

2021 Agricultural District Inclusions Report to the Ulster County Legislature

from the

Agricultural & Farmland Protection Board



Photo: Pasture at Nægelihof Farms – Ulster Park, NY

Prepared by:

The Ulster County Planning Dept.

June 1, 2021



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 Presentation to AFPB
are filed with the Clerk of the Legislature

Acknowledgements

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ULSTER COUNTY

AGRICULTURAL AND FARMLAND PROTECTION BOARD

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c/o Ulster County Planning Dept.
244 Fair St.
PO Box 1800
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May 26, 2021

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 5 landowner requests in 2021 for inclusion of 7 land parcels into Agricultural Districts at the AFPB meeting on May 26, 2021.

It is the recommendation of the AFPB that the Legislature include 7 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 – 2021 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 297 parcels, or 9,212 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 19, 2021 to be posted in their respective municipal halls or online. A press release for the Annual Additions was also issued on February 19, 2021 to 35 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 1 through 30, 2021. Applications from 5 individual landowners or groups of landowners were reviewed by the Ulster County Agricultural and Farmland Protection Board (AFPB). These applications request inclusion of 7 parcels, totaling approximately 84 acres, into two of the existing certified agricultural districts in Ulster County. The 5 landowner requests represent both existing and planned agricultural operations at 4 locations. Staff from the Ulster County Planning Department reviewed the applications for completeness, current agricultural district status, conservation easements, deed restrictions and legal ownership. One group from New Paltz withdrew their application in early April but could have hosted a site visit and continued with the rest of the application process.

Site visits were conducted to view current conditions and identify possible issues to pass on to the AFPB. Due to the COVID-19 pandemic, site visits and travel between properties were conducted per CDC guidelines. A staff member from the Ulster County Planning Department and another from Cornell Cooperative Extension of Ulster County conducted visits on April 20 and 21, 2021. Town supervisors were emailed on April 22, 2021 notifying them if their towns had tax parcels in the agricultural district inclusion process.

Procedure (continued)

Applications were formally transmitted by the Legislature to the AFPB by letter on May 10, 2021. 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 May 26, 2021, 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 Ulster County Planning Department's presentation to the AFPB.

Summary of Recommendation

The AFPB recommends that all of the 7 parcels reviewed, totaling approximately 84 acres, be included into two certified agricultural districts in Ulster County (see Details of AFPB Recommendation on page 5). All of the parcels recommended for inclusion have active agricultural operations and/or consist of predominately viable agricultural land.

Public Hearing Information

Pursuant to the AML and Resolution 220 of the Ulster County Legislature adopted on May 18, 2021, a Public Hearing will be held on Tuesday, June 15, 2021 at 7:00 PM. The notice of the Public Hearing will be published in the County's newspapers of record on June 2 and 3, 2021. Towns containing tax parcels recommended for inclusion were notified of the Public Hearing by e-mail on May 27, 2021.

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 2021 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	Kymara M. Lonergan	1	63.3-6-20	33.75
ESOPUS	Include in District	Erich Nageli	1	63.1-2-40.160	1
ESOPUS	Include in District	Erich and Donna Nageli	1	63.1-2-40.140	1
		Erich and Donna Nageli	1	63.1-2-40.200	10.8
OLIVE	Include in District	George W. Burns	4	45.1-1-1.112	6.1
SHANDAKEN	Include in District	Hilary Smith and Zenka Darrow	4	13.5-1-16.100	3.4
		Hilary Smith and Zenka Darrow	4	13.5-1-16.200	28

Ulster County 2021 Agricultural District Inclusion Applicants

Additional Information

Address of Properties that are part of the 2021 Agricultural District Inclusion Process	Next to a Parcel with an Active Farming Operation that is not part of the 2021 Agricultural District Inclusion Process	Straight-Line Distance between Property and Nearest Parcel in an Agricultural District	Prime and Important Soils
50 Hardenburgh Rd, Ulster Park	Yes	3,796 feet	Yes
46 Highland Rd, Ulster Park	No	289 feet	No
56 Highland Rd, Ulster Park	No	289 feet*	No
372 Watson Hollow Rd, West Shokan	No	34 feet	Yes
210 Fox Hollow Rd, Shandaken	No	2,405 feet	Yes

* Distance calculated from point where property lines for Lot 40.160, Lot 40.200 and Highland Rd right-of-way meet.

Ulster County

2021 Agricultural District Inclusions

Summary by Agricultural District

District	Current Data		2021 Applications		Recommend Inclusion		Prospective Total	
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres
1	772	14,774	4	47	4	47	776	14,821
2	722	28,286					722	28,286
3	542	16,762					542	16,762
4	373	11,516	3	37	3	37	376	11,553
Total	2,409	71,338	7	84	7	84	2,416	71,422

Summary by Municipality

Municipality	Current Data		2021 Applications		Recommend Inclusion		Total w/Inclusions	
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres
Esopus	33	1,099	4	47	4	47	37	1,146
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	213	4,675					213	4,675
Marbletown	236	6,743					236	6,743
Marlborough	405	6,720					405	6,720
New Paltz (T)	94	5,056					94	5,056
New Paltz (V)	4	39					4	39
Olive	21	441	1	6	1	6	22	447
Plattekill	188	5,395					188	5,395
Rochester	287	7,828					287	7,828
Rosendale	18	890					18	890
Saugerties	151	4,128					151	4,128
Shandaken	15	457	2	31	2	31	17	488
Shawangunk	302	11,699					302	11,699
Ulster (T)	53	1,499					53	1,499
Wawarsing	85	4,639					85	4,639
Woodstock	18	328					18	328
Total	2,409	71,338	7	84	7	84	2,416	71,422

Ulster County Agricultural and Farmland Protection Board (AFPB)

2021 Agricultural District Inclusions Voting Results

Voting was conducted at the May 26, 2021 AFPB Meeting

AFPB Members present: Polly Armour, James Delaune, Dennis Doyle,
Chris Kelder, Robert Magnanini, 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>Abstentions</u>	<u>Motion</u>	<u>Second</u>
Lonergan	7	0	0	Delaune	Armour
Nageli*	7	0	0	Armour	Malsatzki
Burns	7	0	0	Delaune	Armour
Smith and Darrow	7	0	0	Delaune	Kelder

* Two separate applications, one farm operation