

2020 Agricultural District Inclusions Report to the Ulster County Legislature

from the

Agricultural & Farmland Protection Board



Photo: Apiary at Stony Rose Homestead – Marbletown, NY

Prepared by:

The Ulster County Planning Dept.

August 3, 2020



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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are filed with the Clerk of the Legislature

Acknowledgements

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ULSTER COUNTY

AGRICULTURAL AND FARMLAND PROTECTION BOARD

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Robert Magnanini, Chair

July 24, 2020

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 16 landowner requests in 2020 for inclusion of 20 land parcels into Agricultural Districts at the AFPB meeting on July 24, 2020.

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 – 2020 Additions to UC Ag. Districts

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. Since the Annual Inclusion program began in 2004, the County has added 280 parcels, or 8,700 acres, to its agricultural districts

Procedure

A Notice of 30 Day Review was issued to all Town/Village/City Clerks in Ulster County on February 18, 2020 to be posted in their respective municipal halls. A press release for the Annual Additions was also issued on February 18, 2020 to 39 press contacts in Ulster County and the rest of the Hudson Valley. The 30 Day Notice of Review was also published on the Ulster County Planning Department website.

Applications were received from March 2 through 30, 2020 as March 1 fell on a Sunday. Applications from 16 individual landowners or groups of landowners were received requesting the inclusion of 20 parcels, totaling approximately 629 acres into all four of the existing certified agricultural districts in Ulster County. The 16 landowner requests represent both existing and planned agricultural operations on 15 properties. Staff from the Ulster County Planning Department (UCPD) reviewed the applications for completeness, current agricultural district status, conservation easements, deed restrictions and legal ownership.

Site visits are conducted to view current conditions and identify possible issues to be passed on to the agricultural and farmland protection board (AFPB). Site visits began later than usual because of the COVID-19 pandemic. The New York State Department of Agriculture and Markets is aware that Ulster County will complete its agricultural district inclusion process on a later schedule than usual. It issued a memorandum on March 31, 2020 indicating that it would accommodate counties because of the pandemic. The UCPD scheduled each site visit for June, as the Mid-Hudson Region started to reopen. Applicants were asked that they, or others leading a site visit, wear masks and exercise social distancing.

Procedure (continued)

The UCPD conducted site visits on June 4, 5, 9, 11, 12, 18, 19 and 23. In total, 14 out of 15 properties were visited. Concerns related to the COVID-19 pandemic led to one property not having a site visit. This property, however, had enough publicly available information to evaluate site conditions. June site visits also meant Cornell Cooperative Extension(CCE) staff were unavailable for most with the exceptions of one in Shandaken and two in Woodstock. Towns supervisors were notified by email on June 24, 2020 notifying them if they had tax parcels in the agricultural district inclusion process.

Applications were formally transmitted by the Legislature to the Agricultural and Farmland Protection Board (AFPB) by letter on July 10, 2020. The AFPB is required to evaluate the applications as to conformance with AML and make a recommendation to the Ulster County Legislature. The AFPB met on July 24, 2020, and after consideration of the information presented, voted to file the recommendation contained in this report for each property, including correspondence with the Clerk of the Legislature and the UCPD's presentation to the AFPB.

Summary of Recommendation

The AFPB recommends that 17 of the 20 parcels submitted, totaling approximately 512 acres, be included into the four certified agricultural districts in Ulster County (see Details of AFPB Recommendation below). All of the parcels recommended for inclusion have active agricultural operations and/or consist of predominately viable agricultural land. Concerning the application with parcels not recommended for inclusion, the AFPB noted that no work took place that would show discernable progress on establishing a farm from the time the applicant applied last year to this year's application. The AFPB also noted that the property is not desirable for renting to farmers, given the lack of farm infrastructure and likely need for substantial clearing.

Public Hearing Information

Pursuant to the AML and Resolution 247 of the Ulster County Legislature adopted on July 21, 2020, a Public Hearing will be held on Tuesday, August 11, 2020 at 6:30 PM. The notice of the Public Hearing was published in the County's newspapers of record on August 5 and 6, 2020. Towns containing tax parcels being considered for inclusion were notified of the Public Hearing by e-mail on July 28, 2020.

Legislative 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 New York State 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.

Ulster County 2020 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>	
ESOPUS	Include in District	Dawn Hoyte and Nfamara Badjie	1	63.1-2-26.110	5.7	
ESOPUS		Do Not Include in District	Douglas M. Tyson	1	71.3-6-6.200	55.1
			1	71.3-6-8	6	
		Equity Trust Co. FBO Douglas M. Tyson	1	71.3-3-34	56.2	
LLOYD	Include in District	Saddle Ridge Farm, LLC	1	95.1-1-11.200	25.36	
MARBLETOWN		Include in District	Daniel P. and Kara-Ann Miller	4	55.3-3-5.100	38.4
NEW PALTZ (town)	Include in District	Alisa Javits and Adam Lipsky	1	79.1-3-7	9.58	
			Land of Abundance, LLC	2	78.2-2-1	215
ROCHESTER	Include in District	Timothy Ganon	3	77.3-1-7.100	19.9	
			Lorraine L. Nicholson	3	68.4-4-22.117	13.1
				3	68.4-4-22.118	6.5
SAUGERTIES (town)	Include in District	Lawrence Ulfik and Karuna Foudriat	4	17.3-7-11.500	12.2	
SHANDAKEN		Include in District	James J. Amenta, Jr.	4	25.1-2-28	5.46
			4	25.1-2-1.100	5.55	
SHAWANGUNK	Include in District	Joseph DeGrootd	2	105.2-2-3.300	7.4	
			DeGrootd Builders, LLC	2	105.2-2-3.200	1.1
ULSTER (town)	Include in District	Big Green Real Estate, LLC	4	39.18-1-5.100	45.7	
WOODSTOCK		Include in District	Purdy Hollow Farm, LLC	4	27.4-3-12.100	41.14
		Alan Rojer and Ellen Relkin	4	38.2-1-1	11.32	
		Victoria and Jerry R. Balentine	4	15.4-1-25.210	48.51	

Ulster County 2020 Agricultural District Inclusion Applicants

Additional Information

Address of Properties that are part of the 2020 Agricultural District Inclusion Process	Next to a Parcel with an Active Farming Operation that is not part of the 2020 Agricultural District Inclusion Process	Straight-Line Distance between Property and Nearest Parcel in an Agricultural District	Prime and Important Soils
115 Ulster Center Rd - 1 Parcel, Esopus	Yes	Adjacent	Yes
613 Plutarch Rd - 1 Parcel, New Paltz	No	4,628 feet	Yes
85 Pancake Hollow Rd - 1 Parcel, Highland	No	810 feet	No
920 Cow Hough Rd/70 Martin Swedish Rd - 3 Parcels, Esopus	No	4,470 feet	No
9 and 10 Christmas Tree Dr - 2 Parcels, Shawangunk	Yes	Adjacent	Yes
250 White Duck Rd - 1 Parcel, New Paltz	Yes	Adjacent	Yes
71 Stony Kill Rd - 1 Parcel, Rochester	Yes	Adjacent	Yes
77 Mill Hook Rd - 1 Parcel, Rochester	No	70 feet	Yes
464 Plank Rd - 1 Parcel, Shandaken	No	4,407 feet	Yes
3664 Route 212 - 1 Parcel, Woodstock	No	2.03 miles	Yes
677 Sawkill Rd - 1 Parcel, Ulster	Yes	Adjacent	Yes
2505 Route 209 - 1 Parcel, Marbletown	Yes	Adjacent	Yes
90 Purdy Hollow Rd - 1 Parcel, Woodstock	No	4,867 feet	Yes
403 Zena Rd - 1 Parcel, Woodstock	No	1.71 miles	Yes
33 Band Camp Rd - 1 Parcel, Saugerties	No	1,124 feet	Yes

Ulster County 2020 Agricultural District Inclusions

Summary by Agricultural District

District	Current Data		2020 Applications		Recommend Inclusion		Prospective Total	
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres
1	741	15,247	6	158	3	41	744	15,288
2	719	28,063	3	223	3	223	722	28,286
3	539	16,722	3	40	3	40	542	16,762
4	365	11,308	8	208	8	208	373	11,516
Total	2,364	71,340	20	629	17	512	2,381	71,852

Summary by Municipality

Municipality	Current Data		2020 Applications		Recommend Inclusion		Total w/Inclusions	
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres
Esopus	33	1,148	4	123	1	6	34	1,154
Gardiner	245	7,829					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	1	25	1	25	187	5,080
Marbletown	234	6,705	1	38	1	38	235	6,743
Marlborough	405	6,764					405	6,764
New Paltz (T)	92	4,831	2	225	2	225	94	5,056
New Paltz (V)	4	39					4	39
Olive	21	441					21	441
Plattekill	186	5,405					186	5,405
Rochester	284	7,788	3	40	3	40	287	7,828
Rosendale	18	890					18	890
Saugerties	150	4,116	1	12	1	12	151	4,128
Shandaken	13	446	2	11	2	11	15	457
Shawangunk	300	11,691	2	8	2	8	302	11,699
Ulster (T)	52	1,453	1	46	1	46	53	1,499
Wawarsing	85	4,639					85	4,639
Woodstock	15	227	3	101	3	101	18	328
Total	2,359	71,340	20	629	17	512	2,381	71,852

Ulster County Agricultural and Farmland Protection Board (AFPB)

2020 Agricultural District Inclusions Voting Results

Voting was conducted at the July 24, 2020 AFPB Meeting

AFPB Members present: John Adams, Polly Armour, James Delaune,
Dennis Doyle, Chris Kelder, Christian Malsatzki and Tracey Williams

* * * * *

Results of voting where motions were made for discussion purposes
about recommending whether an applicant's parcel(s) should be
included into an agricultural district.

<u>Applicant</u>	<u>Yes</u>	<u>No</u>	<u>Motion</u>	<u>Second</u>
Hoyte and Badjie	7	0	Armour	Kelder
Javits and Lipsky	7	0	Armour	Adams
Saddle Ridge Farm, LLC	7	0	Kelder	Armour
Tyson/Equity Trust Co. FBO Tyson	0	7	Doyle	Armour
DeGroot/DeGroot Builders, LLC*	7	0	Adams	Kelder
Land of Abundance, LLC	7	0	Doyle	Armour
Ganon	7	0	Adams	Doyle
Nicholson	7	0	Armour	Doyle
Amenta	7	0	Armour	Malsatzki
Balentine	7	0	Malsatzki	Armour
Big Green Real Estate, LLC	7	0	Doyle	Armour
Miller	7	0	Armour	Adams
Purdy Hollow Farm, LLC	7	0	Malsatzki	Doyle
Roger and Relkin	7	0	Adams	Armour
Ulfik and Foudriat	7	0	Doyle	Armour

* Two separate applications