potatoes on a parcel of muckland in the Town.

Several of the farms in the Town of Butler are operated by Mennonite families. These farms typically utilize family labor and do not rely on large equipment.

TRENDS

The latest Census of Agriculture for Wayne County reports that the number of farms and the amount of land in farms has remained stable during the last five years. While some large farms continue to expand, many small and part-time farms have become established.

RENTED LAND

Most of the farms in Butler rely to some extent on rented land. The survey of farmland owners found that 61% of farmers use rented land. If the rented land were no longer available, 40% of survey respondents indicated that it would have a serious impact on the farm operation and 25% stated that it would have a moderate impact on the operation.

MARKETS

Farms in Butler benefit from nearby markets. Butler's location, midway between Syracuse and Rochester and near the NYS Thruway and NYS Route 104, offers advantages in marketing farm products. A survey of farmers in Butler identified several of the markets used by Butler farmers.

Milk produced in Wayne County is sold to plants in Rochester, Batavia, Syracuse, Cohocton, Oneida and Campbell, mostly through dairy cooperatives such as Dairylea.

Grains, dry beans, soybeans and corn are typically sold through brokers, such as the Lansing Trade Group in Auburn, and sold to plants that cover a similar area. Ethanol plants have been a significant market for corn, although some area plants have closed and other planned plants will not be constructed. A major regional grain handling facility, Sheppard Grain, is located in Phelps. Wheat is sold to a mill in Churchville, NY. Dry bean processing plants are located in Geneva, Leroy, Churchville, and Seneca Falls. Some grains are sold directly to area livestock farms for use as feed.

The market for dry hay is stable due to the proximity of the Finger Lakes Racetrack in Farmington, Ontario County. A hay auction, located in Canandaigua, offers an additional market for hay and straw. Some farmers sell hay to area dairy farms.

Several farms sell fruits, berries, vegetables and sweet corn directly to customers at roadside stands or area farmers' markets.

Apples are sold for processing to Mott's in Williamson, which manufactures applesauce and apple juice, or Cahoon's in Wolcott, which processes apple slices and dried apples. Some fruit and berries are marketed through Mennonite retail networks throughout New York and Pennsylvania. Some organic produce is marketed through the Finger Lakes Organic Growers Coop, a member-owned wholesaler.

Map 12: Regional Markets: page 65, depicts the location of some of the key regional markets for agricultural products.

SUPPORT AND ANCILLARY BUSINESSES

Many suppliers of farm products are located within 50 miles of Butler. Specific suppliers of equipment, seed, fertilizer and other supplies that were identified by Butler farmers include:

- Lakeland Equipment, a John Deere dealer in Savannah
- Main and Pinckney, an equipment dealer in Auburn
- CaroVail Fertilizer, a branch of Carolina Eastern-Vail, located in Auburn
- Monroe Tractor, an equipment dealer with a branch in Auburn
- Farmer Boy, a livestock equipment provider in Junius
- Stanton Ag Services, a fertilizer wholesaler in Marion
- Saroodis Ag Services in Port Byron, and
- Helena, a farm chemicals provider with an office in Geneva.

Financial, consulting, construction, veterinary and other services are also found within 50 miles of Butler.

Some farms obtain seeds, fertilizer and specialty supplies such as high tensil wire from suppliers located more than 50 miles from Butler.

Several farm-related businesses contribute to the regional economy and supplement farm income. The two sawmills in the Town of Butler offer a market for lumber taken from woodlots on farms. The sawmills also manufacture products used by farmers, such as crates.

ISSUES AND OPPORTUNITIES

SUMMARY OF STRENGTHS / OPPORTUNITIES

- Strong agricultural area – Community support for farming; Agricultural heritage/ character of the community; many farms in region are supported by suppliers and market outlets. Diversity of farm sizes and types contributes to strong agricultural community.
- Excellent location and highway access.
- Sparse population makes farming easier.
- Increasing demand for local farm products including Wayne County neighboring communities as well as Syracuse and Rochester markets.
- Support from Agricultural Experiment Station Food Ventures and research. Opportunities for value-added processing on farms.
- Potential future market for cellulosic ethanol and other specialized products.

SUMMARY OF CHALLENGES

- Some neighbor complaints, especially for livestock and dairy operations. Concerns about groundwater quality, odor, and mud on the road from agricultural practices. The non-farming public is generally not aware of the extent to which farmers minimize impacts, such as by incorporating manure into the soil whenever possible, monitoring wind direction, and pre-treating waste effluent. These activities are costly but considered essential to conducting business.
- Potential impact on water quality from farm operations. Topography requires farming on slopes where runoff must be managed to avoid negative impacts on wetlands and ponds.

- An increase in residential development would make farming more difficult.
- Competition for land makes land more expensive and reduces the availability of rentable farmland. Rental prices are increasing such that it is more feasible to buy farmland than to rent it. Currently, most of the competition for land is among farmers, although the NYS DEC has purchased and has expressed intent to purchase additional farmland.
- Purchase of land by NYS DEC for wetlands / Montezuma complex reduces land available for agriculture. Land leased back to farmers is sometimes flooded.
- Ethanol plants cutting back or not being built affect market and demand for corn. Recent processor closings affect the market / prices for certain crops
- Drainage of stormwater is sometimes a problem in different areas of the community.

The Strengths, Weaknesses, Opportunities and Threats (SWOT) relating to agriculture in the Town are summarized below.

**TABLE 3: Strengths, Weaknesses, Opportunities and Threats (SWOT)
Relating to Farmland and Agriculture**

<p><u>Strengths</u></p> <ul style="list-style-type: none"> • Large number of farms • History/ tradition of farming in the community • Local/ regional demand for agricultural products • High quality soils • Fresh water supply – Lake Ontario • Several machinery dealers within 6-8 miles • Road system can accommodate heavy trucks • Low density population 	<p><u>Weaknesses</u></p> <ul style="list-style-type: none"> • High taxes • Cost of utilities, broadband • Absence of local processors (e.g., Reckett leaving Wolcott; Comstock's closing resulted in reduction in production of sweet cherries)
<p><u>Opportunities</u></p> <ul style="list-style-type: none"> • Ethanol – market for corn • Cellulosic fuel plans • Wind energy – potential income from leases • Value-added processing – i.e., artisan cheese (Yancey's Fancy), salsa • Small-scale processors – help available at Agricultural Experiment Station's Food Ventures Center. Encourage incubator to locate in Wayne County • Extension of public water service - attract processors; serve agricultural production (esp. livestock) • State funding for purchase of development rights 	<p><u>Threats</u></p> <ul style="list-style-type: none"> • Future tax increases • Disappearing processors – processor closings eliminate local processing markets, resulting in increased transportation costs and change in the types of crops grown • Consolidation of agricultural industries – processing, distribution, production • Residential development – makes it more difficult to farm • Purchase of land by NYS DEC for wetlands preserve and buffers • Lack of market (e.g., ethanol)

TAX RELIEF PROGRAMS

Some landowners may not be aware of all of the tax relief programs that are available to them, such as agricultural use assessments; capital improvement exemptions, etc. Owners of land that is rented for farming, in particular, may not know that they are eligible for agricultural use assessments if their land is utilized by a qualifying farmer.

NYS DEC

By purchasing wetlands and wildlife areas, The NYS Department of Environmental Conservation in essence, affects farm drainage and the availability of land for agricultural protection. The NYS DEC has purchased a significant amount of land in southeastern Wayne County, including approximately 125 acres in the Town of Butler, to serve as a buffer to the Montezuma Wetlands complex. In addition, NYS and federal wildlife managers have altered drainage controls, resulting in formerly productive agricultural lands becoming too wet to farm effectively.

PERMANENT PROTECTION OF FARMLAND

Permanent protection of high quality farmland would ensure that land remains available for agricultural production. Significant areas in the Town of Butler consist of prime agricultural soils that are actively farmed. Areas determined to be most suitable for continued agricultural use consist of those lands that are outside areas designated for hamlet (mixed use), commercial, residential and public/ community service uses, excluding designated wetlands. (See Map 3: Future Land Use Map: page 23.)

Conservation easements may be donated privately or purchased by New York State or the Federal government. (See Tools & Techniques section.)

CONFLICTS MAY ARISE BETWEEN FARMERS AND NON-FARMING LANDOWNERS

Conflicts between farmers and non-farming neighbors makes farming more difficult. A local right-to-farm law would clearly express the Town's policy of support for farming and establish a local grievance committee to provide locally-based mediation of neighbor disputes.

EDUCATING NON-FARMING RESIDENTS

Non-farming residents may need better information about standard farming practices and the significance of agriculture to the community and the regional economy. Many non-farming residents of Butler, particularly those new to the area or country living, find certain farm practices to be a nuisance or perceive that they threaten the environment. These residents may benefit from additional information about the extent to which farmers manage resources to prevent runoff of manure or chemicals, for example, or minimize odor.

MAINTENANCE OF PUBLIC WATER SERVICE

The extension of public water service into agricultural areas of the Town needs to be managed to minimize impacts on agriculture. Public water tends to encourage residential development, which can make farming more difficult. However, some farms may benefit from public water service.

“FARM-FRIENDLY” DEVELOPMENT

New residential development needs to be sited and designed in a “farm-friendly” manner. When farm operations are in close proximity to residences, the potential for neighbor complaints increases. The Town has the ability to manage the design of new residential development so that it minimizes the potential for conflict. New house lots should be sited to ensure that they do not impede efficient farm operations, do not disturb drainage, and maintain buffers between farms and new house lots.

AGRICULTURE-RELATED BUSINESSES SUPPORT THE ECONOMY

Agriculture-related businesses support farming and contribute to the regional economy. Farms in Butler benefit from the proximity of agricultural support and supply businesses. Such businesses should be encouraged to locate in the Town. New businesses may be supported by regional resources such as the Cornell Agricultural Experiment Station Food Ventures Center in Geneva and at the Morrisville facility. County and State agencies should be encouraged to continue to attract and retain processors and to explore new markets, such as for biofuel.

Sales of farm products directly to the public provide additional income to farm operations. Organizations such as Cooperative Extension and Wayne County Tourism are active in promoting farm markets and roadside stands.

Some farm operations may need financial assistance to support expansion. Grant funds are available to such expansions when they will result in the creation or retention of jobs.

RETAINING LAND FOR AGRICULTURE

Support of conservation practices helps retain land for agricultural production. Wayne County Cooperative Extension, Wayne County Agricultural Development Board, and Wayne County Soil and Water Conservation District administer numerous programs to support Wayne County farmers and agricultural industry. The Town may be able to assist with local promotion of these programs.

TOOLS AND TECHNIQUES

This section provides information about the tools and techniques available to local governments to support agricultural operations and encourage the retention of high quality farmland.

SUBDIVISION REGULATIONS AND SITE PLAN REVIEW

NYS Town Law enables Towns to authorize the Town Planning Board to review and approve proposed subdivisions. The Town must determine what constitutes a “subdivision.” Some towns define “subdivision” as any lot split from a parent parcel, while others do not regulate lot splits unless five or more lots are involved.

Towns can authorize their Planning Boards to review Site Plans for new development. The Site Plan Review process can ensure that new development does not compromise existing drainage facilities or farm access lanes and incorporates sufficient buffers between farms and residences.

LOCAL RIGHT TO FARM LAW

Local “right to farm” laws typically clearly state the town’s policy in support of farming, define “generally accepted agricultural practices,” and affirm a farmer’s right to employ such practices. The laws also include a statement that farm practices may include odors, noise and other activities.

Such a law often establishes a local “grievance” procedure to resolve complaints between farmers and non-farm neighbors. A local committee consisting of local farmers, as well as non-farming residents, may be formed to hear and resolve complaints. Such a committee includes. Municipalities may appoint an existing committee, such as the Farmland Protection Board, to act as the Grievance Committee.

A local law would supplement right to farm provisions in the NYS Agricultural Districts Law and in Wayne County’s recently amended right to farm law (See Relevant Plans and Programs section.)

PRIVATE, VOLUNTARY CONSERVATION EASEMENTS

Landowners may place farmland under a permanent conservation easement to be held and monitored either by the Town or by a private land trust or other non-profit organization. The donation of easements may be helpful to some families in estate planning, as the value of the donated easement can be claimed as a tax deduction. Donation of easements provides permanent protection of farmland and open space at no cost to the town. The decision to donate an easement is made voluntarily by a private landowner.

The Genesee Land Trust, based in Rochester, is a private, non-profit land trust that accepts donations of property or development rights and works with individual landowners and community leaders to protect land resources. The Genesee Land Trust is active in Wayne County and is willing to discuss the possibility of donating conservation easements with interested landowners.

PUBLIC PURCHASE OF DEVELOPMENT RIGHTS

Purchase of Development Rights is a public program which purchases the development rights from willing landowners and results in a conservation easement being placed on the land that prohibits future development. The value of development rights is calculated as the difference between the value of the land for agricultural purposes and its value for development. A permanent conservation easement typically restricts future development on the parcel to agricultural buildings only. Ownership of the parcel does not change. The easement holder, the Town, Wayne County or a private land trust, is responsible for ensuring that the property is not developed. The owner may continue to farm the parcel, and/or sell it.

When development of a property is limited due to a permanent conservation easement, the assessment on the property must take into consideration the impact of the easement on the value of the property. This may result in reduced property taxes for the owner. However, in practice, properties that are receiving an agricultural use value assessment would continue to be assessed based on the agricultural value rather than the market value of the property.

PDR programs are regarded as fair to landowners, who receive fair market value for the development rights. The property remains privately owned and is assessed at a value that reflects its limited use. Such programs achieve permanent protection of farmland and open space.

Some municipalities have established Town purchase of development rights programs that are funded by bond issues. State and federal grant funding is also available to support the purchase of development rights to farmland.

State funding for PDR provides up to 75% of the cost of purchasing development rights. The remaining 25% may be obtained through a combination of Federal grant funds, private foundation funds, local government funds, or by the landowner. Some landowners agree to sell

their development rights for less than the appraised amount (known as a “bargain sale”), thereby donating the difference and often claiming a tax deduction for the amount donated.

In order to allocate these funds in a manner that is fair to all interested landowners and focused on the priorities of the Town, the Town needs to establish a process to solicit, review and evaluate potential projects.

INFRASTRUCTURE MANAGEMENT

Tools available to municipalities to minimize the impacts of sewer and water line extensions on agricultural land include the use of Agricultural Data Statements and lateral restrictions.

NOTICE OF INTENT PROCESS

Section 305 of the Agricultural Districts law requires local governments, before extending a water or sewer line that would serve non-farm structures within an Agricultural District, to file a preliminary and a final Notice of Intent with the NYS Department of Agriculture and the County Agricultural & Farmland Protection Board. The law states:

Any ... local government ... which intends to construct, or advance a grant, loan, interest subsidy or other funds within a district to construct, ... water or sewer facilities to serve non-farm structures, shall use all practicable means in undertaking such action to realize the policy and goals set forth in this article, and shall act and choose alternatives which, consistent with social, economic and other essential considerations, to the maximum extent practicable minimize or avoid adverse impacts on agriculture in order to sustain a viable farm enterprise or enterprises within the district.

The Notice of Intent (NOI) must set forth:

- A description of the proposed action and its agricultural setting
- The agricultural impact of the proposed action, including short-term and long-term effects
- Any adverse impacts on agriculture that cannot be avoided
- Alternatives to the proposed action
- Any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed action
- Mitigation measures proposed to minimize the adverse impact of the proposed action on the continuing viability of farms within the district
- Any aspects of the proposed action which would encourage non-farm development

A preliminary notice must be filed before the municipality issues a determination of significance pursuant to the State Environmental Quality Review Act (SEQR). The final notice must be filed at least 65 days prior to the construction or advancement of public funds. The commissioner has 45 days from receipt of the final notice to determine whether the action may have an unreasonably adverse effect on farm viability, and may take an additional 60 days to review the proposed action and issue findings.

The commissioner of agriculture may propose reasonable or practical alternative actions that would minimize or avoid the adverse impact of the proposed action on agriculture. The municipality or funding agency may either accept the proposed alternative or certify that other actions have been taken to minimize impacts on agricultural operations.

LATERAL RESTRICTIONS

Often, as an outcome of the Notice of Intent process, a municipality will adopt a resolution that restricts hookups for non-farm structures to a new water or sewer line that extends into an Agricultural District. The restriction on hookups would apply to non-agricultural structures for as long as the property is located within an Agricultural District.

PROMOTION OF LOCAL FARM PRODUCTS

Several State and regional programs have been established to promote local products and raise public awareness of the contributions of the agricultural industry. These programs include:

- “Pride of New York” program, administered by the NYS Department of Agriculture and Markets, offers labeling and promotional materials to participating farmers and encourages consumers to purchase locally grown products.
- The “Farm to School” program, administered by the NYS Department of Agriculture and Markets, connects farmers who are interested in selling products to schools with schools who are interested in purchasing local products. The program also encourages schools to integrate food system concepts into the curricula and supports the development and marketing of healthy products targeted for children.

TAX RELIEF PROGRAMS

- Agricultural Use Assessment
- Tax Credits and Exemptions

PUBLIC EDUCATION

Some municipalities work with farmers and County or regional organizations to help raise public awareness of the importance of the agricultural industry to the region’s economy and to help residents understand farm practices.

RECOMMENDED ACTIONS

Encourage landowners to participate in tax relief programs.

1. Identify owners of land that is rented for agricultural production whose owners do not receive agricultural use assessments and mail them information about the program.
2. Ensure that information about various tax relief programs is available in the Assessor's Office and elsewhere at the Town Hall.
3. Encourage the Town Assessor to inform farmland landowners about tax relief programs that they may be eligible for, including information about deadlines for applying.

Advocate on behalf of agricultural interests regarding the State purchase of land for wetlands and wildlife buffers.

4. With Farm Bureau, NYS Agriculture & Markets and other agencies to:
 - a. Ensure that the impacts on farmland and agriculture are considered in decisions to alter drainage patterns.
 - b. Encourage NYS DEC to continue to lease buffer lands to area farmers for agricultural production

Encourage the permanent protection of high quality farmland.

5. Provide information to landowners who may choose to donate conservation easements to a land trust, potentially as part of estate planning
6. Sponsor applications to NYS for Purchase of Development Rights (PDR)/ Work with Wayne County to obtain funding to preserve farmland in Butler

Avoid and/or mitigate conflicts between farmers and non-farm neighbors.

7. Adopt a local Right to Farm Law that incorporates a system to mediate conflicts that may arise between farmers and non-farming landowners

Educate the public about standard farming practices and the significance of agriculture to the community and the regional economy.

8. Provide information to residents about farm practices.
9. Publicize environmental management activities of area farms.

Manage the extension of infrastructure as appropriate to support and protect agricultural operations.

10. Obtain funding to extend water infrastructure as needed to support agricultural operations.
11. Adopt lateral restrictions to limit residential hookups to productive agricultural land while the land is within a designated County Agricultural District.
12. Support drainage projects undertaken at the State, County, and local level that would benefit the farming industry and the quality of the environment.

Encourage new residential development to be sited and designed in a “farm-friendly” manner.

13. Adopt subdivision regulations and empower the Planning Board to review lot splits. Incorporate guidelines that help the Planning Board and the landowner/ developer to site new house lots in a way that minimizes the potential for conflict with farming.
14. Encourage farm-related businesses to locate in the Town
15. Promote sales of local farm products. Work with Cooperative Extension, Wayne County Tourism and other agencies to promote farm markets and roadside stands.
16. Work with Wayne County to facilitate grants and loans for expansion of agriculture-related businesses. Such grants must be tied to job creation. (Example: The Town of Huron received a Small Cities grant to extend public water lines to Marshall Farms.)
17. Encourage the development of agricultural-related businesses. Publicize the resources available at the Cornell Agricultural Experiment Station Food Ventures Center and at the Morrisville facility. Work with Wayne County to establish an agricultural ventures incubator.
18. Work with County and State agencies to encourage retain and/or attract processors. Seek new markets, such as for biofuel.

Maintain partnerships with governmental and not-for-profit agricultural support agencies.

19. Make information about programs administered by Wayne County agencies available at the Butler Town Hall.
20. Maintain communications with Wayne County agencies, Farm Bureau and other organizations about programs to assist and support farmers and farm-related businesses in the Town.



Map 9: Agricultural Soils

Map 9: Back

Map 10: Active Farmland

Map 10: Back

Map 11: Agricultural Parcels

Map 11: Back

Map 12: Regional Markets

Map 12: Back

HOUSING



GOALS

- Accommodate new residential development while preserving the continued viability of farmland
- Maintain and improve integrity of housing stock and residential neighborhoods.
- Improve infrastructure in South Butler.

EXISTING CONDITIONS

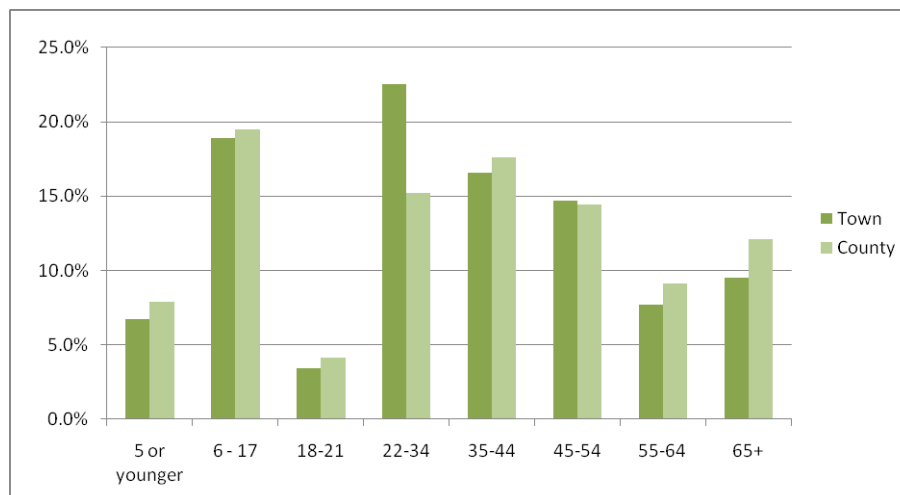
POPULATION

According to the Census of Population and Housing, the population of the Town of Butler, outside the Village of Wolcott, was 1,989 in 2000. This figure includes the population within group quarters. The total population within the Butler Correctional Facility was indicated to be 291. Between 1990 and 2000, the Town's total population seems to have increased about 3.9% from 1,914 persons.

As indicated in the 2000 Census and the table below, the age group that represents the highest percentage of the population is the 22-34 year old age group who account for almost 23% of the Town's population. In comparison to Wayne County, the age group of 6-17 year olds makes up the largest percentage of the population at almost 20%.

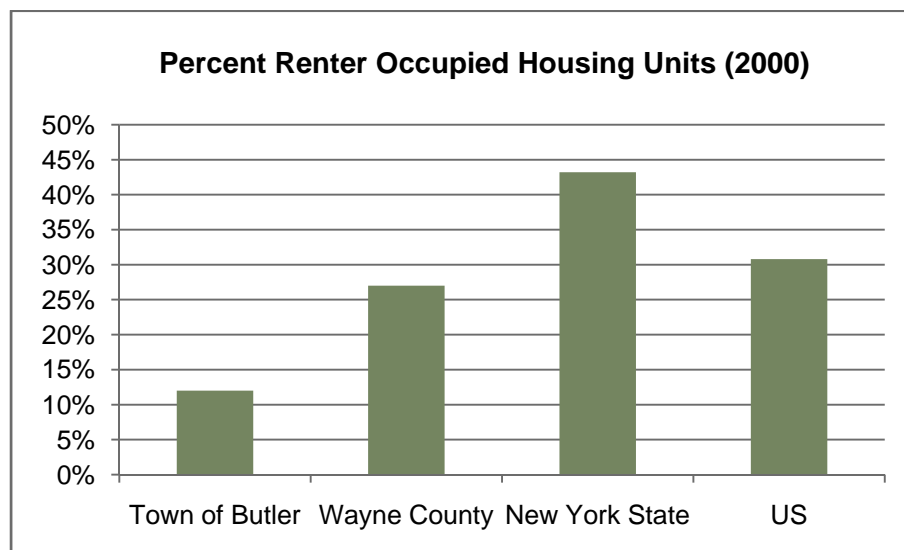
TABLE 4: Population by Age

Age	Remainder of Butler Town		Wayne County	
	#	Town	#	County
5 or	133	6.7%	7,425	7.9%
6 - 17	375	18.9%	18,245	19.5%
18-21	67	3.4%	3,868	4.1%
22-34	448	22.5%	14,285	15.2%
35-44	331	16.6%	16,505	17.6%
45-54	293	14.7%	13,522	14.4%
55-64	153	7.7%	8,568	9.1%
65+	189	9.5%	11,347	12.1%
Total	1,989	100.0%	93,765	100.0%



HOUSING OWNERSHIP

The Town's 2000 Census population of 1,989 was housed in 598 housing units. The Town contained a total of 631 housing units, so 33 were accounted for as unoccupied. The 1990 Census shows a total of 610 total housing units, so in the ten-year span from 1990 to 2000, a total of 21 new housing units were created. In 2000, 12% or 72 of occupied housing units were renter-occupied, which is much lower than the New York State and national average of 43.2% and 30.8%, respectively. The Town has a very high rate of homeownership, as 88% of occupied units are owner-occupied.



Source: 2000 US Census

HOUSEHOLD SIZE

The Town's average household size in 2000 was 3.29 persons per household, which is slightly higher than the US household size of 2.59. The 1990 Census indicates that 3.49 persons per household in Butler. Therefore, the Town's average household size is declining, but is still higher than the regional and State average. Declining household size is a trend that is found in much of New York State, as well as nationally. Factors that contribute to declining household size are smaller families with fewer children, an aging population with larger numbers of sole surviving elderly persons, and an increase in empty-nester households.

Persons Per Household			
Year	Town of Butler	Wayne County	New York State
1990	3.49	2.79	2.63
2000	3.29	2.69	2.61

Source: US Census

HOUSING STOCK

A total of 531 parcels in the Town are classified as residential. Nearly all of these are single-family dwellings or individual manufactured homes. Over half of the Town's housing structures (53%) were built prior to 1960. Further, 75% of the Town's housing structures were built prior to 1980. The Town experienced a surge in housing construction between 1970 and 1979, when 112 new structures were built, as evidenced by the following table. There have been a total of 39 residential building permits issued since 2000, which indicates residential growth, but growth is slowing compared to previous decades. The 39 building permits accounts for single- and double-wide mobile homes, as well as stick built homes. This figure averages to 4.8 new homes per year since 2000.

TABLE 5: Age of Housing

Year Housing Structure Was Built	Town of Butler		Wayne County	
	Number	Percent	Number	Percent
1990-2000	87	13.8%	5,110	13.2%
1980-1989	64	10.1%	4,813	12.4%
1970-1979	112	17.8%	5,563	14.4%
1960-1969	48	7.6%	3,965	10.2%
1950-1959	17	2.7%	3,107	8.0%
1940-1949	26	4.1%	1,779	4.6%
1939 or Earlier	277	43.9%	14,430	37.2%
TOTAL	631	100.0%	38,767	100.0%

EXISTING PLANS, PROGRAMS AND REGULATIONS

DRAFT COMPREHENSIVE PLAN FOR THE TOWN OF BUTLER - 1990

The 1990 Butler Plan recommended that residential development be directed to certain areas and corridors at densities of one dwelling per two acres.

BISHOP SHEEN HOME OWNERSHIP PROGRAM

The homeownership program allows first-time homebuyers who are income-eligible to borrow money for closing costs. The money must be paid back, and there is no interest that needs to be paid in return.

BISHOP SHEEN EMERGENCY HOME REPAIR PROGRAM

The emergency home repair program assists income-eligible homeowners with housing deficiencies. Substandard conditions, weatherization, and code violations can be remedied through such a program.

HOUSING REHABILITATION PROGRAM

Wayne County currently has HOME application pending that would provide \$400,000 to rehabilitate substandard housing in Wayne County.

ISSUES AND OPPORTUNITIES

Presence of poor housing conditions presents an opportunity to obtain grant funding for housing rehabilitation

CONDITION OF HOUSING STOCK

Stuart I. Brown Associates conducted several windshield surveys at various times throughout the planning process to assess existing conditions. While it is difficult to characterize the overall external housing conditions on a town-wide basis, there are geographic areas that warrant discussion. The rural and agricultural nature of the town has contributed to housing development scattered along rural roads. Areas within the town have a landscape dotted with older, historic homes that add character to the community. Some of these homes have been well preserved and maintained providing a sense of pride within the community. Newer construction is also prevalent in some areas of the town indicating the Town provides a quality of rural lifestyle that people appreciate.

However, there is also evidence of substandard housing conditions within this scattered development pattern. While many houses were found to be in standard condition, there are housing structures that appear to have one or more defects due to either age or neglect. Conditions that are contributing to the substandard housing stock include cracked foundations, rotten siding, failing roof materials, inefficient windows and doors, and other factors.

The hamlet of South Butler contains a concentration of housing units that makes up a distinct neighborhood. While some homes in the hamlet provide safe living conditions, numerous houses in this area appear to be in substandard condition. Some could potentially be classified as severely substandard. Specific housing units cannot be classified as substandard without a detailed inspection, but the appearance of such conditions signals that such substandard classification does exist. External observations included crumbling or cracked segments of building foundations; rotted or insufficient steps leading to entrance doors; broken, cracked, missing, and unpainted siding; missing, cracked, and failing roof materials and structural defects to roofing, porches, and exterior walls.

Unsafe living conditions contribute to the potential negative health and wellness of the structures inhabitants, and such conditions can also erode community character. Considering the limited economic activity in and around the Butler area, it is likely difficult for some homeowners to meet their own daily living expenses, let alone the ability to tackle the enormous expenses of routine maintenance and costly home repairs.

POTENTIAL CONFLICTS WITH AGRICULTURAL USES

Residential development in the countryside has the potential to lead to conflicts with agricultural production. Residents who live near farms may complain about odors from manure spreading or noise from farm equipment.

RURAL CHARACTER

Residential development along roadsides may reduce the rural, open space character of the community. This can occur when lots are relatively narrow. An increase of the number of curb cuts on roadways due to residential development reduces the ability of major roads to carry through traffic.

WATER QUALITY

Residents within the hamlet of South Butler expressed concern over the quality of their water. The density of homes and lack of public water and sewer all contribute to the public health concern of the private water supply for residents. Residents of the hamlet area have expressed their support for exploring opportunities to provide a healthier water supply.

RESIDENT SURVEY RESULTS:



- 80% of respondents get their water from a drinking well
- 93% of respondents were homeowners
- A large number of respondents (67%) live in Butler because of the rural character
- Almost half (49%) of respondents feel that views of rural landscape are important
- Several written responses indicated that the Town needs to do something about getting public water and sewer into the hamlet of south Butler, as well as address the condition of housing

TOOLS AND TECHNIQUES

EXISTING HOUSING ASSISTANCE PROGRAMS AND SERVICES

The following are existing housing programs that may be available to Butler residents. Eligibility is typically limited to low- and moderate-income households.

WEATHER REFERRAL AND PACKAGING PROGRAM (WRAP)

Provides weatherization and energy conservation assistance to elderly-occupied households. Assistance is available to owner-occupants as well as renters. Renters must obtain landlord approval and landlords must provide a financial contribution as well. The program is administered by the Wayne County Office for the Aging.

SECTION 8 HOUSING PROGRAM

(CASH) administers Section 8 certificates and vouchers, which are provided to income eligible persons to subsidize rent. Certificate and voucher recipients are required to secure housing on their own. The rent subsidies are paid directly to the landlords.

HOUSING REHABILITATION ASSISTANCE

Two regional not-for-profit agencies, Community Action for Self Help, (C.A.S.H., Inc.) and Bishop Sheen Ecumenical Housing Foundation, Inc. - administer housing rehabilitation assistance and emergency housing repair programs for income-qualified households. Both programs have limited funding.

REHABILITATION AND ACQUISITION PROGRAM

Rural Opportunities, Inc. (ROI) administers a residential rehabilitation and acquisition grant program. Qualified residents of Wayne County are eligible to participate. Participants must be first-time homebuyers and have household incomes of less than 80% of the median household income (MHI) of the region to qualify. Grants may be used to make repairs to residential dwellings that are in need of rehabilitation at the time of purchase. ROI also assists eligible applicants to obtain mortgage financing.

POTENTIAL GRANT FUNDING

NYS Office for Small Cities CDBG housing rehabilitation funds.

A maximum of approximately \$400,000 can be obtained in any given grant program year that can be used to rehabilitate low/moderate-income, substandard homes within the Town of Butler to a safe, standard living condition.

USDA Rural Development Housing and Community Facilities Programs.

This is a very low-income housing repair program that provides loans and grants to very low-income homeowners to repair, improve, or modernize their dwellings or to remove health and safety hazards. Loans of up to \$20,000 and grants of up to \$7,500 are available.

RECOMMENDED ACTIONS

1. Obtain grant funding to assist owners of housing to remedy code violations, make necessary repairs and bring homes to a standard condition.
2. Administer a mail survey in the South Butler target area to determine residents' eligibility for a Small Cities grant.
3. Encourage energy saving mechanisms in new or rehabilitated housing units to help offset high costs of energy and degradation of the natural environment.
4. Work with Wayne County, Bishop Sheen Programs, and other private entities to promote programs that provide financial assistance to homeowners for housing rehabilitation.
5. Adopt land use strategies to manage the location and design of new housing and future development.
6. Continue to cultivate volunteer teams to organize and initiate an annual neighborhood clean up program.
7. Budget for repair and installation of sidewalks and crosswalks in the hamlet of South Butler, as well as connect infrastructure and services in the Route 104 corridor to the Village of Wolcott.
8. Communicate and work with adjacent communities and the Wayne County Water and Sewer Authority to study the feasibility of extending water to South Butler.

Map 13: Residential Parcels

Map 13: Back

BUSINESS AND ECONOMIC DEVELOPMENT



GOALS

- Promote the more intensive business development along Route 104.
- Encourage the continuation and expansion businesses that utilize natural resources, including wood products and mining.
- Encourage new and expanded businesses that utilize locally grown agricultural products, provide needed services or supplies to farms, or transport farm products.
- Support the creation of home-based businesses (“cottage industries”).

EXISTING CONDITIONS

BUTLER BUSINESSES AND EMPLOYERS

The predominant industry in the Town of Butler is agriculture. Farms in Butler contribute to the \$168,963,000 in sales generated by farms in Wayne County, as reported by the most recent (2007) Census of Agriculture. Two sawmills are located in the Town – one at Butler Center and one in the northern part of the hamlet of South Butler. These businesses have been continually operating in the Town since it was settled. Marshall Pet Products and Marshall Farms are non-traditional farm operations that are major employers.

Several other businesses in the Town are involved with the extraction or processing of natural resources:

- A lumber yard is located on Westbury Cutoff Road
- A mining operation is located in the eastern portion of the town.
- A logging company – Smoothbore International - is located along NYS Route 370 in the northeastern portion of the Town.



A concentration of commercial businesses is located along Route 104 at Whiskey Hill Road, just south of the Village of Wolcott. Businesses in this location include a McDonald's franchise, a Fast Trac gas station and a Rite-Aid store. An automobile dealership located in this area has closed. This area has the greatest potential for additional business development, due to its location and the potential for extending sewer and water.



Other non-agricultural businesses in the Town include a market and fabric store located on Yates Road, equipment dealers and automotive repair shops. A private resort, Savannah Du, is located in the southwestern portion of the Town.

Public employers with facilities located in the Town include the Town of Butler, the Rose-Wolcott school system, and the Butler Correctional Facility.

The Butler Correctional Facility, located along Westbury Cut-off Road in the northeast part of the Town, consists of a minimum security compound for males age 16 and older as well as the medium security Butler Alcohol and Substance Abuse Correctional Treatment Center (ASACTC). Approximately 239 people are employed at these facilities, although the ASACTC is reportedly slated to be closed.

EMPLOYMENT

Based on data from the 2000 Census, more than one-quarter of the Town's employed population work in the Town of Butler and nearly one-half work elsewhere in Wayne County. (See Table 6: Place of Work.)

As summarized in Table 7, more than one-quarter (27%) of the employed population work in manufacturing industries; 17% in educational, health or social services; 13% in retail trade and 11.5% in agriculture.

As summarized in Table 8, approximately one-quarter of the employed residents are in production, transportation or material handling occupations; 24% are in sales; 20% are in managerial or professional occupations. 15% in construction; 11% in service occupations



TABLE 6: Place of Work

Place of Work Employed Residents Age 16+, Town of Butler (outside Village)			
	Butler Town outside		Wayne
Worked in the Town of Butler	202	27.0%	NA
Worked elsewhere in Wayne County	361	48.3%	52.40%
Worked in Rochester	12	1.6%	12.20%
Worked elsewhere in the Rochester MSA (1)	58	7.8%	31.30%
Worked in Syracuse	28	3.7%	0.90%
Worked elsewhere in the Syracuse MSA (2)	62	8.3%	1.80%
Worked elsewhere	24	3.2%	4.10%
Total Employed Residents	747	100.0%	
(1) Includes Monroe, Livingston, Orleans, Ontario and Wayne Counties			
(2) Includes Onondaga, Oswego and Madison Counties			

Source: U.S. Census Bureau, 2000 Census

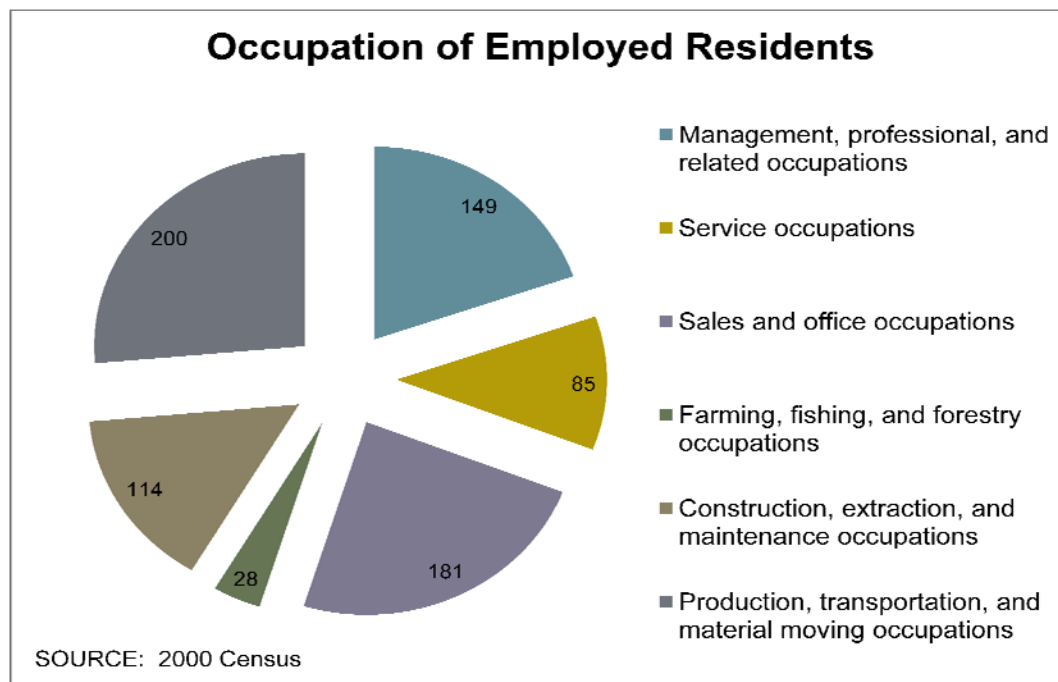


TABLE 7: Employment by Industry

Sex by Industry for the Employed Civilian Population

	Male	Female	Total	
Agriculture, forestry, fishing and hunting, and mining	67	20	87	11.5%
Agriculture, forestry, fishing and hunting	67	20	87	11.5%
Mining	0	0	0	0.0%
Construction	47	2	49	6.5%
Manufacturing	129	74	203	26.8%
Wholesale trade	15	7	22	2.9%
Retail trade	40	57	97	12.8%
Transportation and warehousing, and utilities	23	7	30	4.0%
Transportation and warehousing	21	7	28	3.7%
Utilities	2	0	2	0.3%
Information	4	2	6	0.8%
Finance, insurance, real estate and rental and leasing	5	11	16	2.1%
Finance and insurance	5	11	16	2.1%
Real estate and rental and leasing	0	0	0	0.0%
Professional, scientific, management, administrative, and waste management services	11	10	21	2.8%
Professional, scientific, and technical services	4	4	8	1.1%
Management of companies and enterprises	0	0	0	0.0%
Administrative and support and waste management services	7	6	13	1.7%
Educational, health and social services	16	114	130	17.2%
Educational services	10	53	63	8.3%
Health care and social assistance	6	61	67	8.9%
Arts, entertainment, recreation, accommodation and food services	11	11	22	2.9%
Arts, entertainment, and recreation	5	0	5	0.7%
Accommodation and food services	6	11	17	2.2%
Other services (except public administration)	24	14	38	5.0%
Public administration	16	20	36	4.8%
Total:	408	349	757	100.0%

TABLE 8: Employment by Occupation

Sex by Occupation for the Employed Civilian Population 16+ Year

	Male	Female	Total	
Management, professional, and related occupations	55	94	149	19.7%
Management, business, and financial operations occupations	32	24	56	7.4%
Management occupations, except farmers and farm managers	8	16	24	3.2%
Farmers and farm managers	22	5	27	3.6%
Business and financial operations occupations	2	3	5	0.7%
Business operations specialists	0	0	0	0.0%
Financial specialists	2	3	5	0.7%
Professional and related occupations	23	70	93	12.3%
Computer and mathematical occupations	2	2	4	0.5%
Architecture and engineering occupations	5	3	8	1.1%
Architects, surveyors, cartographers, and engineers	5	1	6	0.8%
Drafters, engineering, and mapping technicians	0	2	2	0.3%
Life, physical, and social science occupations	6	0	6	0.8%
Community and social services occupations	0	4	4	0.5%
Legal occupations	2	0	2	0.3%
Education, training, and library occupations	5	34	39	5.2%
Arts, design, entertainment, sports, and media occupations	3	2	5	0.7%
Healthcare practitioners and technical occupations	0	25	25	3.3%
Health diagnosing and treating practioners and technical occupation	0	10	10	1.3%
Health technologists and technicians	0	15	15	2.0%
Service occupations	33	52	85	11.2%
Healthcare support occupations	2	13	15	2.0%
Protective service occupations	10	0	10	1.3%
Fire fighting, prevention, and law enforcement workers, including supervisors	10	0	10	1.3%
Other protective service workers, including supervisors	0	0	0	0.0%
Food preparation and serving related occupations	4	22	26	3.4%
Building and grounds cleaning and maintenance occupations	15	5	20	2.6%
Personal care and service occupations	2	12	14	1.8%
Sales and office occupations	51	130	181	23.9%
Sales and related occupations	37	38	75	9.9%
Office and administrative support occupations	14	92	106	14.0%
Farming, fishing, and forestry occupations	24	4	28	3.7%
Construction, extraction, and maintenance occupations	110	4	114	15.1%
Construction and extraction occupations	52	0	52	6.9%
Supervisor, construction and extraction workers	9	0	9	1.2%
Construction trades workers	43	0	43	5.7%
Extraction workers	0	0	0	0.0%
Installation, maintenance, and repair occupations	58	4	62	8.2%
Production, transportation, and maternal moving occupations	135	65	200	26.4%
Production occupations	88	57	145	19.2%
Transportation and material moving occupations	47	8	55	7.3%
Supervisors, transportation and material moving workers	0	0	0	0.0%
Aircraft and traffic control occupations	0	0	0	0.0%
Motor vehicle operators	21	2	23	3.0%
Rail, water and other transportation occupations	1	0	1	0.1%
Material moving worker	25	6	31	4.1%
Total	408	349	757	100.0%

EXISTING PLANS, PROGRAMS AND REGULATIONS

WAYNE COUNTY ECONOMIC DEVELOPMENT STRATEGY

The Wayne County Economic Development Strategic Plan, completed in September 2006, encourages economic development in targeted industries such as agricultural-related manufacturing, tourism equipment manufacturing and energy-related development, including sustainable and alternative sources. Recommended actions include extending infrastructure to facilitate economic development, promoting entrepreneurship, and supporting existing businesses.

TOOLS AND TECHNIQUES

REAL PROPERTY TAX INCENTIVES

Municipalities may provide property tax exemptions as incentives to encourage business development. Section 485-b of the NYS Real Property Tax Law provides municipalities with the authority to provide such an incentive. Business construction, expansion or renovations that equal or exceed \$10,000 are eligible for the exemption. Fifty percent of the assessed value of the property resulting from the construction or improvement is exempted during the first year following the project's completion. The exemption is phased out during the following nine years by 5% each year. The exemption applies to village, town, county and school district property taxes. Both the Town and Village of Sodus currently offer 485-b incentives.

EMPIRE ZONE

Wayne County was awarded an Empire Zone designation by New York State in 2002. Businesses within designated Empire Zones may take advantage of various financial incentives in exchange for creating new jobs. The incentives include: sale tax exemptions, income tax credits, real property tax abatements, wage tax credits, and reduced utility rates among others.

WAYNE COUNTY INDUSTRIAL SITE FUND

WCIDA will provide financial assistance to municipalities for the construction of public infrastructure improvements needed to serve manufacturing facilities. Eligible infrastructure includes watermains, sanitary sewers, roadways and lighting. WCIDA will provide 1/3 of the cost

up to \$100,000. The balance of the funding is typically provided by the municipality and the manufacturer.

WCIDA REVOLVING LOAN FUND

Low interest loans up to \$300,000 are available to manufacturing, warehousing and research businesses. A condition of such loans is that the businesses are required to create at least one job for each \$10,000 of loan funds received. The revolving loan funds may be used for land acquisition, construction, renovation and for the purchase of machinery and equipment.

SALE/LEASEBACK TAX BENEFITS

This is a WCIDA program through which a manufacturing company conveys title to its property to the WCIDA which rents the property back to the manufacturing company through a lease. As WCIDA is a tax-exempt, public-benefit corporation, the savings that results from sales tax, mortgage tax and local property tax exemptions are passed through to the manufacturing firm. Sale/lease back arrangements are provided for up to ten-years. Although 100% of local property taxes are exempted for the first five years and 50% during the second five years, payment-in-lieu-of taxes (PILOT) agreements are usually negotiated so companies benefiting from the tax abatements make some financial contributions to local taxing authorities.

MICRO-BUSINESS REVOLVING LOAN FUND

Low interest loans of up to \$25,000 are available to existing and start-up business through this WCIDA revolving loan program. Only businesses with five or fewer employees inclusive of the owner(s) are eligible to participate in the program. Loan funds may be used for property acquisition, purchase of equipment and as working capital. The WCIDA also administers a micro-enterprise loan program targeted to agriculture and agribusinesses.

SMALL BUSINESS ADMINISTRATION (SBA) 504 LOAN PROGRAM

Businesses are able to finance up to 90% of the cost of purchasing fixed assets through this SBA program, a much larger percentage than is available through conventional banking financing. The SBA typically finances 40% of the purchase while conventional banks finance 50%. The business is required to utilize its own cash equity for the remaining 10% of the purchase cost. SBA 504 loans range from \$100,000 to \$1 million. Eligible businesses must agree to create one job for each \$35,000 of loan funds received as a condition for receiving the financing.

NYS INVESTMENT TAX CREDITS

Manufacturers that make significant investments in their business operations located in New York State may be eligible to receive tax credits from the State to reduce their income tax liabilities.

INDUSTRIAL PARKS

Industrial parks serve as a useful tool for recruiting new industrial businesses and retaining existing businesses needing room for expansion or relocation. Industrial parks may be privately owned and developed or may be owned and developed by a local development corporation established for that purpose. Businesses are much more inclined to locate operations in communities that have industrial parks with shovel-ready sites available.

Service Corps of Retired Executives (SCORE)

SCORE is an educational program underwritten by the Small Business Administration. Through the SCORE program, retire business executives conduct training seminars and consult with persons interested in starting businesses. SCORE seminars and services are provided free of charge.

Workforce Development

Workforce Development is a collaborative program designed to assist job seekers and displaced adult workers obtain skills training and find employment as well as assist businesses to find people to employ who have appropriate skills or the aptitude to learn the appropriate skills. Members of the collaboration include: NYS Department of Labor, Workforce New York, the Finger Lakes Community College, the Wayne Economic Development Corporation, Wayne County Empire Zone, Wayne-Finger Lakes BOCES, VESID, the Pioneer Library System and Rural Opportunities, Inc.

Section 108 Business Development Loan Program

The Section 108 program is a program administered by the U.S. Department of Housing and Urban Development (HUD). The program enables municipalities to borrow funds to use to make loans for business development generally at below market interest rates. Loan recipients must agree to create one job for each \$35,000 of loan proceeds received and at least 51% of the jobs created must benefit low- and moderate- income persons.

Small Cities Community Development Block Grant Program

The Small Cities program is a federal program administered by the Governor's Office for Small Cities (GOSC). Grants between \$100,000 and \$650,000 are available to municipalities for use to construct publicly-owned infrastructure improvements or to lend to private businesses. Both types of projects must result in the creation and/or retention of private sector jobs that principally benefit low and moderate income persons. At least one private sector job must be created for each \$35,000 of grant funds received and 75% of the funds must benefit low and moderate income persons.

ISSUES AND OPPORTUNITIES

LAND ALONG ROUTE 104 PRESENTS OPPORTUNITY FOR BUSINESS DEVELOPMENT

The Route 104 corridor is heavily traveled and offers excellent visibility to businesses who seek to attract customers. Existing businesses located at the corner of Route 104 and Whiskey Hill Road – McDonald's and Fast Trac – take advantage of the location and visibility. A developer has inquired about the potential to develop land along Route 104 in the Town of Butler as a regional hotel.

Extension of water and sewer service is necessary to realize the full potential of business opportunities in this area of the Town.

BUSINESS RELATED TO AGRICULTURE, NATURAL RESOURCES & ENERGY

The Town of Butler is predominantly agricultural. Businesses that process, distribute or add value to agricultural products may be successful in the Town. Businesses that process naturally occurring products, such as sawmills and mining operations, have been successful in the Town since the area was first settled. Future economic development related to natural resources, agriculture and renewable energy sources (wind, bio-fuel, anaerobic digesters, etc.) should be encouraged.

RECOMMENDED ACTIONS

1. Work with the Wayne County Water & Sewer Authority to extend public water and sewer services to additional areas along Route 104. (See also Transportation & Infrastructure section.)
2. Work with Wayne County Economic Development to recruit a hotel or other business to a location along Route 104.
3. Maintain a supportive environment for the creation of new agricultural and natural resources based businesses.
4. Work with Wayne County Economic Development and other entities to extend broadband, sewer, water and other infrastructure to facilitate economic development.
5. Encourage energy-related economic development, particularly in renewable and alternative sources.

Map 14: Business Parcels

Map 14: Back

Map 15: NYS Route 104 Business Parcels

Map 15: Back

TRANSPORTATION AND INFRASTRUCTURE



GOALS

- Maintain existing town infrastructure in a cost effective manner.
- Extend water, sewer, broadband access, and natural gas service along the Route 104 corridor.
- Remedy water quality and quantity concerns in the hamlet of South Butler.
- Maintain safe pedestrian linkages between residential and commercial facilities.
- Continue inter-municipal cooperation and sharing of equipment with other jurisdictions.

EXISTING CONDITIONS

STREETS AND ROADWAYS

The Town of Butler contains a mix of State, County, and local roads which are the primary means of transportation within the Town. The New York State highways in Wayne County are a critical component of today's living standards. These are the most utilized routes for people traveling to and from work, as well as for moving and distributing goods that are in demand locally and regionally. Those who use the State Routes are typically looking to move around the region in a quick and efficient manner. There are three State routes that pass through the Town of Butler, which are State Routes 104, 370, and 89. The most traveled State route is Route 104, which extends from Niagara Falls to Williamstown, which is northeast of Syracuse. The Wayne County portion of Route 104 was widened to four lanes in 1991. State Route 370 passes through the northeast portion of Butler, and extends from Red Creek to Syracuse. State Route 89 is the longest segment of State Road within the Town, but according to the Department of Transportation 2006 Annual Average Daily Traffic count is the least traveled State Route within the Town. (See Map 16: Roads by Jurisdiction: page 103.) Route 89 extends from the Village of Wolcott to the City of Ithaca.

The County routes include segments of Lasher, Whiskey Hill, Westbury, Westbury Cut Off, Wolcott-Spring Lake, Butler Center, South Butler, and South Butler-Conquest Roads. The remainder of the Town is accessible by the local road network. The Town Highway Department is responsible for maintaining the local road network by re-paving when necessary, snow plowing, as well as clearing brush and trees that are adjacent to the travel lanes. The Town has a contract with New York State to maintain New York State Route 89 in the winter. All Wayne County roads within Butler are maintained by the Town in the winter months as well. The County, however, maintains County routes in the summer months. The Butler Highway Department also assists adjoining and nearby municipalities in their efforts to maintain roadways when extra help is needed. The Highway Superintendent maintains relationships with other municipalities in the region in an effort to share equipment when needed.

Current projects that are taking place within the Town include ongoing road resurfacing and culvert pipe installation and repairs. The Town has experienced three culvert pipe collapses just last year. The town's roads are generally in good condition. The biggest threat to road condition and integrity is the continued use of heavy agricultural equipment on and adjacent to the roadways. Blacktop is broken up and destroyed by heavy equipment that is driven on the shoulder of the road. Damage must be attended to on a continuous basis by the Town Highway Department so the road condition does not further deteriorate.



PUBLIC TRANSPORTATION

Wayne Area Transportation Service (WATS) is a regional operation of the Rochester Genesee Regional Transportation Authority, which provides public transportation to all towns within Wayne County. WATS operates Monday through Friday from 5:30 AM to 7:00 PM. WATS provides a link to downtown Rochester with a shuttle that connects with the RTS Park & Ride in Webster. WATS is the primary provider of agency transportation in Wayne County, operating approximately 20 routes for Wayne County human service agencies, as well as a demand response service.

SIDEWALKS

A very limited Sidewalk network is present in the Town of Butler, which is located within South Butler. The Village of Wolcott also has a sidewalk network; however, the Town does not retain any responsibility for maintenance or replacement of sidewalk infrastructure. The property owners retain responsibility for clearing snow, general maintenance and replacement of deteriorated sidewalks.

The Town lacks sidewalks between the Village of Wolcott and the commercial services near the Route 104 area. Pedestrian access could be considered an important feature linking these two neighborhoods.

Existing conditions of sidewalk generally range from fair to poor. There is evidence of cracked, heaved, broken, and missing sidewalk segments. These conditions pose a safety hazard to pedestrians in the community.

Crosswalks are also non-existent in the hamlet at the intersection of State Route 89 and South Butler Road. The level of vehicular traffic within the hamlet is not heavy enough where crossing signals need to be present, but the lack of a visual reference in the road for motorists presents a safety hazard.

Sidewalks and pedestrian pathways, including crosswalks, need to be well defined as well as free and clear of obstacles and tripping hazards. Good quality pedestrian environments that encompass a variety of features geared toward a pedestrian are essential in strong, walkable neighborhoods.

WATER

There are two small areas in the Town of Butler that are served by public water. The Wayne County Water and Sewer Authority provides water infrastructure to serve these portions of Butler. The water comes from the Village of Wolcott, which retrieves its water from the Waeger Springs site on Waeger Road, or as a supplement, Lake Ontario.

There is a 6-inch water main that delivers water from the Village line, down Whiskey Hill Road, to Route 104. Water is also provided along Limekiln Road just north of Route 104 through an 8-inch water main. The existing water lines on Whiskey Hill and Limekiln Roads do not provide sufficient capacity or pressure to extend beyond the point where the lines now terminate. Water pressure is not quite what it needs to be to provide sufficient pumping access for fire trucks.

The northeast segment of the Town is serviced by public water as well. This infrastructure supplies water to the State Correctional Facility located on Westbury Cut Off Road, just off of State Route 370. A water storage tank is located just off of Route 370, which helps to supply sufficient capacity and pressure, even for possible future water extensions.

Wayne County Water and Sewer Authority will soon conduct a long-term water supply strategy for southeastern and eastern Wayne County. The intent of the project is to not only gain a sound understanding of water supply issues in this portion of the County, but also to study and assess various alternatives to supplying water infrastructure in the region.

The study would determine to what extent existing infrastructure could be extended, and determine if existing water sources are sufficient at to provide capacity for potential extensions. This study will study alternative water supplies within the central/western NY region; i.e.: Lake Ontario, Seneca, Cayuga, other Finger Lakes, potential underground sources.

The remainder of the Town relies upon private wells for personal household water consumption.

SEWER

The only location where public sewer is available within the Town is on Whiskey Hill Road from the Village line to the Route 104 corridor. This is a very small segment of road, and there are no plans to expand sewer service into the Town at this time. There is a 6-inch force main just north of the Town line and State Route 370, which serves the prison facility. This infrastructure also extends into the Village of Red Creek.

The majority of the Town relies upon private on-site septic systems to manage wastewater. This is the case in the hamlet of South Butler where houses and structures are built in relatively close proximity to one another. This situation could pose a threat to public health, as the

concentration of private septic systems could potentially contaminate nearby private wells that supply water to households. A public meeting was held in the fall of 2008 where several residents of the South Butler area voiced their concerns over the low quality of their drinking water because of the density and proximity of on site sewage and septic systems in the neighborhood.

A major priority for successful growth and development along the Route 104 corridor is to expand adequate public sewer service in the corridor.

NATURAL GAS AND ELECTRIC

Rochester Gas and Electric provides both natural gas service and electric service within a small portion of the Town. Generally gas service is limited to the Village of Wolcott. Service seems to be somewhat limited and there were indications through the resident survey that natural gas should be extended.



CABLE/ BROADBAND

Generally, residents as well as businesses and local government operations lack high-speed internet access. Cable coming from Wolcott serves the areas of Whiskey Hill Road, Smith Road, Bullis Center Road, and a portion of State Route 89. Cable access will be provided along State Route 89 into the hamlet of South Butler. Cable will also run north to Butler Center. The remainder of the Town does not have cable access. Lacking such infrastructure likely hinders certain types of economic and business growth, with the exception of businesses that revolve around the town's natural resources and agriculture.

WIRELESS INFRASTRUCTURE

Verizon is in the process of installing a cell tower on the west side of State Route 89. It appears there are residents who have indicated that cell coverage in the area is sometimes sketchy.

EXISTING PLANS, PROGRAMS AND REGULATIONS

FEASIBILITY STUDY FOR WATER SUPPLY FOR THE ROUTE 104 CORRIDOR (WHISKEY HILL ROAD VICINITY)

This feasibility study evaluates three different alternatives to providing improved water service to the Route 104 and Whiskey Hill Road area. The study was conducted to assist a potential hotel development in the vicinity of the corridor, but the study also recognizes there would be a benefit to existing businesses in the area. Future development of the corridor would not be possible without improved water service.

The study seems to indicate that alternative number two provides the best value, as it is a "middle ground" based on cost and improved hydraulic conditions. This alternative includes connection to the existing 12-inch water main near the Ridge Road and Route 104 intersection, east of the Village of Wolcott. A 12-inch water main would then be installed along Route 104 to

the west, making connections at New Hartford Street and Limekiln Road. The 2007 costs for such a project were estimated at \$788,000.

LONG TERM WATER SUPPLY STRATEGY

Wayne County Water and Sewer Authority has sought statements of qualifications from various planning and engineering firms to conduct a long-term water supply strategy for southeastern Wayne County. The intent of the project is to not only gain a sound understanding of water supply issues in this portion of the County, but also to study and assess various alternatives to supplying water infrastructure in the region.

The study would determine to what extent existing infrastructure could be extended, and determine if existing water sources are sufficient at to provide capacity for potential extensions. This study will study alternative water supplies within the central/western NY region (Lake Ontario, Seneca, Cayuga, other Finger Lakes, potential underground sources).

ISSUES AND OPPORTUNITIES

ROUTE 104 AREA

Water is currently supplied from the Village of Wolcott to Route 104 via Whiskey Hill Road by a

6-inch watermain. Water is also provided along Limekiln Road just north of Route 104 with an 8-inch watermain. The existing water lines on Whiskey Hill and Limekiln Roads do not provide sufficient capacity or pressure to extend beyond the point where they are now. Water pressure is not quite what it needs to be to provide sufficient pumping access for fire trucks.

Future development in the Route 104 area will require upgraded or new water infrastructure.



VACANT CAR DEALERSHIPS

The vacant car dealerships along the route 104 corridor present themselves for adaptive re-use as retail buildings.

POTENTIAL FOR WATER SERVICE FROM THE TOWN OF SAVANNAH TO THE SOUTH BUTLER AREA

Savannah's public water supply system is under a consent order due to water quality. The water supplied from the well needs to be filtered. The Town needs to build a filtration plant and is interested in pursuing grant funding to help with covering the cost. There is a choice to make in

the sense of either building a plant that is sufficient in filtering only enough water to address their immediate need at the local level, or if the new filtration plant should provide enough capacity to filter and supply water at a more regional level.

WATER QUALITY

Residents within the hamlet of South Butler expressed concern over the quality of their water. The density of homes and lack of public water and sewer all contribute to the public health concern of the private water supply for residents. Residents of the hamlet area have expressed their support for exploring opportunities to provide a healthier water supply.

HEAVY AGRICULTURAL EQUIPMENT AND TRUCK TRAFFIC JEOPARDIZES ROAD INTEGRITY

The Town Highway Department is continually resurfacing roads, and major contributing factor to the deterioration of roads are the heavy and wide pieces of agricultural equipment that run along the shoulders and the heavy-truck traffic.



RESIDENT SURVEY RESULTS:

- 63% of respondents have internet access.
- 13% of respondents have cable television.
- The majority of respondents (57%) felt that public water was an important service, while 46% felt that public sewer was important.
- 62% of respondents indicated they would support the construction of bicycle and walking paths.

TOOLS AND TECHNIQUES

NYS DIVISION OF HOUSING AND COMMUNITY RENEWAL, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

- Annual competitive application round with funding maximums between \$400,000 and ~\$750,000.

UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT

The USDA offers a loan program, but they have the ability to also award grant money depending on economic conditions. They use a formula considering the median household incomes of the water district or service area. USDA would try to not exceed the average annual cost for water or sewer projects.

Grants are capped at 45% of project cost if median household incomes are averaged at \$40,000 or more. If median household income is less than \$40,000 then grants are capped at 75% of project cost. The maximum grant is capped at \$500,000.

DRINKING WATER STATE REVOLVING FUND

Provides financing for community water supply systems to upgrade or replace infrastructure, maintain compliance with federal or state health standards, and provide safe, affordable drinking water.

Very competitive program and often funds projects that involve existing water systems that are under consent order to improve water quality. It is rare this agency funds projects to simply extend water out into rural areas.

TRANSPORTATION ENHANCEMENTS PROGRAM

Available on a periodic basis, this program helps fund on a reimbursement basis, projects providing facilities for bicycles or pedestrians, acquisition of scenic easements, scenic or historic highway programs, beautification projects, and a number of other transportation related projects.

SPECIAL DISTRICT FORMATION – WATER/SEWER DISTRICT

Details of district formations can be found in Article 12A of Town Law. There are typically two methods of forming a water district. Either the Town Board could initiate the process or a petition could be started by residents and property owners.

- Town Board has a Map/Plan/Report completed to study the feasibility, associated costs, and cost to the potential users.

- A public hearing is held so that the public and potential beneficiaries have the opportunity to speak their mind on district formation.
- Following a public hearing, the Town Board can resolve to form the water district subject to a permissive referendum.

RECOMMENDED ACTIONS

1. Create and continually revisit a Capital Improvement Program for prioritizing and planning for the expenditure on Town equipment, infrastructure, and facilities.
2. Continue to educate and train Town Highway employees by consulting the Cornell Local Roads Program, Technical Assistance Program.
3. As funding permits, continue to reconstruct town roads with a design that withstands the pressure and demands that heavy agricultural and trucking equipment place on such roads.
4. Work with Wayne County to continue quality replacement of drainage culverts alongside and underneath roads.
5. Actively participate in the Wayne County Water and Sewer Authority's regional study for water supply in eastern Wayne County.
6. Conduct a study to address undersized septic issues and soil conditions in South Butler.
7. Seek financial assistance through grant programs to extend water service to South Butler or develop a comprehensive strategy for the collection and treatment of wastewater.
8. Assist low to moderate income homeowners with connection to future water and sewer laterals when appropriate and where necessary.
9. Budget for sidewalk improvements and repair in the hamlet of South Butler.
10. Budget for sidewalks on Whiskey Hill Road to connect the Village of Wolcott with the commercial and business activity near Route 104.
11. Consider posting roads or requiring a permit to limit use by heavy trucks.
12. Work with the appropriate entities to extend broadband internet service to additional areas in the Town.

Map 16: Road Classifications

Map 16: Back

GOVERNMENT AND COMMUNITY SERVICES



GOALS

- Provide high-quality municipal and community services through cost-effective and cooperative measures.
- Continue inter-municipal sharing of services and equipment with other municipalities and other public entities.
- Increase accessibility of town government information.
- Create a “campus-like” setting in Butler Center to connect the Highway Garage and Town Hall, provide a central location for local government services, and potential future recreation opportunities.
- Create Town parkland

EXISTING CONDITIONS

TOWN FACILITIES

The Town Offices are located at 4526 Butler Center Road. The building is a one-story concrete block building that houses offices for the Town Supervisor, Town Clerk, Town Code Enforcement Officer, Town Assessor, and contains a meeting room to conduct various board meetings and the Town Court. The building is routinely maintained by the Town Highway Department.

The Town highway garage is located across the road from the Town offices. There is a campus of three buildings including one garage facility (5 bays), one storage barn (5 bays) and one salt storage barn.

The Town Highway Department is responsible for maintaining, repairing and reconstructing Town roads and for maintaining roadside drainage ditches and culverts. During the winter months, the Highway Department has responsibility to plow, salt and sand Town roads, and through an inter-municipal agreement, County roads. Bridge maintenance, repair and replacement are the responsibility of the Wayne County Highway Department.



EMERGENCY SERVICE

The Town relies upon the Wayne County Sheriff's Office, the New York State Police, and the Wolcott Police Department for police service.

The Wayne County Sheriff's Office is located in Lyons, however there are also two satellite offices. These satellite offices are located on Main Street in Marion and on Ridge Road in Ontario. The State Police who patrol the Town of Butler are stationed at the State Police Barracks along Route 104 a in the Town of Williamson. Centralized dispatching for all three police agencies is provided by the Wayne County 911 Emergency Communications Department. The "closest car" policy is used for dispatching Sheriff's deputies and state police to calls for service in order to maximize the efficient use of police personnel and resources and to minimize response time.

Fire and ambulance dispatching is also centralized in Wayne County and is performed by the Wayne County 911 Office. Each of the fire departments and ambulance squads have mutual aid

agreements with the others. In some cases at certain times of the day, two or more departments may be dispatched simultaneously to ensure a timely response.

Wayne County Advanced Life Support (ALS) is an emergency medical service agency operated by Wayne County. The agency operates two fly cars, but no ambulance. One fly car is located in North Rose; the other in Marion. Wayne County ALS provides service Monday through Friday between 6:00 a.m. and 6:00 p.m. utilizing paid paramedics. Limited service is offered outside these times with volunteers when available.

CULTURAL AND EDUCATIONAL FACILITIES AND SERVICES

Having a large presence in the hamlet of South Butler is the Lighthouse Community Fellowship. The facility is currently undertaking a large expansion project that is estimated at \$1.4 million. The facility has a regional draw, and offers its facility for community gatherings.

The North Rose Elementary School is on the western edge of the Town along Salter Colvin Road. The school provides facilities for grades 3 through 5. The building is one of four educational facilities for the North Rose Wolcott School District. There are two elementary schools, one middle school and one high school.

EXISTING PLANS, PROGRAMS AND REGULATIONS

INTERMUNICIPAL COOPERATION

The Town of Butler Highway Department cooperates with other government highway entities in an effort to share equipment, and provide quality services in the event help is needed.

ISSUES AND OPPORTUNITIES

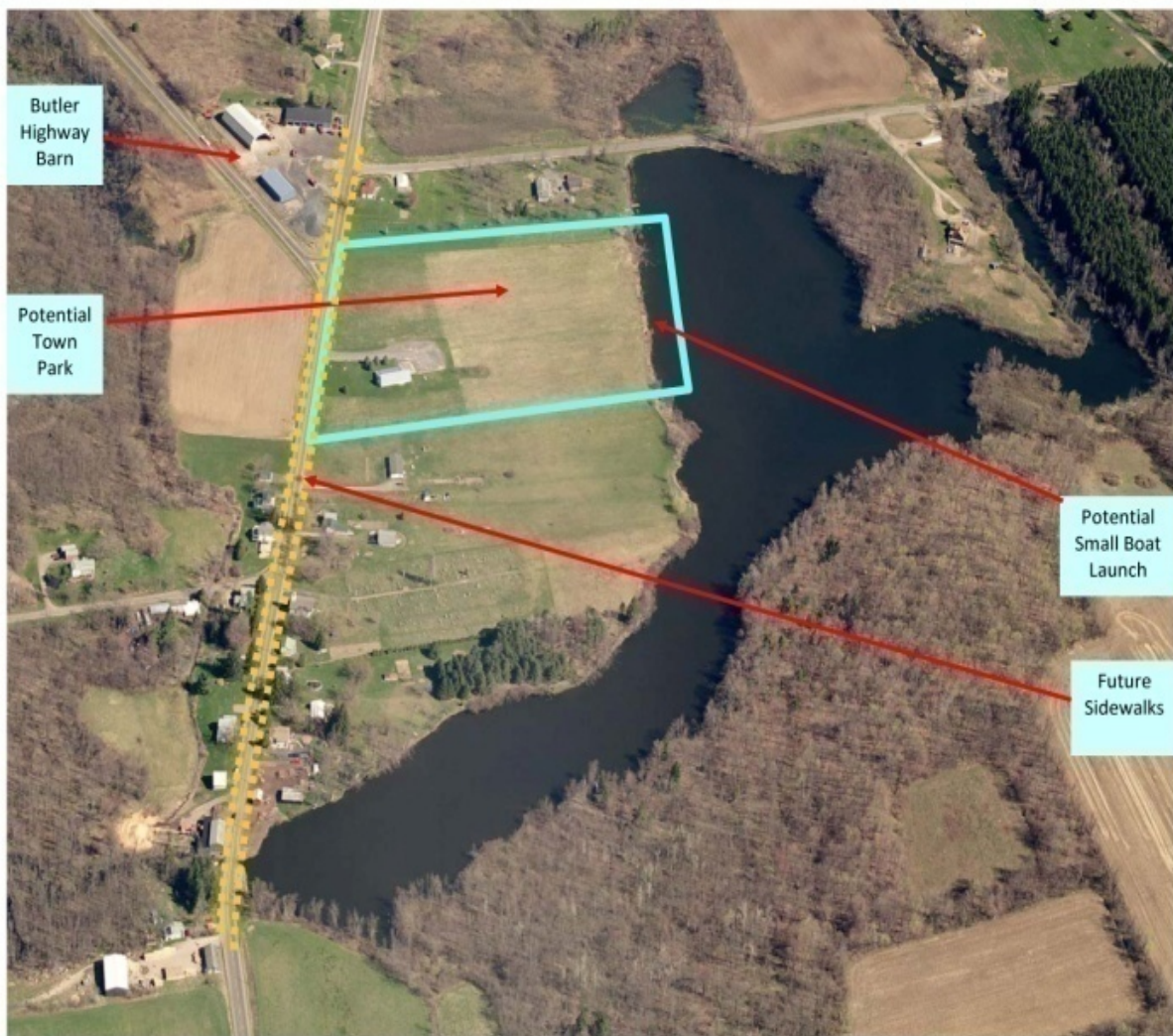
DISTRIBUTION OF TOWN INFORMATION AND RESOURCES

As indicated in the highlighted resident survey results below, 66% of respondents indicated they get their information about Town government from neighbors, while only 4% get the information on-line. While 72% get the information from a newspaper, it seems the Town has an opportunity to provide accurate and clear information via a Town website.

TOWN CENTER

The existing location and configuration of the Town Hall and Town Highway garage lends itself to creating community gathering place for outdoor events, recreation, or meetings.

Butler Center—Town Park Concept



SHRINKING SCHOOL POPULATION

The North Rose – Wolcott School student population has been steadily declining. The number of students has decreased from 1,900 to 1,400 over the last ten years. The possibility exists that the elementary school could close due to declining enrollment.

COOPERATION AND COORDINATION

The Town needs to explore all opportunities to save money through cooperation and coordination, sharing services and facilities. Re-use of existing facilities would save money in building construction expenses and increased maintenance costs.

RESIDENT SURVEY RESULTS:



- Only 38% of respondents feel that the availability of recreational opportunities is good within the Town.
- 73% of respondents feel that the overall quality of school is good.
- 66% of respondents get their Town government information from neighbors while only 4% get the information from the internet.

TOOLS AND TECHNIQUES

INTERMUNICIPAL COOPERATION

New York State law enables municipal governments to work together through inter-municipal agreements to take advantage of economies of scale, to reduce or eliminate duplication and to utilize surplus facilities. There are two forms of inter-municipal agreements, i.e., a service agreement and a joint agreement. Under a service agreement, one municipality agrees to provide services to another municipality. Under a joint agreement the municipalities share the responsibility for providing a particular service or for constructing and operating a facility. Inter-

municipal agreements enable municipalities to more efficiently provide services or operate facilities without an actual consolidation of the two municipalities.

GRANT PROGRAMS

The New York State Local Government Efficiency Program is generally an annual grant program that provides funding incentives for communities to work together to deliver services in a more effective manner.

The New York State Office of Parks, Recreation, and Historic Preservation offers a competitive grant program for municipalities to create parks and recreational opportunities as well as historic preservation activities. Grant applications are usually due in the spring or summer each year.

RECOMMENDED ACTIONS

1. Develop a website that contains basic town information including meeting agendas and minutes for public access.
2. Cooperate and coordinate with neighboring municipalities, school districts and other entities in order to improve quality of services and/or reduce cost of services.
3. Work with the Fire Department to seek grant funding to upgrade parkland behind the fire hall in South Butler.
4. Budget for pedestrian linkage between the Town Hall and the Town Highway Garage.
5. Study the feasibility of creating town-owned parkland in the vicinity of the Town hall and the Town Highway Garage.
6. Create pedestrian walkways that improve access to community facilities such as Wolcott Park.

Map 17: Government and Community Services

Map 17: Back

Map 18: School Districts

Map 18: Back

HISTORIC RESOURCES



GOALS

- Encourage the preservation of historic structure and public education about Butler's historic resources.

BACKGROUND

Before 1800, Native Americans of the Iroquois Confederacy lived in the Butler area. General John Sullivan's expedition of 1779 broke the power of the confederacy and opened the land to settlers.

Among the first permanent white settlers were Peter Mills, who was given a land grant of 500 acres in the Butler Center area for his service as a Revolutionary War Captain, and Major William Moulton. Other early settlers were members of the Crane, Merrell, Viehle, Moore, Palmer, Wheeler, Roe and Hall families. Many of the early settlers came from New England. The town of Butler was formed from the town of Wolcott on February 26, 1826.

The Butler Center Pond (Mill Pond) was constructed to provide water power to a sawmill owned by Jacob Viele. The establishment of sawmills in Butler Center and South Butler marked the end of log cabin construction for homes. Sawmills continue to operate today in the same locations.

Farming has been the main industry in Butler since the 1800s. In the 1800s and early 1900s, there were many prosperous dairy, fruit and tobacco farms. In the early 1900s, muckland was cultivated for crops of potatoes, cabbages, celery and onions. The Merrell family introduced beekeeping to Butler in the mid-1900s and rented bee hives to the Butler fruit growers for pollination of trees in the spring. South Butler had a large pea viner in use during the first half of the 1900s, until pea farming ceased to be profitable for area farmers.

At one time known as Harrington's Corners, South Butler was a bustling community in the late 1800's. In 1839, the first sawmill was built. Soon after came a shingle mill and cooperage and post office, as well as a tannery, gristmill and hotel. In 1867, the Hibbard Basket Works was established, and at one time employed over 100 workers. In 1877, a bluing manufacturing company and a company that manufactured cash registers were also in operation. By the 1890's, South Butler also boasted two general stores, a drugstore, a candy store, two blacksmith shops, a hardware store, three milliners, two wagon shops, a district school, four churches and several physicians.

The hamlet of South Butler is also historically significant as the site of the ordination of the first woman minister in the United States – Antoinette Brown Blackwell. The thought of a woman being ordained a minister was unheard of in those days. Although deserted by family and friends, Antoinette Brown persisted in the effort to accomplish her goals. She graduated from Oberlin Seminary in 1850 but was refused a license to preach. So, she then turned to social reform and speaking tours to further the cause of women's rights. On July 4, 1853, she was the first woman ever to give an Independence Day address at South Butler, in Wayne County.

The Congregational church there called her to be their pastor, and on September 15, 1853, she became the first woman in the United States to be ordained a minister. At the age of thirty, she married Samuel Blackwell, a brother of Elizabeth Blackwell who was the first woman to graduate

from a medical school (in Geneva, New York). She preached her last sermon when she was ninety and died in her ninety-seventh year.

HISTORIC RESOURCES

The Butler Center Methodist Episcopal Church, located on Butler Center Road, is listed in the National Register of Historic Places. Built in 1836, this church is the oldest known Methodist Church in Wayne County. It is near the oldest sawmill in Wayne County to still be in operation, which is believed to have provided the lumber used to construct the church. (The following photos are from the Wayne County website.)

HISTORIC RESOURCES



Butler Center Methodist Church



View from rear of the Church;
Note details of bell tower.



Butler Center Methodist Church.
Dedication of Historic Market, Thursday,
October 17, 2002

The text on the marker is:

“First Zion Society of the Methodist Episcopal
Church Built in 1836 Oldest Methodist Church in
Wayne County Church built from trees cut on site
and milled at Viele’s local sawmill Board of
Trustees (1835): Uriah G. Beach, Paul Davis,
Lucius Hibbard, John Roe, and William
Wadsworth In Memory of Leila and Orson Moore”

Several cobblestone buildings are located in the Town, including a former schoolhouse that is being restored by the Butler Historical Society.



ISSUES AND OPPORTUNITIES

Butler has a rich history and many historic resources remain. The Town Historian maintains records of the Town's history and the Butler Historical Society is engaged in projects to restore historic structures. These entities work with other organizations, such as the Wayne County Historian and Wayne County Historical Society and statewide organizations to recognize historic resources and educate the public.

RESIDENTS SURVEY

The Residents Survey conducted in 2007 revealed strong support among residents for preserving historic resources. When asked, "Butler has many historic resources. Do you support their preservation?" a total of 18.9% responded "strongly support" and 52.5% responded "Support." Only 7.3% either oppose or strongly oppose and 11.5% "don't care."

RECOMMENDED ACTIONS

1. Continue to support the Town Historian and the Butler Historical Society in their efforts to maintain records of Butler's history and preserve historic resources.

IMPLEMENTATION STRATEGY

* GOALS AND RECOMMENDED ACTIONS IN REVIEW *

LAND USE OVERVIEW

GOALS

- Maintain the predominantly rural and agricultural character of the Town.
- Accommodate new residential and business development that is compatible with maintaining the Town's rural character.

RECOMMENDED ACTIONS

1. Adopt comprehensive land use regulations that incorporate the lot size and setback requirements that currently apply to residential uses.

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board
Estimated Cost:	Included in current project budget
Potential Funding Sources:	Town Board

2. Establish a formal Site Plan Review process for the Town Board review of proposed business uses (may be part of comprehensive land use regulations).

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board
Estimated Cost:	Included in current project budget
Potential Funding Sources:	Town Board

NATURAL RESOURCES

GOALS

- Protect and maintain the natural environment in balance with the needs of agriculture and community residents.

RECOMMENDED ACTIONS

1. Continue to consider the environmental impacts of actions proposed by government agencies.

Time Frame:	Ongoing
Responsible Agency:	Town Board
Estimated Cost:	To be determined based on scope of action
Potential Funding Sources:	Town Budget

2. Work with the NYS Department of Environmental Conservation, the U.S. Fish and Wildlife Agency and other entities to minimize the impacts of land acquisition for the Montezuma Wildlife Complex on agricultural viability and the Town's tax base.

Time Frame:	Immediate (within one year); Ongoing
Responsible Agency:	Town Board; County and State agencies
Estimated Cost:	Minimal
Potential Funding Sources:	Existing agency budgets

3. Encourage the NYS DEC and other agencies and organizations to utilize a combination of agricultural and conservation easements to achieve their goals.

Time Frame:	Immediate (within one year); Ongoing
Responsible Agency:	Town Board; County and State agencies
Estimated Cost:	Minimal
Potential Funding Sources:	Existing agency budgets

FARMLAND AND AGRICULTURE

GOALS

- Advocate on behalf of agricultural interests regarding the State purchase of land for wetlands and wildlife buffers.
- Encourage the permanent protection of high quality farmland.
- Avoid and/or mitigate conflicts between farmers and non-farm neighbors.
- Manage the extension of infrastructure as appropriate to support and protect agricultural operations.
- Educate the public about standard farming practices and the significance of agriculture to the community and the regional economy.
- Promote agriculture-related businesses.
- Encourage new residential development to be sited and designed in a “farm-friendly” manner.
- Encourage farmland owners to utilize available tax relief programs.
- Maintain partnerships with governmental and not-for-profit agricultural support agencies.

RECOMMENDED ACTIONS

Encourage landowners to participate in tax relief programs.

1. Identify owners of land that is rented for agricultural production whose owners do not receive agricultural use assessments and mail them information about the program.

Time Frame:	Immediate (within one year); Ongoing
Responsible Agency:	Town Assessor
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

2. Ensure that information about various tax relief programs is available in the Assessor's Office and elsewhere at the Town Hall.

Time Frame:	Ongoing
Responsible Agency:	Town Assessor; County Office of Real Property Services
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

3. Encourage the Town Assessor to inform farmland landowners about tax relief programs that they may be eligible for, including information about deadlines for applying.

Time Frame:	Ongoing
Responsible Agency:	Town Assessor
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

Advocate on behalf of agricultural interests regarding the State purchase of land for wetlands and wildlife buffers.

4. Work with Farm Bureau, NYS Agriculture & Markets and other agencies to:
- a. Ensure that the impacts on farmland and agriculture are considered in decisions to alter drainage patterns.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Planning Board; County SWCD and other agency staff
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

- b. Encourage NYS DEC to continue to lease buffer lands to area farmers for agricultural production.

Time Frame:	Ongoing
Responsible Agency:	Town Board; County SWCD and other agency staff
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

Encourage the permanent protection of high quality farmland.

5. Provide information to landowners who may choose to donate conservation easements to a land trust, potentially as part of estate planning.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Planning Board; land trusts
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

6. Sponsor applications to NYS for Purchase of Development Rights (PDR)/ Work with Wayne County to obtain funding to preserve farmland in Butler.

Time Frame:	Immediate (within one year); Ongoing
Responsible Agency:	Town Board; Wayne County Planning Dept.
Estimated Cost:	Minimal to sponsor if match is obtained from landowner or other sources
Potential Funding Sources:	Existing Town budget

Avoid and/or mitigate conflicts between farmers and non-farm neighbors.

7. Adopt a local Right to Farm Law that incorporates a system to mediate conflicts that may arise between farmers and non-farming landowners.

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board
Estimated Cost:	Approximately \$400 for legal review
Potential Funding Sources:	Existing Town budget

Educate the public about standard farming practices and the significance of agriculture to the community and the regional economy.

8. Provide information to residents about farm practices.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Cooperative Extension
Estimated Cost:	Minimal
Potential Funding Sources:	Existing agency budgets

9. Publicize environmental management activities of area farms.

Time Frame:	Ongoing
Responsible Agency:	Town Board; SWCD; Cooperative Extension; Farm Bureau
Estimated Cost:	Minimal
Potential Funding Sources:	Existing agency budgets

Manage the extension of infrastructure as appropriate to support and protect agricultural operations.

10. Obtain funding to extend water infrastructure as needed to support agricultural operations.

Time Frame:	As needed
Responsible Agency:	Town Board; Wayne County Board of Supervisors
Estimated Cost:	\$3,000 - \$5,000 if grant writing consulting services needed
Potential Funding Sources:	NY Office for Small Cities; USDA Rural Development

11. Adopt lateral restrictions to limit residential hookups to productive agricultural land while the land is within a designated County Agricultural District.

Time Frame:	As needed
Responsible Agency:	Town Board
Estimated Cost:	Minimal
Potential Funding Sources:	Existing Town budget

12. Support drainage projects undertaken at the State, County, and local level that would benefit the farming industry and the quality of the environment.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Wayne County SWCD; NYS Dept of Agriculture & Markets; Town Board; Wayne County Board of Supervisor
Estimated Cost:	To be determined
Potential Funding Sources:	NYS Department of Agriculture & Markets; Wayne County

Encourage new residential development to be sited and designed in a “farm-friendly” manner.

13. Adopt subdivision regulations and empower the Planning Board to review lot splits. Incorporate guidelines that help the Planning Board and the landowner/ developer to site new house lots in a way that minimizes the potential for conflict with farming.

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board
Estimated Cost:	Included in current project budget; Legal costs if needed
Potential Funding Sources:	Town Board; Planning Board

14. Encourage farm-related businesses to locate in the Town.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Cooperative Extension; Farm Bureau; Wayne County Tourism
Estimated Cost:	To be determined based on project
Potential Funding Sources:	Agency budgets; State grants

15. Promote sales of local farm products. Work with Cooperative Extension, Wayne County Tourism and other agencies to promote farm markets and roadside stands.

Time Frame:	As needed
Responsible Agency:	Town Board; Wayne County Board of Supervisors
Estimated Cost:	\$3,000 - \$5,000 if grant writing consulting services needed
Potential Funding Sources:	NY Office for Small Cities; USDA Rural Development

16. Work with Wayne County to facilitate grants and loans for expansion of agriculture-related businesses. Such grants must be tied to job creation.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Wayne County Economic Development
Estimated Cost:	\$2,500 - \$5,000 to prepare grant application
Potential Funding Sources:	Grant preparation: Town; Wayne County Implementation: NYS Dept. of Agriculture & Markets

17. Encourage the development of agricultural-related businesses. Publicize the resources available at the Cornell Agricultural Experiment Station Food Ventures Center and at the Morrisville facility. Work with Wayne County to establish an agricultural ventures incubator.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Wayne County Economic Development
Estimated Cost:	Minimal
Potential Funding Sources:	Town budget

18. Work with County and State agencies to encourage retain and/or attract processors. Seek new markets, such as for biofuel.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Wayne County Economic Development
Estimated Cost:	Minimal
Potential Funding Sources:	Town budget

Maintain partnerships with governmental and not-for-profit agricultural support agencies.

19. Make information about programs administered by Wayne County agencies available at the Butler Town Hall.

Time Frame:	Ongoing
Responsible Agency:	Town Board; SWCD; Cooperative Extension; Farm Bureau
Estimated Cost:	Minimal
Potential Funding Sources:	Existing agency budgets

20. Maintain communications with Wayne County agencies, Farm Bureau and other organizations about programs to assist and support farmers and farm-related businesses in the Town.

Time Frame:	Ongoing
Responsible Agency:	Town Board; SWCD; Cooperative Extension; Farm Bureau
Estimated Cost:	Minimal
Potential Funding Sources:	Existing agency budgets

HOUSING

GOALS

- Accommodate new residential development while preserving the continued viability of farmland.
- Maintain and improve integrity of housing stock and residential neighborhoods.
- Improve infrastructure in South Butler.

RECOMMENDED ACTIONS

1. Obtain grant funding to assist owners of housing to remedy code violations, make necessary repairs and bring homes to a standard condition.

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board
Estimated Cost:	\$4,000 - \$5,000 (Grant application)
Potential Funding Sources:	Application: Wayne County; Town budget Implementation: Small Cities CDBG Program, or HOME Program

2. Administer a mail survey in the South Butler target area to determine residents' eligibility for a Small Cities grant.

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board
Estimated Cost:	\$1,000
Potential Funding Sources:	Town budget

3. Encourage energy saving mechanisms in new or rehabilitated housing units to help offset high costs of energy and degradation of the natural environment.

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board
Estimated Cost:	\$4,000 - \$5,000 (Grant application)
Potential Funding Sources:	Small Cities CDBG Program, or HOME Program

4. Work with Wayne County, Bishop Sheen Programs, and other private entities to promote programs that provide financial assistance to homeowners for housing rehabilitation.

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board, Wayne County Planning Department
Estimated Cost:	Minimal
Potential Funding Sources:	Small Cities CDBG Program, or HOME Program

5. Adopt land use strategies to manage the location and design of new housing and future development.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board
Estimated Cost:	Included in current project budget
Potential Funding Sources:	Town resources

6. Continue to cultivate volunteer teams to organize and initiate an annual neighborhood clean up program.

Time Frame:	Ongoing
Responsible Agency:	Volunteer Organizations and Community Groups
Estimated Cost:	Minimal
Potential Funding Sources:	Local resources

7. Budget for repair and installation of sidewalks and crosswalks in the hamlet of South Butler, as well as connect infrastructure and services in the Route 104 corridor to the Village of Wolcott.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board
Estimated Cost:	\$40 per lineal foot (5-foot sidewalk)
Potential Funding Sources:	NYS DOT Transportation Enhancement Program, Genesee Transportation Council Metropolitan Planning Organization

8. Communicate and work with adjacent communities and the Wayne County Water and Sewer Authority to study the feasibility of extending water to South Butler.

Time Frame:	Immediate
Responsible Agency:	Town Board, Wayne County Water & Sewer Authority
Estimated Cost:	Funded
Potential Funding Sources:	NYS Department of State – Local Government Efficiency Program

BUSINESS AND ECONOMIC DEVELOPMENT

GOALS

- Promote more intensive business development along Route 104.
- Encourage the continuation and expansion businesses that utilize natural resources, including wood products and mining.
- Encourage new and expanded businesses that utilize locally grown agricultural products, provide needed services or supplies to farms, or transport farm products.
- Support the creation of home-based businesses (“cottage industries”).

RECOMMENDED ACTIONS

1. Work with the Wayne County Water & Sewer Authority to extend public water and sewer services to additional areas along Route 104. (See also Transportation & Infrastructure section.)

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board; WCWSA
Estimated Cost:	To be determined
Potential Funding Sources:	DWSRF, USDA Community Facilities Loan, CDBG

2. Work with Wayne County Economic Development to recruit a hotel or other business to a location along Route 104.

Time Frame:	Long-term (3-8 years)
Responsible Agency:	Town Board, Planning Board
Estimated Cost:	Minimal
Potential Funding Sources:	Local and County Economic Development Resources

3. Maintain a supportive environment for the creation of new agricultural and natural resources based businesses.

Time Frame:	Ongoing
Responsible Agency:	Town Board and Planning Board
Estimated Cost:	Minimal
Potential Funding Sources:	CDBG Economic Development Fund, NYS Department of Ag and Markets

4. Work with Wayne County Economic Development and other entities to extend broadband, sewer, water and other infrastructure to facilitate economic development.

Time Frame:	Ongoing
Responsible Agency:	Town Board; WCED
Estimated Cost:	To be determined
Potential Funding Sources:	CDBG Economic Development Fund, USDA Rural Development

5. Encourage energy-related economic development, particularly in renewable and alternative sources.

Time Frame:	Ongoing
Responsible Agency:	Town Board; WCED
Estimated Cost:	To be determined
Potential Funding Sources:	CDBG Economic Development Fund, USDA Rural Development

TRANSPORTATION AND INFRASTRUCTURE

GOALS

- Maintain existing town infrastructure in a cost effective manner.
- Extend water, sewer, broadband access, and natural gas service along the Route 104 corridor.
- Remedy water quality and quantity concerns in the hamlet of South Butler.
- Maintain safe pedestrian linkages between residential and commercial facilities.
- Continue inter-municipal cooperation and sharing of equipment with other jurisdictions.

RECOMMENDED ACTIONS

1. Create and continually revisit a Capital Improvement Program for prioritizing and planning for the expenditure on Town equipment, infrastructure, and facilities.

Time Frame:	Ongoing
Responsible Agency:	Town Board
Estimated Cost:	\$10,000 - \$30,000
Potential Funding Sources:	Town budget and local resources

2. Continue to educate and train Town Highway employees by consulting the Cornell Local Roads Program, Technical Assistance Program.

Time Frame:	Ongoing
Responsible Agency:	Town Board and Highway Department
Estimated Cost:	Minimal
Potential Funding Sources:	Town budget

3. As funding permits, continue to reconstruct town roads with a design that withstands the pressure and demands that heavy agricultural and trucking equipment place on such roads.

Time Frame:	Ongoing
Responsible Agency:	Town Board and Highway Department
Estimated Cost:	Varies depending on project scope
Potential Funding Sources:	NYS DOT Transportation Enhancement Program, Genesee Transportation Council Metropolitan Planning Organization

4. Work with Wayne County to continue quality replacement of drainage culverts alongside and underneath roads.

Time Frame:	Ongoing
Responsible Agency:	Town Board and Highway Department
Estimated Cost:	Varies depending on scope of replacement
Potential Funding Sources:	Town budget

5. Actively participate in the Wayne County Water and Sewer Authority's regional study for water supply in eastern Wayne County.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board, Planning Board
Estimated Cost:	Minimal
Potential Funding Sources:	Local time and resources

6. Conduct a study to address undersized septic issues and soil conditions in South Butler.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board, NYS DEC
Estimated Cost:	\$30,000
Potential Funding Sources:	NYS DEC, Town budget

7. Seek financial assistance through grant programs to extend water service to South Butler or develop a comprehensive strategy for the collection and treatment of wastewater.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board
Estimated Cost:	\$3,000 - \$5,000 (for preparation of grant application)
Potential Funding Sources:	Office for Small Cities CDBG Program, USDA Community Facilities Loan, Drinking Water State Revolving Fund

8. Assist low to moderate income homeowners with connection to future water and sewer laterals when appropriate and where necessary.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board
Estimated Cost:	\$3,000-\$5,000 (for preparation of grant application)
Potential Funding Sources:	Office for Small Cities CDBG Program

9. Budget for sidewalk improvements and repair in the hamlet of South Butler.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board
Estimated Cost:	\$40 per linear foot (includes removal of old sidewalks)
Potential Funding Sources:	NYS DOT Transportation Enhancement Program, Genesee Transportation Council Metropolitan Planning Organization, Office for Small Cities CDBG Program

10. Budget for sidewalks on Whiskey Hill Road to connect the Village of Wolcott with the commercial and business activity near Route 104.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board
Estimated Cost:	\$40 per linear foot
Potential Funding Sources:	NYS DOT Transportation Enhancement Program, Genesee Transportation Council Metropolitan Planning Organization

11. Consider posting roads or requiring a permit to limit use by heavy trucks.

Time Frame:	Ongoing
Responsible Agency:	Town Board and Highway Department
Estimated Cost:	Minimal
Potential Funding Sources:	Local Resources

12. Work with the appropriate entities to extend broadband internet service to additional areas in the Town.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Time Warner Cable; WCED
Estimated Cost:	To be determined
Potential Funding Sources:	State and Federal Grants to be determined

GOVERNMENT AND COMMUNITY SERVICES

GOALS

- Provide high-quality municipal and community services through cost-effective and cooperative measures.
- Continue inter-municipal sharing of services and equipment with other municipalities and other public entities.
- Increase accessibility of town government information.
- Create a “campus-like” setting in Butler Center to connect the Highway Garage and Town Hall, provide a central location for local government services, and potential future recreation opportunities.
- Create Town parkland.

RECOMMENDED ACTIONS

1. Develop a website that contains basic town information including meeting agendas and minutes for public access.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board
Estimated Cost:	\$5,000 - \$10,000
Potential Funding Sources:	Local resources, Local Government Records Management Improvement Fund, Local Government Efficiency Program

2. Cooperate and coordinate with neighboring municipalities, school districts and other entities in order to improve quality of services and/or reduce cost of services.

Time Frame:	Ongoing
Responsible Agency:	Town Board and departments
Estimated Cost:	Varies depending on project scope
Potential Funding Sources:	Local Government Efficiency Grant

3. Work with the Fire Department to seek grant funding to upgrade parkland behind the fire hall in South Butler.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board
Estimated Cost:	\$2,500-\$5,000 (for preparation of grant application)
Potential Funding Sources:	NYS Environmental Protection Fund

4. Budget for pedestrian linkage between the Town Hall and the Town Highway Garage.

Time Frame:	Long-term (3-8 years)
Responsible Agency:	Town Board
Estimated Cost:	\$40 per linear foot maximum
Potential Funding Sources:	Recreational Trails Program, NYS Environmental Protection Fund, Local budget

5. Study the feasibility of creating town-owned parkland in the vicinity of the Town hall and the Town Highway Garage.

Time Frame:	Long-term (3-8 years)
Responsible Agency:	Town Board
Estimated Cost:	\$30,000 - \$100,000 depending on project scope
Potential Funding Sources:	NYS Environmental Protection Funds

6. Create pedestrian walkways that improve access to community facilities such as Wolcott Park.

Time Frame:	Short-term (1-3 years)
Responsible Agency:	Town Board and Highway Department
Estimated Cost:	Varies depending on project scope
Potential Funding Sources:	Safe Routes to School Program, NYS DOT Transportation Enhancement Program, Genesee Transportation Council Metropolitan Planning Organization, Recreational Trails Program

HISTORIC RESOURCES

GOAL

- Encourage the preservation of historic structure and public education about Butler's historic resources.

RECOMMENDED ACTIONS

1. Continue to support the Town Historian and the Butler Historical Society in their efforts to maintain records of Butler's history and preserve historic resources.

Time Frame:	Ongoing
Responsible Agency:	Town Board
Estimated Cost:	Maintain existing level of support
Potential Funding Sources:	Town budget

IMPLEMENTATION STRATEGY

* ACTIONS AND TIME TABLE *

LU	Land Use Overview
NR	Natural Resources
FA	Farmland and Agriculture
HS	Housing
BE	Business and Economic Development
TI	Transportation and Infrastructure
GC	Government and Community Services
HI	History

IMMEDIATE (WITHIN 1 YEAR)

- LU1. Adopt comprehensive land use regulations that incorporate the lot size and setback requirements that currently apply to residential uses.
- LU2. Establish a formal Site Plan Review process for the Town Board review of proposed business uses (may be part of comprehensive land use regulations).
- NR2. Work with the NYS Department of Environmental Conservation, the U.S. Fish and Wildlife Agency and other entities to minimize the impacts of land acquisition for the Montezuma Wildlife Complex on agricultural viability and the Town's tax base.
- NR3. Encourage the NYS DEC and other agencies and organizations to utilize a combination of agricultural and conservation easements to achieve their goals.
- FA1. Identify owners of land that is rented for agricultural production whose owners do not receive agricultural use assessments and mail them information about the program.
- FA6. Sponsor applications to NYS for Purchase of Development Rights (PDR)/ Work with Wayne County to obtain funding to preserve farmland in Butler.
- FA7. Adopt a local Right to Farm Law that incorporates a system to mediate conflicts that may arise between farmers and non-farming landowners.

- FA13. Adopt subdivision regulations and empower the Planning Board to review lot splits. Incorporate guidelines that help the Planning Board and the landowner/ developer to site new house lots in a way that minimizes the potential for conflict with farming.
- HS1. Obtain grant funding to assist owners of housing to remedy code violations, make necessary repairs and bring homes to a standard condition.
- HS2. Administer a mail survey in the South Butler target area to determine residents' eligibility for a Small Cities grant.
- HS3. Encourage energy saving mechanisms in new or rehabilitated housing units to help offset high costs of energy and degradation of the natural environment.
- HS4. Work with Wayne County, Bishop Sheen Programs, and other private entities to promote programs that provide financial assistance to homeowners for housing rehabilitation.
- HS8. Communicate and work with adjacent communities and the Wayne County Water and Sewer Authority to study the feasibility of extending water to South Butler.

ONGOING

- NR1. Continue to consider the environmental impacts of actions proposed by government agencies.
- FA2. Ensure that information about various tax relief programs is available in the Assessor's Office and elsewhere at the Town Hall.
- FA3. Encourage the Town Assessor to inform farmland landowners about tax relief programs that they may be eligible for, including information about deadlines for applying.
- F4a. Work with Farm Bureau, NYS Agriculture & Markets and other agencies to ensure that the impacts on farmland and agriculture are considered in decisions to alter drainage patterns.
- FA4b. Work with Farm Bureau, NYS Agriculture & Markets and other agencies to encourage NYS DEC to continue to lease buffer lands to area farmers for agricultural production.
- FA5. Provide information to landowners who may choose to donate conservation easements to a land trust, potentially as part of estate planning.
- FA8. Provide information to residents about farm practices.

- FA9. Publicize environmental management activities of area farms.
- FA14. Encourage farm-related businesses to locate in the Town.
- FA16. Work with Wayne County to facilitate grants and loans for expansion of agriculture-related businesses. Such grants must be tied to job creation. (Example: The Town of Huron received a Small Cities grant to extend public water lines to Marshall Farms.)
- FA17. Encourage the development of agricultural-related businesses. Publicize the resources available at the Cornell Agricultural Experiment Station Food Ventures Center and at the Morrisville facility. Work with Wayne County to establish an agricultural ventures incubator.
- FA18. Work with County and State agencies to encourage retain and/or attract processors. Seek new markets, such as for biofuel.
- FA19. Make information about programs administered by Wayne County agencies available at the Butler Town Hall.
- FA20. Maintain communications with Wayne County agencies, Farm Bureau and other organizations about programs to assist and support farmers and farm-related businesses in the Town.
- HS6. Continue to cultivate volunteer teams to organize and initiate an annual neighborhood clean up program.
- B3. Maintain a supportive environment for the creation of new agricultural and natural resources based businesses.
- B5. Encourage energy-related economic development, particularly in renewable and alternative sources.
- TI1. Create and continually revisit a Capital Improvement Program for prioritizing and planning for the expenditure on Town equipment, infrastructure, and facilities.
- TI2. Continue to educate and train Town Highway employees by consulting the Cornell Local Roads Program, Technical Assistance Program.
- TI3. As funding permits, continue to reconstruct town roads with a design that withstands the pressure and demands that heavy agricultural and trucking equipment place on such roads.
- TI4. Work with Wayne County to continue quality replacement of drainage culverts alongside and underneath roads.
- T11. Consider posting roads or requiring a permit to limit use by heavy trucks.

- TI12. Work with the appropriate entities to extend broadband internet service to additional areas in the Town.
- GC2. Cooperate and coordinate with neighboring municipalities, school districts and other entities in order to improve quality of services and/or reduce cost of services.
- HI1. Continue to support the Town Historian and the Butler Historical Society in their efforts to maintain records of Butler's history and preserve historic resources.

SHORT TERM (1-3 YEARS)

- HS5. Adopt land use strategies to manage the location and design of new housing and future development.
- HS7. Budget for repair and installation of sidewalks and crosswalks in the hamlet of South Butler, as well as connect infrastructure and services in the Route 104 corridor to the Village of Wolcott.
- BE1. Work with the Wayne County Water & Sewer Authority to extend public water and sewer services to additional areas along Route 104.
- TI5. Actively participate in the Wayne County Water and Sewer Authority's regional study for water supply in eastern Wayne County.
- TI6. Conduct a study to address undersized septic issues and soil conditions in South Butler.
- TI7. Seek financial assistance through grant programs to extend water service to South Butler or develop a comprehensive strategy for the collection and treatment of wastewater.
- TI8. Assist low to moderate income homeowners with connection to future water and sewer laterals when appropriate and where necessary.
- TI9. Budget for sidewalk improvements and repair in the hamlet of South Butler.
- TI10. Budget for sidewalks on Whiskey Hill Road to connect the Village of Wolcott with the commercial and business activity near Route 104.
- GC1. Develop a website that contains basic town information including meeting agendas and minutes for public access.
- GC3. Work with the Fire Department to seek grant funding to upgrade parkland behind the fire hall in South Butler.

- GC6. Create pedestrian walkways that improve access to community facilities such as Wolcott Park.
- FA12. Support drainage projects undertaken at the State, County, and local level that would benefit the farming industry and the quality of the environment.

LONG TERM (3-8 YEARS)

- BE2. Work with Wayne County Economic Development to recruit a hotel or other business to a location along Route 104.
- GC4. Budget for pedestrian linkage between the Town Hall and the Town Highway Garage.
- GC5. Study the feasibility of creating town-owned parkland in the vicinity of the Town hall and the Town Highway Garage.

AS NEEDED

- FA10. Obtain funding to extend water infrastructure as needed to support agricultural operations.
- FA11. Adopt lateral restrictions to limit residential hookups to productive agricultural land while the land is within a designated County Agricultural District.
- FA15. Promote sales of local farm products. Work with Cooperative Extension, Wayne County Tourism and other agencies to promote farm markets and roadside stands.



Town of Butler Agricultural & Farmland Protection Plan

Appendices

- A. Summary of Farmer and Farmland Owner Survey – November 2008
- B. Summary of statistics from the 2007 Census of Agriculture – Wayne County
- C. Overview of existing plans, regulations and programs
- D. Sample Right to Farm Law
- E. Agricultural Assistance Program Information
 - 1. Genesee Land Trust; Finger Lakes Land Trust
 - 2. NYS Promotional Programs – Pride of NY; Farm to School
 - 3. Grow New York
 - 4. Farm to School Program

APPENDIX A

Summary of Farmer and Farmland Owner Survey – November 2008

TOWN OF BUTLER

AGRICULTURAL AND COMPREHENSIVE PLAN
FARMER AND FARMLAND OWNER QUESTIONNAIRE
JANUARY 2009

SURVEY RESULTS & ANALYSIS

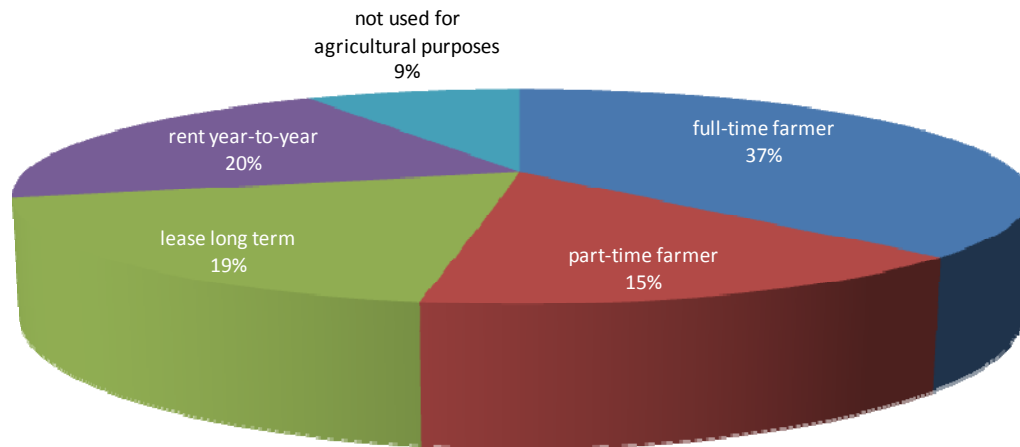
In November 2008, questionnaires were mailed to 129 farmers and owners of agricultural land in the Town of Butler. The mailing list was provided by the Town Assessor based on properties with Agricultural property class codes. A copy of the questionnaire and cover letter are included at the end of this report.

A total of 51 responses were returned to the Town's planning consultant, Stuart I. Brown Associates. This represents a response rate of 39.5%.

The responses are summarized in the following tables and charts.

1. Which of the following best describes you?

	#	%
Full-time farmer	22	37%
Part-time farmer	9	15%
Landowner who leases land on a long-term basis to farmer	11	19%
Landowner who rents land on a year-to-year basis to farmer	12	20%
Landowner whose land was not used for agricultural production in 2008	5	9%
TOTAL	59	100%

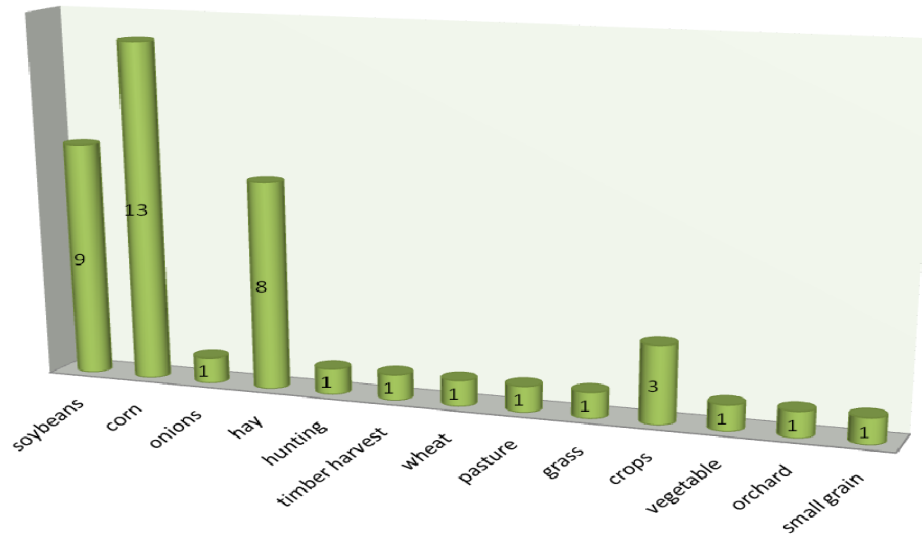


* 51 respondents yielded 59 responses. Several provided 2 descriptions, e.g.) I am a full-time farmer and I lease long-term.

Who worked the land in 2008?

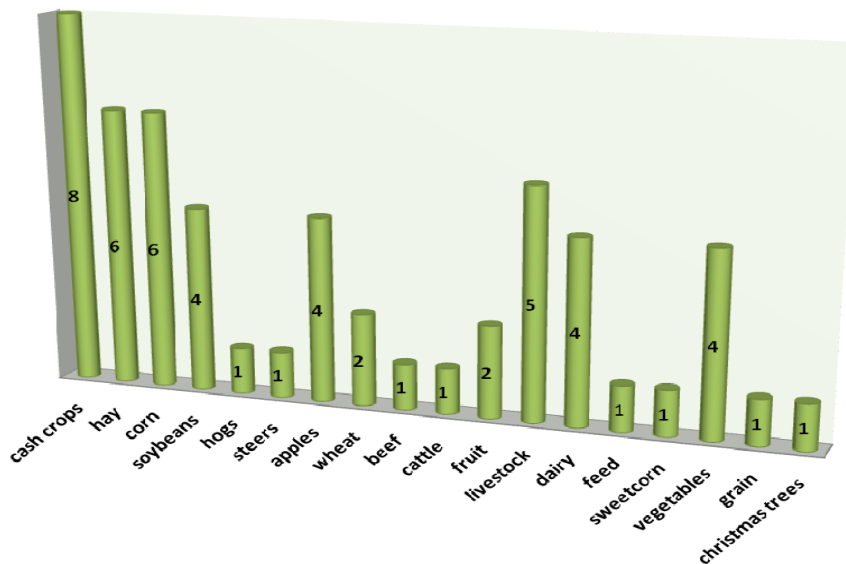
"a farmer"	Henry Longntha
"Almekender"	Kevin High
"I did"	Krehers Poultry Farms
"local farmers"	Merrell Farms (2 respondents)
Burt Huntington	Reed Farms (2 respondents)
Curtis Martin (3 respondents)	Ronald Slobe
Delmar Rutt (2 respondents)	Slobe Farms
Don Waterman	Steve Behm
Don Waterman & Richard Wiggins	Wegmans - Wayne Co. Farm LLC
Dunsmore Farms & Delmar Rutt	

3. What was the land used for (type of crops, pasture, etc.)?



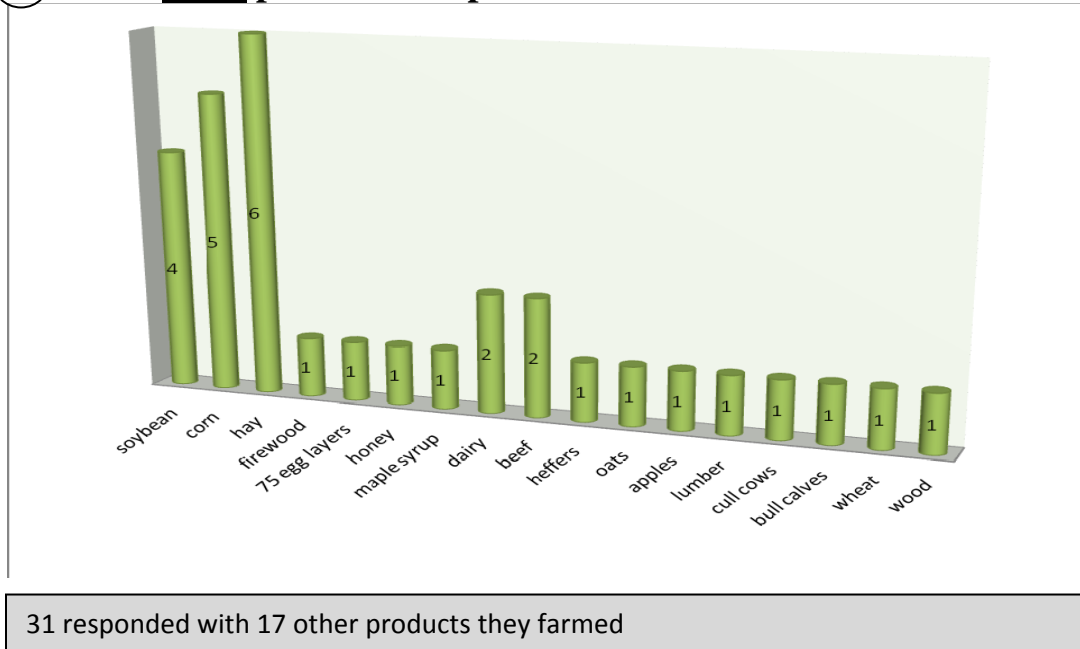
42 respondents mentioned 13 different crops, harvest, pasture, etc.

2. What is the principal product produced on the farm (cash crops, vegetables, dairy, other livestock, etc.)?



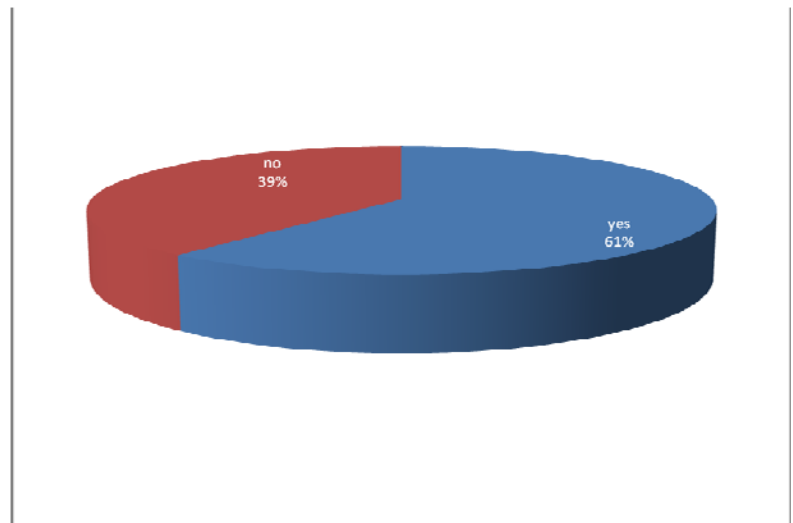
53 responded with 18 different crops, dairy, livestock, etc.

3. What other products are produced on the farm?



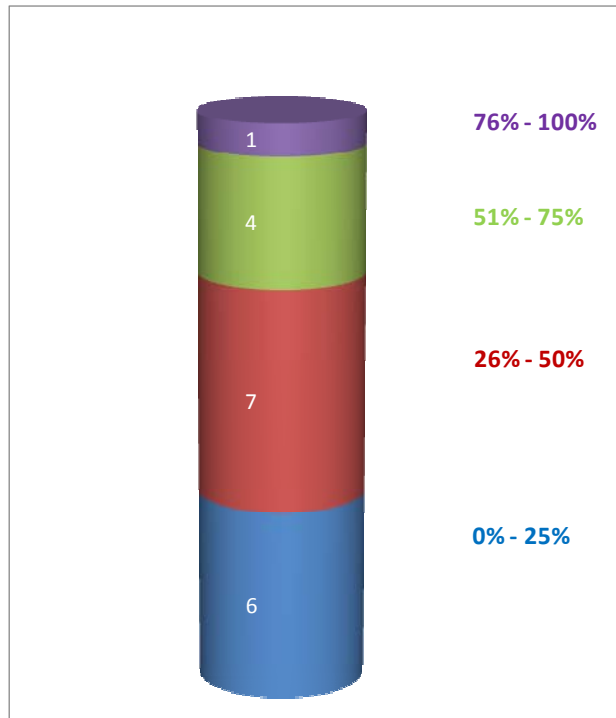
5. Does your farm operation use any rented land?

	#	%
Yes	17	61%
No	11	39%
TOTAL	28	100%



6. Approximately what proportion of the farmland in your operation is rented?

	#
4%	1
10%	3
15%	1
25%	1
30%	1
33%	1
40%	2
50%	3
58%	1
60%	1
65%	1
75%	1
100%	1
TOTAL	18

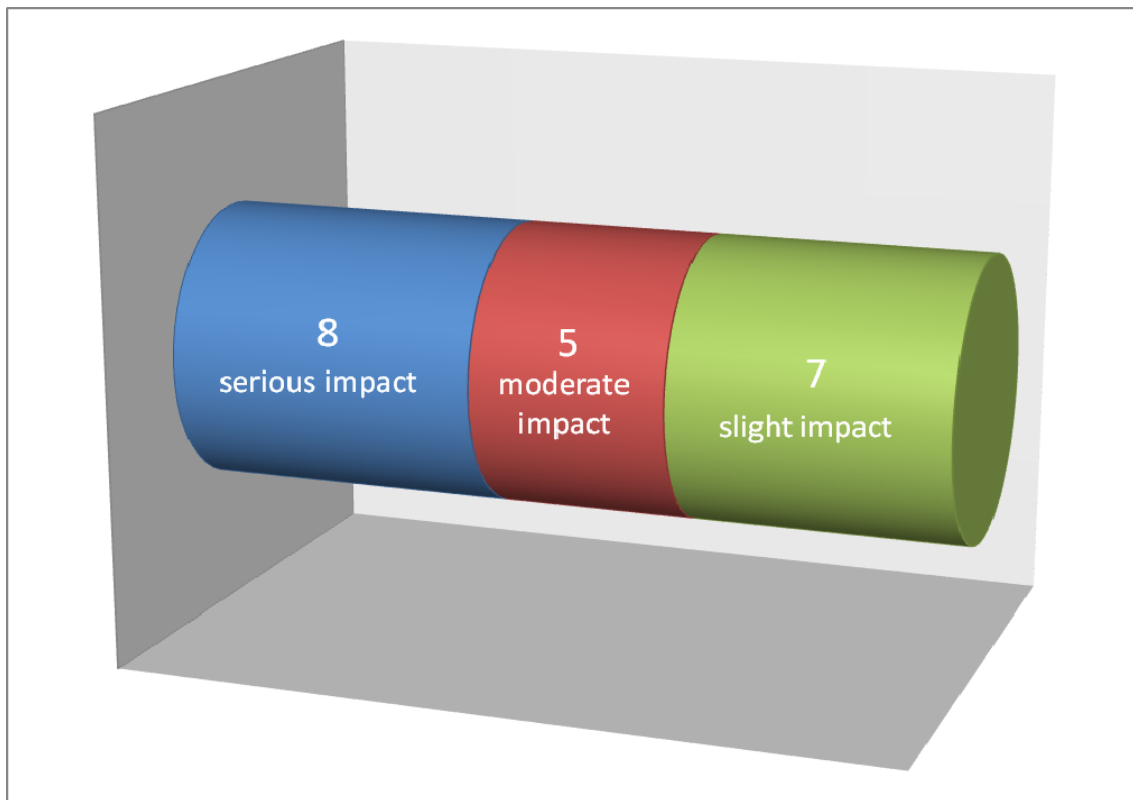


7. Who do you rent from?

- Dave Bullard
- Karney, Quant, Lyons, Gaklik, Keefe, Sam, Leonard Rutt, Conron
- Othe land owners
- landowners in 6 mi. radius, too many too list
- Dave Reed, Custor, Wayne Martin
- Smith, Markwisk
- Bill Breeze
- Daniel Johnson - Wayne Co.
- Daryl Hurst
- Jean Woodcock Estate - Cayuga Co.
- Dave Tompson
- Gregg Hypes
- Harriet Dietrich
- Horace Burghdurf
- Robert Burghdurf
- Jerry LaForge
- John Marriott
- Leo Greene
- Mike Saeli
- Walter Dickens Bond Warrick
- Pete Coleman
- Phil Waterman
- Reynolds
- Rick Warrick
- Tom Burghdurf
- Robert Howell
- Robert Reynolds
- Sherry Ivanov

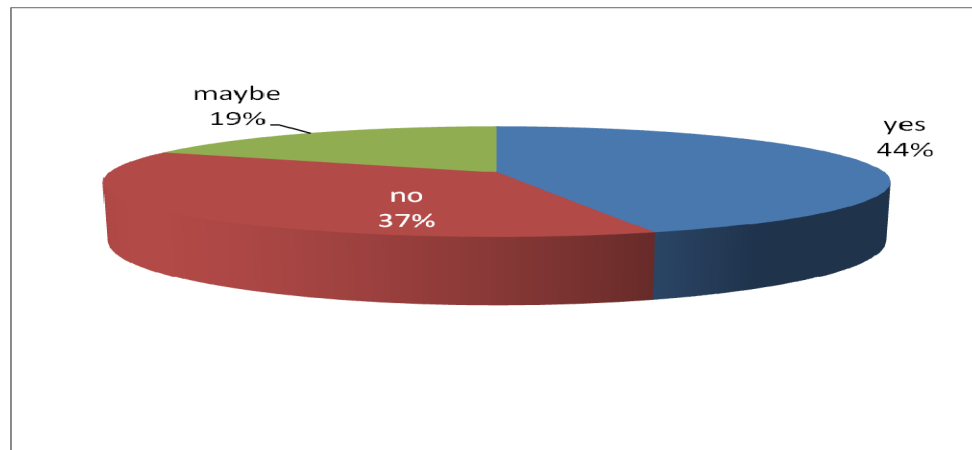
8. If the rented land were no longer available, how would that affect your farm operation?

	#	%
Serious impact	8	40%
Moderate impact	5	25%
Slight or no impact	7	35%
TOTAL	20	100%

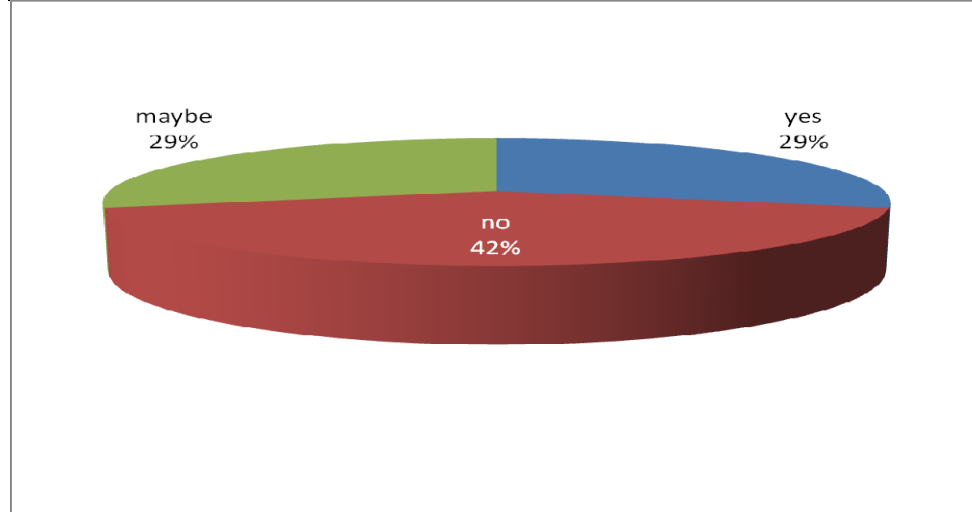


9. If additional land were available at an affordable price, would you be interested in:

Buying more land?	#	%
Yes	12	44%
No	10	37%
Maybe	5	19%
TOTAL	27	100%



Renting more land?	#	%
Yes	7	29%
No	10	42%
Maybe	7	29%
TOTAL	24	100%

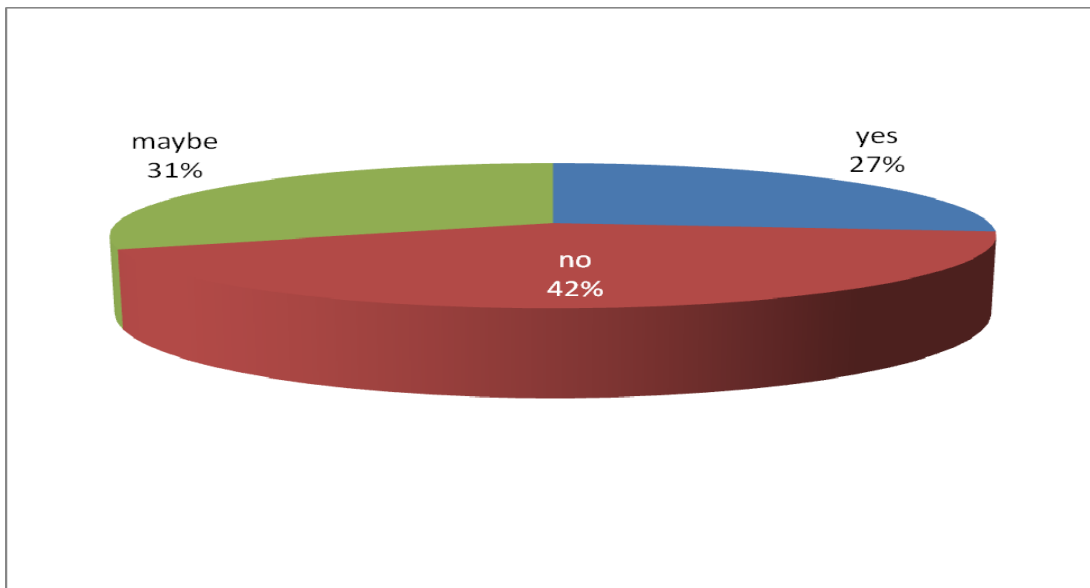


10. Is public water service available to your farm?

	#	%
Yes	0	0%
No	28	100%
TOTAL	28	100%

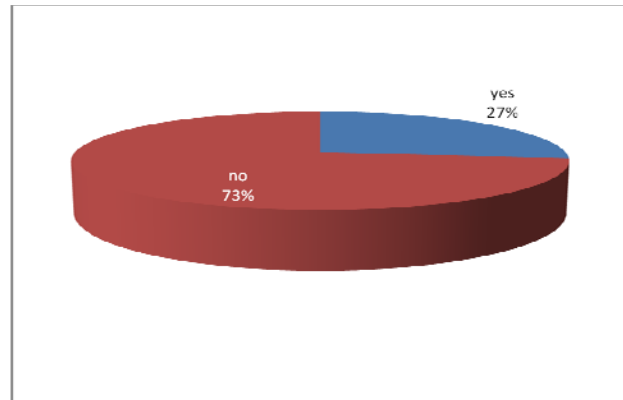
If not, would extension of service to the farm benefit the farm operation?

	#	%
Yes	7	27%
No	11	42%
Maybe	8	31%
TOTAL	26	100%



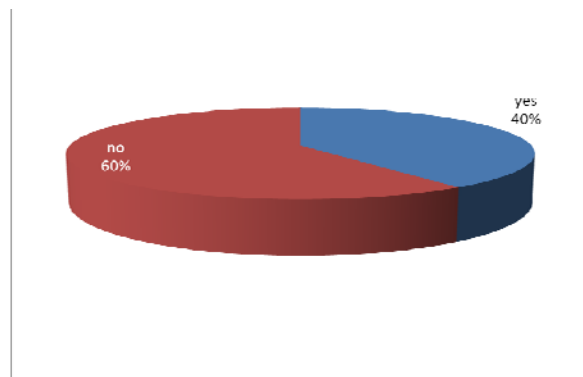
11. Do you have broadband internet service at your farm?

	#	%
Yes	7	27%
No	19	73%
TOTAL	26	100%



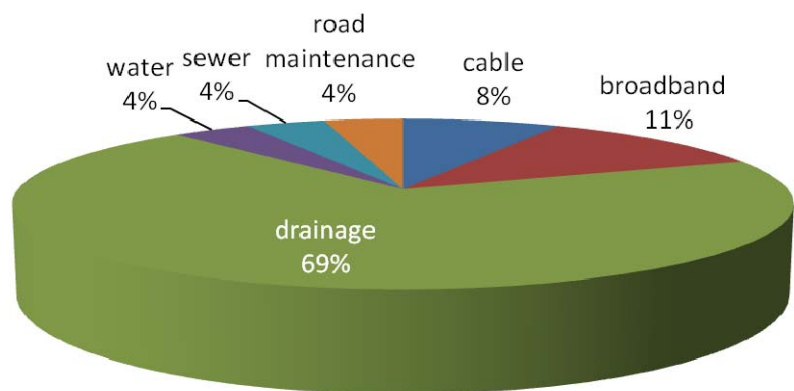
If not, would extension of service to the farm benefit the farm operation?

	#	%
Yes	6	40%
No	9	60%
TOTAL	15	100%



12. Would other infrastructure improvements benefit your farm operation?

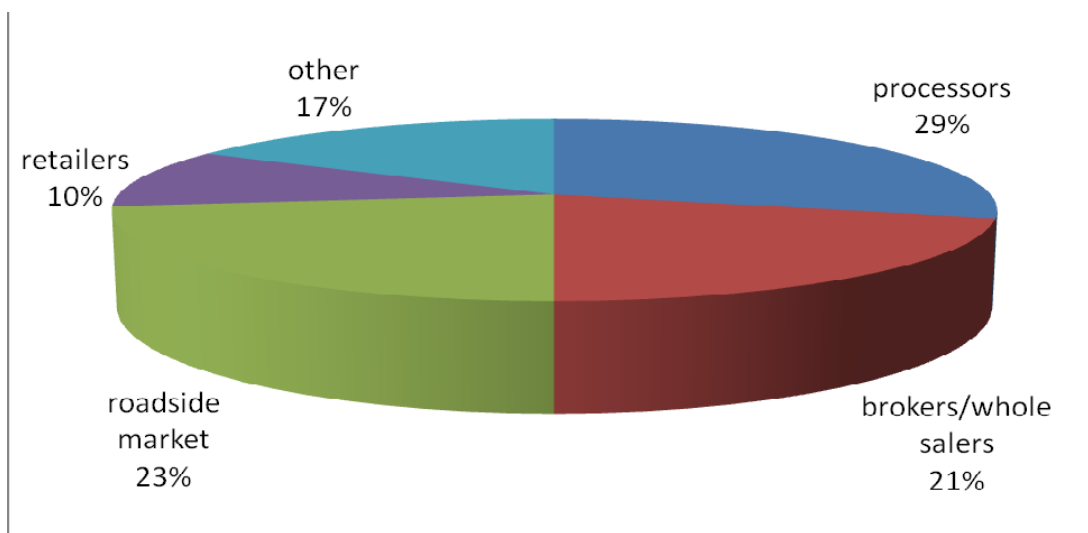
	#
Cable	1
Broadband	1
Drainage	9
Road Maintenance	1
Sewer	1
Water	1
TOTAL	14



13. What are your principal markets and where are they located?

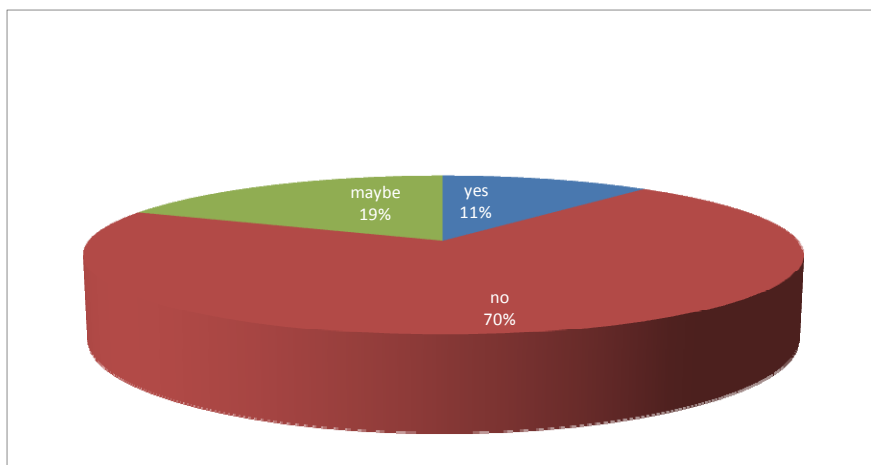
	#	%
Processors	12	29%
Brokers/wholesalers	12	21%
Retailers	4	10%
Roadside Markets	9	23%
Other	11	17%
TOTAL	48	100%

(See list of locations on following page.)



14. Would you be interested in selling products directly to schools or other public institutions?

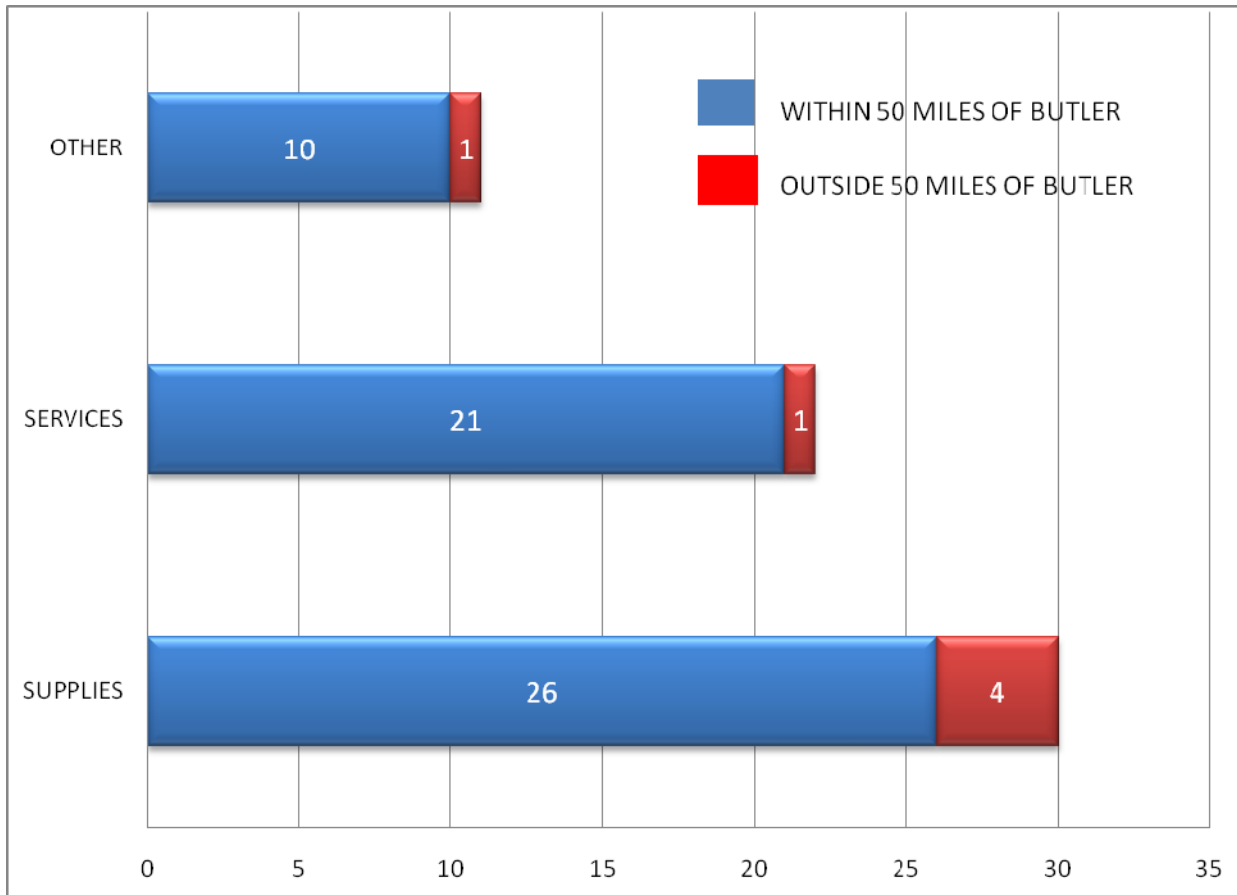
	#	%
Yes	3	11%
No	19	70%
Maybe	5	19%
TOTAL	27	100%



Locations of Principal Markets

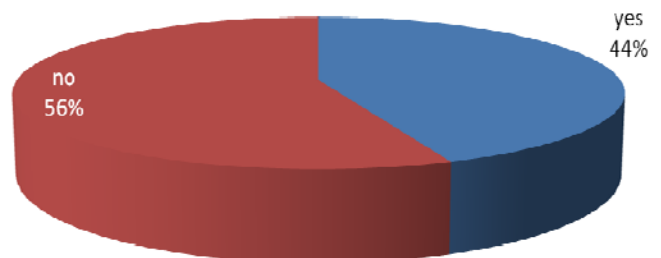
On-farm market or roadside stand	<ul style="list-style-type: none"> ▪ Wolcott, NY ▪ In front of my home ▪ Drury & Armstrong Road ▪ Sodus ▪ roadside stand ▪ on farm sales ▪ Ridge Road, Wolcott, NY ▪ 12624 Ridge Road ▪ individual sales
Retailers	<ul style="list-style-type: none"> ▪ Finger Lakes Organic co-op ▪ NY and PA ▪ most all corn is sold to feed mills within NYS, some ethanol mills ▪ Sodus, Webster, Rochester ▪ Lowville Market
Brokers or wholesalers	<ul style="list-style-type: none"> ▪ Lansing Trade group - Auburn, NY ▪ Western NY, PA ▪ Oswego, NY ▪ Dairy Marketing Service, Syracuse, NY ▪ Wolcott Corn (corn and beans) ▪ NY, PA ▪ Soybeans mostly sold to a broker ▪ Rochester, NYC ▪ Syracuse Regional Market ▪ Syracuse ▪ Co-op Agri Mark coop, Springfield, Mass
Processors	<ul style="list-style-type: none"> ▪ Wheppard Grain - Phelps, NY ▪ Wayne Co. Egg - Wocott, NY ▪ Wocott, NY ▪ Motts, Choons, Farm Fresh ▪ NY, PA ▪ some for overseas markets, some to Canada, some to NYS feed mills ▪ processor ▪ Byrne Dairy - Syracuse, NY ▪ Dairy Lea @ Syracuse ▪ Motts
Other	<ul style="list-style-type: none"> ▪ Wayne country Egg ▪ Calf Feeder ▪ Mennonite Trade / NY and Northeast ▪ Syracuse Regional Market ▪ Livestock Auctions ▪ Merrell Farm (hay) ▪ Wheat - to flour mill in Churchville, NY ▪ Contract hog unit, cash grain

15. Where are your major suppliers of goods and services located?
(See list on following page.)



16. Do you have plans for someone to take over your farm in the future?

	#	%
Yes	11	44%
No	14	56%
TOTAL	25	100%



Major suppliers of goods and services – Within 50 miles of Butler

Equipment, Seed, Fertilizer, other Supplies	<ul style="list-style-type: none"> • Marion, Savannah, Auburn • Main & Pickeney, Auburn, Carovial Fertilizer, Auburn, Seneca Farm, Seneca Falls • Syracuse and Auburn • Stanton Ag Services, Lakeland Equipment, Farmer Boy Ag, Hellena Chemical, Keystone Mills • Tractor Dealer • Fertilizer, Equipment, Chemicals • Saroodis Ag Service, Stanton Ag, Primrose Farms • Lakeland Equipment (John Deere), O'Hara Machinery (John Deere), Main & Pinchnery (New Holland), Stanto Ag. (seed and fertilizer) • Tractor Supply, Viele's Agway • Other local organic farms • Auburn • Equipment, fertilizer, Most supplies • Lakeland Equip. Savannah, Phelps Supply, Phelps, Helena Chemical - Geneva, Monroe Tractor - Auburn
Services (financial, construction, technical other	<ul style="list-style-type: none"> • Cato • Five Star Bank – Auburn, Seneca Falls • Wolcott – self motivated • Community Bank • Financial Construction • Wolcott Financial • Farm Credit of WNY • Lyons National Bank, Secor Lumber • Community Bank • Acceptable • Lyons Bank – Lyons, Wells Fargo – IL
Other inputs	<ul style="list-style-type: none"> ▪ parts and supplies (small) ▪ Van Norstram, Dil, Finger Lakes Agronomics ▪ Cornell Extension ▪ Need local farm tire service at a fair price ▪ E&V energy – Wolcott, Burnwell – Red Creek

Major suppliers of goods and services – Beyond 50 miles of Butler

Equipment, Seed, Fertilizer, other Supplies	<ul style="list-style-type: none"> • Seed, fertilizer • Seed,(transplants) • High tensil wire, trellis posts
Other inputs	<ul style="list-style-type: none"> ▪ Keseca Vet Clinic - Geneva

17. In the space below, please identify any other concerns or ideas that should be addressed in the Town's Agricultural and Comprehensive Plan. Feel free to include additional sheets of paper if needed.

- a) Restricting fertilizers and pesticides to protect the large aquifer running under this and adjoining acreage.
- b) The Town should have a clear set of objectives which blend with a concise mission statement. Each objective should be rated by priority and implementation strategy (when can we afford to do it). Also, each objective should have a set of requirements with specific criteria defined. Once the requirements are established get both cost and schedule information for planning purposes. Lastly, communicate with the Town.
- c) More funds for small farms.
- d) I worry high taxes will force the sale of my farms when I leave my full-time job.
- e) The water /sewer in South Butler and Highway 104 needs to be cleaner.
- f) Is it true that an "imported" insect or disease is expected to destroy all ash trees in the not distant future? Ash is a large % of our trees. I don't see the question about tillable acreage, but we have 55 acres.
- g) Keep your ag. land base.
- h) Taxes were not addressed... this survey was not organized well to give any useful quantitative data.
- i) Our concern is that with infrastructure improvements, such as public utilities it will encourage selling off of farm land for building lots, thus increasing land value, assessments, and land rent.
- j) Drainage is a huge issue - water backing up into my drainage ditches in the past has caused severe crop losses and thus a decreased revenue, and as a result I spent less \$\$ much of which I try to spend locally.
- k) The state continues to use more land for Montezuma Wildlife, decreasing farm land use as farmland.

Town of Butler

Agricultural & Comprehensive Plan Steering Committee

4576 Butler Center Road
Wolcott, New York 14590

November 17, 2008

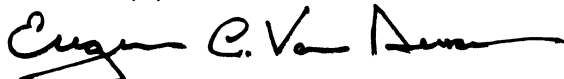
Dear Farmer or Landowner:

As you may be aware, the Town of Butler is in the process of preparing an Agricultural and Comprehensive Plan for the Town. In order for us to better understand what makes our local agricultural industry successful, as well as the concerns that you may have as farmers and farmland owners, we encourage you to fill out the enclosed questionnaire.

You may also receive a phone call from a representative from the consulting firm that is assisting us in preparing the Agricultural & Comprehensive Plan to request an in-person interview. We appreciate the time that you may be able to offer as we continue to prepare this plan for the Town of Butler.

Please return the questionnaire in the envelope provided by Tuesday, December 2, 2008.

Sincerely yours,



Eugene Van Deusen, Chair

Butler Agricultural & Farmland Protection Plan Steering Committee

EUGENE VAN DEUSEN, CHAIR
BERT EVERHART
JOSEPH GEFFERT
BARB HARPER
CAROL MERRELL
CHRIS REED
MARVIN STEWART

Farmer and Farmland Owner Questionnaire
(November 2008)

1. Which of the following best describes you?

Full-time farmer _____

Part-time farmer _____

Landowner who leases land on a long-term basis to farmer _____

Landowner who rents land on a year-to-year basis to farmer _____

Landowner whose land was not used for agricultural production in 2008 _____

2. If some of your land was rented or leased,

a. Who worked the land in 2008? _____

b. What was the land used for (type of crops, pasture, etc.):

If you do not farm your land, thank you very much! Please return this questionnaire to Stuart I. Brown Associates.

The next questions are for farmers:

3. What is the principal product produced on the farm (cash crops, vegetables, dairy, other livestock, etc.)?

4. What other products are produced on the farm?

5. Does your farm operation use any rented land? Yes___ No___

6. Approximately what proportion of the farmland in your operation rented? ____%

7. Who do you rent from? _____

8. If the rented land were no longer available, how would that affect your farm operation?

Serious impact ____ Moderate impact ____ Slight or no impact ____

Please return by Tuesday, December 2 to Stuart I. Brown Associates, 300 State Street, Suite 201, Rochester, NY 14614. Questions? Call Barbara Johnston at 585-295-6636

Town of Butler Agricultural & Comprehensive Plan
Farmer and Farmland Owner Questionnaire
(November 2008)

9. If additional land were available at an affordable price, would you be interested in:

a. Buying more land Yes ____ No ____ Maybe ____

b. Renting more land Yes ____ No ____ Maybe ____

10. Is public water service available to your farm? Yes ____ No ____

a. If not, would extension of service to the farm benefit the farm operation?

Yes ____ No ____ Maybe ____

Comments: _____

11. Do you have broadband internet service at your farm: Yes ____ No ____

b. If not, would extension of service to the farm benefit the farm operation?

Yes ____ No ____ Maybe ____

Comments: _____

12. Would other infrastructure improvements benefit your farm operation (cable, broadband, drainage, etc.)?

The following questions will help us understand how local farms fit into the regional agricultural economy.

13. What are your principal markets and where are they based?

Location

On-farm market or roadside stand

Retailers

Brokers or wholesalers

Processors

Other

Please return by Tuesday, December 2 to Stuart I. Brown Associates, 300 State Street, Suite 201, Rochester, NY 14614. Questions? Call Barbara Johnston at 585-295-6636

Town of Butler Agricultural & Comprehensive Plan
Farmer and Farmland Owner Questionnaire
(November 2008)

14. Would you be interested in selling products directly to schools or other public institutions?

Yes _____ No _____ Maybe (need more information) _____

15. Where are your major suppliers of goods and services located? (equipment, supplies, financial, veterinarian, construction, etc.)

<i>Supplies or services</i>	<i>Within 50 miles of Butler</i>	<i>More than 50 miles from Butler</i>
Equipment, seed, fertilizer, other supplies		
Services (financial, construction, technical other		
Other inputs		

16. Do you have plans for someone to take over your farm in the future?

Yes ____ No ____ Comments: _____

17. In the space below, please identify any other concerns or ideas that should be addressed in the Town's Agricultural and Comprehensive Plan. Feel free to include additional sheets of paper if needed.

Please return by Tuesday, December 2 to Stuart I. Brown Associates, 300 State Street, Suite 201, Rochester, NY 14614. Questions? Call Barbara Johnston at 585-295-6636

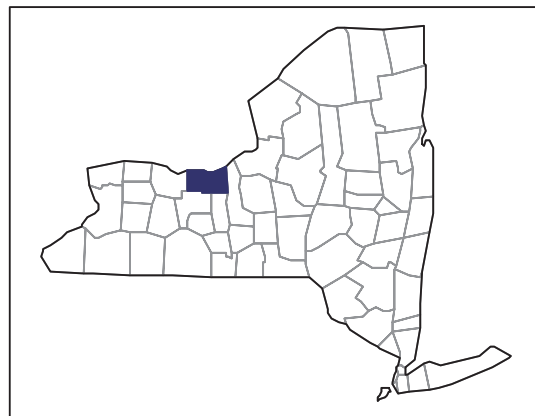
APPENDIX B

Summary of Statistics from the 2007 Census of Agriculture – Wayne County

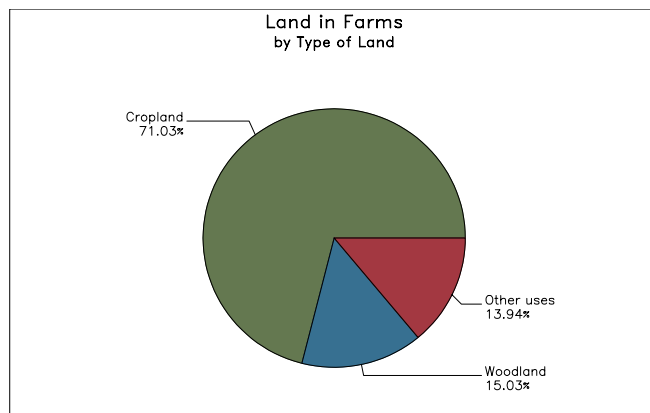
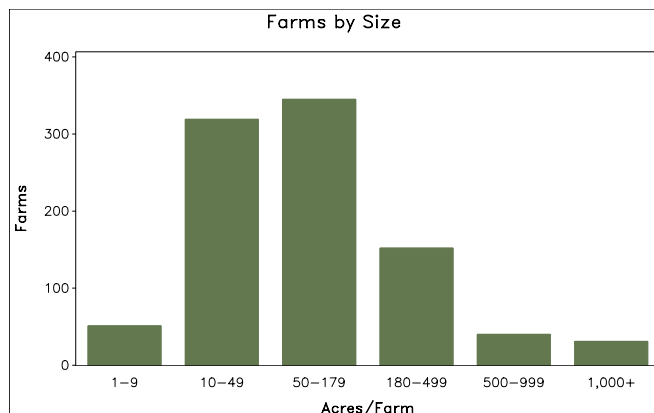
2007 CENSUS OF AGRICULTURE

County Profile

Wayne, New York



	2007	2002	% change
Number of Farms	938	904	+ 4
Land in Farms	168,471 acres	165,213 acres	+ 2
Average Size of Farm	180 acres	183 acres	- 2
Market Value of Production	\$168,963,000	\$103,856,000	+ 63
Crop Sales \$128,422,000 (76 percent)			
Livestock Sales \$40,541,000 (24 percent)			
Average Per Farm	\$180,131	\$114,885	+ 57
Government Payments	\$1,535,000	\$3,435,000	- 55
Average Per Farm	\$6,020	\$11,564	- 48



United States Department of Agriculture
National Agricultural Statistics Service

www.agcensus.usda.gov

2007 CENSUS OF AGRICULTURE

County Profile

Wayne, New York

Ranked items among the 62 state counties and 3,079 U.S. counties, 2007

Item	Quantity	State Rank	Universe ¹	U.S. Rank	Universe ¹
MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD (\$1,000)					
Total value of agricultural products sold	168,963	5	61	442	3,076
Value of crops including nursery and greenhouse	128,422	2	61	238	3,072
Value of livestock, poultry, and their products	40,541	31	58	928	3,069
VALUE OF SALES BY COMMODITY GROUP (\$1,000)					
Grains, oilseeds, dry beans, and dry peas	17,930	7	54	1,018	2,933
Tobacco	(-)	(-)	(-)	(-)	437
Cotton and cottonseed	(-)	(-)	(-)	(-)	626
Vegetables, melons, potatoes, and sweet potatoes	12,560	10	59	159	2,796
Fruits, tree nuts, and berries	85,964	1	58	44	2,659
Nursery, greenhouse, floriculture, and sod	9,924	6	61	291	2,703
Cut Christmas trees and short rotation woody crops	(D)	(D)	54	(D)	1,710
Other crops and hay	(D)	(D)	55	(D)	3,054
Poultry and eggs	551	17	57	1,098	3,020
Cattle and calves	4,654	27	54	1,755	3,054
Milk and other dairy products from cows	25,476	33	54	251	2,493
Hogs and pigs	(D)	(D)	55	(D)	2,922
Sheep, goats, and their products	96	30	55	1,132	2,998
Horses, ponies, mules, burros, and donkeys	103	48	57	1,664	3,024
Aquaculture	(D)	(D)	40	(D)	1,498
Other animals and other animal products	(D)	(D)	57	(D)	2,875
TOP LIVESTOCK INVENTORY ITEMS (number)					
Pullets for laying flock replacement	94,129	6	54	254	2,627
Cattle and calves	18,490	30	55	1,491	3,060
Hogs and pigs	6,710	5	55	792	2,958
Layers	2,922	32	57	957	3,024
Rabbits and their pelts	(D)	3	55	(D)	2,574
TOP CROP ITEMS (acres)					
Corn for grain	26,743	6	53	816	2,634
Apples	20,862	1	57	3	2,144
Soybeans for beans	19,778	4	46	834	2,039
Forage-land used for all hay and haylage, grass silage, and greenchop	17,493	42	54	1,174	3,060
Corn for silage	6,134	31	52	247	2,263

Other County Highlights

Economic Characteristics	Quantity	Operator Characteristics	Quantity
Farms by value of sales		Principal operators by primary occupation:	
Less than \$1,000	260	Farming	550
\$1,000 to \$2,499	51	Other	388
\$2,500 to \$4,999	65		
\$5,000 to \$9,999	65	Principal operators by sex:	
\$10,000 to \$19,999	88	Male	791
\$20,000 to \$24,999	25	Female	147
\$25,000 to \$39,999	47		
\$40,000 to \$49,999	25	Average age of principal operator (years)	56.2
\$50,000 to \$99,999	66		
\$100,000 to \$249,999	98	All operators ² by race:	
\$250,000 to \$499,999	68	American Indian or Alaska Native	3
\$500,000 or more	80	Asian	4
Total farm production expenses (\$1,000)	117,922	Black or African American	(-)
Average per farm (\$)	125,716	Native Hawaiian or Other Pacific Islander	(-)
		White	1,428
Net cash farm income of operation (\$1,000)	57,803	More than one race	6
Average per farm (\$)	61,623	All operators ² of Spanish, Hispanic, or Latino Origin	9

(D) Cannot be disclosed. (Z) Less than half of the unit shown. See "Census of Agriculture, Volume 1, Geographic Area Series" for complete footnotes.

¹ Universe is number of counties in state or U.S. with item.

² Data were collected for a maximum of three operators per farm.

APPENDIX C

Overview of Existing Plans, Regulations and Programs

Relevant Plans and Programs

Wayne County Agricultural and Farmland Protection Plan

The Wayne County Agricultural and Farmland Protection Plan, completed in 1997, recommends projects to sustain the economic viability of agriculture as well as projects to retain high quality agricultural land for continued production. Key accomplishments resulting from this Plan are:

- Wayne County received State and Federal funds to purchase development rights to farmland in Macedon.
- Wayne County established an “agricultural specialist” position within the Wayne County Planning Department (currently held by Ora Rothfuss)
- Promotion of “agri-tourism”
- On-going assistance to local towns with planning and zoning to support business development on farms and to establish appropriate regulation for agricultural support businesses.

Wayne County Agricultural Development Board

- Implements and updates the County Agricultural and Farmland Protection Plan
- Assists in the review of the County Agricultural districts
- Provides responses to Notice of Intent proceedings from NYS Dept. of Agriculture & Markets

Wayne County Agribusiness Micro-Enterprise Program

- Cornell Cooperative Extension of Wayne County offers business planning workshops for qualified farms and agribusiness owners and provides technical support in various agricultural interest areas.
- Consultants from NY FarmNet and Farm Credit of Western New York, as well as Cooperative Extension can help agribusiness owners and entrepreneurs prepare business plans farm and Wayne County refers works with the to help.
- The Agribusiness Development Center at Cooperative Extensive has a library, computer and software to assist with business planning and development.
- The Wayne County Industrial Development Agency offers loans with below-market interest rates to businesses that employ five or fewer workers, including the owner.

Applicants must have a business plan. Loans may be used for start-up costs, equipment, building improvements, real estate, or working capital.

- Contact Ora Rothfuss, Agriculture Development Specialist, Wayne County Planning Department: 315-046-5919 or e-mail orothfuss@co.wayne.ny.us.

Wayne County Economic Development Strategy

A key goal of the 2006 Wayne County Economic Development Strategy is to, “Maintain production agriculture as a critical component of Wayne County’s economic well-being.”

The following actions relating to farmland and agriculture were recommended in the Strategy:

- A. Support business planning among farmers to assist them in identifying markets with considerable growth potential.
- B. Support purchase of development rights and other mechanisms to preserve a “critical mass” of high-quality farmland for continued agricultural production.
- C. Encourage local, State and Federal funding of programs at Cornell Cooperative Extension and the Geneva Experiment Station that provide technical assistance to farmers and perform research into new varieties of agricultural products.
- D. Continue to make financial assistance programs available to agricultural employers for business expansion.
- E. Encourage municipalities to revise zoning regulations to permit ancillary home-based businesses on farms to supplement income from farming.
- F. Encourage networking and cooperative ventures among agricultural producers to reduce costs and increase access to markets.
- G. Provide information to the general public and to the Wayne County Board of Supervisors regarding the significance of agriculture to the Wayne County economy.
- H. Promote the establishment of farmers’ markets throughout Wayne County.

Other Wayne County Programs

- Wayne County established a Purchase of Development Rights program that has been funded by \$4 million in State and Federal grants.

- A County Right to Farm Law was amended in May 2008 to require all purchasers of property to be notified of the presence of agricultural operations and potential for noise, odor and other impacts.

Agricultural District Program

Nearly all of the Town of Butler is within a County Agricultural District. All of the Agricultural Districts in Wayne County have been recently consolidated so that they all will be reviewed, and may be renewed, every eight years. Inclusion in an Agricultural District denotes a commitment on the part of the County and the landowner to retain the use of such land for agriculture.

The Agricultural District Program includes the following provisions to protect farmers:

- **Agricultural use value assessments:** Land is assessed at its value for agricultural production, rather than at its full market value. If land that received the agricultural exemption is sold for non-farm purposes, the landowner must repay the amount of property taxes saved over the life of the District, up to 8 years.
- **Protection from local regulations** that would restrict farm practices.
- **Protection from public acquisition of farmland through “eminent domain.”** Before a local or county government may undertake a project that affects land within an Agricultural District, it must submit a "Notice of Intent" to the County Agricultural and Farmland Protection Board and the NYS Department of Agriculture and Markets for consideration of the impacts on agriculture.
- **Protection from nuisance suits (right-to-farm provisions):** A person who buys property within an Agricultural District must be notified about the possible presence of noise or odors associated with farm practices and acknowledge receipt of this notice in writing.

All of the Agricultural Districts in Wayne County were consolidated into one district in 2008. A total of 21,714 acres in the Town of Butler are included in the Agricultural District.

Cornell Cooperative Extension of Wayne County

Cornell Cooperative Extension of Wayne County provides technical assistance to farmers, in addition to its educational and youth programs. Teams of experts have been assembled on a regional basis to address specific agricultural issues.

- **Lake Ontario Fruit Program Team** provides researched-based information on integrated pest management, business management and economics, cultural practices, harvesting and marketing.

- The *Northwest New York Dairy, Livestock and Fieldcrops Team* organizes educational programs on dairy production, field crop production, farm business management, small farm management and livestock production. Field research projects help local farms determine the best new varieties of crops for local growing conditions, reduce odor emission, and increase use of on-farm composting.
- The regional *Vegetable Program* provides specialized information to producers of dry beans, potatoes, onions, cabbage, vine crops and sweet corn as well as educational services for producers of other commodities and allied industries.

Soil & Water Conservation District

The Wayne County Soil & Water Conservation District has assisted farmers with conservation practices since the District formed in 1944. In conjunction with evolving state and federal funding opportunities, District and NRCS technical staff have assisted many farmers with planning and implementation of conservation practices.

Conservation programs administered by the SWCD include:

- Identifying soil types as basis for agricultural use assessments
- Agricultural drainage improvement projects
- Water testing for bacteria
- Erosion control and streambank remediation
- Pond design and maintenance consultation

Agricultural Environmental Management Program (AEM)

The New York State Agricultural Environmental Management Program, which is administered by the County Soil & Water Conservation District, consists of five "tiers":

- **Tier 1:** The initial baseline survey of operation, including farm type, number and type of animals, identification of common farm management practices, and future plans for farm.
- **Tier 2:** A detailed assessment of each farm management practice, including waste management, soil management, petroleum storage, barnyard management, and other categories.
- **Tier 3:** In this planning phase, information that is collected in the Tier 2 phase is ranked according to environmental impact potential. Tier 3 includes **tract level** plans (Tier 3A); **nutrient management**, plans (Tier 3B); and **whole farm** plans (Tier 3C).
- **Tier 4:** The implementation phase, where conservation practices are installed or constructed in order to address the areas of concern that have been identified.

- **Tier 5:** The practices are evaluated for effectiveness in addressing problem.

The program was designed to implement provisions of the federal Clean Water Act. The local team includes USDA NRCS, FSA, and Cooperative Extension. It is overseen by a Statewide AEM Steering Committee and the Statewide Conservation Committee.

The program provides cost-sharing for conservation measures. Farmers and farmland owners who install approved practices reduce their liability for nutrients or other substances that may flow to surface or groundwater. (See: <http://www.nys-soilandwater.org/aem/index.html>).

Priority areas are defined by watershed. Wolcott Creek watershed will be a focus of the program in 2010.

USDA Farm Service Agency (FSA)

The Farm Service Agency (FSA) administers several programs that assist farmers and farmland owners, including Conservation Reserve Program (CRP), disaster assistance and loans, as well as outreach, education and analysis of laws and regulations. The FSA works closely with USDA NRCS, SWCD and Cooperative Extension to administer many of these programs.

Farm Bureau

The New York Farm Bureau is a private organization that advocates politically on a broad range of issues. Its structure encourages participation among members at the local level through County chapters. More information is available on the New York Farm Bureau website: <http://www.nyfb.org/whatisfb.htm>

Tax Relief Programs

Farming utilizes large amounts of land but does not demand proportionally large expenditures from local governments. In response to this situation, New York State has established programs to reduce property taxes on farmland that meets certain eligibility requirements.

- **Agricultural Use Assessments** base property taxes on the value of the land as farmland, rather than its value for development. Eligible farms located within certified Agricultural Districts, as well as farms outside a District that meet certain requirements, may receive Agricultural Use Assessments. Agricultural Use Assessment is also available to landowners who rent the property to an eligible farmer.

The NYS Department of Agriculture & Markets has established a formula to determine the Agricultural Use value of property based on soil types and projected crop yields. In areas where the land is valuable for development purposes, the agricultural use value will be much lower than the market value, resulting in significantly lower property

taxes. However, in areas where farming is the “highest and best use” of the property – where a farmer is likely to pay as much for the land as anyone else - the agricultural use value is the same as the market value.

- New York State has established the **Farmers School Property Tax Credit** program for eligible farmers to receive refunds of up to 100% of School taxes on up to 350 acres of agricultural land, and 50% of School taxes on acreage in excess of 350 acres. To be eligible for this tax credit, farmers must earn at least 2/3 of their income in excess of \$30,000 from farming. The credit may be claimed in the farmer’s annual NYS tax return.
- Farm worker housing is exempt from property taxes, provided that the facility meets all safety and health standards set by the State building code and the NYS Department of Labor. Renovation of a historic barn for continued agricultural use also qualifies for a property tax exemption.
- Certain property and services used in agricultural production is exempt from sales tax. Farmers need to complete Form ST-125.

State & Federal Environmental Protection Programs

Several State and federally funded programs provide financial incentives and technical assistance to farmers and farmland owners to encourage the installation of “best management practices” (BMPs) that incorporate environmental protection into agricultural practices. These techniques are designed to protect the natural environment from contaminants that may be associated with agricultural activities. Environmental management goals include reducing the amount of stormwater that leaves a farm site, managing fertilizer inputs to match the amount taken up by crops, and providing safe storage and application of pesticides. Although such practices may be expensive to install and maintain, they frequently result in lower costs for fertilizer, decreased soil erosion, and improved pest control.

State programs that support environmental management on farms include:

- Agricultural Environmental Management (AEM)
- Agricultural Nonpoint Source Abatement and Control

The Agricultural Nonpoint Source Abatement & Control Grant Program was established in 1994 by the State of New York assist farmers in preventing water pollution from agricultural activities by providing technical assistance and financial incentives. County Soil & Water Conservation Districts apply for the competitive grants on behalf of farmers and coordinate funded activities. Grants can cost-share up to 75% of project costs or more if farm owners or operators contribute, in the following two areas:

- Planning; funds awarded to conduct environmental planning
- Implementation; funds awarded to construct or apply management practices

The New York State Soil & Water Conservation Committee and the Department of Agriculture & Markets coordinate the statewide program and allocate funds provided by the NYS Environmental Protection Fund on a semi-annual basis. Since the program began in 1994 more than \$50 million has been awarded to 53 Soil & Water Conservation Districts across the state to help farmers reduce and prevent agricultural sources of Nonpoint Source (NPS) Pollution.

Source: <http://www.agmkt.state.ny.us/rfps/ANSACPR15/Round%2015%20RFP.pdf>

Federal conservation programs, which may be altered or renamed as the 2008 Farm Bill is implemented, include:

- Environmental Quality Incentives Program (EQIP)
- Conservation Reserve Program (CRP)
- Conservation Reserve Enhancement Program (CREP)
- Conservation Security Program (CSP) and
- Wildlife Habitat Incentives Program (WHIP).

Agricultural Economic Development Programs

Farmland can continue to be utilized for agricultural purposes only as long as the business of farming remains viable. Publicly funded programs aimed at encouraging investment in farming include loans, technical assistance, research and grants.

The **Grow NY Enterprise Program** is a joint initiative of the Governor's Office for Small Cities (GOSC), Empire State Development Corporation (ESDC) and the Department of Agriculture and Markets (NYSDAM), which dedicates \$3 million annually to increasing the demand for and expanding the use of New York's agriculture and forest products. The primary objective of the program is to provide funds to local governments who in turn use the dollars to assist qualifying businesses who undertake activities resulting in the creation of job opportunities for low- and moderate-income persons. (Source: <http://www.agmkt.state.ny.us/GNYRFP.html>)

The New York State Department of Agriculture and Markets operates several programs aimed at improving the economic viability of farming:

- The “Pride of New York” program assists food producers and retailers by promoting the sale of New York produced food and food products. The program provides marketing

materials and assistance and conducts promotional activities which highlight New York State's many exceptional products. (See: <http://www.prideofny.com>)

- The Farm to School program encourages school districts to purchase fresh produce directly from local farmers. School districts must follow certain guidelines in order to participate in the program. (See http://www.prideofny.com/farm_to_school.html)
- A program to assist farm operators and agricultural cooperatives developing business plans or implementing part(s) of an existing business plan that will enhance the profitability and/or environmental compatibility of their farm operations.
- NYS Department of Agriculture & Markets will reimburse producers for up to \$750 toward the cost of obtaining organic certification (see <http://www.agmkt.state.ny.us/AP/Organic/reimbursement.html>) and for obtaining documentation of Good Agricultural Practices, which is required by many retailers (see <http://www.agmkt.state.ny.us/rfps/GAP/2009%20GAP%20application-FINAL%201.16.09.pdf>)

Programs funded by NYS Agriculture & Markets in the past include:

- grants to provide promotional support for farmers' markets in New York State.
- a matching grant program for the development, implementation or expansion of programs, projects, activities or events which will promote New York State food and agriculture through agri-tourism. For the purposes of this program, agri-tourism is defined as any food or agriculture related program, project, activity or event taking place at a farm or other food or agriculture related location(s) that will attract visitors to promote and enhance the public's understanding and awareness of New York food, farms, and agriculture.

The NYS Energy Development Agency (NYSERDA) administers programs to encourage energy conservation and the use of sustainable energy sources in agricultural operations. (See <http://www.nyserda.com/Programs/Agricultural/default.asp>) These programs include:

- financial assistance to farmers interested in installing alternative or sustainable energy facilities, such as a wind-powered or bio-fuel-based electricity generator.
- NYSEDA offers cash incentives to install wind-energy systems, solar electric systems, and energy-saving equipment. It provides technical assistance to farms and other facilities through energy audits to reduce energy consumption.
- NYSEDA's Agricultural Waste Management Program focuses on farms under pressure to control contaminants from manure. To meet these challenges, farms are partnering

with NYSERDA to evaluate a variety of potential technological solutions, innovative business structure, and community waste management systems that could improve system economics and farm profitability. Technologies being evaluated include:

- Anaerobic digestion of manure
- On-site production of electricity from digester biogas
- Composting of manure and digested solids.

APPENDIX D

Sample Right to Farm Law

A local law to be known as:

THE RIGHT TO FARM IN THE TOWN OF FAYETTE

Be it enacted by the Town Board of the Town of Fayette as follows:

Section 1. Legislative Intent and Purpose

A. The Fayette Town Board finds, declares and determines that agriculture is vital to the Town of Fayette, New York, because it is a livelihood and provides employment for agriservice; provides locally produced, fresh commodities; agricultural diversity; promotes economic stability; agriculture maintains open space and promotes environmental quality; and agricultural land does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in the Town of Fayette, farmers must be afforded protection allowing them the right to farm. When nonagricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operation or are discouraged from making investments in, agricultural improvements.

B. It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town of Fayette, to permit the continuation of agricultural practices, to protect the existence and operation of farms, to encourage the initiation and expansion of farms and agribusinesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. In order to maintain a viable farming economy in the Town of Fayette, it is necessary to limit the circumstances under which farming may be deemed to be nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction. *The Towns of Fayette and Varick Comprehensive Plan* clearly supports this view and recommends the adoption of this legislation as a primary goal of its implementation.

Section 2. Definitions

A. As used in this section, the following terms shall have the meanings indicated:

Agricultural Advisory Committee – shall mean a committee formally appointed by the Fayette Town Board for the purpose of resolving right to farm disputes as provided hereunder as well as other issues as the Fayette Town Board deems appropriate. Such a committee shall be appointed on an annual basis with five members. Those members shall be:

1. A resident of the Town of Fayette not associated with a farm operation,
2. A member of the Town of Fayette Planning Board, designated by the Town of Fayette Planning Board,
3. A member of the Town of Fayette Zoning Board of Appeals, designated by the Town of Fayette Zoning Board of Appeals,

4. A member of the Seneca County Agricultural Enhancement Board who resides in the Town of Fayette, designated by the Seneca County Agricultural Enhancement Board; if there is not a Town of Fayette resident on the Seneca County Agricultural Enhancement Board the Town of Fayette shall appoint a Town of Fayette resident actively participating in a farm operation,
5. Either the Seneca County Cooperative Extension Executive Director, the Seneca County Soil & Water Conservation District Manager, or their designee with approval of the Fayette Town Board.

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

Agricultural products - shall mean those products as defined in AML section 301(2).

Farm operation - as defined in Agriculture an Markets Law (AML) section 301 (11).

Farmer - shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the production, preparation, and marketing of agricultural products as a commercial enterprise including but not limited to the cultivation of land, the raising of crops, or the raising of livestock.

Generally accepted agricultural practices - Those practices which are feasible, lawful, inherent, customary, necessary, reasonable, normal, safe and typical to the industry or unique to the commodity as they pertain to the practices listed in the definition of "agricultural practices."

Section 3. Right-to-Farm Declaration

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

Agricultural practices conducted by farm operations shall not constitute a public or private nuisance if such agricultural practices are:

1. Reasonable and necessary to the particular farm or farm operation,
2. Conducted in a manner which is not negligent or reckless,
3. Conducted in conformity with generally accepted agricultural practices,

4. Conducted in conformity with all local state, and federal laws and regulations,
5. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
6. Conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters or public roadways.

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

Section 4. Notification of Real Estate Buyers

In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Agriculture and Markets Law Section 310 and provide notice to prospective purchasers and occupants that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district.

Section 5. Consideration of Impact on Certain Applications

The legislative intent and purposes of this section shall be taken into consideration by each Town officer and/or board in processing any application requesting rezoning, subdivision approval, temporary conditional permit approval, site plan approval and/or special use permit approval when the property which is the subject of such application is located within one mile of an existing farm. Such, Town officer and/or board shall, as part of its review of such application, determine whether appropriate and reasonable conditions may be prescribed or required which would further the purposes and intent of this section as part of approval of the application. Such appropriate and reasonable conditions shall be determined on a case-by-case basis and may include, but not be limited to, requiring declaration, deed restrictions and/or covenants which run with the land, which would notify future purchasers and owners of the subject property that owning and occupying such property might expose them to certain discomforts or inconveniences resulting from the conditions associated with agricultural practices and operations in the Town.

Section 6. Resolution of Disputes

1. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation between the parties involved, either party may submit the controversy to the Agricultural Advisory 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 State Commissioner of Agriculture and Markets about whether the practice in question is sound pursuant to Agriculture and Markets Law Section 308.

2. Any controversy between the parties shall be submitted to the Agricultural Advisory 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.

3. The effectiveness of the Agricultural Advisory 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.

4. The controversy shall be presented to the Agricultural Advisory Committee by written request of one of the parties within the time limits specified. Therefore after, the committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting at a mutually agreed 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 consider to be pertinent facts. No party bringing a complaint to the committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the committee may be extended upon the written stipulation of all parties in the dispute.

5. Any reasonable costs associated with the function of the Agricultural Advisory Committee process shall be borne by the participants.

Section 7. Severability Clause

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

Section 8. Precedence

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

Section 9. Effective Date

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

APPENDIX E

Agricultural Assistance Program Information

1. Genesee Land Trust
2. Finger Lakes Land Trust
3. Grow New York
4. Farm to School Program



Genesee Land Trust

Preserving and protecting the Rochester region's land resources



A remarkable stacked stone fence borders the mature forest. © Elinor Osborn

The Genesee Land Trust preserves and protects land within the Greater Rochester area – waterways, wetlands, farmland, open space, fish and wildlife habitat, and scenic or recreational areas – by acquiring property or development rights and assisting government agencies, individuals, and private groups with their own land protection efforts.

The Genesee Land Trust is a tax-exempt, not-for-profit organization supported by membership dues, grants, and other contributions. Donations are tax-deductible. For more information call 585-256-2130 or e-mail: g mills@genesee land trust.org.

[VISIT OUR PROTECTED LANDS HERE](#)

[Backyard Habitat Tour 2009 Ticket Info Here](#)

[Shortcut To Our Recent Newsletter Here](#)

[Shortcut To Our Coming Events Here](#)

[Join today](#) [Home](#)

Genesee Land Trust - 500 East Avenue, Suite 200, Rochester, NY 14607 - 585.256.2130
[E-mail us](#)



Genesee Land Trust
Nature: for you and forever

About Us Our Protected Lands How You Can Help Preserve Your Land Events Newsroom



All photos (c) Nigel Kent

Are you a landowner interested in preserving your special property?

As a landowner you may care deeply about your land. You may enjoy the wildlife that lives there, know each great tree that shades it, or have wonderful memories tied to your special landscape. As steward of your land you may have great concern for its future.

If you are one such landowner, Genesee Land Trust may be able to help you ensure that your land will remain protected beyond your ownership.

Deciding to protect your land in perpetuity is a personal decision – and we at Genesee Land Trust understand that. We speak almost daily with property owners who have just started to consider conserving their land and are looking for information about their options.

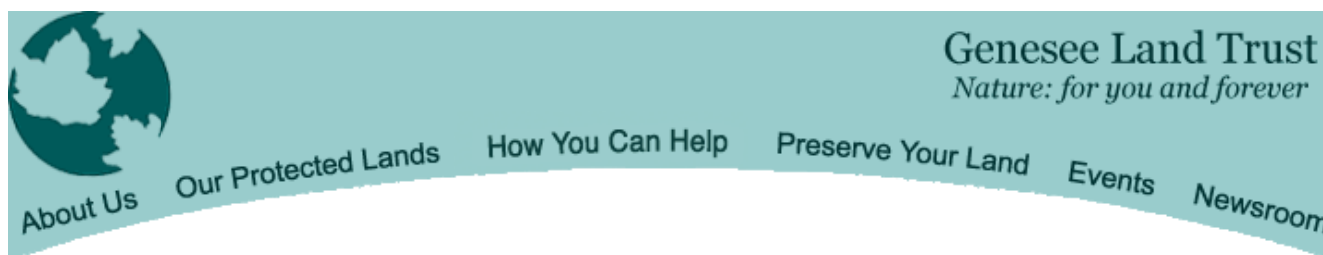
Conserving your land starts with your vision for its future. It also involves your financial and tax circumstances, the value of the land itself, and the conservation goals of Genesee Land Trust. Some permanent protection techniques that we utilize entail certain transaction costs. We will clearly describe to you the preservation tools we use, and outline any possible costs to you as your decision proceeds.

Some of the protection methods used by Genesee Land Trust:

- [Conservation Easements](#)
- [Donating Land to Genesee Land Trust](#)
- [Purchase of Land](#)
- [Other Land Protection Methods](#)

Please do not hesitate to contact us at info@geneseeandtrust.org or (585) 256-2130 to discuss your property.

Another good source for land protection information can be found at <http://www.lta.org/conserv/index.html>.



(c) Nigel Kent

What is a conservation easement?

Conservation easements are the primary tool that Genesee Land Trust uses to preserve land. They are the ideal tool for the land owner who wants their land preserved, but wants to retain ownership.

A conservation easement is a voluntary and perpetual legal agreement between a private property owner and a land trust that permanently restricts harmful uses and development of the property.

Conservation easements are flexible and tailored to meet the landowner's needs. Easements can be written that still permit agriculture, some types of forestry, recreation, and other open space uses. The easements generally prohibit all construction and any activity deemed harmful to the natural characteristics of the land. The land trust is responsible for seeing that the restrictions are maintained over time and through all subsequent changes in ownership.

- Public access is not permitted, unless the property owner explicitly permits it.
- Benefits to the landowner of a conservation easement include permanent preservation and likely income, property, and estate tax benefits.
- The landowner retains the right to sell, mortgage, lease, or transfer the property. A conservation easement runs with the land – that is, the original owner and all subsequent owners are bound by the restrictions of the easement.
- The responsibility of all future landowners is to use the property in ways consistent with the easement. The executed easement document is recorded at the County Recorder's Office.

This enables all future owners and lenders to learn about the restrictions when they obtain title reports.

- Genesee Land Trust is responsible for upholding the terms of the easement, including legal enforcement if necessary. All easements are monitored yearly. The land trust maintains a stewardship fund specifically earmarked for easement enforcement. Donors of conservation easements will be asked to contribute to this fund.

There is no one size or type of property that would automatically make it suitable for a conservation easement. It depends on the conservation value of the land, the desires of the owner, and the level of development pressure.

Please do not hesitate to contact us at info@geneseeandtrust.org or (585) 256-2130 to discuss your property.

Another good source for property protection information can be found at <http://www.lta.org/conserv/index.html>.

[Join today](#) [Home](#)

Genesee Land Trust - 500 East Avenue, Suite 200, Rochester, NY 14607 - 585.256.2130
[E-mail us](#)



Genesee Land Trust
Nature: for you and forever

About Us Our Protected Lands How You Can Help Preserve Your Land Events Newsroom

A few other land protection tools

Bequest or Living Trust

This allows a land owner maximum usage of their property during their lifetime, with eventual preservation. A landowner can conserve important lands by donating property or donating a conservation easement through their Wills. A bequest is a provision in a Will or codicil that instructs the estate's executor to convey the land or a conservation easement to Genesee Land Trust. A living trust can achieve the same result but avoids the probate process.

If you wish to partake of one of these conservation tools, you would want to contact Genesee Land Trust to assist you in your plans. Please do not hesitate to contact us at info@geneseeandtrust.org or (585) 256-2130 to discuss your property.

Bargain Purchase

This tool is allows a land owner to realize some immediate income and longer-term tax benefits. In a Bargain Purchase, a landowner sells property to a land trust at less than full market value and donates the remaining value. The difference between full market value (as determined by a professional appraisal) and the sale price can be treated as a charitable contribution and can significantly reduce any capital gains taxes payable on the sale. Again, this transaction depends on the wishes of the landowner to see their land preserved and the conservation goals of the land trust. Please do not hesitate to contact us at info@geneseeandtrust.org or (585) 256-2130 to discuss your property.

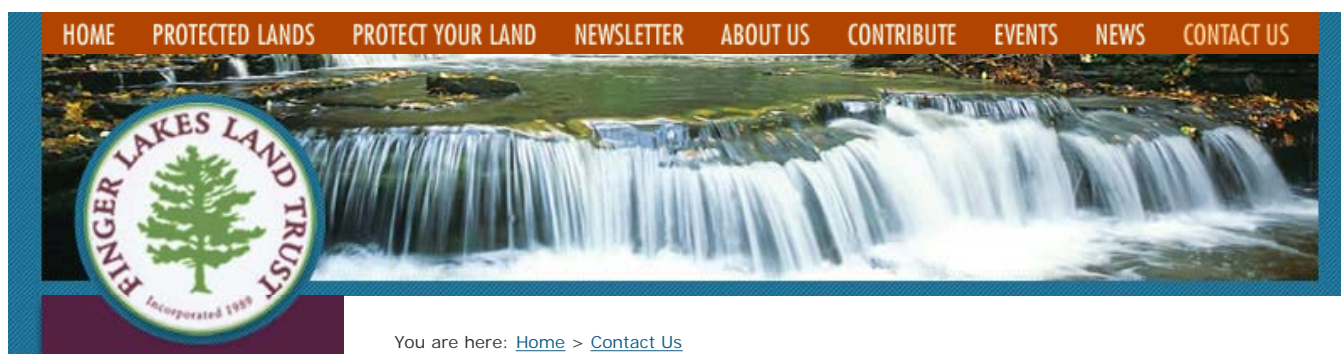
Right of First Refusal

A landowner who cannot afford to donate or bargain-sell their property to a land trust may consider a right of first refusal. This right gives the land trust the opportunity to match a purchase offer received by the owner at a future time if and when the owner elects to sell the property. Please do not hesitate to contact us at info@geneseeandtrust.org or (585) 256-2130 to discuss your property.

Another good source for property protection information can be found at <http://www.lta.org/conserve/index.html>.

[Join today](#) [Home](#)

Genesee Land Trust - 500 East Avenue, Suite 200, Rochester, NY 14607 - 585.256.2130
[E-mail us](#)



You are here: [Home](#) > [Contact Us](#)

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THE LAND STEWARD

Newsletter of the Finger Lakes Land Trust

Vol. 21, No. 2

working to protect the natural integrity of the Finger Lakes Region

Spring 2009



Hallpine Farms seen from
Route 14A, just south of Penn Yan.

ROCCI AGUIRRE

First Agricultural Easement in Yates County to Protect 4th Generation Farm

In its first collaborative effort with Yates County and Cornell Cooperative Extension (CCE), the Land Trust partnered with Dale and Karen Hallings, owners of Hallpine Farms, to permanently protect their 219-acre farm in the Town of Milo, south of Penn Yan. A conservation easement ensures that fourth-generation Hallpine Farms will remain in agriculture and will not be lost to development.

"Dale and Karen Hallings are the first farmers in Yates County to protect their land through the use of an agricultural conservation easement," said Peter Landre, executive director of CCE-Yates County and co-chair of the county's Agriculture & Farmland

Protection Board. "They have shown tremendous vision, patience, and leadership by protecting their family farm for future generations."

Two factors highlight the importance of protecting this farm to maintaining a healthy agricultural industry in the Finger Lakes region: high quality soils and increasing development pressures. The soils on Hallpine Farms consist of Honeoye, Lima and Kendaia soil types, all of which are officially listed as USDA Prime Soils and Soils of Statewide Significance. Moreover, the farm lies along State Route 14A, a major traffic and tourism corridor with a

continued on page 2

Danby Land Gift: A New Jewel in the Emerald Necklace

Sheela Kingsbury smiles unconsciously whenever the topic of discussion turns to the wildlife that roam her land or the trees and plants that she has discovered on her daily walks around the property. The deep sense of connection that this landowner feels for her land is obvious, so it should come as no surprise to those who know Sheela that she would graciously donate 50 of her prized acres along Jersey Hill Road in the Tompkins County town of Danby to the Land Trust.

Characterized by hardwood forest of oak, maple and beech, with scattered white pines, the property is particularly significant in that the headwaters of Lick Brook take form from the numerous springs located on the property. Starting as a small network of individual watercourses along the southern boundary of the tract, Lick Brook coalesces into a pristine stream that slowly changes in

continued on page 4



Landowner and donor Sheela Kingsbury, on her property in Danby.

ROCCI AGUIRRE

Please join us for our 20th Annual Meeting and Luncheon

This year's keynote address will feature founding board members of the organization to speak on Celebrating 20 Years of Land Protection and Looking to the Future. See insert for details.



PERSPECTIVES

The Land Trust's new partnership with Cornell Cooperative Extension marks an exciting new chapter for our organization. By working together with Extension to ensure the future of farming in our region, the Land Trust joins one of the best known institutions in our region in pursuing a sustainable future for an economy that truly defines the character of so much of our landscape.

Farming is a vital part of our region and its heritage. Farms not only put food on our table—they also provide many of the scenic vistas we value and the open spaces we cherish. For many of our communities, farming and farmland is at the very core of their identity.

Nowhere is the role of agriculture more obvious than in Yates County. While New York experienced a slight decline in the number of farms between 2002 and 2007 (2.3 percent), Yates County actually saw a 20 percent increase! Similarly, while acreage in farmland decreased statewide, Yates saw a 10 percent increase.

Yates has benefited from an influx of Amish and Mennonite farmers, as well as general growth in the entire agricultural

sector. Revenues from agriculture in this county were estimated at \$88 million during 2007 alone!

While these statistics demonstrate the strength of Yates County agriculture, it does not mean that these lands are immune from development pressures. Even the most productive farmland can give way to lake view homes, without careful planning and programs that provide adequate compensation to the farmer in exchange for their right to subdivide and develop.

Our new partnership in Yates County is only the latest in a series of projects undertaken by the Land Trust to sustain our best agricultural lands. We completed our first agricultural easement on Tompkins County's Nesbitt Farm in 1996. We subsequently partnered with Tompkins County in 2006 to secure funds to purchase an easement on the Howser Farm in Lansing. Since then, the county has obtained funding to purchase easements on three additional farms.

Elsewhere in the region, Cayuga County has already protected several thousand acres of prime farmland through the state's farmland protection program. Other counties have become

active in this area as well—Cortland, Onondaga, Seneca, Livingston and Ontario counties have each received funding for these projects.

Given the number of farms in our 12-county region, the Land Trust can not realistically move forward to advance farmland protection on its own. In addition to Cooperative Extension, partners such as American Farmland Trust and the New York Agricultural Land Trust are already playing key roles and will continue to do so in the future. We will work together to ensure that we can all continue to enjoy the benefits of living in a region that hosts a strong agricultural community.

While protecting a farm from development does not ensure that it will be successfully farmed, it does ensure that the opportunity to farm will be there—next year and a generation from now. Thanks to New York's commitment to this effort and the support of local communities, the outlook for farming in our region is bright.

—Andy Zepp

First Agricultural Easement in Yates County to Protect 4th Generation Farm

continued from cover

high profile for developers.

"Creating a focus for farmland protection in the county in this area makes sense," Dale said. "I believe that if neighboring farms see other farms protected, they would more likely consider this as a viable option to help preserve their valuable farmland, particularly considering the development pressures that are occurring along this corridor."

The farm entered the Hallings family in 1905. "My grandfather bought the land and farmed in partnership with my great grandfather and great uncle," Dale explained. "My father purchased the farm in 1955, and when his health began to fail, I bought it in 1979. I've been farming for 30 years, and I've spent my entire life on this farm."

Today, Hallpine Farms is a cash crop farm with a small beef enterprise. Crops grown include corn, soybeans, wheat, alfalfa and timothy. Dale and Karen understand the value of their soils to both their farm and to society as a whole. "Farmland like this is a precious resource, and it cannot be replaced," Dale said. New York State couldn't agree more.

New York's Department of Agriculture and Markets administers a program affectionately known as F-PIG (Farmland Protection Implementation Grants), in which 75 percent of the development value of agricultural land is paid to the landowner with the condition that the land remain in agriculture forever. The

state means to ensure that agriculture remains a strong force in its economy and that individual farmers can avoid development pressures and strengthen their farm for themselves and future generations.

Through the FPIG program, the state and the landowner provide the resources, while a qualified third party—in this case the Land Trust—holds the conservation easement.

Dale plans to farm the land until he retires, but he isn't sure if his kids will take over from him. "We have a son and daughter who at this point do not plan on farming, but they are still young and have to find their places in the world," Dale noted, adding that he felt relieved knowing that, even if his children do not farm the land, someone else will continue on. Dale and Karen's participation in the FPIG program guarantees exactly that.

"Farmland is vital to the future of Yates County and the entire Finger Lakes region," said Land Trust Executive Director Andrew Zepp. "We are grateful to the commitment Dale and Karen Hallings have made to both the land and their community. We also greatly appreciate the support of Yates County, New York's Department of Agriculture and Markets, and the Partridge Foundation of Cleveland, Ohio. Each of these partners was essential."

In addition to conserving prime agricultural soils, protecting Hallpine Farms provides valuable open space in a significant watershed. The farm drains into both Keuka and Seneca Lakes

continued on page 3

Landowners Act to Protect Properties Bordering Scenic Byway

The Land Trust announced in February that it had accepted two separate gifts of conservation easement agreements on land bordering the Cayuga Lake Scenic Byway in Tompkins and Seneca counties. Both easements, from landowners Don Wilson and John and Holly Bailey, will help ensure the scenic character of State Route 89, protecting open farmland as well as woodlands bordering tributaries to Cayuga Lake.

Don Wilson donated a perpetual conservation easement on 14 acres, bordering State Route 89 in the town of Ulysses. The land being protected through the easement lies within a Tompkins County-designated Unique Natural Area. One of the chief features of the property is more than 1,000 feet of frontage on Willow Creek, including a portion of the creek's rugged gorge. The property also includes mature woodlands visible from both Cayuga Lake and the Scenic Byway.

The Land Trust now holds 64 conservation easements across the region. These easements are legal agreements between landowners and the Land Trust that conserve significant natural resources in perpetuity, while allowing the land to remain in private ownership and on the tax rolls. Conservation easements thus provide for long-term protection of significant open space lands; at the same time, they typically allow for traditional land uses such as agriculture and forestry. Both Wilson and the Baileys will benefit from state and federal tax breaks associated with their gifts.

In discussing why he agreed to donate a conservation easement to the Land Trust, Don Wilson cited his desire to see his land protected into the future as well as his passion for paleontology. The property has been in the Wilson family for five generations, and he feels that he is continuing a family tradition of sound stewardship. Through a partnership with the Paleontological Research Institute, Wilson has periodically allowed field trips into the Willow Creek Gorge to study fossils on the site. For obvious reasons, land conservation helps maintain the integrity of such sites.

John and Holly Bailey donated a similar conservation



John and Holly Bailey with "Keel" on their recently protected property.



CHRIS OLNEY

Conservation easement donor Don Wilson on his property, which includes Willow Creek Gorge.

easement on their farm property in Ovid, Seneca County, which features a broad sweep of scenic field along State Route 89 and Deerlick Springs Road. Protected as well is a rugged gorge and mature woodlands. John and Holly Bailey live on their property and lease their fields to a local farmer. The land is highly visible to motorists and bicyclists on the state highway and provides open views of Cayuga Lake to the east.

"We have been privileged to live on this beautiful piece of land for nearly forty years, and we wanted to keep the fields and woods beautiful and productive for the generations that follow us here," said Holly Bailey.

"Because of its proximity to the lake, our farm is a prime development target, so it is wonderful that the Finger Lakes Land Trust was here to help us accomplish its conservation."

Land Trust Executive Director Andrew Zepp added, "We're grateful to Don Wilson and the Baileys for their wonderful commitment to the land and our community. By taking action, they're helping to ensure that our region will continue to be known for its clean waters, scenic beauty and diverse landscapes."

The Land Trust invites all Finger Lakes landowners interested in exploring land protection through a conservation easement to contact our Ithaca office at (607) 275-9487 or visit our web site – www.flit.org.

First Agricultural Easement in Yates County to Protect 4th Generation Farm

continued from page 2

(via the Keuka Lake Outlet—itsself recognized for its public natural resource, natural beauty, recreational opportunities and historic preservation sites).

Highly aware of their place in the watershed, the Hallings strongly believe in and adopt progressive soil and water conservation practices that address erosion and non-point source pollution issues.

Yates County is blessed with high quality soils and countless beautiful vistas so often desired by homeowners. The FPIG program offers a means to ensure that farms possessing these soils (and often these vistas) remain in agriculture forever, to the

enrichment of our communities.

The Land Trust's partnership with CCE and Yates County provides an easy-to-follow template for interested landowners to protect their lands. The success with Hallpine Farms marks the beginning of what is expected to be a fruitful collaboration for the Land Trust and the farmers of Yates County. —Jamie Hawk

The Land Trust gratefully acknowledges Attorney Kim Rothman and the law firm Miller Mayer, LLP for providing pro bono legal services in support of this project.

Land Trust Launches Farmland Protection Partnership with Cornell Cooperative Extension

The New Year marked a new beginning for the Land Trust's efforts to permanently protect the region's most productive farmland. Following on the successful completion of the Hallpine Farms conservation easement (see page 1), the Land Trust and Cornell Cooperative Extension of Yates County joined to formally launch an expanded partnership to protect farmland and at the same time educate farmers and local officials about options for conserving prime agricultural land.

The partnership has already secured funding for the purchase of a second conservation easement on additional farmland adjoining Hallpine Farms. During the coming months, additional farmland protection projects will be launched in both Yates and Ontario County. Also in the works are a series of educational workshops on conservation easements.

"This partnership is a great opportunity for us," said Land Trust Executive Director Andrew Zepp. "We worked closely with Cooperative Extension to complete the Hallpine Farms project, and this next step will provide both organizations with additional capacity to undertake more projects like this."

"The State's Farmland Protection Implementation Program is fairly complex and time consuming; however, the potential long-term benefits for farmers and the community are tremendous," said Peter Landre, executive director of Yates County Extension. "We have created a unique partnership and process in the county to navigate through the program as efficiently as possible."

Landre added: "The county Agriculture & Farmland Protection Board, Cornell Cooperative Extension, and the Finger Lakes Land Trust work together to screen potential applicants, select projects for state submission, write the project proposals and submit proposals on behalf of farms to the state. For projects

that are funded by the state, CCE and FLLT work together to fulfill the many requirements to complete a project, including development of a site plan, survey, appraisal, baseline study, monitoring plan, conservation easement, title report and purchase agreement."

This new initiative will involve a number of staff members and volunteers but will be spearheaded by Jamie Hawk, a Yates County resident who has been hired as a joint staff member of both the Land Trust and Cooperative Extension. For the Land Trust, Hawk will take the lead on a number of farmland protection projects in several Finger Lakes counties while also expanding our land protection efforts within the Keuka Lake Watershed.

Through Cornell Cooperative Extension, Hawk will also provide staff support to Yates County's agriculture and farmland protection board and advance other Extension programs related to the sustainability of agriculture in the county.

Hawk brings a diverse background to his new position. He has most recently served as Yates County Extension's sustainable viticulture program director. Earlier he was employed as research coordinator and assistant vineyard manager for Hunt Country Vineyards in Branchport. Hawk also served in the Peace Corps in Zambia.

To learn more about the Land Trust's new partnership, contact Jamie Hawk at Cornell Cooperative Extension of Yates County – (315) 536-5123.



*Land Protection Specialist
Jamie Hawk*

Danby Land Gift: A New Jewel in the Emerald Necklace *continued from cover*

character as it flows from the rolling hills of Danby towards the rugged gorge that defines its lower reaches and its confluence with the Cayuga Inlet.

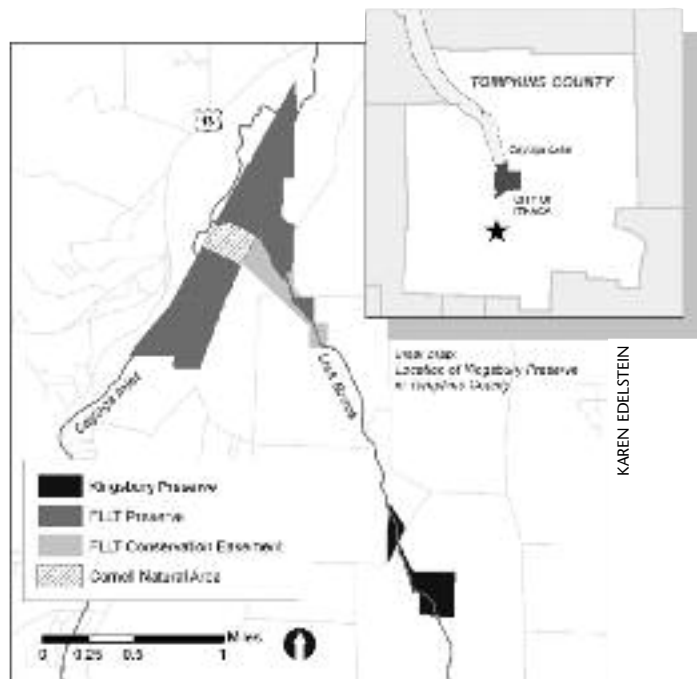
The Land Trust will manage this new parcel, with over 6,000 feet of frontage along Lick Brook, as protected open space known as the Kingsbury Woods Conservation Area. The Kingsbury land reflects much of the character that makes this area special. It is the latest jewel in the Emerald Necklace, the 50,000-acre arc of public open space surrounding Ithaca.

"I love the image of the Emerald Necklace and the fact that this unique place will now be a place of serenity and relaxation that my neighbors and the entire community can come and enjoy too," Sheela said recently, adding, "On a certain level I believe that land really belongs to everyone—working with the Land Trust allowed me to simply make that a more formal relationship."

Sheela's respect for the landscape and deep appreciation of the individual role she herself could play in forging a link between her community and the natural surroundings made the Kingsbury gift a natural fit for the Land Trust.

"This is a wonderful gift to the community," says Land Trust Executive Director Andrew Zepp. "With development starting to crowd Lick Brook, now is the time to protect these critical lands. We're very grateful to Sheela and her family for this wonderful gift."

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Finger Lakes Land Trust Questions and Answers on Conservation Easements

What is a conservation easement?

Conservation easements are voluntary legal agreements between a landowner and a land trust (or other qualified organization) in which the land owner places restrictions on the use of his or her property, in order to protect the natural value of the land. They are flexible and tailored to meet a landowners needs. Donation of a conservation easement protects your land permanently while keeping it in private ownership. A conservation easement, held by the Land Trust, provides permanent protection of the natural values of the site. The landowner retains ownership of the property and all rights and privileges for its use, except for the uses restricted under the easement.

What restrictions can be included in a conservation easement?

As part of conservation easement donation process, the landowner, working with the Land Trust, identifies specific permitted uses of the property. These normally include agriculture, some types of forestry, recreation, and other open space uses. The easement limits or prohibits certain activities, including industrial, commercial, and residential development.

Conservation easements are designed to conserve forever the important resource values of each property. An easement may cover portions of the property or the entire parcel. It is legally binding on all future owners and will be monitored and enforced by the Land Trust.

What rights and responsibilities does the landowner retain?

The landowner retains all other rights over the property including the right to sell, lease, transfer or mortgage. The landowner can use the land in any way that is consistent with the easement. The easement does not give the public the right to enter the property, unless the landowner specifically requests that this be allowed.

What are the benefits to the landowner in donating a conservation easement?

- **New Tax Benefits!** In 2006, New York State implemented a Conservation Easement Tax Credit. Landowners whose land is restricted by a conservation easement would receive an annual, refundable state income tax credit equal to 25% of the combined town, county, and school taxes paid on the land during the previous tax year. The income tax credit is capped at \$5,000 per year for each qualifying landowner.

New Federal Tax Incentives for Conservation Easement Donations made in 2006-07

Section 1206 of the pensions bill (HR 4) recently passed by Congress will help family farmers, ranchers, and other moderate-income landowners get a significant tax benefit for making the extraordinarily valuable donation of a conservation easement. This proposal will:

- Raise the maximum deduction a donor can take for donating a conservation easement from 30% of their adjusted gross income (AGI) in any year to 50%;
- Allow qualifying farmers and ranchers to deduct up to 100% of their AGI; and
- Increase the number of years over which a donor can take deductions from 6 years to 16 years.

This provision would be effective for donations made from January 1, 2006 through December 31, 2007. After that, the law would revert back to previous provisions, unless Congress extends the provision prior to the deadline.

- Knowledge that your land will be protected: Because each conservation easement is written in accordance with the landowner's wishes for future use of the land, the greatest reward for most landowners is the knowledge that their land's special features will be protected-- forever.
- Benefits for your community: Preserving undeveloped lands helps to retain the character of our communities. Agricultural and forest lands, natural areas, and scenic vistas are vital to the economic and environmental well being of rural areas. Permanently protected land aids communities in planning for future service needs. Conservation easements provide these public benefits at a fraction of the costs of outright purchasing of lands by a community. While zoning and public ownership can accomplish some land use goals, the gift of a conservation easement enables the private landowner to make a contribution to the community that will last forever.
- Income Taxes: The donation of an easement to the Finger Lakes Land Trust, a tax-exempt nonprofit organization, is a charitable contribution. The difference in the fair market value of the property before and after the restrictions, determines the value of the gift. This charitable gift can be deducted from income for federal and state income tax purposes, as long as certain IRS conditions are met
- Estate Taxes: If a landowner dies, the estate taxes on the property will be lower, if -- as is usually the case -- the fair market value of the property has been lowered

- by a conservation easement. This may make the difference between an heir being able to keep the land and having to sell it in order to pay the estate taxes
- **Property Taxes:** If your real property assessor determines that the market value of your property is reduced because of the restrictions, the property taxes will be lower. The property may be protected from substantial tax increases resulting from subsequent neighboring developments.

How does the Finger Lakes Land Trust fulfill its obligations?

While the landowner is responsible for upholding the restrictions of a conservation easement, the Land Trust is responsible for enforcement, and monitors each property at least once a year. The gift of an easement should, if possible, be accompanied by a contribution to the Land Trust's stewardship endowment to fund the monitoring of the easement. This ensures our ability to meet our obligation to uphold the easement forever. The Land Trust, as holder of the easement, has a limited right of access for inspection.

How can I find out more information?

Call the main office at (607) 275-9487 or write or e-mail the Finger Lakes Land Trust to talk with a staff member about your conservation goals.



Finger Lakes Land Trust Questions and Answers on Bargain Purchase

How can I sell part of the value of my land while receiving some tax benefits?

Another approach with advantages to both the landowner and the Land Trust is a bargain-purchase. The landowner sells a conservation property to the Land Trust at less than full market value and donates the remaining value.

What are the benefits to the landowner?

For the landowner, a bargain-purchase combines the income-producing aspects of a land sale with the tax benefits of a donation. The difference between the fair market value (as determined by an appraisal) and the sale price is treated as a charitable contribution and can significantly reduce any capital gains taxes payable on the sale.

How can I find out more information?

Call the main office at (607) 275-9487 or write or e-mail the Finger Lakes Land Trust to talk with a staff member about your conservation goals.



GROW *new york*

Enhancing the economic vitality of New York's food and agriculture industry

ENVIRONMENTAL STEWARDSHIP

WHO:

Farm operators

5 TIERS OF AEM:

1. Document good practices.
2. Identify areas of concern.
3. Develop farm plan.
4. Implement farm plan.
5. Evaluate effectiveness.

WEB SITE:

<http://www.nys-soilandwater.org>



New York's Agricultural Environmental Management (AEM) program serves as a national model of how a proactive, voluntary, incentive-based approach can successfully result in protecting and enhancing the State's soil and water resources, while meeting the economic needs of New York's diverse agricultural industry. The AEM partnership of local, state and federal agencies, environmental groups, private sector businesses and farmers, provides technical, educational and financial assistance to develop and implement conservation plans to address issues such as pesticide use and nutrient management. This program will fund up to 87.5 percent of the total cost of eligible projects.

AEM offers large and small farms a solution for complying with regulatory requirements, while advancing water quality objectives and meeting business goals on the farm. Using AEM's five-tiered process, farmers work with a team of local AEM resource professionals to develop and implement effective and profitable farm plans. The five tiers include:

- ★ Tier I - survey current activities, future plans and potential environmental concerns
- ★ Tier II - document current environmental stewardship and identify and prioritize areas of concern
- ★ Tier III - develop a conservation plan addressing areas of concern, tailored toward the goals for the individual farm
- ★ Tier IV - implement the plan, utilizing available financial, technical and educational assistance
- ★ Tier V - perform evaluations to ensure the protection of the environment and farm viability

New York State Department of Agriculture and Markets

1 Winners Circle, Albany, NY 12235 1-800-554-4501 <http://www.agmkt.state.ny.us>



QUALITY ASSURANCE

WHO:

Farm operators

PRODUCE QUALITY:

- Third-party certification services for the produce industry
- More info: call 518-457-4492

EGG QUALITY:

- Voluntary program to minimize *Salmonella enteritidis* in shell eggs
- More info: call 518-457-3502

CATTLE HEALTH:

- Disease prevention program that develops farm-specific herd health plans
- Website: <http://nyschp.vet.cornell.edu>
- More info: call 518-457-3502

New York leads the way with programs to assist production agriculture in maintaining the utmost level of quality through voluntary, incentive-based initiatives.

★ PRODUCE QUALITY ASSURANCE PROGRAM

The Produce Quality Assurance Program (PQAP) provides third party verification services for growers, packers, shippers and receivers. Developed to minimize the potential for microbiological contamination of New York State produce and to ensure continued quality, PQAP certification verifies that products sold are produced and/or packed under the safest means practicable.

★ EGG QUALITY ASSURANCE PROGRAM

The New York State Egg Quality Assurance Program (NYSEQAP) is a voluntary program that helps egg producers implement recommended best management practices to minimize *Salmonella enteritidis* (SE) contamination of shell eggs. Currently, over eighty percent of the commercial shell eggs produced in New York State come from NYSEQAP certified farms.

★ CATTLE HEALTH ASSURANCE PROGRAM

The New York State Cattle Health Assurance Program (NYSCHAP) is an integrated disease prevention program that utilizes a team of advisors to develop a farm-specific herd health plan. The objective is to increase herd health, while assuring food safety and promoting environmental stewardship. The cooperative approach to NYSCHAP involves participation from the producer, herd veterinarian, nutritionist, and consultants.

New York State Department of Agriculture and Markets

1 Winners Circle, Albany, NY 12235 1-800-554-4501 <http://www.agmkt.state.ny.us>



PRIDE OF NEW YORK

WHO:

Producers, processors, packers and retailers of New York food and agricultural products

OBJECTIVE:

Enhance consumer demand and increase sales for New York State grown and produced products

PRODUCT QUALIFICATION:

- Products must be either grown or processed in New York State, and
- Meet program standards

RETAILER QUALIFICATION:

- Willing to commit space and promotional resources to *Pride of New York* products

MORE INFO:

Call the Pride of New York Program at the Department at 518-457-7229 or visit the Department's website

Surveys show that consumers are more likely to buy a local product if it is comparable in price and quality to an imported product. In response to the food industry and consumer demand, the Department of Agriculture and Markets has developed a promotional program that identifies and encourages the sale of New York State food and agricultural products. That program is entitled Pride of New York.

The Pride of New York Program assists food producers and retailers by promoting the sale of New York produced food and food products. The program does so by providing marketing materials and assistance, and by conducting promotional activities which highlight New York State's many exceptional products.

Regardless of the size of your business or promotional budget, Pride of New York is a cost-effective way to give your product and business a competitive edge. Participation in the Pride of New York Program will

- ★ help customers more easily identify products produced in New York State;
- ★ help retain existing customers who value local and New York State products; and
- ★ help ensure product quality to New York consumers.

Currently, Pride of New York is recognized on a long list of products that are either produced or manufactured in New York State. They include:

Dairy Products	Maple Syrup
Fruits & Vegetables	Beef, Poultry & Meats
Christmas Trees	Wines
Jams, Jellies & Relishes	Baked Goods & Candies

Supporting local businesses improves the economy for all New Yorkers. We invite you to assist us in our efforts to promote New York State food and agriculture by joining the Pride of New York Program today.

New York State Department of Agriculture and Markets

1 Winners Circle, Albany, NY 12235 1-800-554-4501 <http://www.agmkt.state.ny.us>



MARKET ENHANCEMENT

WHO:

Agricultural producers and food manufacturers

WHAT:

Marketing assistance on the local, state, national and international levels

SERVICES AVAILABLE:

Direct:

- Farmers' Market Nutrition Program
- Farm Fresh Guide
- Farmers' Market Grant

Domestic:

- State & National Trade Shows

International:

- Market research
- Liaison with USDA Foreign Agricultural Service
- International market development funds
- International representation

MORE INFO:

Call the Department at 518-457-7076 for additional information and promotional materials. Browse the Farm Fresh Guide on the Department's website.

Marketing has recently gained increased attention in the food and agriculture industries. The Department of Agriculture and Markets administers numerous programs, organizes activities and provides services, which assist the industry in expanding existing markets and developing new ones on various marketing levels.

★ DIRECT MARKETING

The Farmers' Market Nutrition Program provides checks to low income, nutritionally at-risk families enrolled in the Women, Infants, and Children (WIC) and Senior Meal Programs, which are redeemable for fresh produce at more than 200 participating farmers' markets statewide. The Department also publishes the "Farm Fresh Guide," a bi-annual directory available in print and on the web, that lists and describes farm stands, u-pick operations and other direct marketing outlets throughout the state.

★ DOMESTIC MARKETING

To assist New York food and agriculture producers in obtaining national representation for their products, the Department is extremely active in participating in and/or providing New York pavilions at numerous trade shows and other promotional events throughout the country.

★ INTERNATIONAL MARKETING

In the international marketplace, the Department provides buyers with information about sourcing products from New York State. The Department also disseminates trade leads to New York companies, conducts market research and development activities, and fosters communication between industry and USDA's Foreign Agricultural Service.

Through the Market Access Program (MAP) Branded Program, the Department is also able to secure matching funds for international market development and promotion. New York companies receive approximately \$1.25 million in funds annually to advertise and promote their products around the world.

New York companies are also represented in generic international marketing activities such as trade shows, in-store promotions and trade missions in the following regions of the world.



New York State Department of Agriculture and Markets

1 Winners Circle, Albany, NY 12235 1-800-554-4501 <http://www.agmkt.state.ny.us>

BUSINESS DEVELOPMENT

WHO:

Agricultural producers/businesses in New York State

OBJECTIVE:

- Provide technical assistance and regulatory guidance, streamlining agricultural business development
- Communicate with both the public and private sectors

RELATIONSHIPS WITH:

Empire State Development Corp.
Local Agricultural Development Specialists
NY Agri-Development Corp.
NYS Dept. of Environmental Conservation
NYS Dept. of Health
NYS Dept. of Transportation
NYS Energy Research and Development Authority
NYS Office of Parks & Recreation
NYS Public Service Commission
NYS Tax and Finance
USDA Rural Development
USDA Farm Service Agency
US Small Business Administration

MORE INFO:

Call the Department at
518-457-7076

Have you developed a business plan or marketing strategy for your existing business? Are you looking to expand your business or seeking to access new and improved technologies? Would you like to make your business more efficient and competitive?

If so, we can help! The New York State Department of Agriculture and Markets now provides assistance to help agricultural producers and food processors locate public and private funding for business development or expansions. In addition to other services described in this folder, we also offer business development, expansion and diversification assistance by:

- ★ Evaluating laws, rules, and regulations to determine industry impact and to assure implementation in a manner that does not place unnecessary hardship on agriculture producers or food processors;
- ★ Helping individual businesses to overcome obstacles during the permitting process;
- ★ Assisting with implementing cost saving procedures while maintaining regulatory compliance and economic viability;
- ★ Providing an information exchange process between the agricultural and food processing industry and regulatory agencies;
- ★ Offering guidance in addressing technical questions;
- ★ Aiding with business plan development and review; and
- ★ Serving as a comprehensive, one-stop-shop for agricultural business development.

The Department works closely with a number of state and local agencies and organizations to provide comprehensive information and assistance. Through these partnerships, the Department provides important connections to other valuable programs and resources.

Our expansive contacts throughout state government and the agricultural industry will not only provide you with technical assistance, but will help you overcome bureaucratic obstacles that you may encounter.

Let us help! Contact the New York State Department of Agriculture and Markets today with your ideas for improving the agriculture and food industries.



New York State Department of Agriculture and Markets

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WORKFORCE DEVELOPMENT

WHO:

Agricultural workers and employers

WORKFORCE TRAINING:

- 30-40 hours of training; half in class and half “hands-on”
- Many courses offered in Spanish

CHILD DEVELOPMENT:

- Available for children of farmworkers
- Includes health and dental care for children
- Meals and transportation provided
- Age appropriate activities
- Follows Head Start guidelines

MORE INFO:

- For the AWCP Program, contact your local Cooperative Extension Office or the Department.
- For ABCD Day Care, contact the NYS Federation of Growers' and Processors' Association at 518-346-6447 or the Department.

Help Wanted.

These are two words that many businesses are becoming all too familiar with. For years now, the Department of Agriculture and Markets has been working to help farmers find an adequate and skilled workforce by providing professional training and day care for your current and future employees. Take a closer look at these two programs. They may be the answer you have been looking for.

★ AGRICULTURAL WORKFORCE TRAINING

The New York State Agricultural Workforce Certification Program (AWCP) has increased the number and improved the skills of agricultural workers in New York State by providing training and employment placement to individuals seeking specialized commodity based farm employment. Since 1992, AWCP has graduated more than 4,000 men and women with a placement rate exceeding 90 percent.

An AWCP program usually takes place on a college campus or Cooperative Extension office, and is between 30 and 40 hours in length, with half classroom training and half job shadowing, or “hands on” training. New curricula are constantly being developed. If your community has a workforce development need in the production agriculture or food processing areas, contact the Department to discuss arranging a new course. Here are some of the current course offerings, many of which are offered in Spanish.

Dairy Manager

Herdsperson

Milker

Crop Manager

Nursery Specialist

Sheep Shearer

Landscape Technician

Equine Specialist

Equipment Repairer

AWCP graduates are in demand, so put your request in early or explore the possibility of starting a training program in your area, if one does not already exist.

★ AGRIBUSINESS CHILD DEVELOPMENT & DAY CARE

The New York State Agribusiness Child Development Program (ABCD) serves children of farm workers across the state. The program currently serves between 1,500 and 1,800 children per year in 11 licensed child care centers and 25 to 30 licensed day care homes from which the ABCD purchases services. New sites are being added to help serve more children in more areas of New York State.

Children from six weeks of age to six years are eligible for the services provided by ABCD. Comprehensive child development services, including health and dental care, meals, transportation, and age appropriate educational and physical activities are provided to each child, including services for children with disabilities. The program utilizes Head Start guidelines, which require extensive parental involvement.



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FUNDING OPPORTUNITIES

WHO:

Farmers, agribusinesses, food processors and research institutions

GRANT FACTS:

- Most grants require a cost-share that can include cash or in-kind services
- Could fund up to 75% of your project, depending on individual grant

APPLICATION PROCESS:

1. The Department will issue funding availability, usually through a Request for Proposals (RFP), announcing the application requirements, criteria and deadlines.
2. Interested parties can obtain a copy of the RFP by contacting the Department via telephone or website.
3. Complete and return application by deadline specified on the RFP.
4. If appropriate, applications are scored and competitively ranked.

MORE INFO:

Call the Department at 518-457-2713 or visit the Department's website at www.agmkt.state.ny.us

We have the resources that could address your needs for capital improvements, market feasibility, new product development, farm market enhancement, or assist with the purchase of development rights on farmland. The Department of Agriculture and Markets has numerous funding opportunities that help individual businesses and the agricultural industry become stronger and more profitable. So, take a look at what we have and see which ones fit you and your business.

★ AGRICULTURAL RESEARCH AND DEVELOPMENT GRANTS

To keep pace with global marketplace competition, this grant offers funding for projects which promise positive economic results, such as new product development; alternative production, processing, distribution, and marketing technologies; the introduction of new technologies; and organizational approaches that further develop the industry.

★ FARMLAND VIABILITY GRANTS

Designed to help maintain farmland as a working landscape, this program funds the development of farm viability plans and the implementation of projects which contribute to farm profitability and sound environmental management. Grant funds may be used by a county to implement a portion of its agricultural and farmland protection plan or may be used by an individual farm to develop or implement a business management plan.

★ FARMERS' MARKET DEVELOPMENT GRANTS

To encourage the creation of new farmers' markets or the improvement of existing ones, this grant may be used to assist in the construction, reconstruction, expansion, rehabilitation or physical improvement of a market, including assistance for engineering or architectural designs.

★ ENTERPRISE PROGRAM

Provides gap financing funds for agricultural business development/expansion or for construction of publicly owned facilities/infrastructure which are necessary to accommodate production agriculture or agribusiness development.

★ NON-POINT SOURCE ABATEMENT & CONTROL GRANTS

Helps farmers protect New York's lakes, streams and rivers from agricultural runoff by awarding Soil and Water Conservation Districts funding to correct and prevent water pollution from farms through the development of water quality assessments, runoff buffers and waste management systems.

★ FARMLAND PROTECTION GRANTS

To help put a stop to the conversion of farmland into irreversible commercial and residential properties, this program helps protect farmland by awarding grants to towns and counties for developing farmland protection plans and for the purchase of farm conservation easements or development rights.

GROW
new york



New York State Department of Agriculture and Markets

1 Winners Circle, Albany, NY 12235 1-800-554-4501 <http://www.agmkt.state.ny.us>

Resources

New York Farm to School Toolkit from Cornell
Farm to School Research and Extension
www.farmtoschool.cce.cornell.edu

New York State Department of Agriculture
& Markets: Farm to School
www.prideofny.com/farm_to_school.html

New York State Department of Health Division of Nutrition
<http://www.health.state.ny.us/prevention/nutrition>

New York State Education Department
www.nysed.gov/cn/cnms.htm

NY Farm to School Listserv
[www.farmtoschool.cce.cornell.edu/content/view/ny-Farm to School-listserv.html](http://www.farmtoschool.cce.cornell.edu/content/view/ny-Farm%20to%20School-listserv.html)

NY Farms!
www.nyfarms.info/farmtoschool.html

National Farm to School Program
www.farmtoschool.org

Food Routes: Farm to School
www.foodroutes.org/farmtoschool.jsp



New York State Department of Agriculture & Markets

10B Airline Drive
Albany, NY 12235
800.554.4501

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New York State Department of Agriculture & Markets Farm to School Program



Photo courtesy of USDA

Farm to School Mission

Our goal is to increase the consumption of nutritious New York-grown and produced foods in schools in order to strengthen local agriculture, improve student health, and promote regional food systems awareness. Through a variety of tools and hands-on resources, we provide assistance to schools, farms, food distributors, parents and community organizations who want to provide students with nutritious, delicious, seasonally varied meals from foods produced by local farms and food processors.

Who is leading Farm to School in New York?

The New York Farm to School Coordinating Committee represents many organizations with a wide range of interests. Together, they are collaborating to advance sound policies, programs and resources to expand the capacity for successful Farm to School efforts throughout the State. Coordinating Committee members include:

- Agriculture in the Classroom
- Cornell University
- Food Service Directors
- Farmers
- Food Processors and Food Distributors
- NY Farm Bureau
- NY Farms!
- NY School Nutrition Association
- NYC Department of Education, School Food
- NY Assembly Task Force on Food, Farm, and Nutrition
- NYS Department of Agriculture & Markets
- NYS Department of Health
- NYS Education Department
- NYS Office of General Services

The Department's Farm to School Efforts

The Department of Agriculture & Markets is committed to working with other State agencies and partners to connect local farmers and food processors with schools in their communities. We facilitate these connections by:

- Maintaining a list of farmers and food processors who are interested in selling their products to schools
- Increasing access to New York-grown and produced foods by identifying purchasing opportunities and building the State's distribution capacity
- Conducting an annual survey of school districts to ascertain their interest in Farm to School and the demand for specific New York agricultural products
- Providing technical assistance and support for the development and marketing of healthy products targeted for children (such as Carrot Crunchers)
- Making policy recommendations to support local purchasing preference in New York schools
- Developing school gardening programs and policy recommendations to encourage school gardening and school connections with nearby gardens and farms
- Through the Department's Pride of New York Program, offering a variety of educational and promotional resources for schools to demonstrate their commitment to Farm to School and to highlight their accomplishments to the community





Photo courtesy of USDA

Farm to You Fest! New York Harvest for New York Kids Week

Farm to You Fest! (NYHNYK) is a weeklong celebration of local food and agriculture where a diverse variety of activities occur throughout the State. Resources are available to help schools and communities learn about New York agriculture, enjoy locally grown foods, and inspire healthy food choices. During this celebration, school cafeterias feature New York farm products; classes do food tastings; schools visit farms and farmers' markets, students harvest their school gardens, and much more!

What can you do to support Farm to School in New York?

We can all be role models for desired dietary and exercise behaviors. Here are some tips on how you can support Farm to School efforts in your community:

Food Service Directors	Let your food distributor and local farmers know that you are interested in purchasing fresh, local, nutritious food for students and in supporting your local economy! Contact the NYS Department of Agriculture & Markets or your local Cornell Cooperative Extension office for assistance locating a farmer interested in participating.
Farmers and Processors	Contact the school food service director at your nearby school and ask about what the school needs and when they need it. Contact the NYS Department of Agriculture & Markets or your local Cornell Cooperative Extension office for a list of schools who have expressed an interest in purchasing local products.
School Teachers	Students see teachers as role models; embrace the vital role you can play in your student's health. Many curricula exist that allow teachers to integrate food and food system concepts into classroom learning. Talk to other teachers and school administrators about what your school or district could do to support Farm to School.
Parents and Community Members	Approach the school administration and school boards to communicate your support of Farm to School in your community. Offer positive suggestions for healthy school meals. Volunteer in the classroom or cafeteria.

See Resources section for where you can go for more information and additional contacts.



Farm to School: A Ripe Idea!

Research shows Farm to School provides a multitude of benefits.

- *Prepares children to learn:* Diet quality and nutritional status are associated with a child's ability to focus and learn. By providing fresh, nutritious and delicious schools meals, a student's academic performance may be enhanced.
- *Improves health and well-being:* Establishing healthy diets in childhood – those rich in a diversity of fruits and vegetables – is important for life-long well-being. Farm to School, with its focus on a well-balanced diet including fresh, minimally processed fruits and vegetables, offers schools an exciting way to positively impact children's health and well-being throughout their lives.
- *Strengthens the local economy:* By supporting local farmers and distributors, schools help keep and re-circulate dollars in the local economy. Also, any purchase of New York State product contributes to the NYS tax base, which in turn, funds NYS public schools.
- *Building healthy communities:* By connecting health concerns, education and local farmers and processors, NYS Farm to School can help to:
 - ✓ Address diet-related problems among our youth
 - ✓ Develop an appreciation for the importance of agriculture
 - ✓ Preserve open-space and the natural environment
 - ✓ Promote strong community food security networks

What is Farm to School?

Farm to School initiatives are popping up throughout New York and all over the country – in day care centers, in public and private schools, and in colleges and universities. These programs focus on featuring locally grown, healthy foods in school meals. They often also include other components such as classroom lessons on food and nutrition; visits to farms and farmers' markets; creation of school gardens, and the support of school-based community supported agriculture (CSA) programs.

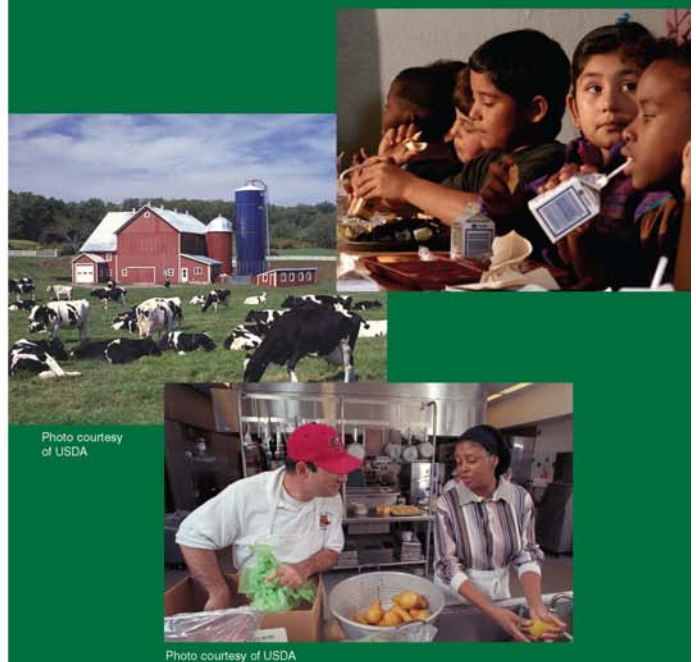


Photo courtesy of USDA

Photo courtesy of USDA

Town of Butler Agricultural & Farmland Protection Plan

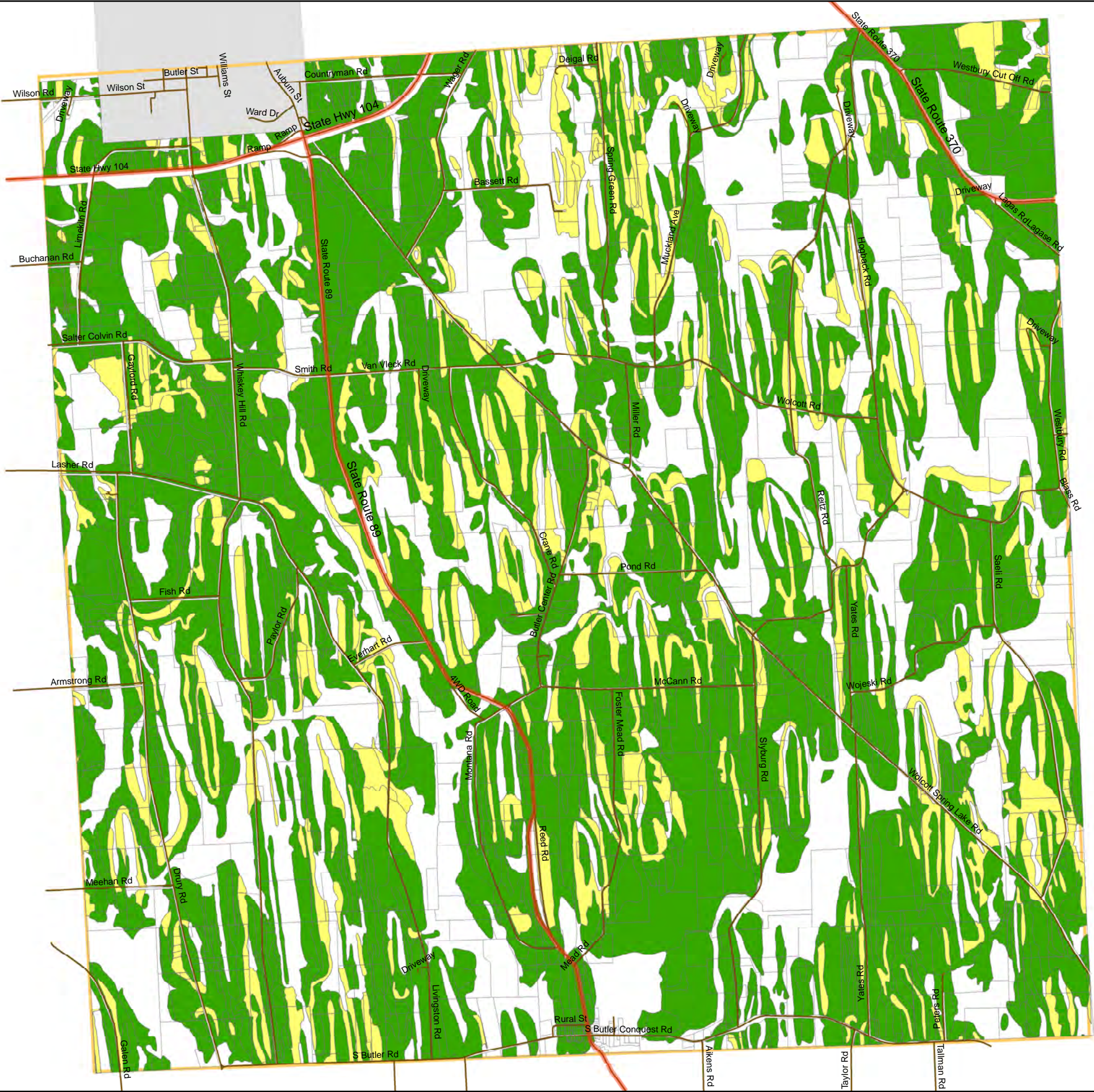
Agricultural Soils

Agricultural Soils

- Prime Agricultural Soils
- Other Soils of Statewide Importance
- Butler Parcels
- Village of Wolcott



October 2009



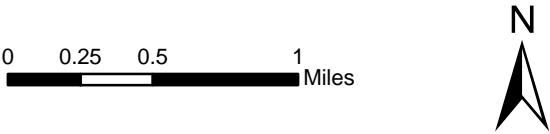


Town of Butler
Agricultural & Comprehensive Plan

Active Agricultural
Land

Legend

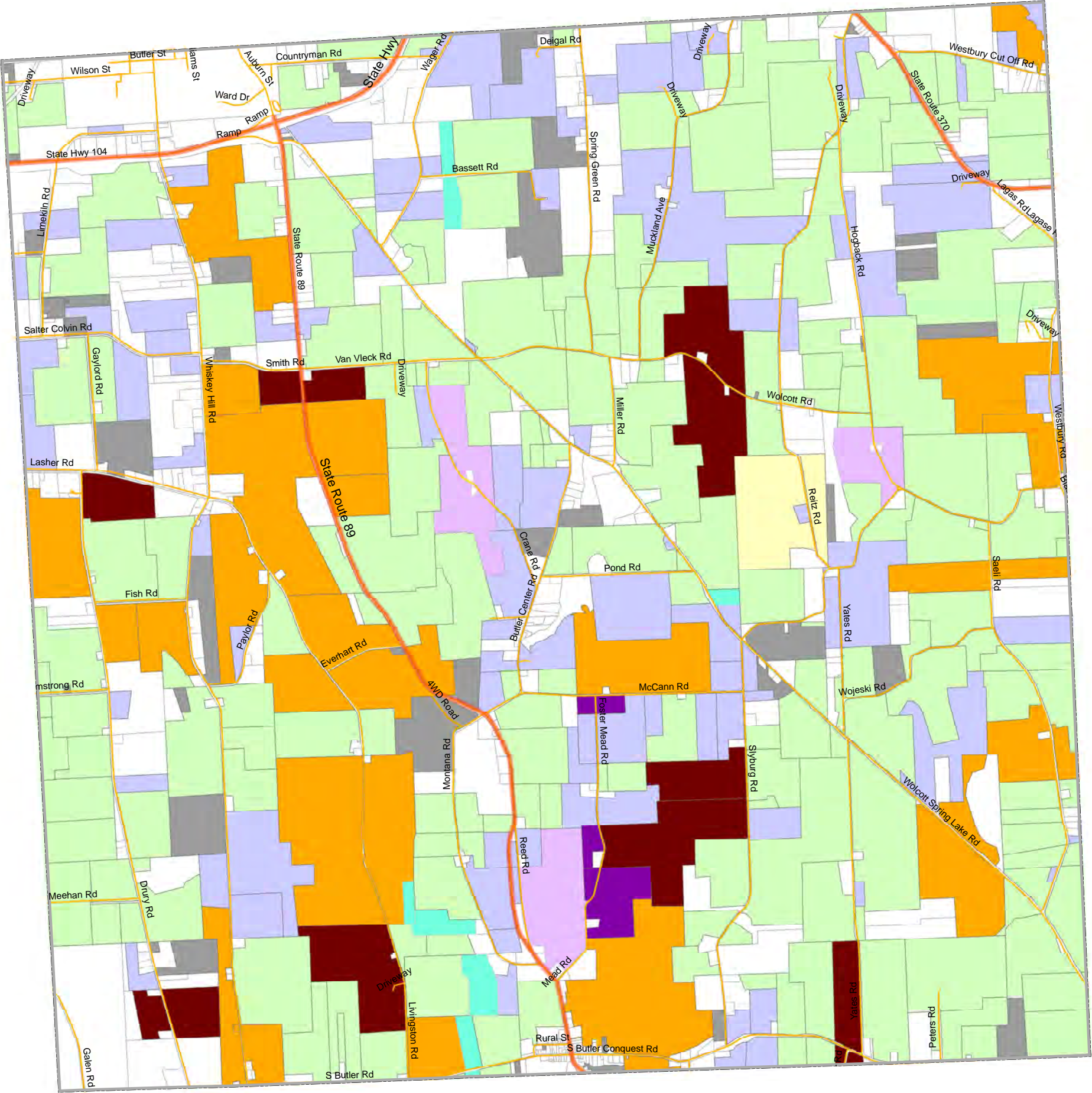
- Active Agricultural Land
- Village of Wolcott



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Town of Butler
Agricultural and
Farmland Protection Plan

Agricultural Parcels










Assessment Category

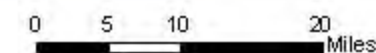
- Field Crops; Other Productive Land
- Livestock
- Dairy Products
- Horse Farm
- Truck Crops - Muckland
- Orchard
- Vineyard
- Agricultural with Residence
- Vacant



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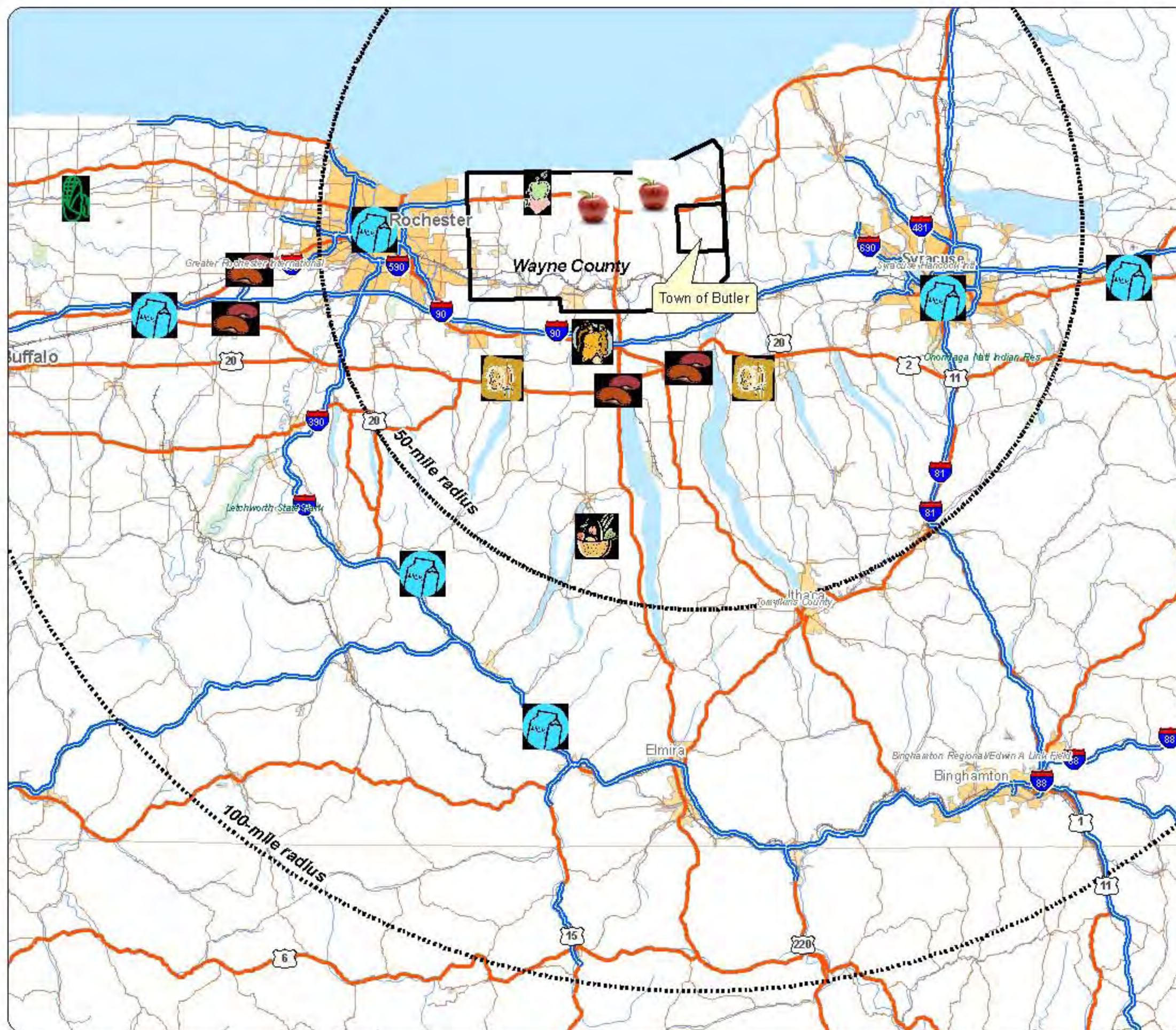
Market Type

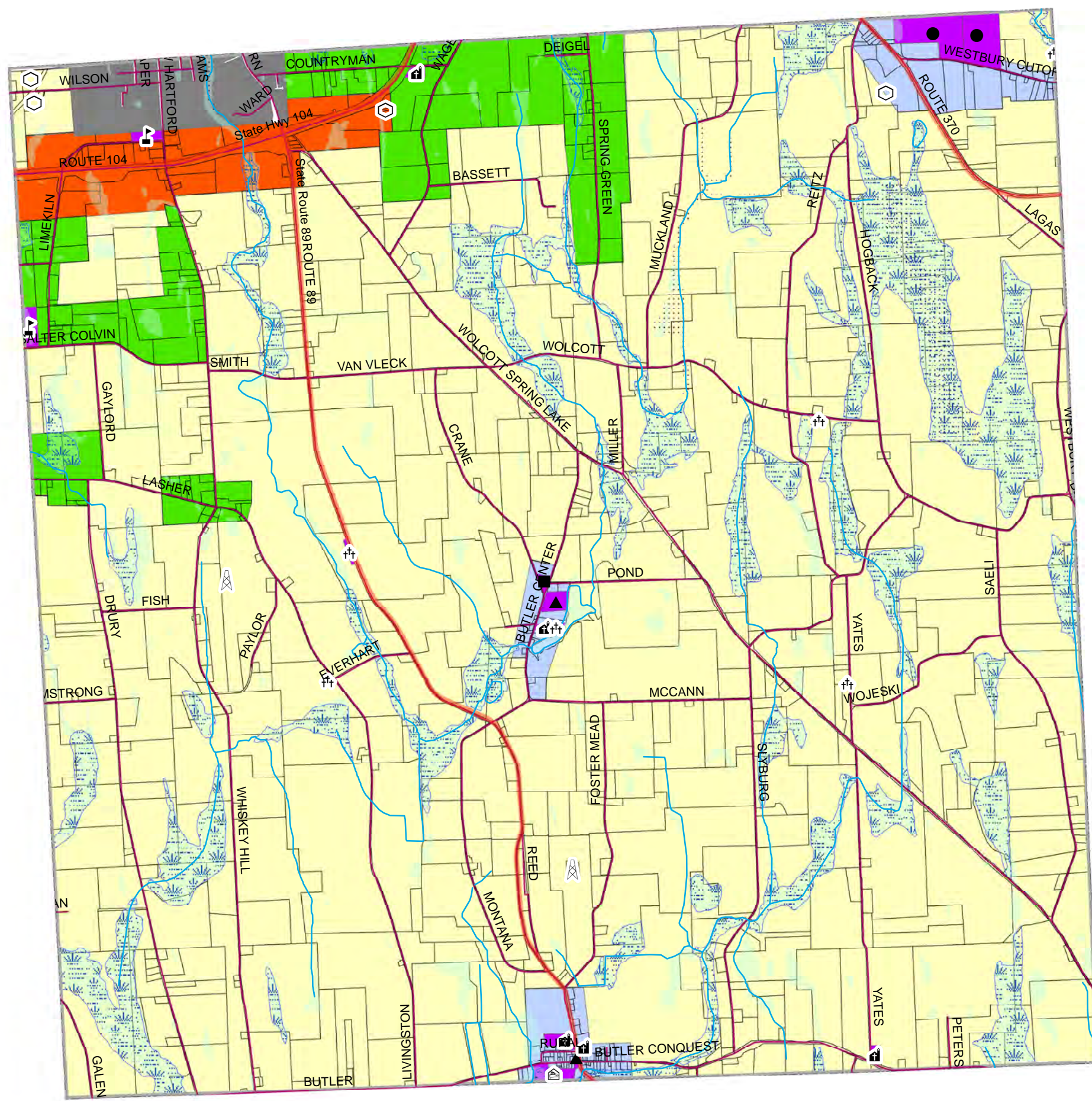
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|---|------------------------|
|  | Apple Packing |
|  | Apple Processing |
|  | Dairy |
|  | Dry Bean Processing |
|  | Ethanol Plant |
|  | Grain |
|  | Hay, Livestock Auction |
|  | Produce Auction |



October 2009

 **Stuart I. Brown Associates, Inc.**
Planning and Management Consultants
A Division of Lohrle Associates, Inc.





Town of Butler Agricultural and Farmland Protection Plan

MAP 5

Future Land Use

- Community Facilities**
- School

Church

Highway Garage

Town Hall

Fire Hall

Prison

Cemetery

Water Supply

Communications; Radio Tower
- Future Land Use Categories**
- Public/ Community Service

Business

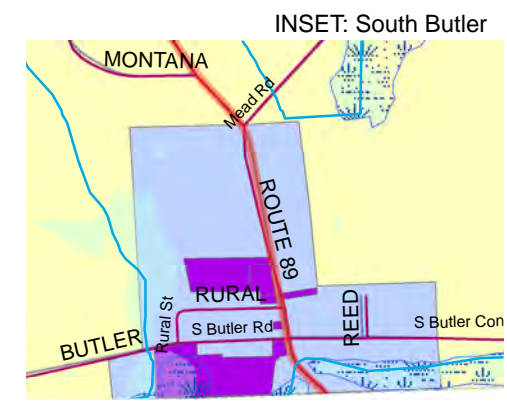
Hamlet

Residential

Agricultural/ Rural Residential
- Conservation Overlay**
- Flood Hazard Area

State-Regulated Wetlands

Federal Wetlands



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Town of Butler
Agricultural and
Farmland Protection Plan

Priority Farmland

Priority Farmland

- Active Farmland on Prime Soils
- Other Active Farmland
- Other Prime and Important Soils

Future Land Use

- Business
- Hamlet
- Residential

State Regulated Wetlands



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