

INTRO 15-2

ECLEO JUL05'11 AM 9:52

A Resolution to be Submitted by Legislator Miller-Williams

Re: INCLUSION OF VIABLE AGRICULTURAL LANDS INTO AN AGRICULTURAL DISTRICT – 2009

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 2009 thirty-day open enrollment period two landowners requested that three 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 February 17, 2010 to recommended that the County Legislature adopt the inclusion of two parcels listed below in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted unanimously on February 17, 2010 to recommended 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 3-3 (2011) on February 3, 2011 to give the required public notice and set a public hearing and for February 17, 2011; 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 February 17, 2010 at the Cornell Cooperative Extension Offices in East Aurora, New York to consider 2009 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	Acres
Stephen M. Bedford	33.00-2-38.11	6820 Cedar Street	Newstead	Clarence-Newstead (No.14)	16.9
Stephen M. Bedford	33.00-2-38.2	6826 Cedar Street	Newstead	Clarence-Newstead (No.14)	9.6

RESOLVED, the Erie County Legislature rejects the inclusion of the following parcel into an adjacent existing agricultural district as it does not meet the criteria specified in Section 303-b of the New York State Agricultural District Law; and be it further

Owner	SBL No.	Parcel Address	Town	Acres
Robert P. Harper	12.00-2-3.11	East River Road	Grand Island	112

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 Newstead, and Grand Island; 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.