



ERIE COUNTY AMHERST AGRICULTURAL DISTRICT NO. 17 EIGHT-YEAR REVIEW REPORT

PREPARED BY: ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING
 FOR: ERIE COUNTY AGRICULTURAL & FARMLAND PROTECTION BOARD
 ERIE COUNTY LEGISLATURE
 PURSUANT TO: SECTION 303-A OF THE AGRICULTURE AND MARKETS LAW

OVERVIEW

The Amherst Agricultural District, which comprises land in the Town of Amherst, was initially created on April 25, 1991, and is undergoing its third eight-year review. The present district contains 1,475 acres. In August 2014, notifications were mailed to all property owners within the district to notify them of the district review, and inviting modification requests.

NATURE AND STATUS OF FARMING AND FARM RESOURCES

Farms in Erie County are diverse and include dairy, vegetable, greenhouse, fruit, cash crops, horse, maple syrup, poultry, various livestock, Christmas tree, and aquaculture. Dairy farm sales top the list with nursery and greenhouse sales second, and vegetables third. In total, Erie County farm sales were just over \$117 million in 2007.

The 2007 Census of Agriculture reported that Erie County had 1,215 farms with 149,356 acres in production covering 22% of the county's land base. The number of farms decreased by 6% from 2002 to 2007 and there was an 8% loss of farmland in the county. Most of the farms in Erie County are small – 62% of the farms grossed less than \$10,000, and almost half of the farms work less than 50 acres. All of these farms as a group contribute substantially to the county economy and agricultural landscape.

The northern areas in the Town of Amherst, where the Agricultural District is located, are experiencing development pressure. Much of the Town is serviced by public water and sewer infrastructure, but generally, these services do not extend into the Agricultural District.

Many of the soils in this area have the ability to produce high yields and are designated as agriculturally significant soils at the state and federal levels. This adds to agricultural viability within the District.

District Modifications

No requests for modification were received during the eight-year 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 Town of Amherst as developing. The Framework encourages reinvestment and redevelopment of the developed areas of the county, reduce the extension of water and sewer infrastructure into the developing and rural areas of the county, and 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

The new Erie County Agricultural and Farmland Protection Plan, which was completed in October 2012, creates innovative strategies to guide the County to identify and protect agricultural land with development pressure, support new farms and attract new farmers to Erie County, identify strategies to increase the financial viability of agriculture in the County, connect rural and urban farmers with consumers and new markets, and increase accessibility of healthy, local food for consumers.

Local Comprehensive Plans

The Amherst Bicentennial Comprehensive Plan was adopted by the Town Board on January 2, 2007 and amended on February 28, 2011. The plan states that agriculture “once played an important role in Amherst’s economy and way of life. While its economic influences have diminished in recent years, farming and agriculture continue to play a significant role in defining the character of Northern Amherst. “

Ensuring the long-term viability of agriculture and farming operations is key to maintaining diverse neighborhoods, including those with rural character. The Plan designates areas where agriculture and associated activities provide a unique setting in the town, including agricultural lands, included in Erie County Agricultural District #17 and lands adjacent to such areas where the long-term viability of agriculture may be threatened by inconsistent uses or infrastructure development that represents urban/suburban encroachment.

The Comprehensive Plan also contains a policy that calls for limiting future sewer extensions. Designation of areas in North Amherst for agricultural use is an important component in the pursuit of diverse community character. Recognition and adherence to right-to-farm practices that protect the long term viability of farming operations on lands surrounding rural residential uses should be emphasized in development design.

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 Lancaster and Alden 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 Amherst Agricultural District No. 17 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

To support the agricultural area, the Town has developed a zoning district permitting agriculture and associated land uses that are complementary to farming. Additionally, a Rural Residential District designed for lands surrounding agricultural areas is intended to minimize impacts from incompatible uses on farming and are not adversely affected by farm operations. Although these districts are currently in the Amherst Zoning Code, they have yet to be applied in locations that are consistent with the Plan. Much of the land in the Amherst Agricultural District is presently zoned Suburban Agricultural, which allows agricultural uses and practices as of right.

RECOMMENDATION

Based upon the findings contained within this report, it is recommended that the Erie County Legislature recertify the Amherst Agricultural District No. 17 without modification.

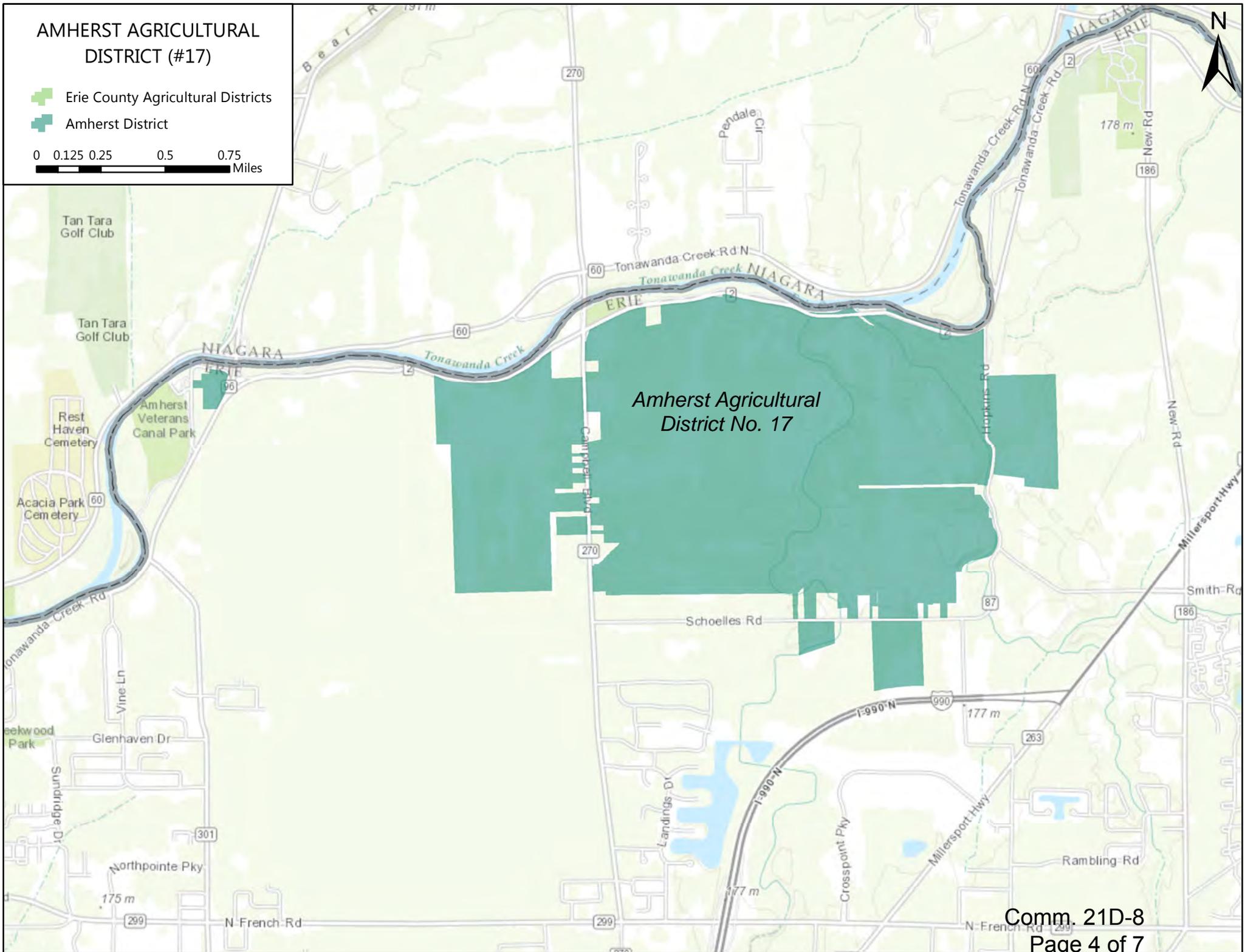
ATTACHMENTS

- A. Map – Amherst Agricultural District
- B. Map – Existing Erie County Agricultural Districts
- C. 30-Day Notice / Public Hearing Notice

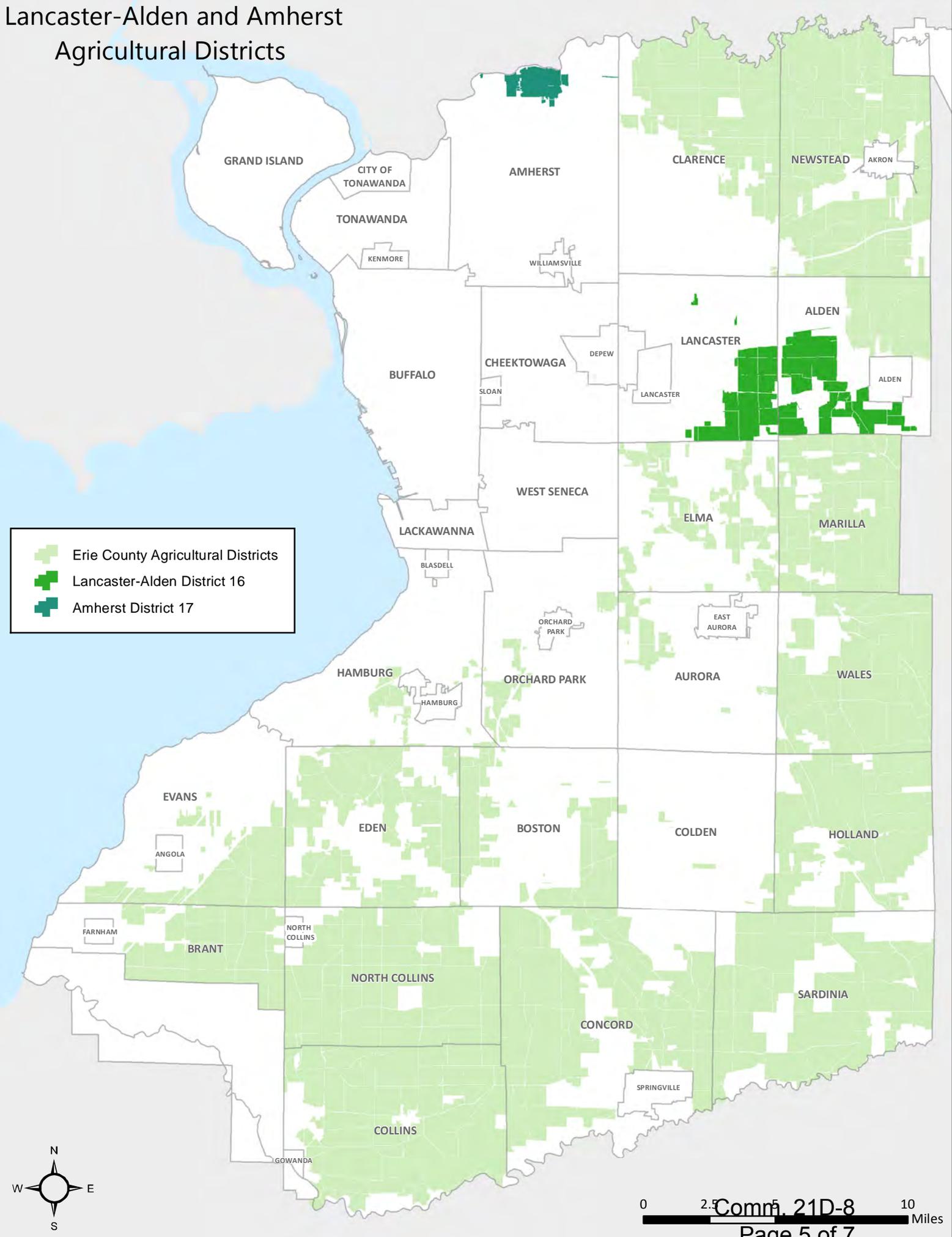
AMHERST AGRICULTURAL DISTRICT (#17)

- Erie County Agricultural Districts
- Amherst District

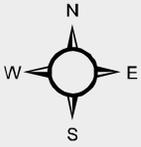
0 0.125 0.25 0.5 0.75 Miles



Lancaster-Alden and Amherst Agricultural Districts



- Erie County Agricultural Districts
- Lancaster-Alden District 16
- Amherst District 17



PUBLIC NOTICE

NOTICE OF 30-DAY PERIOD FOR INCLUSION OF PREDOMINANTLY VIABLE AGRICULTURAL LANDS INTO EXISTING AGRICULTURAL DISTRICTS

&

30-DAY PERIOD FOR PUBLIC REVIEW OF AGRICULTURAL DISTRICTS 16 (LANCASTER-ALDEN) & 17 (AMHERST) PURSUANT TO THE EIGHT-YEAR REVIEW

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into any existing certified agricultural district. The Erie County Department of Environment and Planning (DEP) will accept applications for inclusion from September 1 through September 30.

Per New York State Agriculture and Markets Law Section 303-a, the County Legislature is required to review a district eight years after its creation and every eight years thereafter. Agricultural District 16, which encompasses 9,356 acres in the Towns of Lancaster and Alden, was originally established on April 28, 1983. Agricultural District 17, which encompasses 1,475 acres in the Town of Amherst, was originally established on April 25, 1991.

From September 1 through September 30, any municipality whose territory encompasses Agricultural Districts 16 or 17, any State Agency, or any landowner within or adjacent to Districts 16 or 17, may propose a modification.

At the termination of the thirty day period, all proposed modifications will be submitted to the Erie County Agricultural and Farmland Protection Board (AFPB) for review. A public hearing will also be scheduled to consider all modification requests and the recommendations of the AFPB.

Copies of the modification request form have been provided to Municipal Clerks, Assessors, and Chief Elected Officials for distribution to interested landowners. The request form and maps of the Districts will be available in the DEP offices, as well as on the DEP website at www.erie.gov/environment.

All proposed modifications to Agricultural Districts 16 or 17, and requests for inclusion in any Erie County Agricultural District, must be submitted to DEP between September 1 and September 30, 2014.

CONTACT:

Rachel Chrostowski, Planner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202
Phone: (716) 858-8002
Fax: (716) 858-7248
Email: agriculture@erie.gov

Please keep posted through September 30, 2014

PUBLIC NOTICE**PUBLIC HEARING ON REQUESTS FOR AGRICULTURAL DISTRICT MODIFICATIONS
PURSUANT TO THE ANNUAL OPEN ENROLLMENT PERIOD & EIGHT YEAR REVIEW
OF AGRICULTURAL DISTRICTS 16 (LANCASTER-ALDEN) & 17 (AMHERST)**

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

During the 2014 enrollment period, three landowners requested the following inclusions:

PARCEL	ACRES	PARCEL ADDRESS	TOWN	LANDOWNER	DISTRICT
241.00-3-48.111	33.7	Deer Run Road	Boston	Lenny Ciolek	Eden 2
156.00-2-54	19.5	120 Hemstreet Road	Elma	Scott Meyers	Elma 13
108.00-1-22.12	89.23	12551 North Road	Alden	Justin Pautler	Alden-Newstead 1

Pursuant to Article 25-AA of the Agriculture and Markets Law, Agricultural District No. 16, which encompasses approximately 9,356 acres within the Towns of Lancaster and Alden was originally established on April 28, 1983; and Agricultural District No. 17, which encompasses approximately 1,475 acres within the Town of Amherst, was originally established on April 25, 1991. Under Section 303-a(1) of the Agriculture and Markets Law, the County Legislature is required to review districts eight years after their creation and every eight years thereafter.

A comment period was held from September 1 through September 30, during which any municipality whose territory encompasses Districts 16 and 17, any State Agency, or any landowner within or adjacent to the District, may propose a modification to the District.

The following modifications were proposed for District 16:

REQUEST	PARCEL	ACRES	PARCEL ADDRESS	TOWN	LANDOWNER
Removal	116.00-3-28.17	6.1	5600 William Street	Lancaster	Richard & Cheryl Dillon
Inclusion	118.00-2-17	48	11790 Broadway	Alden	Helen & James Giczowski

No modifications were proposed for District 17.

The Erie County Legislature is holding a public hearing to consider the abovementioned modification requests and district reviews, as well as the recommendations of the Erie County Agricultural and Farmland Protection Board. The hearing is scheduled for 6:00 p.m. on Wednesday, November 5, 2014 at Erie County Cornell Cooperative Extension Office, 21 South Grove Street, East Aurora, NY 14052.

CONTACT:

Rachel Chrostowski, Planner
Erie County Environment & Planning
95 Franklin Street, 10th Floor, Buffalo, NY 14202
Phone: (716) 858-8002
Fax: (716) 858-7248
Email: agriculture@erie.gov