



ALBANY COUNTY LEGISLATURE
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ALBANY, NEW YORK 12207
(518) 447-7168 - FAX (518) 447-5695
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SEAN E. WARD
CHAIRMAN

PAUL T. DEVANE
CLERK

AGENDA

CONSERVATION AND IMPROVEMENT COMMITTEE

MARCH 29, 2016

PREVIOUS BUSINESS:

APPROVING PREVIOUS MEETING MINUTES

CURRENT BUSINESS:

1. PUBLIC HEARING ON PROPOSED MODIFICATIONS TO
AGRICULTURAL DISTRICTS

Honorable Sean E. Ward and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Conservation and Improvement Committee of the Albany County Legislature met on January 26, 2016. Chairman Feeney, Messrs. Smith, Touchette, Mauriello, Mss. Lekakis and Cunningham were present. Messrs. Ethier, Reinhardt and Mendick were excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously approved.

1. Authorizing the submission of a grant application to the NYS Department of Agriculture and Markets regarding updates to the County Agricultural and Farmland Protection Plan: The Senior Resource Planner of the Albany County Office of Natural Resource Conservation has requested authorization to submit a grant application to the New York State Department of Agriculture and Markets in the amount of \$50,000 to fund updates to the County Agricultural and Farmland Protection Plan. The Senior Resource Planner indicated that the plan updates will focus on revising the statistics of the agricultural industry, public outreach, and developing economic development initiatives in order to strengthen the agricultural industry in Albany County. After further discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

Respectfully submitted,

THE CONSERVATION AND IMPROVEMENT COMMITTEE

DENNIS A. FEENEY, Chairperson
CHRISTOPHER H. SMITH
LYNNE LEKAKIS
WILLIAM W. REINHARDT
JOANNE E. CUNNINGHAM

RICHARD N. TOUCHETTE
GILBERT F. ETHIER
RICHARD W. MENDICK
FRANK A. MAURIELLO

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DANIEL P. MCCOY
COUNTY EXECUTIVE



COUNTY OF ALBANY
OFFICE OF NATURAL RESOURCE CONSERVATION
112 STATE STREET
ALBANY, NEW YORK 12207-2021
(518) 447-5670 - FAX (518) 447-5662

February 29, 2016

Hon. Sean Ward, Chairman
Albany County Legislature
112 State St., Rm. 710
Albany, NY 12207

Dear Chairman Ward:

Please find enclosed a Request for Legislative Action to be considered at the March 2016 Conservation and Improvements Committee meeting.

The Albany County Legislature has established an annual thirty-day review period beginning February 1 during which landowners can request inclusion of lands in an Agricultural District. In accordance with NYS Agriculture and Markets Law, a public hearing on the proposed annual additions to Albany County Agricultural Districts must be held to receive comment on the proposed additions. Attached is a request to set a public hearing date and provide the appropriate notification. If you have any questions please feel free to contact me at 447-5670.

Sincerely,

Laura DeGaetano
Sr. Natural Resource Planner

cc: Frank Commisso, Majority Leader
Frank Mauriello, Minority Leader
Pat Jeffers, Majority Counsel
Arnis Zilgme, Minority Counsel

FOR COUNSEL USE ONLY

Date Received: _____
Received by: _____
Method: Hand: _____
 Courier: _____
 Mail: _____

REQUEST FOR LEGISLATIVE ACTION

RLA #1752: Public Hearing

DATE: Tuesday, March 01, 2016
DEPARTMENT: Planning
Contact Person: Laura DeGaetano, Sr. Natural Resource Planner
Telephone: 518-447-5670
Dept. Representative Attending
Committee Meeting: Laura DeGaetano, Sr. Natural Resource Planner

PURPOSE OF REQUEST:

Adopting of Local Law _____
Amendment of Prior Legislation _____
Approval/Adoption of Plan/Procedure _____
Bond Approval _____
Budget Amendment (see below) _____
Contract Authorization (see below) _____
Environmental Impact _____
Home Rule Request _____
Property Conveyance _____
Other: (State briefly if not listed above) X
Public hearing on legislative procedure _____

CONCERNING BUDGET AMENDMENTS

STATE THE FOLLOWING:

Increase Account/Line No. _____
Source of Funds: _____
Title Change: _____

CONCERNING CONTRACT AUTHORIZATION

STATE THE FOLLOWING:

TYPE OF CONTRACT:

Change Order/Contract Amendment _____
Purchase (Equipment/Supplies) _____
Lease (Equipment/Supplies) _____
Requirements Professional Services _____
Education/Training _____
Grant: _____
 New _____
 Renewal _____
 Submission Deadline Date _____
Settlement of a Claim _____
Release of Liability _____
Other: (State briefly) _____

CONCERNING CONTRACT AUTHORIZATION (Cont'd)
STATE THE FOLLOWING:

Contract Terms/Conditions:

Amount/Raise Schedule/Fee _____

Scope of Services _____

Contract Funding:

Bond Res. No.: _____

Date of Adoption: _____

CONCERNING ALL REQUESTS:

Mandated Program/Service: No _____

If Mandated Cite: Authority _____

Anticipated in Current Adopted Budget No _____

County Budget Accounts:

Revenue _____

Appropriation _____

Fiscal Impact - Funding: (Dollars or Percentages)

Federal _____

State _____

County _____

Local _____

Term/Length of Funding: _____

Impact on Pending Litigation No _____

If yes, please explain: _____

Previous Requests for Identical or Similar Action

Resolution/Law Number 206a _____

Date of Adoption 2015 _____

Justification: (State briefly why legislative action is requested)

As required by Agriculture and Markets Law 25AA Section 303-b, the County Legislature has established an annual thirty-day review period allowing farmers to request inclusion of their land in an agricultural district. As part of this review process, the County Legislature must publish a public notice announcing a public hearing within or otherwise readily accessible to the Agricultural Districts. The notice shall be published in a newspaper having general circulation within the county and a written notice must be provided to those municipalities whose territory encompasses the lands which are proposed to be included in an Agricultural District and to the Commissioner. The notice shall contain a statement that one or more requests for inclusion of predominantly viable agricultural land within a certified agricultural district have been filed with the county legislative body pursuant to this section; identify the land proposed to be included; indicate the time, date and place of the public hearing; and include a statement that the hearing shall be held to consider the requests and recommendations of the County Agricultural and Farmland Protection Board.

Back-up Material Submitted: (i.e., application/approval notices from funding source, bid tabulation sheet, civil service approval notice, program announcement, contracts and/or any materials which explain or support the request for legislative action.)

[http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1752/Public Hearing Reso.pdf](http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1752/Public%20Hearing%20Reso.pdf)

http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1752/SEQR_ShortEAF.pdf

[http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1752/Agricultural District Law factsheet.pdf](http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1752/Agricultural%20District%20Law%20factsheet.pdf)

http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1752/RLA_public_hearing_cover.pdf

http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1752/AgBoard_recommendations_2016_draft.doc

http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1752/AgBoard_recommendations_2016_draft.doc

Submitted by:

Laura DeGaetano

Title:

Sr. Natural Resource Planner

**KnoxNEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS**

**State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only**

PART I – PROJECT INFORMATION

1. The proposed action is located in the County of Albany
and the Town(s) of Bethlehem, Westerlo
2. The agency responsible for preparing this Short Environmental Assessment Form and determining environmental significance is the County Legislative Body of Albany County.
3. The name and address for the Clerk of the above named County is Hon. Bruce A. Hidley – Albany County Court House Room 128, 16 Eagle Street, Albany NY 12207-1077
4. Is this an application to modify an existing agricultural district? Yes No
 - If yes, what is the total number of acres comprising the district as it exists prior to modification?
N/A acres
5. If this application involves a modification, will such modification result in a change in the size of the district? Yes No
 - If yes, how many acres are involved in the change? 311 acres
 - Does this represent an increase or decrease?
6. Zoning and Planning Information
 - Does the agricultural district correspond with a town(s) zoning district(s)?
 Yes No

If Yes, please cite the applicable zoning district(s):
Bethlehem – Rural Hamlet – Agriculture allowed by right
Westerlo - Rural Development/Agricultural
 - Is/are the zoned district(s) within the modified agricultural district compatible with the goals and objectives of the Agricultural Districts Law, as set forth in Article 25-AA of the Agriculture and Markets Law? Yes No
 - If Yes, please cite the applicable language:
7. What is present land use in the vicinity of the proposed modification?
 Residential Industrial Commercial Agriculture Park/Forest/Open Space Other
Describe: _____

8. Is there a public controversy related to this district proposal? Yes No If yes, describe below:

(Attach additional sheets if necessary.)

9. Attach any additional information as may be needed to clarify the proposed action.

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Authorized signature: _____

Date: _____

PART II- ENVIRONMENTAL ASSESSMENT

General Information

In providing responses to each of the questions, the reviewer should keep in mind that the action proposed is the modification or termination of an agricultural district or districts. The action is not the land use or activity which will, or may, take place in the district(s). For example, it is not appropriate to consider the effects of management action that may be taken by individual operators in conducting farming. Agricultural farm management practices, including construction, maintenance and repair of farm buildings, and land use changes consistent with generally accepted principles of farming are listed as Type II actions in 6 NYCRR §617.5(c)(3), and these actions have been determined not to have a significant impact on the environment.

A. Does action exceed any Type I threshold in 6 NYCRR, Part 617.4 ? Yes No

If Yes, coordinate the review process and use the FULL EAF.

B. Will action receive coordinated review as provided for Unlisted actions in 6 NYCRR, Part 617.5 ?

Yes No

If No, a negative declaration may be superseded by another involved agency.

C. Could action result in any adverse effects associated with the following:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems?
Explain briefly:

NO

C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? Explain briefly:

NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

NO _____

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

NO _____

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

NO _____

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

NO _____

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

NO _____

D. Will the project have an impact on the environmental characteristics that caused the establishment of a GEA? Yes No

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts?

Yes No If Yes, explain briefly:

PART III- DESIGNATION OF LEAD AGENCY

Please indicate desire for lead agency status by checking the appropriate box below:

Since the proposed action will be undertaken by this County Legislative Body and since any adverse environmental impacts will be primarily of local significance, it is hereby recommended that this County Legislative Body serve as lead agency to ensure compliance with the requirements of the State Environmental Quality Review Act. It has been determined that the only other agency required to undertake an action in this case is the Department of Agriculture and Markets.

The County Legislative Body does not choose to nominate itself to serve as lead agency.

PART IV - DETERMINATION OF SIGNIFICANCE

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e., urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

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 **AND** provide on attachments as necessary, the reasons supporting this determination:

Albany County Legislature

Name of Lead Agency

Hon. Sean Ward

Print or Type Name of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Laura B. DeMaestano

Signature of Preparer (If different from Responsible Officer)

February 29, 2016

Date



**Recommendations of the Albany County Agricultural and Farmland Protection Board
Annual Agricultural District Review 2016**

*Prepared by Laura DeGaetano – Albany County Office of Natural Resource Conservation
March 2016*

Pursuant to Article 25-AA section 303-b of NYS Agricultural and Markets Law, the Albany County Legislature established an annual review period beginning on February 1 during which property owners may apply to add land to any of the County’s three Agricultural Districts. On behalf of the County Legislature, the County Office of Natural Resource Conservation conducted a review of all land owner applications for inclusion in a District. The findings of this review, which relied on information provided by the land owner, analysis of aerial photos, and in some cases, a field assessment of the subject parcels, have been reviewed by the Agricultural and Farmland Protection Board. Based on this review, the following report and recommendations are submitted for consideration by the County Legislature.

A total of 7 parcels were submitted for consideration to be included in Albany County Agricultural Districts during the 30-day annual review period beginning February 1, 2016. Of the parcels submitted, 2 were found to already be included in the District (118.00-2-19.1 and 63.00-4-11.11 in New Scotland). The remaining five parcels were found to be consistent with the intent of agricultural districting and are recommended for inclusion in the appropriate Agricultural District. A summary of parcel information and Board recommendations are included in the table below.

TOWN	PARCEL	# OF ACRES	AG DISTRICT	Recommendation Of AFPB	Principal Enterprise
Westerlo	184.00-1-24.10	83	2	Add	Equine
	176.00-1-31,32,32.10	192	2	Add	Livestock/hay
Bethlehem	110.00-2-5.2	36	3	Add	Hay/field crops
Total Acres Added		311			

Howard Zimmer – Chairman / Tom DellaRocco / Laura DeGaetano / Tom Gallagher / Herb Riley / Harold E. Hahn / John Santacrose / Patricia McVee / John O’Pezio / Mark Stanton / Ed Kleinke



Agricultural District Law Provisions

Guide to Farming in New York State

#20

Revised
6/15/07

Agricultural Districts

Article 25-AA of Agriculture and Markets Law authorizes the creation of local agricultural districts pursuant to landowner initiative, preliminary county review, state certification, and county adoption. Most counties have placed agricultural land in state certified agricultural districts. While they are county-created and state-certified, towns have no authority over agricultural districts. Agricultural districts are not to be confused with agricultural zoning that may exist in some towns.

The purpose of agricultural districts is to encourage the continued use of farmland for agricultural production. The program is based on a combination of landowner incentives and protections, all of which are designed to forestall the conversion of farmland to non-agricultural uses. Included in these benefits are preferential real property tax treatment (agricultural assessment and special benefit assessment), protection against overly restrictive local laws, government-funded acquisition or construction projects, and private nuisance suits involving agricultural practices.

Agricultural Assessment: provides the opportunity for farmland owners to receive real property assessments based on the value of their land for agricultural production rather than its development value. (See the Agricultural Assessment Fact Sheet #21 for information).

Notice of Intent: mandates state agencies, local governments, and public benefit corporations to avoid or minimize adverse impacts to farm operations in pursuing projects within an agricultural district which involve the acquisition of farmland or the advance of public funds for certain construction activities. Division staff conducts detailed reviews of projects and recommends actions to mitigate. Projects cannot proceed until the notice process is completed.

Restrictive Local Laws: protects farmers in ag districts against local laws that unreasonably restrict farm operations. Division staff reviews both existing and proposed laws to determine if they are compatible with farm operations. If a local law is determined to be unreasonable, staff works with local government to develop mutually accepted modifications. If a local government is unwilling to modify a restrictive law, the Department is authorized to take action to compel compliance with Ag District Law. Requests for review must be provided in writing.

Right to Farm: authorizes the Commissioner to issue opinions, upon request, concerning the soundness of specific agricultural practices. If the Commissioner determines that a practice is sound, it shall not constitute a private nuisance. This protects farmers in cases where neighbors or others complain about farming activities.

Agricultural Enterprise Determinations: the Commissioner is authorized to issue an opinion on whether particular land uses are agricultural in nature. This provision helps determine if the agricultural district law is applicable to a particular farming enterprise that may be questioned by local authorities or others.

Real Estate Disclosure: requires that a disclosure statement be provided at the time of real estate closing that states if the property is in an agricultural district. This notifies the new landowner that agricultural activities are to be expected.

A copy of the full text of the NYS Agricultural District Law can be found at:
www.agmkt.state.ny.us/AP/agservices/2004C115.html or call 518-457-7076



Cornell University
Cooperative Extension

RESOLUTION NO. 206a

PUBLIC HEARING ON PROPOSED MODIFICATIONS TO
AGRICULTURAL DISTRICTS

Introduced: 5/27/15

By Mr. Reilly:

WHEREAS, Section 303-b of the Agriculture and Markets Law mandates an annual thirty-day review period, when landowners can request inclusion of land in an agricultural district prior to the County established review period, and

WHEREAS, Such review has been conducted and modifications are proposed regarding agricultural district actively viable farm land located in the Towns of Guilderland, Knox, New Scotland, Westerlo and Bethlehem, and

WHEREAS, In connection with such review, a proposal for the modification of Albany County Agricultural Districts has been submitted, and

WHEREAS, In conducting such review, Section 303-b of the Agriculture and Markets Law requires this Honorable Body to hold a public hearing of the Agricultural Districts upon notice as prescribed therein, now, therefore be it

RESOLVED, By the Albany County Legislature, that a public hearing be held in the Legislative Chambers at the County Courthouse, Albany, New York at 7:15 p.m. on Thursday, June 4, 2015 for the purpose of receiving the comments of any interested persons regarding the proposed modifications to agricultural districts within Albany County, and, be it further

RESOLVED, That notice of said public hearing be given in accordance with the requirements of the Agriculture and Markets Law, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote. 5/27/15