

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR McCracken**

RE: Inclusion of Viable Agricultural Lands into an Agricultural District – 2012

WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, Intro 20-15 (2004) designated November 1 through 30 as the annual thirty-day open enrollment period for inclusion of predominantly viable agricultural land within a certified agricultural district outside of the established 8-year review period; and

WHEREAS, during the 2012 thirty-day open enrollment period seven landowners requested that eight parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature gave the required public notice and set a public hearing and for December 10, 2012; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having a general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a public hearing was held at 6 pm on December 10, 2012 at the Cornell Cooperative Extension Offices in East Aurora, New York to consider 2012 open enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted unanimously on December 10, 2012 to recommend that the County Legislature adopt the inclusion of eight parcels listed below in existing agricultural districts; and

WHEREAS, the Erie County Legislature reviewed the requests pursuant to the NYS Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature adopts the inclusion of the following parcels into adjacent existing agricultural districts; and be it further

Owner	SBL No.	Parcel Address	Town	Agricultural District	Acreage
Kreher	59.00-4-18	0 Davison Road	Clarence	Clarence Newstead No. 14	14
Thompson	43.16-1-10.1	8850 Clarence Center Road	Clarence	Clarence Newstead No. 14	19
Basiliko	259.00-4-5.11	9958 South Hill Road	Colden	Concord No. 15	118
Kist	259.00-1-16	9422 South Hill Road	Colden	Concord No. 15	88
Pfeil	259.00-4-9.1	9659 South Hill Road	Colden	Concord No. 15	138
Rutecki	259.00-1-8	9551 South Hill Road	Colden	Concord No. 15	103
Schutt	241.00-3-48.12	0 Rice Road	Boston	Concord No. 15	4
Schutt	241.00-3-50	6181 Rice Road	Boston	Concord No. 15	53

RESOLVED, that the Erie County Legislature has complied with the requirements of the New York State Environmental Quality Review Act and hereby determines that the requested parcel additions to the Agricultural Districts noted above will not have a significant adverse environmental impact and therefore an Environmental impact statement will not be required; 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 Supervisors of the Towns of Boston, Clarence, and Colden; 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 report and maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.

FISCAL IMPACT: None for resolution.