

**Welcome!**

**Broome County 2024 Agriculture Municipal Training**

**July 17th, 2024**

**4pm-7pm**



**Broome County Department of Planning**  
[www.gobroomecounty.com/planning](http://www.gobroomecounty.com/planning)

# Introduction

Broome County Department of  
Planning and Economic Development  
[www.gobroomecounty.com/planning](http://www.gobroomecounty.com/planning)



## Agricultural Team

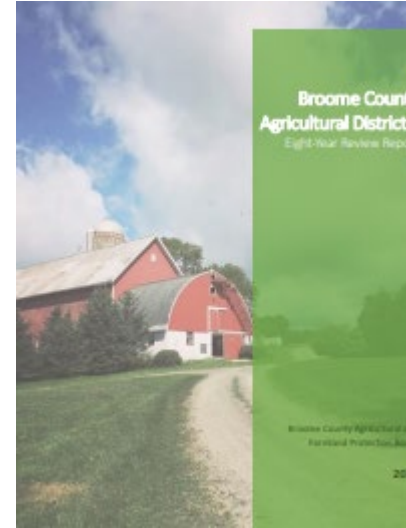
**Stephanie Brewer**, Senior Planner 607-778-2390 [Stephanie.Brewer@broomecountyny.gov](mailto:Stephanie.Brewer@broomecountyny.gov)

**Gillian Sloan**, Planner 607-778-2911 [Gillian.Sloan@broomecountyny.gov](mailto:Gillian.Sloan@broomecountyny.gov)

**Laura Biasillo**, Agricultural Economic Development Specialist, Cornell Cooperative Extension-Broome County  
(607) 584-5007 [lw257@cornell.edu](mailto:lw257@cornell.edu) [www.ccebroomecounty.com](http://www.ccebroomecounty.com)



# Broome County and CCE Agricultural Partnerships



**MUNICIPAL TRAININGS  
COMPREHENSIVE PLANS  
GMU SECTIONS 239 L & M**



**BROOME COUNTY AGRICULTURAL  
ECONOMIC DEVELOPMENT PLAN**  
Final draft  
January, 2019

<https://www.gobroomecounty.com/planning/pubs>

# Housekeeping

- Our presenters will take questions at the end of each presentation.
- Training Requirement: Members of Planning Boards and Zoning Boards of Appeals
  - 4 hours of training annually
  - Training beyond 4 hours can carry over to 2024
  - We recommend you receive **2.5 hours** of credit for attending this training
  - Certificate for PB and ZBA will get after training
  - Fill out Evaluation Form at end of training.
- Presentations will be available online for future use.
- Questions: **Laura Biasillo:** (607) 584-5007 [lw257@cornell.edu](mailto:lw257@cornell.edu)



# Right To Farm?

## *Understanding Options for Agricultural Land Use Conflict Resolution*

Jeff Kehoe 518-457-4626

[jeffrey.kehoe@agriculture.ny.gov](mailto:jeffrey.kehoe@agriculture.ny.gov)

Division of Land and Water Resources:  
Agriculture Protection Unit



**Department of  
Agriculture and Markets**

# Agricultural Districts Law

## AML 25AA

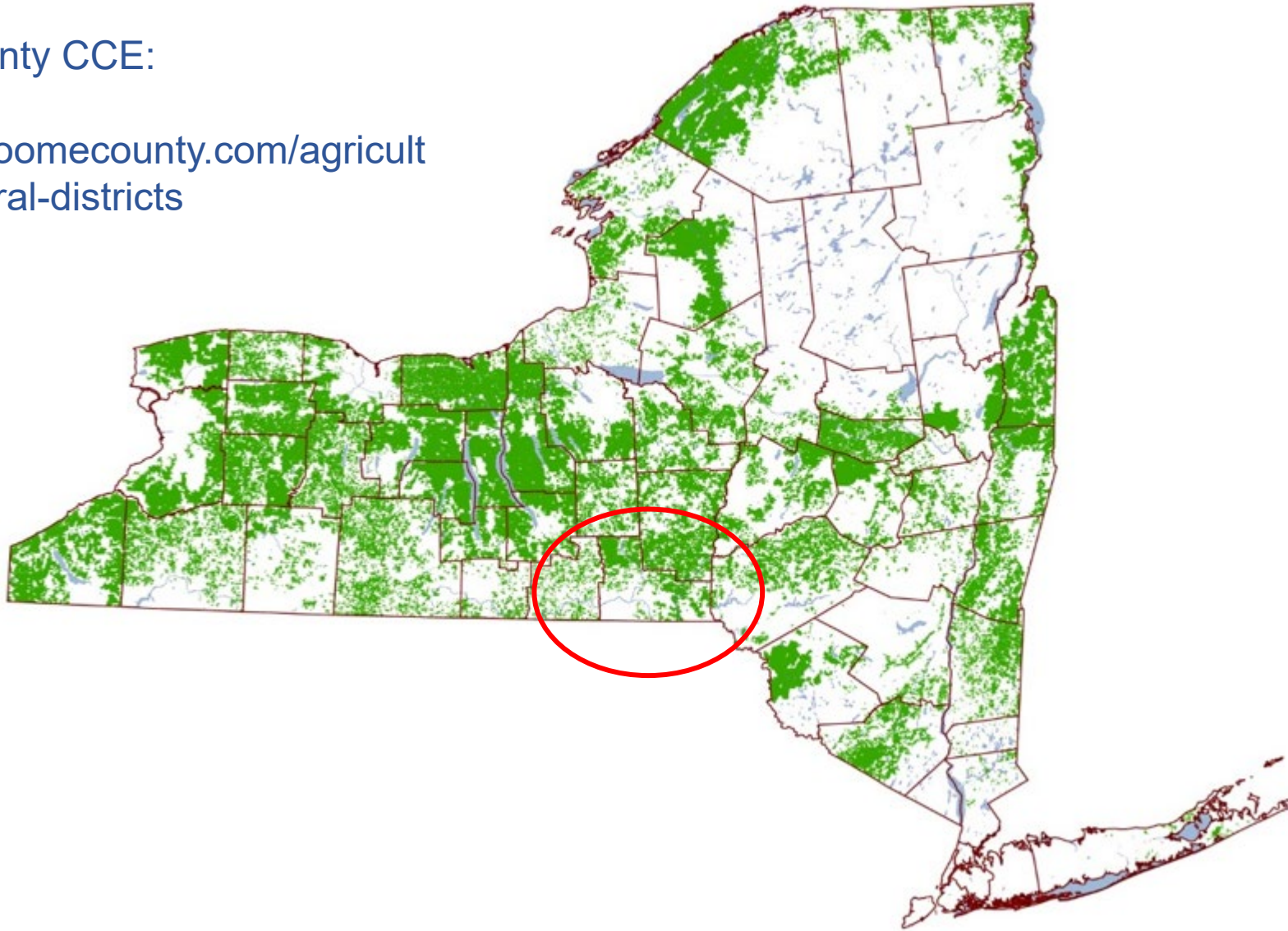
“It is the purpose of this article to provide a **locally-initiated mechanism** for the protection and enhancement of New York state's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance.

“When nonagricultural development extends into farm areas, competition for limited land resources results. Ordinances inhibiting farming tend to follow, farm taxes rise, and hopes for speculative gains discourage investments in farm improvements, often leading to the idling or conversion of potentially productive agricultural land.”

# Agricultural Districts

Broome County CCE:

<https://ccebroomecounty.com/agriculture/agricultural-districts>



**2021 Statewide Totals:**


**9,162,250 Acres**

26,246 Farms

154 Districts

53 Counties



Download 

Shapefile

PDF

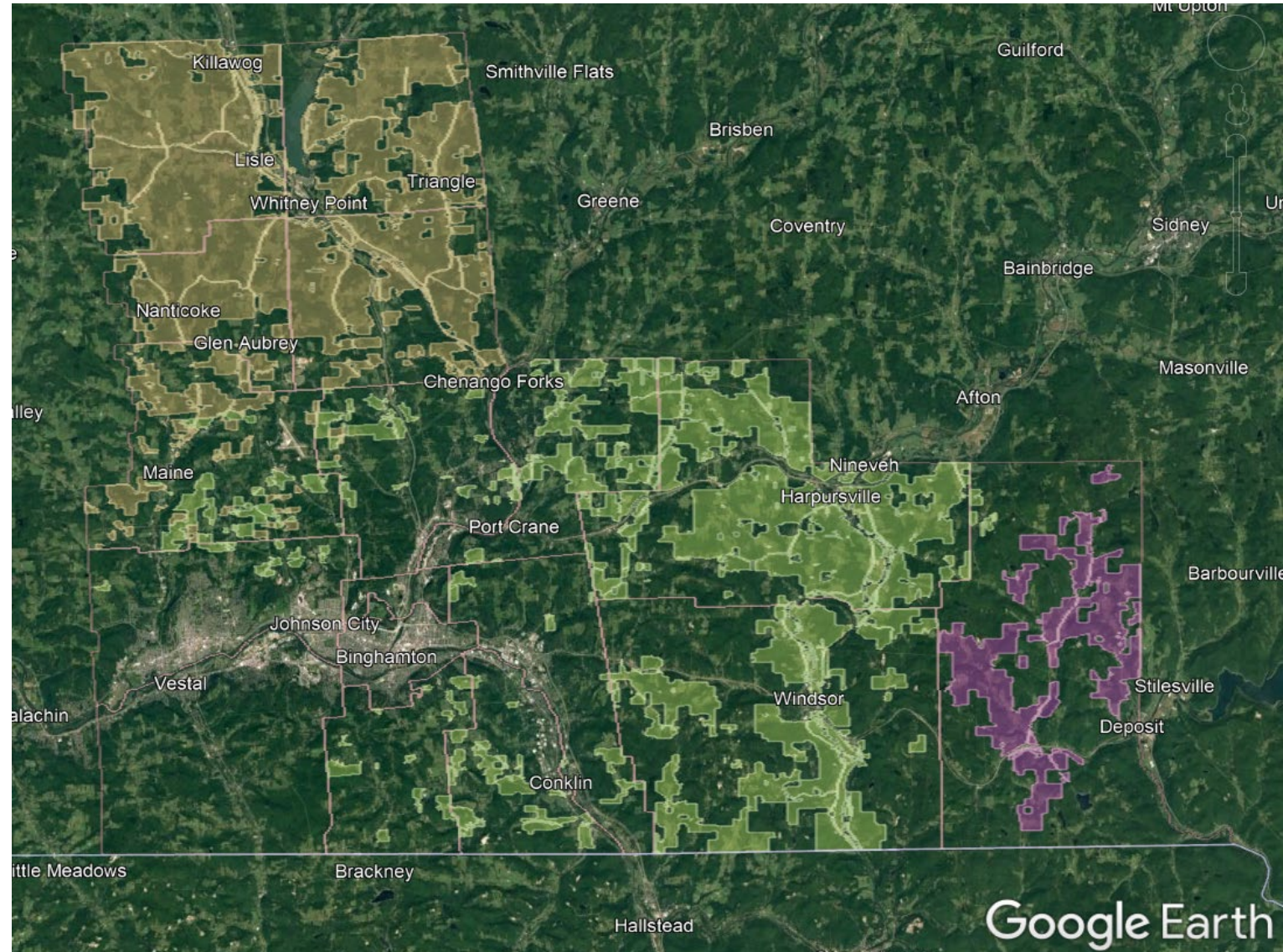
**KML**

Export Formats

KMZ (generated)

GeoJSON (generated)

**Totals:**  
155,974 Acres  
333 Farms



2024 Open Enrollment  
December 1- 31

Next 8-Year Review  
January 11, 2027



# Understanding Agricultural Land Use Controls

**Local Ag Zoning- *Home Rule Authority***

**Local Right to Farm Laws-** typically reference AML25AA

**County Right to Farm Laws-** may provide for mediation panel

**NYS Agricultural Districts Law (AML25AA)**

**Ag and Farmland Protection Board: Locally –Led, Voluntary, Collaborative**

**Ag District Protections**

**Notice of Intent – Protects farms from publicly funded infrastructure projects/ Eminent Domain**

**Sound Ag Practice Opinion = Safe, Legal and commonly accepted**

**Agricultural in Nature Opinion = non-binding acknowledgement**

**305-a Review of Unreasonable Restrictions**

**Ag Disclosure Notice**

**Ag Data Statement**

**Ag Regulations: CAFO(DEC), Food Safety, Commercial Kitchens, Nursery License (AGM)**

# Ag. Dist. Effect on Local Zoning and Planning Laws

*When do Ag District protections from local laws or private nuisance complaints apply?*

*\*Farmers must comply with all local, state and federal laws and regulations.*

Municipalities are responsible for the regulation of land uses through **comprehensive and/or master plans, local zoning, local laws, ordinances, rules, or regulations.**

“Local governments, when exercising these powers...shall not unreasonably restrict or regulate farm operations within agricultural districts...\* unless it can be shown that the public health or safety is threatened.” -AML 25AA 305-a

# Generic Review Procedures for Unreasonable Local Laws

## 1) Is Parcel Enrolled in Ag District?

[https://ulstercountyny.gov/planning/agricultural\\_districts\\_overview](https://ulstercountyny.gov/planning/agricultural_districts_overview)

## 2) Is it Farm Operation? [Guideline for Farm Operations](#)

## 3) Have Local Administrative Remedies Been Exhausted by Landowner?

RTFL, Ag Zoning, Regulations, Special Use Permit, Area/Use Variances?

### *Resources:*

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

<https://agriculture.ny.gov/system/files/documents/2020/07/305-azoningguidelines.pdf>

**Kate Tylutki**, Agricultural Protection Unit: [Kathleen.Tylutki@agriculture.ny.gov](mailto:Kathleen.Tylutki@agriculture.ny.gov)

# Ag Value Assessment

- 1) 7 acres + \$10,000/yr or >7ac/ \$50,000/ yr
- 2) SWCD to produce a Soil Group Worksheet
- 3) Assessor makes determination using Tax and Finance Guidance

Dispute?

- 1) If Landowner is unsatisfied? Local Board of Assessment Review
- 2) Landowner must take it to the Courts



# Emerging Conflicts

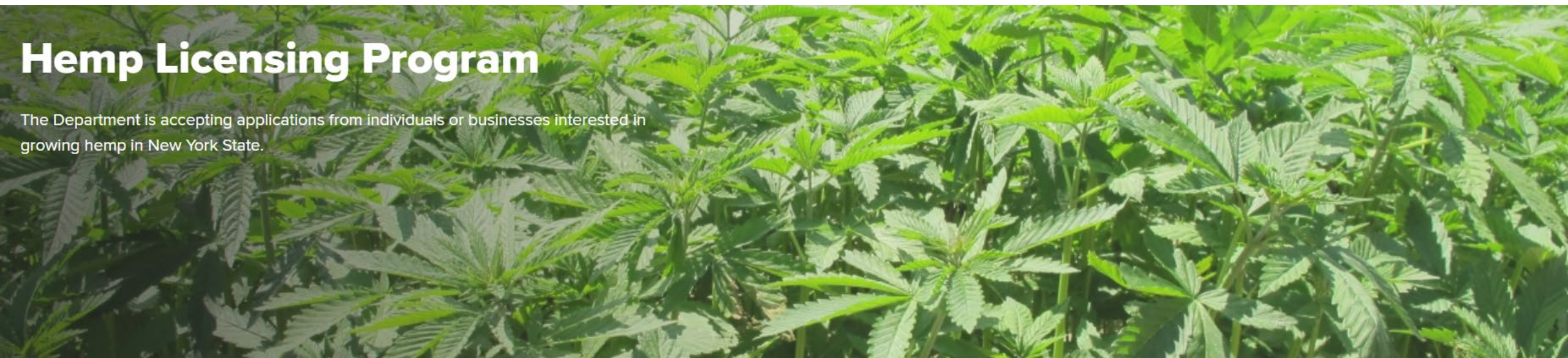
**Hemp v. Cannabis:** Hemp is defined as a crop... cannabis is not

**Agritourism:** commercial tourism activities conducted in a working landscape  
-poorly defined and widely misunderstood

**Craft Beverage Industry:** Farm Brewery/Winery/Distillery

# Cannabis v. Hemp

- Office of Cannabis Management (DOH): <https://cannabis.ny.gov/>
  - Highly regulated for commercial and residential growers
- Industrial Hemp Program(Ag& Mkts): <https://agriculture.ny.gov/hemp>
  - Hemp is considered crop (AML25AA Section 301)



## Hemp Licensing Program

The Department is accepting applications from individuals or businesses interested in growing hemp in New York State.

# Simple Local Actions to Protect Agriculture

- ✓ Update Agriculture Related Definitions
- ✓ Adopt a Right to Farm Law (*local conflict mediation*)
- ✓ Farm Friendly Agricultural Zoning (*limit growth inducing land uses*)
- ✓ Include Agriculture in Comp Plan!
- ✓ Ag Data Statement
- ✓ Ag Disclosure Notice
  
- ✓ Draft an Ag Protection Plan!



# Ag Disclosure Notice (Another Ag Protection Planning Tool)

Sellers of land enrolled in an agricultural district are required to disclose to new buyers that they live in a working landscape.

- to be signed by buyer and recorded per Tax & Finance
- often found on real estate contracts

Town of Rochester, NY:

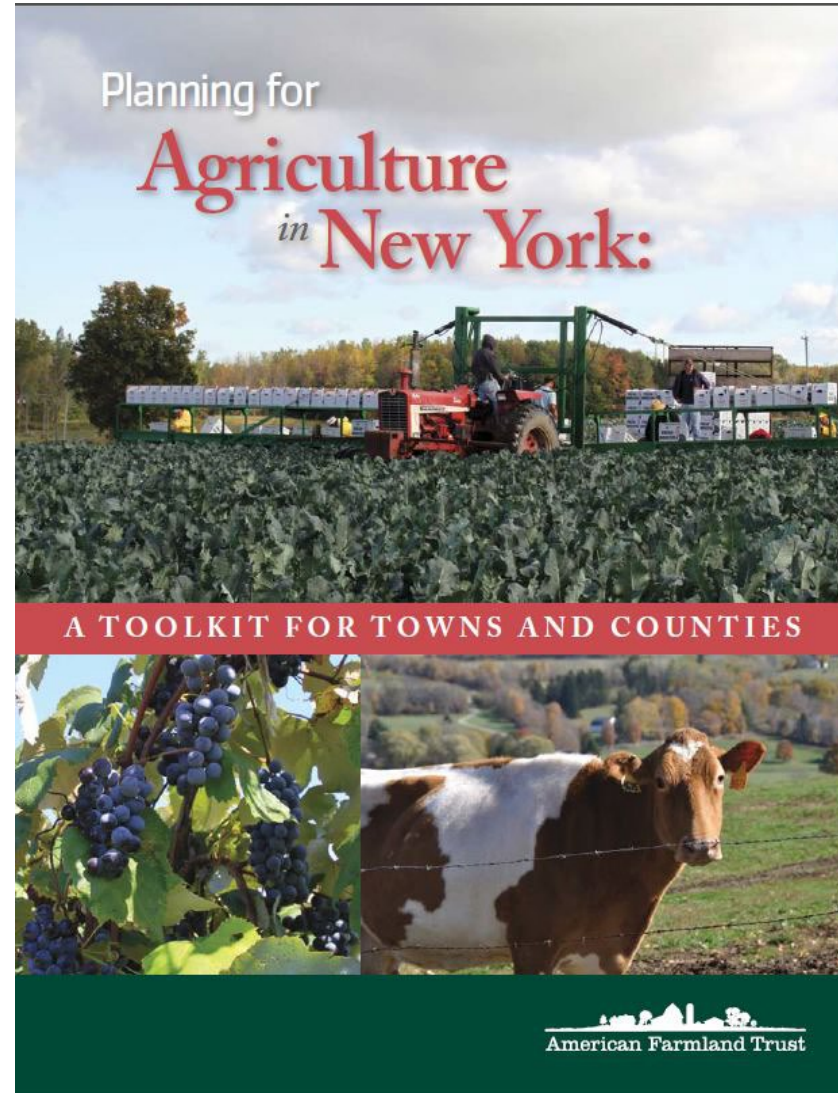
## §75-4 Notice to prospective neighbors

*"The following notice **shall** be included in **building permits and on plats of subdivisions, site plans, and special permits** submitted for approval pursuant to Town Law..."*

*"This property may border a farm, as defined in Chapter [75](#) of the Town of Rochester Code. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibrations and which may involve insecticides, herbicides, pesticides, etc."*



# Planning For Agriculture



PDF Available:  
[www.farmlandinfo.org](http://www.farmlandinfo.org)

# Ag & Farmland Protection Planning Grants

## All Towns, Cities & Villages eligible!

- Up to **\$25K** per Town

*\$1,700 Cash Match*

*\$6,700 In-Kind*

- **Common Project Partners**

*AFPB, CCE, SWCD, NRCS, County Planning, Real Property, Land Trusts, Ag. Colleges, beginning and veteran farmers*

**TOWN OF  
DRYDEN NEW YORK**

**AGRICULTURE AND  
FARMLAND PROTECTION PLAN**

***ADOPTED MARCH 2018***



# Key Elements of an Ag Protection Plan

**Vision for Agriculture:** Local perspective to help frame land use/ zoning

**SWOT Analysis:** Strength, Weakness, Opportunities, Threats  
(derived from robust public participation process)

**Farm Friendly Analysis:** Do your laws accommodate agricultural pursuits?

**Priority Farmlands Map:** Prime soils, lands in production, Ag Assessed parcels, Ag Districts, proximity analysis (infrastructure/buffers/conserved lands)

**Prioritized Recommendations:** Ag Economic Development/ Ag Protection

# Resources

**NY Farm Net:**

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

**NY Ag. Mediation Program:**

[www.NYSAMP.com](http://www.NYSAMP.com)

**305-a Agricultural Protections:**

<https://agriculture.ny.gov/land-and-water/section-305-review-restrictive-laws>

**Agricultural Districts:**

<https://agriculture.ny.gov/land-and-water/about-agricultural-districts>

**Ag District Mapping by County:**

[https://cugir.library.cornell.edu/?f%5Bcugir\\_category\\_sm%5D%5B%5D=agriculture](https://cugir.library.cornell.edu/?f%5Bcugir_category_sm%5D%5B%5D=agriculture)

**Funding Opportunities:**

<https://agriculture.ny.gov/funding-opportunities>

**Planning for Agriculture:** <https://farmlandinfo.org/publications/planning-for-agriculture-in-new-york-a-toolkit-for-towns-and-counties/>

# Resources (Supporting Departments)

## **Office of Cannabis Management**

<https://cannabis.ny.gov/>

## **Agricultural Value Assessment Program, Department of Taxation and Finance**

<https://www.tax.ny.gov/research/property/assess/valuation/agindex.htm>

*T&F Customer Service Liaisons:* <https://www.tax.ny.gov/research/property/regional/crmlist.htm>

## **Local Government Services, Department of State**

<https://www.dos.ny.gov/lg/>

## **Building Standards and Codes, Department of State**

<https://www.dos.ny.gov/DCEA/>

## **Farm Brewery/ Cidery/ Wineries etc. State Liquor Authority**

<https://sla.ny.gov/>

## **Industrial Scale Solar Arrays: NYS Solar Guidebook**

<https://www.nyserda.ny.gov/All%20Programs/Programs/Clean%20Energy%20Siting/Solar%20Guidebook>

# Thank You!

**Jeff Kehoe**

(518) 457-4626

Farmland Protection Specialist

[jeffrey.kehoe@agriculture.ny.gov](mailto:jeffrey.kehoe@agriculture.ny.gov)

Division of Land and Water Resources

10B Airline Drive, Albany, NY 12235

<http://www.agriculture.ny.gov>



**Department of  
Agriculture and Markets**

# Dinner Break



# Upper Susquehanna Coalition

[www.u-s-c.org](http://www.u-s-c.org)

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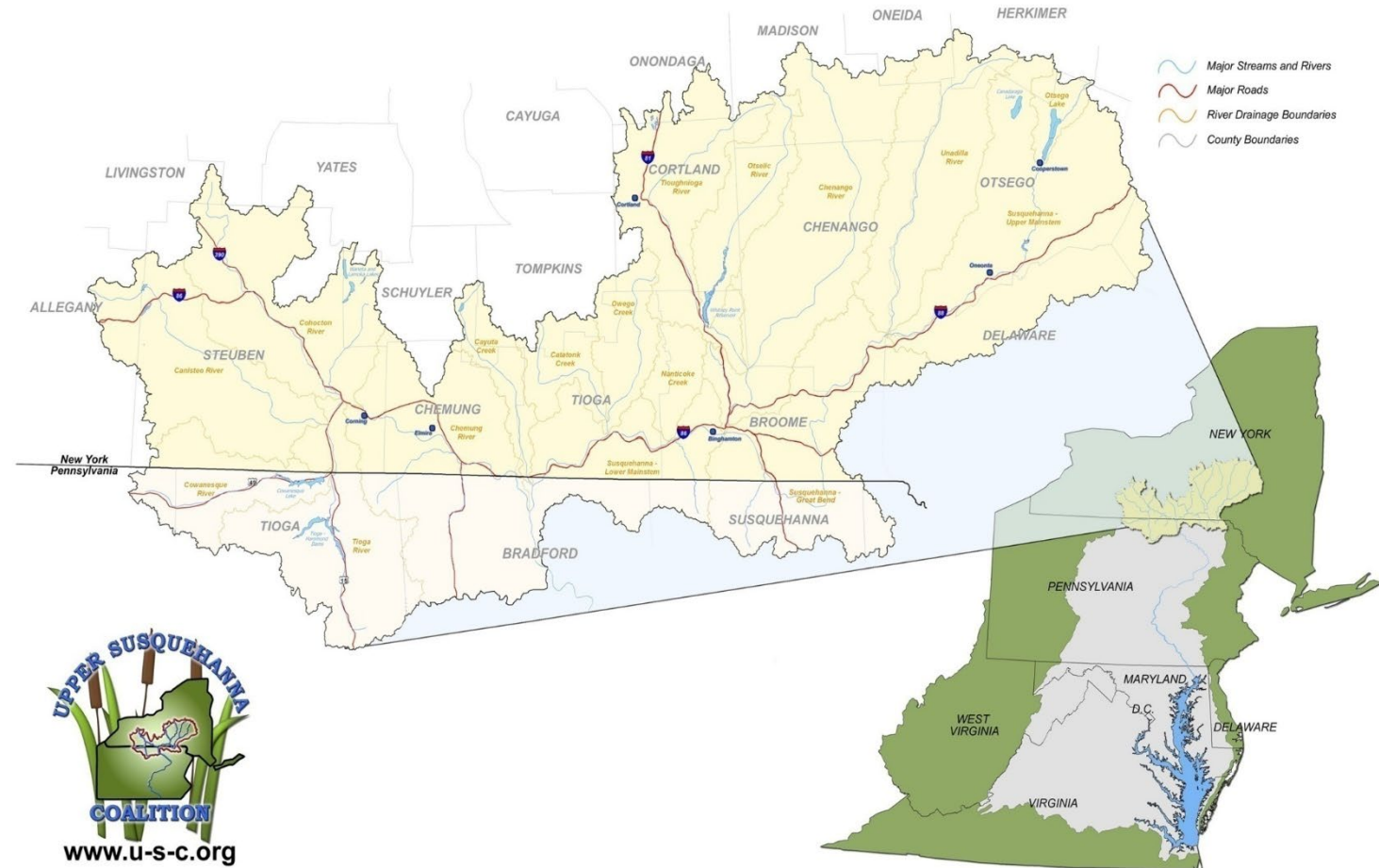
Presented by: Jeremy Waddell – [jwaddell@u-s-c.org](mailto:jwaddell@u-s-c.org)



# Upper Susquehanna Coalition Mission

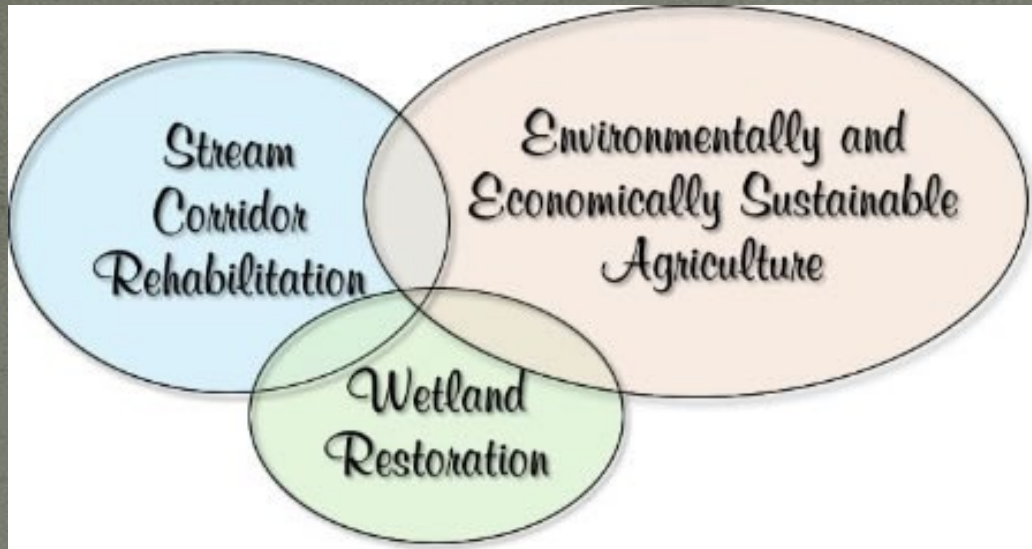
- To protect and improve water quality and natural resources in the Upper Susquehanna River Basin through collaboration to meet local needs while improving water quality at the regional level.

## THE UPPER SUSQUEHANNA COALITION HEADWATERS OF THE CHESAPEAKE BAY





# Conservation priorities:



- *Wetland Team*: Habitat, stormwater retention and nutrient reduction.
- *Stream Team*: Sediment reduction through streambank protection and habitat development. Working with landowners and municipalities.
- *Ag Team*: Nutrient reduction in our waterways. Cover crops and grazing lands.
- *Buffer Team*: *Riparian Forest buffers and forest stewardship.* Focus on habitat and water quality.





0 45 90 180 270 360 Feet  
 Berm Removal - 0.9 acres Floodplain Restoration - 4.5 acres Wetland Restoration - 5.2 acres Parcel

## Town of Newark Valley Project:

- 1) 0.9 Acres Floodplain Berm Removal
- 2) 4.5 Acres Floodplain Restoration
- 3) 5.2 Acres Wetlands Restoration



**Town of Newark Valley**







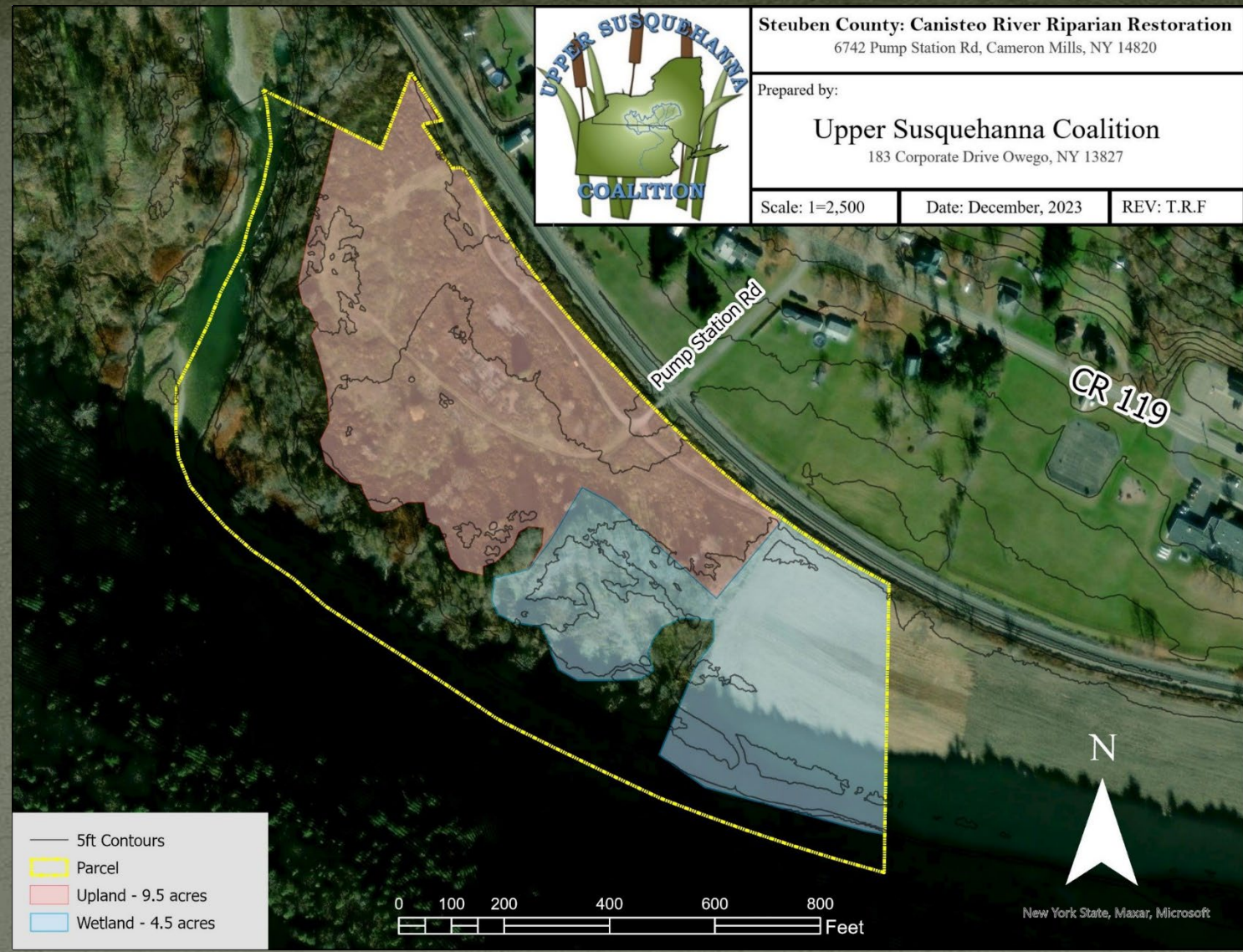
Steuben County: Canisteo River Riparian Restoration  
6742 Pump Station Rd, Cameron Mills, NY 14820

Prepared by:  
**Upper Susquehanna Coalition**  
183 Corporate Drive Owego, NY 13827

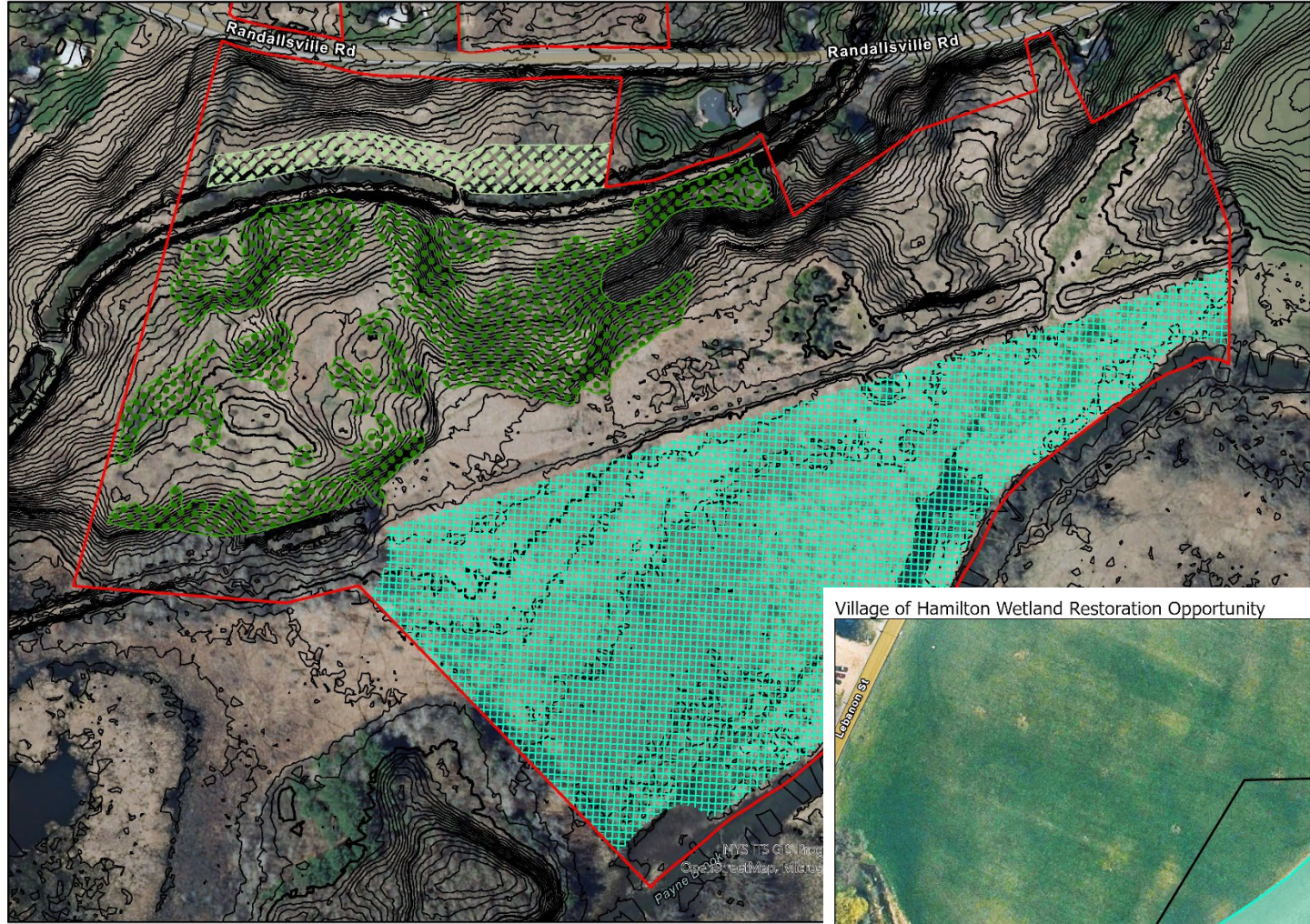
Scale: 1=2,500      Date: December, 2023      REV: T.R.F

# Steuben County - Cameron Mills Project:

- 1) 9.5 Acres  
Floodplain  
Restoration
- 2) 4.5 Acres  
Wetlands  
Restoration







**Shapiro Reserve Restoration Opportunities**

1' Contours and 2017 Aerial Photo  
Prepared: 11/16/2022 by M.Y.

- Restoration Type
-  Riparian Forest
  -  Wetland Enhar
  -  Honeysuckle S

# Schapiro Reserve & Hamilton WWTP

- 1) 6 Acres Upland Restoration
- 2) 16.2 Acres Wetlands Restoration

**Village of Hamilton Wetland Restoration Opportunity**





# Chenango River Restoration Site

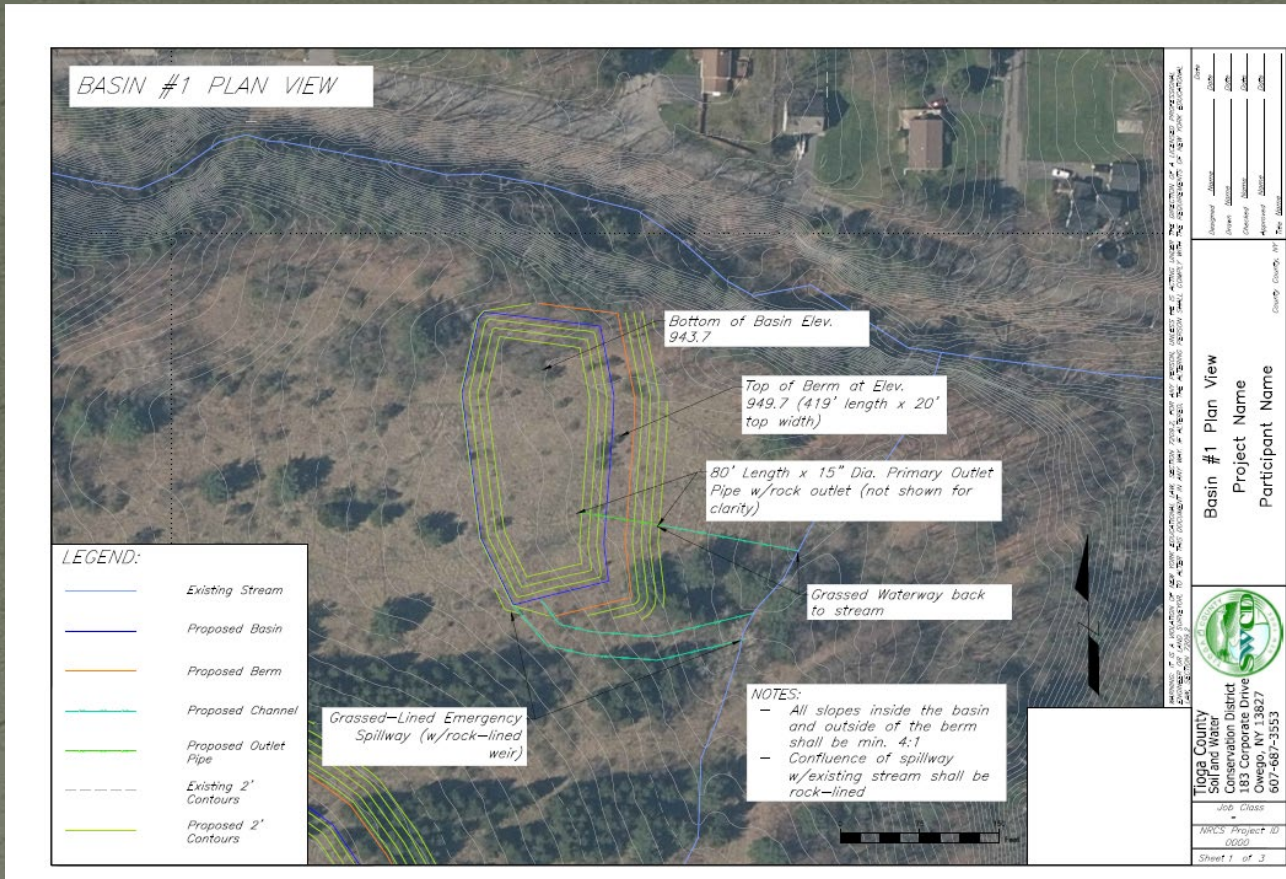


## Chenango Greenway Project:

- 1) 19 Acres Wetlands Restoration
- 2) 7 Acres Riparian Forest Restoration
- 3) 750 Feet Stream Bank Stabilization







## USC Funding Opportunities:

- 1) Stormwater Retention Projects
- 2) Emergency Stream Intervention ESI Training
- 3) Culvert Assessments
- 4) Hydroseeding



Thank  
you!



Questions?

[jwaddell@u-s-c.org](mailto:jwaddell@u-s-c.org)





# Southern Tier Land Conservancy

Established in 2019

Our mission is to conserve the lands and waters of Broome and Tioga Counties so that everyone can benefit from clean water, local food, and experiences in nature close to home.



# Goals

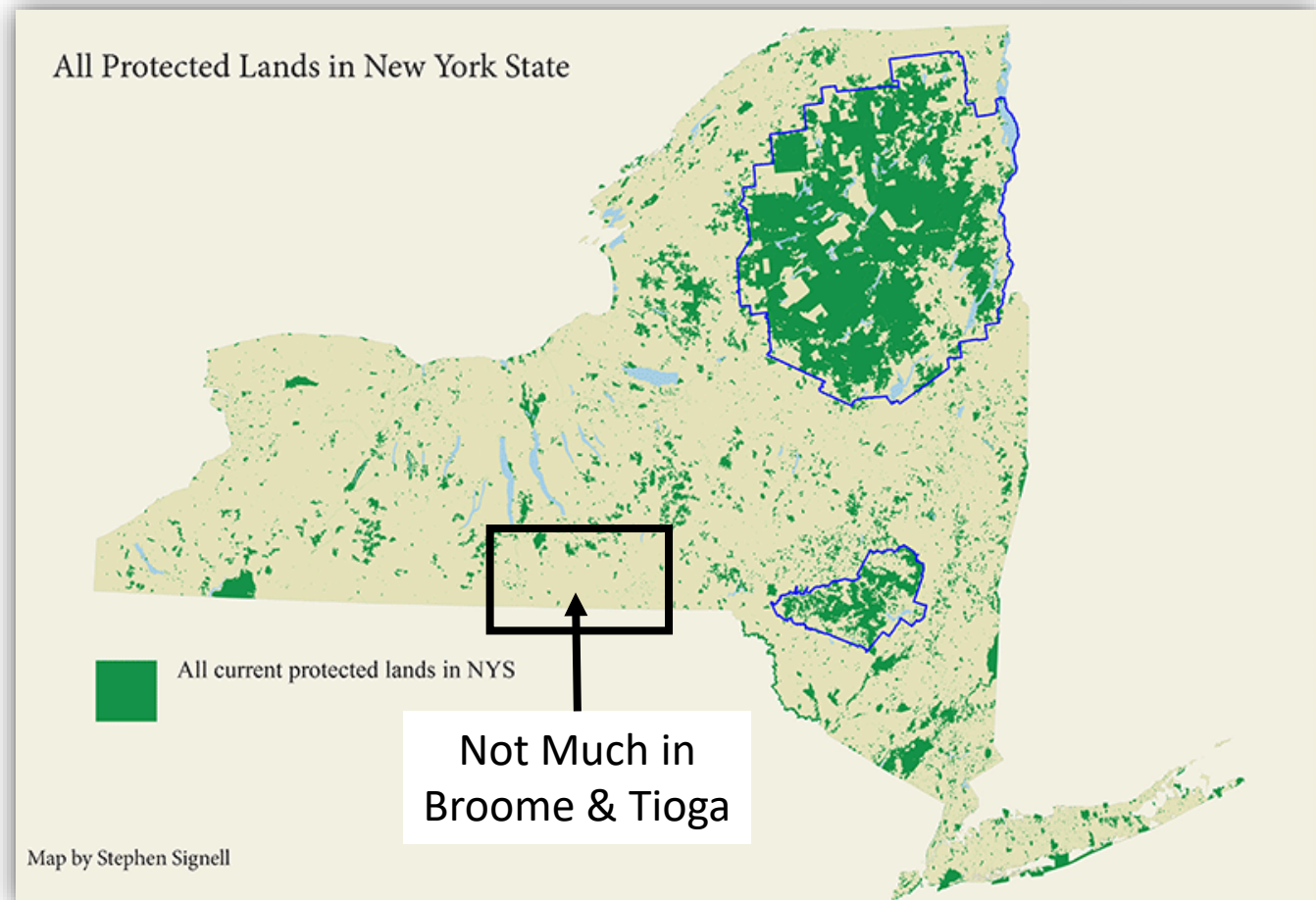


- ✓ Managing and restoring wildlife habitat and biodiversity
- ✓ Protecting and improving water quality
- ✓ Supporting and maintaining working landscapes, such as farming, woodland harvesting, hunting, and fishing
- ✓ Conserving forest and wetland habitats to increase flood resilience
- ✓ Providing access to nature close to home for all the residents of the region
- ✓ Aiding regional climate resilience for our communities through the protection of local resources, open green space, and natural areas

# Approach



- ✓ Work with individuals and organizations
- ✓ Purchase on open market
- ✓ Accept donations from motivated individuals and estates
- ✓ Engage in conservation easements on privately held land





# Current Work



- ✓ Finalizing Strategic Plan
- ✓ Completing Acquisition of Canawanna Nature Preserve in Owego
- ✓ Looking for Donations, Purchase Targets, and Land Owners willing to consider Conservation Easements





# How we can help you

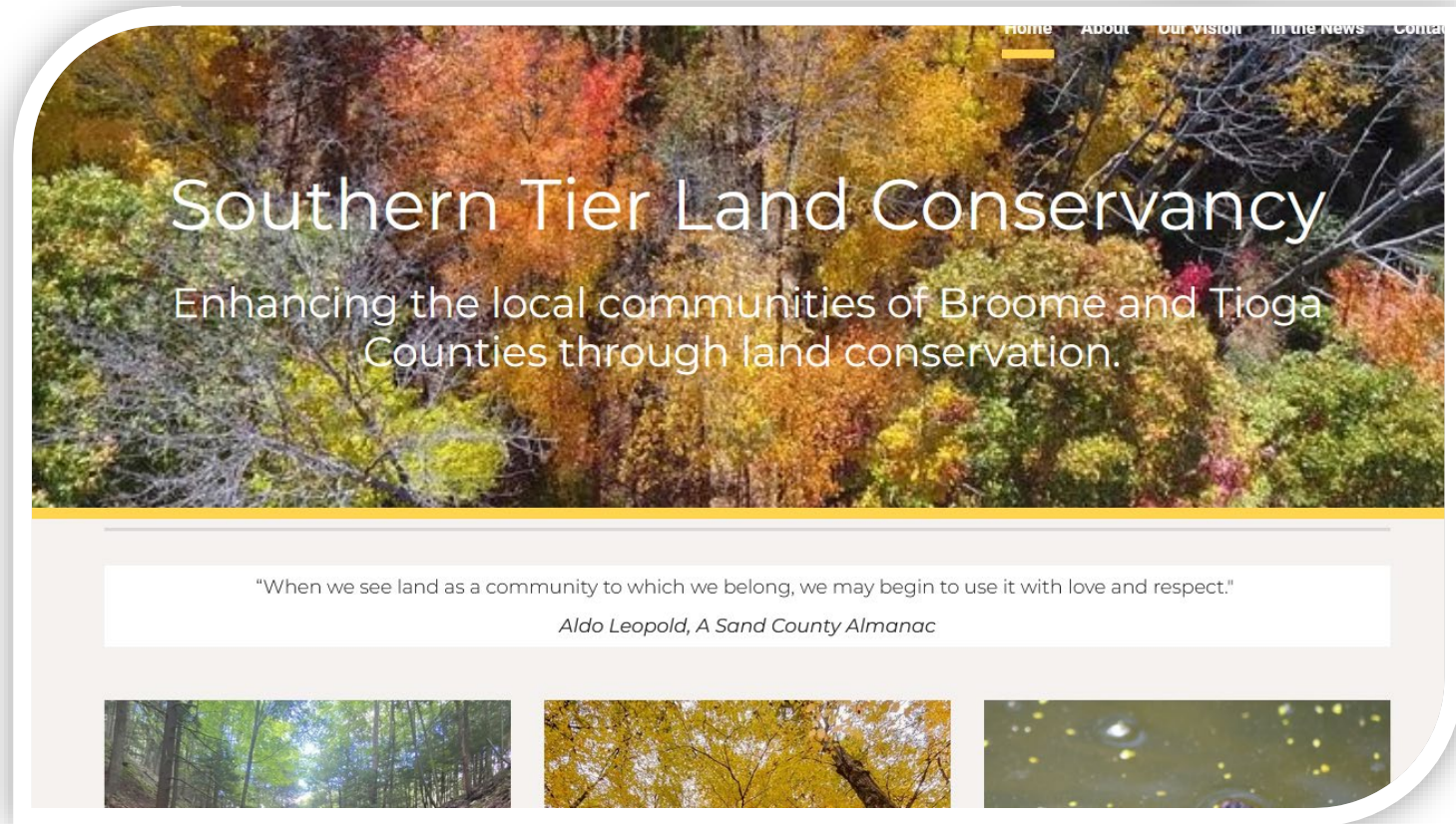


- ✓ **Land Acquisition and Easements:** The Conservancy can work with municipalities to identify and acquire critical open spaces, parks, and natural resources. Conservation easements can help protect these areas permanently.
- ✓ **Environmental Protection:** Help municipalities meet their environmental goals by preserving habitats, wetlands, and forests, thus contributing to biodiversity and ecosystem health.
- ✓ **Tourism and Recreation:** Promote eco-tourism and recreational opportunities that can boost the local economy, such as creating and maintaining trails, parks, and natural attractions.
- ✓ **Property Value Enhancement:** Conserved land can increase nearby property values, benefiting the local tax base and making the area more attractive for residents and businesses.
- ✓ **Flood Mitigation:** Help manage floodplains and wetlands to reduce flood risks, protecting infrastructure and properties.
- ✓ **Climate Adaptation:** Assist in developing strategies to adapt to climate change, such as preserving and restoring natural areas that can buffer communities from extreme weather events.

# Contact Info



- ✓ [www.SouthernTLC.org](http://www.SouthernTLC.org)
- ✓ [Jason@SouthernTLC.org](mailto:Jason@SouthernTLC.org)



# Upcoming 2024 Municipal Trainings

- September 12<sup>th</sup> - Comprehensive Plans and Zoning, Department of State
- October 24<sup>th</sup> – NYS Cannabis Law Update, Coughlin & Gerhart

**PLEASE LEAVE YOUR EVALUATION  
FORMS AT YOUR SEAT**

**THANK YOU!**

**Agricultural Team**

**Stephanie Brewer**, Senior Planner 607-778-2390 [Stephanie.Brewer@broomecountyny.gov](mailto:Stephanie.Brewer@broomecountyny.gov)

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