

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a report from the Westchester County Agriculture and Farmland Protection Board, dated May 1, 2018, stating its recommendations concerning five requests for the inclusion of viable agricultural land within Westchester County Agricultural District No. 1.

Your Committee has carefully reviewed the above-referenced report and is aware that this Honorable Board is charged with the duty, pursuant to Section 303-b of the New York State Agriculture and Markets Law and Westchester County Act No. 95-2017, of scheduling a Public Hearing concerning requests to add parcels to an existing Westchester County Agricultural District and the recommendations of the Westchester County Agriculture and Farmland Protection Board concerning those requests.

Your Committee recommends that this Honorable Board carry out the foregoing statutory duty by adopting a Resolution scheduling a Public Hearing upon the proposed additions to Westchester County Agricultural District No. 1 as soon as possible.

Your Committee would further advise, based upon its careful review of the report of the Westchester County Agriculture and Farmland Protection Board and barring the emergence of any adverse information during the course of the scheduled Public Hearing, that this Honorable Board, by Resolution, approve the inclusion in Westchester County Agricultural District No. 1 of so many of the pending requests as are consistent with the recommendation of the Westchester County Agriculture and Farmland Protection Board.

Additionally, and as you know, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). The Department of Planning has advised that this proposed Resolution is classified as an Unlisted Action under SEQRA regulations that requires the adoption of the attached Negative Declaration. Your Committee concurs in this conclusion.

As this project is an "Unlisted" action under SEQRA, your Committee is also in receipt of an Environmental Assessment Form prepared by the Department of Planning to assist this Honorable Board in making a determination as required by SEQRA, which is necessary if this Honorable Board is to approve the attached Resolution.

Your Committee has carefully considered the proposed legislation. It has reviewed the attached Environmental Assessment Form and the criteria contained in Section 617.7 of 6 NYCRR Part 617, the SEQRA regulations, to identify the relevant areas of environmental concern.

Your Committee has thoroughly analyzed the identified relevant areas of concern to determine if the proposed action may have a significant impact on the environment. For reasons set forth in the attached proposed Negative Declaration, your Committee believes that the proposed action will not have any significant impact on the environment and accordingly recommends passage of the annexed Resolution.

Your Committee has carefully considered the proposed legislation and recommends that your Honorable Board adopt a Resolution scheduling a public hearing concerning pending requests to add additional parcels to Westchester County Agricultural District No. 1 as well as a further Resolution, barring the emergence of any adverse information during the course of the scheduled Public Hearing, approving the inclusion in Westchester County Agricultural District

Updated: June 12, 2018

No. 1 of so many of the pending requests as are consistent with the recommendation of the Westchester County Agriculture and Farmland Protection Board.

Your Committee requests that the Clerk of the Board notify each community in which the additional parcels are located of the date and time of the Public Hearing.

Dated: 6/12 2018
White Plains, New York

COMMITTEE ON Environment, Health & Energy

Maureen Barry
K. J. Farrell
Maya G. Smith
Cathy Park
Allison Fry

FISCAL IMPACT STATEMENT

SUBJECT: _____

☒ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue \$ _____ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses:

Annual Amount 0

Describe: No impact.

Potential Related Operating Budget Revenues:

Annual Amount 0

Describe: No impact.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: Processing of applications is performed by Planning staff.

Next Four Years: Annual application period is required by New York State Agricultural Districts Law.

Prepared by: David Kvinge

Title: Director of Environmental Planning

Department: Department of Planning

Date: May 10, 2018

Reviewed By: _____

Budget Director

Date: _____

5/18/18

RESOLUTION NO. 107 – 2018

WHEREAS, there is pending before this Honorable Board a Resolution to approve the inclusion of additional parcels of land within the Westchester County Agricultural District; and

WHEREAS, as this project is an “Unlisted” action under the State Environmental Quality Review Act (“SEQRA”), an Environmental Assessment Form has been prepared by the Department of Planning to assist this Honorable Board in complying with its responsibilities under SEQRA; and

WHEREAS, this Honorable Board has carefully considered this proposed action and has reviewed the Environmental Assessment Form and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified the relevant areas of environmental concern, as are fully set forth in the attached “Negative Declaration”, to determine if this proposed action will have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, by the County Board of Legislators of the County of Westchester, State of New York, that based on this Honorable Board’s review of the Environmental Assessment Form and for the reasons set forth in the annexed “Negative Declaration,” it is determined that there will be no adverse impact on the environment from the inclusion of additional parcels of land within the Westchester County Agricultural District; and be it further

Updated: June 12, 2018

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign and date the Determination of Significance in the attached Environmental Assessment Form as Responsible Officer in Lead Agency; thereby executing and issuing a Negative Declaration on behalf of this Board pursuant to Article 8 of the Environmental Conservation Law; and to immediately file, publish and make available the Environmental Assessment Form pursuant to the requirements of Part 617 of Title 6 of the Official Compilation of the Codes, Rule and Regulations of the State of New York; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Dated: 2018
White Plains, New York

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: Addition of land to Westchester County Agricultural District No. 1							
Project Location (describe, and attach a location map): Various parcels in the towns of Bedford, North Salem and Yorktown (see attached list and map).							
Brief Description of Proposed Action: The Westchester County Agricultural District was created in 2001, recertified in 2011 and recertified again in 2017. Owners of farmland may apply to have their land included within the district annually, pursuant to Agricultural Districts Law. The annual 30-day window to receive applications in Westchester County is the month of March. Five applications to include additional land were received for calendar year 2018.							
Name of Applicant or Sponsor: Westchester County Board of Legislators, c/o Sunday Vanderberg, Clerk and CAO		Telephone: 914-995-4604 E-Mail: mav5@westchestergov.com					
Address: 800 Michaelian Office Building, 148 Martine Avenue, 8th Floor							
City/PO: White Plains		State: NY	Zip Code: 10601				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>David Kvinge, Director of Environmental Planning (preparer)</u> Date: <u>May 10, 2018</u>		
Signature: _____		

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attachment

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Westchester County Board of Legislators _____ Name of Lead Agency	_____ Date
Sunday Vanderberg _____ Print or Type Name of Responsible Officer in Lead Agency	_____ Clerk and Chief Administrative Officer Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

David Kvinge, Director of Environmental Planning

STATE ENVIRONMENTAL QUALITY REVIEW

ADDENDUM TO EAF

The Proposed Action is the recommendation by the Westchester County Board of Legislators to the New York State Commissioner of Agriculture concerning the inclusion of additional parcels of land within the Westchester County Agricultural District, as provided for under Section 303-b of Article 25-AA of New York State Agriculture and Markets Law. Inclusion of parcels of land within an agricultural district does not, in and of itself, supersede or modify existing land use ordinances or regulations. Consequently, additions of land to an existing agricultural district will not result in the physical alteration of the environment or otherwise have a negative impact on the environment. Rather, the addition of land to an existing agricultural district promotes the preservation of viable agricultural land and has other environmental benefits as described below. The New York State Department of Agriculture and Markets has determined that modifications to an agricultural district are an Unlisted action with respect to SEQR. The County Board of Legislators is conducting uncoordinated review as permitted for Unlisted actions.

The applications received for 2018 are described in more detail in the 2018 report of the Westchester County Agriculture and Farmland Protection Board. A list and map of the applications and individual parcels follows this narrative.

Agricultural land and the agricultural industry in Westchester County continue to be under considerable pressure to convert to other land uses, typically residential subdivision. Agricultural land contributes significantly to the quality of life in Westchester County by providing open space, links to cultural history, vegetative and wildlife habitat, and a local source of fresh food. The protection and enhancement of agricultural land is in furtherance of the County's goals, as described in the County Planning Board's long-range planning document, *Patterns for Westchester: the Land and the People*, and the County Agriculture and Farmland Protection Plan, to protect natural and cultural resources, preserve open space and community character, and reduce environmental impacts associated with development. The Westchester County Board of Legislators created the Agriculture and Farmland Protection Board and the Westchester County Agricultural District to protect agricultural land and enhance the agricultural industry in furtherance of these goals. New York State Agriculture and Markets Law requires that counties that have a certified agricultural district conduct an annual review of applications received for the inclusion of additional parcels of land within the agricultural district and submit recommendations, if warranted, to the New York State Commissioner of Agriculture.

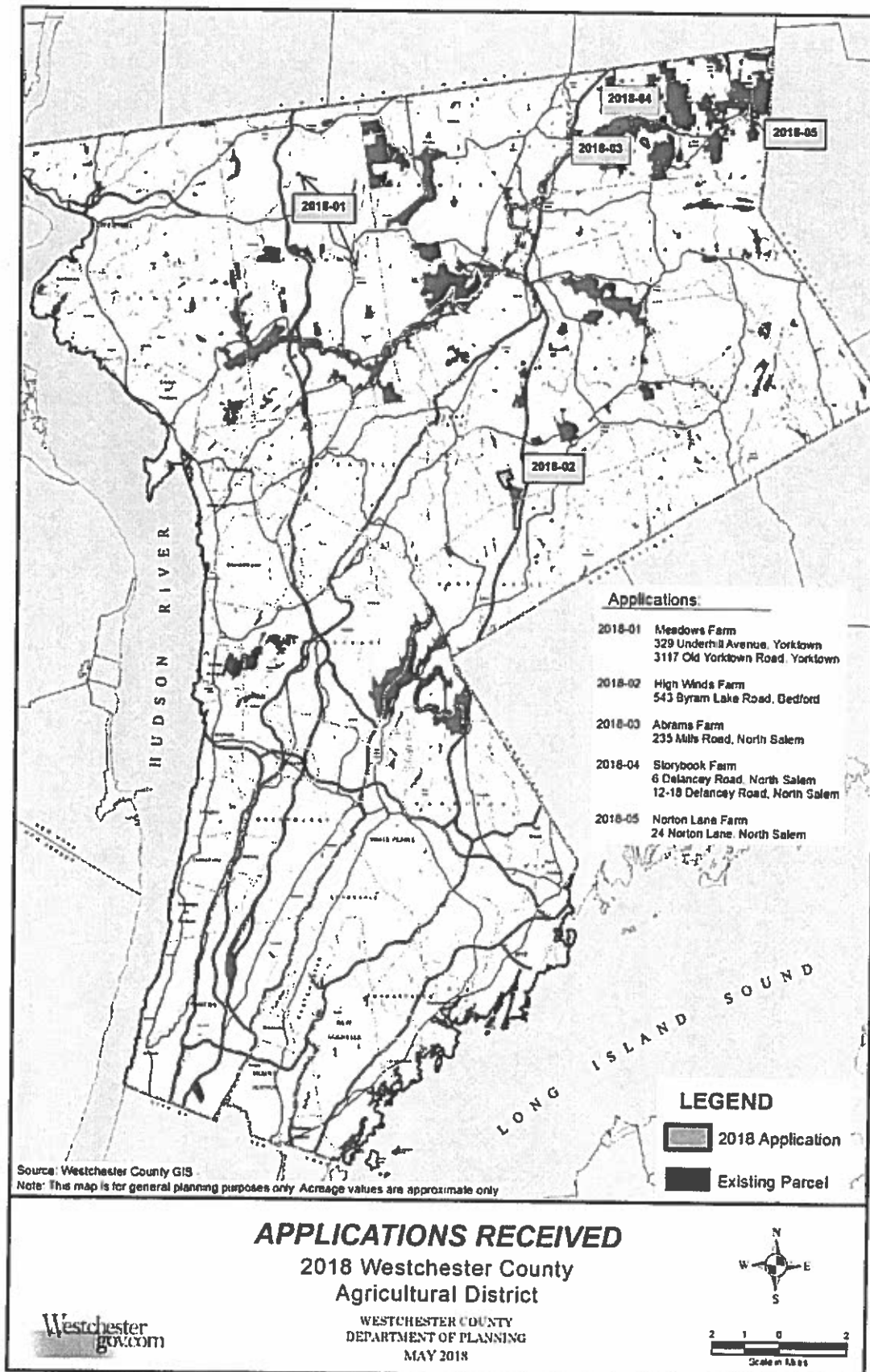
Inclusion of additional agricultural parcels within the Agricultural District does not have a physical impact on the environment. Inclusion of land within the agricultural district furthers the goals and objectives of the County to:

- Preserve and protect the county's natural resources, including the drinking water supply;
- Assure a diverse and interconnected system of open space, supporting a variety of flora and fauna and providing contrast in the texture of the landscape;
- Enhance a broad economic base and economic opportunity within the county; and
- Protect the county's educational, cultural, historic and aesthetic resources for future generations.

2018 APPLICATIONS TO INCLUDE ADDITIONAL PARCELS
WITHIN THE WESTCHESTER COUNTY AGRICULTURAL DISTRICT

Application	Farm Name	SBL	Acres ¹	Street Address	Municipality
2018-01	The Meadows Farm	37.18-2-71	0.38	329 Underhill Ave	Yorktown
2018-01	The Meadows Farm	26.07-1-29	1.24	3117 Old Yorktown Rd	Yorktown
2018-02	High Winds Farm	94.10-1-1	92.08	543 Byram Lake Rd	Bedford
2018-03	Abrams Farm	31.-1362-32	28.00	235 Mills Rd	North Salem
2018-04	Storybook Farm	15.-1739-10	4.44	12-18 Delancey St	North Salem
2018-04	Storybook Farm	15.-1739-19	5.13	6 Delancey St	North Salem
2018-05	Norton Lane Farm	27.-1756-5	22.65	24 Norton Ln	North Salem

¹ Acres calculated from County GIS data.





Report of the
Westchester County Agriculture and Farmland Protection Board
for the Addition of New Parcels to
Westchester County Agricultural District No. 1
Calendar Year 2018
Adopted May 1, 2018

Background:

Westchester County encourages the preservation of agricultural land and the promotion of the agricultural industry within the county in recognition of the important role it plays in protecting open space and the environment; preserving community, cultural, and scenic character; providing locally grown agricultural products; offering unique agricultural services and educational opportunities; and supporting the economy. The County has implemented a number of programs and initiatives to protect its remaining farmland and encourage a strong agricultural industry, including the creation of the County Agriculture and Farmland Protection Board and the Westchester County Agricultural District. Agricultural districts provide benefits that help make and keep farming as a viable economic activity, thereby maintaining land in active agricultural use. Agricultural districts encourage development pressure to focus on other areas of a community and provide farm owners protection under the state's Right to Farm laws.

Agricultural Districts must be recertified periodically (the review period for Westchester's Agricultural District is every eight years). The Westchester County Agricultural District was certified by the New York State Commissioner of Agriculture in 2001. The County began the evaluation and recertification process in 2008, culminating with the submission in 2010 of proposed modifications to the District. The District was recertified by the Commissioner of Agriculture in September 2011, incorporating those proposed modifications, which include limiting the District to the Towns of Cortlandt, Yorktown, Somers, North Salem, Bedford and Lewisboro; the Village of Sleepy Hollow and the portion of Mount Pleasant west of the Taconic State Parkway. The following criteria were also developed to be used in the evaluation of proposals to include additional land within the district. The District was recertified in 2017 with the same geographic limitations and evaluation criteria.

1. **Farm operations must be of a minimum size or scale.** For each farm operation (not each individual parcel), the total area of the farm parcels must be a minimum of seven acres and the farm must have a minimum of \$10,000 annual gross sales value, as defined in Ag and Markets Law. A farm operation that does not meet the seven-acre minimum may be eligible for inclusion if it has a minimum of \$50,000 annual gross sales value, as defined in Ag and Markets Law.
2. **Individual parcels must function as a single farm.** If parcels of land are not contiguous, the applicant must adequately demonstrate that the individual parcels function as a single farm operation.
3. **The parcel(s) must be able to support the agricultural activity.** The applicant must demonstrate that the land is capable of supporting the agricultural activity.
4. **The agricultural operation must be the predominant commercial land use of the site.** The agricultural activity on each parcel of land must constitute a minimum of 51% of the land area of the parcel, excluding fallow land, wooded portions of the property or portions of the property used as a residence. The agricultural activity on each parcel of land must also constitute a minimum of 51% of the annual gross sales value generated on the parcel.

5. **Sound agricultural practices must be employed to protect environmental resources.** Applicants must demonstrate that the agricultural operation is operating under a Whole Farm Plan, nutrient management plan, integrated pest management plan or similar plan to ensure that excess nutrients, pesticides, herbicides and pathogen transfer off-site is avoided to the maximum extent practical through the implementation of agricultural best management practices.
6. **Other information may be required.** The Agriculture and Farmland Protection Board reserves the right to request additional information it determines necessary to fully evaluate the operation or land.

In 2003 New York State Agriculture and Markets Law (AML) was amended to allow property owners to petition to include their lands within an existing agricultural district. Prior to the 2003 amendment, property owners would have to wait until the district was renewed at the end of the recertification period. Lands to be included in the district must be determined to be predominantly viable agricultural land per AML §301.7 and also serve the public interest by assisting in maintaining a viable agricultural industry within the district. Applications are made to the Westchester County Board of Legislators, which refers the requests to the Westchester County Agriculture and Farmland Protection Board (AFPB) for review and recommendation back to the Board of Legislators. Final recommendations are sent to the State Commissioner of Agriculture for review and certification. The application period ends March 31 of each year. This report represents the results of the review of the AFPB for applications received for 2018.

2018 Recommendations:

For calendar year 2018, the Westchester County Agriculture and Farmland Protection Board received five (5) applications for the inclusion of additional land within Westchester County Agricultural District Number 1. The AFPB recommends inclusion of the following:

Application	Farm Name	SBL	Acres	Street Address	Municipality
2018-01	The Meadows Farm	37.18-2-71	0.38	329 Underhill Ave	Yorktown
2018-01	The Meadows Farm	26.07-1-29	1.24	3117 Old Yorktown Rd	Yorktown
2018-02	High Winds Farm	94.10-1-1	92.08	543 Byram Lake Rd	Bedford
2018-04	Storybook Farm	15.-1739-10	4.44	12-18 Delancey St	North Salem
2018-04	Storybook Farm	15.-1739-19	5.13	6 Delancey St	North Salem
2018-05	Norton Lane Farm	27.-1756-5	22.65	24 Norton Ln	North Salem

Date of Report:

The Westchester County Agriculture and Farmland Protection Board adopted this report by a majority vote at its May 1, 2018 meeting.

Detailed Information:

Following is a more detailed review of each of the applications, along with the recommendations of the AFPB.

DETAILED REVIEW

Application Number: 2018-01

Applicant: Richard and Francis Woodard

Farm Name: The Meadows Farm

Farm Operation: Farm and Farm Stand

Property Address: 3117 Old Yorktown Road and 329 Underhill Avenue, Yorktown

Tax Parcel Identification (Section-Block-Lot):	26.07-1-29	Acres:	1.24
	37.18-2-71		0.34

AFPB Site Visit Date: April 16, 2018

Description of Property and Operation:

The farm has been in operation for over 60 years and was previously included in the Agricultural District, but the application for this parcel lapsed and wasn't renewed. The farm consists of two sites owned by the applicant and another two parcels which are leased by the applicant. Three of the sites are currently farmed (produce and ornamental plants) and the fourth is the farm stand in Yorktown Heights. Produce and small ornamental plants grown at the farm are sold at the farm stand.

Agriculture and Farmland Protection Board Assessment and Recommendation:

The AFPB recommends inclusion of the parcels. However, the AFPB notes that on the farm stand parcel there appears to be an expansion onto neighboring property to the rear. Only the subject tax parcel is included in the district, and only the farm operation described herein and on the application materials will be protected—the firewood operation is not considered part of the farm operation.

DETAILED REVIEW

Application Number: 2018-02

Applicant: Nelson and Claudia Peltz c/o Ken Schwebel

Farm Name: High Winds Farm

Farm Operation: Orchard (Fruit)

Property Address: 543 Byram Lake Road, Bedford

Tax Parcel Identification (Section-Block-Lot): 94.10-1-1

Acres: 92.08

AFPB Site Visit Date: April 16, 2018

Description of Property and Assessment of Operation:

The property is a large estate, located adjacent to the County-owned Merestead property. The applicant proposed to restore and revitalize over 200 existing fruit trees and establish a commercial fruit orchard. Although the farm operation is not yet commercial, the applicant has submitted a business plan demonstrating the intention to plant additional trees and sell the products to local markets and restaurants

Agriculture and Farmland Protection Board Recommendation:

The property is well suited for the agricultural operation, the applicant has demonstrated that the operation will be a viable commercial operation, and the operation will be the predominant commercial use of the property. The AFPB recommends inclusion of the parcel.

DETAILED REVIEW

Application Number: 2018-03

Applicant: Vance-Abrams 2012 Trust

Farm Name: Abrams Farm

Farm Operation: Hay

Property Address: 235 Mills Road, North Salem

Tax Parcel Identification (Section-Block-Lot): 31.-1362-32 **Acres:** 28.00

AFPB Site Visit Date: April 16, 2018

Description of Property and Assessment of Operation:

The applicant proposes to hay approximately 18 acres of the parcel, which will be leased to Stoneycreek Corporation to run the hay operation. The operation is proposed to be located on moderately sloping land that is currently lawn area with some trees.

Agriculture and Farmland Protection Board Recommendation:

Since the proposed hay fields are currently an expansive lawn, the AFPB recommends that this parcel not be included at this time. The AFPB encourages the applicant to resubmit an application next year after the hay operation has commenced.

DETAILED REVIEW

Application Number: 2018-04

Applicant: Nancy S. Pine

Farm Name: Storybook Farm

Farm Operation: Commercial Horse Boarding, Riding

Property Address: 6 and 12-18 Delancey Street, North Salem

Tax Parcel Identification (Section-Block-Lot):	15.-1739-10	Acres:	4.44
	15.1739-19		5.13

AFPB Site Visit Date: April 16, 2018

Description of Property and Assessment of Operation:

The applicant proposes to operate a new commercial horse boarding operation at the site. A barn and paddock areas have been constructed. The operation is proposed to be located on flat land that is currently cleared and improved for the operation. A small stream flows through the front portion of the property to the Titicus Reservoir approximately 200 feet south of the property.

Agriculture and Farmland Protection Board Recommendation:

To further ensure minimization of environmental impacts, the applicant has agreed to pursue development and implementation of a Whole Farm Plan prepared by the Watershed Agricultural Council. The AFPB recommends inclusion of the parcels with the understanding that the applicant will develop and implement a Whole Farm Plan for the property.

DETAILED REVIEW

Application Number: 2018-05

Applicant: 24 Norton Lane LLC c/o Hogan and Rossi

Farm Name: Norton Lane Farm

Farm Operation: Orchard (Fruit)

Property Address: 24 Norton Lane, North Salem

Tax Parcel Identification (Section-Block-Lot): 27.-1756-5 **Acres:** 22.65

AFPB Site Visit Date: April 16, 2018

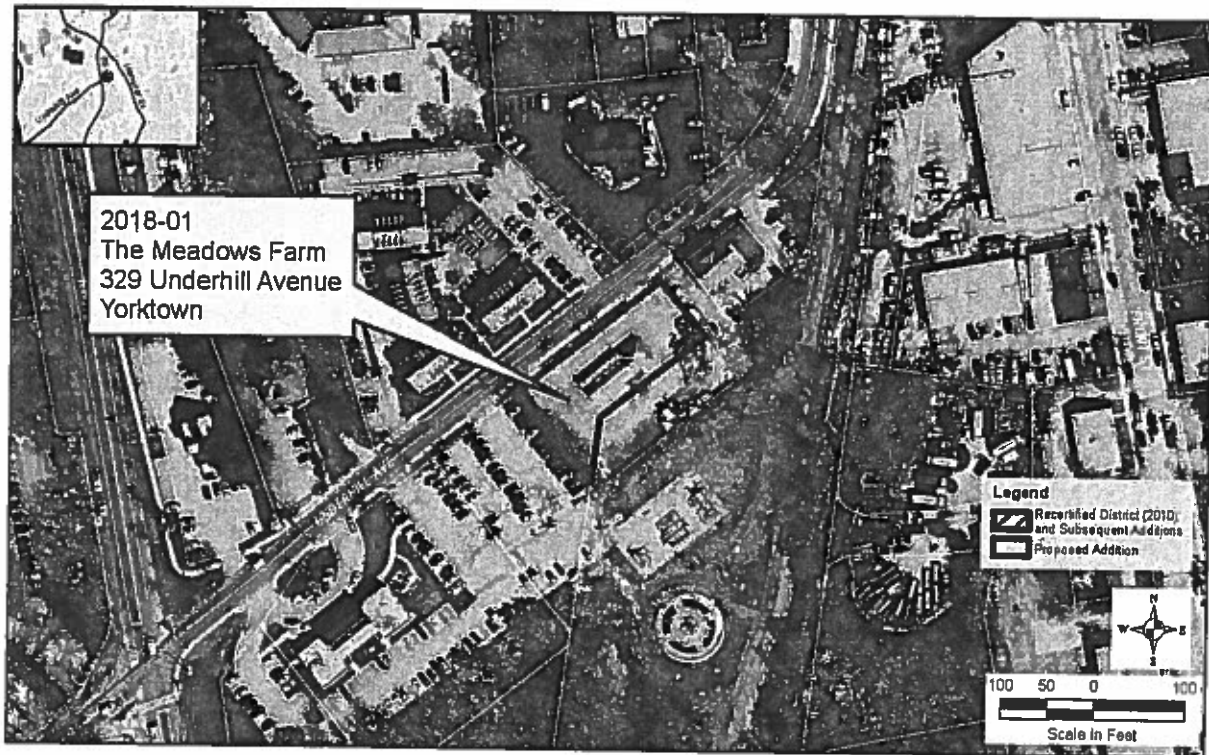
Description of Property and Assessment of Operation:

The applicant proposes to hay approximately 19 acres of the parcel, which will be leased to Stoneycreek Corp to run the hay operation. The operation will be located on moderately sloping land that is currently pastureland.

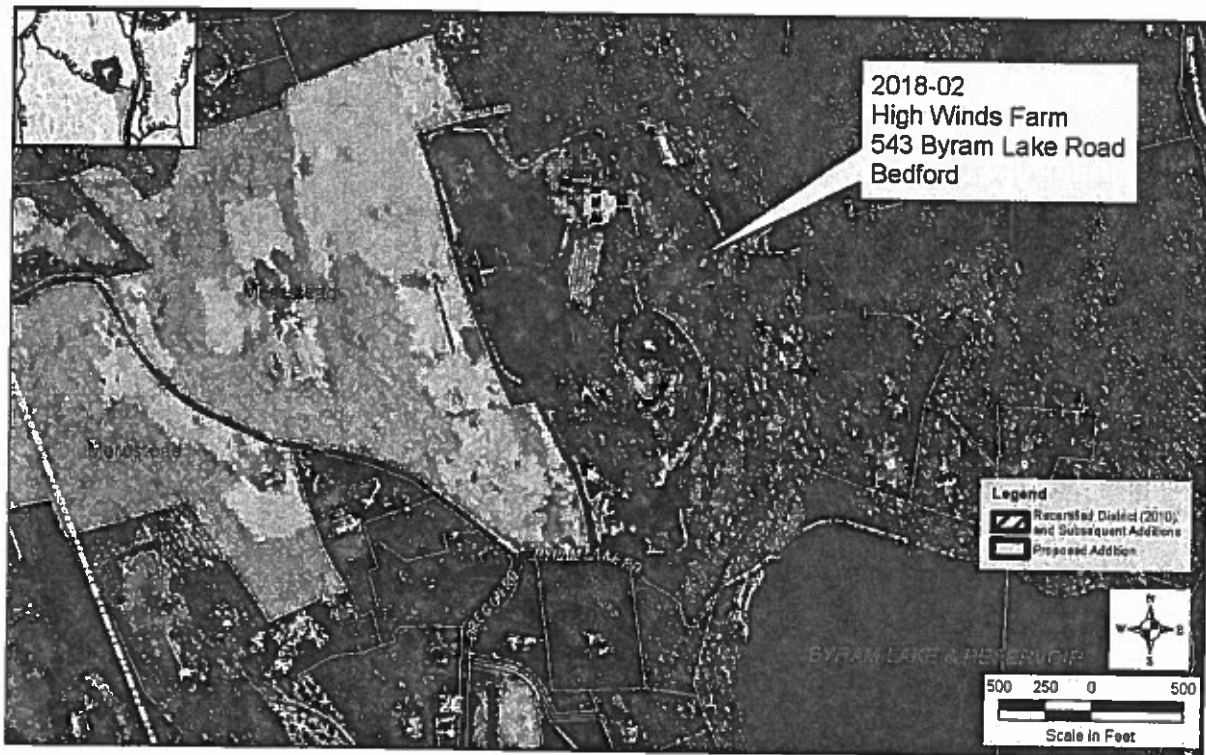
Agriculture and Farmland Protection Board Recommendation:

The AFPB recommends inclusion of the parcel.

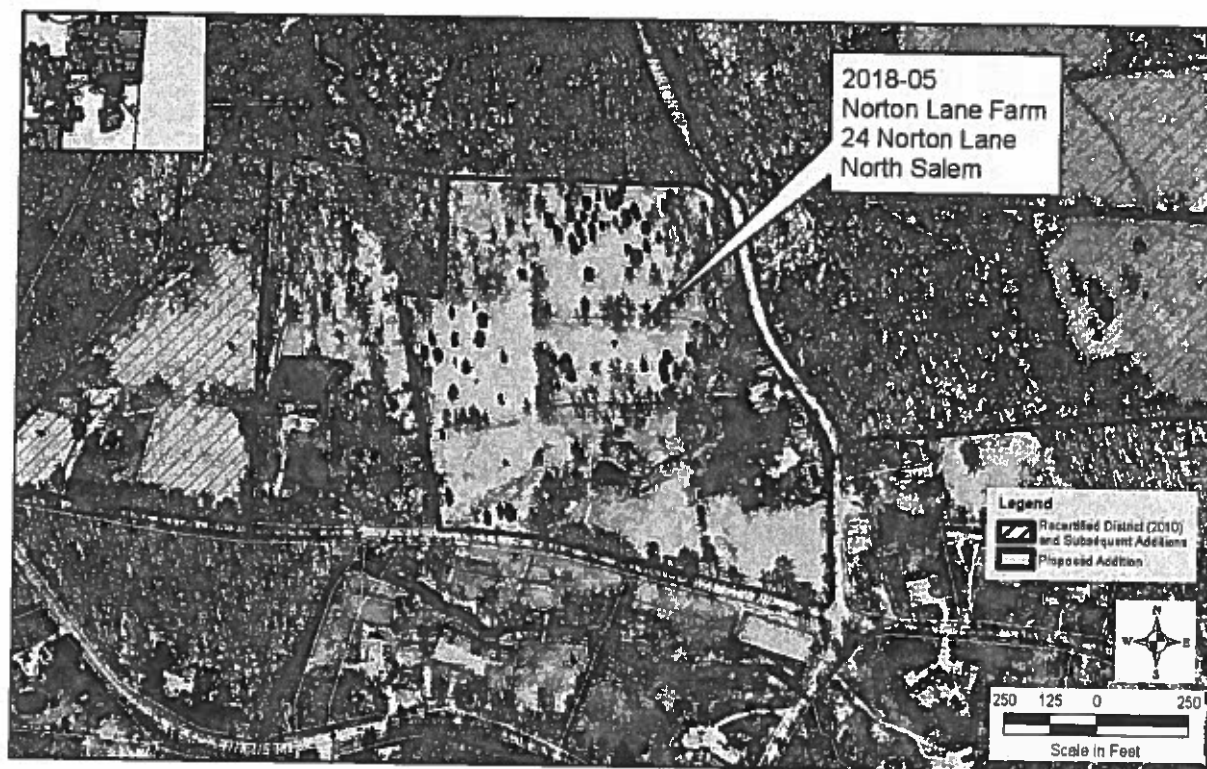
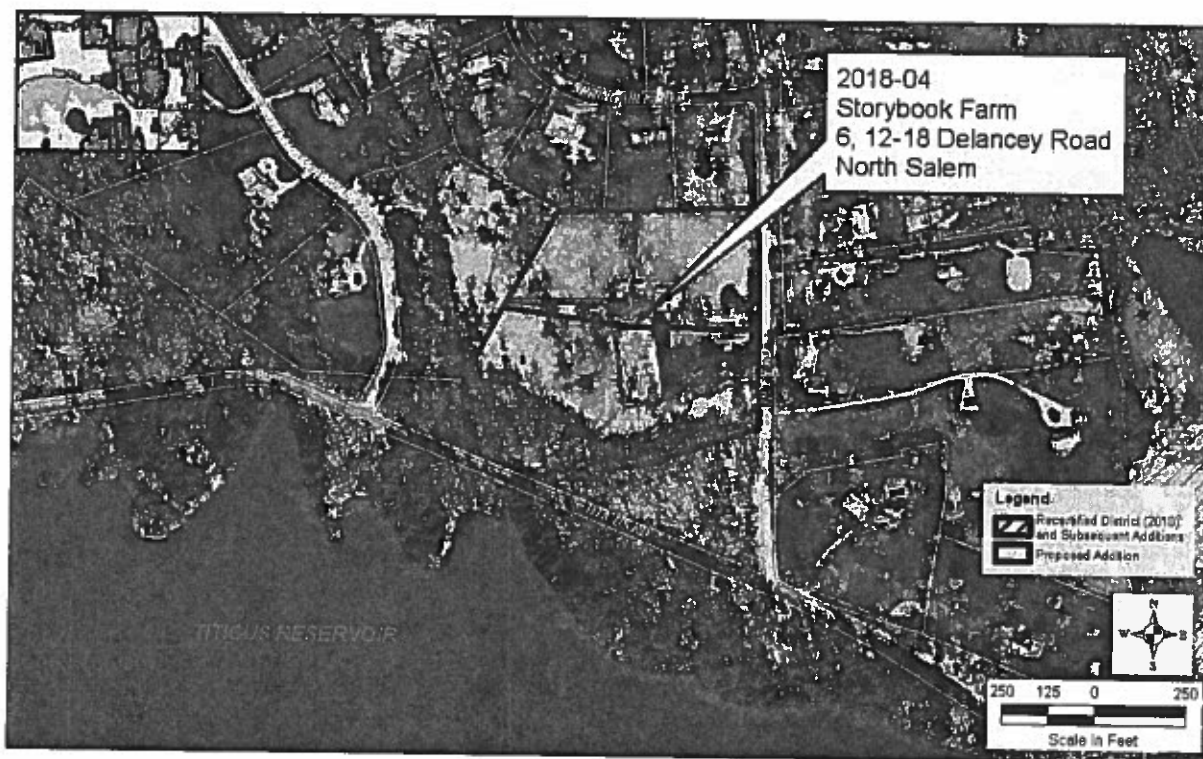
MAPS



MAPS



MAPS



FACT SHEET

Agricultural Districts



What is an Agricultural District?

An agricultural district is a geographic area consisting predominantly of viable agricultural land. Agricultural operations within the district are a priority land use and afforded benefits and protections to promote the continuation of farming and the preservation of agricultural land. In practice, districts may include land that is actively farmed, idle, forested, as well as residential and commercial.

Agricultural Districts Law

The constitution of the State of New York directs the state legislature to provide for the protection of agricultural lands. It is the purpose of the Agricultural Districts Law 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.

Enacted in 1971, New York's Agricultural Districts Law (Article 25AA of the New York State Agriculture and Markets Law) is a very effective tool for maintaining lands in agriculture and ensuring New York's position as an outstanding agricultural state. The Agricultural Districts Law recognizes that agricultural lands are important and irreplaceable resources, which are in jeopardy of being lost as a result of increasing costs of agricultural businesses, development pressures and regulatory constraints. The Law seeks to create economic and regulatory incentives which encourage farmers to continue farming. Relying primarily on the initiative of landowners and local governments, with state oversight, the law provides agricultural landowners with a number of benefits and protections.

Agricultural Districts Law and Local Regulations

New York State Agricultural Districts Law protects farm operations within an agricultural district from the enactment and administration of unreasonably restrictive local regulations unless it can be shown that public health or safety is threatened. It is important to note that Agricultural Districts Law does not give farm owners any as-of-right exemption or waiver from local regulations. Rather, the Agricultural Districts Law provides farm owners within an agricultural district assistance from the New York State Department of Agriculture in instances in which the farmer believes that local regulatory requirements are unreasonably restricting the farm operation. The New York State Department of Agriculture and Markets evaluates the reasonableness of a specific requirement or process imposed on a farm operation on a case-by-case basis and works with both the farm owner and the municipality to achieve the best solution possible. The Commissioner of Agriculture does, however, have the authority to institute an action or compel a municipality to comply with this provision of the Agricultural Districts Law. In such instances, the municipality must demonstrate that the regulation or requirement is necessary for the protection of public health or safety. The New York State Department of Agriculture and Markets has developed guidelines on the effect of Agricultural Districts Law §305-a on enactment and administration of local laws and regulations. In particular, the *Guidelines for Review of Local Zoning and Planning Laws* guidance document provides valuable information on a variety of local regulatory issues. These documents are updated periodically and may be obtained from the NYS Department of Agriculture and Markets website at www.agmkt.state.ny.us by clicking on Divisions and then Agricultural Protection and Development Services.

Agricultural Districts Law and Local Planning

State certified agricultural districts and county agricultural and farmland protection plans are community shaping influences in much the same way as existing and proposed infrastructure; wetlands, floodplains, topographical features; cultural, historic and social amenities; economic needs; etc. are viewed. The Agricultural Districts Law is a valuable planning tool to conserve, protect and encourage the development and improvement of the agricultural economy; protect agricultural lands as valued natural and ecological resources; and preserve open space. In addition to AML §305-a, limitations on local authority in Town Law §283-a and Village Law §7-739 were enacted to ensure that agricultural interests are taken into consideration during the review of specific land use proposals. Town Law §283-a (1) and Village Law §7-739(1), as amended by Chapter 331 of the Laws of 2002, require local governments to "...exercise their powers to enact local laws, ordinances, rules or regulations that apply to farm operations in an agricultural district in a manner which does not unreasonably restrict or regulate farm operations in contravention of the purposes of article twenty-five- AA of the agriculture and markets law, unless it can be shown that the public health or safety is threatened." These amendments make the Town and Village Law provisions consistent with AML §305-a regarding showing a threat to the public health or safety. AML §305-a, subd.1 is not a stand-alone requirement for coordination of local planning and land use decision making with the agricultural districts program. Rather, it is one that is fully integrated with the comprehensive planning, zoning and land use review process.

Agricultural Districts Law and Property Ownership Disclosure

Section 310 of the Agricultural Districts Law requires that when any purchase and sale contract is presented for the sale, purchase, or exchange of real property located partially or wholly within an agricultural district, the prospective grantor shall present to the prospective grantee a disclosure notice which states the following:

"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access local municipal water and/or sewer services for such property under certain circumstances."

Important Contact Information

Agriculture & Farmland Protection Board
c/o Westchester County Dept of Planning
148 Martine Ave., Room 432
White Plains, NY 1061
(914) 995-4400
www.westchestergov.com

**New York State Department of
Agriculture and Markets**
10B Airline Drive
Albany, New York 12235
(518) 457- 7076
www.agmkt.state.ny.us

FACT SHEET**Addition of New Parcels to****Westchester County's Agricultural District Number 1****Changes to New York State Agricultural Law**

Westchester County's Agricultural District was certified in April 2001 and went into effect in July 2001. Section 303 of New York State Agriculture & Markets Law, the law pertaining to agricultural districts, requires that agricultural districts be recertified every eight-years. This review was historically the only time that new parcels could be added to the District. In 2002, this law was amended to allow parcels of agricultural land to be added to an existing Agricultural District prior to the established 8-year review date. In 2003 the State adopted another amendment to Agriculture & Markets Law 303 outlining procedures to help make this process run more smoothly. This amendment requires each county to offer a 30-day window annually in which new parcels can be submitted for consideration to be added to the existing Agricultural District and sets out a procedure for review and certification by the state.

When is the 30-day application window?

In Westchester County the application window is the month of March each year.

What do landowners applying to be included in the Agricultural District need to do?

- Make a formal request to the Westchester County Board of Legislators (BOL) asking to join the District. Note that only parcels from the following municipalities are eligible to be included in the district, which was modified as part of the recertification in 2011: Cortlandt, Yorktown, Somers, North Salem, Lewisboro, Bedford, Sleepy Hollow, and the portion of Mount Pleasant west of the Taconic State Parkway.
- Send a copy of the request to the Chair of the Westchester County Agriculture & Farmland Protection Board (AFPB), courtesy of the Westchester County Department of Planning.
- The request must include:
 - A. A completed and signed current application form, available on the County website at www.westchestergov.com/agriculture.
 - B. A tax parcel map showing all parcels must also be included. Copies of tax parcel maps can be obtained from the local assessor's office.
 - C. Supporting information as may be needed (see application form)

What will the AFPB do when we receive your request?

The Board conducts its review beginning in March during the submission process. The Board may contact you to arrange for a visit to your property or for additional information concerning your application. You may be requested to attend an AFPB meeting to discuss your application in person. The Board will adopt recommendations concerning applications no sooner than its next regular meeting after the 30-day application period has ended but typically at its April or May meeting, depending on the number and complexity of applications received.

What does the Westchester County Board of Legislators (BOL) do after they receive your request?

- The Westchester County BOL reviews the recommendations of the AFPB and sets a date for a public hearing (typically in May or June). The applications will be discussed in Committee meetings prior to the public hearing.
- At the public hearing the Westchester County BOL will listen to public comments and will either accept or reject each application.
- Applications recommended for inclusion by the BOL are sent to the Commissioner of the New York State Department of Agriculture & Markets for certification.

How long will the process take?

The State has outlined a process that will take 180 days from the beginning of the 30-day submission period (March). With the application window beginning March 1, the completion of the entire process is anticipated to be September 1, but will be dependent on Board meeting and public hearing dates.

How will Landowners be informed throughout the process?

- Notice of application receipt. If anything is missing from your application or if the AFPB requires additional information, it will be requested in writing.
- Notice of the Public Hearing date.
- Notice of approval or disapproval of your application upon certification by the Commissioner of New York State Department of Agriculture and Markets.

Can Westchester County's Agricultural District Change?

Westchester County's Agricultural District was created in 2001 as a county-wide district with an eight-year review period. The district was recertified in 2011 with modifications including limiting the district to certain municipalities within the county (Cortlandt, Yorktown, Somers, North Salem, Lewisboro, Bedford, Sleepy Hollow, and the portion of Mount Pleasant west of the Taconic State Parkway) and creating evaluation categories for parcels to be located within the district. The district was recertified in 2017 without any changes from the prior recertification. The next scheduled review is 2025. A notice will be sent out to Agricultural District members during the recertification process.

Timeline as Outlined in Agricultural Districts Law

DAY	ACTION
1 to 30	Open period for new requests to join Westchester County's Agricultural District Number 1. Landowners send completed submission forms to the Westchester County Board of Legislators (BOL) with a copy sent to the Chair of the Westchester County Ag & Farmland Protection Board (AFPB).
31 to 61	All requests reviewed by the AFPB. A report with the AFPB's recommendations submitted to the Westchester County Board of Legislators. The date for the Public Hearing will be published.
62 to 150	The Public Hearing is held and the Board of Legislators either adopts, rejects or amends the AFPB recommendations. After adoption, the BOL will submit their resolution, the AFPB's report, the Tax Parcel (Section, Block, & Lot(s)) ID's and maps to the Commissioner of the New York State Department of Agriculture and Markets.
151 to 180	The Commissioner of the New York State Department of Agriculture and Markets may certify the new parcels and on that day these parcels become part of Westchester County's Agricultural District Number 1.

Important Contact Information

Agriculture & Farmland Protection Board c/o Westchester County Department of Planning Room 432, 148 Martine Ave. White Plains, NY 10601	Westchester County Board of Legislators 148 Martine Ave, 8 th Floor White Plains, NY 10601
---	--

Forms and information are available by calling (914) 995-4400 or visiting
www.westchestergov.com/agriculture.

Please send copy of completed submission materials to both the BOL and the AFPB.

RESOLUTION NO.108 – 2018

WHEREAS, the County, by Resolution No. 223-2000, submitted a proposal to the New York State Commissioner of Agriculture and Markets to establish Westchester County Agricultural District No. 1, which was certified by the New York State Commissioner of Agriculture and Markets and became effective on July 19, 2001 with an eight-year review period; and

WHEREAS, the County, by Resolution No. 161-2010, after conducting a review of the district in accordance with Agricultural Districts Law, submitted a proposal to the New York State Commissioner of Agriculture and Markets to continue the Westchester County Agricultural District No. 1 with modifications including limiting the district to certain municipalities within the county and creating criteria for parcels to be located within the district, which was certified by the New York State Commissioner of Agriculture and Markets and became effective on September 19, 2011; and

WHEREAS, the County, by Resolution No. 70-2017, after conducting a review of the district in accordance with Agricultural Districts Law, submitted a proposal to the New York State Commissioner of Agriculture and Markets to continue the Westchester County Agricultural District No. 1 with the previous modifications including limiting the district to certain municipalities within the county and creating criteria for parcels to be located within the district, which was certified by the New York State Commissioner of Agriculture and Markets and became effective on August 17, 2017; and

WHEREAS, the County, by Act No. 55-2004 in accordance with Section 303-b of New York State Agriculture and Markets Law, established an annual 30-day period in which to receive applications for the inclusion of additional parcels of land within Westchester County Agricultural District No. 1, which was repealed and replaced by Act. No. 95-2017 establishing the 30-day period as the month of March; and

WHEREAS, Westchester County Agricultural District No. 1 is the only certified agricultural district within Westchester County; and

WHEREAS, the Westchester County Board of Legislators has received five applications for inclusion of parcels of land into Westchester County Agricultural District No. 1; and

WHEREAS, the applications were forwarded to the Westchester County Agriculture and Farmland Protection Board (AFPB) for review and report, and the AFPB, after due deliberation and consideration of the conditions of each parcel and the agricultural operations on them or planned for them, determined: (1) whether the parcels consisted primarily of viable agricultural land as defined by New York State Agriculture and Markets Law; (2) whether the existing or proposed agricultural operation serves the public interest by assisting in maintaining a viable agricultural industry; and (3) whether the application met the eligibility requirements and satisfied the evaluation criteria associated with the district as modified during the recertification process; and recommended approval of both of the applications as described in the AFPB report; and

WHEREAS, agricultural land contributes significantly to the quality of life in Westchester County by providing open space, links to our cultural history, vegetative and wildlife habitat, and a local source of fresh food; and

WHEREAS, the protection and enhancement of agricultural land is in furtherance of the County's goals to protect natural and cultural resources, preserve open space and community character, and reduce the environmental impacts associated with development; and

WHEREAS, a duly noticed public hearing was held on 07/16/18, at which time local municipalities, the public, and other interested parties were given the opportunity to comment on the proposed addition of parcels to the Agricultural District.

NOW, THEREFORE, BE IT RESOLVED, that the Westchester County Board of Legislators approves the inclusion, subject to the limitations (if any) expressed in the report of the Westchester County Agriculture and Farmland Protection Board, of the following applications for additional parcels of land within the Westchester County Agricultural District No. 1: Application #2018-01, #2018-02, #2018-04 and #2018-05, which applications are more fully described in the report of the Agriculture and Farmland Protection Board; and

BE IT FURTHER RESOLVED, that the Clerk of the Board is directed to forward a copy of this Resolution, along with the report of the Agriculture and Farmland Protection Board and

Updated: June 12, 2018

other required information in support of the applications to the Commissioner of the New York State Department of Agriculture and Markets for review and certification.

Dated: 2018
White Plains, New York

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Resolutions, Resolution No's. 107, 108 - 2018, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of said original Resolutions, which was duly adopted by the Westchester County Board of Legislators, of said County on July 16, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators on this 17th day of July, 2018.

Malika Vanderberg

Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

