

McCarthy, Karen

From: James P. Collins <goodgreenthumbs@gmail.com>
Sent: Wednesday, January 13, 2016 9:25 PM
To: McCarthy, Karen
Cc: Dearing, Thomas; Morton, Hon. Ted; Lorigo, Joseph; Hardwick, Hon. Kevin; Burke, Hon. Patrick; Savage, Peter; Mills, Hon. John; mark.gaston; john.brennan; bob.somers; James P. Collins
Subject: Full letters for the E.C. Legislative Committee regarding Ag. Districts/ Aurora Community Gardens Inc.
Attachments: AgLegClar1-13.doc; HealthLetter.pdf; AgDistAppeal2015.doc; AgDistLetter.doc; IMG_0002-5.pdf; ACGadvertBounty2.jpg

James P. Collins, President
 AURORA COMMUNITY GARDENERS INC.
 SBL# 175.00-2-27.2
 898 Main Street East Aurora, N.Y. 14052
Goodgreenthumbs@gmail.com
 January 13, 2016

TO: Honorable members of the Erie County Legislature & DEP Thomas Dearing

RE: Request for inclusion in an Agricultural District of viable land at 619 South Street, East Aurora, N.Y. 14052 SBL# 175.00-2-27.2

The attached letters are being submitted for your review for the Committee as some have been sent only to the County Clerk and Committee Chairman, and now include a letter of further "clarification" written January 13, 2016, after having the chance to review my previous letters and application for inclusion with Agricultural and Farmland Protection Board member Mark Gaston. I am looking to see that your committee does not reject my inclusion due to the past misunderstandings, of the date of your Committee Meeting January 14, 2016 at 11:00 AM. I am also asking DEP Commissioner Thomas Dearing to recognize this information now, as I have been waiting for weeks up until this Monday's (1/11/16) admission from Michael LoCurto and Elias Redin that they would not be coming out for a property and business inspection, which has put me off until today to add this more complete documentation for you all. I am asking that if you do plan to make a Resolution, which is not on the agenda for 1/14/16, that the Chairman allow me to speak for a moment.

These letters will be "clocked in" by the Clerk on 1/14/16, for the Legislature meeting on 1/21/16, and it is my civil hope that no Resolution is made until there is a worthy review by all. I hope that when you see the picture from 2010 included, that you do not just think "community gardeners," as there has been there for forty years by us, with potato production before that going back to the Indians, while the picture is really just included to show my vegetable produce production. Please consider this 'viable' reality fairly.

Thanks for your consideration. James P. Collins 716 997-3455

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January 13, 2016

TO: Honorable members of the Erie County Legislature

RE: Request for inclusion in an agricultural district of viable agricultural land at 619 South Street, East Aurora, N.Y. 14052 SBL# 175.00-2-27.2

This letter is being submitted as a "Clarification" of right for inclusion, after my first letter to the Legislature on December 2, 2015, the negative opinion of the Town of Aurora Supervisor from December 14, 2015, and after having talked extensively in person with Agricultural and Farmland Protection Board member Mark C. Gaston, who advised me about making this clarification.

While the Board or any of its members can not make any further decisions at this time, I am writing to clarify that the Board at their hearing make a decision on this agricultural-use property, based on that it was only a "community garden." While the Warranty deed for this property names "community gardeners," that in no way limits the agricultural use. There have been many other farm business uses, such as Main Street store sales, direct-farm sales, and the further startup of a "Community Sponsored Agriculture" (CSA) business sales. You may refer to the attached letter from Diane Bloom Lawrence, owner of the Country Cupboard #1 health store for proof (I have to deliver more poultry today). While there is some community gardening on a small portion of the 4+ acres, there is also most of the rest of the land being used for a commercial farming enterprise by myself and whoever else wants to make their own farm business. The letter by the Town Supervisor has no legal bearing/recognition of the land.

I had went to the E. C. Soil & Water Conservation office to ask Alan Young for proof that the land in question is "viable agricultural land" as he would know about State records for that soil type, but he stated that is a decision for the Ag. & Farm Protection Board, and that is when Mark overheard us and asked me to his office. The land's soil type is quite 'viable' as it beneficially slopes to the South for drainage/sunshine exposure, being highly suitable for a farm operation.

I have also included here the previous documents and supporting pictures for your review, as I should not be judged by the misvaluations of the past years. The Agricultural Land and the Farm Business use should be included this Year. Thanks for your consideration and review! James P. Collins



Diane Bloom Lawrence, Owner
Country Cupboard #1
586 Main Street
East Aurora, New York 14052

TO: Honorable members of the Erie County Legislature

RE: Request for Inclusion in an Agricultural District of viable agricultural land at 619 South Street, East Aurora, N.Y. 14052 SBL# 175.00-2-27.2

This letter is to affirm that James P. Collins has been raising and providing French Label Rouge style poultry (known as "Freedom Rangers"), for years from the Aurora Community Gardeners Inc. land, for sale as a separate business. This is special because they are healthier, taste better and no one else in Western New York is producing these chicken types. He has also provided the industry standard of "Cornish Cross," all of which are packaged in heavy sealed plastic, labeled for resale by a USDA inspected facility, and frozen. Thank You.

Sincerely,

Diane Bloom Lawrence

James P. Collins, President
AURORA COMMUNITY GARDENERS INC.
SBL# 175.00-2-27.2 / LIBOR9782 PAGE302
898 Main Street East Aurora, N.Y. 14052
Goodgreenthumbs@gmail.com
December 2, 2015

TO: Honorable members of the Erie County Legislature

RE: Request for inclusion in an agricultural district of viable agricultural land at 619 South Street, East Aurora, N.Y. 14052 SBL# 175.00-2-27.2

The agriculturally zoned land that has been cultivated by us since 1975, and had been always cultivated for crops for generations before 1975, was mistakenly not recommended for inclusion in agricultural district #13 {?} by the Erie County Department of Environment & Planning. This agricultural/farming operation requests the Legislature to reconsider its N.Y. Agriculture & Markets Law section 303-b request to include its property in an agricultural district based upon the law and facts.

Again for this year I had timely filed with the DEP on September 30, 2015 an AML s303-b request, though for this year I included a full paged cover letter {see attachment} detailing that the property was used for much more than a 'community garden', and that after talking and meeting with Dr. Bob Sommers for years, I believed my application with extra details to be sufficient. I had not heard any response by the DEP, and only found out about the Ag Districts hearing November 16, after it was over at the Roycroft Campus, as I was looking for the Historical Society meeting. I was able to talk to Kieth Tripi outside and found that quite a lot of this area's farm operations were dropped inadvertently by the DEP.

The DEP wrote in their Erie Co. Ag. Districts Inclusion Of Viable Agricultural Land Report 2015, "It remains the view of the Board that community gardens are not classified as a "farming operation" in Section 301 of the Agricultural District Law." If you look at the very simple "Agricultural District Modification Form", the first listing is for "Landowner Information" and nowhere on the application is a request for "Business Information," which leads that information to be not included unless there is a "cover letter" or a further request by the DEP.

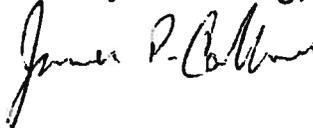
Without debating what a "community garden" is, or what the "nonprofit corporation" registered there is {see the Town's definitions of Farm & Farmer below}, I have had an independent farm production on the property for years which has been a commercial enterprise marketed to the public, though not as big as intended since our local East Aurora Farmers Market has denied many local farms (eg. Arden Farm, Albert Hubbard's descendant). I have included proof of the sales action below, and a cover letter for my 2015

E.A. Farmers Market application which clearly indicates, "my business venture will be a separate business venture with the DBA as 'Good Green Thumbs.'"

In talking with John Brennan from Ag & Markets in Albany, recently he advised me to inform you that for this request to the Legislature, under N.Y. Ag & Markets Law, my operation should not be judged by acreage or revenue, while Keith Tripi notes, "the intent must be at least be that it is run as a business which has the potential to generate revenue." The development of an independent Community Sponsored Agriculture business is in the works.

There are other important reasons for this operational agricultural property to be included in the Agricultural Districts program, and I can display those facts any time by email or presence when you request. Please email or call 997-3455, and I would be happy to be obliged, as it is important to be included in the Ag Districts program now, and not have to wait out another application mishap. Thanks for your consideration.

Sincerely Producing,



James P. Collins

The Town of Aurora's "Right To Farm" Farming definitions of:

FARM - The land, buildings, farm residential buildings, and machinery used in the production, whether for profit or otherwise, of agricultural products.

FARMER - Any person, organization, entity, association, partnership, or corporation engaged in the business of agriculture, for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock, poultry, fur-bearing animals, or fish, the harvesting of timber or the practicing of horticulture or apiculture.

James P. Collins, President
AURORA COMMUNITY GARDERS INC.
SBL# 175.00-2-27.2 / LIBOR9782 PAGE302
898 Main Street East Aurora, N.Y. 14052
Goodgreenthumbs@gmail.com
September 30, 2015

Agricultural District Open Enrollment
Erie County Department of Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Dear Administrators and Legislators:

I have written this cover letter to accompany the application for an AGRICULTURAL DISTRICT MODIFICATION regarding the agricultural land of SBL# 175.00-2-27.2 off of 619 South Street in the Town of Aurora, NY bordering the Village of East Aurora, that has been used for gardening and farming by us since 1975. The inclusion of this land in the N.Y. State Agricultural Districts Program is very important, as it allows aspects like the outfitting of a wind generator without all the 'red tape' permitting from a Town, and most importantly simple protection, as many Towns {even with a "Right To Farm" Law} are trying to change their Codes and Restrictions against agricultural use, which the State of New York would want to protect.

It is important to note here that I had been talking with Dr. Bob Sommers both before and after my application last year, and while he has said that most any agricultural land that is of agriculturally viable quality can be excepted, it seems that the people who reviewed that simple application had dismissed it thinking that since it just stated "community garden", that it could not be worthy of much more. While the property is only 4.12 – 4.36 acres, it is not just a community garden and we are producing more 'unusual' agricultural products for market and charity than anyone else in Western New York {eg, warm weather spinach, French Label Rouge poultry, etc.}. While the value of this small agricultural property has been for community gardening, with the development of our Community Sponsored Agriculture program bordering the Village, the value becomes that young and old can walk to this rare nearby parcel for produce.

In a side note, I am on Senator Gallivan's Agricultural Advisory Committee and I realize how to develop an initiative for branding better New York agricultural produce and business by the startup of a Non-profit to run many new innovative Farmers' Markets for WNY. Please include our property in the N.Y. State Agricultural Districts Program this year. Thank you for your consideration.

Sincerely, James P. Collins

Local Harvest French Label Rouge Poultry Sale

Hi. I raised a lot of Freedom Ranger Chickens that are freshly processed by a local State Inspected Facility. These special chicken heritage genetic lines grow healthier and are more flavorful than the common Cornish Cross hybrid that is the industry standard. These whole birds are air vacuum sealed in freezer proof FoodSaver bags, and are \$4.00/#, while I will have Fresh Freedom Ranger hens, Noles #22, & Cornish X, that are Air-Chilled on November 11, 2014. Jim 716 997-3455 Thanks for your consideration.

Label Rouge: Pasture-based Poultry Production from France

Label Rouge began 40 years ago as a grassroots movement led by visionary farmers. As poultry became more industrialized after World War II, demand grew in France for the taste of traditionally raised farm chickens. Label Rouge performance has been called stunning and now accounts for 30 percent of poultry sales to the public, in spite of its high price—twice the price of conventional poultry.

The Label Rouge program focuses on high-quality products, mainly meat, with poultry as the flagship product. It emphasizes quality attributes such as taste and food safety and free-range production practices. The average consumer can note a positive difference in taste between Label Rouge poultry and conventional poultry—in fact, regular taste-testing is a certification requirement to prove that these products are "vividly distinguishable" from conventional poultry, according to the program.

The main reason for the superior taste is considered to be the use of slow-growing birds instead of the fast-growing birds used in the conventional industry. The slow-growing birds are from specialty rustic genetic stock, that forage. The meat is flavorful, but not tough.

Traditional poultry therefore plays a major role in a varied, balanced, healthy diet. Because of their specific breeds, their age, their feed rich in cereals and the way they are reared, the nutritional properties of Label Rouge poultry are different. They contain: * more protein * less water * less lipids and therefore little fat * a well-balanced fatty acid content with more polyunsaturated fatty acids (60% unsaturated and 30% saturated). These polyunsaturated fatty acids are considered as truly "healthy fatty acids" that have preventive and curative virtues. * a very substantial mineral content with: high potassium content, especially in turkey breasts, large quantities of phosphorus, very little salt, which makes poultry meat an excellent food for those who are on a low salt diet.

Artisan Pasture Raised & Clean Processed Flavorful Chicken || Jim 716 997-3455



Jim Collins, Sue Fox of FISH and Martha Collins of the Aurora Community Gardens stand beside a bountiful harvest of locally grown produce. The Aurora Community Gardens group is looking to expand to allow the growth of new plants to be donated to FISH.

Sharing in Bounty of Gardens

After 36 years of gardening at the Aurora Community Gardens in East Aurora, Martha Collins is celebrating the continued donation of produce to the food pantry at FISH of East Aurora. Collins hopes to open more gardening land at the property to allow even greater donations to FISH during the 2011 season.

Aurora Community Gardens is planning a fall harvest get-to-

gether. "All gardeners who are not familiar with this beautiful space on a sloping hillside overlooking the Cazenovia Creek valley are welcome to visit," a press release noted. The event will be Sat., Oct. 23 from noon to 2 p.m.

Master gardeners will be on hand to answer questions, and any garden dishes are welcome. "You may visit to see about helping next year's FISH gardens.

or just to enjoy the fresh air and community," the release noted.

The Aurora Community Gardens are located on South Street, through the driveway at 619 South St. The new Major's Park, with elevated walkways to the creek, is in the same scenic area. Call 997-3455 for additional information, or for an alternate location in case of rain on Saturday.

Strings Attached to New Funds

Comm. 2M-6

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