

2018 Agricultural District Inclusions
Report to the Ulster County Legislature
from the
Agricultural & Farmland Protection Board



Prepared by:
The Ulster County Planning Dept.
June 12, 2018

Photo: Palomino Mare and her Newborn Foal at Stone Silo Horse Farm
Town of Plattekill

Purpose

To provide the Ulster County Legislature with the requisite information to execute the legislative requirement concerning the inclusion of land into agricultural districts.

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Inclusion Applications and AFPB Slideshow
are filed with the Clerk of the Legislature

Acknowledgements

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Background

Addition of lands to certified agricultural districts is governed by NYS Agriculture & Markets Law (AML), Article 25 AA Section 303-b. It directs county legislative bodies to designate an annual thirty-day period during which landowners may request inclusion of predominantly viable agricultural land into an agricultural district. The Ulster County Legislature adopted Resolution 322 on December 4, 2003, designating March 1 through March 30 as the specified annual period.

Accordingly, a Notice of 30 Day Review was issued to all Town/Village/City Clerks in Ulster County on February 8, 2018 to be posted in their respective municipal halls. A press release for the Annual Additions was also issued on February 8, 2018 to news-related media outlets for Ulster County and the Hudson Valley. The 30 Day Notice of Review was also published on the Ulster County Planning Department website.

During the interval March 1 through 30, 2018, applications from 14 individual landowners or groups of landowners were received requesting the inclusion of 20 parcels, totaling approximately 457 acres into all four of the existing certified agricultural districts in Ulster County. The 14 landowner requests represent a mix of existing and planned agricultural operations. Staff from the Ulster County Planning Department (UCPD) reviewed the applications for completeness, current agricultural district status, conservation easements, deed restrictions and legal ownership.

Applicants worked with Cornell Cooperative Extension (CCE) staff on arranging dates and times for site visits. CCE and UCPD staff visited 13 applicants' properties on April 16, 19 and 20, 2018. At the request of UCPD staff, one applicant sent in more recent photos of an orchard under development on May 24, 2018. The cover photo was taken the day after the site visit when staff saw a mare about to give birth. Site visits are used to view current conditions and identify possible issues to be passed on to the agricultural and farmland protection board (AFPB).

Applications were formally transmitted by the Legislature to the AFPB by letter on May 15, 2018. CCE and UCPD staff reported findings to the AFPB at its May 31, 2018 meeting. The AFPB is required to evaluate the applications as to conformance with AML and make recommendations to the Ulster County Legislature. The report from the AFPB, including correspondence, is filed with the Clerk of the Legislature.

Summary of Recommendations

The AFPB recommends the inclusion of 17 parcels totaling about 439 acres into all four certified agricultural districts in Ulster County. Since the Annual Inclusion program began in 2004, the County added 258 parcels, or 8,228 acres, to its agricultural districts. Municipalities containing tax parcels being considered for inclusion were notified first on May 2, 2018 and again with details of the AFPB recommendation on June 1, 2018.

Public Hearing Information

Pursuant to the AML and Resolution 162 of the Ulster County Legislature adopted on May 15, 2018, a Public Hearing will be held on Tuesday, June 19, 2018 at 7:20 PM in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston NY. The notice of the Public Hearing will be published in the Shawangunk Journal and the five editions of Ulster Publishing newspapers on June 7, 2018. Municipalities containing tax parcels being considered for inclusion were notified of the Public Hearing by regular e-mail on June 8, 2018.



Early Season Vegetable Field at Atticus Farm

Town of Olive

Action Required

The Ulster County Legislature is required to adopt a resolution regarding the inclusion of additional lands into agricultural districts. In so doing, the Legislature is free to accept, reject or modify the recommendation of the Agricultural and Farmland Protection Board.

Upon the adoption of the resolution, the Ulster County Legislature shall submit the resolution, the report of the AFPB, tax map ID numbers and tax maps for each parcel of land to be included to the Commissioner of Agriculture and Markets.

Within thirty days of receipt of the resolution, the Commissioner shall certify to the Ulster County Legislature whether the inclusion is feasible and shall serve the public interest by assisting in maintaining a viable agricultural industry within the district(s). If certified by the Commissioner, the land shall become part of the district(s) immediately.



Rooster at Farm on Campbell Property

Town of Plattekill



ULSTER COUNTY

AGRICULTURAL AND FARMLAND PROTECTION BOARD

c/o Ulster County Planning Dept.
244 Fair St.
PO Box 1800
Kingston, N.Y. 12402

Robert Magnanini, Chair

Michael P. Hein
County Executive

May 31, 2018

Ulster County Legislature
244 Fair Street
P.O. Box 1800
Kingston, NY 12402

Dear Legislators:

Subject: Agriculture and Markets Law (AML) Section 303-b; Land Owner Requests for Inclusion of Predominately Viable Agricultural in an Existing Certified Agricultural District

In accordance with Section 303-b of the AML, the Ulster County Agriculture and Farmland Protection Board (AFPB) has reviewed 14 landowner requests in 2018 for inclusion of 20 land parcels into Agricultural Districts at the AFPB meeting on May 31, 2018.

It is the recommendation of the AFPB that the Legislature include 17 parcels noted "Include in District" in the attached report, into the specified agricultural district, as the AFPB has found that these parcels consist predominately of viable agricultural land and the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry in these districts.

Respectfully submitted,

Robert Magnanini
Chair, Ulster County Agricultural and Farmland Protection Board

Enc. Details of AFPB Recommendations – 2018 Additions to UC Ag. Districts

Ulster County 2018 Agricultural District Inclusion Applicants

Details of AFPB Recommendation

<u>Municipality</u>	<u>AFPB Recommendation</u>	<u>Applicant</u>	<u>District</u>	<u>Parcel ID #</u>	<u>Acres</u>
GARDINER					
	Include in District	Gregory and Janet Abels	2	94.3-4-44	64
MARBLETOWN					
	Include in District	Richard Casey	4	54.2-1-27	4.3
		Justin McLean and Shannon Bowen	4	54.3-1-16	32.1
		Joshua Weber	3	69.2-2-46	35.1
NEW PALTZ (town)					
	Do Not Include in District	Nathan Kamp	2	78.3-3-57	5
			2	78.3-3-58.200	4.5
OLIVE					
	Include in District	Kyle Jaster	4	44.2-1-19.200	32.1
			4	45.1-4-39.100	3.2
			4	45.1-4-39.200	1.8
		Delia K. and Morton S. Adams	4	45.1-4-39.300	4.5
			4	45.1-4-4.200	34
			4	45.1-4-39.400	36.1
PLATTEKILL					
	Include in District	Vinroy Campbell and Mandy McBean-Campbell	1	101.4-3-1.112	15.6
		Judith Crelin Mayle	2	101.4-8-6	29
			2	101.4-8-7	2
ROCHESTER					
	Include in District	Nicholas Genna	3	52.20-1-1.400	10.7
		Daniel Feldman	3	69.4-2-3	4.42
ROSENDALE					
	Include in District	Steve Spurgat	3	71.1-1-2	81.7
WAWARSING					
	Include in District	First Capital LLC	3	73.4-2-5.400	48.1
WAWARSING					
	Do Not Include in District	Bryon Brown	3	73.4-2-35	8.4

Ulster County 2018 Agricultural District Inclusion Applicants

Additional Information

Address of Properties that are part of the 2018 Agricultural District Inclusion Process	Next to a Parcel with an Active Farming Operation that is not part of the 2018 Agricultural District Inclusion Process	Straight-Line Distance between Property and Nearest Parcel in an Agricultural District	Prime and Important Soils
9 Lindsell Way (Campbell)	Yes	Adjacent	Yes
2252 Route 44-55 (Abels)	Yes	Adjacent	Yes
221 Springtown Rd (Kamp, 2 parcels)	Yes	Adjacent	Yes
1452 Route 32 (Mayle, 2 parcels)	Yes	Adjacent	Yes
69 Aster Rd (Genna)	No	2.54 miles	No
26 Whitelands Rd (Weber)	Yes	Adjacent	Yes
157 Towne Rd (Brown)	No	4,359 feet or 0.81 miles	No
142 Coutant Rd (Spurgat)	No	4,480 feet or 0.85 miles	Yes
1562 Ulster Heights Rd (First Capital LLC)	No	5,167 feet or 0.98 miles	Yes
93 Kyserike Rd (Feldman)	Yes	Adjacent	Yes
44 Pine Cove Rd (Casey)	No	2.16 miles	No
558 Watson Hollow Rd (Jaster)	No	288 feet	Yes
270 Vly Atwood Rd (McLean and Bowen)	No	1,948 feet	Yes
212 High Point Mountain Rd (Adams, 5 parcels)	Yes	4,738 feet or 0.90 miles	No

Ulster County 2018 Agricultural District Inclusions

Summary by Agricultural District

District	Current Data		2018 Applications		Recommend Inclusion		Prospective Total	
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres
1	740	15,231	1	16	1	16	741	15,247
2	714	27,958	5	105	3	95	717	28,053
3	531	16,519	6	188	5	180	536	16,699
4	357	11,160	8	148	8	148	365	11,308
Total	2,342	70,868	20	457	17	439	2,359	71,307

Summary by Municipality

Municipality	Current Data		2018 Applications		Recommend Inclusion		Total w/Inclusions	
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres
Esopus	33	1,148					33	1,148
Gardiner	244	7,765	1	64	1	64	245	7,829
Hardenburgh	2	580					2	580
Hurley	37	1,264					37	1,264
Kingston (C)	1	20					1	20
Kingston (T)	1	9					1	9
Lloyd	186	5,055					186	5,055
Marbletown	231	6,634	3	71	3	71	234	6,705
Marlborough	405	6,764					405	6,764
New Paltz (T)	90	4,821	2	10			90	4,821
New Paltz (V)	4	39					4	39
Olive	15	329	6	112	6	112	21	441
Plattekill	183	5,358	3	47	3	47	186	5,405
Rochester	281	7,758	2	15	2	15	283	7,773
Rosendale	17	808	1	82	1	82	18	890
Saugerties	150	4,116					150	4,116
Shandaken	13	446					13	446
Shawangunk	300	11,691					300	11,691
Ulster (T)	52	1,453					52	1,453
Wawarsing	82	4,583	2	56	1	48	83	4,631
Woodstock	15	227					15	227
Total	2,342	70,868	20	457	17	439	2,359	71,307

Ulster County Agricultural and Farmland Protection Board (AFPB)

2018 Agricultural District Inclusions Voting Results

Voting was conducted at the May 31, 2018 AFPB Meeting

AFPB Members present: John Adams, Polly Armour, Dennis Doyle, Chris Kelder, Robert Magnanini (Chair), James Maloney, Teresa Rusinek and Tracey Williams

Results of voting where the motion was made to recommend that an applicant's parcel(s) be included into an agricultural district.

<u>Applicant</u>	<u>Yes</u>	<u>No</u>	<u>Abstention</u>	<u>Motion</u>	<u>Second</u>
Campbell	8	0	0	Rusinek	Armour
Abels	8	0	0	Armour	Kelder
Mayle	8	0	0	Maloney	Adams
Genna	8	0	0	Maloney	Armour
Weber	8	0	0	Kelder	Rusinek
Spurgat	8	0	0	Maloney	Armour
First Capital LLC	8	0	0	Adams	Maloney
Feldman	8	0	0	Rusinek	Maloney
Casey	8	0	0	Kelder	Maloney
Jaster	7	1 - Maloney	0	Rusinek	Armour
McLean & Bowen	8	0	0	Maloney	Armour
Adams	8	0	0	Maloney	Kelder

Results of voting where the motion was made to recommend against an applicant's parcel(s) be included into an agricultural district for lack of information.

<u>Applicant</u>	<u>Yes</u>	<u>No</u>	<u>Abstention</u>	<u>Motion</u>	<u>Second</u>
Kamp	8	0	0	Maloney	Armour
Brown	8	0	0	Kelder	Maloney

Details of Annual Inclusion Process

Effective September 17, 2003 the New York State Agriculture and Markets Law (AML) was amended with Section 303-b, which allows for parcels to be added into New York State (NYS) Certified Agricultural Districts on an annual basis.

Before this legislation, landowners had to wait until an agricultural district “opened up” for review, (typically, this is every eight years from the district’s creation date) to request inclusion into an agricultural district. With the addition of Section 303-b to the AML, every county *that contains a certified agricultural district is required* to establish an annual thirty-day period for landowners to submit requests for inclusion of *predominately viable agricultural lands* into NYS Certified Agricultural Districts. County legislatures must designate a thirty-day period for landowners to submit requests for predominately viable agricultural lands to be included within a certified agricultural district. Ulster County passed Resolution 322 on December 4, 2003, which complied with Section 303-b, setting a landowner request period from March 1st to March 30th. The Ulster County Legislature does not have to create a new resolution each year as long as it keeps the same annual thirty-day period.

Landowners must submit their requests to be included within an agricultural district along with the tax map identification number, copy of the relevant portion of the tax map, and an optional description of the land within the thirty-day period in order to be considered for inclusion during the current year. Landowners may not request to be taken out of an agricultural district during the annual thirty-day inclusion period. These requests may only be made during an Eight-Year Agricultural District Review. An application is made available in late February through the end of March each year so landowners can formally submit their requests.

Each county designates a recipient of these requests. Ulster County has designated the Ulster County Planning Department as the recipient during the thirty-day request period. During the thirty-day request period and for several weeks afterward, the Planning Department with assistance from Cornell Cooperative Extension of Ulster County evaluates the requests and gathers information to help the agricultural and farmland protection board (AFPB)

Details of Annual Inclusion Process (continued)

make an informed decision about whether or not to recommend inclusion of a parcel into a NYS Certified Agricultural District. Site visits are a part of the evaluation. After these visits, the requests are forwarded to AFPB, who then reviews the requests and subsequently issues a recommendation of which tax parcels to include and not include in an agricultural district.

Once the AFPB receives the applications, the AFPB has thirty days to review them and determine the feasibility of adding them to an agricultural district(s). After the review, the AFPB forwards its recommendation to the Economic Development and Tourism Committee, requesting that parcels be accepted by the Legislature for inclusion into an agricultural district.

After review by the Committee, this recommendation is forwarded to the County Legislature for a public hearing. After the public hearing, the Legislature votes by resolution on the AFPB recommendation. The County Legislature then sends the resolution to include new parcels into existing agricultural district(s) to the NYS Department of Agriculture and Markets along with the AFPB recommendation, notice of public hearing, tax parcel maps and parcel ID numbers. Upon receipt of these documents, the Commissioner of Agriculture and Markets has thirty days to certify the inclusion of the land or not. If the Commissioner certifies the inclusion of the parcels, the land becomes part of a district immediately.