

# Agricultural and Farmland Protection Plan Montgomery County, NY

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County Executive

Prepared by

**Montgomery County Agriculture and Farmland Protection Board  
and Plan Advisory Committee**

*Funded through a Farmland Protection Grant from the  
New York State Department of Agriculture and Markets.*



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County Photos	Courtesy of Mitch Wojnarowicz of Mitch W Photography
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## **2017 Agricultural and Farmland Protection Plan Montgomery County, NY**

### **Executive Summary**

*“To remain idle and do nothing, agriculture will be lost or severely diminished forever. To take a positive and proactive approach now, will help strengthen, develop, and protect agriculture for future generations and help promote a healthier local and regional economy while preserving our open space, scenic views, fresh air, rural character, wildlife habitats and environment.”*

*Montgomery County NY Agricultural and Farmland Protection Plan 1999*

#### **Background**

In 1999, Montgomery County completed its first Agricultural and Farmland Protection Plan. Considerable time and effort were expended by many volunteers and other stakeholders involved in preparing the County’s Plan. That effort is neither forgotten or dismissed. The County’s 2017 Agricultural and Farmland Protection Plan is intended to build upon that earlier planning initiative and its recommendations that were designed to promote and protect agriculture and farming in Montgomery County nearly 20 years ago.

Much has been accomplished during the intervening years with successes like special agritourism events, establishment of educational programs focusing on agriculture, and direct marketing of local farm products, yet some challenges persist. And new opportunities have also arisen through innovations in agriculture and marketing trends that are changing the ways farms operate to meet the increasing expectations of consumers who want to know how and where their food is produced.

The 2017 Montgomery County Agricultural and Farmland Protection Plan was prepared under a grant received from the New York State Department of Agriculture and Markets. This new plan provides decision-making guidance to all County residents, local officials, the farming community, agribusiness, educational institutions, agencies and other stakeholders. The Plan summarizes updated information about the present state of agriculture in Montgomery County as well as actions that can be taken to address current issues and opportunities. This document is also an educational tool to be consulted when important decisions need to be made that could potentially affect farming and agriculture.

An Advisory Committee was established to direct and guide the preparation of the 2017 Agricultural and Farmland Protection Plan. The Committee was comprised of current members of the County Agricultural and Farmland Protection Board and others, some of who had participated in the preparation of the County’s 1999 Plan. Advisory Committee members include active farmers,

agribusiness owners, a member of the County Legislature, the Director of Montgomery County Real Property, the Director of Economic Development and Planning, representatives from the Farm Bureau, Cornell Cooperative Extension, and the Montgomery County Soil & Water Conservation District. Participating members also included senior staff from County Planning and the Business Development Center.

### Current Conditions

As of the 2012 Census of Agriculture the number of farms in Montgomery County increased approximately nine percent from 604 farms in 2007 to 659 farms in 2012. The number of farms recorded in the County in 2012 was the highest total since 1987. This upward trend differs from what is being experienced in many areas of the State. The increase may, at least in part, be attributable to Amish farmers and their families that have brought some inactive farmlands back into production in recent years.

Approximately two-thirds of the land area of the County, more than 176,000 acres, are located in three State-certified, County-adopted Agricultural Districts. The amount of farm acreage also increased approximately five percent from 124,556 acres in 2007 to 131,386 acres in 2012. Average farm size decreased slightly from 206 acres in 2007 to 199 acres in 2012, about the same as the average farm size Statewide. The median size of farms in the County is approximately 60 acres.

The County's economy has traditionally been tied to farming and agriculturally-based businesses and support services. Dairy farming, that is conducive to the area's climate and topography, has historically been the predominant form of agriculture. The value of agricultural products sold from the County was approximately \$87 million based on the 2012 Census. This was an 18 percent increase in value from 2007. Approximately 75 percent, or about \$65.3 million, was in livestock sales with \$21.5 million in crop sales. The 2012 Census of Agriculture Summary for Montgomery County is provided in an appendix to the Plan.

During the planning process, many stakeholders noted that agricultural land provides more in tax revenue generation than the cost of services required to keep farmland viable and productive according to Cost of Community Services (COCS) studies. These studies are used to determine the economic contribution of existing land uses and are specifically designed to evaluate working lands on an equal basis with residential, commercial and industrial land uses. The American Farmland Trust (AFT) developed the methodology for COCS studies during the early-1980s to measure the contribution of agricultural lands to the local tax base. Fifteen COCS studies conducted in New York estimate that agriculture and open space cost towns \$.29 for every \$1.00 paid in taxes for a net revenue benefit, while residential use cost towns \$1.27 for every \$1.00 paid in taxes for a net revenue loss (American Farmland Trust 2015).

### Consistency with the State's Agriculture and Markets Law

A review of available town comprehensive plans and zoning regulations was conducted as part of the 2017 planning process to determine their overall consistency with the State's Agriculture and Markets Law (AML). Generally, all towns acknowledge the importance of agriculture to their

communities and this is reflected in their comprehensive plans and zoning regulations that promote farming and agricultural land use. All 10 towns within Montgomery County have adopted comprehensive plans and all but one town have adopted zoning regulations. All towns also participate in the NYS Agricultural District Program. All towns have established planning boards and the majority have subdivision and site plan regulations. Two towns have right-to-farm statements, not as stand-alone local laws, but incorporated into their zoning ordinances. None of the towns in Montgomery County, however, have prepared local Municipal Farmland Protection Plans.

Montgomery County encourages all towns to conduct a detailed review of their comprehensive plans and land use regulations for consistency with the AML and the NYS Agricultural Districts Program. In conducting detailed reviews of their land use regulations, towns should consider some of the more likely limitations that often might be inadvertently placed on farming and problematic for farmers and inconsistent with the AML. Examples of some of these limitations may include:

- Requiring special permits or detailed site plan review for typical farm uses
- Restricting farm-related businesses on a farm, such as sale of produce or products
- Limiting the sale of products at farm stands to items produced at that same farm
- Unreasonable setback or acreage requirements or requiring buffers with adjacent uses
- Not requiring the use of agricultural data statements for projects that may impact farmlands in State-certified Agricultural Districts, as required by AML Article 25-AA

### Issues & Opportunities

Issues emerging since the County's 1999 Plan were identified during the planning process through stakeholder meetings, group discussions, farmer interviews and research. Opportunities are also emerging as new technologies come online, resulting in changing consumer trends, land use practices that promote farmland and environmental protection, and identifying new products and markets as agriculture in New York State and Montgomery County diversifies.

Interviews were conducted with farmers in the County that represent some of the agricultural diversity in scale and type of farm operations. The interviews were conducted during 2017 to determine what issues, challenges, and opportunities for agriculture are on the minds of farmers within the County. Interview forms were developed to guide the discussions. The interviews were an opportunity to have discussions on a one-to-one basis, rather than in a group setting where individuals are sometimes reluctant to speak in public. These interviews were not, however, intended to be a scientific survey of the farming community in the County.

Commonalities were identified during the interview process. Many farmers expressed concern about the cost of productive farmland for purchase or rent, both in terms of the present and as it affects upcoming generations of farmers. They broadly support incentives to protect land through programs such as purchase of development rights. Many, however, are not familiar with the details of how such programs work. This alone may indicate a need for greater information-sharing among the County, farm agencies and the farming community. Many farmers are also concerned because so much of their equity is tied to their land. Some indicated they don't have 401Ks, for instance, to retire on, so their farms are their only significant financial asset.

Other issues of high importance to those interviewed include:

- Cost of property taxes, licenses and fees
- Operational expenses
- State and federal regulations
- Access to better markets and better commodity prices
- Availability of unskilled and reliable labor
- Finding an adequate workforce
- Finding local farm suppliers and equipment repair
- Finding more opportunities for local product distribution

When asked to provide an opinion on the types of services and information that could be of benefit to area farmers, those items identified as being either “very” or “most” useful include:

- Agricultural grant opportunities
- Grant writing assistance
- Information on transitioning farms to the next generation
- Finding technically skilled agricultural labor
- Reducing operation and energy costs

Group meetings were held in early and mid-2017 with members of Amish communities that reside and farm in different locations in Montgomery County. Participants represented Amish communities in the towns of Canajoharie, Root, Minden and Palatine. Approximately 30 members participated in separate group discussions held at different farms. These meetings were intended to identify current trends, issues and concerns facing communities in the County.

Generally, the Amish communities feel that relationships with the various towns and the County are very positive. Their experiences with services provided by both the County and towns are also positive. Members mentioned that they consider that their farms and agricultural operations are respected by the municipalities where they farm.

Group discussions noted that there are inconsistencies in the way that some towns deal with code enforcement and zoning. Some examples cited include: differences in allowing more than one principal residence on a parcel; in minimal dimensional requirements for new dwellings; and in allowing secondary businesses on a farm. Amish are in favor of greater flexibility from some of the restrictions under existing zoning ordinances including the use of temporary housing for new farmers. Other issues focus on roadway safety and their use of horse and buggies. Concerns include the speed and unsafe passing of buggies by vehicles on narrow roads complicated by the need to avoid deep drainage ditches on the sides of the road. Many noted that installing guiderails along deep ditches might be helpful to keep their buggies on the road. Placing more signs identifying the use of buggies in the area may also help with these safety concerns.

Town supervisors and their representatives participated in group discussions in 2017. The purpose was to discuss changing land use trends, right-to-farm laws, zoning and other issues facing farmers locally, as well as identifying opportunities for agricultural economic development. Several topics were discussed including: opportunities to take advantage of State grants to undertake local



farmland protection plans; local regulations on solar farm development; improving internet speeds in rural areas; addressing inconsistencies across the County in town-wide assessment of properties; promoting agritourism opportunities; establishing a centralized farm registry to connect farmers to available lands to farm, rent or own; determining the feasibility of a food hub in the County; and providing opportunities to create dialogue on a more routine basis with farmers to share information and ideas about a host of topics.

Some of the more significant topics frequently discussed during the planning process are listed below. These topics may directly affect the future of agriculture in Montgomery County. The following list is not presented in any particular order of importance:

- Financial Resources and Costs Associated with Farming
- Energy Use and Demand
- Reliable Water Supplies
- Agricultural Awareness and Agritourism Opportunities
- Organic Farming
- Consumer Trends
- Increasing Direct Marketing

### Goals and Strategies

A number of important goals and strategies are identified in the 2017 Plan to facilitate decision-making as changes occur throughout the agricultural industry, whether those are innovations in farming techniques, new products and markets, or shifting consumer trends. The following four goals encapsulate the variety of topics discussed during the planning process. Each goal has a set of five or more strategies that are discussed in the Plan to achieve each goal.

***Goal 1. Promote Economically Viable Agriculture***

***Goal 2. Encourage Farmland Protection***

***Goal 3. Increase Agricultural Economic Development***

***Goal 4. Expand Agricultural Awareness***

### Farmland Viability

An assessment was performed to identify the range of existing and potential viability of all farmlands within Montgomery County. A series of maps are presented in the Plan that rate farmland viability based on several factors. The assessment can be a basis for facilitating decision-making by County residents and government. It can also be a starting point for more detailed farmland planning studies by local municipalities, and by farmland owners and other stakeholders in considering opportunities for farmland protection measures.

There are a variety of farmland protection tools available to municipalities and farmland owners who choose to safeguard prime farming areas in the County for future generations. The New York State Department of Agriculture and Markets, the American Farmland Trust, Cornell Cooperative Extension and many other farming organizations provide a wealth of information on this topic.

Some of the more typical land use tools to safeguard prime farming areas include:

- Municipal farmland protection plans

- Comprehensive planning, infrastructure and capital improvement plans
- Agricultural zoning districts and farmland protection overlay zones
- Clustered subdivisions and open space regulations
- Agricultural conservation easements and deed restrictions
- Lease, Purchase or Transfer of Development Rights
- Rural design and development guidelines and/or standards

An agricultural conservation easement developed through different mechanisms as stated above is a restriction voluntarily placed on the deed to a property. It legally prevents the owner (or subsequent owners) from using the property in ways that are inconsistent with agriculture, including real estate development. Through Purchase of Development Rights programs, for example, landowners are compensated for placing a permanent agricultural conservation easement on their property. The right to develop their property for other than agriculture ends. Ownership, unless the property is sold, is unchanged. In New York State, the purchaser who buys the development rights from the landowner can pay for these agricultural conservation easements with funds from State grants. The buyers can be land trusts, municipal or county governments, or soil and water conservation districts. These programs are also called Purchase of Agricultural Conservation Easements (PACE).

Municipalities must be aware that regardless of the types of planning tools they choose to use in protecting farmland, all regulations must be consistent and align with New York's Agriculture and Markets Law that protects farmers from unreasonable restrictions on farm uses and operations. The mapped information that is presented in this Plan, most importantly the evaluation of farmland viability, should be a starting point for municipalities in Montgomery County to review their present comprehensive plans and land use regulations. Those farmland areas mapped as highly viable farmlands in each community should be considered for some level of protection. This protection may be through the amendment of local plans and zoning regulations, such as the implementation of overlay zoning districts. This information may also be helpful in making decisions about where public infrastructure should or should not be located by considering possible implications on prime farming areas.

### Priority Actions

The 2017 Plan discusses Priority Actions for both Farmland Protection and for Agricultural Economic Development in the County. Each action is described in terms of its background or context, specific action items that are recommended, the lead agency with overall responsibility to see the action is undertaken, partners with the lead agency, associated ranges in costs and time frames. The following actions are discussed in detail in the Plan.

Priority Actions for Farmland Protection include the following:

1. Encouraging Municipal Agricultural & Farmland Protection Plans
2. Supporting Local Right-to-Farm Laws
3. Assisting with Local Comprehensive Plans and Zoning Ordinances
4. Determining Interest in PDR and TDR Programs
5. Serving as a Clearinghouse for Solar Farm Regulations and Information
6. Coordinating Roadway and Other Public Infrastructure Improvements

7. Informing Farmers about Farm Investments and Successional Planning

Priority Actions for Agricultural Economic Development include the following:

1. Supporting Culinary Incubators and Entrepreneurial Initiatives
2. Determining the Need for a Food Hub and Local Processing Facilities
3. Preparing an Emergency Plan for Large Farm Animals and Livestock
4. Supporting Improvements at the Fonda Fairgrounds
5. Conducting a Countywide Water Resources Study
6. Performing Feasibility/Market Studies for an Agricultural Center at Thruway Exit 29
7. Promoting Agritourism Opportunities
8. Implementing the County Agricultural and Farmland Protection Plan

*Plan Implementation*

The 2017 Montgomery County Agricultural and Farmland Protection Plan is only effective if it is implemented by County agencies and departments. It is important that County officials, both elected and appointed, and staff become familiar with the contents, goals, strategies and actions recommended by this Plan. Implementation will require consistent and coordinated communication among various agencies, departments, boards and committees.

The overall responsibility for implementation will require greater communication among key County stakeholders including the Business Development Center's Economic Development and Planning staff, the County Soil and Water Conservation District, the County's Farmland Protection Board, and the County's Agriculture and Economic Development Committee. It is important that each of these entities review their mission statements, decision-making procedures, and responsibilities to make sure that they align with the farmland protection and agricultural economic development goals and actions expressed in this Plan. Each municipality within the County should also become familiar with the contents of this Plan and use it as a beginning point of discussion about prospects for agricultural economic development and farmland protection needs within their own communities.

# Section I. Introduction

## A. Background

*“Our vision is to strengthen and preserve Agriculture in Montgomery County and make it an integral part of the County’s present and future Economic Development Plan, so that the Agricultural Industry can remain strong and viable for future generations.”*

The vision stated above is an all-encompassing reflection of the importance of farming and agriculture in Montgomery County in 2017. This statement is as true today as when it was first prepared as part of the Agricultural and Farmland Protection Plan for Montgomery County in 1999. The population and demographics of the County have changed somewhat in the past two decades, so too have tools for farmland protection and innovations in agricultural technologies that now present opportunities for new generations of farmers. Agriculture continues to play a pivotal role in the economy and the quality of life of the residents of Montgomery County.



Four goals were identified in the County’s 1999 Plan which echoed the issues of the day. These included:

- Agricultural viability
- Land use protection
- Agricultural education
- Facilitating access to farmland

Noteworthy, the former Plan also stated,

***“To remain idle and do nothing, agriculture will be lost or severely diminished forever. To take a positive and proactive approach now, will help strengthen, develop, and protect agriculture for future generations and help promote a healthier local and regional economy while preserving our open space, scenic views, fresh air, rural character, wildlife habitats and environment.”***

Considerable time and effort were expended by the many volunteers and other stakeholders involved in producing the County’s initial Agricultural and Farmland Protection Plan in 1999. That effort is neither forgotten or dismissed. This 2017 Agricultural and Farmland Protection Plan is intended to build upon that earlier initiative and recommendations that were designed to promote and protect agriculture and farming in Montgomery County. Much has been accomplished during the intervening years, yet some

challenges persist. New opportunities have also arisen through innovations in agriculture and marketing trends that are changing the ways farms operate to meet the increasing expectations of consumers who need to know how and where their food is produced.

This Plan highlights a series of actions and recommendations based on updated information, goals and strategies to continue moving forward in achieving our vision for farming and agriculture in Montgomery County.

## **B. Purpose and Need**

The 2017 Montgomery County Agricultural and Farmland Protection Plan provides decision-making guidance to all County residents and local officials, the farming community, agribusiness, educational institutions, agencies and other stakeholders. The Plan summarizes updated information about the present state of agriculture in Montgomery County as well as actions that can be taken to address current issues and opportunities. This document is a tool to be consulted when important decisions need to be made that could potentially affect farming and agriculture.

This Plan provides updated information on the importance of agriculture and its contribution to local, regional and State economies. The Plan identifies trends reflected in the past three Censuses of Agriculture released in 2002, 2007 and 2012. New mapping has also been prepared to more accurately depict existing land use patterns throughout the County and identify the County's most viable farming areas that should be protected. This Plan documents agriculture in Montgomery County in 2017 and recommends actions based on up-to-date information.

## **C. Planning Process**

### Advisory Committee

An Advisory Committee was established to direct and guide the preparation of the 2017 Agricultural and Farmland Protection Plan. The Committee is comprised of current members of the County Agricultural and Farmland Protection Board and others, some of who had participated in the preparation of the County's 1999 Plan. Advisory Committee members include active farmers, agribusiness owners, a member of the County Legislature, the Director of Montgomery County Real Property, the Director of Economic Development and Planning, representatives from the Farm Bureau, Cornell Cooperative Extension, and the Montgomery County Soil & Water Conservation District. Participating members also include senior staff from County Planning and the Business Development Center.

The Advisory Committee met numerous times during 2016 and 2017 to discuss current issues and recommendations for incorporation into the new Plan. Meetings were open to the public and facilitated by Environmental Design and Research (EDR), the County's farmland planning consultant. The Advisory Committee provided information and guidance to EDR on topics to be addressed. As active members of the County Agricultural and Farmland Protection Board, the

Advisory Committee is an important and unique entity for implementing many of the Plan's recommendations.

*Information Collection, Review and Sharing*

The planning process included collecting information and input from a variety of stakeholders including active farmers, local municipal officials, agri-businesses and local agencies. In preparing this Plan, information was obtained through a variety of means including meetings with the Advisory Committee, one-on-one interviews with key stakeholders, stakeholder group meetings, agency consultation, a review of existing municipal plans and studies, and internet research. Advisory Committee members assisted EDR in identifying sources of information, key stakeholders to participate in the process, as well as scheduling and participating in meetings and group discussions.

## Section II. Montgomery County Agricultural Profile

### A. Overview of Local and Regional Agriculture

#### 1. Regional Setting

Montgomery County is one of eight counties in the Mohawk Valley Region of Upstate New York. The Mohawk River bisects the County flowing from west to east towards the Hudson River near Albany, approximately 30 miles to the east. The County is also part of the Mohawk Valley Heritage Corridor that follows the Mohawk River and Erie Canal for over 130 miles connecting Central New York and the Great Lakes to the Hudson River and Downstate New York.

Montgomery County includes 10 towns, 10 villages, the City of Amsterdam and several small rural hamlets (see **Figure 1. Regional Context**). Most of the County is rural and agricultural lands and rolling hills dominate the landscape outside of the villages and the City of Amsterdam. The County seat is in the Village of Fonda. The New York State Thruway (I-90) and NYS Route 5 follow along historic canal, rail, and roadway transportation corridors that run parallel to the Mohawk River through the County. State and County roadways, including Routes 5, 5S, 10, 30, 30A, 80, 162 and 334, crisscross the County connecting local towns and villages and serve as primary access routes between population centers and most agricultural areas and farms.

Montgomery County has a rich agricultural history. Its waterways, particularly the Mohawk River have played a major role in farming and agriculture throughout American history serving as a source of water and an important means of transportation. The Mohawk River is fed by numerous creeks and streams that flow through the County's farmlands, the most significant of which include Schoharie Creek, Canajoharie Creek and Otsquago Creek.

The County's economy has traditionally been tied to farming and agriculturally-based businesses and support services. Markets for local farm products exist in the towns and villages throughout



the County. Dairy farming, that is conducive to the area's climate and topography, has historically been the predominant form of agriculture. In recent decades, the County has invested in agricultural and other forms of economic development to diversify its traditional economic base, but agriculture remains a dominant part of life throughout the County.

The County has experienced significant success in economic development in recent years, particularly north of the Mohawk River. Warehouse, distribution and food-processing facilities have been developed at industrial parks north of the NYS Thruway. As a result, the economy is diversifying as commercial and residential development continues to occur in the northeastern portions of the County in the Town of Amsterdam, near the City of Amsterdam, and near Exit 27 of the NYS Thruway in the Town of Florida. The major land use within the County, however, remains farming and businesses related to agriculture, farm products and services.

Agritourism derived from diversification of its numerous farms, is also a growing sector of the economy. Local agriculture is capitalizing on farm-to-table economics as evidenced by several successful farmers' markets throughout the region that operate from early spring to late fall ([www.fultonmontgomeryfarmersmarket.org](http://www.fultonmontgomeryfarmersmarket.org)). Annual late summer events like the Fonda Fair and Sundae on the Farm contribute to the County's rural heritage and its agricultural lifestyle.

## 2. Demographics

The 2010 U.S. Census indicated that Montgomery County had a total population of 50,219 people which was a slight increase of approximately 1.0 percent since 2000. This reversed a declining trend in population dating back to the 1950 Census when the population was near its all-time peak at approximately 59,600. In 2016, the population was estimated at 49,276 (U.S. Census Bureau 2017). Montgomery County has experienced an increase in Amish communities in recent decades moving to the area mostly from Pennsylvania and Ohio. This increase has likely stabilized population in the County.

The City of Amsterdam has the highest population in the County at approximately 18,600 people. The most populated towns (excluding villages) include the Town of Amsterdam (5,566), Town of Minden (4,297), and the Town of Mohawk (3,844). The least populated include the Town of Charleston (1,373), the Town of Root (1,715) and the Town of Glen (2,507).

Towns with the highest percentages of population 65 years and older, which is a reflection in part of the aging farm community in New York State, include the Town of Amsterdam (23.2 percent), Town of Palatine (17.6 percent) and the Town of Canajoharie (16.2 percent). The Town of Glen has the lowest percentage of population 65 years old and older at 11.2 percent.

The American Farmland Trust estimates that more than 25 percent (over 2 million acres) of farmland in New York State are managed by farmers over 65 and these farms will change hands in coming years.

According to the 2012 Census of Agriculture the average age of a principal farm operator in Montgomery County is 56.2 years. This was a slight reduction in farm operator age from 2007 when the average age was 57.2. The Statewide average in New York in 2012 was 57.1 and 56.2



years in 2007. The slight reduction in operator age might also be a result of young Amish farmers moving into the County.

Preliminary employment statistics for Montgomery County in 2016 obtained from the New York State Department of Labor indicate approximately 164 people directly employed in the agricultural sector (NAICS industry codes 111 Crop Production and 112 Animal Production) with 82 percent involved in animal production and 18 percent in crop production. However, these numbers may significantly understate agricultural employment. For example, those individuals who own and operate a farm, but may have other major sources of employment and income may not be accounted for in those agricultural sectors, but may be accounted for in other employment statistics. For the Mohawk Valley Region, these two sectors of agriculture are projected to grow by approximately 30 percent between 2014 and 2024.

### 3. Existing Land Use and Agricultural Trends

As of the 2012 Census of Agriculture the number of farms in Montgomery County increased approximately nine percent from 604 farms in 2007 to 659 farms in 2012 (see **Table III-1**). The number of farms recorded in the County in 2012 was the highest total since 1987. This increase may at least in part be attributable to Amish farmers and families that have brought inactive farmlands back into production.

The amount of farm acreage increased approximately five percent from 124,556 acres in 2007 to 131,386 acres in 2012. Average farm size decreased slightly from 206 acres in 2007 to 199 acres in 2012. The median size of farms is approximately 60 acres. The median is that point at which one-half of all farms are below 60 acres in size and one-half is above. The 2012 Census of Agriculture Summary for Montgomery County is provided in **Appendix A**.

<b>Table III-1. Comparisons of Census of Agriculture Data for Montgomery County, NY</b>					
Agricultural Data	2012	2007	2012-2007 % Change	2002	2007-2002 % Change
Number of Farms	659	604	+9.1 %	624	-3.2 %
Land in Farms (acres)	131,386	124,556	+5.5 %	151,977	-18.0 %
Average Size of Farm (acres)	199	206	-3.4 %	244	-15.6 %
Average Age Principal Operator	56.2	57.2	-1.7 %	55.2	+3.6 %
Crop Sales	\$21.50 M	\$12.34 M	+74.2 %	\$10.10 M	+22.2 %
Livestock Sales	\$65.30 M	\$61.27 M	+6.6 %	\$41.70 M	+46.9 %
Total Value of Products Sold	\$86.80 M	\$73.61 M	+17.9 %	\$51.80 M	+42.1 %
Average Value per Farm	\$131,701	\$121,873	+8.1 %	\$83,010	+46.8 %

Source: USDA 2012 Census of Agriculture

Agriculture is a dominant part of the economy of Montgomery County. The value of agricultural products sold in the County was approximately \$86.8 million based on the 2012 Census. This was an 18 percent increase in value from 2007. Approximately 75 percent, or about \$65.3 million, was in livestock sales with \$21.5 million in crop sales. Milk (from cows) accounted for nearly \$50 million in sales with another \$14.2 million in cattle and calves, and \$1.3 million in other animals and animal products. Grains, oilseeds, dry beans and dry peas accounted for just under \$10.2 million in sales. Other crops and hay accounted for over \$9.2 million with an additional \$1.3 million in vegetable sales and \$0.5 million in greenhouse and nursery sales.

Montgomery County has participated in the State’s Agricultural Districts Program managed by the New York State Department of Agriculture and Markets since 1974. Approximately 70 percent of the land area of the County is included in the Program. This consists of approximately 3,700 parcels covering more than 176,000 acres (see **Table III-2**). The County has three State-certified, County-adopted Agricultural Districts as illustrated on **Figure 2. Agricultural Districts**.

<b>Table III-2. State-certified Agricultural Districts in Montgomery County, NY</b>			
<b>District Number</b>	<b>Municipalities in District</b>	<b>Total Number of Parcels</b>	<b>Total Acreage</b>
<b><i>Agricultural District 1</i></b>	Town of Canajoharie Town of Minden	965 parcels	50,046 acres
<b><i>Agricultural District 2</i></b>	Town of Amsterdam Town of Mohawk Town of Palatine Town of St. Johnsville	1,196 parcels	48,533 acres
<b><i>Agricultural District 3</i></b>	Town of Charleston Town of Glen Town of Florida Town of Root City of Amsterdam	1,556 parcels	77,492 acres
<b>Totals</b>		<b>3,717 parcels</b>	<b>176,071 acres</b>

Source: NYS Dept. of Agriculture and Markets. 2017.

County Agricultural Districts are geographic areas which consist predominantly of working agricultural land. Agricultural operations within the District are the priority land use and benefits and protections are afforded to landowners to promote the continuation of farming and the preservation of agricultural land. In practice, State-certified Agricultural Districts (not to be confused with agricultural zoning districts) may include land that is actively farmed, idle, forested, as well as residential and commercial properties.

State-certified and County-adopted Agricultural Districts undergo a review and re-certification process every eight years when parcels can be added or removed from the program at the request of the landowner. The status of farming in each district including the number of farms, acreages owned, and acreages rented is provided in **Table III-3**.

<b>Table III-3. Status of Farming in Agricultural Districts in Montgomery County, NY</b>						
<b>District Number</b>	<b>Total Acreage</b>	<b>Number of Farms</b>	<b>Acreage Farmed</b>	<b>Acreage in Crops</b>	<b>Acres Owned</b>	<b>Acres Rented</b>
<b><i>Agricultural District 1</i></b>	50,046	150	39,033	20,400	32,076	5,823
<b><i>Agricultural District 2</i></b>	48,533	149	26,566	15,161	30,014	4,179
<b><i>Agricultural District 3</i></b>	77,492	125	50,040	31,468	24,168	6,860
<b>Totals</b>	176,071	424	115,639	67,029	86,258	16,862

Source: NYS Dept. of Agriculture and Markets. 2017.

Additional information about the State’s Agricultural Districts Program can be found on the Montgomery County website at <http://www.mcfdc.org/planning-services/agricultural-districts/> and at <https://www.agriculture.ny.gov/ap/agsservices/agdistricts.html>, the New York State Department of Agriculture and Markets website.

Land use within the County is dominated by farming and other agriculturally-related uses including agribusiness and agricultural vacant, but productive lands. This category of land use includes working lands used in the production of crops and livestock.

Agriculture accounts for more than 47 percent of all land use (see **Table III-4**). In 1999, it was estimated that about 52 percent of the County was in farming. Residential uses account for more than 25 percent of total land use and includes rural year-round residences with 10 or more acres, that can also be used in agricultural production, which may account for some of this decrease. This category also includes single-family and multi-family residences. Vacant lands comprise 16 percent of the County and may include rural vacant lots of 10 acres or less and abandoned agricultural land that is considered non-productive and not part of an operating farm (New York State Office of Real Property Services. 2006). Land use is shown on **Figure 3. Existing Land Use**.

A further breakdown of agricultural land use within the County is provided in **Table III-5** and illustrated on **Figure 4. Detailed Agricultural Property Classes**. Vacant, but productive farmland comprises 31 percent of the agricultural uses in the County accounting for more than 42,000 acres. There may be many reasons for these lands being considered vacant, including being intentionally left fallow or as uncultivated fields. Vacant parcels are scattered throughout the County. Dairy farms and field crops comprise about 28.5 percent and 21.8 percent, respectively. Residential uses that are part of a farm account for slightly more than 12 percent of agricultural uses in the County.

<b>Table III-4 Existing Land Use in Montgomery County, NY</b>			
<b>Property Class</b>	<b>NYS Land Use Codes</b>	<b>Acreage</b>	<b>Percent of Total</b>
Agriculture	100s	119,250	47.3
Residential	200s	64,441	25.6
Vacant	300s	40,219	16.0
Commercial	400s	3,393	1.3
Recreation and Entertainment	500s	1,041	0.4
Community Services	600s	3,635	1.5
Industrial	700s	1,801	0.7
Public Services	800s	4,345	1.7
Forested, Conservation, Parks	900s	13,852	5.5
	<b>Total</b>	<b>251,977</b>	<b>100.0</b>

*NYS Office of Real Property Services. 2017.*

<b>Table III-5 Existing Agricultural Uses in Montgomery County, NY</b>			
<b>Property Class</b>	<b>NYS Land Use Codes</b>	<b>Approximate Acreages</b>	<b>Percent of Total</b>
Abandoned Agriculture	321	621	0.5
Agricultural	100	6	0.0
Bee Products	115	25	0.0
Berry/Others	160	86	0.1
Cattle Farm	113	3,915	2.9
Dairy Farm	112	38,922	28.5
Field Crops	120	29,678	21.8
Fruit Crops	151	75	0.1
Horse Farm	117	1,531	1.1
Livestock	110	159	0.1
Nursery	170	50	0.0
Other Stock	116	608	0.4
Poultry Farm	111	217	0.2
Rural Residential with Ag Production	241	16,569	12.1
Sheep Farm	114	1,506	1.1
Vacant Farmland	105	42,354	31.0
Vineyard	152	70	0.1
Exotic Livestock	184	48	0.0
	<b>Total</b>	<b>136,440</b>	<b>100.0</b>

*NYS Office of Real Property Services. 2017.*

The distribution and types of farming operations in Montgomery County result, at least in part, from the physical characteristics of farmland found in the County especially soils and topography conducive to agriculture. Three types of farmland are recognized in New York State. These include prime farmland, prime farmland if drained, and farmland of statewide importance. The distribution of prime farmlands in the County is shown on **Figure 5. Farmland Classification**.

The parameters for designation as Prime Farmland are national. Soils must meet specific criteria with respect to soil properties, including temperature, moisture regime, erodibility, pH, water table, permeability, rock fragment content, and some other characteristics. Criteria are described in the National Soil Survey Handbook under Section 622.03/Farmland Classification. Soils designated as Prime Farmland if Drained meet all the prime farmland criteria except for depth to seasonal high-water table. These soils are suitable for drainage. In New York, somewhat poorly drained soils are designated as prime farmland if drained, if they meet all criteria for prime farmland other than depth to water table. In New York, Farmland of Statewide Importance soils are the soils that do not meet all the criteria for Prime Farmland or Prime Farmland if Drained, but are in land capability classes 1, 2e, 2s, 2w, 3e, 3s, 3w, or 4w. There are no soil map units in New York State that are designated as Unique Farmland.

Prime farmland, although occurring throughout the County, including many stream valleys such as along Schoharie Creek, is concentrated in the northwestern quarter of the County, north and south of the Mohawk River. Prime farmland if drained and farmland of statewide importance are distributed relatively evenly throughout the County, although there is a concentration of prime farmland and farmland of statewide importance in the northeastern portion of the County.

The presence of wetlands and floodplains is shown on **Figure 6. Wetlands and Floodplains**. Although wetlands occur in most towns they are not widespread and have likely not been a significant factor in affecting agricultural development in the County. These wetland resources



are important to maintain water quality in area streams, feed groundwater and wells, and serve as significant wildlife habitats and open space. Most significant floodplains in the County occur along the Mohawk River and many of the larger stream corridors. Historically

many farms were established in these areas because of the highly fertile soils, but many have also been severely inundated during significant flooding events in the region.

Agriculture, particularly dairy farming and the dairy industry, relies on a reliable source of water for farming and agribusiness operations. In Montgomery County, most farming areas rely on nearby surface waters, ponds and groundwater wells to provide a steady, reliable source of water. Most public water is confined to population centers. The locations of bedrock and unconsolidated aquifers in Montgomery County are shown on **Figure 7. Aquifers**.

In times of drought, as has been experienced in the County in recent years, farmers have needed to find alternative sources by trucking in water, digging deeper wells or excavating bigger ponds. This has strained farm budgets and put many farms and agribusinesses at greater risk financially. The need for more accessible water supplies to serve agriculture was first noted in the County's 1999 Farmland Plan.

#### **4. Economic Trends**

A report on trends and prospects for agricultural-based economic development prepared by Cornell University identifies the complex relationships between farms and agribusinesses. This includes the need to continuously adapt to changing economic conditions, consumer preferences and technological advancements in attracting new markets for commodities and products (Cornell University 2012).

The Cornell study focuses on trends in agricultural and food system economic activity in the State with increasing farm-to-food interaction and coordination with others in the agribusiness industry. The study provides some important insight into the economic contribution of agriculture to the State's economy and is relevant to better understand the true value of agriculture in Montgomery County. The study indicates that there are many interrelated factors that are not readily obvious or accounted for when considering the importance of agriculture to local and regional economies.

Thus, the economic contribution of agriculture to Montgomery County is potentially much greater than many statistics would indicate, such as the approximately \$87 million in value of farm products sold from the County as reported by the 2012 Census of Agriculture. Key findings of the Cornell study relative to the State's economy include the following information that might also apply to the economic multiplier effects of agriculture in Montgomery County.

- Farm commodity production, including all crop and livestock production sectors, was about \$4.5 billion in 2010 in New York State. A wider definition, taking the broad industry category of agricultural and forestry services into account, increases total output to more than \$4.9 billion. Including the manufacture of food, beverage, and kindred products, as well as agricultural chemicals and equipment manufacturing, increase total system dollar output to nearly \$34.2 billion in 2010. Wholesale trade sectors related to food and beverages, agricultural equipment and nursery supplies raise the cumulative output level to \$46.7 billion. Further down the food distribution chain to retail food and beverage

stores and the services provided by eating and drinking establishments brings the total output value up to an estimated \$96.3 billion in NYS. Using this expansive definition, agricultural and food system activity represented an estimated 5.5 percent of total gross output in New York State in 2010.

- Considering value-added, roughly \$1.8 billion through farm production expands to \$48.6 billion when considering contributions in all downstream agricultural and food system sectors, or 4.2 percent of the total value-added generated statewide in 2010. The value-added measure is important because it avoids double-counting the money value of production and corresponds to the definition of gross state product.
- Job creation is a persistent economic issue for the State, but on-farm employment is often overlooked in state and federal job statistics. On-farm employment statewide was estimated at 45,000 in 2010, considering both full-time and part-time employees and farm operators with farming as their principal source of employment. Many New York farmers supplement family income with jobs off the farm and are counted elsewhere in employment statistics. Agriculture and forestry service workers add another 9,000 jobs to this total. Including food, beverage, and agricultural chemicals and equipment manufacturing more than doubles total employment to 112,000 in 2010.
- Census data show that farm businesses continue to be consolidated into larger economic units, but smaller part-time farms have increased over the last decade. Today, more than 40 percent of all New York farms can be classified as residential farms because the operator has a full-time job off the farm. In addition, the number of farms selling direct to consumers in New York State is rapidly increasing, but starting out from a small base. Farms selling directly to consumers represent about 15 percent of all farms, but span only two percent of annual commodity sales statewide. Farm consolidation, along with expanded competition for land from nonfarm uses, has resulted in continual decreases in farm acreage. Land in farms decreased from 16 million acres in 1950 to just over 7 million acres in 2007 in New York.

## **5. Cost of Community Services**

Agricultural land provides more in tax revenue generation than the cost of services required to keep farmland viable and productive. Cost of Community Services (COCS) studies are used to determine the economic contribution of existing land uses and are specifically designed to evaluate working lands on an equal basis with residential, commercial and industrial land uses. The American Farmland Trust (AFT) developed the methodology for COCS studies during the early-1980s to measure the contribution of agricultural lands to the local tax base. The nationwide median results of the COCS indicates that for each one dollar in tax revenue generated by residential uses (including farm houses), \$1.16 (a 1:1.16 ratio) in public services is provided for a net loss to the municipality. In comparison, agricultural uses (working lands including farms and woodland) cost \$.37 in services and businesses cost \$.30 in services provided, for an overall net gain (Farmland Information Center 2016).

Fifteen COCS studies have been prepared for communities in New York State over the past three decades. The results vary depending on the community. These studies confirm, however that the cost of providing municipal services to farms as working lands is considerably less than the tax revenue that they generate.

The 15 COCS studies in New York estimate that agriculture and open space cost towns \$.29 for every \$1.00 paid in taxes for a net benefit, while residential use cost towns \$1.27 for every \$1.00 paid in taxes for a net loss (American Farmland Trust 2015).

## **B. Local Plans and Land Use Regulations**

### **1. Participation in the NYS Agricultural Districts Program**

The New York State Department of Agriculture and Markets provides guidelines for the review of municipal zoning laws and planning initiatives to determine the consistency of local plans and land use regulations with the State's Agricultural Districts Program. The placement of limitations on farming, whether intentional or not, that sometimes occurs through local zoning regulations increases the potential for disagreement between the needs of farming and agriculture as required by the State's Agricultural Districts Program with the land use goals and objectives of local communities.

The guidelines emphasize that Article 25 AA - Agricultural Districts Law as well as Article 25 AAA - Agricultural and Farmland Protection Programs place significant authority over municipal comprehensive plans and zoning regulations where State-certified and County-adopted Agricultural Districts exist. Municipal laws, ordinances and other regulations that apply to farm operations within a certified agricultural district cannot unreasonably restrict or regulate farm operations in contravention to the purposes of Article 25 AA.

NYS Town Law, §272-a (9) requires agricultural review and coordination with the comprehensive planning process. This section states that a town comprehensive plan and any amendments thereto, for a town containing all or part of an agricultural district or lands receiving agricultural assessment within its jurisdiction, shall continue to be subject to the provisions of Article 25 AA of the Agriculture and Markets Law (AML) relating to the enactment and administration of local laws, ordinances, rules or regulations. A newly adopted or amended town comprehensive plan shall also take into consideration applicable county agricultural protection plans as created under Article 25 AAA of the AML.

Typically, the construction of on-farm buildings and use of land for agricultural purposes should not be subject to site plan review, special use permits or non-conforming use requirements when conducted within a State-certified Agricultural District. Agricultural uses in an agricultural district are constitutionally permitted uses protected by AML §305-a. These agricultural uses should not be considered "special uses" or subject to special use permits under local ordinances. However,



the State recognizes that the requirements for local building permits and certificates of occupancy are not unreasonably restrictive. Also, the State recognizes that some local jurisdictions may want to review some farm operations and projects within their borders to ensure public health, safety and welfare. In response, the NYS Department of Agriculture has also developed a streamlined process for site plan review as part of its guidelines for farm operations within agricultural districts (see **Appendix B**).

Typical zoning regulations establish minimum lot sizes and separation of uses on parcels. As the State's guidelines note, the minimum separation distances and dimensional yard requirements that are characteristic of Euclidean (the most common) zoning are established to avoid overly congested development and reduce fire hazards and other public safety issues. Historically, zoning regulations were established to protect the public from hazards encountered in dense urban environments. These regulations may not readily apply to rural areas and can create unintended restrictions on agriculture. For example, zoning regulations often prohibit more than one principal structure on a parcel. Many regulations also do not distinguish on-farm structures as part of a farm operation. Information regarding agricultural districts and local regulations is available on the New York State Department of Agriculture & Markets including:

[www.nebeginningfarmers.org/2012/04/08/8-zoning-regulations-and-farming/](http://www.nebeginningfarmers.org/2012/04/08/8-zoning-regulations-and-farming/)

[www.agriculture.ny.gov/AP/agsservices/new305/guidance.pdf](http://www.agriculture.ny.gov/AP/agsservices/new305/guidance.pdf)

The Agriculture and Markets Law §301, subd.11 defines a farm operation as follows:

*“Farm operation” means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a “commercial horse boarding operation” as defined in subdivision thirteen of this section, a “timber operation” as defined in subdivision fourteen of this section, “compost, mulch or other biomass crops” as defined in subdivision seventeen of this section and “commercial equine operation” as defined in subdivision eighteen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.”*

## **2. Consistency Review with NY State Agriculture and Markets Law**

To assist local municipalities in the review of local plans and ordinances for consistency with the Agricultural Districts Program the New York State Department of Agriculture and Markets developed the following questions as guidance (also see **Appendix B**). For consideration by local municipalities, the New York State Department of Agriculture and Markets notes that If the answer to any of the first six questions is yes or to the last two questions is no, the zoning regulations are likely to be problematic and may be in violation of AML §305-a.

1. Do the regulations materially limit the definition of farm operation, farm or agriculture in a way that conflicts with the definition of “farm operation” in AML §301, subd.11?

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

A preliminary review of available town comprehensive plans and zoning regulations was conducted to determine their general consistency with the AML. **Table III-6** provides the status of local comprehensive plans and land use regulations. This is followed by a summary for each town that highlights information gathered from the preliminary review.

Montgomery County encourages all towns to conduct a detailed review of their comprehensive plans and land use regulations for consistency with the AML and the NYS Agricultural Districts Program.

In conducting detailed reviews of their land use regulations towns should consider some of the more likely limitations that can be inadvertently placed on farming that might be problematic for farmers and inconsistent with the AML. Examples of some of these limitations may include:

- Requiring special permits or detailed site plan review for typical farm uses
- Restricting farm-related businesses on a farm, such as sale of produce
- Limiting the sale of products at farm stands to items produced at that same farm
- Unreasonable setback or acreage requirements or use of buffers
- Not requiring the use of agricultural data statements for projects that may impact farmlands as required by AML Article 25-AA

All towns within Montgomery County have adopted comprehensive plans and all but one town have adopted zoning regulations. All towns participate in the NYS Agricultural District Program. All towns have established planning boards and the majority have subdivision and site plan regulations. Two towns have right-to-farm statements not as stand-alone laws, but incorporated into their zoning ordinances. None of the towns in Montgomery County have prepared Farmland Protection Plans. Generally, all towns acknowledge the importance of agriculture to their

communities and this is reflected in their comprehensive plans and zoning regulations that overall promote farming and agricultural land use.

<b>Table III-6. Status of Land Use Plans and Regulations of Towns in Montgomery County</b>										
<b>Municipality Towns (excluding villages)</b>	<b>Adopted Comprehensive Plan</b>	<b>Adopted Zoning Law/Ordinance</b>	<b>Adopted Zoning Map</b>	<b>Participant in NYS Agricultural Districts</b>	<b>Right to Farm Law</b>	<b>Farmland Protection Plan</b>	<b>Subdivision Regulations</b>	<b>Site Plan Regulations</b>	<b>Planning Board</b>	<b>Comments</b>
Amsterdam	2004	2009	2010	Yes	No	No	Yes	Yes	Yes	Zoning online
Canajoharie	1992	2001	2015*	Yes	Yes**	No	Yes	Yes	Yes	Zoning online
Charleston	2002	none	none	Yes	No	No	No	Yes	Yes	-
Florida	2002	2014	2009	Yes	No	No	Yes	Yes	Yes	Zoning online
Glen	2001	Yes	Yes	Yes	No	No	Yes	Yes	Yes	-
Minden	1999	2000	Yes	Yes	Yes**	No	Yes	Yes	Yes	-
Mohawk	2015	1998	2010	Yes	No	No	Yes	Yes	Yes	Zoning online
Palatine	1998	Yes	Yes	Yes	No	No	Yes	Yes	Yes	-
Root	2004	2012	Yes	Yes	No	No	Yes	No	Yes	-
St. Johnsville	2005	2009	Yes	Yes	No	No	Yes	Yes	Yes	-
Sources: NYS/DAM 2016, County & Town websites, NYS Legislative Commission on Rural Resources 2008. * Not adopted ** Contained within the Zoning Law										

**Town of Amsterdam**

The Town of Amsterdam Zoning Law and Zoning Map establishes an agricultural zoning district in two primary portions of the Town, northwest of the City of Amsterdam north and west of the Village of Fort Johnson, and along its easternmost border, east of the Village of Hagaman. Non-agricultural uses are located north of the City of Amsterdam. Most of the Town is zoned for residential use. The Town’s definition of farm operation is consistent with the AML and farm operations are permitted in any zoning district if the parcels are within a NYS-certified Agricultural District. Farms, nursery or truck gardens are permitted by right within the A-Agriculture District, the R-2 Residence and R-M Mobile Home Residence District. The R-1 Residential District stipulates “existing” farms are permitted by right. Farms are not subject to

special permits anywhere within the Town. Agricultural structures and related accessory uses are exempt from Site Plan Review. Section 18 (2) Area Regulations also allows for two permanent dwellings on a parcel, but only if the lot area and yard requirements, including street frontage requirements, are met for each dwelling.

### **Town of Canajoharie**

Most of the Town of Canajoharie is zoned and mapped for agricultural purposes, followed by residential use. Article I.D. Title, Scope and Purpose establishes the Right-to-Farm and states, “No provision of this Local Law shall be interpreted, administered, or enforced in a manner that unreasonably restricts farm operations within a State Certified Agricultural District established pursuant to Article 25AA of the New York State Agricultural and Markets Law, unless it can be shown that the public health and safety are threatened.”

Agricultural uses are permitted in any Land Use District, subject to the same regulations as those in the Agricultural/Rural Residential District (A) if the parcel is part of a State Certified Agricultural District, as set forth in the descriptions and maps on file with the Montgomery County Clerk and Montgomery County Director of Real Property Tax Services. Farm operations and farm stands are permitted by right within the Agricultural/Rural Residential District. Various uses including agricultural equipment repairs, slaughterhouse or rendering plant, processing of agricultural or food products, and farm markets are permitted in the Agricultural/Rural Residential District (A) and Commercial (C) zoning districts subject to special use and/or site plan review.

The density standard for all uses in the Agricultural/Rural Residential District is three acres per principal building. All agricultural use structures and one single-family dwelling or mobile home which are part of a Farm Operation, together constitute and count as one principal building. Accessory buildings for commercial purposes are subject to special use permit and site plan review. Manure storage facilities and mobile homes as part of a farm operation are subject to supplementary regulations. All permitted uses are subject to a 300-foot minimum lot width, 40-foot front yard, 20-foot side yard and 50-foot height requirements. Article VI Supplementary Regulations Section A.6., establishes requirements for the Protection of Agriculture from Potentially Incompatible Uses including the use of Disclosure Statements for residential development that abuts agricultural uses and requires Agricultural Data Statements.

### **Town of Charleston**

The Town of Charleston does not have traditional zoning. Goal 3 of the Town’s 2001 Comprehensive Plan is to “Encourage and Preserve Traditional Farming”. To achieve this goal the Town identifies several measures including promoting participation in the State’s Agricultural District Program; working with Montgomery County Planning Board and Agricultural Protection Board; and educating landowners about NYS AML Article 25 AA. The Town’s Plan also identifies the following measures related to agriculture:

- Encourage agribusinesses
- Encourage revitalization of operations

- Encourage newer farm crops
- Allow agricultural operations throughout the Town in all zones
- Help achieve the goals of the Montgomery County Ag Plan
- Investigate a Town Right-to-Farm law

The Town's future land use map identifies approximately 75 percent of the town for rural residential use, 22 percent for recreation and 3 percent as hamlet districts. Charleston has a dwelling and sanitation law, a Zoning Board of Appeals and site plan review (Local Law September 2000). Agricultural buildings and land uses are exempt from site plan review including ordinary agricultural practices, except for manure pits.

### **Town of Florida**

Most of the Town of Florida south of the NYS Thruway is zoned for agriculture with the exception of some commercial districts along State highways 30 and 161 in the central portion of the Town. Areas north of the Thruway are zoned for a mix of uses including residential, industrial and commercial. Existing zoning permits farms and accessory uses or buildings by right as principal permitted uses within the A-Agricultural District, the C-1 Commercial District, the H-Historic District and the N-P Natural Products District. Farms and accessory uses or buildings and manufacture or processing of dairy or food products are principal permitted uses within the IBP-Industrial Business Park District. Farm products plants are permitted within the A-Agricultural District subject to a special permit by the Planning Board. The Town allows farm and accessory uses or buildings with the issuance of a special permit by the Planning Board within the R-1 and R-M Mobile Home Residential Districts. The manufacture or processing of dairy or food products is subject to a special permit within the C-1 District.

Article VII Site Plan Approval and Special Permits, Section 18 states "All development projects other than Single Family Residential in all Districts and Agricultural in the Agricultural District require site plan review. In addition, all special permits require site plan review. Site plan review and special permit review should be conducted jointly by the planning board." The Town of Florida Comprehensive Plan addresses the preservation of farming as one of its goals. The Plan addresses the value of soil groups within the Agricultural District and encourages participation in the State's Agricultural District Program and promotes the preservation of farming through land use controls.

### **Town of Glen**

The Town of Glen has a land use management ordinance that functions somewhat like a zoning ordinance by regulating land use within rural residential, hamlet and industrial areas of the Town. Farms and accessory buildings are permitted in each of these three areas. The Town also has a Comprehensive Plan and a Future Land Use Plan that identifies almost all of the Town as rural with hamlets south of the Village of Fultonville. Goal #1 of the Plan is to preserve and enhance the Town's farming operations and agricultural lands. Measures to achieve this goal include assisting the County Planning Board and Agriculture and Farmland Protection Board; educating

local landowners about AML 25 AA; considering a local Right-to-Farm law; and enforcing the use of agricultural data statements.

### **Town of Minden**

The Town of Minden has a Right-to-Farm statement in its zoning law that no provision of its law shall unreasonably restrict agricultural structures and normal farming practices within a State Certified Agricultural District established pursuant to Article 25 AA of the New York State Agricultural and Markets Law, unless restrictions are necessary for protection of public health and safety. Principal permitted uses within the Agricultural Zoning District includes farms and accessory buildings and uses. The District includes one and two family residential and other uses. Support services such as farm products plants are subject to special permit. The Commercial District also permits farms and accessory buildings and uses, as well as other support services such as feed, lumber, seed and fertilizer sales. The Residential District allows farms and accessory buildings and uses by special permit. Sawmill regulations and solar farm regulations are included in the Agricultural Zoning District.

### **Town of Mohawk**

The Town of Mohawk permits by right a farm, nursery, truck garden, greenhouse, and customary agricultural operations within the A-Agricultural (Zoning) District. Uses permitted as a special exception by the Board of Appeals includes agricultural machinery, repair shop and agricultural machinery, and sales store. A farm, nursery, truck garden, greenhouse, and customary agricultural operation is permitted as a special exception by the Board of Appeals within the R-1 Residential District and a permitted use in the R-2 Residential District. The manufacturing and processing of dairy or other food products is permitted within the M-1 and M-2 Manufacturing District. The Town allows farm and accessory buildings or uses with special exception by the Board of Appeals within the R-M Mobile Home Residential District.

The Town of Mohawk has a 2015 update to its comprehensive plan. Among its stated goals is to encourage and preserve traditional farming. Implementation tasks include promoting participation in the State Certified Agricultural District #2 and educating landowners and officials of the NYS Ag and Markets Law Article 25 AA. Other objectives and tasks in achieving its goals include land use regulations that allow agricultural operations throughout the Town; promoting agritourism; working towards the goals of the County's Agricultural Plan; and implementing a Town right-to-farm law.

### **Town of Palatine**

Approximately 90 percent of the Town of Palatine is zoned Agricultural. This zoning district permits farm and accessory uses as well as mobile and manufactured homes that are part of a farm operation. Farm products plants are allowed subject to a special permit.

The Town is currently working on revisions and updates to its Comprehensive Plan. Among the goals of the existing Town's Comprehensive Plan are to preserve farming as the primary industry in the Town. This can be accomplished in many ways as stated in the plan including:

- Encouraging agri-businesses
- Encouraging former farm operations to revitalize their operations
- Promote (NYS) Agricultural District participation
- Educate landowners about Article 25 AA
- Allow agricultural uses throughout the Town
- Permitting only those uses, in appropriate areas, whose impacts are compatible with agriculture
- Investigate a local Right-to-Farm law
- Investigate agritourism opportunities

### **Town of Root**

The Town of Root has local laws such as Dwellings and Sanitation for code enforcement purposes. The laws include dimensional requirements and setbacks and for example, stipulate no more than one dwelling per lot. The Town has subdivision regulations and other regulations governing mobile homes, junk yards, dumps and refuse.

The Town's comprehensive plan goals include encouraging and preserving a diverse agricultural environment. Local measures to meet this goal include investigating a local right-to-farm law, furthering the goals of the County Ag Plan and encouraging active farms to remain in the (NYS) Agricultural District. The Town has a Future Land Use Plan that identifies three land use categories that include Rural Residential, Mixed-use and Commercial/Industrial. Rural residential covers nearly the entire Town.

### **Town of St. Johnsville**

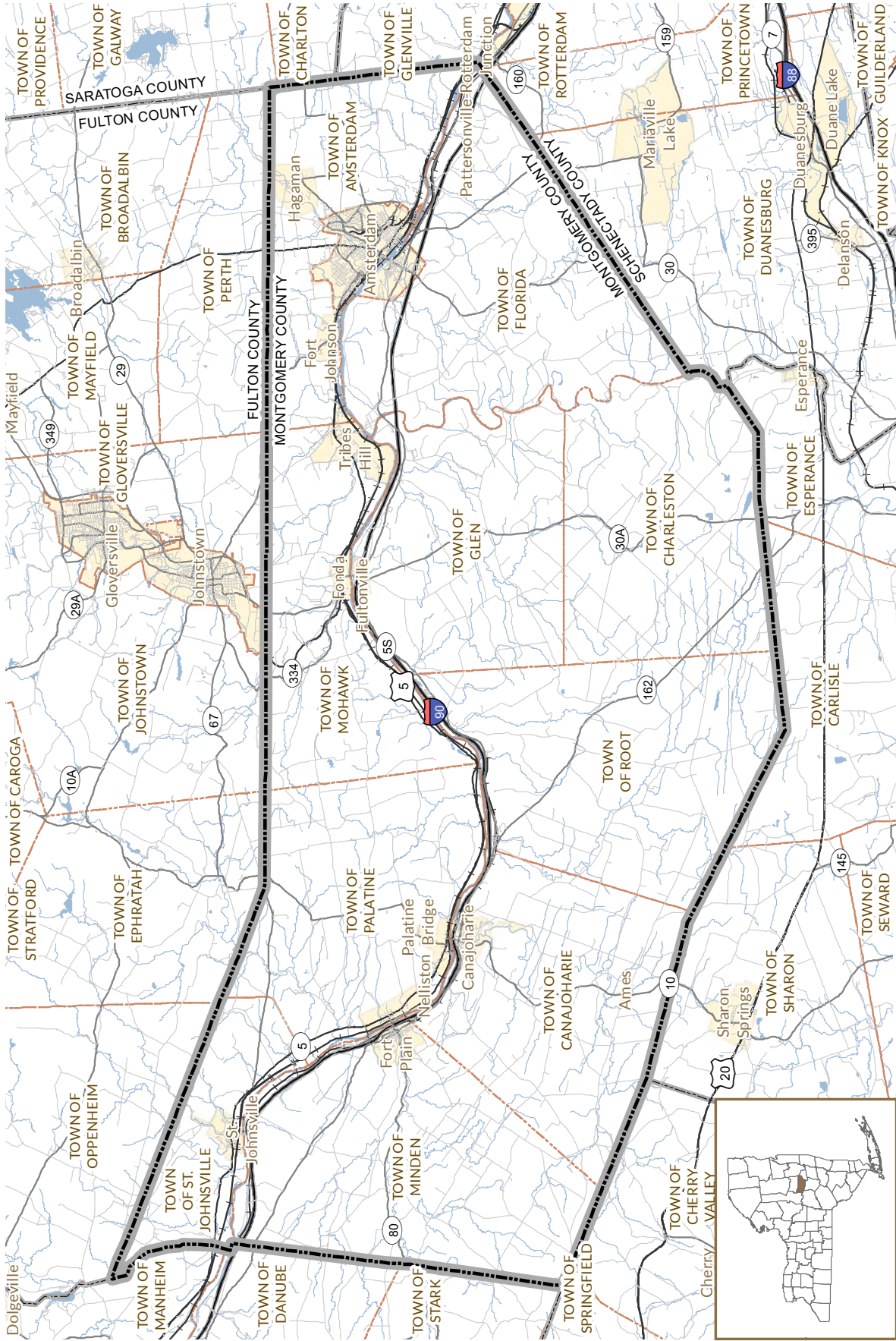
The Town of St. Johnsville Land Use Ordinance is intended for code enforcement and the protection of agricultural lands. All Class I and Class II soils are considered within the Agricultural (A) Zoning District. The (A) Zoning District permits farms and accessory buildings. It also allows for farmer-owned secondary businesses, including, but not limited to: seed sales; fertilizer and chemical sales; farm equipment repair and welding; roadside produce stands; portable sawmills; boarding stables; bio-fuel production; and, grain and hay storage facilities. This district also allows mobile homes related to farm operations, one-family dwellings (subject to site plan review), and home occupations. Uses subject to a special use permit include tree farms and timbering, commercial sawmills and farm products plants.

The Town's Comprehensive Plan identifies land use goals to protect viable agricultural land, yet allow the highest and best use of all land especially along road frontage and land adjacent to villages. The goals encourage development toward less viable agricultural land close to existing roads to retain agricultural land as much as possible. The Comprehensive Plan acknowledges that achieving these goals can be accomplished through use of the USDA's Land Evaluation and Site

Assessment (LESA) system at the local level to identify prime soils, as well as economic, cultural and scenic values.



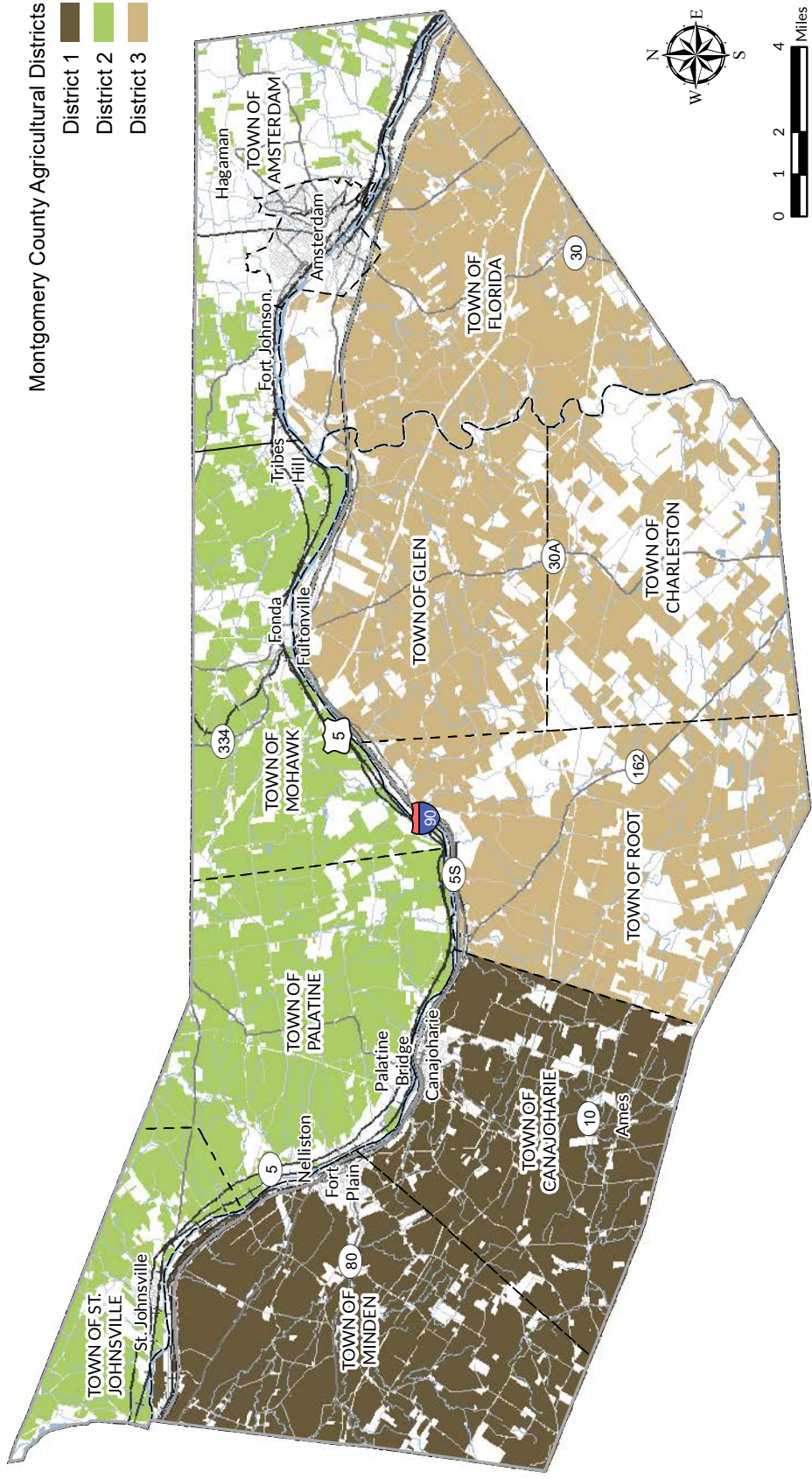
# Existing Conditions



**Notes:** 1. Projection: North American Datum 1983 State Plane New York East FIPS 3102  
 2. This is a color graphic. Reproduction in grayscale may misrepresent the data.

**Figure 1. Regional Context**

# Existing Conditions



**Notes:** 1. 2015 Montgomery County Agricultural Districts  
 2. Projection: North American Datum 1983 State Plane New York East FIPS 3102  
 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

Figure 2. Agricultural Districts

# Existing Conditions

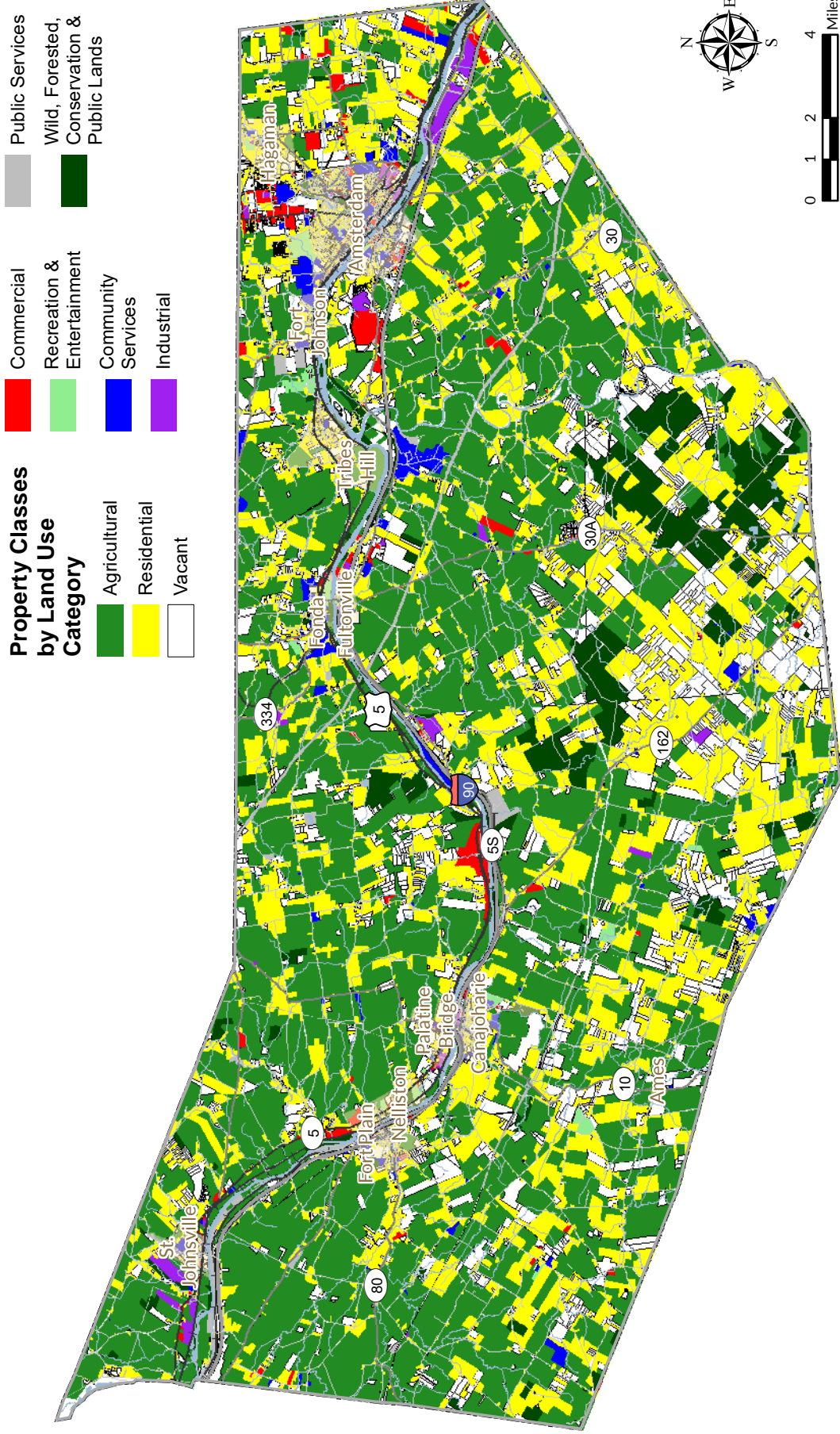


Figure 3. Existing Land Use

## Existing Conditions

### Farm Land Classification

- All areas are prime farmland
- Farmland of statewide importance
- Not prime farmland
- Prime farmland if drained

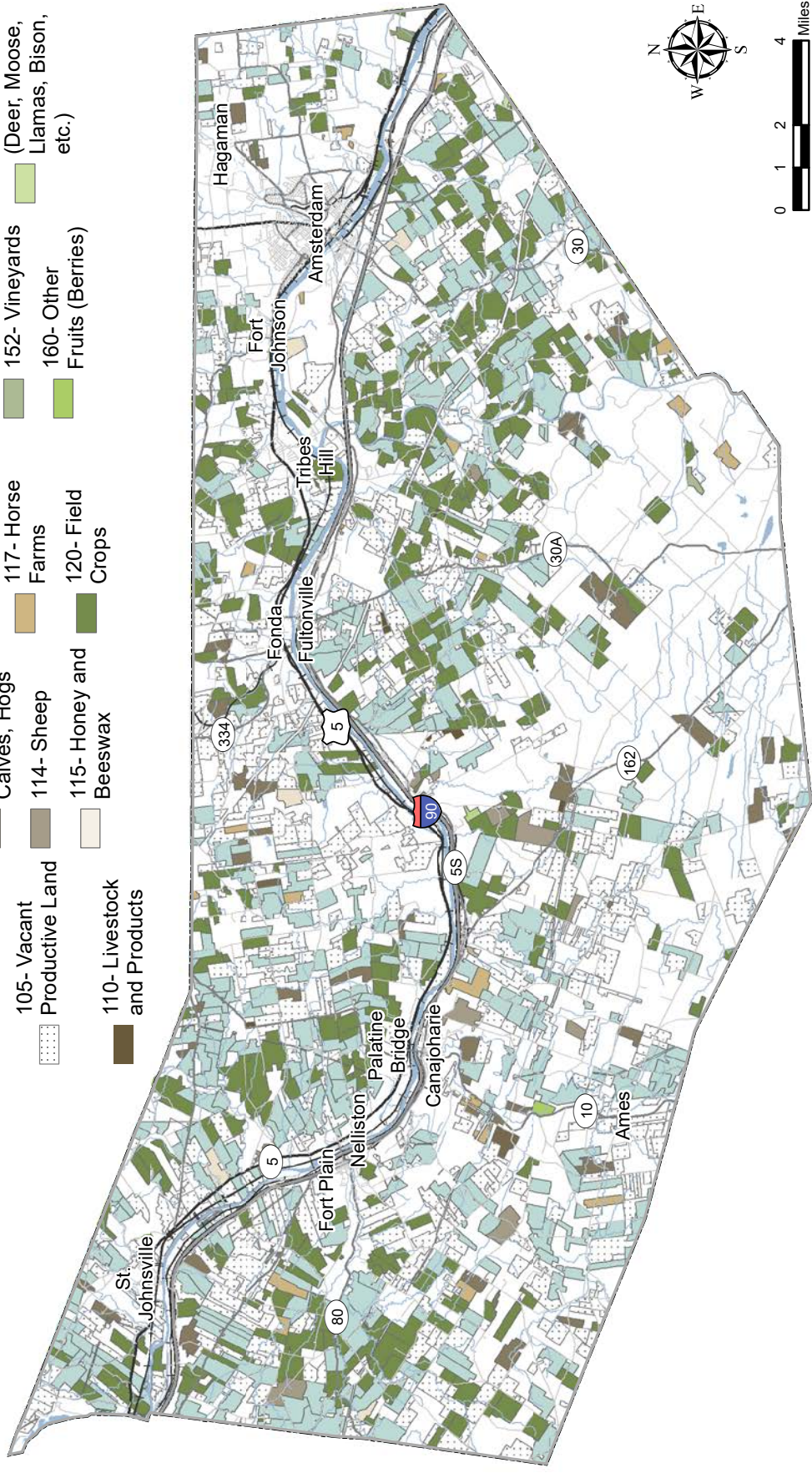


- Notes:**
1. Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <https://websoilsurvey.nrcs.usda.gov/>.
  2. Projection: North American Datum 1983 State Plane New York East FIPS 3102
  3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

Figure 4. Farm Land Classification

# Existing Conditions

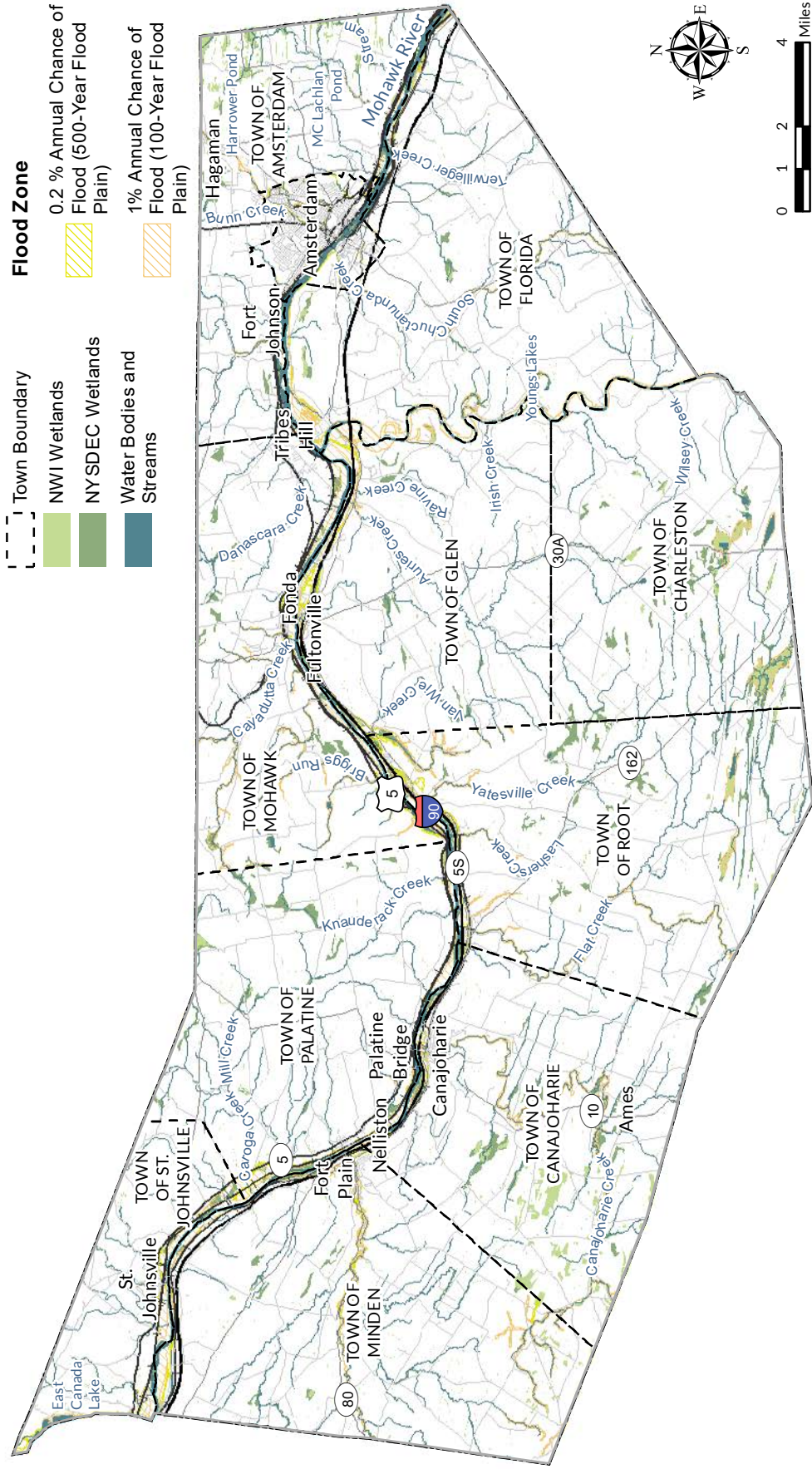
- |  |                           |                                       |   |
|--|---------------------------|---------------------------------------|---|
| <b>Agriculture Specific Property Class</b> | 111- Poultry              | 116- Other Livestock (Donkeys, Goats) | 170- Nursery and Greenhouse                       |
| 100 - Not Specified                        | 112- Dairy                | 117- Horse Farms                      | 151- Apples, Pears, Peaches, Cherries, etc.       |
| 105- Vacant Productive Land                | 113- Cattle, Calves, Hogs | 120- Field Crops                      | 184- Livestock (Deer, Moose, Llamas, Bison, etc.) |
| 110- Livestock and Products                | 114- Sheep                |                                       |   |
|  | 115- Honey and Beeswax    |                                       |   |



- Notes:**
1. 2016 Parcels
  2. Projection: North American Datum 1983 State Plane New York East FIPS 3102
  3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

Figure 5. Detailed Agricultural Property Classes

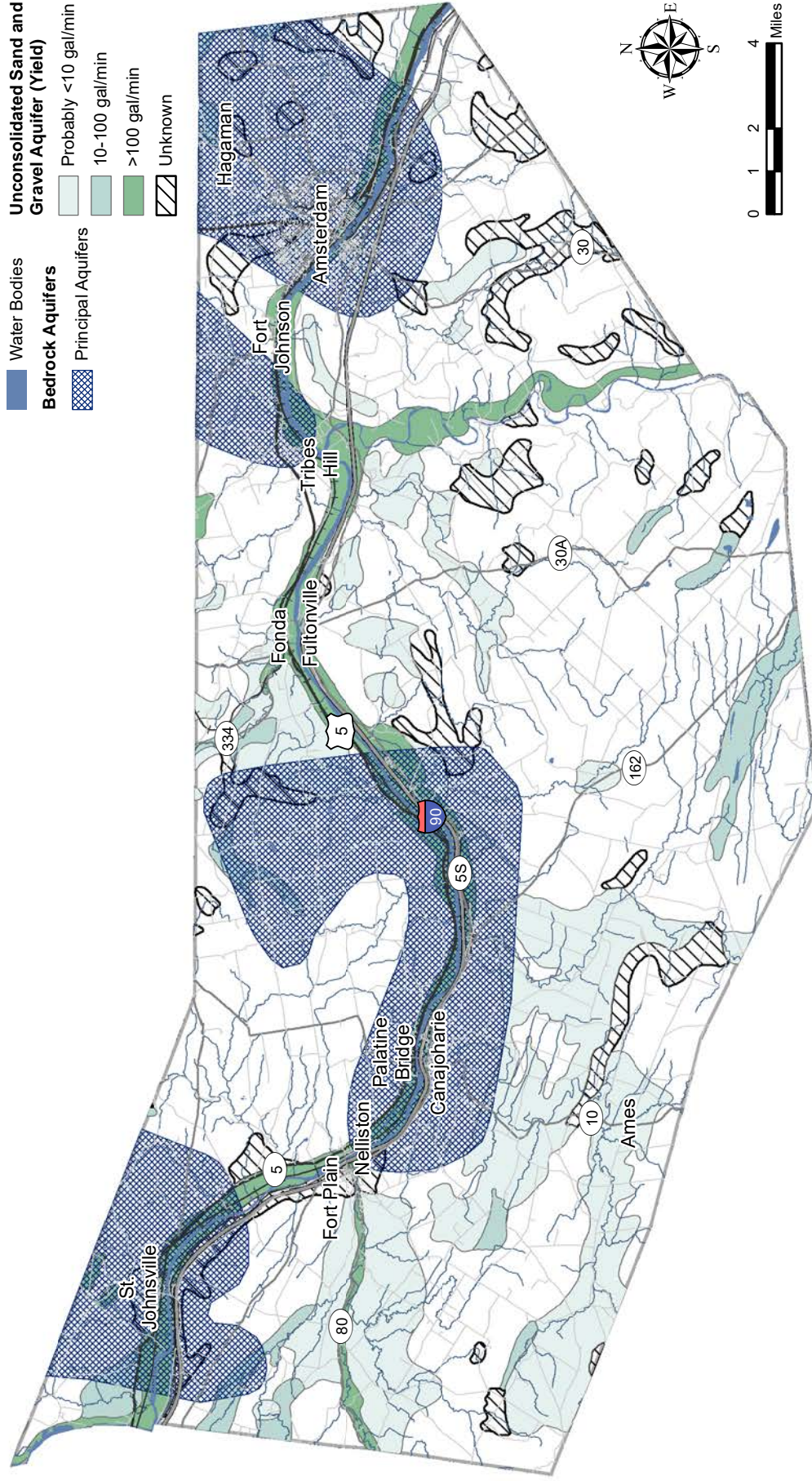
# Existing Conditions



- Notes:**
1. 2016 Parcels, 2016 NYS DEC wetlands, 2015 National Wetlands Inventory
  2. Projection: North American Datum 1983 State Plane New York East FIPS 3102
  3. This is a color graphic. Reproduction in grayscale may misrepresent the data.
  4. Preliminary FEMA data are for review and guidance purposes only. By viewing preliminary data and maps, the user acknowledges that the information provided is preliminary and subject to change. Preliminary data, including new or revised FIRMs, FIS reports, and FIRM Databases, are not final and are presented on the MSC as the best information available at this time. Additionally, preliminary data cannot be used to rate flood insurance policies or enforce the Federal mandatory purchase requirement. FEMA will remove preliminary data once effective data are available.

Figure 6. Wetlands and Flood Plains

# Existing Conditions



**Notes:**

- 1998 US Geological Survey Principal Bedrock Aquifers of New York digitized from 1:2,500,000 maps in Ground Water Atlas of the United States; 2008 Unconsolidated Aquifers from New York State Department of Environmental Conservation digitized from 1:250,000 scale maps developed in partnership with USGS in 1981. No Primary or Sole Source Aquifers occur within Montgomery County.
- Projection: North American Datum, 1983 State Plane New York East FIPS 3102
- This is a color graphic. Reproduction in grayscale may misrepresent the data.

Figure 7. Aquifers

## Section III. Issues, Opportunities, Goals & Strategies

### A. Stakeholder Involvement

#### Farm Owner/Operator Interviews

Interviews were conducted with local farmers within the County selected by the Advisory Committee because they represent agricultural diversity in scale and type of farm operations. The interviews were conducted during early 2017 to determine what issues, challenges and opportunities for agriculture are on the minds of farmers within the County. Interview forms were developed to guide the discussions. The interviews were an opportunity to discuss issues on a one-to-one basis, rather than in a group setting where individuals are sometimes reluctant to speak in public.

These interviews were not intended to be a scientific or Countywide survey of the farming community in Montgomery County. However, the County can use the interview forms and questionnaires developed to conduct a more widespread survey, possibly through mailings, providing forms at strategic locations or events around the County and/or via the County website. Sample interview forms are provided in **Appendix C**. The long form version was used as guide for the one-on-one interviews. A shortened version is provided for a possible expanded survey of the County via the County's website or through other means.

The results of these interviews are summarized below. Thirteen in-depth farm interviews were conducted across the County. Each interview occurred on site and lasted approximately 1 to 2



hours. Different types of farms and agribusinesses were interviewed representing dairy farms, apple orchards, livestock production, fruit and vegetables, field crops, agritourism, vineyard, poultry, pork and beef production, and honey.

Although the number of interviews was limited, commonalities were

identified. Many farmers are concerned about the cost of productive farmland for purchase or rent, both in terms of the present and as it affects upcoming generations. They broadly support incentives to protect land through programs such as Purchase of Development Rights. Many, however, aren't familiar with the details of how such programs work and have concerns because



so much of their equity is tied to their land. They don't have 401Ks, for instance, to retire on, so their farms are their only assets.

Other issues of high importance to interviewed farmers include:

- Cost of property taxes, licenses and fees
- Operational expenses
- State and federal regulations
- Access to better markets and better commodity prices
- Availability of unskilled labor
- Finding an adequate and reliable workforce
- Finding local suppliers and equipment repair
- Finding opportunities for local product distribution

When asked to provide an opinion on the types of services and opportunities that could be of benefit to area farmers those items identified as being as "very" or "most" useful include:

- Agricultural grant opportunities
- Grant writing assistance
- Information on transitioning farms to the next generation
- Finding technically skilled agricultural labor
- Reducing operation and energy costs

#### Group Meetings

##### a. Amish Communities

Group meetings were held in early and mid-2017 with members of Amish communities that reside and farm in different locations around Montgomery County. Members participating in the meetings represented communities in the towns of Canajoharie, Root, Minden and Palatine. Approximately 25 to 30 members participated in separate group discussions at different farms to identify current trends, issues and concerns facing communities in the County.

Generally, the Amish communities feel that relationships with the various towns and the County are very positive. Experiences with services provided by both the County and towns are also positive and members consider that their farms and agricultural operations are respected by their municipalities.

Discussions noted that there seem to be inconsistencies in the way that some towns deal with code enforcement and zoning. One important issue discussed was the inability to have more than one principal residence on a single parcel of property as allowed in some towns. As stated, this inhibits the ability to care for their elderly or other family members in nearby dwellings. This is considered contrary to Amish traditions to care for senior members of their families on their farms. Zoning requirements that allow for only one principal residence per lot and in some cases one business per lot restricts rather than encourages their ability to care for their families at one location. There was discussion that the restrictions are typically in place because of the difficulties of siting more than one residence on a lot where lot size may be insufficient to meet

setback requirements or because there is the spatial need to share domestic utilities, including septic systems on small lots.

Members noted that especially in the past, there have been issues over code and building construction requirements. Some question why there are differences in zoning and building code requirements among towns, including different minimum square footage for new residences, which can create hardships. For example, some towns require minimum square footage of approximately 900 sf while others may require 1500 sf. If these minimum requirements cannot be met and farms are not available to buy, young Amish may not be able to farm. This is particularly difficult on farmers who cannot start out by building smaller residences at a time when they are just beginning to farm and bring in income. Members were in favor of greater flexibility from some of the restrictions under existing zoning ordinances including allowing the use of temporary housing by new farmers.

Many Amish rely on a second source of income to supplement their farm income. Sometimes this is influenced by local zoning due to restrictions on the types of businesses permitted on farm property. For many Amish families, a second source of income is important to keep their farms operational. Members noted that some towns seem more respectful of these Amish traditions and in general there was a need for more uniformity across the County for zoning regulations.

All members agreed the public auction in Minden was very successful and many rely on it to sell their farm products. There was discussion on whether it would be viable to have a similar type of auction for livestock and hay. Others suggested, however that there could be drawbacks to another auction because of competition with commercial facilities paying and charging higher prices for those products. Higher prices for hay and other commodities would further strain family budgets.

There was general agreement that taxes are too high. High taxes elsewhere were cited as one of the reasons that many Amish originally moved to Montgomery County from Pennsylvania and Ohio. Some members also felt there is also a misunderstanding among non-Amish that the Amish



do not pay taxes. They noted that the Amish pay both property and school taxes, despite most Amish children attending Amish schools.

The installation and maintenance of culverts, access to farm fields and maintaining roadways by the towns was generally viewed favorably. Some concerns were expressed

with using horse and buggies on some local, County and State roadways. Shoulders are often not wide enough on some roadways to accommodate buggies, such as along NYS Route 30A. Many have experienced dangerous situations with speeding vehicles and vehicles attempting to pass the slower-moving buggies. Some members thought there was a need for more signage on roads to reduce speed limits and identify the use of buggies in the area.

Some noted that the cleaning of roadside drainage ditches by highway crews often results in very deep ditches with sharp drop-offs that pose additional dangers to their horses and buggies. Some asked if more guiderails could be installed to help keep their buggies safely on the road.

Members noted it would help to have wider roads especially up steep hills and around curves. Horses tend to want to walk and not run up hills, so traffic often backs up behind them. Some asked if it was possible to use buggies on suitable trails including bike trails. It was noted that in Ohio, the State DOT allowed buggies to get off road and use trails.

#### b. Town Supervisors

Town supervisors and their representatives participated in group discussions in May and June 2017. The purpose was to discuss changing land use trends, right-to-farm laws, zoning and other issues facing farmers locally, as well as identifying opportunities for agricultural economic development projects. Several topics were discussed including:

- Opportunities for local towns to take advantage of NYS grants to conduct their own Farmland Protection Plans and update zoning ordinances, if necessary, to bring them into agreement with State Agriculture and Markets regulations
- Technical assistance provided by County Planning in establishing solar regulations in some towns due to recent developer interest in constructing solar farms in the County and the roles that the County and towns have in permitting these projects depending on their scale and the amount of power generated
- The need for improved internet access in rural areas with an update on improvements being made across the County as a result of the NYS Office of Technology working in partnership with internet providers through a phased approach to continue making improvements over the next couple of years
- Issues over inconsistencies in the way towns assess properties and that properties are re-assessed in some towns on a frequent basis while in other towns in the County assessment values have not been updated in decades
- Promoting agritourism and the success of events like Sundae on the Farm, which is hosted by the Farm Bureau, that attracts up to 5,000 people each year with the focus on agriculture, and the Mohawk Valley Tasting Center at the Fonda Fairgrounds
- Suggestions for establishing a Farm Trail to create new agritourism opportunities and integrating the trail and the Harvest Tour Map into Google maps so that people



can access the information on farms and tours through their smart phones

- Issues with restricting lateral connections to new water lines if extending these lines into Agricultural Districts
- Opportunities to establish a farmland registry to link available lands to farmers who want to continue farming
- Determining interest in creating a food hub or other types of processing facilities in the County to help local farmers, especially smaller operators, with farm to market opportunities
- Creating opportunities to share information, ideas and provide for discussions by holding meetings on a routine basis between the County and farmers and possibly establishing a County liaison and a working group to address ongoing issues and new opportunities to facilitate agri-businesses

## **B. Emerging Issues, Successes and Opportunities**

Emerging issues since the County's 1999 Plan were identified during the planning process through meetings, group discussions, interviews and research. New opportunities are also emerging as social media and other information technologies come online, resulting in changing consumer trends, land use practices that promote farmland protection, and identifying new products and markets as agriculture in New York diversifies (see **Appendix G Resources Guide**).

Some of the more frequently discussed topics are summarized below because they may directly affect the future of agriculture in Montgomery County. These are not presented in any order of importance.

### **1. Financial Resources and Costs Associated with Farming**

Costs associated with farming that include property taxes, insurance, fees, labor and energy costs, although a necessary part of farming, often require considerable investment even before any equipment or livestock is purchased, or crops are in the ground. Among the most often cited issues and concerns are the high cost of taxes in New York. Others cited the inability to secure local low-cost loans and dealing with high energy costs.

Programs are available through several State and County agencies that can provide some tax benefits to farmers, including farmland assessment based on farm uses. Energy saving programs are also available through State agencies like NYSERDA and the NYS Department of Labor can assist with labor issues. The problem may not necessarily be a lack of programs as much as it may be a lack of awareness that certain programs are available to deal with these specific issues.

The ability to access financial resources including short-term, low-cost loans has a significant effect on young farmers just starting out as well as more established farmers who need capital to invest in land, equipment, supplies, transportation and marketing products to stay competitive. Currently there is no program at the County level that can provide such funds to farmers and agribusinesses for capital investment and start-up operations. This affects daily operations and the ability to diversify agricultural products and access new markets. Several years ago,

Montgomery County and Fulton County worked together to provide a revolving loan program for agriculture, but that initiative was never successfully accomplished.

One of the primary obstacles to secure financing through traditional loan programs is in meeting credit worthiness criteria that considers the impact that a requested loan will have on job creation. The problem is that agricultural loans often do not immediately result in new job opportunities. Typically, employment is more of a job retention issue on farms. Federal government loans, for example through the USDA, can be a complex and time-consuming process that may be beyond the ability of some farmers that have little time to invest in understanding the complexities involved in pursuing such loans.

Although federal and State grants are available to farmers and agribusiness, grant application procedures can also require substantial information collection. Seeking grants can be especially difficult for small farm operators to work on grant applications, let alone researching grant programs to determine the types of funding opportunities that may be available that best suit their needs. Although some agencies provide staff to help identify grant programs and guidance on application procedures, the demand for their expertise likely outpaces their availability. In 2011, an agricultural economic development staff position was added to the County's Soil and Water Conservation District staff to help address this issue. At present, there are no grant writers specifically dedicated to assist area farmers and agribusiness in County government.

## **2. Energy Use and Demand**

### *a. Three-Phase Power*

Energy use and demand have emerged as potential challenges to farm operations as production and processing technologies increase energy use. There is a growing demand for three-phase power to supply the electrical needs of modern farms. This impacts the dairy industry as more complex and sophisticated milking and storage technologies require a consistent supply of power that can be provided by three phase systems. Three-phase power provides a dairy farm with the opportunity to use large horsepower motors, anaerobic digester gas fueled on-site generation, and chilling equipment to support a large contemporary operation.

The availability of three-phase power varies by location and may require a substantial contribution by the dairy farm owner to install the system (NYSERDA 2011). This has already taken place in Montgomery County at some farms. Most existing single-phase equipment can also be used with three-phase service. Access to transmission lines to bring three phase power to their operations is a very costly endeavor for most farms. Although there are several 115kV transmission line corridors that cross the County many rural areas are still unable to tie into the grid due to long distances and high cost.

National Grid, whose Upstate New York electric service territory includes all of Montgomery County, has a 3-Phase Power Incentive Program. The program notes that customers located in remote rural locations on electric distribution circuits may not have sufficient numbers of customers to share the cost of extending three-phase power. There are applicant eligibility requirements including demonstration of evaluating alternatives to extension of service. The

grant program requirements also include that the facility must be in one of the following industrial sectors:

- Manufacturing
- Regional warehousing/distribution center
- Scientific research and development
- Agri-Business
- Tourism-related NAICS code



*b. Utility Scale Solar Farms*

Solar farm development is another energy related issue that recently emerged in the County. On the one hand, small solar farms could benefit local farms by supplying power to their operations and excess power into the grid, not unlike the use of small wind turbines. There are, however, potential implications for accelerating the loss of prime farmland as large-scale solar development increases in New York State. In 2016, several utility-scale solar farms have either considered or been proposed for development in the County.

The development of solar energy, not unlike wind farms, are a potential source of income for property owners. Large utility scale solar farms, 25 MW and larger, are permitted by the State, but first subject to rigorous environmental studies that must consider land use impacts including farmlands. These projects may require large acreages, sometimes hundreds of acres. Because of their size there is the potential to create a new type of development pressure competing with agriculture to find suitable sites for their construction. As with more common types of development pressure, such as residential subdivisions, utility scale solar farms often seek large, contiguous, developable farm parcels that are most attractive to development because they reduce overall site development costs.

### **3. Water Supply**

Recent drought and dry conditions in 2016 generated what are ongoing concerns for a sustainable and reliably consistent supply of high quality water for farming in the County. Many farms in the County use farm ponds as a source of water for their operations. Dairy farms, for example, require an adequate supply of potable water. In 1999, this same issue was addressed in the County's Plan and recommendations were made to develop a water supply source for County agriculture. Recommendations included preparing a countywide comprehensive water supply and feasibility study of existing underground water resources. The creation of a "lake" to provide water for agriculture and fire-fighting was also suggested.

In 2016, many farms in the County continued to struggle with inadequate supplies of water for their operations during prolonged dry spring and summer conditions. Dealing with water shortages whether by trucking in water, digging deeper wells or finding alternate sources adversely impact a farm's operating budget putting the financial resources of farm operations and agribusinesses at greater risk.

### **4. Agricultural Awareness and Agritourism Opportunities**

#### *a. Sundae on the Farm*

Agricultural stakeholders in Montgomery County have been very successful in increasing the public's knowledge of the value of local agriculture through ongoing events and marketing initiatives. A particularly successful event first started in June 1999 is Sundae on the Farm. The event is held each year at different farms to celebrate local farming, sponsored by the Farm Bureau. This is a very successful initiative and annual attendance remains high with up to 5,000 participants.

#### *b. Fulton & Montgomery Counties Harvest Tour*

The Fulton & Montgomery Counties Harvest Tour was established to attract vendors and consumers throughout the growing season to various Farmers' Markets in both counties. These include four Farmer's Markets in Montgomery County held in Amsterdam, Canajoharie, Fort Plain and at the Mohawk Valley Produce Auction, also in Fort Plain. More than 30 farms in Montgomery County have participated in the tour. Tour brochures and other marketing materials are important in promoting agricultural awareness and should be kept up-to-date and made available in both print form and via the County's website.



#### *c. Pathways in Technology (PTECH) Program*

In the fall of 2016, the Hamilton-Fulton-Montgomery Agriculture Pathways in Technology Early College High School opened its doors to its first freshman class, 50 students from 14 school districts in the region. Initially funded by a NYS Pathways in Technology (PTECH) partnership

award, this PTECH program is the first in the nation to focus on agricultural enterprise. The program is the result of a partnership between the Hamilton Fulton Montgomery Board of Cooperatives Education Services (HFM BOCES) and the Fulton-Montgomery Community College (FMCC).

PTECH programs target students who might not otherwise consider a college pathway. With an emphasis on project-based learning, Ag PTECH provides students the opportunity to focus on real-world problems related to the agricultural field. Projects are designed to integrate academic standards with professional skills. Students also gain real-world experiences through the program's dedicated business partners. A broad spectrum of agricultural-related businesses in the area, including farms, orchards, equipment retail and repair businesses, and veterinary clinics, are partnering with Ag-PTECH to provide authentic experiences for students. These experiences include workplace visits, mentorships, job shadowing, and internships.

Located in a former elementary school building in St. Johnsville, Ag PTECH's curriculum centers on project-based learning with a focus on skills in the following career fields:

- Agricultural Business
- Agricultural Science
- Agricultural Engineering
- Animal Industry
- Biological Technology
- Culinary Arts
- Environmental Studies
- Fisheries and Wildlife Technologies
- Sustainable Crop Production



Students spend their 9<sup>th</sup> and 10<sup>th</sup> grade years on the Ag-PTECH school campus, where they complete their required high school courses. For the following two years, students have the opportunity for dual credits—fulfilling high school graduation requirements while earning college credits as well. They can attend SUNY Cobleskill classes in their degree pathway. Where applicable, they may also enroll in career and technical courses at HFM BOCES. By the end of year four students will have completed their Regents diploma as well as accrued college credits toward a degree. By the end of year five, many will have completed their Associate Degree at no cost to their families.

This program provides Montgomery County a unique opportunity to foster a new generation of farmers and people trained to support the County's agricultural industry. Thus, it also creates an even greater impetus for the County to preserve farmland and ensure the economic viability of agricultural enterprise for future generations being groomed through Ag PTECH for careers in this industry.

## 5. Organic Farming

Interest in organic farming is increasing in New York State as consumers become more aware of the contents of their food and where products are being grown. The 2012 Census of Agriculture indicated that 35 farms in Montgomery County were certified under the USDA National Organic



Program. Total organic product sales were nearly \$2.3 million. The sale of organic products continues to increase in New York State. The State experienced a 56 percent increase in the number of organic farms and farm acreage between 2008 and 2014 (DiNapoli 2016). Organic production includes farms as well as production and handling facilities.



During mid-2016 the USDA reported 22,500 certified organic operations in the U.S. and more than 1,400 farms and facilities in New York. In 2015, nationwide sales totaled nearly \$6.2 billion. New York ranked third in the nation in the number of organic farms at 917 in 2014 behind California (2,805) and Wisconsin (1,228). More than 200,000 acres are used for organic farming in New York. The trend in the State is expected to continue.

The top organic agricultural product in New York is milk from cows. More than 400 farms are organic milk producers, second in the U.S. The State also ranks second in the production of organic meat from beef cows, hogs and pigs.

## **6. Consumer Trends**

The agricultural industry is adapting to changing technologies and consumer demand. A 2016 report by the Food Marketing Institute (FMI) identifies five top trends in consumer expectations when it comes to food availability. These top trends include:

- **Food Transparency** – This is the need to know how and where food was grown or manufactured. Transparency includes the ability to trace food products back to their point of origin, information about the type of farm practices that grew the products, and farm animal welfare issues. One of the food industry responses to this has been the increased use of growing food under climate controlled conditions.
- **New Supply Chains** – This includes an increase in direct farm to consumer opportunities such as consumer supported agriculture (CSAs), directly linking farmers and consumers through farmers' markets, increased use of vertical farming and greenhouses, and more emphasis on urban farming opportunities. The FMI noted an explosive growth in farmers' markets from approximately 1,750 markets nationwide in 1994 to approximately 8,500 in 2015 according to the USDA-AMS Marketing Services Division. The expansion in use of vertical farming and greenhouses was also noted because of its high productivity value. Approximately 50,000 to 120,000 square feet of space using these facilities can produce 15 to 20 crop cycles per year.
- **Convenience** – This includes ready to prepare meals and shop at home and delivery services.
- **Freshly Prepared** – Freshly prepared food products by grocery retailers is increasing and outpacing fast food businesses.
- **Connected Consumer** – Using online digital resources to do meal planning, shopping, and information on how to prepare meals.

## **7. Direct Marketing**

According to the USDA more than 167,000 farms in the U.S. locally produced and sold food through direct marketing practices, generating \$8.7 billion in revenue in 2015 (USDA 2016). This information was released from the first Local Food Marketing Practices Survey in late 2016. The report covers both fresh and value-added foods, such as meat and cheese. Farms selling food directly to institutions and intermediaries, such as wholesalers or food hubs, brought in \$3.4 billion in revenue. On-farm stores and farmers' markets brought in \$3 billion. Direct sales to retailers comprised the remaining \$2.3 billion.

New York State ranked third in the nation in value of total direct food sales at \$441 million with California ranking first at \$2.9 billion and Michigan second at \$459 million. Pennsylvania and Wisconsin rounded out the top five states. The survey concludes that more than 80 percent of all direct market food sales occurred within 100 miles of the farm and most farms were less than 20 miles from their largest grossing marketplace. Direct marketing is a growth opportunity in Montgomery County.

## **C. Goals and Strategies**

It is important that Montgomery County establish goals and strategies to facilitate decision-making as changes occur throughout the agricultural industry, whether these are innovations in farming techniques, new products and markets, or shifting consumer trends. The following goals and strategies are the basis for more specific recommended actions provided in Section V of this Plan. However, the strategies that follow can be acted upon in different ways and by a variety of stakeholders, so that they too should be considered for further advancement of this Plan.

### **Goal 1. Promote Economically Viable Agriculture**

Agriculture is dependent on many factors and variables, any of which can significantly influence the long-term economic viability of farming and agriculturally-related businesses in the region. To maintain economic viability, a concerted effort by the community is necessary to make sure that each component of agriculture in Montgomery County is working as effectively and efficiently as possible towards the goal of maintaining the economic viability and vitality of agriculture. These components include farms, agribusiness, markets, support services, and agricultural economic development.

Many factors that can affect agriculture, either in a positive way or adversely are beyond the control of Montgomery County. It is imperative then, for stakeholders to continue to take active roles in managing the things that can be controlled. Some of these manageable factors include facilitating farmer access to financing, administering local regulations and policies that support agriculture, educating stakeholders, and sharing important information (see Appendix G).

The following strategies are provided to help all stakeholders promote economically viable agriculture on an ongoing basis through various means and opportunities that are available to create further dialogue, coordination and collaboration.

## Strategies

- a) Encourage the next generations of farmers and agri-business entrepreneurs through greater local access to and expansion of educational opportunities, mentoring programs and specialized workforce training via high schools, BOCES, community colleges and other academic institutions.
- b) Attract and keep businesses and service providers that support agriculture viable within the County by routinely monitoring and identifying their specific needs, market trends and concerns through targeted surveys.
- c) Provide farm operators and farmland owners with timely information on sources of financial assistance, grants, credit programs and capital investment funds through various media to reach as many individuals as possible through targeted mailings, social media, email, public service announcements, postcards, flyers and posters.
- d) Encourage dialogue through public outreach with the farm community including holding special meetings and workshops with local, State and federal stakeholders, elected officials, agency representatives and organizations. Discussions should focus on the continuing need to address the financial concerns of farmers in the County and encouraging generational farming. For example, stakeholders have suggested revisiting the issue of providing funds for agricultural investments through a County-level revolving loan program.
- e) Identify Countywide opportunities for increased marketing and “buy local” campaigns for County farm products and increase local and regional awareness of locally grown foods and products by creating a Montgomery County brand and advertising campaign.
- f) Increase farmer involvement on County and local municipal boards and encourage farmer attendance at board meetings so any concerns or new information can become known as issues and opportunities arise.
- g) Investigate the feasibility of recycling agricultural waste products, such as plastics derived from dairy and mulch film, animal feed, greenhouse and high tunnel covers. Madison County NY has been recycling agricultural plastics as a pilot program since 2012 and may be able to provide guidance on lessons learned.

## Goal 2. Encourage Farmland Protection

Montgomery County has not experienced the dramatic loss of farmland that other areas in Upstate New York have faced in recent decades, mostly resulting from suburban sprawl. Nevertheless, farmland is under stress for a variety of direct and indirect reasons including fluctuating weather conditions, flooding, drought, changes in real estate markets, costs associated with farming, non-farm land use and development, and property abandonment. It is important that farmlands and especially highly viable farmlands be protected from encroachment by non-agricultural uses. Although New York is a home rule state and land use policies and zoning regulations are a local issue governed by each town, the County in coordination with local communities, can encourage farmland protection.

## Strategies

- a) Encourage all towns to conduct a detailed review of their comprehensive plans and land use regulations for consistency with the NYS AML and the Agricultural Districts Program.
- b) Identify prime farmland parcels and areas at the town level that should be protected from non-agricultural uses, encroachment and fragmentation by development (see Section IV).
- c) Coordinate farmland protection with local municipalities to identify feasible farmland preservation techniques, supported by farm-friendly zoning and land use policies.
- d) Identify farmland owners interested in farmland protection through lease term agreements, Purchase of Development Rights (PDRs) and Transfer of Development Rights (TDRs) and other forms of deed restrictions and conservation easements.
- e) Encourage the reuse of abandoned and underutilized farmlands and farmsteads for farming and agricultural business purposes by connecting interested parties to available lands via a Countywide registry or website portal.
- f) Promote local right-to-farm laws and continued landowner participation in the State-certified Agricultural District Program information sharing on various aspects of farmland protection programs. During the planning process, it became evident that even among those landowners participating in the Program are not fully aware of its purpose and benefits to farmland owners.
- g) Strive for more uniformity across the County in municipal tax assessment policies and procedures and encourage re-assessment of all properties in communities that do not have up-to-date assessments. There is a need for consistent and up-to-date property assessments in towns across the County. The towns should be at or near 100 percent of market value for taxing purposes. Some towns have not been re-assessed in many years, some stretching out over a decade or more.
- h) The County needs to be a local source for tax information purposes to keep farmers and landowners aware of taxing implications, for example, where equalization rates are set low. It is also important that active farmland is assessed for its agricultural value, not its non-agricultural development value.
- i) Maintain the viability and affordability of prime farmland for agricultural purposes by directing non-farm development and public infrastructure such as sewer, water, and roadways to appropriate areas that can support development without adversely impacting farmlands, unless the infrastructure is needed for agricultural purposes.

## Goal 3. Increase Agricultural Economic Development

Montgomery County has significant areas of high quality farmland (see Section IV), agricultural support services, proximity to educational institutions, public infrastructure, immediate access to the NYS Thruway and State highways, and other strengths to capitalize on for agricultural economic development opportunities. To identify opportunities in a timely manner there needs

to be a consistent flow of information, idea-sharing and coordination among stakeholders within the agricultural community, County Planning, and County Economic Development Specialists.

### Strategies

- a) Provide an annual or semi-annual forum for identifying job-creating projects that support and/or rely on local agriculture with outreach to farmers, agribusiness, institutions, agricultural agencies and organizations, municipal officials and the non-farm community.
- b) Encourage agricultural research facilitated by local educational institutions and agencies, to encourage innovation and food entrepreneurialism that will benefit local farming, farm practices and new markets. To facilitate entrepreneurial opportunities the need to provide necessary business incubator facilities, maker space, commercial kitchen equipment, storage and laboratory facilities, should be identified.
- c) Determine the specific needs of farmers through annual online surveys and direct on-line communication with the County's Business Development Center to provide a forum for expanding value-added agriculture including access to facilities for storage, processing, packaging, production, transport and distribution of local agricultural products.
- d) Address feasibility issues with service providers to improve access by farms to important infrastructure (3-phase power, public water supplies, high-speed internet, information-sharing and communication technologies, as well as road, bridge and drainage improvements).
- e) Identify adaptive reuse and redevelopment opportunities for vacant and underutilized County and municipal properties as innovation centers and businesses that support agriculture, even if only for temporary or non-permanent uses.

### Goal 4. Expand Agricultural Awareness

Interaction between the farm and non-farm communities is important so County residents can have a realistic understanding and appreciation for farming and agriculture in Montgomery County. The County and local municipalities have been successful in promoting agricultural awareness through a variety of special events and opportunities such as the Harvest Tour, Sundae on the Farm and several farmer's markets. It is important to support these and other opportunities to encourage interest in farming by new generations of farmers and agribusiness.

### Strategies

- a) Create, support and/or enhance existing training and mentorship opportunities and specialized educational programs with Montgomery County school districts, BOCES and other educational institutions to provide a stable, well-trained and accessible technically skilled workforce to support the farming economy. The existing P-Tech program is an excellent example of these types of desirable opportunities based on partnerships between the Hamilton Fulton Montgomery Board of Cooperatives Education Services (HFM BOCES) and

Fulton-Montgomery Community College. Information about this program should be widely shared with communities and institutions within and beyond the Mohawk Valley Region.

- b) Enhance access, including online short-course instruction, to the Fulton-Montgomery Community Center Workforce Training Program and Center for Employer Services as well as other educational opportunities that provide skills to local farmers and agribusiness. These courses and possibly webinars that farmers can access when time permits, could include management level training of farm staff, business plan development and understanding the many financial aspects of farm operations including farm and estate successional planning.
- c) Inform the non-farm community about the economic value of agriculture, issues and opportunities related to farming in Montgomery County through participatory events and activities including events and projects at elementary, middle and high schools.
- d) Increase sharing of agricultural information with additional postings and links to the County's website with other municipal, agency and organizational websites so farmers and other stakeholders can research information from one local source. **See Appendix G** for the New York State Department of Agriculture and Markets Resources Guide for New Farmers, which includes a summary of important sources of information on a number of topics for new and existing farmers and other agricultural stakeholders.
- e) Update agricultural marketing and farm event brochure materials as needed to stay current with existing conditions such as participating farms in agritourism events.

## Section IV. Farmland Evaluation

### A. Assessment of Farmland Viability

An assessment of farmland viability was performed to identify the range of existing and potential viability of all farmlands within Montgomery County.

The results of this assessment are a series of maps that rate farmland viability based on several factors that can be used as a basis for decision-making by County citizens and government. It can also be a starting point for more detailed farmland planning studies by local municipalities, and in considering farmland protection.

All agricultural parcels within the County were considered in this assessment. This included all parcels identified within Montgomery County Real Property parcel data system with NYS land use assessment codes 100-199 (agricultural), 241 (primarily residential, also used for agriculture), and 321 (vacant agricultural).

Land use and natural resource data were used to produce a series of maps based on a set of established criteria to assign a rating score of farmland viability for each agricultural parcel. The resulting maps identify each agricultural parcel with a viability rating score from high (the most viable or potentially the most viable agricultural parcels) to low (the least viable or potentially the least viable agricultural parcels).

Farmland viability is known to be affected by the existence or proximity to various land use and natural resource factors. These factors, for example, included properties enrolled in a County Agricultural District, or the presence of high quality agricultural soils with few if any constraints to cultivation as defined by standardized soil capability classification. The mapping analysis considered the existence or proximity to the following factors in influencing farmland viability.

- **Properties enrolled in the NY State-certified County-adopted Agricultural District Program.** Properties enrolled within Montgomery County's three State-certified Agricultural Districts are assumed to be less vulnerable to non-agricultural conversion due to the regulatory and financial disincentives associated with property withdrawal from the program. These properties have a higher priority for protective measures because the owners have voluntarily chosen to participate in the program, indicating a long-term commitment to farming.
- **Average Soil Capability Classification.** Grouping of soils by capability class (Class 1 to Class 8) is an indication of the general suitability of soils for most types of field crops. The groups indicate the limitations of soils for crops with Class 1 soils having no or few limitations and Class 8 have the greatest limitations due to the make-up of the soils and other factors such as slopes that affect cultivation. Agricultural properties with higher classifications of soils, for example Class 1 to Class 3, are assumed to have a higher priority for protective measures than Classes 4 through 8 that have increasingly severe limitations for cultivation. Despite their limitations, however, these soils may still have value as pasture, woodland, wildlife habitat, water supply and aesthetic character.

- **Parcel acreage.** Larger, contiguous agricultural parcels are assumed to have higher priority for protection than smaller and/or more fragmented properties.
- **Proximity to surface water resources.** Agricultural parcels within proximity to surface waters, for example one-quarter mile, are assumed to be more viable because of cost-effective distance to a source of water for farming purposes, such as irrigation.
- **Lack or non-existence of State (NYSDEC) and federal (NWI) wetlands.** Agricultural parcels that lack or have smaller percentages of existing mapped wetlands in proportion to the entire parcel are assumed to have higher viability for farming purposes than properties that have higher percentages of wetlands that may limit cultivation and other farm uses.
- **Proximity to 115 kV transmission lines.** Agricultural properties within one mile of electric transmission lines may afford opportunities for farms to connect to three-phase power to operate modern farm equipment, particularly for use in dairy farming. These properties are assumed to have a higher viability than farms more distant to transmission lines.
- **Existence of FEMA 100-year and 500-year flood zones.** Agricultural properties that lack or have smaller percentages of land within FEMA flood zones in proportion to the entire parcel are considered to have less development pressure due to regulations that may deter new development. These lands, although subject to flooding, were historically farmed because of their rich soils and are assumed to be somewhat more viable for farming.

Parcel information was loaded into ArcGIS “Community Viz” software to create a standardized measurement and scoring system of the total viability for each agricultural parcel, based on a weighted combination of each factor. For this analysis, “Total Parcel Area” and “Average Soil Capability” were weighted double that of the other five factors because they are considered more important to overall viability than other factors.

The results of the assessment are illustrated in **Figure 8 Priority Agricultural Lands**. Figure 8 represents the compilation of the results of a series of detailed maps of each factor. All maps produced in the assessment as a series of nine steps in the evaluation process are provided in **Appendix D**.

The assessment identifies five levels of viability for prioritizing agricultural lands based on a range from zero to 100. Parcels with scores from zero to 20 are considered the least viable, although this score does not mean that the parcel cannot be used for viable farming. A rating of 20 to 40 and 40 to 60 is in the mid-range of viability, and a rating of 60 to 80 and 80 to 100 are considered the most viable farmlands based on factors evaluated. The most viable agricultural lands (shown in two shades of green on Figure 8) have the best combination of factors considered in the assessment, particularly high classification of soils, parcels participating in the Agricultural Districts Program, relatively large parcels and so forth. These lands are among the most important agricultural and productive farmlands in the County and should be considered viable candidates for protection. Those areas where highly rated farmlands occur covering large and



contiguous parcels and clusters of parcels are highly viable farmlands that should be given priority for some form of protective measures.

Farmlands rated within the mid-range may also be viable for protection based on combinations of factors that contribute to their importance. This may be due to characteristics that do not show up in the assessment because certain characteristics, such as prime soil conditions for a specific crop, may be highly localized or value is derived from significant investments by farmland owners. This information is intended for planning purposes on a general basis and provides important baseline information for land use decision-making by local municipalities.

The results of the evaluation indicate that highly viable farmlands are well distributed throughout the County. Some municipalities, such as the Town of Palatine north of the Mohawk River, and along Schoharie Creek and elsewhere in the Town of Florida in the eastern part of the County have discernable concentrations of highly viable farmlands as illustrated on Figure 8. The assessment of viability is a starting point for further consideration of farmland protection measures.

## B. Farmland Protection Tools

Cities, towns and villages in New York, as a “home rule” State, have legislative powers given to them by the State to conduct comprehensive planning and manage land use within their boundaries through local laws and ordinances. Most of the farmland within Montgomery County is under the jurisdiction of the 10 towns.



Although the County can provide guidance on where and how to protect agricultural lands and prime farmland, the responsibility for doing so through land use regulations, such as zoning, rests with the citizens, elected, and non-elected officials in each town.

There are a variety of farmland protection tools available to towns and farmland owners who choose to protect prime farming areas for future generations. The New York State Department of Agriculture and Markets, the American Farmland Trust, Cornell Cooperative Extension and many other organizations provide a wealth of information on this topic which can be accessed on their websites.

Some typical land use tools to consider include:

- Municipal farmland protection plans
- Comprehensive land use planning, infrastructure and capital improvement plans

- Agricultural zoning districts and farmland protection overlay zones
- Clustered subdivisions and open space regulations
- Agricultural conservation easements and deed restrictions
- Lease, Purchase or Transfer of Development Rights
- Rural design and development guidelines and/or standards

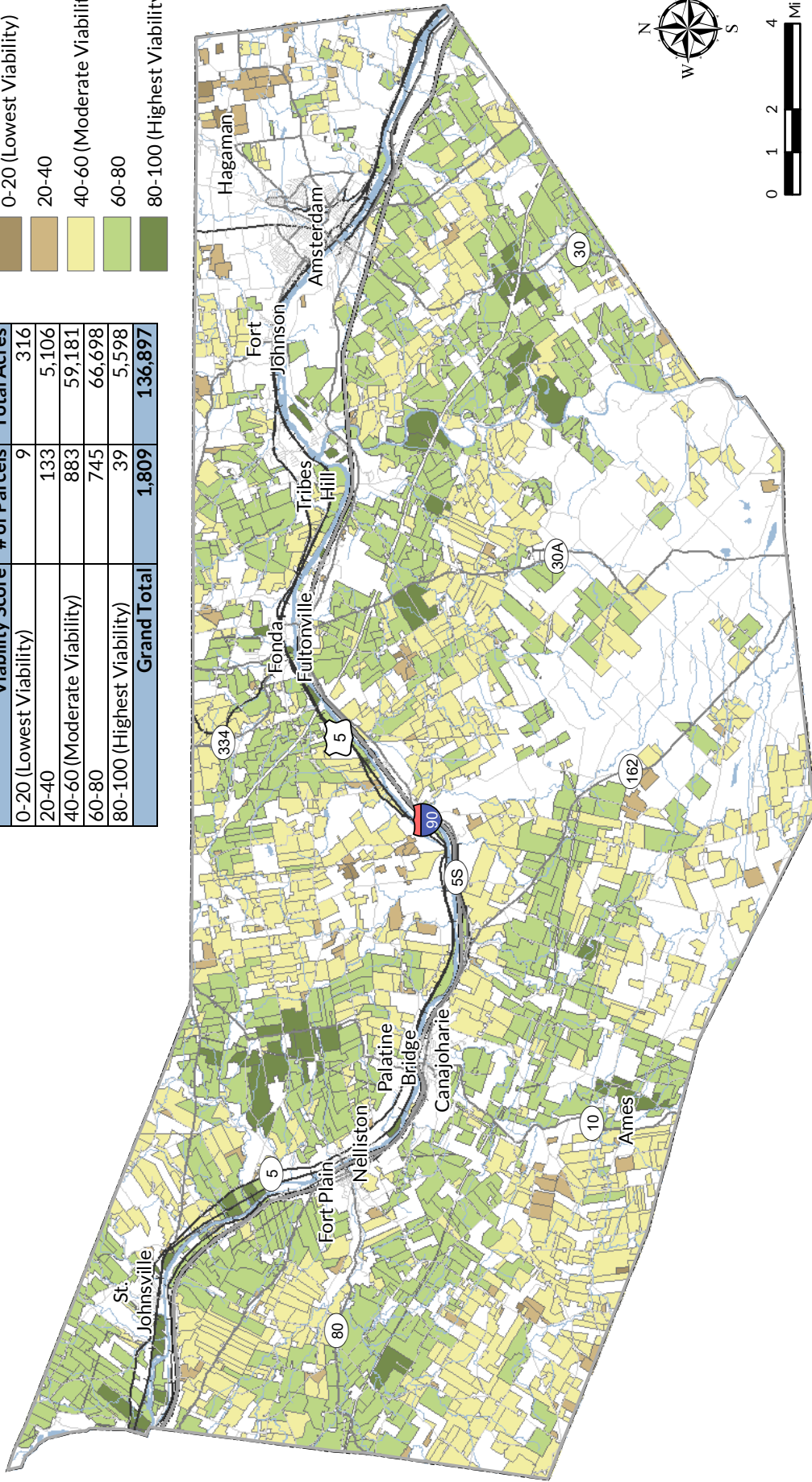
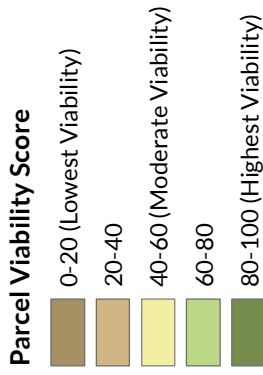
An agricultural conservation easement is an effective tool. This is a restriction voluntarily placed on the deed to a property. It legally prevents the owner (or subsequent owners) from using the property in ways that are inconsistent with agriculture, including real estate development. Through PDR programs, landowners are compensated for placing a permanent agricultural conservation easement on their property. The right to develop their property for other than agriculture ends, but their ownership is unchanged. In New York State, the purchaser of development rights from the landowner can pay for these agricultural conservation easements with funds from State grants. The buyers can be land trusts, municipal or county governments, or soil and water conservation districts. These programs are also called Purchase of Agricultural Conservation Easements (PACE).

Municipalities must be aware that regardless of the types of planning tools they choose to use in protecting farmland, all regulations must be consistent and align with New York's Agriculture and Markets Law that protects farmers from unreasonable restrictions on farm uses and operations.

The mapping information that is presented in this Plan, most importantly the evaluation of farmland viability presented in Figure 8, should be a starting point for municipalities in the County to reassess their present comprehensive plans and land use regulations. Those areas identified as highly viable farmlands in each community may need some level of protection. This protection may be through the amendment of local plans and regulations. This information may also be helpful in making decisions about where public infrastructure should or should not be located by first considering possible implications on prime farming areas.

# Identification of Priority Lands for Protection

Summary Table		
Viability Score	# of Parcels	Total Acres
0-20 (Lowest Viability)	9	316
20-40	133	5,106
40-60 (Moderate Viability)	883	59,181
60-80	745	66,598
80-100 (Highest Viability)	39	5,598
<b>Grand Total</b>	<b>1,809</b>	<b>136,897</b>



**Notes:** 1. 2016 Montgomery County parcels, all prioritization criteria with area and soil capability criteria weighted double that of other criteria  
 2. Projection: North American Datum 1983 State Plane New York East FIPS 3102  
 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

**Figure 8. Total Farmland Viability Score by Agricultural Parcel**

## Section V. Action Plan

### *A. Priority Actions for Farmland Protection*

#### 1. Encourage Municipal Agricultural & Farmland Protection Plans

##### Context

The New York State Department of Agriculture and Markets provides planning grants up to a maximum of \$25,000 to develop local municipal level farmland protection plans. These grants are open to towns, villages and cities that have active agriculture and farmland that is potentially in need of protection. These grants are an opportunity for communities in Montgomery County to build upon the information contained in the County's Agricultural and Farmland Protection Plan by developing local goals and actions for implementation, such as amending land use regulations to bring them into greater conformity with the State's Agriculture and Markets Law and the specific farmland protection needs of each municipality. Currently no towns in the County have their own agricultural and farmland protection plans. Detailed information on applying for these grants and grant requirements are provided at <https://www.agriculture.ny.gov>.

##### Actions

- a. Montgomery County encourages local municipalities with active agriculture and farming, particularly all towns within the County, to seek NY State funding to prepare their own Municipal Agricultural and Farmland Protection Plans. These plans should identify specific land use policies and potential issues facing the farming community that need to be addressed to protect and preserve viable farmland and sustainable agriculture. Communities are encouraged to take advantage of these grants to review local land use regulations that may need modification to meet the needs of local farmers.
- b. Municipalities can build upon the information and recommendations contained in this County Plan to identify actions that can be taken by local officials, farmers, landowners and other stakeholders that specifically address issues and opportunities for facilitating agriculture in each community. These grants, however, are limited to agriculture and farmland protection and cannot be used to update comprehensive plans, although once completed the farmland plans can be incorporated as the agricultural component of a community's comprehensive plan.

##### Lead Agency & Partners

Montgomery County Planning, working with local municipalities, NYS Department of Agriculture and Markets, County SWCD, Cornell Cooperative Extension, farmers, landowners and other local stakeholders.

### **Associated Costs**

The maximum grant award to a municipality is \$25,000 with a minimum local cash match contribution \$1,667. The local match may also include up to \$6,666 of in-kind services for a total project cost of \$33,333.

### **Time Frames**

There are no deadlines to apply for a grant to the Department of Agriculture and Markets. Typically, the entire process from application to award to preparation of the plan may be between 1 to 2.5 years.

## **2. Support Local Right-to-Farm Laws**

### **Context**

The Montgomery County Right-to-Farm Law was adopted in 1992 to maintain and preserve the rural tradition and character of the County in recognition of farming's substantial economic contribution to the County. The law is intended to permit the continuation of farming, protect the existence and operation of established farms, and encourage the initiation and expansion of sound farming practices. Local towns are encouraged to pass their own right-to-farm laws. At present only two towns within Montgomery County have right-to-farm statements contained within their zoning ordinances. It appears that most towns do not have such laws to protect farmers from nuisance complaints and possible lawsuits.

### **Actions**

- a. Montgomery County encourages all towns to enact legislation at the local level to protect and enhance the viability of local farm operations. The County can assist towns in the passage of local right-to-farm laws. This may be especially important in towns where vacant and previously abandoned farmlands are being brought back into production and where non-farm development is occurring. A model right-to-farm law created by Yates County is provided in **Appendix E**. Once adopted, communities are encouraged to install signs along roadways into town and identify other means to promote public awareness that the municipality is a right-to-farm community.
- b. Although the County's Right-to-farm law provides protection from nuisance complaints, a local law provides farmers immediate access to local officials who may be more aware or sensitive to farming practices and the causes of complaints. In adopting local right-to-farm regulations, towns should require real estate professionals to work with prospective property buyers to make them fully aware of the rights of local farmers to conduct farming operations that may be a potential source of complaints.
- c. The County should place the existing County Right-to-Farm Law on its website. In addition, any municipalities that adopt their own right-to-farm regulations should

also be identified on the website. Website links to the State’s Agriculture and Markets Law and related regulations should also be provided.

**Lead Agency & Partners**

Local municipalities and Montgomery County Planning

**Associated Costs**

Minimal

**Time Frames**

Immediate

### **3. Assist with Local Comprehensive Plans and Zoning Ordinances**

**Context**

A review of local town comprehensive plans and zoning regulations indicates that there is general acknowledgement in those documents of the importance of maintaining and promoting farming and agriculture within each community. However, there are opportunities to resolve some potentially important differences among communities relative to agriculture and land use regulations that should be discussed at the local level. These discussions should occur during periodic reviews and updates of comprehensive plans and possibly through preparation of local Farmland Protection Plans, with consideration of amending local ordinances where barriers to agriculture may exist. Although not intentional, barriers may exist within the list of permitted uses, site plan review and special use permit processes.

**Actions**

- a. The NYS Department of Agriculture and Markets provides grants of up to \$15,000 (with a \$5,000 local match) to towns to resolve issues with their zoning ordinances that may place unreasonable restrictions on farming. The grant is the same grant opportunity provided under the Department’s Purchase or Transfer of Development Rights Program. The County can play an important role in this process by possibly acting as a manager of the grant process at a town’s request. County planning staff may also be a source of technical information, GIS mapping and guidance in amending local ordinances to align with State agricultural laws.
- b. Local towns are encouraged to evaluate the need for updating their comprehensive plans and zoning ordinances to provide some flexibility in regulations that can meet changing needs of farm operators. For example, some farmers expressed a need to accommodate the possibility of more than one principal residence on a parcel or for accessory (business) uses that can become a second source of income for farmers. Model zoning for Roadside Stands and Farm Markets prepared by the New York Direct Marketing Association that can help enhance farm income is provided in **Appendix F**. Some towns allow for two permanent residential dwellings on a parcel if the lot area, yard and setback requirements, including street frontage, are met for each dwelling. This is a point of discussion among many farmers, including members

- of Amish communities, that there is a need for greater flexibility for permitting more than one residence or use on a single parcel.
- c. Towns are encouraged to use a modified or streamlined site plan review process for agriculturally-related projects such as the model developed by the NYS Department of Agriculture and Markets in **Appendix B**.
  - d. Elected officials should encourage farmer participation on local boards. Required training for planning and zoning board members should include real-life scenario discussions about agriculturally-related subjects and land use issues encountered in the County and ways to identify and remove barriers to potentially viable farming practices and business opportunities. This Plan is a useful tool in the training of planning and zoning board members.
  - e. Communities are encouraged to promote the State’s Purchase of Development Rights and Transfer of Development Rights programs and incorporating other farmland protection techniques, such as conservation subdivisions or agricultural overlay districts, into local ordinances that can enhance multi-generational farming on high viability farmlands.

#### **Lead Agency & Partners**

Montgomery County should take a lead role in providing advice and technical guidance to local communities.

#### **Associated Costs**

Costs will range from low to moderate depending on actions taken. Minimal costs may be associated with review and updates of plans and ordinances if undertaken as part of the normal responsibilities of planning and zoning boards. Grants may require cash as part of a local match as described above regarding NYS Department of Agriculture and Markets grants under the PDR and TDR programs.

#### **Time Frames**

Timeframes vary with each action. Some actions can be undertaken immediately while others such as the review and update of local comprehensive plans and land use regulation can occur over longer periods of time and as ongoing tasks of involved local elected officials and board members.

## **4. Determine Interest in PDR and TDR Programs**

### **Context**

Purchase of Development Rights (PDR) and Transfer of Development Rights (TDR) programs are available to landowners within New York State and through the Department of Agriculture and Markets. These are important farmland protection tools, and funding for implementation is available. These programs are most effective in communities where farms are facing increased development pressure, most typically from new residential and

commercial land use. In Montgomery County, recent residential and commercial development has been primarily occurring along and in proximity to the I-90 and Mohawk River corridors, particularly in the northeastern portion of the County within the towns of Florida and Amsterdam.

Montgomery County has an existing PDR Program with some dedicated funds set aside for its use. However, knowledge and interest in participation in PDR and TDR programs seems to be lacking in the County. One reason may be because of experience with past applications in the County that did not move forward successfully due to disagreement over differences in real estate property appraisals. Another reason may be a general lack of knowledge by farmland owners about the PDR/TDR programs possibly indicating a need for promotion by the County and/or regional land trusts. Active land trusts can play an important role in the protection of farmlands, including the use of PDR/TDR programs. The Mohawk Hudson Land Conservancy is active in Montgomery, Albany and Schenectady counties.

### **Actions**

- a. Notable past problems with real estate appraisals and other issues associated with PDR/TDR programs are being resolved by the NYS Department of Agriculture and Markets. The County should work with the Department of Agriculture and Markets to determine what remedies may still be necessary to more successfully promote and implement the programs. Once a PDR project is awarded through a competitive process an independent appraisal is now a project requirement and an eligible cost under the grant. The appraisal is the basis for the value of the development rights. In farming communities that have minimal development pressure, as is the case in many areas of the County at present, the value of development rights may be less than might be anticipated by a landowner because the highest and best use for the property is agriculture. In some way, therefore, expectations of landowners need to be managed in promoting these programs.
- b. Access to information about the State's PDR/TDR programs should be provided on the County's website, with a link to the Mohawk Hudson Land Conservancy. These links are: <https://www.agriculture.ny.gov/ap/agservices/farmprotect.html> and <http://mohawkhudson.org/>, respectively.
- c. If the lack of interest in the PDR program continues, the County may choose to reallocate some program funds to a more immediate agriculturally-related purpose or use, such as funding a revolving loan fund that can be accessed by farmers to provide low-cost loans for farm investments and farm-related capital improvement projects.

### **Lead Agency & Partners**

Local landowners should work with Montgomery County, the local land trust (Mohawk Hudson Land Conservancy), and the NYS Department of Agriculture and Markets.



**Associated Costs**

Initially minimal, but costs associated with setting up, dedicating funds and implementing different aspects of the programs may increase substantially.

**Time Frames**

These programs have been available for many years. Information and outreach by the County to reach prospective interested farmland owners should begin immediately and then on an ongoing basis.

## 5. Serve as a Clearinghouse for Solar Farm Regulations and Information

**Context**

In 2015-2016, an emerging form of potential development pressure on local agriculture began with several proposals to construct and operate commercial or utility-scale solar farms within the County. The largest utility scale solar farm has been proposed in the Town of Canajoharie. Similar to other types of development, farmland is attractive to solar farm development because the land is relatively clear of physical constraints which reduces the overall cost of solar facility construction and operation. Montgomery County has been proactive in working with local municipalities to develop solar farm regulations to better accommodate these uses. Unlike windfarms, that may take some farmland out of production for placement of turbines, solar farms generally require greater amounts of acreage for solar panel installation and operation. The installation of solar energy facilities is consistent with New York State's long-term energy goals.

In 2017, the NYS Department of Agriculture and Markets developed [Guidelines for Agricultural Mitigation for Solar Energy Projects](#). These guidelines provide information about the siting, restoration, monitoring and decommissioning of solar farms in agricultural areas. The Department identifies the following lands from most important to least important for protection in the siting of solar farms.

- Active rotational farmland
- Permanent hay land
- Improved pasture
- Unimproved pasture
- Other support lands
- Fallow/inactive farmland

**Actions**

- a. The County can serve as a clearinghouse for information relative to solar farm development, including GIS mapping of agricultural resources within municipal boundaries. Towns should consider the development of local solar farm regulations that incorporate requirements, such as special use permits, for farmland protection. The Town of Minden, for example has adopted such regulations to help prevent the

loss of prime farmland to solar farm development. Exceptions are provided for the use of small scale solar systems for farm use consistent with the Agriculture and Markets Law §301(11).

- b. Municipalities are encouraged to identify farmlands in most need of protection that are best suited for agriculture due to soil and other important characteristics and amend their comprehensive plans, future land use maps, and land use regulations, accordingly. Remaining lands that are not well-suited for agriculture should be identified for other purposes. Towns and other municipalities are encouraged to follow the 2017 NYS Department of Agriculture and Markets, *Guidelines for Agricultural Mitigation for Solar Energy Projects*.
- c. Also in 2017, the New York State Energy Research and Development Authority (NYSERDA) began developing information on the siting of large solar installations while protecting farmland. This information will be useful to municipalities on ways to identify farmland for protection and using various land use tools, such as zoning amendments, special use permits, overlay zoning and site plan regulations designed to avoid and protect productive agricultural lands. When this information becomes available by NYSERDA, it should be posted to the County's website and agricultural page for landowners' access.

#### **Lead Agency & Partners**

Montgomery County should play a lead role in the dissemination of information about solar farms and protection of farmland to local municipalities and farmland owners.

#### **Associated Costs**

Minimal

#### **Time Frames**

Immediate and ongoing

## **6. Coordinate Roadway and Other Public Infrastructure Improvements**

### **Context**

State, county and municipal infrastructure including highways, roadways, bridges and stormwater management facilities, including drainage ditches, can play a vital role in farming and influencing long-term farmland viability. Concerns have been identified through stakeholder group discussions about traffic accidents occurring between farm equipment and other vehicles traveling roads throughout the County. Many individuals have stated they routinely observe vehicles speeding well over posted speed limits and crossing double yellow lines in no passing zones to get around slow-moving farm equipment. Serious accidents have occurred as recently as the summer of 2017. Members of Amish communities have also expressed similar concerns with vehicles passing their horse and buggies on local roads.

Specifically, stakeholder concerns include narrow roadside shoulders, deep drainage ditches, speeding vehicles, a lack of warning signs in some areas, and limited passing zones.

### **Actions**

- a. The County Department of Public Works should assess the need for County roadway improvements addressing those issues identified above to enhance safety for slow moving horse and buggies, tractors and other types of farm equipment. The assessment should include coordination with the NY State Department of Transportation and town highway departments to identify high risk areas where improvements can be made, for example, the installation of guiderails along deep drainage ditches, the widening of roadside shoulders, improvements to increase sight distances and signage to alert drivers of slow-moving vehicles. Long-term road reconstruction projects at State, County and local levels should consider the construction of passing lanes where feasible, particularly along inclines of steep hills.
- b. Stakeholders have suggested that there is a need for a noticeable increase in County Sheriff and State Police road patrols and enforcement in farming areas.
- c. Others have suggested that some form of temporary (pop-up) types of signage may be needed especially during planting and harvesting seasons to alert drivers that slow-moving farm equipment will be operating in the area. Signs could be placed on local roads during specific time periods indicating that local speed limits and laws will be enforced.
- d. The potential safety issues associated with farm vehicles and equipment on local roadways is an opportunity for the County to work with law enforcement agencies, local towns and the farm community on a Farm Community Safety Awareness Campaign. The campaign could be similar to efforts designed to increase safety and awareness of motorcycles on roadways during warm weather months under the *Look Twice Save a Life* campaign. The campaign could include public service announcements on radio and TV, coordination with Sheriff and State Police departments and their participation in special events. The campaign should include placement of temporary and digital signs at strategic problem locations around the County that alert drivers to be attentive to slow-moving vehicles and obey traffic laws. The campaign could include a safety logo designed through a Countywide competition, possibly including students from local schools.

### **Lead Agency & Partners**

Montgomery County should play a lead role in the coordination of State, County and local highways and public works departments as well as law enforcement to determine what can be done in problem areas that may pose safety hazards to farm operators and the public.

### **Associated Costs**

Minimal. Grant funds may be available to supplement departmental budgets to identify problem areas and solutions and establish a safety awareness campaign.

**Time Frames**

Immediate and ongoing

**7. Inform Farmers about Farm Investments and Successional Planning****Context**

The topic of many discussions during the planning process of preparing this Plan was the need for farmers to gain access to critical financing for capital improvements and other investments in farming operations, including diversification. It was often noted that credit criteria for traditional forms of loans rely on certain criteria for credit approval, such as the number of jobs being created. This is problematic for farmers seeking financing because the funds are typically used to retain farm jobs and maintain farm operations, so the employment criterion is difficult to meet.

Concerns about finding adequate financing for long-term investments also has implications on planning for future generations to carry on farming in Montgomery County. There are excellent examples of local farm entrepreneurs that are actively pursuing funds to make up-to-date improvements at their farms and expand or diversify operations. Some of these farms span multi-generations of the same family. However, the complicated process of pursuing funds can place additional burdens on farm families and many operators that might otherwise benefit, but choose not to pursue these opportunities.

The need for timely information on grant programs and assistance with collecting information and writing grant applications is a need expressed by farmers. It is particularly difficult for farmers to prepare applications when grant programs occur simultaneously with the growing and harvesting seasons, thereby placing added burdens on farmers already under time constraints. County departments, such as Soil and Water Conservation District and County Planning staff currently assist farmers with agricultural grants.

**Actions**

- a. County agencies and departments, working in collaboration with State and federal partners, should work with local farms to encourage owners and operators to actively pursue funds and financing as discussed within this Plan to help diversify local products; expand operations; encourage sustainability, such as implementing energy conservation measures; and increase local farm-to-market opportunities. Farmers should be encouraged to pursue funding through the Mohawk Valley Regional Economic Development Council and the State's annual Consolidated Funding Application (CFA) application process. The current schedule for applications for CFA funding typically begins in May of each year with funds are awarded later in that same year.
- b. The County is seeking funding in 2017 through the State's CFA process to provide new and existing farmers with agricultural micro grants of \$15,000 to \$20,000 to

produce and diversify new products. These funds will be sought by the County on an annual basis.

- c. The County should investigate the feasibility of establishing a County Revolving Loan Fund to allow for low-cost financing of capital improvements facilitating investment on farms in the County. This fund was initially considered by the County several years ago in partnership with Fulton County, but never implemented.
- d. The County should provide links on its website to federal and State agencies, and organizations that provide grant information and technical assistance.
- e. The addition of new County agency or departmental staff positions to provide additional grant-writing assistance and other agricultural technical assistance should be considered.
- f. The County should consider collaboration with local farm agencies, educational institutions, financial organizations and experts in farm succession planning to establish regional workshops where interested farm operators and landowners can gather to obtain important information on generational farming issues. These workshops can be advertised well in advance and promoted through various social media, local advertising and public service announcements. These regional workshops can be held during the year at convenient locations such as local schools, community colleges, and other accessible venues and events such as the Fonda Fair.

#### **Lead Agency & Partners**

Montgomery County Legislature, County Planning and SWCD Departments, County Farmland Protection Board, Cornell Cooperative Extension, Farm Credit East, Farm Bureau and NYS Department of Agriculture and Markets

#### **Associated Costs**

Will need to be determined according to each action

#### **Timeframes**

Immediate and Ongoing

## ***B. Priority Actions for Agricultural Economic Development***

### **1. Support Culinary Incubators and Entrepreneurial Initiatives**

#### **Context**

The Montgomery County Business Development Center (MCBDC) retained a consultant team led by KK&P, a national food and agricultural consultant, in 2016-17 to assess the feasibility for a culinary incubator in the City of Amsterdam, NY. Based on research and an extensive stakeholder outreach process, KK&P developed a preliminary concept for a non-profit incubator in the Southside neighborhood of the City that could include two kitchens, classroom space, a food hall for prepared food vendors, a small retail shop, a multipurpose

event space, an outdoor farmers' market, teaching garden and seating area. The total square footage would be approximately 21,000 sf comprised of 6,550 sf of usable indoor facility space, 4,400 indoor storage, and 10,000 of outdoor space.

It was determined that a culinary incubator would complement programs and facilities being planned elsewhere in the region such as the SUNY Cobleskill Farm and Food Business Incubator and a food and beverage center in Oneonta. Research indicated that an incubator would benefit area farms and farmers by adding value to their raw agricultural products through minimal to advanced processing, packaging and marketing strategies.

Farmers participating in the incubator will develop or test new value-added products, such as salsas, pickles, or cheese, in an approved commercial kitchen facility. As an additional benefit, other food businesses could develop relationships with local farmers as suppliers to feature and highlight locally grown products. Vendors using regional farmers' markets would also be a prime target group for participation in an incubator.

The incubator concept incorporates educational programming and business services through collaboration with Fulton Montgomery Community College, the Center for Agricultural Development & Entrepreneurship (CADE), Schenectady County Community College and the Capital Loan Fund of the Capital Region. Estimates include \$3.27 million in capitalization will be needed. The incubator could carry approximately \$600,000 in debt service so the project would require approximately \$2.67 million in additional funding support.

The process to develop a culinary incubator in Amsterdam is a multi-year effort requiring near-term steps identified by KK&P. These include:

- Building and maintaining a network of food entrepreneurs as incubator participants
- Engaging potential partners
- Establishing pilot incubator educational programs through local institutions
- Launching food-oriented events to draw-in visitors
- Cultivating a network of chefs to support mentorships and incubator programming

Future steps will require identifying financing strategies and funding streams, engaging a site developer, and establishment of a managing entity, possibly a not-for-profit, for operating the incubator. In 2017, the City was negotiating with a private developer to transform the former Chalmers Knitting Mills site in the City's Southside neighborhood into a mixed-use project that would include up to 15,000 sf of space for the culinary incubator and associated event space.

### **Actions**

- a. The Culinary Institute in Amsterdam is an innovative concept for the area to promote and benefit local agriculture and farming. The County plays an active role in the support of the institute by assisting in the identification and quest of funding opportunities and an experienced operations manager for the facility. Gap funding may be possible with the support of the County through the State Consolidated Funding Applications and submittal to the Mohawk Valley Regional Economic

Development Council. The process to develop and operate the institute could become a prototype for similar entrepreneurial economic development initiatives in the County that helps link local farms and markets for their produce.

- b. Similar opportunities for food production and marketing entrepreneurs exist in the County. Such opportunities can be identified through the County's Business Development Center and targeted discussions with farmers, business groups, retailers and agribusinesses.
- c. The County should coordinate agritourism initiatives with brick and mortar projects such as the culinary institute and restaurants in advertising and business promotion events to further public knowledge about the use and availability of locally grown food. These business locations should have County agricultural promotional materials available for public display and use, including maps and schedules for agritourism businesses, farm tours and special events throughout the County.

### **Lead Agency & Partners**

The Montgomery County Business Development Center should continue to play a lead role in promoting and identifying entrepreneurial initiatives and agritourism opportunities in the County.

### **Associated Costs**

The costs associated with any increase in promoting and identifying potential agricultural economic development projects will need to be determined based on actions undertaken.

### **Time Frames**

Ongoing

## **2. Determine the Need for a Food Hub and Processing Facilities**

### **Context**

The need for a local or regional food-hub in Montgomery County has been identified by stakeholders during the planning process. Issues regarding a hub's feasibility exist on both sides of a discussion that is presently occurring within the County. Issues range from concerns that there is not a year-round or consistent supply of farm products to meet market needs; farms in the County are not diversified enough; and that food processors in the region that once used local produce now rely on pre-processed food materials. Others state that the nearest local hub is more than two hours away and few farmers have the ability, time or finances to transport produce Downstate. Supporters state that a local hub with freezer and cold storage capability would help offset the issue of providing year-round produce. Part of the discussion also includes the fact that the County lacks other agricultural facilities to serve local farms, including a USDA-approved and inspected meat processing facility that can process both small and large livestock.

As defined by the USDA, a food hub is a centrally located facility with a business management structure facilitating the aggregation, storage, processing, distribution and/or marketing of locally/regionally produced food products. The idea for creating a food hub somewhere in the Mohawk Valley was noted in 2013 as an implementation action in the Mohawk Valley Regional Sustainability Plan.

As discussed in the County's 2013 Sustainability Plan, a food hub would provide a variety of benefits including:

- Formation of partnerships with farmers, distributors, aggregators, buyers, transporters and others along the food supply chain.
- A hub may increase prices paid to the farmer by more direct sale of their products and because some of the marketing and managing costs assumed now by individual farmers could be incorporated into the hubs marketing and managing costs.
- A hub would provide a central forum for educating consumers on benefits of buying local.
- A hub might generate a demand for new agricultural processing facilities.

The Sustainability Plan estimated potential first year costs and capital investment to be approximately \$50,000 with at least \$10,000 through grant funding such as through the State's CFA process. The Plan indicated that start-up could be initially accomplished through on-line marketing and possible donation of a publicly owned space for use as a hub.

In 2016/2017, Cornell Cooperative Extension of Schoharie and Otsego counties in Cobleskill, NY conducted a food system assessment of the Mohawk Valley Region through funding from NYS Empire State Development. The assessment examined opportunities for a food aggregation hub, a meat processing facility, and a grain milling and storage facility that could be located at the former Guilford Mills complex in Cobleskill, NY. The study determined a need for economic infrastructure to support agriculture and food systems development. The assessment gathered information and data from producers, wholesale buyers and food production businesses. Among producers it was found that certain types of infrastructure are very limited, specifically refrigerated distribution, cold storage and processing equipment. Access to cold storage facilities and refrigerated distribution was among the most valuable shared services identified by food production businesses and wholesale buyers, respectively.

The Schoharie County study recommended that the aggregating regional food hub and meat processing facility to be located at the Guilford Mills site had sufficient potential to move the project forward to a full feasibility study. The assessment recommended more study to explore the development potential of a cheese-making facility, a branding strategy for the Mohawk Valley, and an entity or partner that provides growers with wholesale readiness support. The assessment did not recommend moving forward with a grain center that would provide post-harvest services and storage. The grain storage would require more food grade grain to break-even than is being produced in the region. It also recommended not moving forward with a co-packing facility or a commercial kitchen.



There have been no assessments conducted in considering the need for a food hub or similar type of facility in Montgomery County. Such an assessment or a full feasibility study will need to address four necessary components to a food hub. These include production (farmers and food entrepreneurs); processing, aggregation and distribution (facilities, equipment and transportation infrastructure); buyers and markets (local, regional, statewide, institutions, both public and private); and an organizational entity to manage the hub (by profit or not-for-profit organization).

Each component has its own set of challenges that can determine the overall feasibility of a food hub as described below and adapted in part from a report prepared for similar reasons by the Southern Tier West Regional Planning & Development Board in 2013. These challenges include:

#### *Production*

Challenges associated with food production include finding interested participants and the price points at which farmers can feasibly make a profit while participating in a food hub. Generally, it is assumed that larger farms and producers with diversified products may be more able to adjust the range of their prices to be competitive than smaller producers with narrow profit margins and limited types of produce. Similarly, larger farms and producers may carry the necessary liability insurance and food safety certifications that are required by large buyers like grocery chains and institutions. A third challenge for farmers may be the need to increase production while maintaining the quality of food products. Many farms may be limited by the size of their farms, the amount of productive acreage, and availability of seasonal labor.

#### *Buyers and Markets*

Currently, farmers in Montgomery County are selling produce through local markets such as farmers' markets, roadside stands and local retailers. Some are selling produce to local schools and institutions and others are trucking their produce Downstate to buyers in and around New York City. The feasibility of a food hub will depend on whether additional local markets are available and if increased buying in Downstate markets or elsewhere is a possibility. At present, there may be a type of equilibrium that has been established between producers and buyers. A food hub will need to be able to expand marketing opportunities through aggressive advertising and guarantees of product reliability, availability, quantity and quality. Seasonal limits of produce are another challenge that needs to be addressed, possibly resolved through access to long-term cold storage facilities.

#### *Aggregation, Processing and Distribution*

A feasibility study will need to consider what production and buying capacity currently exists and identify gaps that can potentially be filled by a food hub or similar facility. Currently, some farms in Montgomery County are already processing and distributing their products. These range from milk and other dairy products to honey, organic produce, poultry and meat. These existing food producers and processors need to be identified and their needs determined to see if it is financially feasible for them to continue with their existing systems

or if a separate, centralized facility may make better business sense. In some cases, it is assumed that existing farms and/or distributors with established markets, trucks, routes, drivers and related infrastructure are already filling this need in Montgomery County.

#### *Organizational Structure*

An organizational structure and an entity capable of setting up and running a food hub will need to be identified, possibly by an existing organization or business within the County or through expansion of an operating organization or business from outside of the County, but preferably within the Mohawk Valley Region. A business plan will need to identify this structure including management capabilities, staffing, sources of start-up capital and investment financing, development of infrastructure and equipment, and identification of a suitable location, preferably centrally located with access to transportation facilities. A determination will be needed to identify the managing entity as a not-for-profit organization or a for-profit enterprise.

#### **Actions**

- a. Montgomery County should conduct an initial survey of farmers within the County to determine if there is sufficient interest to participate in the Schoharie/Otsego project if feasible, or a similar hub elsewhere in the region. It should also be determined if a hub within Montgomery County is feasible, or if a regionally-oriented (multi-county) type of facility would meet the needs of farmers within the Montgomery County and Mohawk Valley Region.
- b. Depending on the results of the initial survey, the County should coordinate with Schoharie and Otsego counties or existing food hub facilities in the region to determine if there are advantages for Montgomery County farmers to participate in an operating food hub outside of the County, at least on an interim basis, until a thorough feasibility study can be completed.
- c. Funding needs for a food hub feasibility study should be identified and possibly pursued through the State's Consolidated Funding Application (CFA) process with submittal of an application to the Mohawk Valley Regional Economic Development Council for its consideration.
- d. Once interest is determined and funding secured, a feasibility study should be initiated by the County that generally follows the scope of work below. This scope is based on a Request for Proposals for a similar study by the Southern Tier West Regional Planning & Development Board. Study tasks would include:
  - Conducting surveys with farmers to identify existing markets where producers currently sell their products; the types and quantities of produce; certification and licensing credentials; supply chain gaps; interest in planting and selling crops that are marketable to institutions; identifying options to collect, process and distribute local produce; and the financial aspects of aggregating, processing, and distributing local products.
  - Conducting interviews, surveys and focus group discussions with institutions and other potential buyers relative to types of produce of interest; processing

requirements; insurance and licensing requirements; the price point that would allow buyers to purchase local produce; scheduling for deliveries; and storage requirements.

- Collecting data from existing aggregation, processing, wholesale, and distribution facilities to identify their interest in sourcing Montgomery County products.
- Presenting research results and survey data to stakeholders for their input to determine the most appropriate model to incorporate County-grown produce to schools, institutions such as community colleges, County facilities, restaurants, other businesses, and corporations.
- Determining if it is preferable to farmers and buyers to create a non-profit entity to coordinate aggregation, processing, sale, distribution, etc. of produce and value-added foods.
- Preparing a report of the findings of the feasibility study that summarizes the survey data and research information.
- If the findings appear positive, subsequently preparing a business plan that includes an organizational structure, management and staffing needs, market analysis, marketing strategies, operational plans, infrastructure, equipment and spatial needs, growth strategy and projections, risks and financial pro forma for the facility.

#### **Lead Agency & Partners**

Montgomery County and the Business Development Center should continue to play a lead role in determining initial interest in the project and ultimately its feasibility. Project partners should include NYS Department of Agriculture and Markets, Cornell Cooperative Extension, Farm Bureau, Farm Credit East and similar agencies.

#### **Associated Costs**

Costs could be modest to high depending on the availability of County staff or use of consultants to perform the various tasks. County staff may be able to perform initial tasks to determine interest in participating in the project. It is likely that specialized consultants will be needed for other tasks and these costs could be approximately \$50,000 or more.

#### **Time Frames**

It is reasonable to assume that the feasibility process from an initial survey of interested participants, securing funds for the feasibility study through its conclusion and findings could be a multi-year process that spans 2 to 4 years or more.

### **3. Prepare an Emergency Plan for Large Farm Animals and Livestock**

#### **Context**

The *2014 NY Rising Countywide Resiliency Plan for Montgomery County* identifies recommended actions to reduce future potential for significant flooding and its aftermath in towns throughout the County. These projects include bridge and drainage improvements,

increased stormwater management and stream channel engineering, and restoration projects among others that will provide substantial direct and indirect benefits to the farming community. Recommended actions also include establishing an emergency evacuation program and a safe haven plan for large farm animals and livestock. The project involves establishing a Countywide database inventory of feed suppliers and others who provide water and other essential materials with a distribution plan for dispatching providers to farms and agricultural operations during and after significant storm events.

The cost estimate for developing this plan is \$25,000 with Montgomery County Emergency Management taking the lead on the project and in improving communications and early warning systems. The project would communicate information on critical resources and availability of food and water to protect the lives and capital investments in farm animals and livestock during emergencies. Funding may be available through NYS DAM and/or the USDA.

### **Actions**

- a. The County should pursue grant funds to prepare and implement the emergency evacuation plan for farm animals which includes a data base of food and water supplies in the event of a significant storm or other emergency.
- b. The County should also implement other recommendations of the 2014 Resiliency Plan that includes road, bridge and drainage projects that will benefit local farms and agriculture in the County

### **Lead Agency & Partners**

Montgomery County Emergency Management should play the lead role in implementing the emergency evacuation plan and other actions recommended in the NY Rising Countywide Resiliency Plan for Montgomery County.

### **Associated Costs**

\$25,000

### **Timeframes**

Immediate

## **4. Support Improvements at the Fonda Fairgrounds**

### **Context**

The Fonda Fairgrounds are privately-owned and located in the Village of Fonda, NY. The Fonda Fair runs annually from late August to early September. In 2017, the Fair will celebrate its 176<sup>th</sup> year anniversary. The Fairgrounds contain approximately 60 acres of fenced property north of the Mohawk River. Included are 5 barns for horses, cattle, goats, and sheep; 4 enclosed buildings, a covered grandstand that seats 2,000 people, restrooms, 2 campgrounds, portable stage, horse arena, outdoor horse ring, a sound system and security system throughout most of the property, and winter storage. The Fairground Board also leases a large area of the property to the Fonda Speedway. In addition, the fairgrounds are leased for horse shows and a variety of trade shows throughout the year.

The Village's public sewer district encompasses the entirety of both the Village of Fonda and Fultonville, with the wastewater treatment plant located on the Mohawk River next to the fairgrounds. The infrastructure that currently exists underneath the fairgrounds does not serve the entire 60-acre parcel. Also, due to the age of the sewer pipes and their limited depth below the surface, the wastewater system does not operate effectively including during winter when pipes are subject to freezing and breakage. During any given year, the fairgrounds experience 10-12 sewer breaks on the property, with each break costing roughly \$1,000 and each repair costing \$5,000 or more. There is currently no water pressure to the arena and horse barns. Water and sewer upgrades are needed to resolve these issues as well as expanding the infrastructure to larger areas of the fairgrounds for the facility to be open year-round. In 2017, the Fairground Board of Directors applied for funding assistance to NY Empire State Development.

### **Actions**

- a. The Fonda Fairgrounds represent the agricultural heritage of Montgomery County. The County should encourage support for the continued use of the Fairgrounds and opportunities to expand its operations throughout the year, particularly for agriculturally-related events and use of facilities by local farm organizations and groups, such as local hands-on learning programs through 4-H and regional meetings and workshops provided by County departments and local agricultural agencies.
- b. Funding for improvements may be available from State agencies and so applications via the State's CFA process and submittal of project funding requests to the Mohawk Valley Regional Economic Development Council should be pursued.

### **Lead Agency & Partners**

Fonda Fairgrounds Board of Directors, Montgomery County Business Development Center and NYS Agriculture and Markets.

### **Associated Costs**

To be determined, depending on necessary upgrades and improvements

### **Timeframes**

Ongoing

## **5. Conduct a Countywide Water Resources Study**

### **Context**

Water is critical to promoting economically viable agriculture in Montgomery County. Recent periods of drought, such as during 2016, place additional burdens on already strained farm budgets when alternative sources of water are needed. As a rural County, public water infrastructure is generally limited to villages and the City of Amsterdam, especially along the Mohawk River. Further inland in the undeveloped areas of the County most farms rely on groundwater and private wells for their potable water supplies. The County Soil and Water

Conservation District and Cornell Cooperative Extension provide important technical support on an ongoing basis to farmers including during periods of drought. The Department of Agriculture and Markets also provides information to farmers as a resource guide, which can be found at [https://www.agriculture.ny.gov/Drought\\_Resource\\_Guide.pdf](https://www.agriculture.ny.gov/Drought_Resource_Guide.pdf).

### **Actions**

- a. The County should coordinate with the NYSDEC and federal agencies, such as the U.S. Geological Survey, to determine what opportunities exist to conduct a Countywide Water Resources and Aquifer Study. Such a study may be possible under the cooperative Detailed Aquifer Mapping Program between the USGS and NYSDEC. The parameters and scope of the study will need to be defined, including the possibility of identifying groundwater well locations that might be used to meet agricultural needs in various portions of the County. The study would be helpful in determining surface and groundwater resource locations, existing capacities and future opportunities for withdrawal to supply local farms and agricultural areas.
- b. The County should initially assess the short and long-term water needs of farms and agribusinesses in Montgomery County through surveys and ongoing discussions within the farm community and among agencies and stakeholders. Municipalities can also assist in these efforts by tracking agricultural water needs.
- c. The extension of existing water lines to better serve farms where public water is accessible should be encouraged where feasible, provided that lateral restrictions are considered for non-agricultural uses, particularly in State-certified Agricultural Districts. Constraints on accessing water mains via restricting lateral connections will help prevent long-term development pressure on farmlands.

### **Lead Agency & Partners**

Montgomery County Soil and Water Conservation District, USGS NY Water Science Center (Ithaca Field Office or Troy Program Office), NYSDEC Division of Water, municipalities

### **Associated Costs**

To be determined, depending on type and scope of studies, if undertaken

### **Timeframes**

Near-term 1 to 3 years

## **6. Perform Feasibility/Market Studies for an Agricultural Center at Exit 29**

### **Context**

Redevelopment of the former Beech-Nut Plant site in the Village of Canajoharie, NY at Exit 29 of the NYS Thruway, is a priority action for Montgomery County as the site's current owner. The 26-acre site has highway visibility and is readily accessible from State and local highways just south of the Thruway and along the Mohawk River, contributing to its redevelopment value. In 2016, the County participated in a Sustainable Cities Design Academy workshop to

consider re-use and redevelopment opportunities for the former food-processing facility site. The workshop identified a series of priority actions including:

- Developing a Master Plan to guide decision-making
- Identifying and engaging stakeholders
- Conducting market research to explore transformational uses
- Exploring opportunities for managing redevelopment of the site

The site has been largely cleared, except for a former office building. It is served by more than adequate supplies of water, sewer and electric power to facilitate redevelopment, that could possibly include a mix of commercial, industrial and office uses. These uses could have an agricultural focus with centralized uses that could benefit the Village of Canajoharie, Montgomery County farmers, and agribusiness in the Mohawk Valley Region.

Potential uses for adaptive re-use of the Church Street building or other portions of the site have been considered. These include:

- Capitalizing on recent trends in distilleries, brewing and culinary arts
- Providing an outlet to Amish communities for production, storage and/or sale of furniture and crafts
- Serving as a regional center or satellite location for vocational, technical and applied trades schools focused on agriculture
- Providing business incubator space or a facility for nano-technology
- Functioning as a networked facility for higher education, such as the SUNY system, to provide laboratory, classroom space and equipment for research and development. For example, there is considerable opportunities for research and product development in the field of mycelium (the vegetative part of fungus) for culinary and non-culinary uses.
- Providing “maker space”, tools, equipment and facilities for consumer research and meeting centers for encouraging dialogue and innovations in farm practices, addressing farming issues and opportunities, and the creation and marketing of new agricultural products.

### **Actions**

- a. The County should continue to pursue funding through the CFA process and the Mohawk Valley Regional Economic Development Council to conduct a market study and feasibility studies for re-use and redevelopment of the former Beech-Nut site. The feasibility studies should include determination of existing infrastructure needs and capacities to serve a potential mix of development opportunities including office and institutional uses. These uses will require high speed internet and other data and communication networks.
- b. Master Plan development should consider the use of space and features on the site that support the agricultural industry in the Mohawk Valley Region. Market studies and master planning should engage stakeholders and incorporate input from farmers, agribusiness, farm agencies, organizations and educational institutions to

determine if local agricultural needs and opportunities can be met in at least some portions of redevelopment of the site. For example, there continues to be local interest expressed in a food hub or similar farm-product uses. Given the site's accessibility to transportation corridors and high degree of visibility, the highest and best use of the property needs to be identified, although some interim uses of the site, possibly for agriculturally-related uses, such as farmers' markets and Amish furniture sales, are also possible.

- c. The County should consider preparing a SEQRA Generic Environmental Impact Statement (GEIS) for the site based on the Master Plan to identify development thresholds and criteria. The GEIS will facilitate the pre-permitting of the site and its shovel-readiness for phased development.

**Lead Agency & Partners**

Montgomery County Business Development Center, County Industrial Development Agency

**Associated Costs**

Minimum of \$50,000 to conduct in-house and consultant feasibility and marketing studies

**Timeframes**

Near-term within 1 to 2 years

## 7. Promote Agritourism Opportunities

**Context**

Agritourism is growing in Montgomery County with the support of staff and funding from County departments and agencies and other organizations in the public and private sectors of the economy. The success of Sundae on the Farm, farmers' markets, the Fonda Fair, and events throughout much of the year have increased public awareness of the value of local agriculture. It is important that such events continue to receive the support of the County to expand such opportunities to reach out to the general public and tourists beyond the Mohawk Valley Region.

The craft beverage industry has experienced substantial growth in New York State since passage of the Farm Brewery Law in 2013. The law supports local farmers by requiring brewers to use locally grown produce. In 2017, there are nearly 1,000 licensed wineries, breweries, distilleries and cideries in New York State, an increase from approximately 426 in 2012. Craft beverage manufacturers increased in the Mohawk Valley from 17 in 2012 to approximately 48 State Liquor Authority licensees in 2017. Montgomery County is home to three distilleries.

The New York State Department of Agriculture and Markets encourages New York food and beverage companies whose products are grown, produced and/or processed within the State to participate in the Taste NY Program and showcase their products at special events, tourism destinations, festivals, fairs, and other locations or events. The Department also



invites producers to take part in the New York Farms and Food website at [tasteny@agriculture.ny.gov](mailto:tasteny@agriculture.ny.gov), which connects consumers to growers, food producers, craft beverages, pick-your-own farms, nurseries and greenhouses, farmers' markets, as well as agri-tourism destinations.

### **Actions**

- a. The County should establish annual budget items to fund ongoing agricultural events and expand farm education programs through local agricultural awareness campaigns that promote local farms and products. Informational brochures and materials should be made available at key locations throughout the County, at rest stops on the NYS Thruway, along the NYS Erie Canalway and at special events.
- b. Montgomery County encourages entrepreneurship in the local craft beverage industry and the use of local ingredients grown by farmers in the County. As this industry continues to grow the County also recognizes that it may have a role to play in assisting local municipalities that may need to review and update local zoning and land use regulations that support craft beverage manufacturing. Land use regulations may require amending permitted uses and special use permit requirements as well as updating definitions sections of zoning ordinances to allow for new and innovative agri-tourism opportunities including operations of farm breweries, distilleries, wineries and cideries.
- c. There has been interest for some time to develop a branding campaign to promote farms and locally grown food products to all of New York State and these opportunities should be explored.
- d. The County should hold a Countywide competition with students at various age levels and the public to come up with farm-friendly logos and advertising ideas to sell locally grown products.
- e. The County should feature photos and biographic information highlighting area farms and farmers to be featured at Taste of NY rest stop, Fonda Fair, and possibly the Arkell Gallery.
- f. The County should consider installing an interactive map at Thruway or Canalway rest stops for passersby to identify farms and businesses in the County that feature farm products (i.e. farm to table restaurants, retail businesses, etc.)
- g. A County farm trail could be developed that includes a uniform signage program along Routes 5 and 5S identifying and promoting farm businesses and providing directions to those sites that are open to the public.

### **Lead Agency & Partners**

Montgomery County, New York State Department of Agriculture and Markets, Fulton Montgomery Regional Chamber of Commerce, school districts

### **Associated Costs**

Will depend on the types of events and materials to be produced.

**Timeframes**

Near-term 1 to 2 years

***8. Implement the 2017 County Agricultural and Farmland Protection Plan*****Context**

This Plan is only effective if it is implemented by County agencies and departments. It is important that County officials, both elected and appointed, and staff become familiar with the contents, goals and actions recommended by this Plan. Implementation will require consistent and coordinated communication among various agencies, departments, boards and committees. The overall responsibility for implementation will require communication among key County stakeholders including the Business Development Center's economic development and planning staff, the County Soil and Water Conservation District, the County's Farmland Protection Board, and the County's Agriculture and Economic Development Committee. It is important that each of these entities review their mission statements, procedures and responsibilities to make sure that they align with the farmland protection and agricultural economic development goals and actions expressed in this Plan.

**Actions**

- a. The County's Agriculture and Farmland Protection Board should receive the support of the County Executive and Legislature to be charged with the responsibility to carry forward with the implementation of the Plan working in collaboration with the Montgomery County Business Development Center, County Planning, County Soil and Water Conservation District and the Agricultural Economic Development Committee. The County Agriculture and Farmland Protection Board may want to consider the formation of a sub-committee for implementation represented by each of those groups.
- b. Implementation should include a periodic review every two to three years to identify plan accomplishments and any changes that may need to be made to the list of actions to remain current with emerging issues and opportunities in the County. Therefore, it is important for these stakeholders to become familiar with and understand the contents of this Plan.
- c. The 2017 Montgomery County Agricultural and Farmland Protection Plan should be posted to the County's website on its dedicated agricultural page upon acceptance of the Plan by the NYS Commissioner of Agriculture and Markets.
- d. Prior to its acceptance the Draft Plan should also be made available on the County website for public review and comment. It is important to make this Plan available to County staff and the public along with other agricultural information via links to websites of agricultural importance. Public access to the Plan will also enhance agricultural awareness. The website should include links to other agricultural stakeholder sites, particularly the NYS Department of Agriculture and Markets.

- e. Scheduled meetings of the County Farmland Protection Board and the Agricultural Economic Development Committee should be made public via the County website. Farmers and the public should be made aware of meetings and invited to participate to provide a forum for discussing farmland protection and economic development issues and opportunities. These meetings also provide an opportunity to distribute information about funding opportunities and sources of technical information and assistance.
- f. The findings of this Plan should also be presented to the Mohawk Valley Regional Economic Development Council. The Mohawk Valley REDC is an important conduit for funding the various projects and actions recommended in this Plan through the State's annual Consolidated Funding Application Process.

**Lead Agency & Partners**

Montgomery County elected and appointed officials, the Business Development Center's Economic Development and Planning staff, the County Soil and Water Conservation District, the County's Farmland Protection Board, and the County's Agriculture and Economic Development Committee

**Associated Costs**

Minimal

**Timeframes**

Immediate implementation upon resolution by the County Legislature (see **Appendix H County Legislature Resolution**) and approval by the NYS Commissioner of Agriculture and Markets.

## Section VI. References

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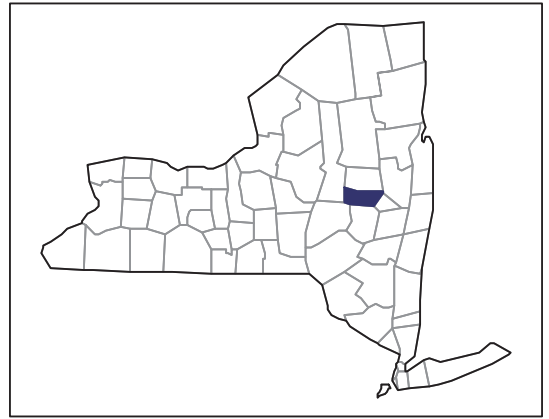
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Appendix A  
2012 Census of Agriculture Summary

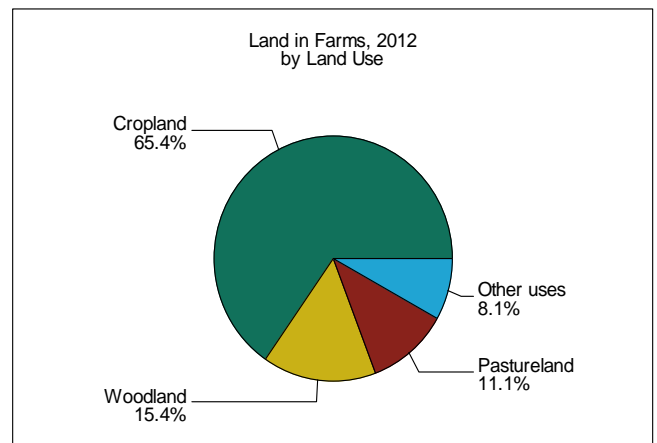
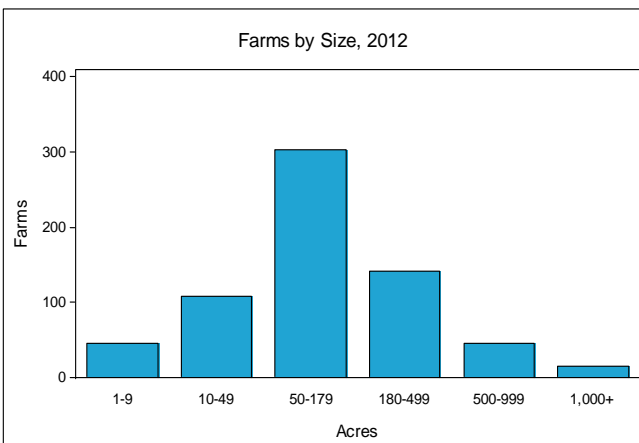
# 2012 CENSUS OF AGRICULTURE

## COUNTY PROFILE



### Montgomery County New York

	2012	2007	% change
<b>Number of Farms</b>	659	604	+ 9
<b>Land in Farms</b>	131,386 acres	124,556 acres	+ 5
<b>Average Size of Farm</b>	199 acres	206 acres	- 3
<b>Market Value of Products Sold</b>	\$86,791,000	\$73,612,000	+ 18
Crop Sales \$21,498,000 (25 percent)			
Livestock Sales \$65,293,000 (75 percent)			
<b>Average Per Farm</b>	\$131,701	\$121,873	+ 8
<b>Government Payments</b>	\$1,523,000	\$1,231,000	+ 24
<b>Average Per Farm Receiving Payments</b>	\$7,218	\$5,329	+ 35





## Montgomery County – New York

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

Item	Quantity	State Rank	Universe <sup>1</sup>	U.S. Rank	Universe <sup>1</sup>
<b>MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD (\$1,000)</b>					
Total value of agricultural products sold	86,791	26	62	1,293	3,077
Value of crops including nursery and greenhouse	21,498	34	60	1,664	3,072
Value of livestock, poultry, and their products	65,293	20	61	732	3,076
<b>VALUE OF SALES BY COMMODITY GROUP (\$1,000)</b>					
Grains, oilseeds, dry beans, and dry peas	10,170	24	54	1,509	2,926
Tobacco	-	-	-	-	436
Cotton and cottonseed	-	-	-	-	635
Vegetables, melons, potatoes, and sweet potatoes	1,342	34	59	736	2,802
Fruits, tree nuts, and berries	(D)	42	58	(D)	2,724
Nursery, greenhouse, floriculture, and sod	506	51	60	1,342	2,678
Cut Christmas trees and short rotation woody crops	(D)	50	53	(D)	1,530
Other crops and hay	9,239	7	55	319	3,049
Poultry and eggs	(D)	31	57	1,317	3,013
Cattle and calves	14,183	11	55	1,059	3,056
Milk from cows	49,761	20	52	171	2,038
Hogs and pigs	(D)	(D)	54	(D)	2,827
Sheep, goats, wool, mohair, and milk	304	21	56	550	2,988
Horses, ponies, mules, burros, and donkeys	527	22	59	529	3,011
Aquaculture	(D)	30	33	1,293	1,366
Other animals and other animal products	353	17	59	536	2,924
<b>TOP CROP ITEMS (acres)</b>					
Forage-land used for all hay and haylage, grass silage, and greenchop	50,577	13	55	210	3,057
Corn for silage	11,223	18	52	153	2,237
Corn for grain	9,206	24	54	1,216	2,638
Soybeans for beans	2,517	24	49	1,459	2,162
Oats for grain	1,188	17	50	247	1,825
<b>TOP LIVESTOCK INVENTORY ITEMS (number)</b>					
Cattle and calves	30,483	19	56	943	3,063
Layers	3,382	35	59	973	3,040
Sheep and lambs	1,965	11	56	467	2,897
Goats, all	1,610	3	56	285	2,996
Horses and ponies	1,582	23	60	673	3,072

### Other County Highlights, 2012

Economic Characteristics	Quantity	Operator Characteristics	Quantity
Farms by value of sales:		Principal operators by primary occupation:	
Less than \$1,000	118	Farming	443
\$1,000 to \$2,499	46	Other	216
\$2,500 to \$4,999	38	Principal operators by sex:	
\$5,000 to \$9,999	56	Male	538
\$10,000 to \$19,999	72	Female	121
\$20,000 to \$24,999	21	Average age of principal operator (years)	56.2
\$25,000 to \$39,999	60	All operators by race <sup>2</sup> :	
\$40,000 to \$49,999	25	American Indian or Alaska Native	8
\$50,000 to \$99,999	73	Asian	-
\$100,000 to \$249,999	80	Black or African American	2
\$250,000 to \$499,999	45	Native Hawaiian or Other Pacific Islander	-
\$500,000 or more	25	White	1,057
Total farm production expenses (\$1,000)	71,627	More than one race	4
Average per farm (\$)	108,690	All operators of Spanish, Hispanic, or Latino Origin <sup>2</sup>	9
Net cash farm income of operation (\$1,000)	19,690		
Average per farm (\$)	29,878		

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

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

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



Appendix B  
Guidelines for Review of Local Zoning  
and Planning Laws

## **Guidelines for Review of Local Zoning and Planning Laws**

### **Background and Objective**

As communities adopt or amend zoning regulations, potential conflicts between farm operations and local land use controls may increase. This, coupled with continuing exurban development pressures on many of the State's agricultural communities, increases the need to better coordinate local planning and the agricultural districts program, and to develop guidelines to help address conflicts which may occur. Proactively, guidelines can aid in crafting zoning regulations by municipalities with significant farming activities.

### **Zoning and Farm Operations: Practical Limitations and Problems**

Farms are host to several discrete but interdependent land uses which may include barns, commodity sheds, farm worker housing, garages, direct farm markets, silos, manure storage facilities, milking parlors, stables, poultry houses and greenhouses, to name but a few. The typical zoning regulation, in addition to establishing minimum lot sizes and separations between uses, often prohibits more than one "principal" structure on each parcel of record. Many zoning devices, then, are unable to distinguish between on-farm structures as part of a *farm operation* from the same building when it is used for an independent, freestanding use.

The minimum separation and "yard" requirements of zoning are designed to avoid over concentration, maintain adequate spaces for light and air, and to reduce fire hazard in more urban environments. The application of such requirements to suburban and rural communities and farm operations often results in the unintended regulation of farm operations and uses not as an integrated whole, but as separate improvements.

The rapidly changing nature of the agricultural industry does not always allow zoning and the comprehensive planning process to keep pace. This can result in the application of outdated regulations to contemporary land uses and gives rise to potentially unreasonable restrictions. Local governments may run afoul of the letter and intent of the Agricultural Districts Law by limiting the type and intensity of agricultural uses in their communities and by narrowly defining "farm" or "agricultural activity." This is sometimes problematic even in municipalities with a significant base of large, "production" level farming operations. Inadequately defined terms also give rise to conflict between the zoning device and farm operations.

Because of the inherent nature of zoning, there is essentially no discrete administrative authority to waive its standards, even when those standards are at variance with the community's land use policy and what may be deemed its "intent." A municipal zoning board of appeals may, consistent with specific tests

found in Town, Village and City Law, vary the use and area standards of a zoning regulation, and reverse or affirm determinations of the zoning administrative official. Such a remedy: i.e., an area or use variance, may, however, in and of itself be considered “unreasonably restrictive” if it is the only means available to establish, expand or improve a “farm operation” in a county adopted, State certified agricultural district.

These and other limitations and problems that can lead to AML §305-a violations may be avoided in the first instance by sound comprehensive planning. The Town Law, Village Law, General City Law and the Agricultural Districts Law are designed to encourage coordination of local planning and land use decision making with the agricultural districts program.

### **Agricultural Districts and County Agricultural and Farmland Protection Plans: Their Influence on the Municipal Comprehensive Plan and the Zoning Process**

The preparation, adoption and administration of a municipal comprehensive plan and zoning regulation are not independent actions of local government, but should be part of a well thought out, seamless process. A zoning regulation is, in the final analysis, simply a device to implement the community plan and, in fact, “... must be in accordance with a comprehensive plan... “ [Town Law §272-a (11)(a)]

The State Legislature has codified the intent, definition and content of the comprehensive plan (Town Law §272-a, Village Law §7-722 and General City Law §28-a). In so doing, the Legislature has given significant status to “agricultural uses” in general, and State certified agricultural districts and county agricultural and farmland protection plans created under Agriculture and Markets Law Articles 25-AA and 25-AAA in particular. Town Law §272-a (9) requires agricultural review and coordination with the comprehensive planning process:

*“A town comprehensive plan and any amendments thereto, for a town containing all or part of an agricultural district or lands receiving agricultural assessments within its jurisdiction, shall continue to be subject to the provisions of article twenty-five-AA of the agriculture and markets law relating to the enactment and administration of local laws, ordinances, rules or regulations. A newly adopted or amended town comprehensive plan shall take into consideration applicable county agricultural and farmland protection plans as created under article twenty-five-AAA of the agriculture and markets law.”*

(The same language is found in Village Law and General City Law.)

Thus, the statutory influence the Agricultural Districts Law and the Agricultural and Farmland Protection programs have on the comprehensive planning process and zoning regulations is significant. State certified agricultural districts and

county agricultural and farmland protection plans are community shaping influences in much the same way as existing and proposed infrastructure; wetlands, floodplains, topographical features; cultural, historic and social amenities; economic needs; etc. are viewed. The Agricultural Districts Law is a valuable planning tool to conserve, protect and encourage the development and improvement of the agricultural economy; protect agricultural lands as valued natural and ecological resources; and preserve open space.

In addition to AML §305-a, limitations on local authority in Town Law §283-a and Village Law §7-739 were enacted to ensure that agricultural interests are taken into consideration during the review of specific land use proposals. Town Law §283-a (1) and Village Law §7-739(1), as recently amended by Chapter 331 of the Laws of 2002, require local governments to "...exercise their powers to enact local laws, ordinances, rules or regulations that apply to farm operations in an agricultural district in a manner which does not unreasonably restrict or regulate farm operations in contravention of the purposes of article twenty-five-AA of the agriculture and markets law, unless it can be shown that the public health or safety is threatened." The recent amendments make the Town and Village Law provisions consistent with AML §305-a regarding showing a threat to the public health or safety. AML §305-a, subd.1 is not a stand-alone requirement for coordination of local planning and land use decision making with the agricultural districts program. Rather, it is one that is fully integrated with the comprehensive planning, zoning and land use review process.

### **Application of Local Laws to Farm Operations within Agricultural Districts**

In general, the construction of on-farm buildings and the use of land for agricultural purposes should not be subject to site plan review, special use permits or non-conforming use requirements when conducted in a county adopted, State certified agricultural district. The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products as recognized by the New York State Constitution, Article XIV, Section 4. Therefore, generally, agricultural uses and the construction of on-farm buildings as part of a farm operation should be allowed uses when the farm operation is located within an agricultural district.

Town Law §274-b, subdivision 1 allows a town board to authorize a planning board or other designated administrative body to grant special use permits as set forth in a zoning ordinance or local law. "Special use permit" is defined as "...an authorization of a particular land use which is permitted in a zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met." Agricultural uses in an agricultural district are not, however, "special uses." They are constitutionally recognized land uses which are protected by AML §305-a, subd.1. Further, agricultural districts are created

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

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

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

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

Many local governments share the Department's view that farm operations should not have to undergo site plan review and exempt farms from that requirement. However, the Department recognizes the desire of some local governments to have an opportunity to review farm operations and projects within their borders, as well as the need of farmers for an efficient, economical, and predictable process. In view of both interests, the Department developed a model streamlined site plan review process which attempts to respond to the farmers' concerns while ensuring the ability to have local land use issues examined. The process could be used to examine a parcel's current characteristics and its surroundings in relation to any proposed activities on the farm and their potential impact to neighboring properties and the community. For example, municipalities could specify that farm operations located within specific zoning districts must submit to site plan review. Municipalities may also elect to

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

exempt farm operations, located within a county adopted, State certified agricultural district, from their site plan review process.

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

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

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

### **Site Plan Process**

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

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

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

- 2) Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.

Show the proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, or manure storage/manure composting sites.

- 3) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
- 4) Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
- 5) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.
- 6) Application form and fee (if required).

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

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

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

Town Law §274-a and Village Law §7-725-a require that a decision on a site plan application be made within a maximum of 62 days after receipt of the application or date of a public hearing, if one is required. Town and Village Law authorize town boards and village boards of trustees to adopt public hearing requirements and local laws often provide planning boards with the discretion

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

whether to hold a public hearing. The Department recommends that if the municipality requires construction of farm buildings and structures within a state certified agricultural district to undergo site plan review, that the review and decision be expedited within 45 days, with no public hearing. The Department recognizes that the Town Law allows municipalities to determine which uses must undergo site plan review, the time frame for review (within the 62 day maximum), and whether to conduct a public hearing. A protracted review of most agricultural projects could, however, result in significant economic impacts to farmers.

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

### **Agricultural Exemptions**

**State Environmental Quality Review (SEQR)** - Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with “generally accepted principles of farming” are designated as Type II actions which do not require preparation of an Environmental Assessment Form (EAF) and are not subject to compliance with State Environmental Quality Review (SEQR). 6 NYCRR §617.5(a), (c)(3). [See *In the Matter of Pure Air and Water Inc. of Chemung County v. Davidsen*, 246 A.D.2d 786, 668 N.Y.S.2d 248 (3<sup>rd</sup> Dept. 1998), for application of the exemption to the manure management activities of a hog farm and *In the Matter of Humane Society of the United States v. Empire State Development Corporation*, 53 A.D. 3d 1013, 863 N.Y.S. 2d 107 (3<sup>rd</sup> Dept., 2008) where ESDC’s classification of the issuance of a grant for the construction or renovation of on-farm buildings for treatment of manure and raising livestock as a Type II action was upheld.]

The SEQR regulations require localities to recognize the Type II actions contained in the statewide list.

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



portions of the revised Uniform Code and the Energy Conservation Construction Code, which became fully effective on January 1, 2003.

- Agricultural building is defined in §202 of the Building Code as “A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.”
- Building Code §101.2(2) provides an exemption from the Building Code for “[a]gricultural buildings used solely in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation.”
- Section 102.1(5) of the Fire Code of New York State provides that “[a]gricultural buildings used solely in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation” are exempt from the provisions of the Fire Code pertaining to construction but are subject to applicable requirements of fire safety practice and methodology.
- Section 101.4.2.5 of the Energy Conservation Construction Code (“ECCC”) exempts “nonresidential farm buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes” from the provisions of the ECCC.

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

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

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

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

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

### **Generic Review Guidelines**

Generic reviews are those of entire zoning regulations or sections of zoning regulations that impact the municipality's farm community as a class or several farm operations in the same way. Examples of actions which might result in a generic review include the adoption or administration of an entirely new or substantially amended zoning regulation that results in a material change in the use and area standards applied to farm operations in a State certified agricultural district. In such cases, the Department recommends that the municipality ask itself the following questions:

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

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

## **Guidelines for Site Specific Reviews**

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

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

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

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

## **Guidance on Specific Zoning Issues**

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

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

Generally the Department will consider whether minimum and maximum dimensions imposed by a local law can accommodate existing and/or future farm

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

needs. For example, many roadside stands are located within existing garages, barns, and outbuildings that may have dimensions greater than those set by a local ordinance. Also, buildings specifically designed and constructed to accommodate farm activities may not meet the local size requirements (e.g., silos and barns which may exceed maximum height limitations). The size and scope of the farm operation should also be considered. Larger farms, for example, cannot effectively market their produce through a traditional roadside stand and may require larger farm markets with utilities, parking, sanitary facilities, etc.

## B. Lot Size

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

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

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

### C. Setbacks

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

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

### D. Sign Limitations:

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

### E. Maximum Lot Coverage

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

### F. Screening and Buffers

Some municipalities impose buffer requirements, including setbacks where vegetation, landscaping, a wall or fencing is required to partially or completely screen adjacent land uses. Often, the buffer area cannot be used or encroached

upon by any activities on the lot. Requirements for buffers or setbacks to graze animals, construct fences and otherwise use land for agricultural purposes are generally unreasonably restrictive.

Buffers and associated setbacks may require farmers to remove land from production or otherwise remove land from use for the farm operation. The impact on nursery/greenhouse operations is especially significant since they are often conducted on smaller parcels of land. Maintenance of the buffer also creates a hardship to the landowner. If a setback is required for fencing, the farmer may have to incur the expense of double fencing the perimeter of the property, or portion thereof, to prevent encroachment by neighboring property owners.

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

Montgomery County NY Agricultural and Farmland Protection Plan

Montgomery County New York  
Agricultural and Farmland Protection Plan – 2017 Survey Form

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*Montgomery County and the County's Farmland Protection Board is preparing Montgomery County's 2017 Agricultural and Farmland Protection Plan. We need to hear from County residents, farmers, farmland owners, local businesses and others interested in local agriculture. Please assist us by providing responses to the following questions. Responses will be summarized and incorporated into the 2017 Plan to help us identify agricultural economic development and farmland protection needs and opportunities in Montgomery County. No specific information or comments will be attributed to any individual, farm or business in the Plan.*

---

Name (optional) \_\_\_\_\_

Farm Name (if applicable) \_\_\_\_\_

Address (optional) \_\_\_\_\_ Town \_\_\_\_\_

Phone (optional) \_\_\_\_\_ email (optional) \_\_\_\_\_

Age Group:

- Under 30       30 to 44 yrs.       45 to 64 yrs.       65 yrs. plus

1. Please check all that apply that best describes you:

- Active Farmer       County Resident       Business \_\_\_\_\_  
 Retired Farmer       Farmland Owner       Other \_\_\_\_\_

2. Please rank to the right of each statement as 1, 2 or 3 in terms of importance to you:  
1 = (high or most important), 2 = (moderate importance), 3 = (low or least important)

- The future of farming in Montgomery County \_\_\_\_\_
- Greater access to local farm products, farmers' markets, etc. \_\_\_\_\_
- Availability of skilled farm labor \_\_\_\_\_
- Ability to financially invest in farm improvements \_\_\_\_\_
- Access to more markets and/or better commodity prices \_\_\_\_\_
- Loss of agriculture and rural character in the County \_\_\_\_\_
- A need for local regulations that support farming \_\_\_\_\_
- Keeping and attracting businesses that support agriculture \_\_\_\_\_
- Availability of prime farmland to rent or own \_\_\_\_\_
- Need for better infrastructure (adequate electric, water, roads) \_\_\_\_\_
- Farmland Protection and Right-to-Farm laws \_\_\_\_\_
- Agriculturally based economic development projects \_\_\_\_\_

**Montgomery County NY Agricultural and Farmland Protection Plan**

3. Please check the appropriate box to the right of each row in response to the following question:

<i>Would you or others benefit from getting information on the following?</i>	Very Useful	Fairly Useful	Not Useful	No Opinion
1. Farmland protection techniques				
2. Agricultural grant opportunities				
3. Getting grant writing assistance				
4. Farm-based Agri-tourism development				
5. Farm-based Agri-business development				
6. Marketing and branding farm products				
7. Developing non-tillable farmland				
8. Creating farmland conservation easements				
9. Farm estate planning				
10. Transitioning farms to the next generation				
11. Financial management for farmers				
12. Farm diversification				
13. Reducing farm operation and energy costs				
14. Finding skilled agricultural labor				
15. Farm labor management training				
16. Forming local farm cooperatives				
17. Start-up assistance for beginning farmers				
18. Farm mentorship and training programs				
19. Farm loans and application processes				
20. Other:				

4. Please attach or provide any additional comments or information below:

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Thank you for your time.

1/27/17

If you would like more information **about the County's Agricultural and Farmland Protection Plan**, please visit: <http://www.mcbdc.org/planning-services/>



Appendix C  
Sample Interview Forms

**Montgomery County New York  
Agricultural and Farmland Protection Plan  
2017 Stakeholder Interview Guidance Form**

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Date \_\_\_\_\_ Interviewer \_\_\_\_\_

*Montgomery County and the County's Farmland Protection Board is preparing Montgomery County's 2017 Agricultural and Farmland Protection Plan. We encourage input from the farming community and others who have direct knowledge of local agriculture. We are interested in hearing from farmers, farmland owners and local businesses involved in providing farm services, equipment and supplies in support of County agriculture.*

*Please assist us in this planning initiative by providing responses to the following questions. Responses will be summarized and incorporated into the 2017 Plan to help identify agricultural economic development projects and farmland protection needs and opportunities in Montgomery County. No specific operational information or comments will be attributed to any individual, farm or business in the Plan.*

---

Name of Farm/Agri-business \_\_\_\_\_

Principal Farm/Business Owner/Operator \_\_\_\_\_

Farm Location/Business Address \_\_\_\_\_

Town(s) \_\_\_\_\_

Phone (optional) \_\_\_\_\_ email (optional) \_\_\_\_\_

Farm Owner/Operator Age Group:

- Under 45 yrs.                       45 to 64 yrs.                       65 yrs. and older

1. Please check all that apply that best describes your farm operation.

- Working Farm – Conventional
- Working Farm - Specialized
- Working Farm – Certified Organic
- Working Farm – Organic, Not Certified
- Managed Pasture
- Managed Woodland
- Homestead or Hobby
- Agri-business (specify type) \_\_\_\_\_
- Other \_\_\_\_\_

Montgomery County NY Agricultural and Farmland Protection Plan

2. Please provide the following information regarding your operation.

<b>Approximate Number of Farm Employees</b>	<b># Full-time Year-round</b>	<b># Full-time Seasonal</b>	<b># Part-time</b>
Family members			
Non-family			

<b>Approximate Farm Size</b>	<b>Owned acreage</b>	<b>Rented acreage</b>
Tillable - actively farmed		
Managed pasture		
Managed woodland		
Land not in production		
Other (specify below)		

<b>Type of Crops</b>	<b>Owned acreage</b>	<b>Rented acreage</b>
Field crops		
Hay/grains		
Fruits/vegetables		
Timber production		
Honey/maple production		
Other (specify below)		

<b>Type of Livestock</b>	<b>Approximate # of Head</b>
Dairy cows	
Beef cattle	
Hogs	
Poultry	
Sheep/goats	
Other (specify below)	

Montgomery County NY Agricultural and Farmland Protection Plan

3. Please check all that apply regarding how your farm products are sold.
- Wholesale
  - Direct to Retail Store
  - Direct to Consumers
  - Farmers' Markets
  - Other Distribution Method (specify) \_\_\_\_\_
  - Of these, which is your primary market \_\_\_\_\_

4. Does your operation process any of your products before selling them? If so, check all that apply below.
- Dairy Processing
  - Food Preservation and/or Canning
  - Drying/Roasting
  - Meat Cutting/Processing
  - Grinding/Hulling/Milling
  - Cooking/Baking
  - Packaging
  - Other (specify) \_\_\_\_\_

5. A. Please rank the following as: **1 (high or most important), 2 (moderate importance), or 3 (low or least important)** concerning your farm operation.

- Operational Expenses (energy, fuel, insurance, etc.) \_\_\_\_\_
- Cost of Property Taxes, Licenses, Fees \_\_\_\_\_
- Local/Town Regulations \_\_\_\_\_
- State/Federal Regulations \_\_\_\_\_
- Availability of Skilled Labor \_\_\_\_\_
- Availability of Unskilled Labor \_\_\_\_\_
- Access to Credit/Loans \_\_\_\_\_
- Access to Markets/Better Commodity Prices \_\_\_\_\_

B. Considering these factors above which, (you may choose more than one) are the most challenging OR are there others? Please explain.

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Montgomery County NY Agricultural and Farmland Protection Plan

6. A. Please rank the following as: **1 (high or most important), 2 (moderate importance) or 3 (low or least important)** concerning your farm operation.

- Finding an Adequate Workforce \_\_\_\_\_
- Finding Local Storage Facilities \_\_\_\_\_
- Finding Local Processing Facilities (value-added, packaging) \_\_\_\_\_
- Finding Local Farm Support Services (banks, veterinary, etc.) \_\_\_\_\_
- Finding Local Suppliers/Equipment (feed, sales, repair, etc.) \_\_\_\_\_
- Finding Local Product Distribution Facilities \_\_\_\_\_
- Access to Transportation (trucking, rail) \_\_\_\_\_
- Adequate Infrastructure (roads, electric, broadband, water) \_\_\_\_\_
- Availability of Farmland (to rent or own) \_\_\_\_\_
- Farmland Protection and Right-to-Farm Regulations \_\_\_\_\_

B. Considering these factors above, which (you may choose more than one) are the most challenging OR are there others? Please explain below.

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7. Do you anticipate significant changes to your operations in the next 5 years? Please explain below.

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8. Do you anticipate opportunities in the next five years to diversify your operations and products marketed? Please explain below.

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9. Do you foresee any new or emerging markets or other farming related opportunities in the County or region in the future? Please explain below.

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Montgomery County NY Agricultural and Farmland Protection Plan

Please answer the following questions and explain as applicable.

10. A. Are you concerned about the cost, value or availability of productive farmland for purchase or rent in Montgomery County?

Yes \_\_\_\_\_

No \_\_\_\_\_

B. Would you favor local or state legislation which limits development on prime and locally important farmland?

Yes \_\_\_\_\_

No \_\_\_\_\_

C. Do you support incentives to farmland owners to protect farmland through various programs such as the Purchase or Transfer of Development Rights?

Yes \_\_\_\_\_

No \_\_\_\_\_

D. Do you feel that town zoning and other municipal regulations favor and support agriculture in your town?

Yes \_\_\_\_\_

No \_\_\_\_\_

E. Do you feel that tax assessment practices favor agriculture in your town?

Yes \_\_\_\_\_

No \_\_\_\_\_

F. Do you feel that farms, including yours, are taking full advantage of, and benefitting from agricultural assessments?

Yes \_\_\_\_\_

No \_\_\_\_\_

G. Is there a specific type(s) of agricultural facility, service, supplier, or infrastructure needed in Montgomery County that will benefit local farms and regional agriculture? Please explain:

Yes \_\_\_\_\_

\_\_\_\_\_

No \_\_\_\_\_

\_\_\_\_\_

Montgomery County NY Agricultural and Farmland Protection Plan

11. Please check the appropriate box to the following question:

<b><i>Do you feel you and the farm community would benefit from getting information on the following?</i></b>	<b>Very Useful</b>	<b>Fairly Useful</b>	<b>Not Useful</b>	<b>No Opinion</b>
1. Farmland protection techniques				
2. Agricultural grant opportunities				
3. Getting grant writing assistance				
4. Farm-based Agri-tourism development				
5. Farm-based Agri-business development				
6. Marketing and branding farm products				
7. Developing non-tillable farmland				
8. Creating farmland conservation easements				
9. Farm estate planning				
10. Transitioning farms to the next generation				
11. Financial management for farmers				
12. Farm diversification				
13. Reducing farm operation/energy costs				
14. Finding skilled agricultural labor				
15. Farm labor management training				
16. Forming local farm cooperatives				
17. Start-up assistance for beginning farmers				
18. Farm mentorship and training programs				
19. Farm loans and application processes				
20. Other:				

12. Please attach or provide any additional comments or information below:

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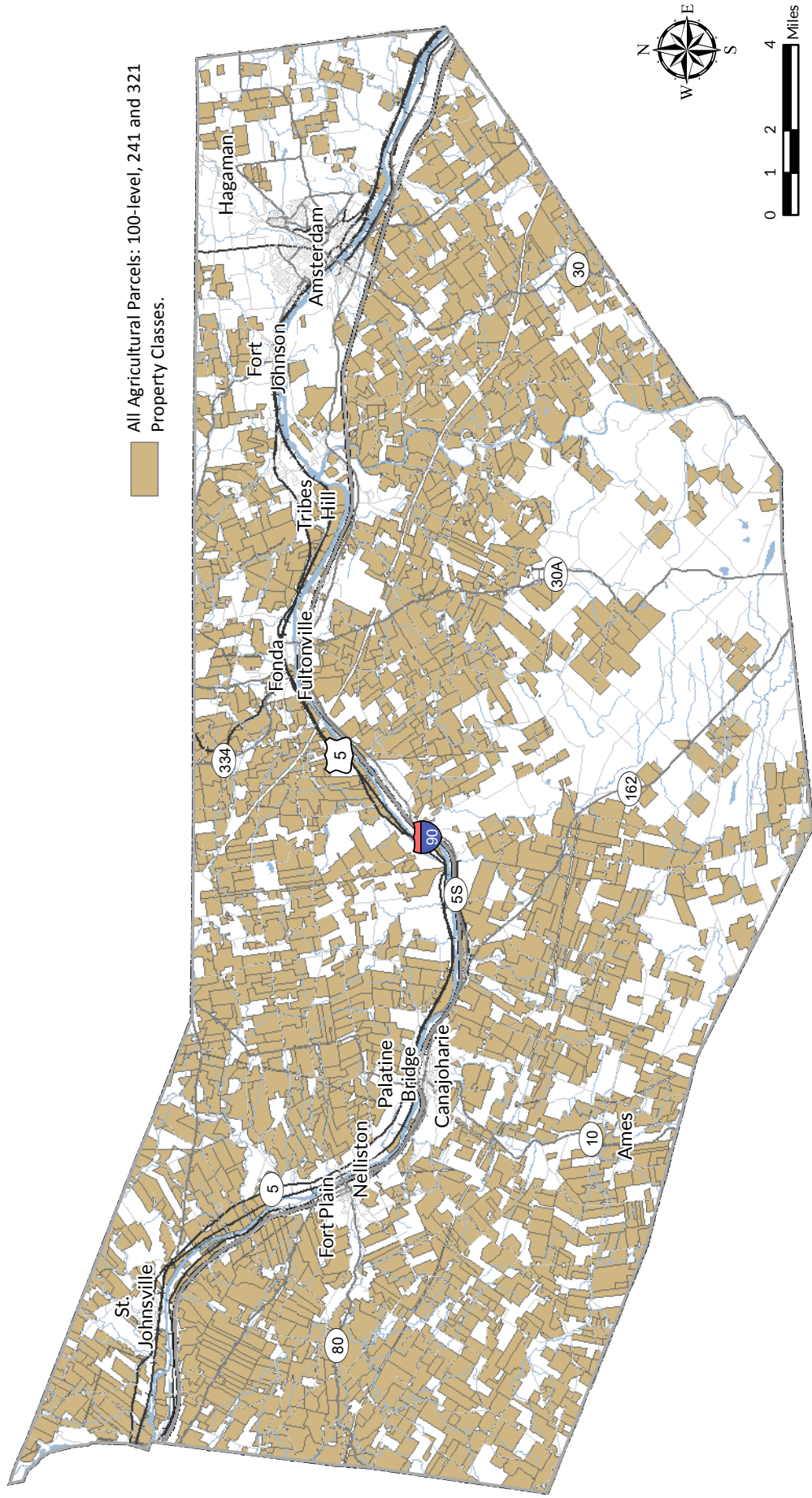
Thank you for your time. If you have any questions or would like to provide additional information, please contact Walt Kalina at [wkalina@edrdpc.com](mailto:wkalina@edrdpc.com) or 315-471-0688.

**If you would like more information about the County's Agricultural and Farmland Protection Plan, please visit: <https://www.co.montgomery.ny.us/>**

Appendix D  
Farmland Evaluation Mapping



# Identification of Priority Lands for Protection



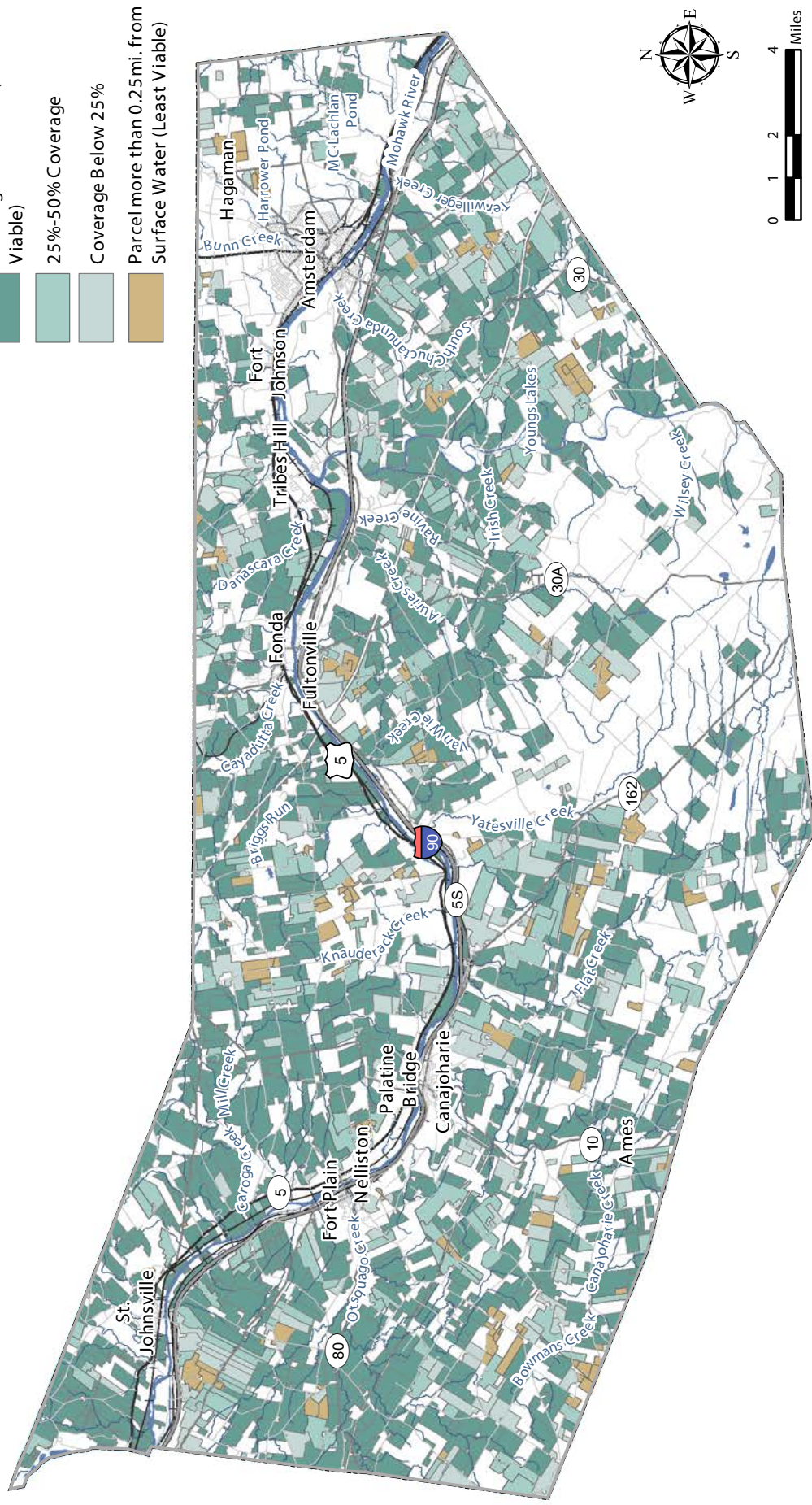
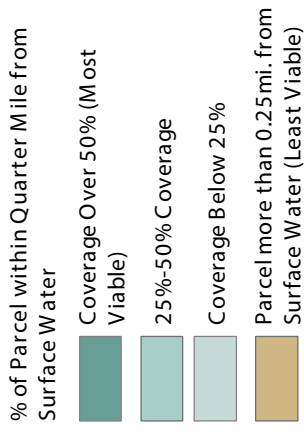
**Notes:** 1. 2016 Montgomery County Parcels

2. Projection: North American Datum 1983 State Plane New York East FIPS 3102

3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

# Step 1. Prioritization Data: All Agricultural Parcels Evaluated

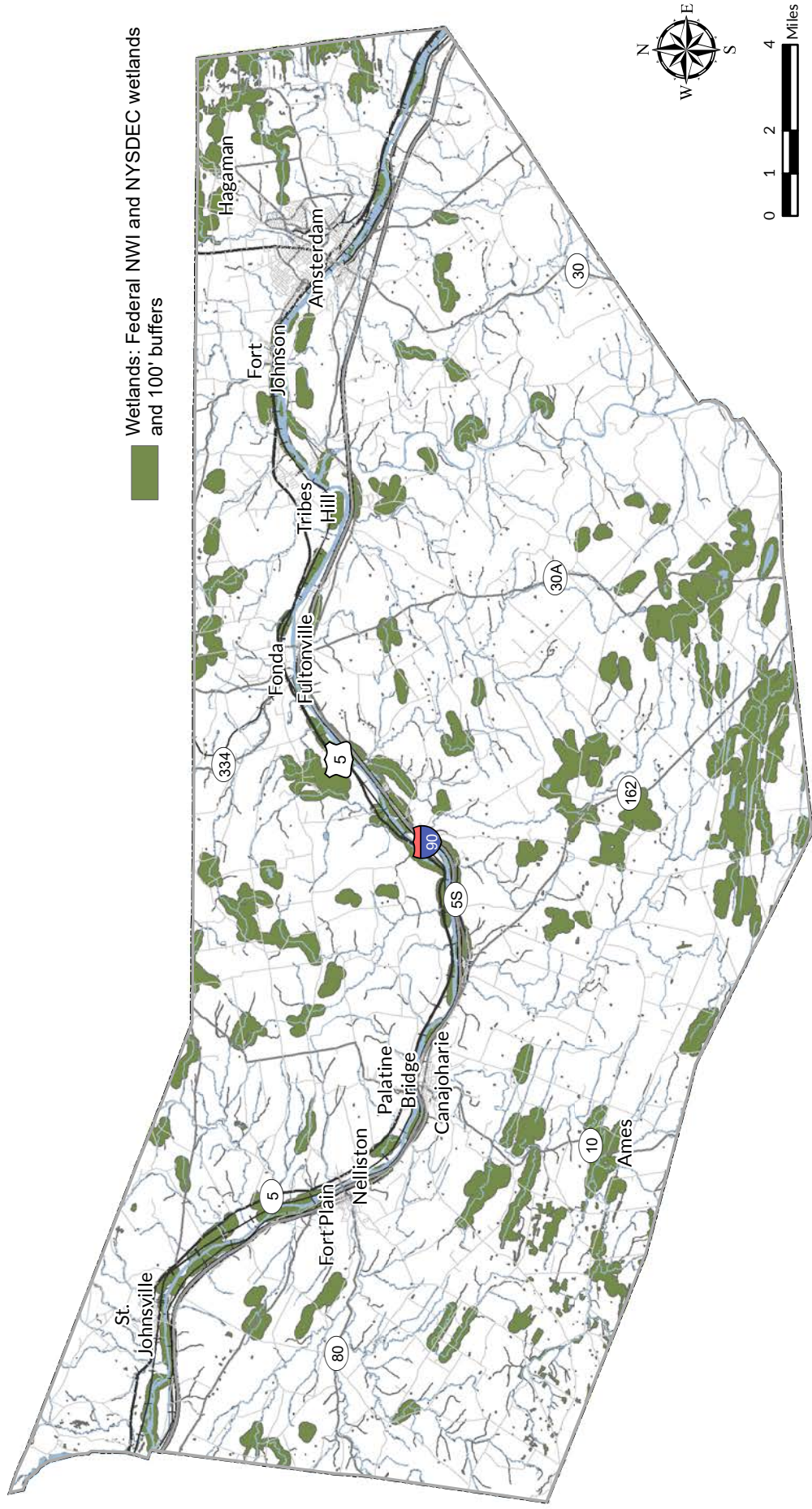
## Identification of Priority Lands for Protection



- Notes:
1. 2016 Montgomery County Parcels, ESRI Street Map 2012 Waterbodies
  2. Projection: North American Datum 1983 State Plane New York East FIPS 3102
  3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

## Step 2. Prioritization Data: Access to Surface Water by Parcel

# Identification of Priority Lands for Protection

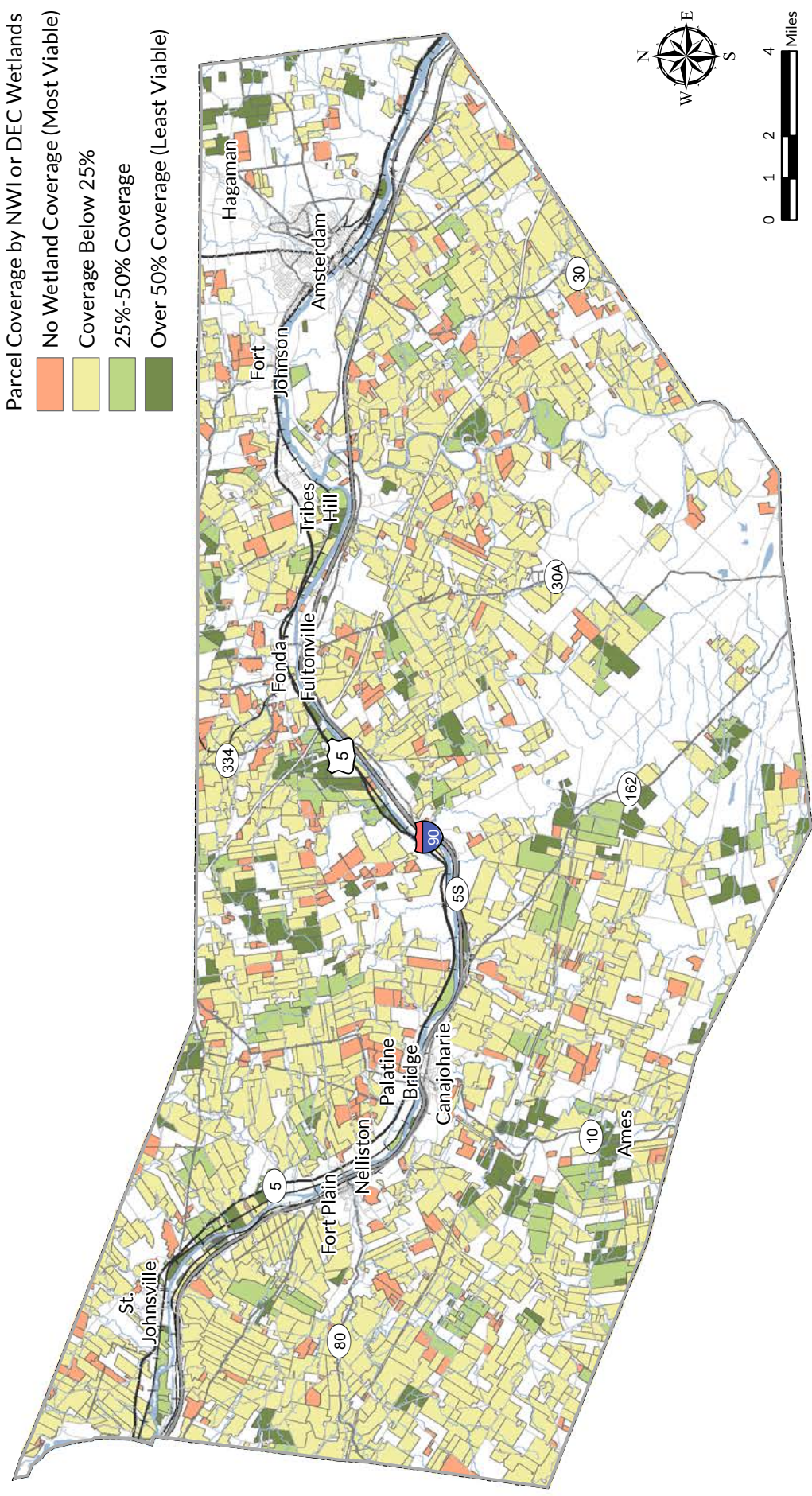


Wetlands: Federal NWI and NYSDEC wetlands and 100' buffers

- Notes:**
- 1. 2016 Montgomery County Parcels, NWI and NYSDEC Wetlands with 100' Checkz
  - 2. Projection: North American Datum 1983 State Plane New York East FIPS 3102
  - 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

# Step 3a. Prioritization Data: State and Federal Wetlands

# Identification of Priority Lands for Protection

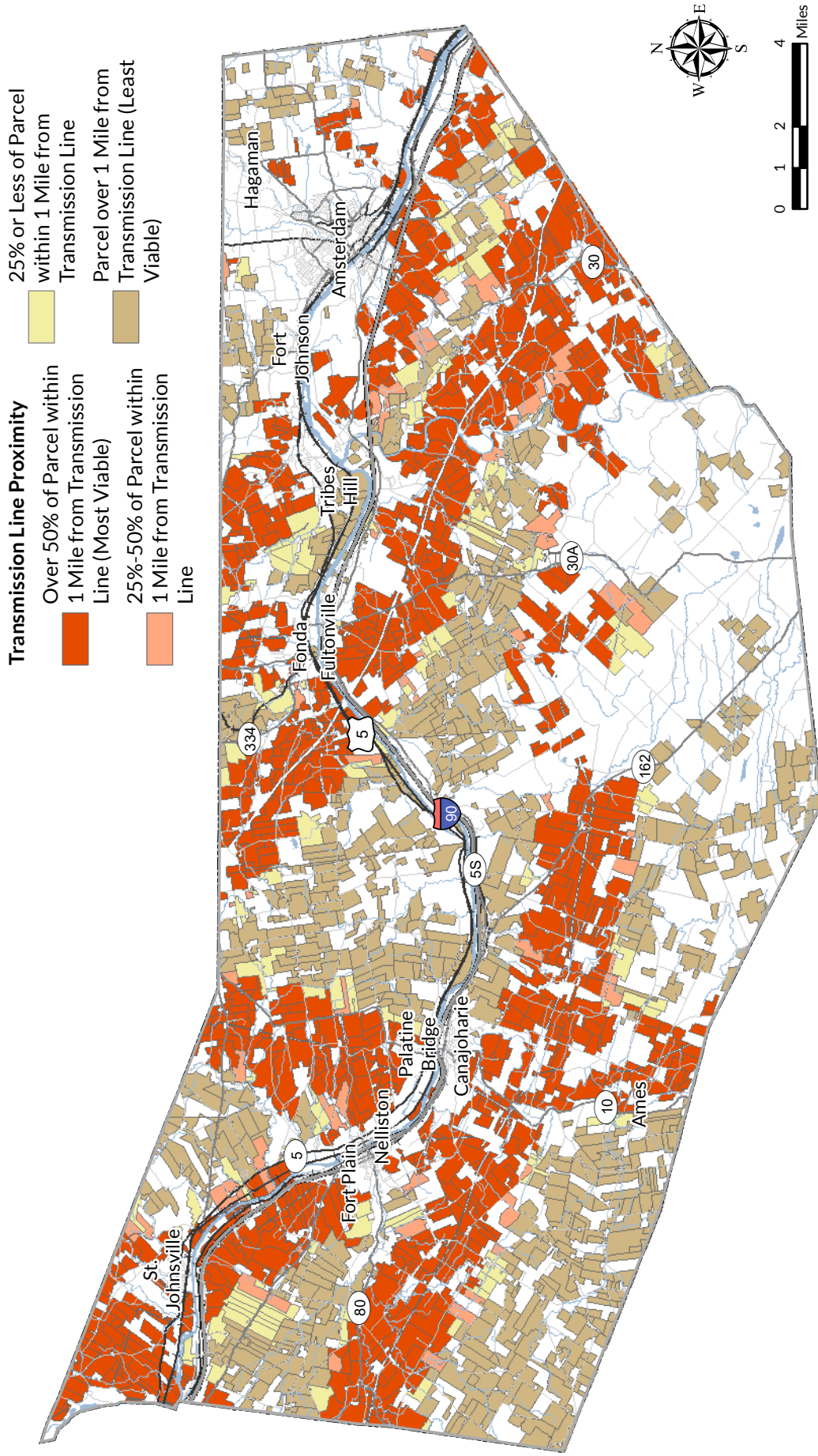


**Notes:**

1. 2016 Montgomery County Parcels
2. Projection: North American Datum 1983 State Plane New York East FIPS 3102
3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

## Step 3b. Prioritization Data: State and Federal Wetlands by Parcel

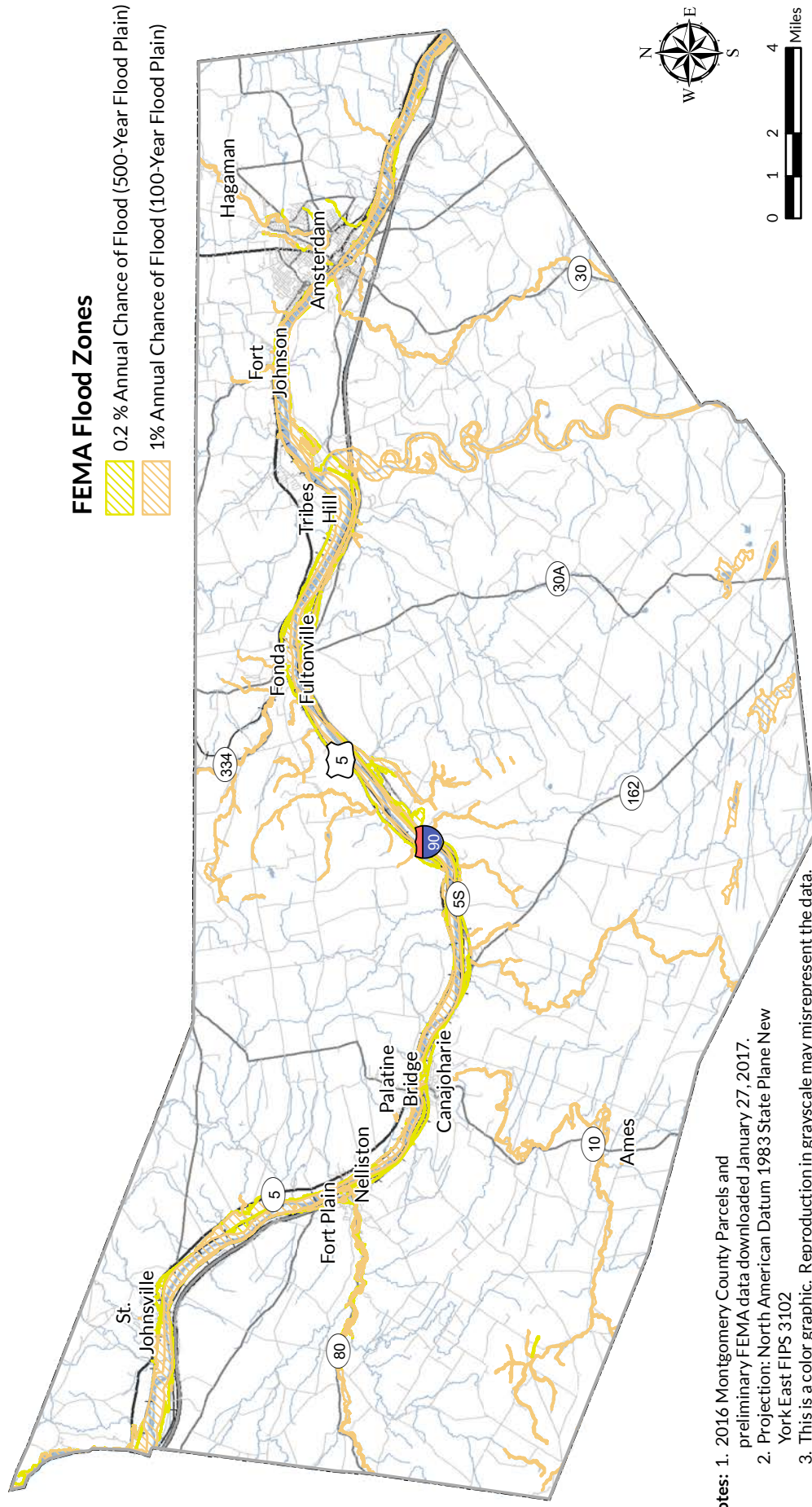
# Identification of Priority Lands for Protection



Notes: 1. Source: 2016 Montgomery County Parcels and Electric Transmission Lines EV Energy Map  
 2. Projection: North American Datum 1983 State Plane New York East FIPS 3102  
 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

# Step 4. Prioritization Data: Transmission Lines by Parcel

# Identification of Priority Lands for Protection

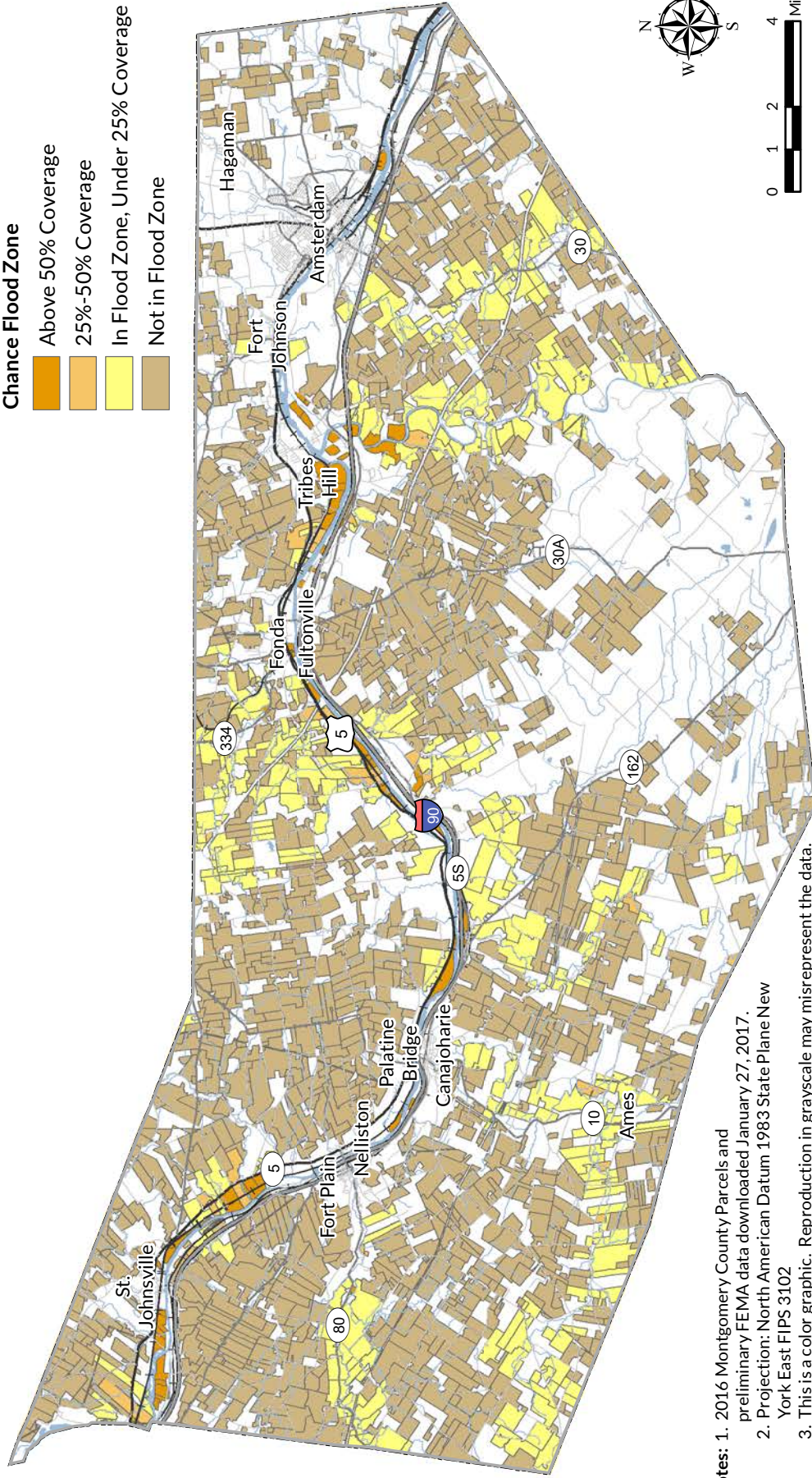
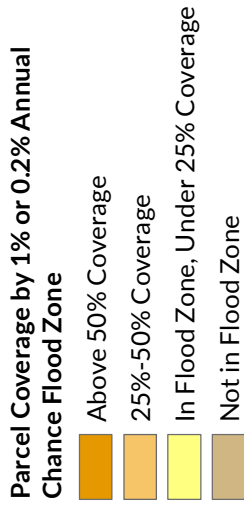


## FEMA Flood Zones

-  0.2 % Annual Chance of Flood (500-Year Flood Plain)
-  1% Annual Chance of Flood (100-Year Flood Plain)

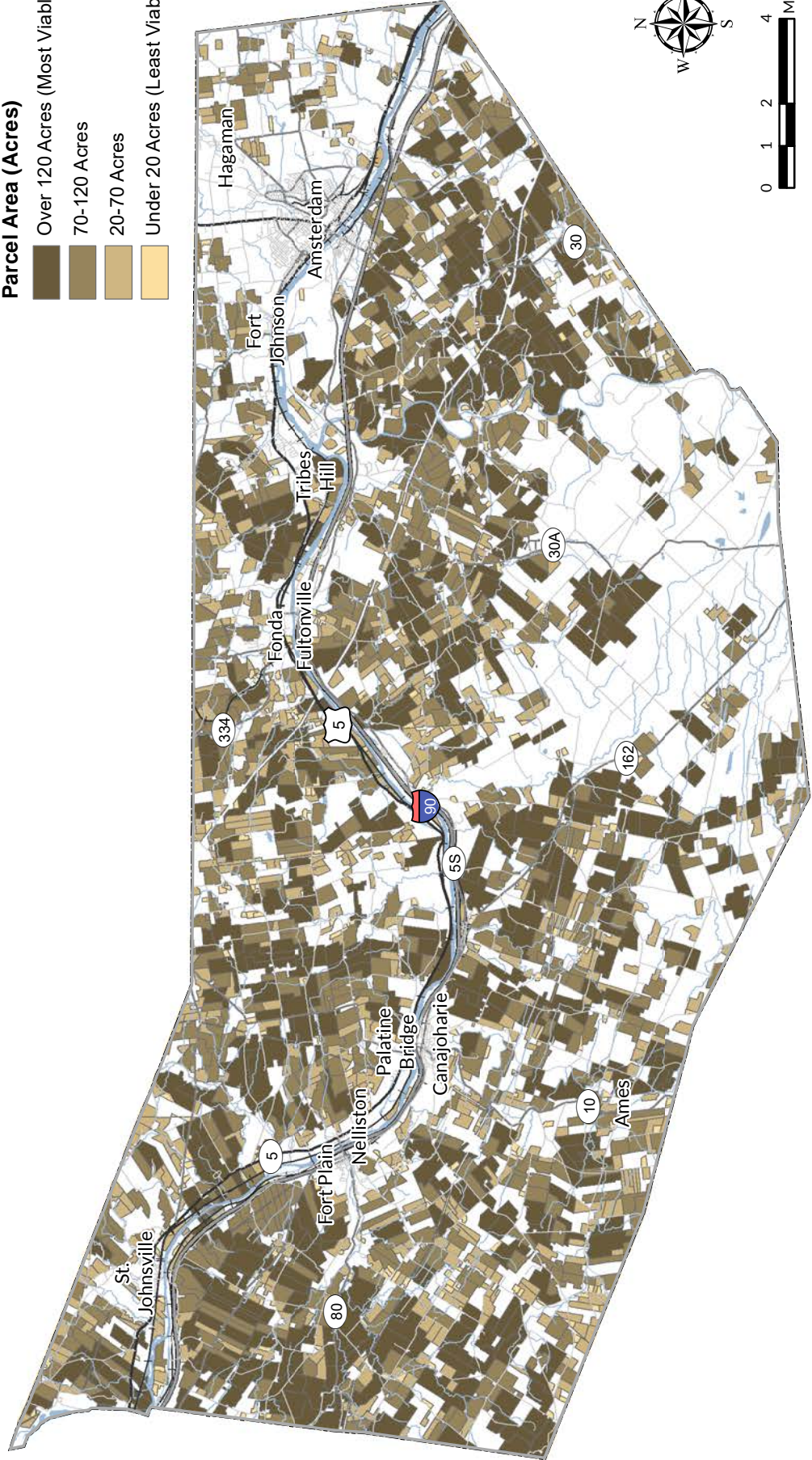
- Notes:**
1. 2016 Montgomery County Parcels and preliminary FEMA data downloaded January 27, 2017.
  2. Projection: North American Datum 1983 State Plane New York East FIPS 3102
  3. This is a color graphic. Reproduction in grayscale may misrepresent the data.
  4. Preliminary FEMA data are for review and guidance purposes only. By viewing preliminary data and maps, the user acknowledges that the information provided is preliminary and subject to change. Preliminary data, including new or revised FIRMs, FIS reports, and FIRM Databases, are not final and are presented on the MSC as the best information available at this time. Additionally, preliminary data cannot be used to rate flood insurance policies or enforce the Federal mandatory purchase requirement. FEMA will remove preliminary data once effective data are available.

# Identification of Priority Lands for Protection



- Notes:**
1. 2016 Montgomery County Parcels and preliminary FEMA data downloaded January 27, 2017.
  2. Projection: North American Datum 1983 State Plane New York East FIPS 3102
  3. This is a color graphic. Reproduction in grayscale may misrepresent the data.
  4. Preliminary FEMA data are for review and guidance purposes only. By viewing preliminary data and maps, the user acknowledges that the information provided is preliminary and subject to change. Preliminary data, including new or revised FIRMs, FIS reports, and FIRM Databases, are not final and are presented on the MSC as the best information available at this time. Additionally, preliminary data cannot be used to rate flood insurance policies or enforce the Federal mandatory purchase requirement. FEMA will remove preliminary data once effective data are available.

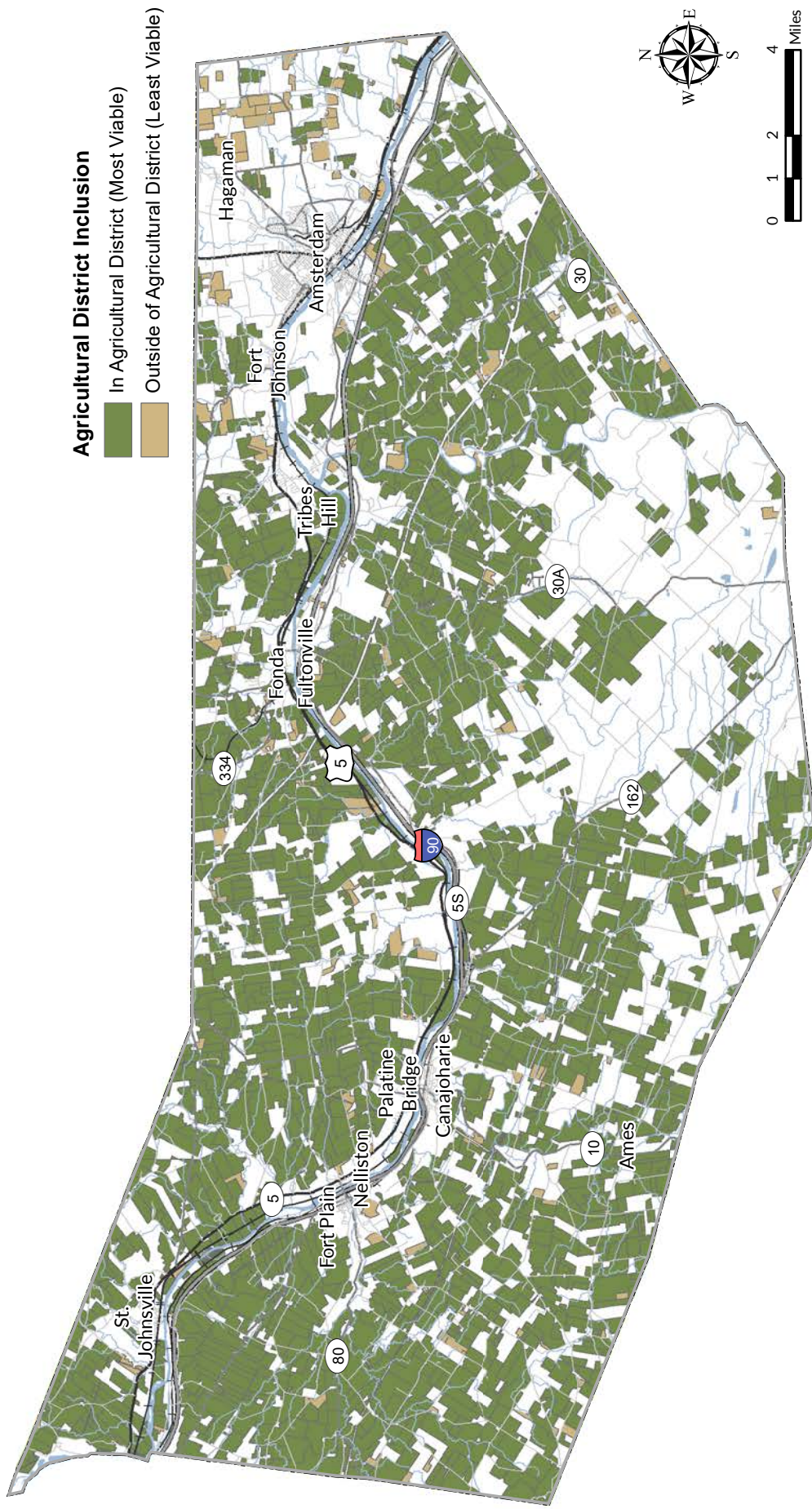
# Identification of Priority Lands for Protection



- Notes:**
1. 2016 Montgomery County Parcels
  2. Projection: North American Datum 1983 State Plane New York East FIPS 3102
  3. This is a color graphic. Reproduction in grayscale may misrepresent the data.



# Identification of Priority Lands for Protection



**Notes:** 1. 2016 Montgomery County Parcels, 2015 Agricultural Districts  
2. Projection: North American Datum 1983 State Plane New York East FIPS 3102  
3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

# Step 7. Prioritization Data: Inclusion in Agricultural Districts by Parcel

# Identification of Priority Lands for Protection

## Non-Irrigated Capability Class - Dominant Condition

1- Few limitations that restrict use

2- Some limitations that reduce the choice of plants or require moderate conservation practices

3- Severe limitations that reduce choice of plants, require special conservation practices, or both

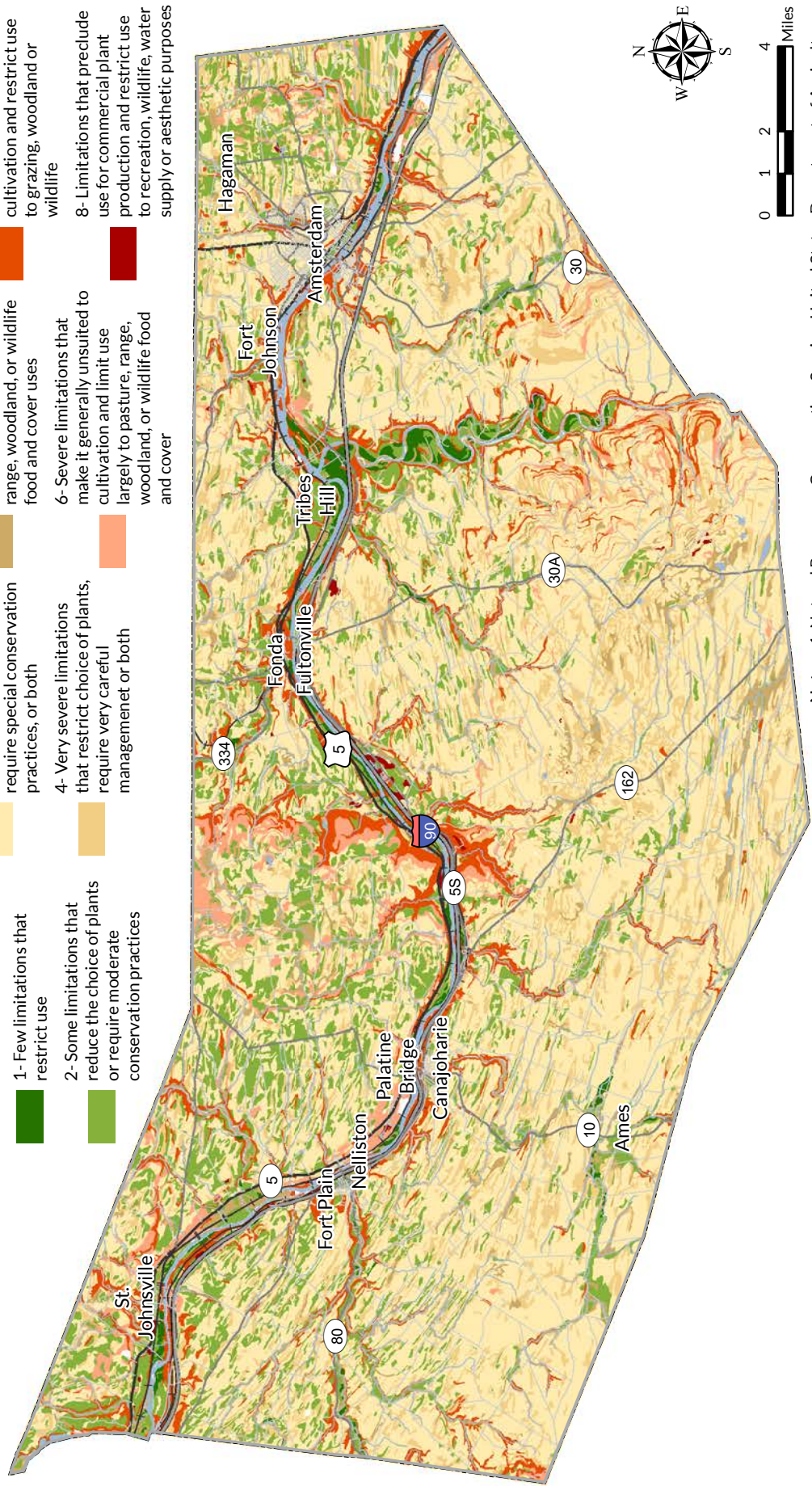
4- Very severe limitations that restrict choice of plants, require very careful management or both

5- Unremovable limitations requiring largely pasture, range, woodland, or wildlife food and cover uses

6- Severe limitations that make it generally unsuited to cultivation and limit use largely to pasture, range, woodland, or wildlife food and cover

7- Very severe limitations, making land unsuitable to cultivation and restrict use to grazing, woodland or wildlife

8- Limitations that preclude use for commercial plant production and restrict use to recreation, wildlife, water supply or aesthetic purposes



Notes: 1. Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <https://websoilsurvey.nrcs.usda.gov/>.  
 2. Projection: North American Datum 1983 State Plane New York East FIPS 3102  
 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

# Step 8a. Prioritization Data: Soil Capability Classifications

# Identification of Priority Lands for Protection

- Parcel Soil Capability Average**
- Classes 1-2 (Few limitations for cultivation)
  - Classes 3-4 (Moderate to severe limitations for cultivation)
  - Classes 5-6 (Uses limited to non-cultivation activities)
  - Classes 7-8 (Limited non-cultivation uses)

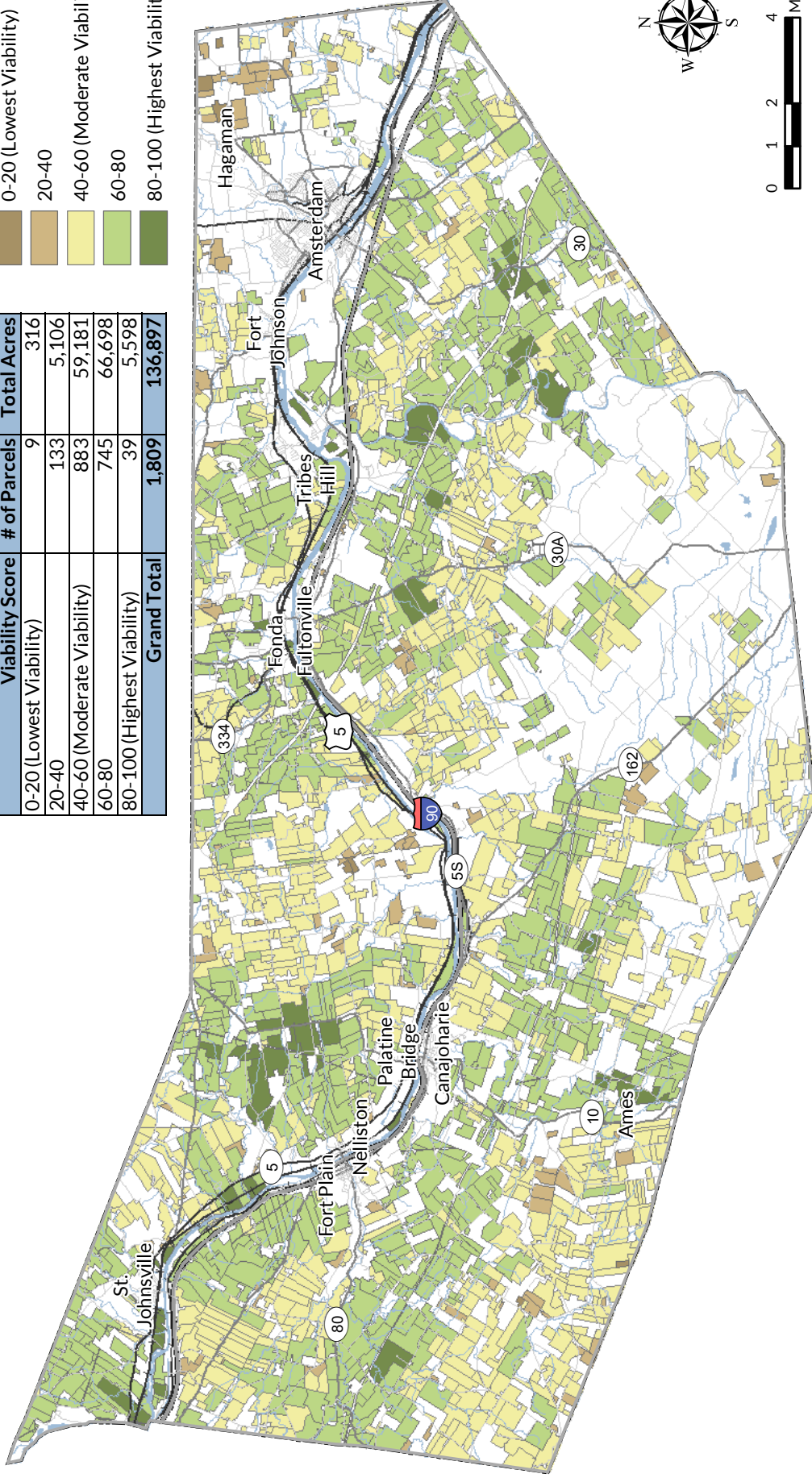
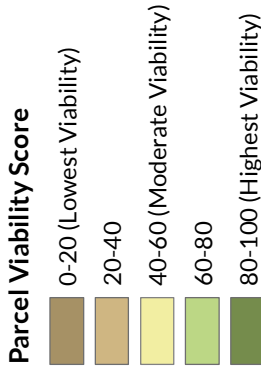


**Notes:** 1. Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <https://websoilsurvey.nrcs.usda.gov/>.  
 2. Projection: North American Datum 1983 State Plane New York East FIPS 3102  
 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

# Step 8b. Prioritization Data: Soil Capability Classifications by Parcel

# Identification of Priority Lands for Protection

Summary Table		
Viability Score	# of Parcels	Total Acres
0-20 (Lowest Viability)	9	316
20-40	133	5,106
40-60 (Moderate Viability)	883	59,181
60-80	745	66,698
80-100 (Highest Viability)	39	5,598
<b>Grand Total</b>	<b>1,809</b>	<b>136,897</b>



**Notes:** 1. 2016 Montgomery County parcels, all prioritization criteria with area and soil capability criteria weighted double that of other criteria  
 2. Projection: North American Datum 1983 State Plane New York East FIPS 3102  
 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

## Step 9. Prioritization Data: Total Farmland Viability Score by Agricultural Parcel

## Appendix E

# Model Right-to-Farm Law for Towns

# Yates County, New York

## Agricultural Development and Farmland Enhancement Plan

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### Model Right to Farm Law

Be it enacted by the Town Board of the Town of \_\_\_\_\_ as follows:

#### Section 1. Legislative Intent and Purpose

The Town Board recognizes farming is an essential enterprise and an important industry which enhances the economic base, natural environment and quality of life in the Town of \_\_\_\_\_. The Town Board further declares that it shall be the policy of this Town to encourage agriculture and foster understanding by all residents of the necessary day to day operations involved in farming so as to encourage cooperation with those practices.

It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town, to permit the continuation of agricultural practices, to protect the existence and operation of farms, to encourage the initiation and expansion of farms and agri-businesses, 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 \_\_\_\_\_, 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.

#### Section 2. Definitions

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

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## Agricultural Development and Farmland Enhancement Plan

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4. "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.
5. "Farm operation" shall be defined in section 301 (11) in the State Agriculture and Markets Law.

### **Section 3. Right-to-Farm Declaration**

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all 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 on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. Reasonable and necessary to the particular farm or farm operation,
2. Conducted in a manner which is not negligent or reckless,
3. Conducted in conformity with generally accepted and sound agricultural practices,
4. Conducted in conformity with all local state, and federal laws and regulations,
5. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
6. Conducted in 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 sound agricultural practice, 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 Section 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors." This notice shall be provided to prospective purchase of property within an agricultural district or on property with boundaries within 500 feet of a farm operation located in an agricultural district.

A copy of this notice shall included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

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### Section 5. 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 a dispute resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action and prior to a request for a determination by the Commission or Agriculture and Markets about whether the practice in question is sound pursuant to Section 308 of Article 25AA of the State Agriculture and Markets Law.
2. Any controversy between the parties shall be submitted to the committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.
3. The committee shall be composed of three (3) members from the Town selected by the Town Board, as the need arises, including one representative from the farm community, one person from Town government and one person mutually agreed upon by both parties involved in the dispute.
4. The effectiveness of the committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
5. The controversy shall be presented to the 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.
6. Any reasonable costs associated with the function of the committee process shall be borne by the participants.

### Section 6. Severability Clause

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

### Section 7. Precedence

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

### Section 8. Effective Date

This Local Law shall be effective immediately upon filing with the New York Secretary of State.



Appendix F  
Model Zoning for Roadside Stands  
and Farm Markets

# **New York Direct Marketing Association Model Zoning for Roadside Stands and Farm Markets**

## **Permitted Uses**

The following sections contain proposed language that would incorporate into a zoning ordinance, as permitted uses, roadside stands and farm markets. The language should be inserted into the district regulations for each zoning district within the community where roadside stands or farm markets exist, or are being considered as allowed uses.

Included in the proposed language are statements of purpose for each of the two types of markets. These statements provide the community's rationale for allowing the uses within the framework of their zoning regulations.

### **Roadside Stand**

The purpose of a roadside stand is to allow farmers, who are actively farming, low cost entrance into direct marketing their farm products. It is characterized as a direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, enhanced agricultural products and handmade crafts. Permitted activities include: the marketing of agricultural products, products that are agriculture-related, including specialty foods, gift items, mass produced items that reflect the history and culture of agriculture and rural America; crafts; pick-your-own fruits, vegetables and nuts; community supported agriculture (CSA)

### **Farm Market**

The purpose of a farm market is to provide opportunities for actively producing farms to retail their products directly to consumers and enhance income through value-added products, services and activities. Permitted activities include: the marketing of agricultural products, products that are agriculture-related, including specialty foods, gift items, mass produced items that reflect the history and culture of agriculture and rural America; crafts; agricultural commerce, agricultural tourism, pick-your-own operation; community supported agriculture; bed & breakfast inn; farm vacations.

The following are allowed as accessory uses to the farm market operation: Petting zoo and animal attractions; children's games and activities; crop mazes; holiday-oriented activities; miniature golf course, incorporating farm themes; food service if growing any portion of the food served, such as vegetables with a deli, fruit in desserts, etc; horseback riding arenas

## **Definitions**

Definitions are critical to ensuring clarity and uniformity in the interpretation of zoning regulations. Clear definitions can inoculate the community from legal actions related to their zoning regulations. At the same time they can protect the individual property owner by ensuring

consistent and uniform application of the regulations. For this purpose the following definitions should be incorporated into the zoning ordinance when it is amended to allow roadside stands or farm markets.

**Actively Producing Farm:** Pursuant to Section 301, Sub. 4 of the Agriculture and Markets Law, the farm must have a minimum of 7 acres in production with \$10,000 in sales, or \$50,000 in sales if under 7 acres of land are in production. In addition, a predominance of the agricultural products being sold at the farm be New York State produced. This would be on an annual basis and would be determined by volume of product.

**Agricultural Commerce:** Additional enterprises permitted at farm markets to attract customers and promote the sale of agricultural products. These include, but are not limited to gift shops, on-farm brewery, Community Supported Agriculture, bakery, florist shop, garden center, nursery, ice cream shop, food processing where the predominant ingredient is grown by the market operator, cider mills, on-site artistry and pick-your-own operations.

**Agricultural Products:** Pursuant to Section 301, Sub. 2 of the Agriculture and Markets Law: Crops, livestock and livestock products, including, but not limited to the following:

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

**Agriculture-related products:** items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, clothing and other items promoting the farm enterprise operating the farm market and agriculture in New York, value-added agricultural products, Christmas trees and related products and on-farm wineries.

**Agricultural Tourism:** Agricultural related tours, events and activities, as well as non-agricultural related activities used to attract people and promote the sales of farm produce and agricultural products. These tours, events and activities include, but are not limited to petting zoos, school tours, outdoor trails, corn mazes, hayrides, pony rides, group picnics, on- and off-site food catering services, musical events, craft shows, outdoor recreation. To be a permitted use, the farm must be actively producing agricultural products for sale. Farm markets where the

seller is not actively producing agricultural products for retail sales will require a special use permit for agricultural tourism activities.

**All-Weather Surface.** Any roadway, driveway, alley or parking lot surface paved with crushed stone, asphalt, concrete or other pervious or impervious material in a manner that will support the weight of anticipated vehicular traffic in all weather conditions and minimize the potential for ruts, potholes or pooling of water.

**Community Supported Agriculture:** The retail sale of agricultural products to customers through a subscription paid in cash or labor, or a combination thereof

**Enhanced Agricultural Products:** An agricultural product that has been altered or processed in a way to increase its value to consumers and increase the profitability of the product to the farmer.

**Farm Brewery:** Facility for the production of malt liquors operated as a subordinate enterprise to a farm by the owner or owners of the farm on which it is located.

**Farm Market:** A permanent structure, operated on a seasonal or year-round basis, that allows for agricultural producers to retail their products and *agriculture*-related items directly to consumers and enhance income through value-added products, services and activities.

**Farm Vacation:** Temporary residency on the premises by paying transient guests for the purpose of observing or participating in the ongoing activities of an agricultural operation and learning about agricultural life.

**Farm Winery:** any place or premises, located on a farm in New York State, in which wine is manufactured and sold, and is licensed by the State Liquor Authority as a farm or commercial winery.

**Glare:** Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

**Handcrafted Item:** An object that requires use of the hands, hand tools and human craft skills in its production, and which is usually not adaptable to mass production by mechanical means.

**Pick Your Own Enterprise:** A fruit or vegetable growing farm which provides the opportunity for customers to pick their own fruits or vegetables directly from the plant. Also referred to as a PYO.

**Roadside Stand:** A direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, enhanced agricultural products and handmade crafts.

**Seasonal Sign:** any sign that is removed for three consecutive months. These signs must be removed whenever business is closed for seven or more consecutive days. Because seasonal signs will be removed for a minimum of three months at a time, size and quantity restrictions do not apply.

## **Design and Operations Standards**

In addition to clear definition of what would constitute the permitted activities associated with a roadside stand or farm market, specific design and use standards governing the design and operations of such enterprises should also be incorporated into the zoning ordinance.

Recommended standards include:

There shall be no sales of fuel and related products, tobacco products, alcoholic beverages except those listed under permitted uses, lottery tickets, vehicles or related products.

Food franchises are prohibited in any roadside stand or farm market operation.

To ensure public safety, roadside stands will be required to have off-street parking with an all weather surface and adequate ingress and egress with an area for turn-around.

There shall be one 10 x 20 parking area per 200 sq. ft. of selling and display area, with a minimum of 2 spaces. Parking spaces are exclusive of driveways and turnarounds. For the purpose of calculating the required number of parking spaces, production facilities, garden plots, planting beds and outdoor storage area opened to the public are excluded. Pick-your-own operations will require a greater number of off road parking spaces based on expected number of cars per day.

**Parking:** To ensure public safety, farm markets will be required to have off-street parking with adequate ingress and egress with an area for turn-around. A minimum of one 10 x 20 parking area per 200 sq. ft. of selling and display area, with a minimum of two spaces, shall be required. For the purpose of calculating the required number of parking spaces, production facilities, garden plots, planting beds and outdoor storage area opened to the public are excluded. The above notwithstanding, adequate off street parking shall be provided. Parking spaces are exclusive of driveways and turnarounds. Entrances and exits onto roadways must have an all-weather surface. PYO operations will require a greater number of off-road parking spaces based on the expected number of cars per day. Overflow parking should be, minimally, grass covered.

**Setbacks:** Frontyard - 20 feet from the right of way line to front of sales area, excluding production facilities, garden plots, planting beds and outdoor storage areas open to the public. No parking is allowed within frontyard setback or within 20 feet of the edge of roadway, whichever distance is less.  
Sideyard - 20 foot setback from property line.

Rear - 40 foot setback from property line.

Where a roadside stand or farm market is located on a separate parcel of land, maximum lot coverage by buildings shall be 30%. Total coverage, including parking areas, shall not exceed 70%.

Signs: Seasonal signs are allowed, but cannot be placed anywhere it would create a traffic hazard. All other town signage regulations may apply.

Lighting: No outdoor lighting shall produce glare beyond the boundary of the property. No rotating or flashing lights on advertising signage *shall be permitted*.

Buffers: Buffers shall be a minimum of 15 feet in width, and planted with plant materials reaching a minimum of 6' within 5 years and producing a continuous visual barrier, or alternately, include a solid fence or wall with a minimum height of 6'.

(Buffers are recommended in addition to any required setbacks if next door use is substantially different.)

Water: Potable water on site is required.

**These rights and privileges extend to any active farm in any zoning district.**

Appendix G  
New York State  
Department of Agriculture and Markets  
Resources Guide for New Farmers

# Resources for New Farmers



A guide for farmers looking to start or diversify a farm in New York State.



**Agriculture  
and Markets**



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## Resources for New Farmers

In 2014, Governor Andrew M. Cuomo established the Beginning Farmer Workgroup to provide recommendations related to supporting the growth of new farmers and farming in New York. This workgroup was composed of entry level farmers, agricultural service providers, agricultural lenders, representatives from Cornell Cooperative Extension, advocacy organizations, higher education representatives, and federal and state agencies.

In response to recommendations by the workgroup, the Department created this webpage to assist new farmers looking to start or diversify their farm. This website provides comprehensive information on state regulations, job training, land ownership, farm financing, marketing, land and soil, and much more! Click on the subpages above to learn more.

Additional resources to get started:

- Guide to Farming in NYS (developed by Cornell University)  
<http://www.nebeginningfarmers.org/resources/guides/farming-guide/>
- Northeast Beginning Farmers Project Webpage  
<http://www.nebeginningfarmers.org/>
- USDA Start to Farm  
<https://newfarmers.usda.gov/>
- National Young Farmers Coalition  
<http://www.youngfarmers.org/>

\*\*\* Please contact the Department at (718) 722-2891 if there is additional information to disclose or there is information on this webpage that needs to be modified. \*\*\*

## State Resources

New York is open for business and interested in helping entrepreneurs start a farm enterprise. State agencies can provide you with necessary information to help your farm get off the ground and sustain it once operating.

When ready to start your business legally, you must incorporate within New York State.

To learn about state licenses, please access the state's licensing website.

Agency resources are listed below. To help guide you as to which resources to use, please look at the fact sheets developed by Cornell's Northeast Beginning Farmers Project.

Fact sheets: <http://www.nebeginningfarmers.org/resources/guides/farming-guide/>

### **Department of Agriculture and Markets (NYSDAM)**

#### ***Farms:***

Farmland Protection Resources

<http://www.agriculture.ny.gov/SoilWater/land-and-water.html>

New York Soil and Water Conservation Districts

[http://www.nys-soilandwater.org/contacts/county\\_offices.html](http://www.nys-soilandwater.org/contacts/county_offices.html)

Market Development Resources

<http://www.agriculture.ny.gov/AP/APHome.html>

Farmers Market Nutrition Programs

<http://www.agriculture.ny.gov/AP/agservices/fmnp-forms-documents.html>

Farm to School

<http://www.agriculture.ny.gov/f2s/index.html>

#### ***Food Safety:***

Agricultural Enhancement Management

<http://www.nys-soilandwater.org/aem/>

Food Establishment Licenses

<http://www.agriculture.ny.gov/FS/general/license.html>

Home Processing

<http://www.agriculture.ny.gov/fs/consumer/processor.html>

### **Department of Labor (DOL)**

Summary of New York State Labor Laws Related to Farm and Food Processing

<https://labor.ny.gov/formsdocs/wp/l118.pdf>

Farm Labor and Minimum Wage

[https://www.labor.ny.gov/workerprotection/laborstandards/farm\\_labor.shtm](https://www.labor.ny.gov/workerprotection/laborstandards/farm_labor.shtm)

### **Department of State (DOS)**

Legal Business Structures

<http://www.dos.ny.gov/corps/pdfs/formingbus.pdf>

## **State Resources (cont.)**

State Laws on Agricultural Buildings

<http://www.ongov.net/planning/documents/D.AgriculturalBuildings-DOS.pdf>

New York State Office of New Americans

<http://www.newamericans.ny.gov/business/agriculture.html>

### **Empire State Development (ESD)**

Minority Women-owned Business Enterprises (MWBE)

<http://esd.ny.gov/mwbe.html>

Consolidated Funding Application

<https://apps.cio.ny.gov/apps/cfa/>

New York State New Farmers Grant Fund

<http://esd.ny.gov/businessprograms/newfarmersgrantfund.html>

NYS's Business Programs and Incentives

<http://esd.ny.gov/BusinessPrograms.html>

New York State Wine, Beer, Spirit and Cider

<http://esd.ny.gov/nysbeveragebiz.html>

### **Energy Research and Development Authority (NYSERDA)**

Free and Low Cost Energy Audits

<https://www.nyserda.ny.gov/Business-and-Industry/Agriculture>

### **Department of Motor Vehicles (DMV)**

Agricultural License Plates

<https://dmv.ny.gov/registration/about-agricultural-and-farm-vehicles>

### **Department of Environmental Conservation (DEC)**

Water Quality Regulation

<http://www.dec.ny.gov/chemical/290.html#Guidance>

Concentrate Animal Feed Operations Permits

<http://www.dec.ny.gov/permits/6285.html>

Pesticide Regulations

<http://www.dec.ny.gov/permits/45618.html>

Chemical and Pollution Control

<http://www.dec.ny.gov/25.html>

Water Management

<http://www.dec.ny.gov/chemical/84764.html>

### **Department of Taxation and Finance (DOTF)**

Agricultural Land Assessment Program

[https://www.tax.ny.gov/research/property/assess/valuation/ag\\_overview.htm](https://www.tax.ny.gov/research/property/assess/valuation/ag_overview.htm)

# Training, Apprenticeships and Jobs

There are many programs offered across the state that train aspiring farmers and there are several places to look for jobs.

## Farm Education Programs across the State

### Across the State:

Collaborative Regional Alliance for Farm Training (C.R.A.F.T)  
<http://www.craftfarmapprentice.com/>

Cornell Cooperative Extension (link includes local offices)  
<http://cce.cornell.edu/localoffices>

Cornell Small Farms Program  
<http://smallfarms.cornell.edu/>

Northeast Organic Farming Association of New York  
<https://www.nofany.org/>

Virtual Grange  
<http://www.virtualgrange.org/>

The Center for Agricultural Development and Entrepreneurship  
<http://www.cadefarms.org/>

### North Country (Adirondacks)

Essex Farm Institute  
<http://www.essexfarminstitute.org/>

### New York City

Farm School NYC  
<http://www.farmschoolnyc.org/>

FARMroots  
<http://www.grownyc.org/farmroots>

### Mid-Hudson

Glynwood  
<https://www.glynwood.org/training-farmers/>

Hawthorne Valley Farm  
<http://hawthornevalleyfarm.org/place-based-learning-center/vocational-programs/apprenticeships/>

Heroic Food  
<http://heroicfood.org/>

Hudson Valley AgriBusiness Development Corporation  
<http://www.hvadc.org/>

## **Training, Apprenticeships and Jobs (cont.)**

Hudson Valley Farm Hub

<http://hvfarmhub.org/>

McEnroe Organic Farm

<http://www.mcenroeorganicfarm.com/programs/apprenticeships>

Poughkeepsie Farm Project

<http://www.farmproject.org/farm-apprenticeships>

### **Western New York**

Green Shoots for New Americans Refugee Agricultural Program

[http://www.jersbuffalo.org/index.php/programs/category/Green\\_Shoots\\_for\\_New\\_Americans](http://www.jersbuffalo.org/index.php/programs/category/Green_Shoots_for_New_Americans)

### **Finger Lakes**

Groundswell

<http://groundswellcenter.org/>

### **Long Island**

Quail Hill Farm Apprenticeship Program

<https://www.peconiclandtrust.org/apprenticeship.html>

## **On-Farm Employment**

Here are a listing of websites that provide ads for on-farm employment.

Beginning Farmers

<http://www.beginningfarmers.org/internship-and-employment-opportunities/>

GrowNYC

<https://www.grownyc.org/farm-and-farm-stand-job-opportunities>

Cornell Cooperative Extension

<http://cce.cornell.edu/>

Farm Job Search

<http://farmjobsearch.com/>

Hudson Valley Farmland Finder

<http://hudsonvalleyfarmlandfinder.org/>

Farm and Ranch Jobs

<http://www.farmandranchjobs.com/>

National Young Farmers Coalition

<http://www.youngfarmers.org/land-and-jobs/>

# Planning Your Farm

## Financing Your Farm

There are a number of funding sources that help cover costs associated with business operations, infrastructure, and land transfer.

### Sources of Capital

#### Federal

Farm Service Agency Beginning Farmer and Rancher Program

Loan details here: [http://www.fsa.usda.gov/Internet/FSA\\_File/loanprograms2012.pdf](http://www.fsa.usda.gov/Internet/FSA_File/loanprograms2012.pdf)

Direct Farm Operating Loan

Direct Farm Ownership Loan

Guaranteed Operating Loan

Guaranteed Farm Ownership Loan

Down Payment Loan Program

Land Contract Guarantee Program

Rural Youth Loan

Emergency Loans

Microloan Programs

#### State

New York State Empire State Development

New Farmer Grant Fund

Consolidated Funding Application

Regional and Municipal

Public Authorities, including Local Development Corporations (LDCs, i.e. Binghamton Local Development Corporation) and Industrial Development Agencies (IDAs, i.e. Grow Schoharie County), provide funding to many beginning farmers. Speak with someone at your local soil and water conservation district or your local Cornell Cooperative Extension office to learn where the closest LDC or IDA is located.

#### Private

There are traditional and alternative sources of capital that you can access. Traditional sources include banks or credit unions that tailor their loan products and resources to farmers. Some offer specific resources for beginning farmers. One excellent resource for beginning farmers is on Farm Credit East's website (<https://www.farmcrediteast.com/products-and-services/new-farmer-programs>). Talk to your local Cornell Cooperative Extension office to learn about nearby banks or credit unions that offer capital for farms. Alternative sources of capital can be secured in a variety of ways. Social media and crowd funding platforms, micro-lending organizations, and foundations and venture capital firms positioned to support small farms are potential sources of funding.

## Farm Risk Management

First and foremost, farmers need general liability insurance to operate a farm. Then, one must consider the following types of additional insurance:

Supplemental Insurance

Workers Compensation

Crop Insurance

Health Insurance

Here are some additional resources to reduce your risk on the farm.

Cornell Small Farms Program resource sheets on risk management and farm insurance

## Planning Your Farm (cont.)

<http://www.nebeginningfarmers.org/2012/04/05/5-farm-risk-management/>

<http://www.nebeginningfarmers.org/2012/04/06/6-farm-insurance/>

GrowNYC's FARMroots guide on farm insurance

<https://www.grownyc.org/insurance-planning>

New York Farm Bureau's information for members on insurance

[http://www.nyfb.org/membership/benefits\\_detail.cfm?ID=2](http://www.nyfb.org/membership/benefits_detail.cfm?ID=2)

### Technical Assistance

There are several technical assistance programs located across the state that can provide information on anything from construction to water management to funding opportunities for beginning farmers.

Major resources include:

#### Statewide:

Cornell Small Farms Program

<http://smallfarms.cornell.edu/>

NY FarmNet

<http://www.nyfarmnet.org/>

NY FarmLink

<http://www.nyfarmnet.org/farmlink/new-york-farmlink>

NOFA NY - New York Organic Farmers' Association

<https://www.nofany.org/>

Heroic Food (Resource for Veterans)

<http://heroicfood.org/>

Farmer Veteran Coalition

<http://www.farmvetco.org/>

New York Farm Bureau

<http://www.nyfb.org/>

American Farmland Trust

<https://www.farmland.org/>

CADE (Center for Agricultural Development and Entrepreneurship)

<http://www.cadefarms.org/>

#### Regional:

Cornell Cooperative Extension

<http://cce.cornell.edu/>

Watershed Agricultural Council (Catskills)

<http://www.nycwatershed.org/>



## Planning Your Farm (cont.)

Hudson Valley Agribusiness Development Corporation (Hudson Valley)

<http://www.hvadc.org/>

Long Island Farm Bureau

<http://www.lifb.com/>

Farm Credit East: Farm Start

<https://www.farmcrediteast.com/products-and-services/new-farmer-programs/FarmStart>

Glynwood (Hudson Valley)

<https://glynwood.org/>

Hawthorne Valley Farm Learning Center

<http://hawthornevalleyfarm.org/place-based-learning-center/>

Stone Barns Center for Agriculture (Hudson Valley)

<https://www.stonebarnscenter.org/>

GrowNYC - FARMroots (Hudson Valley, Long Island, Catskills)

<https://www.grownyc.org/farmroots>

Scenic Hudson (Hudson Valley)

<http://www.scenichudson.org/farmland>

Hudson Valley Farmlink Network

<http://hudsonvalleyfarmlandfinder.org/about>

## Selling Your Product

Successful farms require sustainable sales. Two major market channels are direct and wholesale. Selling direct means directly to the customer, such as at a farmers' market or through community-supported agriculture (CSA). Selling wholesale means selling to a third party that will then sell your food. Wholesale market channels utilize distributors to sell products to restaurants and retailers.

Resources to help you choose which marketplace suits your business needs and how to ready your product for market:

### Publications:

Guide to Marketing Channel Selection: How to Sell Through Wholesale & Direct Marketing Channels

<http://smallfarms.cornell.edu/files/2014/07/Guide-to-Marketing-Channel-1ib5phn.pdf>

The Organic Farmer's Business Handbook

<http://richardwiswall.com/the-organic-farmer-s-business-handbook/>

### Technical Assistance Providers:

New York State Department of Agriculture and Markets, Division of Agricultural Development  
The Division can provide marketing and branding assistance, information on available funding, specifics on licensing programs and organic certification, and opportunities for business to participate in tradeshow and other industry events.

## Planning Your Farm (cont.)

Cornell Cooperative Extension

Nearly every county in the state has an extension office. These offices are staffed by experts on nutrition, land management, and sales and marketing.

### Buy-local campaigns in each region

A 'buy-local' campaign can be used to educate and encourage consumers to invest in businesses in their communities. There are several 'buy-local' campaigns across New York State including restaurant weeks and on-product labeling. This is a great way to promote your business to local customers.

Here are some buy-local campaigns across New York State that promote agricultural products:

Finger Lakes Culinary Bounty (Finger Lakes)

<http://www.flcb.org/>

Hudson Valley Bounty (Hudson Valley)

<http://hudsonvalleybounty.com/>

Grown on Long Island (Long Island)

<http://www.lifb.com/ABOUT/AboutOurLogo/tabid/243/Default.aspx>

Pure Catskills (Catskills)

<http://www.purecatskills.com/>

Adirondack Harvest (North Country/Adirondacks)

<http://www.adirondackharvest.com/>

Field & Fork Network (Western NY)

<http://fieldandforknetwork.com/>

Lake Plains Resource Conservation and Development Council (Below Lake Ontario)

[http://www.lakeplainsrcd.org/PM\\_Buy\\_Local.htm](http://www.lakeplainsrcd.org/PM_Buy_Local.htm)

GardenShare (St. Lawrence County in North Country region)

<http://www.gardenshare.org/>

Empire 87 (Albany area/Capital Region)

<http://www.empire87.com/members-cmpb>

Onondaga Grown (Onondaga County)

<https://www.facebook.com/onondagagrown/>

Chatauqua Grown (Chatauqua County)

<http://chatauqua.cce.cornell.edu/chatauqua-grown>

### Finding Your Farm

There are several ways to access land. Buying or leasing land are the most common.

Please review the guide Finding a Farm to Buy or Lease (Northeast Beginning Farmers Project) for the most accurate information on buying and leasing land.

<http://www.nebeginningfarmers.org/2012/04/01/1-finding-a-farm-to-buy-or-lease/>

## Planning Your Farm (cont.)

For lists of conservancies, land trusts and technical assistance providers located in New York State, please visit American Farmland Trust's resource called the Farmland Protection Directory. This guide also covers technical assistance providers knowledgeable about farm succession planning and land transfer. [http://www.farmlandinfo.org/directory?title=&field\\_type\\_of\\_entity\\_tid=All&field\\_states\\_of\\_operation\\_tid=331&&sm\\_au=iVVW7sZP0WD3R7ps](http://www.farmlandinfo.org/directory?title=&field_type_of_entity_tid=All&field_states_of_operation_tid=331&&sm_au=iVVW7sZP0WD3R7ps)

### Legal Resources for Farmers

Farmers have many legal considerations ranging from labor laws to taxes to succession and land transfer planning. Here are some guides to navigate legal questions when starting a farm.

#### Guide to Farming in NY

Understanding Taxes and Regulations

<http://www.nebeginningfarmers.org/farmers/taxes-regulations/>

Environmental Regulations

<http://www.nebeginningfarmers.org/2012/04/10/10-environmental-regulations/>

Zoning Regulations & Farming

<http://www.nebeginningfarmers.org/2012/04/08/8-zoning-regulations-and-farming/>

Farm Vehicle Regulations

<http://www.nebeginningfarmers.org/2012/04/07/7-farm-vehicle-regulations/>

Legal Aspects of Rural Living

<http://www.nebeginningfarmers.org/2012/04/09/9-legal-aspects-of-rural-living/>

Labor Laws

<http://www.nebeginningfarmers.org/2012/04/18/18-labor-laws/>

### *Succession Planning and Retirement*

Farm Journal Legacy Project

<http://www.farmjournallegacyproject.com/>

Land for Good's Farm Transfer Planning

<http://landforgood.org/wp-content/uploads/LFG-Transferring-The-Farm-Guide.pdf>

### *General Legal Resources*

Farm Commons

<https://farmcommons.org/>

## Land and Soil

Soil and its components, air, water and nutrients, are the foundation for growing crops. Before starting your farm, contact your nearby Soil and Water Conservation District office. Districts work with farmers to assess, plan, and implement solutions to environmental issues on their farms, and then re-assess the outcomes of the implemented solutions.

### Farming Practices

New York Agricultural Landowner Guide (American Farmland Trust)  
<http://www.ongov.net/planning/documents/NYAgLandownerGuide.pdf>

Agricultural Enhancement Management Program (New York State)  
<http://www.nys-soilandwater.org/aem/index.html>

NRCS Programs (National Resources Conservation Service)  
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/>

### Soil Chart, Texture and Maps

Soil Texture Calculator (USDA)  
[http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/survey/?cid=nrcs142p2\\_054167](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/survey/?cid=nrcs142p2_054167)

Climate and Soil Considerations (Northeast Beginning Farmers Project)  
<http://www.nebeginningfarmers.org/2012/04/02/2-climate-and-soil-considerations/>

Web Soil Survey (National Resources Conservation Service)  
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

### Soil Testing Resources

Cornell University  
Cornell Nutrient Analysis Laboratory (CNAL)  
cnal.cals.cornell.edu  
(607) 255-4540  
soiltest@cornell.edu

See laboratories that are certified under NYS's Environmental Laboratory Approval Program  
ELAP@health.state.ny.us  
(Select a laboratory certified for "solid and hazardous waste".)  
<http://www.wadsworth.org/regulatory/elap>

New York City Soil and Water Conservation District  
<http://www.soilandwater.nyc/>

### Access to Water

DEC's Water Withdrawal Permits and Reporting  
<http://www.dec.ny.gov/lands/55509.html>

Appendix H  
County Legislature Resolutions on Adoption  
and SEQRA



**RESOLUTION NO. 274 of 2017**

**DATED: December 19, 2017**

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**RESOLUTION TO ESTABLISH THE MONTGOMERY COUNTY LEGISLATURE AS LEAD AGENCY IN SEQR DETERMINATION FOR REVIEW OF AGRICULTURE AND FARMLAND PROTECTION PLAN UPDATE (ECONOMIC DEVELOPMENT AND PLANNING)**

---

**Resolution by Legislator:** Kelly

**Seconded by:** Pepe

**WHEREAS**, agriculture in Montgomery County is a dominant driver of the local economy; and

**WHEREAS**, the success of local agricultural businesses is integral to the stability of Montgomery County's employment base; and

**WHEREAS**, Montgomery County was awarded a New York State Department of Agriculture and Markets grant in order to update the over fifteen year old existing Agricultural and Farmland Protection Plan; and

**WHEREAS**, the formulation and update of the County Agricultural and Farmland Protection Plans is an important means of supporting agricultural businesses; and

**WHEREAS**, the duties of the Montgomery County Agriculture and Farmland Protection Board, established in accordance with Article 25-AA, Section 302, of the New York State Agriculture and Markets Law, include assessment and approval of County Agricultural and Farmland Protection Plans; and

**WHEREAS**, the Montgomery County Agriculture and Farmland Protection Board has reviewed the draft County Agricultural and Farmland Protection Plan and has referred the plan to the County Legislature.

**WHEREAS**, the County Legislature held a public hearing on the update of the plan on November 28, 2017; and

**WHEREAS**, there are no other involved agencies.

**RESOLVED**, that the Montgomery County Legislature hereby declares itself lead agency in carrying out the environmental review under SEQR; and

**FURTHER RESOLVED**, that the Montgomery County Legislature hereby authorizes and directs the County Executive, upon review and approval by the County Attorney, is hereby authorized to sign any and all documents related to this process.

**RESOLUTION VOTE**, passed with Aye(9). (12/19/2017)

[Click here for resolution attachment](#)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

Resolution declares the intent of the County Legislature to act as Lead Agency for the adoption of the Montgomery County Agricultural and Farmland Protection Plan

**II. Justification:**

Adoption of Ag and Farmland Protection Plan is subject to the provisions of the State Environmental Quality Review Act

**III. Legislative Impact:**

Authorized pursuant to Article 2 of the Charter.

**IV. Financial Impact:**

None.

**cc:** County Clerk  
County Treasurer  
Economic Development/Planning Director

**STATE OF NEW YORK County of Montgomery ss.:****Voting Record**

Kelly	(R)	Yes
Sweet	(R)	Yes
Dimond	(D)	Yes
Headwell, Jr.	(R)	Yes
Wilson	(R)	Yes
Duchessi	(D)	Yes
Pepe	(R)	Yes
Isabel	(D)	Yes
Purtell	(D)	Yes

This is to certify that I, the Undersigned, Clerk Of The Montgomery County Legislature, have compared the foregoing copy of resolution with the original resolution now on file in the office, and which was passed by the Montgomery County Legislature on the 19th day of December, 2017, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have set my hand and the official seal of the Montgomery County Legislature this 20th day of December, 2017

<b>Totals:</b>	<b>Aye:</b>	9
	<b>Nay:</b>	0
	<b>Abstained:</b>	0
	<b>Absent:</b>	0

**This resolution was approved by the County Executive on 12/20/2017  
Resolution was enacted on 12/20/2017**

## *Short Environmental Assessment Form*

### *Part 1 - Project Information*

#### Instructions for Completing


**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: Montgomery County Agricultural and Farmland Protection Plan							
Project Location (describe, and attach a location map): Montgomery County							
Brief Description of Proposed Action: Montgomery County is in the process of updating their 15 year old existing Agricultural and Farmland Protection Plan. The plan is an important means of supporting agricultural businesses, while the success of local agricultural businesses is integral to the stability of Montgomery County's employment base.							
Name of Applicant or Sponsor: Montgomery County		Telephone: 518-853-8303					
		E-Mail: mossenfort@co.montgomery.ny.us					
Address: 20 Park Street							
City/PO: Fonda		State: NY	Zip Code: 12068				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; text-align: center;">NO</th> <th style="width: 50%; text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; text-align: center;">NO</th> <th style="width: 50%; text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							





<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: Matthew Ossenfort, County Executive _____ Date: 11/28/2017 _____</p> <p>Signature:  _____</p>		

Project:

Date:

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"


	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only (If applicable)

Project: \_\_\_\_\_  
Date: \_\_\_\_\_

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Montgomery County	12/21/2017
_____ Name of Lead Agency	_____ Date
Matthew Ossenfort	County Executive
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
 _____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM



**RESOLUTION NO. 275 of 2017**

**DATED: December 19, 2017**

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**RESOLUTION ESTABLISHING NEGATIVE DECLARATION IN A SEQR DETERMINATION FOR REVIEW OF AGRICULTURE AND FARMLAND PROTECTION PLAN UPDATE (ECONOMIC DEVELOPMENT AND PLANNING)**

---

**Resolution by Legislator:** Pepe

**Seconded by:** Dimond

**WHEREAS**, agriculture in Montgomery County is a dominant driver of the local economy; and

**WHEREAS**, the success of local agricultural businesses is integral to the stability of Montgomery County's employment base; and

**WHEREAS**, Montgomery County was awarded a New York State Department of Agriculture and Markets grant in order to update the over fifteen year old existing Agricultural and Farmland Protection Plan; and

**WHEREAS**, the formulation and update of the County Agricultural and Farmland Protection Plans is an important means of supporting agricultural businesses; and

**WHEREAS**, the duties of the Montgomery County Agriculture and Farmland Protection Board, established in accordance with Article 25-AA, Section 302, of the New York State Agriculture and Markets Law, include assessment and approval of County Agricultural and Farmland Protection Plans; and

**WHEREAS**, the County Legislature has designated itself as lead agency; and

**WHEREAS**, the County Legislature has reviewed all the pertinent information with regard to SEQR, including Part I of the Short EAF; and

**WHEREAS**, the County Legislature is completing Part II of the Short EAF as lead agency for the project pursuant to regulations found in 6 NYCRR, Part 617 determined that the project will not have a significant effect upon the environment.

**RESOLVED**, that Montgomery County Legislature determines that this project will not have a significant effect on the environment; and

**FURTHER RESOLVED**, that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and

**FURTHER RESOLVED**, that the Montgomery County Executive is authorized and directed to take any actions necessary to effectuate this resolution including signing the EAF.

**RESOLUTION VOTE**, passed with Aye(9). (12/19/2017)

[Attachment](#)

**Statement of Legislative and Financial Impact:**

I. *Nature of Request:*

Resolution establishes Negative Declaration in association with the adoption of the Montgomery County Agriclural and Farmland Protection Plan.

**II. Justification:**

A determination of SEQR is required in order to take action on said report.

**III. Legislative Impact:**

Authorized pursuant to Article 2 of the Charter.

**IV. Financial Impact:**

The duties of the Montgomery County Agriculture and Farmland Protection Board, established in accordance with Article 25-AA, Section 302, of the New York State Agriculture and Markets Law, include assessment and approval of County Agricultural and Farmland Protection Plans. There is no financial impact based on this resolution.

**cc:** County Clerk  
County Treasurer  
Economic Development/Planning Director

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**STATE OF NEW YORK County of Montgomery ss.:**

**Voting Record**

Kelly	(R)	Yes
Sweet	(R)	Yes
Dimond	(D)	Yes
Headwell, Jr.	(R)	Yes
Wilson	(R)	Yes
Duchessi	(D)	Yes
Pepe	(R)	Yes
Isabel	(D)	Yes
Purtell	(D)	Yes

This is to certify that I, the Undersigned, Clerk Of The Montgomery County Legislature, have compared the foregoing copy of resolution with the original resolution now on file in the office, and which was passed by the Montgomery County Legislature on the 19th day of December, 2017, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have set my hand and the official seal of the Montgomery County Legislature this 20th day of December, 2017

<b>Totals:</b>	<b>Aye:</b>	9
	<b>Nay:</b>	0
	<b>Abstained:</b>	0
	<b>Absent:</b>	0

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**This resolution was approved by the County Executive on 12/20/2017  
Resolution was enacted on 12/20/2017**

Chairman Headwell called the Public Hearing to order at 6:55 p.m. in the Legislative Chambers.

## **NOTICE OF PUBLIC HEARING**

**Montgomery County Ag & Farmland Protection Plan Update**

**Tuesday, January 23, 2018  
6:55 PM**

There was no public comment.

Motion was made by Legislator Dimond and seconded, respectively, by Legislator Pepe to adjourn the public hearing.

Chairman Headwell adjourned the meeting at 6:57 pm.

Respectfully submitted,

Cheryl A. Reese  
Clerk of the Montgomery County  
Legislature



**RESOLUTION NO. 18 of 2018**

**DATED: January 23, 2018**

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**RESOLUTION RESCINDING RESOLUTION 281 OF 2017 AND ADOPTING MONTGOMERY COUNTY AGRICULTURE AND FARMLAND PROTECTION PLAN UPDATE (ECONOMIC DEVELOPMENT AND PLANNING)**

---

**Resolution by Legislator:** Kelly

**Seconded by:** Wilson

**WHEREAS**, Montgomery County was awarded a New York State Department of Agriculture and Markets grant in order to update the over fifteen year old existing Agricultural and Farmland Protection Plan; and

**WHEREAS**, the formulation and update of the County Agricultural and Farmland Protection Plans is an important means of supporting agricultural businesses; and

**WHEREAS**, the duties of the Montgomery County Agriculture and Farmland Protection Board, established in accordance with Article 25-AA, Section 302, of the New York State Agriculture and Markets Law, include assessment and approval of County Agricultural and Farmland Protection Plans; and

**WHEREAS**, the Montgomery County Agriculture and Farmland Protection Board has reviewed the draft County Agricultural and Farmland Protection Plan and has referred the plan to the County Legislature.

**WHEREAS**, a public hearing was scheduled for December 19, 2017 and was not held so therefore, Resolution 281 of 2017 Adopting the Ag & Farmland Protection Plan must be rescinded.

**RESOLVED**, RESOLUTION NO. 281 of 2017 is hereby rescinded; and

**RESOLVED**, that the proposed action will not have a significant adverse environmental impact, and therefore an environmental impact statement will not be required.

**FURTHER RESOLVED**, that the Director of Economic Development hereby is authorized and directed to submit said plan, and related documentation, to the Commissioner of the Department of Agriculture and Markets for certification.

**RESOLUTION VOTE**, passed with Aye(8). Legislator Purtell was absent. (1/23/2018)

[Ag & Farmland Protection Plan](#)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

Resolution authorizes adoption of the Montgomery County Agricultural and Farmland Protection Plan update.

*II. Justification:*



Existing Ag. Plan is 15 years old and plan will support one of the largest industries in the County.

### III. *Legislative Impact:*

Authorized Pursant to Article II of the Charter.

### IV. *Financial Impact:*

The duties of the Montgomery County Agriculture and Farmland Protection Board, established in accordance with Article 25-AA, Section 302, of the New York State Agriculture and Markets Law, include assessment and approval of County Agricultural and Farmland Protection Plans. There is no financial impact.

**cc:** County Clerk  
County Treasurer

#### STATE OF NEW YORK County of Montgomery ss.:

##### Voting Record

Kelly	(R) Yes
Sweet	(R) Yes
Dimond	(D) Yes
Headwell, Jr.	(R) Yes
Wilson	(R) Yes
Duchessi	(D) Yes
Pepe	(R) Yes
Isabel	(D) Yes
Purtell	(D) Absent

This is to certify that I, the Undersigned, Clerk Of The Montgomery County Legislature, have compared the foregoing copy of resolution with the original resolution now on file in the office, and which was passed by the Montgomery County Legislature on the 23rd day of January, 2018, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have set my hand and the official seal of the Montgomery County Legislature this 25th day of January, 2018

<b>Totals:</b>	<b>Aye:</b>	8
	<b>Nay:</b>	0
	<b>Abstained:</b>	0
	<b>Absent:</b>	1

**This resolution was approved by the County Executive on 1/25/2018  
Resolution was enacted on 1/25/2018**