

INTRO 15-1

A Resolution to be Submitted by Legislator Miller-Williams

Re: INCLUSION OF VIABLE AGRICULTURAL LANDS INTO AN AGRICULTURAL DISTRICT – 2008

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 2008 thirty-day open enrollment period four landowners requested that 5 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, 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 January 21, 2009 to recommend that the County Legislature adopt the inclusion of four parcels listed below in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted unanimously on January 21, 2009 to recommend that the County Legislature reject the inclusion in an existing agricultural district of one parcel listed below; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature adopted Intro 8-1 (2009) on April 23, 2009 to give the required public notice and set a public hearing and for June 4, 2009; 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 7:30pm on June 4, 2009 at the Collins Public Library at 2341 Main Street (Route 39) Collins, New York to consider 2008 open enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board.

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
Solar Sportsystem, Inc	154.00-5-6.11	0 North Davis Road	Elma	Elma (No.13)	6.8
Solar Sportsystem, Inc	154.00-5-5	0 North Davis Road	Elma	Elma (No.13)	9.5
Franklin H. Meyer	223.00-3-24	8033 North State Road	Eden	Eden (No.2)	16.9
Paul Adameczyk	237.00-1-4.1	2109 Hemlock Road	Eden	Eden (No.2)	43.1

RESOLVED, the Erie County Legislature rejects the inclusion of the following parcel into an adjacent existing agricultural district due to changes in ownership and termination of agricultural activity on the parcel; and be it further

Former Owner	SBL No.	Parcel Address	Town	Agricultural District	Acreage
Merle A. Harvey	355.00-1-2.12	14344 Route 219	Concord	Concord (No. 15)	2.0

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 Elma, Eden and Concord; 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 tax 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.