ECLEG OCT 05'12 PM12:52

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS McCRACKEN & MILLS

RE: Agricultural District #1 – Alden, Newstead Recertification

WHEREAS, Agricultural District #1 – Alden Newstead (the "district") was initially created on November 19, 1972 pursuant to New York State Agriculture and Markets Law ("Agriculture and Markets Law") Section 303; and

WHEREAS, Agricultural District #1 – Alden Newstead has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a(1); and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a(2) the Erie County Legislature gave the required public notice, direct the Erie County Agricultural and Farmland Protection Board to prepare report on the district and set a public hearing for June 4, 2012; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(c) on June 4, 2012 at 6:30 p.m. a public hearing was held at Alden Town Hall, 3311 Wende Road, Alden, New York to consider recertification of the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(b) the Erie County Agricultural and Farmland Protection Board reviewed the district, prepared a report to the Erie County Legislature and voted unanimously on June 4, 2012 to recommended that the district be continued without modification; and

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the continuation of the district will not have a significant effect on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds that Agricultural District #1 – Alden Newstead should be continued without modification as recommended by the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Alden, Clarence, and Newstead Town Supervisors; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board district

review plan to the Commissioner of New York State Department of Agriculture and Markets for certification.

FISCAL IMPACT: None for Resolution.

ERIE COUNTY
ALDEN – NEWSTEAD
AGRICULTURAL DISTRICT NO. 1

EIGHT-YEAR REVIEW REPORT

PREPARED BY
ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING
FOR THE AGRICULTURAL & FARMLAND PROTECTION BOARD
AND ERIE COUNTY LEGISLATURE

PURSUANT TO
SECTION 303-A OF THE
AGRICULTURE AND MARKETS LAW

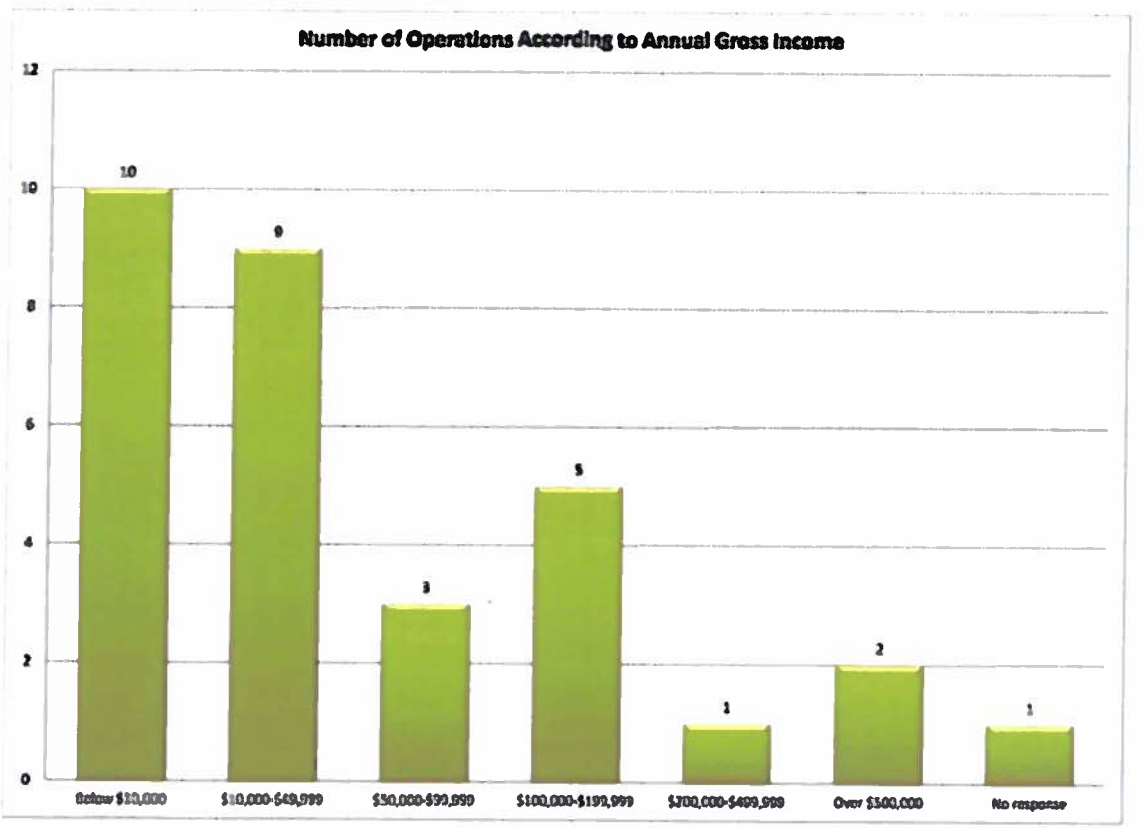
OVERVIEW

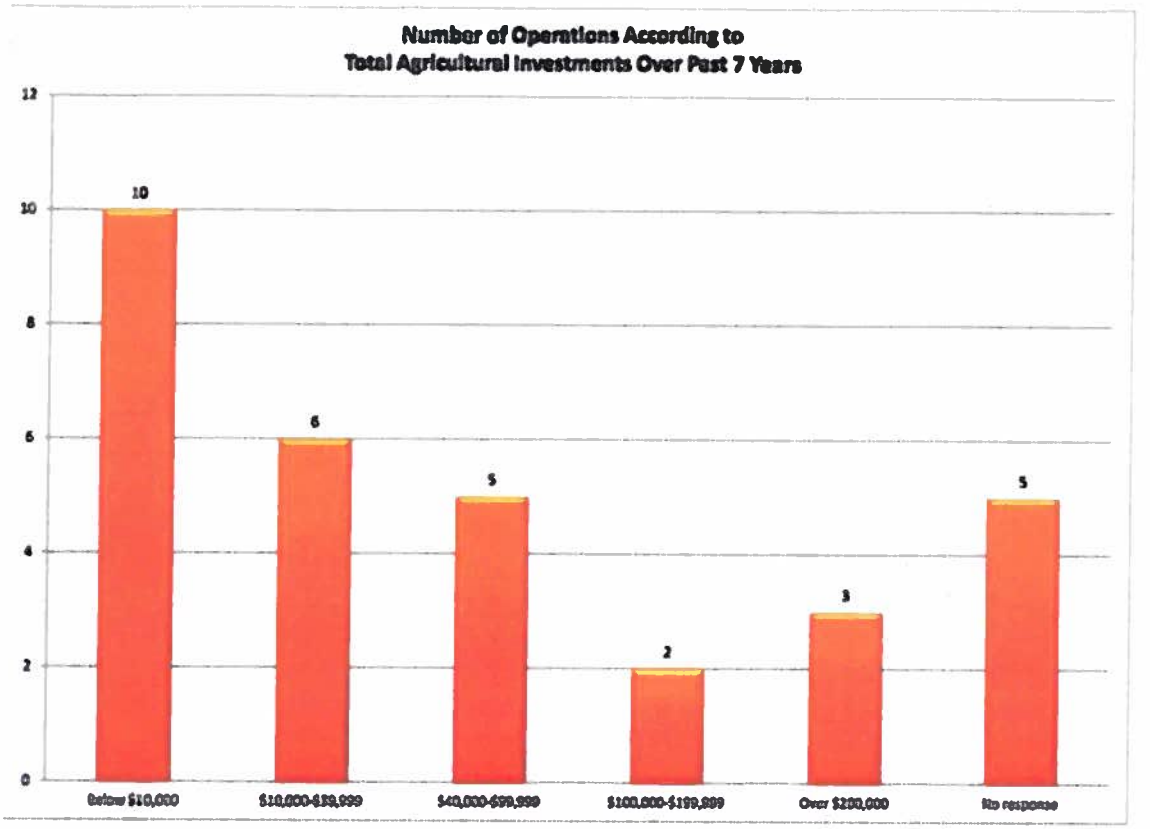
The Alden-Newstead Agricultural District, which contains properties located in the Towns of Alden, Newstead, and Clarence, was initially certified November 19, 1972 and is undergoing its fifth eight-year review. The present district contains 16,538 acres (see attached map). In April 2012, 298 surveys were mailed to property owners of 11,764 acres within the district requesting information about their operation and allowing them to make modifications to their lands' status. Responses were received for 148 surveys (49.7%), including 81 surveys that indicated agricultural activity.

NATURE AND STATUS OF FARMING AND FARM RESOURCES

Of the 16,538 acres in the district, 9,189 acres are in crops, 144 acres in pasture, and a total of 11,109 acres (approximately 67% of the district) in farms.

According to the survey results, the District contains a variety of farming enterprises ranging from large to small, with considerable diversity of farming activity, including horticulture specialty (Christmas trees), greenhouses, horses and livestock production, various cash crops, dairying and a major egg producer, and vegetable growing. The following charts reflect the annual gross sales and farm investments reported in the survey. They clearly indicate that the majority of the district is comprised of a number of smaller to mid-size operations and a few larger operations.





Soils maps of the Alden-Newstead Agricultural District show extensive bands of prime soils, and approximately 85% of the land is classified as prime or viable (marginal with high potential if adequate drainage is provided.)

The Towns of Newstead and Alden have been experiencing less growth than other areas in the region. According the American Community Survey, approximately 545 new homes were built in Newstead between 1990 and 1999, while 369 new homes were built between 2000 and 2009. In Alden, approximately 325 new homes were built in Alden between 1990 and 1999, while 169 new homes were built between 2000 and 2009.

The Town of Newstead has several water districts that encompass nearly the entire Town. Lateral restrictions have been imposed by the Department of Agriculture and Markets. No public sewers are available. The Town of Alden has four water districts located in the western portion of the Town and two sewer districts that serve a very small portion of the Town. In addition, there is a sewer district that encompasses the entire Village of Alden and one that serves the Erie County Home and Penitentiary. Currently, the remaining 95% of the Town utilizes private septic systems to meet their sewer needs.

A small area of the District is located along the eastern boundary of the Town of Clarence. The Town of Clarence is completely within a water district and some public sewers are situated in the southern and eastern portion of the Town; however, most of this area is outside of the Agricultural District. According the US Census Bureau's American Community Survey, approximately 2,197 new homes were built from 1990 to 1999. From 2000 to 2009, approximately 2,012 new homes were built. This is an indication that development pressure in the Town of Clarence is substantial and sustained over the last two decades.

The open character of the landscape of the Alden Newstead Agricultural District, sprinkled with attractive agricultural lands and vistas, has been an attractor for non-agricultural development in the Towns within the District. Major east-west roads provide quick and easy access for commuters and others interested in reaching the nearby urban areas and downtown Buffalo. The Agricultural District is a means of controlling some development, since there is a strong desire to maintain the agricultural, rural, and semi-rural character of this area.

District Modifications

No changes to the Alden-Newstead Agricultural District No. 1 were proposed during the eight-year review. No parcels were added or removed from the district. However, the total number of acres currently reported may be slightly different from the acreage reported during the last eight-year review is due to a new, more accurate GIS parcel file used in the 2012 review.

EXTENT TO WHICH COUNTY AND LOCAL COMPREHENSIVE PLANS, POLICIES, AND OBJECTIVES ARE CONSISTENT WITH AND SUPPORT THE DISTRICT

Framework for Regional Growth

The "Framework for Regional Growth" was adopted as Erie County's comprehensive plan. The Framework regards the District lands within the Towns of Alden, Clarence, and Newstead as developing and rural areas of the County. The Framework encourages reinvestment and redevelopment of the developed areas of the county, seeks to minimize water and sewer infrastructure extensions into the developing and rural areas of the county, and aims to halt the conversion of agricultural lands. These goals are in accordance with the goals and intent of the State Agricultural Districts Program.

Agricultural & Farmland Protection Plan

New York State provides matching grants to assist counties and towns with development of agricultural and farmland protection plans. Those plans identify how municipalities can maintain the economic viability of their agricultural industry and the supporting land base. Erie County's last Agricultural and Farmland Protection Plan, *Erie County Farms for the Future*, was published in March 1996.

Erie County was awarded a matching grant in 2011 to support preparation of a new Agricultural and Farmland Protection Plan. The Plan is anticipated to be finished in 2012.

Local Comprehensive Plans

Agricultural District No. 1 includes lands from the Towns of Alden, Newstead, and Clarence. When county funding became available to municipalities for the development of new or revision of existing comprehensive plans, the Erie County Department of Environment and Planning provided guidelines for a farmland protection element in those plans. As a result, many local comprehensive plans now include a section on agricultural lands and means of protecting such lands.

The Town of Alden Comprehensive Plan, which was adopted in October 2008, contains a number of recommendations designed to preserve agricultural land resources and to promote the viability of agriculture. The Plan aims to build public support for the community's farms and farmers and promote, protect and assist agriculture as a functional sector of the local economy.

The Plan also recommends promoting agritourism and encouraging farm related business and support service to farming.

The Town of Clarence Master Plan 2015, updated in 2007, identifies the loss of agricultural lands as a major concern and has initiated several preservation programs including the adoption of a conservation easement program, agricultural zoning, and preserving Agricultural Districts. The Town also has an open space and land conservation program in place, locally known as the Greenprint Program. The Town is also proposing to enhance existing open space preservation tools and to develop a preservation program, including a purchase of development rights (PDR) program. The Master Plan also aims to revise the zoning, site plan, and subdivision regulations to further promote the preservation of agricultural land and to support the agricultural industry.

The Town of Newstead Comprehensive Plan, revised in 2001, also recognizes the importance of agriculture to its character and economy and has recommended the implementation of several tools to enhance the Town's agricultural industry and to protect agricultural lands. The Town's Conservation Advisory Council recommended the implementation of a Transfer of Development Rights Program to steer development away from prime farmland. The Town also uses agricultural zoning designations to preserve and protect agricultural areas.

Right-To-Farm Legislation

The Erie County Legislature adopted a County Right to Farm Law effective January 1, 2001. This law recognizes the importance of agriculture to Erie County and alerts prospective buyers of property adjacent to or within an agricultural district to the impacts of agricultural practices (e.g. noise, dust, odors, etc.). The disclosure notice to be signed at the time of contract sale is also a part of the county law. The Towns of Alden, Newstead, and Clarence have also enacted right-to-farm laws, recognizing agriculture as an important part of their economy.

EXTENT TO WHICH THE DISTRICT HAS ACHIEVED ITS ORIGINAL OBJECTIVES

The Alden-Newstead Agricultural District No. 1 has met its intended goal, and in conjunction with the other Agricultural Districts within Erie County, formed the foundation for the County's future actions towards agricultural protection and enhancement.

DEGREE OF COORDINATION BETWEEN LOCAL LAWS, ORDINANCES, RULES AND REGULATIONS

All of the Towns containing lands in the Alden-Newstead Agricultural District currently enforce a Zoning Ordinance or Law, with district lands falling predominantly within agricultural or residential use zoning districts, which are designed to accommodate primarily agricultural and rural residential uses. Farms and agricultural operations are allowed by right in these districts.

RECOMMENDATION

Based upon the findings contained within this report, it is recommended that the Erie County Legislature renew the Alden-Newstead Agricultural District No. 1 without modification for another eight years.

LIST OF ATTACHMENTS:

- Alden-Newstead Agricultural District Fact Sheet
- 30-Day Notice/Public Hearing Notice
- Summary of Public Hearing Proceedings
- RA-114 Form – Eight-Year Review Profile
- Environmental Review Completion Statement
- Alden-Newstead Agricultural District Parcel List
- Map – Alden-Newstead Agricultural District
- Map – Existing Erie County Agricultural Districts

ALDEN NEWSTEAD AGRICULTURAL DISTRICT NO. 1
SURVEY RESULTS

Acreage in District

Agricultural District Acreage	16,538
Proposed for Addition (Acres)	0
Proposed for Deletion (Acres)	0
TOTAL ACREAGE:	**16,538**

Number of Active Agricultural Operations by Principal Enterprises

Dairy	4	Orchard	1
Cash Crop (grains and vegetables)	15	Wood	0
Livestock	2	Other	6 (Hay)
Poultry	2	Christmas Trees	1
Horticultural Specialty	0		

Number of Operations According to Annual Gross Farm Sales

Below $10,000	10	Did not answer on survey...	1
$10,000 to $49,999	9		
$50,000 to $99,999	3		
$100,000 to $199,999	5		
$200,000 to $499,999	1		
Over $500,000	2		

Number of Operations According to Total Agricultural Investments Over Past 7 Years

Below $10,000	10	Did not answer on survey...	5
$10,000 to $39,999	6		
$40,000 to $99,999	5		
$100,000 to $199,999	2		
Over $200,000	3		

Crops Including Horticulture	Acres	Products	Amount
Hay and Alfalfa	1,627	Wool (Pounds)	0
Corn	3,912	Milk (Million Pounds)	710,978
Grains	1,265	Lumber (Board Feet)	0
Christmas Tree/Sugarbush	18	Maple Syrup (Gallons)	1
Vegetables/Fruit	2,704	Woods (Cords)	0
Nursery/Agricultural Specialties	0		
Pasture	144		

Livestock	Number	Survey Summary	
Cows	178	Number of Surveys Sent	298
Heifers/Calves	146	Number of Farms in Survey	31
Beef	117	Number of Surveys returned indicating agricultural activity	81
Hogs	28		
Horses	12	Acres in Pasture	144
Poultry	700,095	Acres Cropped	9,189
Sheep	10	Acreage Owned	4,703
Goats	11	Acreage Rented	6,406
		Total Acreage Farmed	**11,109**

PUBLIC NOTICE

NOTICE OF A 30-DAY PERIOD FOR PUBLIC REVIEW OF THE ALDEN-NEWSTEAD AGRICULTURAL DISTRICT NO. 1 PURSUANT TO THE EIGHT-YEAR REVIEW

PLEASE TAKE NOTICE, that Agricultural District No. 1, which encompasses approximately 16,538 acres within the County of Erie in the Towns of Alden, Clarence, and Newstead, was originally established on November 19, 1972, pursuant to Article 25-AA of the Agriculture and Markets Law.

PLEASE TAKE FURTHER NOTICE, that under Section 303-a (1) of the Agriculture and Markets Law, the County Legislature is required to review a district eight years after its creation and every eight years thereafter.

PLEASE TAKE FURTHER NOTICE, that from April 15 through May 15, a map of the District will be on file and open to the public in the office of the County Clerk and at the Department of Environment and Planning, and during this period any municipality whose territory encompasses the above Agricultural District, any State Agency, or any landowner within or adjacent to the District, may propose a modification to the District.

PLEASE TAKE FURTHER NOTICE, that any proposed modification must be submitted to the County Department of Environment and Planning within thirty days of the date of this notice.

PLEASE TAKE FURTHER NOTICE, that modification request information is also located online at www.erie.gov/environment and requests can be submitted by mail or sent electronically to agriculture@erie.gov.

PLEASE TAKE FURTHER NOTICE, that at the termination of the thirty day period, the District and proposed modification(s) will be submitted to the Erie County Agricultural and Farmland Protection Board for Comment.

PLEASE TAKE FURTHER NOTICE, that on June 4, 2012 at 6:30 p.m., a public hearing will be held at Alden Town Hall, 3311 Wende Road, Alden, NY 14004 on the District, proposed modifications, and recommendations of said board.

Contact:
Rachel Chrostowski, Planner, Erie County Department of Environment & Planning
95 Franklin Street, Room 1007, Buffalo, NY 14202
(716) 858-8002 or agriculture@erie.gov

ROBERT M. GRABER, Clerk
Erie County Legislature

Dated: April 15, 2012

Please keep posted through May 15, 2012

ALDEN-NEWSTEAD AGRICULTURAL DISTRICT NO. 1 RENEWAL PUBLIC HEARING MINUTES

Alden Town Hall
3311 Wende Road • Alden, NY 14004
June 4, 2012 • 6:30 pm

AFPB Members Present:
Diane Held, Senior New York Field Manager, American Farmland Trust
Earl Gingerich, Jr., Farmer Terrence McCracken, Erie County Legislator
Brett Kreher, Vice Chair, Kreher's Poultry Farms, Farmer
Bruce Luno, Farmer
Bryant Zilke, President, Erie County Farm Bureau, Agriculture Businessperson

Staff Present:
Rachel Chrostowski, Planner, Erie County Department of Environment & Planning
Mark Rountree, Planner, Erie County Department of Environment & Planning

Guests Present:
Jason Engel, Cardinal Design & Shamel Milling Company, Inc.
Arlene Richardson
Grace Richardson
Phil Richardson
Steve Richardson

A. Kreher gave an introduction to the public hearing. Members, staff, and guests introduced themselves. Kreher summarized New York State Agriculture and Markets Law that enacted Agricultural Districts and explained the benefits of inclusion. Kreher explained that the AFPB will consider comments from the public hearing and finalize recommendations to the County Legislature.

B. Kreher introduced the Alden-Newstead Agricultural Districts 8-Year Renewal

1. Chrostowski described the District, which is shown on the distributed map. There have been no proposed changes to the district.
2. Chrostowski described the results of a survey to landowners of agricultural parcels within the district:

- 148 of 298 surveys were returned, 81 surveys indicating agricultural activity. The survey revealed that of the 16,538 acres in the district, 9,189 acres are in crops, 144 acres in pasture, and a total of 11,109 acres (67% of the district) are in agricultural use.
- This district is located in the northeastern part of the County. The western part of the district is in a developing area that faces some development pressure. The eastern part of the district is more rural and has experienced less growth. Agriculture is quite strong in this area and the Towns in the District recognize the importance of agriculture to their character and economy.

a. Kreher opened the hearing to anyone wishing to comment on the Alden Newstead Agricultural District.

   i. Zilke requested that the calculation of milk production on the Fact Sheet be confirmed.

   ii. Mr. Phil Richardson inquired about the publication of the hearing notice in local newspapers. Chrostowski confirmed its publication in the Akron Bugle and the Alden Advertiser, as well as public and internet postings.

b. Kreher announced that the Alden Newstead Agricultural District Renewal hearing is now complete and declared the hearing closed at 6:47pm.

C. Gingerich made a motion that the AFPB recommend that the Erie County Legislature pass a resolution to continue the Alden Newstead Agricultural District without modification. The motion was seconded by Zilke, and passed.

RA-114 (rev. 1-08)

New York State
Department of Agriculture and Markets

AGRICULTURAL DISTRICT REVIEW PROFILE

DISTRICT IDENTIFICATION

County: **Erie**				District No.: **1**
Town(s) in District: **Alden, Clarence, Newstead**				
No. acres in district:	No. acres in farms:[1]	No. acres cropped:	No. acres owned by farmers:	No. acres rented by farmers:
16,538	**11,109**	**9,189**	**4,703**	**6,406**

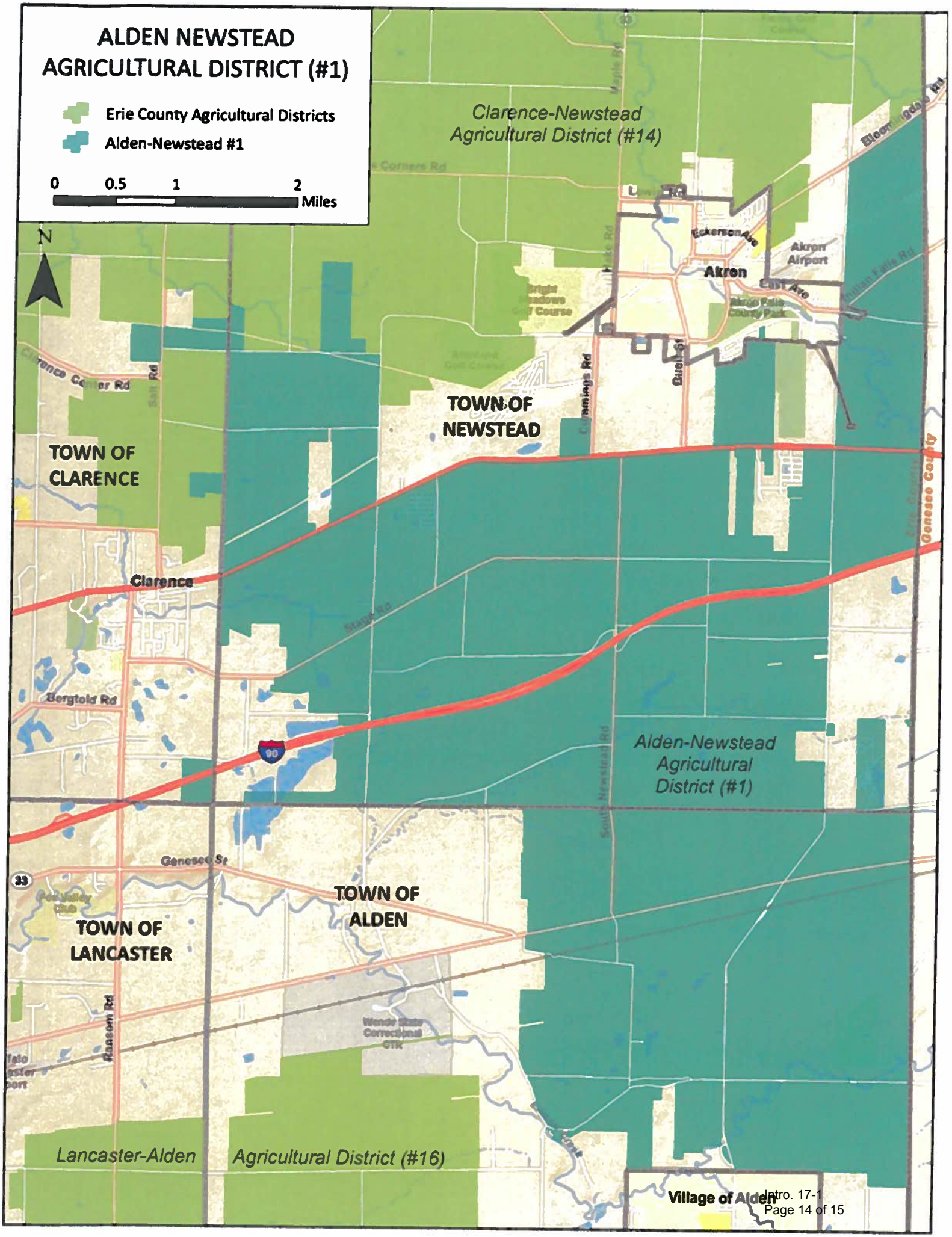
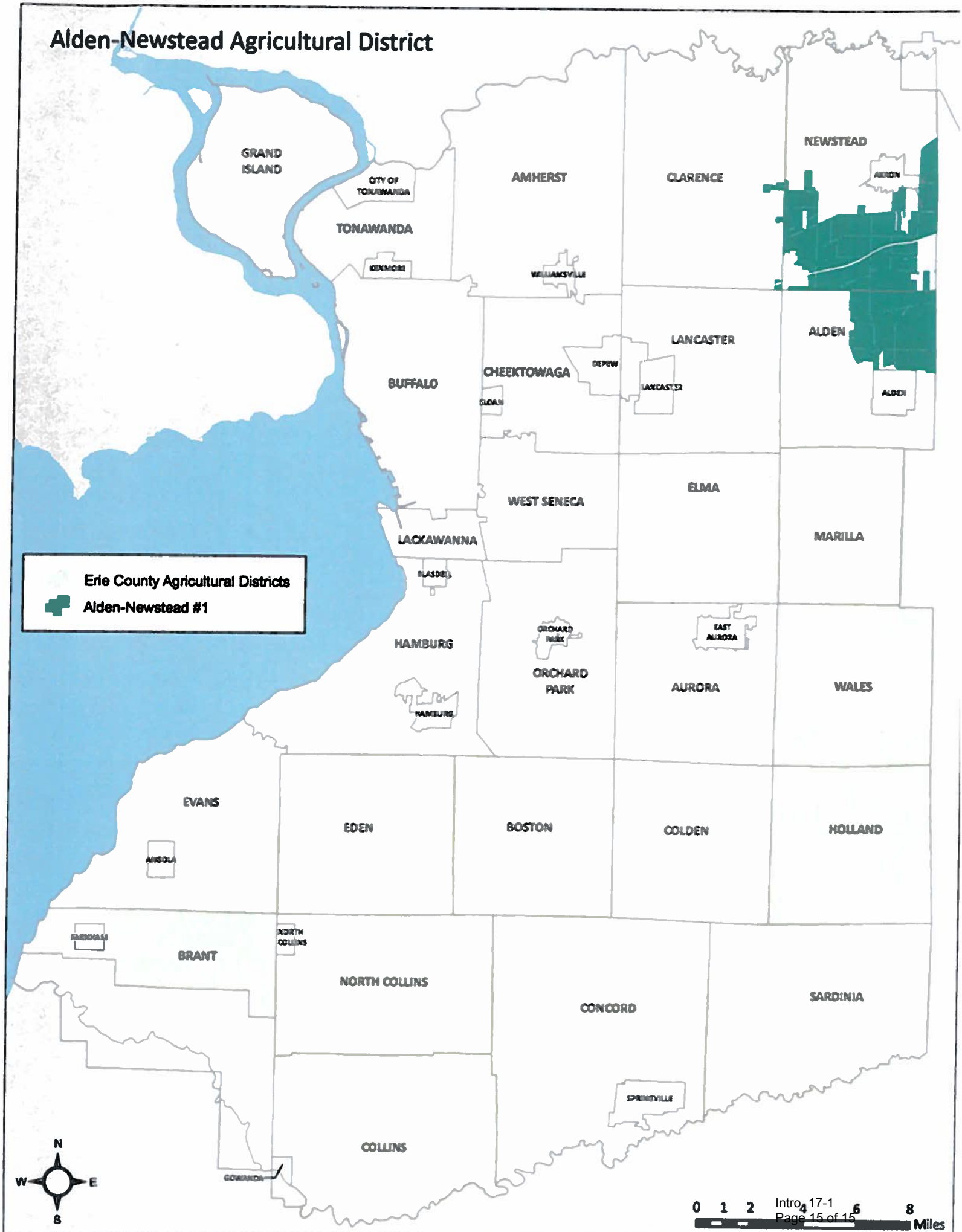
AGRICULTURAL DATA ANALYSIS

A. Since last review, number of acres in — District Added: **0** — Deleted: **0**

B. Since last review, number of acres in farms — Increased: **0** — Decreased: **0**

[1] Number of acres in farms represents the sum of acres owned by farmers and rented by farmers.

(Attach additional sheets if necessary)


ALDEN NEWSTEAD
AGRICULTURAL DISTRICT (#1)
Erie County Agricultural Districts
Alden-Newstead #1
0
0.5
1
2
Miles
N
Clarence-Newstead
Agricultural District (#14)
Akron
Akron Airport
TOWN OF
NEWSTEAD
TOWN OF
CLARENCE
Clarence
Bergtold Rd
Alden-Newstead
Agricultural
District (#1)
Genesee St
TOWN OF
ALDEN
TOWN OF
LANCASTER
Lancaster-Alden
Agricultural District (#16)
Village of Alden

Alden-Newstead Agricultural District