AGENDA

CONSERVATION, SUSTAINABILITY AND GREEN INITIATIVES COMMITTEE

MARCH 26, 2019

PREVIOUS BUSINESS:

APPROVING PREVIOUS MEETING MINUTES

1. RESOLUTION NO. 180: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “J” FOR 2018

2. LOCAL LAW NO. “J” FOR 2018: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS

3. RESOLUTION NO. 337: UPDATE AND CREATE AN ALBANY COUNTY MASTER WATERFRONT PLAN TO PROMOTE TRAVEL, TOURISM, RECREATION AND WATERFRONT DEVELOPMENT ON THE HUDSON AND MOHAWK RIVERS IN ALBANY COUNTY

CURRENT BUSINESS:

4. RESOLUTION NO. 120: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “D” FOR 2019

5. RESOLUTION NO. 123: A RESOLUTION TO ESTABLISH ALBANY COUNTY AS A POLLINATOR-FRIENDLY MUNICIPALITY
6. LOCAL LAW “D” FOR 2019: A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS

7. PUBLIC HEARING ON PROPOSED MODIFICATIONS TO AGRICULTURAL DISTRICT NOS. 1, 2 AND 3

8. ADOPTING THE PROPOSED MODIFICATIONS TO AGRICULTURAL DISTRICT NO. 3
Honorable Andrew Joyce and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Conservation and Improvement Committee of the Albany County Legislature met on November 27, 2018. Chairman Reinhardt, Messrs. Domalewicz, Fein, Stevens Ms. Lekakis, Ms. Plotsky and Mr. Mendick were present. Messrs. Commissio, Ethier and Stevens were excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously approved.


3. **Resolution No. 337**: Update And Create An Albany County Master Waterfront Plan To Promote Travel, Tourism, Recreation And Waterfront Development On The Hudson And Mohawk Rivers In Albany County: Tabled at the Request of Sponsor.

4. Approving the Albany County Agricultural and Farmland Protection Plan: The Department of Economic Development, Conservation and Planning requested approval of the Albany County Agricultural and Farmland Protection Plan prior to submission to the New York State Department of Agriculture and Markets. After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

5. Public Hearing on Proposed Modifications to Agricultural District No. 3: After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

6. **Resolution No. 525**: Public Hearing on Proposed Local No. “N” for 2018: After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

Respectfully submitted,

THE CONSERVATION AND IMPROVEMENT COMMITTEE

WILLIAM W. REINHARDT, Chairperson                      GILBERT F. ETHIER
RICHARD W. MENDICK                                      LYNNE LEKAKIS
FRANK COMMISSO                                          VICTORIA PLOTSKY
GARY DOMALEWICZ                                        TRAVIS STEVENS
SAMUEL I. FEIN
RESOLUTION NO. 180

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "J" FOR 2018

Introduced: 4/9/18
By Mr. Fein:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "J" for 2018, "A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS" be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, April 24, 2018, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law and Conservation and Improvement Committees – 4/9/18
LOCAL LAW NO. “J” FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS

By Messrs. Fein and Higgins:

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

Section 1. Legislative Intent

The Legislature finds that the external color of a petroleum bulk storage tank affects the amount of pollutants emitted from the tank into the air.

The Legislature further finds that dark-colored tanks absorb more heat, resulting in greater emissions of air pollutants, and that tanks painted white absorb less heat and therefore have lower emissions of air pollutants than dark-colored tanks.

The Legislature further finds that emissions from oil and petroleum-based products emit pollutants into the air including volatile organic compounds such as benzene, a known human carcinogen.

The Legislature further finds that all residents of the County of Albany deserve the ability to breathe clean air.

The Legislature further finds that safeguarding the health of the residents of Albany County is an important role of the government of the County of Albany.

The Legislature further finds that many residents of the County of Albany residing in the Southern end of the City of Albany do not have the ability to breathe clean air where they live due to emissions of air pollutants from a variety of industrial sources including but not limited to petroleum bulk storage tanks.

The Legislature further finds that air quality monitoring by the New York State Department of Environmental Conservation in the Southern end of the City of Albany has detected high levels of benzene and other air pollutants.

Therefore, the purpose of this Local Law is to reduce the harmful air pollutants emitted by petroleum bulk storage tanks that residents of the County of Albany are forced to breath.

Section 2. Definitions

As used in this Local Law, the following terms shall have the meanings indicated:
A. "Petroleum Bulk Storage Tank" means any tank with a capacity of 500,000 gallons or greater designed to store or being used to store oil or petroleum-based products.

B. "Existing Tank" means a Petroleum Bulk Storage Tank in existence on the effective date of this law.

C. "New Tank" means a Petroleum Bulk Storage Tank constructed after the effective date of this law.

D. "Operator" an entity, corporation, or individual that owns or operates a Petroleum Bulk Storage Tank.

Section 3. Color Requirements For New and Existing Petroleum Bulk Storage Tanks

A. As set forth below, all Existing and New Petroleum Bulk Storage Tanks located in Albany County must meet the following Color Requirement: (1) The entirety of the exterior of the tank must be painted white in a manner that completely covers any dark-colored surfaces on the tank, except for a logo or written text provided that such logo or written text does not exceed five percent (5%) of the exterior surface area of the tank; and (2) The white tank coloring shall be maintained as necessary to prevent underlying dark-colored surfaces from being exposed.

B. All New Tanks must meet the Color Requirement prior to being used or placed in operation.

C. All Existing Tanks must meet the Color Requirement within ninety (90) days of the effective date of this law.

D. The Operator is responsible for ensuring that the Color Requirement is complied with for all Petroleum Bulk Storage Tanks owned by the Operator.

Section 4. Health Commissioner's Enforcement Authority

The Health Commissioner is authorized to take any and all reasonable actions necessary to enforce this Local Law.

Section 5. Penalties

Any violation of Section 3 of this Local Law shall be punishable as follows:
A. First Offense. Any Operator guilty of a first offense shall be guilty of a violation and shall be given a written warning allowing thirty (30) days to correct the violation.

B. Second Offense. Any Operator guilty of a second offense, meaning not correcting the first offense violation within the allowed thirty (30) days, shall be guilty of a violation and shall be fined an amount not to exceed one thousand dollars ($1,000) for each day the violation continues.

Section 5. Reverse Preemption.

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Albany. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 6. Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section 7. Effective Date and Applicability

This local law shall be effective immediately upon filing in the Office of the Secretary of State.

Referred to Law and Conservation and Improvement Committees – 4/9/18
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RESOLUTION NO. 337

UPDATE AND CREATE AN ALBANY COUNTY MASTER WATERFRONT PLAN TO PROMOTE TRAVEL, TOURISM, RECREATION AND WATERFRONT DEVELOPMENT ON THE HUDSON AND MOHAWK RIVERS IN ALBANY COUNTY

Date: 7/9/18
By: Messrs. Frainier, Beston, Ms. Chapman, Messrs. Clenahan, Commissio, R. Joyce, Ms. McKnight, Messrs. Miller, O’Brien, Touchette, Ward, Ms. Willingham and Mr. Higgins:

WHEREAS, This honorable body recognizes that Albany County has many waterfront assets including trails, waterfalls, waterfronts, places of historical significance, industrial, commercial, residential and entertainment districts located on or in close proximity to waterfronts in Albany County. A thriving waterfront can be a catalyst for economic development and growth, and

WHEREAS, A coordinated strategy addressing this all important driver of economic and neighborhood development needs to be born and have the staying power to see and implement a transformation, and

WHEREAS, It is with this vision that this honorable body proposes the following, that the Albany County Industrial Development Agency and/or Albany County Capital Resource Corporation update a previous 2001 economic development study focusing on the waterfront in Albany County, this updated study will incorporate any and all local masterplans for one comprehensive plan, and

WHEREAS, The purpose of this study would be to examine our waterfront and create a master waterfront plan, including, but not limited to, remediation, recreation and development, as well as the promotion of the entire length of the waterfront as a destination. Coupling the study with the marketing of Albany County and its assets to help promote and encourage development in Albany County, and

WHEREAS, County waterfronts are defined as the Hudson and Mohawk River shoreline and are currently represented by 11 County Legislators District 1, Lucille McKnight, District 3 Wanda Willingham, District 6, Samuel Fein, District 14, Alison McLean Lane, District 15, Robert Beston, District 16, Sean Ward, District 17, Ralph Signoracci, District 18, Gilbert Ethier, District 19, Todd Drake, District 36, Richard Mendick, District 37 Richard Touchette, and

WHEREAS, The study area includes, the towns of Bethlehem, Colonie, Coeymans, the cities of Albany, Cohoes, and Watervliet and the villages of Green Island and Menands, and
WHEREAS, It is also the desire of this honorable body to allow transfer of any county foreclosed property to the Albany County Industrial Development Agency and/or the Albany County Capital Resource Corporation for waterfront development and encourage cooperation between the Albany County IDA and/or Albany County Capital Resource Corporation with local Economic Development Agencies, now, therefore, be it

RESOLVED, By the Albany County Legislature hereby requests the Albany County IDA and/or Albany County Capital Resource Corporation to accept this resolution and appropriate funds to complete a comprehensive study as stated above and invest $1,500,000 million dollars for development purposes including, but not limited to, land purchase and acquisition, remediation, conservation, public assess and any other soft costs that maybe needed for development, and, be it further

RESOLVED, This study area crosses many geographic boundaries and when complete would be a great tool for the Albany County IDA and/or Albany County Capital Resource Corporation in the spirit of shared services to share with local IDA's, the County Executive and other appropriate local development agencies in the study area to help promote development, business, entertainment and recreation throughout Albany County, and, be it further

RESOLVED, That the goal of this study is to compile a development strategy that the County Executive can promote and implement through the powers of the Executive branch of county government, and, be it further

RESOLVED, The Albany County Legislature respectfully requests the Albany County IDA and/or Albany County Capital Resource Corporation to report back to the Legislature within 60 days of adoption of this resolution regarding the status of this study, 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.

Referred to Audit and Finance and Conservation and Improvement Committees
- 7/9/18
RESOLUTION NO. 120

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “D” FOR 2019

Introduced: 3/11/19
By Ms. Cunningham:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “D” for 2019, “A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS” be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, March 26, 2019, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law and Conservation, Sustainability and Green Initiatives Committees - 3/11/19
RESOLUTION NO. 123

A RESOLUTION TO ESTABLISH ALBANY COUNTY AS A POLLINATOR-FRIENDLY MUNICIPALITY

Introduced: 3/11/19

By: Messrs. Bullock, Ms. Lekakis and Cunningham, Messrs. Reinhardt, Touchette and Ms. Plotsky:

WHEREAS, Albany County has a history of protecting rare and endangered invertebrates such as the Karner Blue Butterfly, which has been brought back to healthy population from the brink of extinction, and

WHEREAS, the recent swift and dramatic global declines in insect populations forces us to face the reality that humans are entirely dependent upon pollinators in our gardens, crops, food chain and ecosystems, making it necessary to continue our commitment to their protection, and

WHEREAS, there are now eight (8) endangered species of bees in the United States, one of which, the Rusty Patched Bumblebee, was native to Albany County, and

WHEREAS, recent research data has recorded dramatic insect declines globally, estimates from one 2014 study found that three has been a forty-five percent (45%) drop in the abundance of invertebrates, a majority of which are insects, and

WHEREAS, neonicotinoid pesticides remain in the pollen and nectar of plants for thirty-six (36) month, causing neurotoxic effects on visiting insects, and

WHEREAS, neonicotinoids have been found to be more toxic than other pesticides to bees, and

WHEREAS, declines of insectivorous (a diet of insects, worms and other invertebrates) birds have been documented as high as thirty-three percent (33%) decline since the 1970’s, the most rapid drop in population in any bird group, and

WHEREAS, Albany County has been a leader in protecting our partners in agriculture, wildlife and conservation, now, therefore be it

RESOLVED, that Albany County is hereby declared a Pollinator Friendly County, and be it further,

RESOLVED, that Albany County shall, to the extent practicable, establish host plants and nectar plant species for local pollinators – butterflies, moths, bee species and other flying insect species – along all County properties and County parks, and be it further,
RESOLVED, that Albany County shall take measures to restore and increase habitat to include native plants with succession blooming, aiming for pollen and nectar along County roads whenever such roads are reconstructed or repaved, and be it further

RESOLVED, shall conduct an inventory of all pesticides being used by Albany County, and make efforts to phase out the use of neonicotinoid pesticides in favor of lesser toxic methods as part of an Integrated Pest Management System plan promoting pollinator friendly practices, and be it further

RESOLVED, that Albany County will publish guides to pollinator host and nectar plants native to this region for gardeners to refer to, and to local neonicotinoid free organic farms and Community Supported Agriculture greenhouses, sellers of untreated organic seeds in an effort to encourage consumers and gardeners to support pollinator-friendly practices, and be it further

RESOLVED, that Albany County will encourage municipalities within Albany County to adopt conservation easement ordinances, allowing for possible reductions of property taxes in exchange for conservation easement access, and be it further

RESOLVED, that Albany County will encourage local educators to teach about host and nectar plants, and promote the establishment of pollinator gardens throughout schools and the community, 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.

_Referred to Conservation, Sustainability and Green Initiatives Committee - 3/11/19_
LOCAL LAW “D” FOR 2019

A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS

Introduced: 02/28/2019
By Ms. Cunningham, Messrs. Reinhardt, Mss. Lekakis and Plotsky, Messrs. Dawson and Fein, Ms. McLean Lane, Messrs. Joyce, Higgins, O’Brien, Bullock and Mayo:

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ALBANY, as follows:

Section 1. Title.

This Local Law shall be known as the “The Eliminate Single-Use Plastic Bag Use in Albany County Act.”

Section 2. Legislative Purpose and Findings.

The Albany County Legislature hereby finds and determines that it is imperative that the use and reliance on single-use plastic shopping bags must be reduced, and ultimately, eliminated. Further, the data and evidence supporting the massive proliferation of single-use plastic bags in Albany County, the State of New York and in our nation is troubling and the future of our planet depends on legislative bodies such as the Albany County Legislature taking proactive steps to mitigate and eliminate the unnecessary usage of single-use plastic bags in Albany County.

Environmental Impact: The Environmental Protection Agency’s data indicates that between 500 billion and 1 trillion plastic bags are consumed worldwide each year. The United States is purportedly responsible for using approximately 100-260 million plastic bags annually. To manufacture 100 billion plastic bags, 12 million barrels of oil is required. The production and disposal of single-use plastic bags has significant environmental consequences and impacts including the contamination of the environment, the depletion of natural resources, the use of non-renewable polluting fossil fuels and increased clean up and disposal costs and challenges.

It is now believed that there are 5.25 trillion pieces of plastic debris in the ocean. Of that mass, 269,000 tons float on the surface, while some four billion plastic microfibers per square kilometer litter the deep sea. Ocean debris, which predominantly consists of plastic pollution, has dire consequences for ocean mammals and birds, which commonly mistake plastic bags for food. Plastic bags have been found in the intestines and stomachs of marine life, and one in three leatherback sea
turtles have been found with plastic in their stomachs. Plastic ocean debris is responsible for killing an estimated 1,000,000 seabirds and 100,000 ocean mammals each year. At least 267 different species have been negatively affected by plastic pollution, including plastic bags.

**Over-reliance on plastic:** The average American family takes home almost 1,500 single-use plastic bags each year, and a single-use plastic bag is used for an average of 12 minutes. Other data suggests that an average family accumulates 60 plastic bags in only four trips to the grocery store. The average American recycles one plastic bag out of every 200 used.

Managing the disposal of single-use plastic bags is also costly to the taxpayer. In communities that have examined policies to discourage the use of single-use plastic bags, there have been data collected indicating that the disposal costs of managing the trash impact of plastic bag garbage is significant. From the New York State Plastic Bag Task Force, created by Governor Cuomo in 2017, this analysis of the cost to taxpayers in particular communities:

"Prior to California’s statewide single-use plastic bag ban, the City of San Diego consumed 500 million single-use plastic bags each year. Approximately 95% of these ended up in landfills and cost the people of California $25 million per year to manage. A 2013 study reported that of the 100 billion single-use plastic bags that Americans use each year, nearly 50 million end up as litter nationwide. The study also indicated that residents in coastal areas pay almost $15 per resident in overall litter cleanup costs. According to a draft proposal in 2017 for a single-use plastic bag ban in Madison County, NY, it was noted that the county "expends significant sums of money to control and pick up litter." In NYC alone, single-use, carry-out bags account for 1,700 tons of residential garbage each week, which equates to 91,000 tons of plastic and paper carry-out bags each year and presently costs the City $12.5 million annually to dispose of this material outside the city."

The Albany County Legislature further finds that policies aimed at banning single-use plastic bags or charging a fee for recyclable bag usage are effective.

Solutions that result in a fee for single-use bags, or that institute a ban on single-use plastic bags altogether work effectively, with resounding results. Data supporting this is abundant: when the City of Los Angeles, CA adopted a ban/fee hybrid policy model in 2012, there was a 94% reduction in carryout bag consumption.

Further, policy proposals to combat the consumption of single-use plastic bags is prolific across the world. According to the Governor's report:
Municipalities within New York State, across the United States, and around the world have implemented single-use plastic bag reduction measures in a variety of forms. On a worldwide scale, more than 75 countries have taken steps to reduce the consumption of single-use plastic bags. About one-third of these have instituted bans, approximately one-third have instituted fees, and the remaining one-third have taken the approaches listed below that differ from an outright ban or fee. As of March 2017, bans on the distribution of single-use plastic bags existed in nearly 100 cities, towns, and municipalities across the country, and fees existed in almost 30. Of the existing single-use bag fees, at least half are used in combination with a bag ban. In these instances, plastic bags are banned and the fees exist on other types of single-use carry out bags such as paper and compostable plastic. Most programs across the United States, for either a ban or a fee, include an exemption for certain bags such as produce and meat bags, prescription bags, dry cleaning bags, and newspaper bags.

In New York State, ten cities, towns or villages have enacted plastic bag bans and one municipality has a plastic bag ban with a fee on single-use paper bags and bags that qualify as reusable, including 2.25 mil flexible plastic bags. The City of Long Beach has a single-use plastic bag fee in place and Suffolk County’s single-use plastic bag fee took effect January 1, 2018.

Municipalities that have taken these steps find successful outcomes, with significant reductions in the carryout bag consumption, including that of single-use plastic bags. In addition, municipalities are also finding taxpayer/direct environmental benefit from instituting bag bans or fees: The City of San Jose saw an 89% reduction in plastic bags in their storm drain system, a 60% reduction of plastic bag litter in their creeks and rivers, and a 59% reduction in plastic bag litter in neighborhoods after instituting its plastic bag ban and fee on the allowable alternatives.

**Section 3. Definitions**

For purposes of this local law, the following terms shall have the meanings indicated below:

(a) “Covered Store” shall mean an establishment engaged in the retail sale of personal, consumer, household items including but not limited to: drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, gas stations, hardware and home improvement stores, stationary and office supply stores and food service establishments that provide carryout bags to consumers. Covered stores also include all apparel, clothing and shoe stores, including those in malls.

(b) “Customer” shall mean any person obtaining goods from a covered store.
(c) “Food Service Establishment” shall mean a place where prepared food is provided for individual portion service directly to a customer whether consumption occurs on or off the premises.
(d) “Person” shall mean any natural person, firm, corporation, partnership or other organization or group, however organized”.
(e) “Single-use Plastic Carryout Bag” shall mean a single-use plastic bag less than 4 mils (1 mil equals 1/1000th thickness) thick that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store. A typical plastic supermarket bag is .5 mil, a thicker “mall store” plastic bag is 2.3 mil or greater. “Single-use Plastic Carryout Bag” does not include (1) a bag without handles used to carry produce, meat, dry goods or other non-prepackaged food items to the point of sale within a store or market or to prevent such food items from coming into direct contact with other purchased items; (2) a garment bag or large plastic bag with two openings that is used to transport clothing from a clothing retailer or garment cleaner such as a dry cleaner.
(f) “Recyclable Paper Bag” shall mean a paper bag that (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled content.
(g) “Retail Sales” shall mean the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sale, farmers’ markets, flea markets and restaurants. The term “retail sales” does not include sales of goods at yard sales, tag sales, or other sales by residents at their homes.
(h) “Reusable Bag” shall mean a bag with handles that is specifically designed and manufactured for multiple reuse and meets all the following requirements: (1) has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this subsection, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet; (2) is machine washable or capable of being cleaned and disinfected; (3) does not contain lead, cadmium, or any other heavy metal in toxic amounts as defined by applicable State and Federal standards and regulations for packaging or reusable bags; and (4) if made of plastic, a minimum of 4 mils thick.

Section 4 Prohibition.

No covered store shall provide a single-use plastic carryout bag to any customer at the check-out stand, cash register, point of sale or other point of departure, for the purpose of transporting food or merchandise out of the establishment. This prohibition shall also apply to any “order online and pickup in store” or food delivery service.

Section 5 Permitted Bags.
(a) Covered stores may not provide or make available to customers at the check-out stand, cash register, point of sale or other point of departure, any single-use plastic carry-out bag for the purpose of transporting food or merchandise out of the establishment.

(b) All covered stores shall make available to customers, only recyclable paper bags or boxes, or reusable bags for the purpose of carrying away goods or other materials from the point of sale. Nothing in this local law prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

(c) On or immediately after the effective date, covered stores shall charge customers at least $.05 for each recyclable paper bag that is provided to customers. On or immediately after the effective date, all covered stores shall indicate on the customer receipt the number of recyclable paper bags that are provided to customers and the fee at which they were charged for the use of the recyclable paper bag. All monies collected by a covered store shall be retained by the covered store.

(d) The use of single-use plastic bags shall be prohibited, while the use of recyclable paper bags shall be available. On or immediately after the effective date, recyclable paper bags shall be available for at least $.05 and single-use plastic bags shall not be available in Albany County Covered Stores.

Section 6. Responsibilities and Obligations of Covered Stores.

(a) All covered stores shall post signs at or near the point of sale located in such Covered Stores to notify customers of the provisions of this law, as well as the per bag charge for recyclable paper bags and reusable bags that the store may offer. Covered stores shall also indicate in signage that recyclable paper bags will be available for a charge of at least $.05 each recyclable paper bag.

(b) Covered Stores must make available, on the customer receipt, the itemized number of recyclable or reusable bags used, on the sales receipt, including online receipts.

(c) Covered stores may retain the mandatory bag fee of at least $.05 per recyclable paper bag.

(d) No Covered Store shall provide a credit to any person specifically for the purpose of offsetting or avoiding the carryout bag charge required by this Local Law.

(e) Covered Stores shall be encouraged to work with organizations seeking to donate reusable bags for customer use that would allow for wide, free distribution of free reusable bags.

(f) Covered stores shall also be encouraged to adopt “leave-a-bag” “take-a-bag” initiatives that encourage consumer engagement on the use of reusable bags and that aim to enable wide adoption in communities with a high proportion of customers with limited incomes.
(g) Covered stores shall waive the fee for any customers using Supplemental Nutrition Assistance Program (SNAP) and the federal Women Infants and Children (WIC) Program cards. Covered stores shall have discretion in waiving the recyclable bag fee for any low-income constituency it deems appropriate.

(h) Covered stores shall be discouraged from “stock piling” plastic bag inventory and shall make every effort to be ready for the implementation of this local law.

Section 7. Deduction from Employee Wages Prohibition

Covered stores are prohibited from making a charge against, or deduction from, the wages of an employee to offset any penalty levied against the covered store pursuant to this local law.

Section 8. Albany County Responsibilities, Enforcement and Penalties.

(a) Department that will oversee this Local Law: The Albany County Executive shall deem the appropriate department within Albany County Government to oversee the enforcement, implementation of regulations and other guidance to secure the successful implementation of this Local Law. Further, the County Executive shall inform the Legislature of his or her recommendation to ensure enforcement of this Local Law. In addition, on an annual basis, the Department selected by the Albany County Executive to oversee and implement this local law shall prepare an annual recycling report that includes information detailing the success of the effort to eliminate the commercial use of plastic bags and include information such as:

i. the effectiveness of this local law in reducing the use of single-use carryout bags;

ii. the waste and litter reduction benefits of this local law;

iii. the number of notices of violation issued pursuant to this local law; and

iv. any cost savings to the County attributable to single-use carryout bag reduction such as reduced contamination of local waterways or reduction in flooding or combined sewer overflows. This report shall also be shared with state and local legislators, as well as provided to the New York State Department of Environmental Conservation.

(b) Compliance Assistance to Business and Retail Community: The County Executive shall ensure that information regarding this local law, its effective date, penalties and other relevant compliance information shall be distributed via website and other electronic means in order to ensure that Albany County’s Covered Stores shall be well informed about all aspects of compliance and adherence. The Albany County Department that will oversee and implement this law shall provide electronic templates that include the important information regarding this local law referenced in Section 6, subsection 1 that covered stores shall be able to print out and display at points of sale. This
template shall be easily downloadable from the County website and hard
copies shall be made available at the Albany County Office Building for retail
operators who need signage. In addition, the Albany County Department that
will oversee this local law shall engage the business and retail community
affected by this local law prior to the implementation date to provide technical
and other assistance and information, and shared approaches regarding
compliance. These-outreaches to the business community shall include county-
wide business round tables.

(c) Penalties: Any Covered Store found to be in violation of the provisions of this
law shall be liable for a civil penalty payable to the County of Albany pursuant
to the following penalty structure
   i. Any Covered Store found to be in violation of the provisions of this law a
      first time shall be issued a written warning.
   ii. Any Covered Store found to be in violation of the provisions of this law a
       second time shall be liable for a civil penalty not to exceed $100.00.
   iii. Any Covered Store found to be in violation of the provisions of this law a
        third time shall be liable for a civil penalty not to exceed $250.00.
   iv. Any Covered Store found to be in violation of the provisions of this law a
        fourth time shall be liable for a civil penalty not to exceed $500.00.
   v. For each subsequent violation, daily fines of $100.00 shall be instituted
      and applied for violations of this Local Law until compliance is achieved.
   vi. The Albany County Executive’s designee department shall have the
discretion to temporarily suspend the business practices of Covered Stores
that persistently violate this Local Law.
   vii. All fines collected for violations of the Local Law shall be used to offset
any costs of compliance and oversight of adherence to this Local Law.

Section 8. Severability.

If any clause, sentence, paragraph, section or any part of this local law or the
application thereof to any person, individual corporation, firm, partnership, entity or
circumstance shall be adjudged by any court of competent jurisdiction to be invalid
or unconstitutional, such order or judgement shall not affect, impair, or invalidate
the remainder thereof, but shall be confined in its operation to the clause, sentence,
paragraph, subdivision, section, or part of this law, or in its application to the person,
individual, corporation, firm, partnership, entity, or circumstance directly involved
in the controversy in which such order or judgement shall be rendered.

Section 9. Reverse Preemption.

This local law shall be null and void on the day that a statewide law is in effect,
incorporating either the same or substantially similar provisions as are contained in
this local law or in the event that a relevant state or federal administrative agency
issues and promulgates regulations preempting such action by the County of Albany. The Albany County Legislature shall determine by resolution whether or not the identical or substantially similar statewide law or relevant pre-emptive state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

**Section 10. Effective Date.**

The effective date of this local law will be 6 (six) months from the date of its filing with the Secretary of State.

*Referred to Law and Conservation, Sustainability and Green Initiatives Committees - 3/11/19*
March 7, 2019

Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State St., Rm. 710
Albany, NY 12207

Dear Chairman Joyce:

Please find enclosed a Request for Legislative Action to be considered at the March 2019 Conservation, Sustainability and Green Initiatives Committee meeting.

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 recommended modifications.

If you have any questions, please feel free to contact me at 447-5670.

Sincerely,

Laura DeGaetano
Sr. Natural Resource Planner

cc: Dennis Feeney, Majority Leader
    Frank Mauriello, Minority Leader
    Kevin Cannizzaro, Majority Counsel
    Arnis Zilgme, Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services): Request public hearing on annual Agricultural District Review

Date: March 7, 2019
Submitted By: Laura DeGaetano
Department: Economic Development, Conservation and Planning
Title: Sr. Natural Resource Planner
Phone: 518-447-5670
Department Rep.: Laura DeGaetano
Attending Meeting:

Purpose of Request:
☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☒ Other: (state if not listed) Set Public hearing

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant

Choose an item.
Submission Date Deadline
Click or tap to enter a date.

☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed)
Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names(addresses)):
Click or tap here to enter text.

Amount/Raise Schedule/Fee:
Click or tap here to enter text.
Scope of Services:
Click or tap here to enter text.

Bond Res. No.:
Click or tap here to enter text.
Date of Adoption:
Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service:
Yes ☐ No ☐

If Mandated Cite Authority:
Agricultural Districts law 25AA

Is there a Fiscal Impact:
Yes ☐ No ☐

Anticipated in Current Budget:
Yes ☐ No ☐
Justification: (state briefly why legislative action is requested)
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 proposed annual additions to Albany County Agricultural Districts must be held to receive comment on the proposed additions.
Recommendations of the Albany County Agricultural and Farmland Protection Board
Annual Agricultural District Review 2019

Prepared by Laura DeGaetano – Albany County Department of Economic Development, Conservation and Planning March 2019

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 landowner applications for inclusion in a District. The findings of this review, which relied on information provided by the landowner, 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 thirteen (13) parcels were submitted for consideration to be included in Albany County Agricultural Districts during the 30-day annual review period beginning February 1, 2019. Of the parcels submitted, seven (7) were found to be consistent with the intent of agricultural districting and are recommended for inclusion in the appropriate Agricultural District. Parcels 95.-4-31.42, 131.00-1-2.1, 131.00-1-2.2 were found to already be included in the Districts. Parcel 95.-3-33.3 was partially included and was corrected to include the entire parcel through a parcel line adjustment during the 2018 Agricultural District #3 review. Parcels 116.-3-37, and 106.-2-17.4 were found not to have predominantly viable agricultural land or production as defined in Agricultural District Law 25AA at this time and so were not recommended for inclusion in the District. A summary of parcel information and Board recommendations are in included in the table below.

<table>
<thead>
<tr>
<th>TOWN</th>
<th>PARCEL</th>
<th># OF ACRES</th>
<th>AG DISTRICT</th>
<th>Recommendation Of AFPB</th>
<th>Principal Enterprise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bethlehem</td>
<td>96.-2-11</td>
<td>78.5</td>
<td>3</td>
<td>Add</td>
<td>Hay</td>
</tr>
<tr>
<td>Bethlehem</td>
<td>95.-4-31.42</td>
<td>4</td>
<td>3</td>
<td>Already In</td>
<td></td>
</tr>
<tr>
<td>Guilderland</td>
<td>38.-5-4</td>
<td>38.3-25</td>
<td>38.3-26</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knox</td>
<td>36.-3-42.21</td>
<td>36.-3-28</td>
<td>60</td>
<td>5</td>
<td>Add</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td>Veg/hay/orchard</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hay/Horticulture</td>
</tr>
<tr>
<td>New Scotland</td>
<td>106.-2-17.4</td>
<td>23</td>
<td>3</td>
<td>Do Not Add</td>
<td></td>
</tr>
<tr>
<td>New Scotland</td>
<td>95.-3-33.3</td>
<td>7</td>
<td>3</td>
<td></td>
<td>Already In</td>
</tr>
<tr>
<td>New Scotland</td>
<td>131.00-1-2.1</td>
<td>40</td>
<td>3</td>
<td></td>
<td>Already In</td>
</tr>
<tr>
<td></td>
<td>131.00-1-2.2</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rensselaerville</td>
<td>160.00-1-58</td>
<td>7.8</td>
<td>2</td>
<td>Add</td>
<td>Apiary</td>
</tr>
<tr>
<td>Westerlo</td>
<td>116.-3-37</td>
<td>67</td>
<td>2</td>
<td>Do Not Add</td>
<td></td>
</tr>
<tr>
<td>Total Acres Added</td>
<td></td>
<td>238.5</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Howard Zimmer – Chairman / Tom DellaRocco / Laura DeGaetano / Tom Gallagher/Paul Miller/ Harold E. Hahn/ John Santacrose/ Maggie Alix/John O’Pezio / Mark Stanton / Ed Kleinke
RESOLUTION NO. 207

PUBLIC HEARING ON PROPOSED MODIFICATIONS TO AGRICULTURAL DISTRICT NOS. 1, 2 AND 3

Introduced: 5/14/18
By Conservation and Improvement Committee and Mr. Miller:

WHEREAS, Section 308-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 the inclusion of actively viable farm land located in the Towns of Knox, Berne, Coeymans and Rensselaerville in an agricultural district, 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 308-b of the Agriculture and Markets Law requires this Honorable Body to hold a public hearing on the additions to 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 Tuesday, May 29, 2018, for the purpose of receiving the comments of any interested persons regarding the proposed modifications to Agricultural District Nos. 1, 2 and 3 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 - 5/14/18
March 5, 2019

Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State St., Rm. 710
Albany, NY 12207

Dear Chairman Joyce,

Please find enclosed, a Request for Legislative Action to be considered at the March Conservation Sustainability and Green Initiatives Committee meeting.

As required by Agriculture and Markets Law 25AA Section 303-a(2) all Agricultural Districts must be reviewed every eight(8) years. As part of this review process for Agricultural District #3, the County Legislature, after receiving the reports and recommendations of the County Agricultural and Farmland Protection Board and after a public hearing has been held, shall make a finding whether the district should be continued with the proposed modifications.

Sincerely,

Laura DeGaetano
Sr. Natural Resource Planner

cc: Dennis Feeney, Majority Leader
    Frank Mauriello, Minority Leader
    Kevin Cannizzaro, Majority Counsel
    Arnis Zilgme, Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Requesting approval of modifications to Agricultural District #3 - 8-year Review

Date: March 5, 219
Submitted By: Laura DeGaetano
Department: Economic Development Conservation and Planning
Title: Sr. Natural Resource Planner
Phone: 518-447-5670
Department Rep.: Laura DeGaetano
Attending Meeting: Laura DeGaetano

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☒ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
## CONCERNING CONTRACT AUTHORIZATIONS

### Type of Contract:
- [ ] Change Order/Contract Amendment
- [ ] Purchase (Equipment/Supplies)
- [ ] Lease (Equipment/Supplies)
- [ ] Requirements
- [ ] Professional Services
- [ ] Education/Training
- [ ] Grant

Choose an item.
- Submission Date Deadline: [Click or tap here to enter text.]
- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) [Click or tap here to enter text.]

### Contract Terms/Conditions:

**Party (Name/address):**
[Click or tap here to enter text.]

**Additional Parties (Names/addresses):**
[Click or tap here to enter text.]

**Amount.Raise Schedule/Fee:**
[Click or tap here to enter text.]

**Scope of Services:**
[Click or tap here to enter text.]

**Bond Res. No.:**
[Click or tap here to enter text.]

**Date of Adoption:**
[Click or tap here to enter text.]

### CONCERNING ALL REQUESTS

**Mandated Program/Service:**
Yes ☒ No ☐

**If Mandated Cite Authority:**
NYS Agriculture and Markets Law 25AA

**Is there a Fiscal Impact:**
Yes ☐ No ☒

Anticipated in Current Budget:

**County Budget Accounts:**

---

County of Albany
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)
Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation
Yes ☐ No ☒
If yes, explain:
Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: Resolution No. 479
Date of Adoption: 11/14/16

Justification: (state briefly why legislative action is requested)
As required by Agriculture and Markets Law 25AA section 303-a (2) all Agricultural Districts must be reviewed every eight (8) years. As part of this review process for Agricultural District #3, the County Legislature, after receiving the reports and recommendations of the County Agricultural and Farmland Protection Board and after a public hearing has been held, shall make a finding whether the district should be continued with the proposed modifications.
RECOMMENDATIONS BY THE AGRICULTURAL & FARMLAND PROTECTION BOARD PERTAINING TO THE EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT #3 2018

Prepared by:
Laura DeGaetano
Sr. Natural Resource Planner
Albany County Office of Natural Resources
The following recommendations by the Albany County Agricultural and Farmland Protection Board pertain to proposed modifications to Agricultural District #3 following a review of the District pursuant to NYS Agriculture and Markets Law 25AA Section 303(a).

Members of the Albany County Agricultural and Farmland Protection Board Include:

Mr. Howard Zimmer  Farmer, Chairman AFPB
Ms. Laura DeGaetano  Albany County Department of Economic Development, Conservation and Planning
Mr. Thomas Gallagher  Cornell Cooperative Extension of Albany County
Hon. Paul Miller  County Legislator
Ms. Maggie Alix  Albany County Real Property Tax Service
Mr. John Santacrose  Soil and Water Conservation District Board, Chairman
Mr. Mark Stanton  Farmer
Mr. Ed Kleinke  Albany County Farm Bureau
Mr. Tom DellaRocco  Farmer
Mr. Harold Hahn  Farmer
Mr. John O'Pezio  Agribusiness

In fulfilling its responsibility on behalf of the Albany County Legislature, the Albany Agricultural and Farmland Protection Board has completed a review of staff recommendations pertaining to the eight-year review of Albany County Agricultural District #3 located in the towns of Bethlehem, Coeymans, Colonie, Guilderland, New Scotland, and the City of Cohoes. Based on this review the following comments are presented for consideration.

The review of Agricultural District #3 was performed in conjunction with Cornell Cooperative Extension of Albany County and the Albany County Office of Natural Resource Conservation. Resources utilized in this review included analysis of aerial photographs, field assessment, state and local maps, tax maps and tax rolls for the respective municipalities, the extensive knowledge of cooperative extension agents and Board members, and completed Agricultural District Review Profile Worksheets. Zoning and comprehensive plans for the applicable municipalities were also reviewed. In addition, Agricultural District #3 boundaries were adjusted and recalculated using updated 2018 digital tax map data.

Specific factors considered by the Albany County Agricultural and Farmland Protection Board as identified in Circular 1150 on Article 25AA-Agricultural Districts are as follows:

The nature and status of farming and farm resources within Agricultural District #3 including the total number of acres of land and total number of acres in farm operations.

The total acreage of Albany County Agricultural District #3 as currently proposed is 26,932 acres as compared to a pre-review District of 26,594 acres in 2011 for a net increase of 289.45 acres. The increase in acreage despite the fact that there were more acres removed than added during the 8-year review is the result of the addition of approximately 831.12 acres during annual reviews under section 303(b) since the last 8-year review.

Applications from landowners seeking inclusion in the District make up all of the acreage proposed for addition. Those owning viable farmland that is not in the District were contacted by members of the Agricultural and Farmland Protection Board. Proposed additions to the District include approximately 333.33 acres of active farmland and related adjacent areas.

Approximately approx. 826 acres were proposed to be removed from the District based upon landowner feedback, aerial photo review and subdivision activity, and recommendations of the Albany County Agricultural and Farmland Protection Board. These parcels were removed because they were not agricultural, had been subdivided and developed, or were inactive farmland with planned development.
Farming continues to be a viable activity within Albany County Agricultural District #3. While the western portion of Guilderland, much of Coeymans and New Scotland, and the southern half of Bethlehem remain predominantly rural in character, the development of single family homes on subdivisions of former agricultural land have had significant impacts on some parts of the District. Central Bethlehem (Glenmont area) has been most affected by subdivision and development with 3 developments and 2 proposed projects eliminating more than half of the farmland in that area of the town. Residential development in New Scotland is more and dispersed so does not have as much impact on the district. The town of Colonie lost a significant vegetable farm to commercial development and Albany County Airport Authority acreage will no longer be rented out for farming due to safety concerns so remaining Authority lands will be removed from the district. The agricultural district lands in Colonie are the most dispersed and are under threat of commercial and residential development.

While increasing suburban and commercial development is likely to continue into the foreseeable future, at the time of this review, farming in the District remains viable. The District, as modified, is made up of predominantly viable, active farmland and related adjacent areas.

The amount of agriculture and size of the District has remained relatively stable since the last review. Additions to the district include new farms, rented lands, as well as added acreage to existing agricultural operations.

Much like other counties in the state, several large farms in the District have been lost and have been replaced, in many cases, by smaller farms or hobby farms. To a large extent, this is probably due to economic forces beyond the boundaries of the District, including difficulties associated with farming on a small to moderate scale in New York State, and national and international competition.

Rented land is very important, especially for the large dairy farmers in this District. Livestock and hay are still the predominant principle enterprises in the district. There are also a number of farms that primarily grow vegetable or cash crops. There are two large commercial orchards in the district as well as one vineyard. Dairy and horticultural operations are also present in the district and among them are some of the most profitable farms in the district. It is very common in the District for farmers have secondary support enterprises such as poultry, apiary, and hay.

The extent to which the district has achieved its original objectives

The original objective of Agricultural District #3, as with any agricultural district, is to promote and encourage the continued use of the land for farming.

The District, as modified, is made up of predominantly viable, active farmland and related adjacent areas. The proximity of farms to each other, and the availability of land to rent within the district is important for many farmers. In some portions of the district, there are large contiguous areas of farmland to support this need. Other areas are seeing strong development pressure and increasing segmentation of farmland. Despite the economic challenges and development pressure faced by farmers, agriculture remains a viable industry within the District. While there has been a fair amount of land conversion within the district, that perhaps makes the protections of the Ag District Law even more important to remaining farmers. With this in mind, it can be said that the original objectives of the District have been achieved.

The extent to which county and local comprehensive plans, policies and objectives are consistent with and support the district

At the County level, The County is poised to adopt an updated Agricultural and Farmland Protection Plan that builds on the strength of the Agricultural Districts. The County also passed a Right to Farm Law in 2007 which supports and enhances protections under NYS Agricultural Districts Law. In addition, the County Planning Board routinely gives strong consideration to potential adverse impacts on agriculture during the course of their review of development proposals referred by municipalities under GML section 239.

At the local level, the Town of Bethlehem, in addition to its Farmland Protection Plan, has prepared an
Open Space Plan. Their implementation program includes an Open Space and Farmland Conservation Opinion Survey, support of conservation easement opportunities, and initiatives to promote local farms.

The Town of New Scotland has completed a draft comprehensive plan update that strongly supports a vision to retain agriculture by promoting economic development based on the local agricultural heritage, support and promote agri-tourism and to protect highly productive agricultural soils with a conservation overlay district.

Town of Coeymans has formed a Conservation Advisory Council. The Council has prepared a natural resource inventory which includes the agricultural resources in the town with the intent of using the inventory to help make land use decisions that preserve valued resources.

There is very little farmland remaining in the Town of Colonie, however their current draft comprehensive plan update does include a recommendation to conserve viable farmland. One farm/CSA in Colonie is currently pursuing funding for a conservation easement. Their application was supported by the County Agricultural and Farmland Protection Board.

**Recommendation to continue, terminate, or modify the district.**

Based on this review, the Albany County Agricultural and Farmland Protection Board finds that the proposed District, as modified, is made up of predominantly viable, active farmland and related adjacent areas and recommends that Albany County Agricultural District #3 be continued with the proposed modifications. A list of parcels proposed for removal and addition is attached.

**Attachments:**
Summary of modifications to Agricultural District #3
List of current parcels included in Agricultural District
PART I – PROJECT INFORMATION

1. The proposed action is located in the County of ________Albany________ and the Town(s) of Bethlehem, Coeymans, Colonie, Guilderland, New Scotland, Cohoes

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? 26,594 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? 1,164 acres added, 826 acres removed
   - 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): Multiple/Various
     - 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: Agricultural/Rural Residential, Residential/Agricultural/Forest, Resource Conservation, Rural Development/Agricultural

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:
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: 3/5/10

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 CEA?  ☐Yes  x  No

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts?
☐Yes  x  No  If Yes, explain briefly:
PART III – DESIGNATION OF LEAD AGENCY

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

X 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.

X 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. Andrew Joyce
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)

Date
RESOLUTION NO. 479

ADOPTING THE PROPOSED MODIFICATIONS TO AGRICULTURAL DISTRICT NO. 2

Introduced: 11/14/16
By Conservation and Improvement Committee:

WHEREAS, Section 303-a of the Agriculture and Markets Law mandates the review of an agricultural district every eight years, and

WHEREAS, In connection with such review, a proposal for the modification of Agricultural District No. 2 has been submitted by the Agricultural Farmland Protection Board, and

WHEREAS, In conducting such review, Section 303 of the Agriculture and Markets Law requires this Honorable Body to hold a public hearing at a place within or readily accessible to Agricultural District No. 2, which public hearing was held in the Legislative Chambers, Albany County Courthouse, Albany, New York for the purpose of receiving the comments of any interested persons regarding the proposed modification of Agricultural District No. 2, now, therefore be it

RESOLVED, By the Albany County Legislature that the plan submitted by the Agricultural Farmland Protection Board is hereby approved and adopted, and, be it further

RESOLVED, That a copy of the plan shall be submitted to the Commissioner of Agriculture and Markets, along with a certified copy of this resolution, 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. 11/14/16