

# **2023 Agricultural District Inclusions Report to the Ulster County Legislature**

from the

## **Agricultural & Farmland Protection Board**



**Photo: Tongore Farm in Olivebridge, NY**

**Prepared by:**

**The Ulster County Planning Dept.**

**June 5, 2023**



## 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

c/o Ulster County Planning Dept.  
244 Fair St.  
PO Box 1800  
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Robert Magnanini, Chair

May 30, 2023

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 2023 for inclusion of 22 land parcels into Agricultural Districts at the AFPB meeting on May 30, 2023.

It is the recommendation of the AFPB that the Legislature include 19 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 Recommendation – 2023 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 320 parcels, or 9,759 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 17, 2023 to be posted in their respective municipal halls or online. A press release for the Annual Additions was also issued on February 17, 2023 to 123 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, 2023. Applications from 16 individual landowners or groups of landowners were reviewed by the Ulster County Agricultural and Farmland Protection Board (AFPB). These applications request inclusion of 22 parcels, totaling approximately 535 acres, into all four of the existing certified agricultural districts in Ulster County. The 16 landowner requests represent both existing and planned agricultural operations. Two of these requests represent the same operation spanning the Towns of Gardiner and New Paltz. Staff from the Ulster County Planning Department reviewed the applications for completeness, current agricultural district status, conservation easements, deed restrictions and legal ownership.

Staff members from the Ulster County Planning Department and another from Cornell Cooperative Extension of Ulster County conducted visits on April 17, 18, 19, 20, and 21. Town supervisors were then emailed on April 24, 2023 notifying them that their towns had tax parcels in the agricultural district inclusion process. Applications were formally transmitted by the Legislature to the AFPB by letter on May 12, 2023. The AFPB is required to evaluate the applications as to conformance with AML and make a recommendation to the Ulster County Legislature.

### **Procedure (continued)**

The AFPB met on May 30, 2023, 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 19 parcels totaling approximately 418 acres, be included into the four certified agricultural districts in Ulster County (see Details of AFPB Recommendation on page 4). All 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 286 of the Ulster County Legislature adopted on May 16, 2023, a Public Hearing will be held on Tuesday, June 13, 2023 at 7:20 PM or as soon thereafter as the public can be heard. The notice of the Public Hearing was published in the County's newspapers of record on May 31 and June 1, 2023. Towns containing tax parcels recommended for inclusion were notified of the Public Hearing by e-mail on June 1, 2023.

### **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

## 2023 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					
	Do Not Include in District (all 3 parcels)	Douglas Tyson	1	71.3-6-6.200	55.1
			1	71.3-6-8	6
		(See Note* Below)	1	71.3-3-34	56.2
GARDINER					
	Include in District	Terra Ridge LLC	2	86.3-2-4	16.6
	Include in District	Ryan & Megan Wiley	2	86.3-2-5.100	9.2
MARBLETOWN					
	Include in District	Allyson Levy & Scott Serrano	4	61.1-2-34.100	10
	Include in District	Susan Krawitz & Bruce Davenport	4	61.2-2-17.100	7.4
			4	61.2-2-17.200	3
MARLBOROUGH					
	Include in District	Neina Farms LLC	1	103.1-1-33.220	19.01
NEW PALTZ (town)					
	Include in District	Judith Joffee	2	78.20-2-22.100	3
	Include in District	Terra Ridge LLC	2	86.3-1-28.100	131.7
OLIVE					
	Include in District	Brett Fox	4	53.2-3-2	37.6
	Include in District		4	53.2-3-3	20.5
	Include in District	Grant & Naomi DeWitt	4	54.1-3-1	14.25
	Include in District	Olivebridge 1 LLC	3	60.2-3-33.111	37.2
PLATTEKILL					
	Include in District	Red Mill Road Properties, LLC	2	107.1-1-20.1	16.9
ROCHESTER					
	Include in District	Jessica Swadosh	3	67.-2-48.110	3.2
	Include in District	Samantha Ritter	3	68.3-2-10	3.23
			3	68.3-2-11	5.8
SHAWANGUNK					
	Include in District	Darin & Yvonne Clagg	2	98.2-1-18	57.6
	Include in District	John A. Lodato, Jr.	2	100.3-2-28.120	20.1
WAWARSING					
	Include in District	Alexander Hackney & Sara Philkill	3	66.3-1-43	1.5

Note\*: Tax parcel 71.3-3-34 in Esopus has Equity Trust Co. Custodian FBO Douglas M. Tyson IRA BENE Ian B. Tyson DCD as the owner listed in RPS V4.

# Ulster County 2023 Agricultural District Inclusion Applicants

## Additional Information

Address of Properties that are part of the 2023 Agricultural District Inclusion Process	Next to or across the street from a Parcel with an Active Farming Operation that is not part of the 2023 Agricultural District Inclusion Process	Straight-Line Distance between Property and Nearest Parcel in an Agricultural District	Prime and Important Soils
64 Milton Tpke - 1 parcel, Marlborough	Yes	1,402 feet	Yes
131 Shivertown Rd - 1 parcel, New Paltz (town)	No	1,515 feet	Yes
100 Libertyville Rd - 1 parcel, New Paltz (town)	Yes	Adjacent	Yes <sup>1</sup>
276 & 302 Libertyville Rd - 2 parcels, Gardiner	Yes	Across the Street	Yes <sup>1</sup>
23 Gaffney Ln - 1 parcel, Plattekill	Yes	Adjacent	Yes
1704 Albany Post Rd - 1 parcel, Shawangunk	Yes	Adjacent	Yes
24 Kobbs Corner Rd - 1 parcel, Shawangunk	No	1.46 miles	Yes
315 Brown Rd - 1 parcel, Wawarsing	No	1,760 feet	No
Cherrytown Rd - 1 parcel, Rochester	No	1,019 feet	Yes
340 Queens Hwy - 2 parcels, Rochester	No	1,185 feet	Yes
41 Lower Sahler Mill Rd - 1 parcel, Olive	No	718 feet	Yes
34 Fox Ln - 2 parcels, Olive	No <sup>2</sup>	1.38 miles	Yes
68 Mill Rd - 1 parcel, Olive	Yes <sup>2</sup>	1.54 miles	Yes
434 Scarawan Rd - 1 parcel, Marbletown	Yes	Adjacent	No
595 Peak Rd - 2 parcels, Marbletown	Yes	1.00 mile	No
70 Martin Sweedish Rd - 3 parcels, Esopus	No	4,470 feet	No

1 - The Ulster County Soil Survey has Hamlin silt loam, Chenango silt loam, and Churchville silt loam on the New Paltz property. The Gardiner property has Chenango gravelly silt loam. The AFPB Presentation didn't list prime and important soils on these sites.

2 - Both farms are adjacent to each other. The farm on Mill Rd is also located directly next to another farm that has land on both sides of the street.



# Ulster County

## 2023 Agricultural District Inclusions

### Summary by Agricultural District

District	Current Data		2023 Applications		Recommend Inclusion		Prospective Total	
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres
1	775	14,988	4	136	1	19	776	15,007
2	719	28,163	7	255	7	255	726	28,418
3	541	16,763	5	51	5	51	546	16,814
4	404	11,346	6	93	6	93	410	11,439
Total	2,439	71,260	22	535	19	418	2,458	71,678

### Summary by Municipality

Municipality	Current Data		2023 Applications		Recommend Inclusion		Total w/Inclusions	
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres
Esopus	37	1,151	3	117			37	1,151
Gardiner	245	7,829	2	26	2	26	247	7,855
Hardenburgh	2	580					2	580
Hurley	37	1,122					37	1,122
Kingston (C)	1	20					1	20
Kingston (T)	1	9					1	9
Lloyd	217	4,949					217	4,949
Marbletown	249	6,647	3	20	3	20	252	6,667
Marlborough	404	6,743	1	19	1	19	405	6,762
New Paltz (T)	91	4,917	2	135	2	135	93	5,052
New Paltz (V)	4	39					4	39
Olive	23	457	4	109	4	109	27	566
Plattekill	185	5,465	1	17	1	17	186	5,482
Rochester	286	7,648	3	12	3	12	289	7,660
Rosendale	18	890					18	890
Saugerties	160	4,075					160	4,075
Shandaken	20	561					20	561
Shawangunk	300	11,691	2	78	2	78	302	11,769
Ulster (T)	54	1,473					54	1,473
Wawarsing	85	4,639	1	2	1	2	86	4,641
Woodstock	20	355					20	355
Total	2,439	71,260	22	535	19	418	2,458	71,678



# Ulster County Agricultural and Farmland Protection Board (AFPB)

## 2023 Agricultural District Inclusions Voting Results

Voting was conducted at the May 30, 2023 AFPB Meeting

AFPB Members present:

John Adams, James Amenta, Polly Armour, Dennis Doyle, Phil Erner, Robert Magnanini, Christian Malsatzki, Len Tantillo, and Tracey Williams

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

<u>Applicant</u>	<u>Yes</u>	<u>No</u>	<u>Abstentions</u>	<u>Motion</u>	<u>Second</u>
Neina Farms LLC	9	0	0	Armour	Amenta
Joffe	9	0	0	Magnanini	Armour
Terra Ridge LLC/Wiley (Gardiner)	9	0	0	Tantillo	Erner
Terra Ridge LLC (New Paltz)	9	0	0	Amenta	Armour
Red Mill Road Properties, LLC	9	0	0	Erner	Tantillo
Lodato	9	0	0	Armour	Magnanini
Clagg	9	0	0	Armour	Erner
Hackney and Philkill	9	0	0	Adams	Amenta
Swadosh	9	0	0	Armour	Malsatzki
Ritter	9	0	0	Doyle	Malsatzki
Olivebridge 1 LLC	9	0	0	Erner	Tantillo
DeWitt	9	0	0	Doyle	Amenta
Fox	9	0	0	Malsatzki	Doyle
Levy and Serrano	9	0	0	Amenta	Magnanini
Krawitz and Davenport	9	0	0	Adams	Tantillo
Tyson	0	9	0	Armour	Erner