

# INTRO 1-2

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## A RESOLUTION TO BE SUBMITTED BY LEGISLATOR RATH

**RE: AGRICULTURAL DISTRICT #14 – CLARENCE NEWSTEAD**

WHEREAS, Agricultural District #14 – Clarence Newstead (the “district”) was initially created on April 9, 1980 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, Agricultural District #14 – Clarence Newstead has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a(1); and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a(2) the Erie County Legislature gave the required public notice, direct the Erie County Agricultural and Farmland Protection Board to prepare report on the district and set a public hearing for December 5, 2011; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(c) on December 5, 2011 at 7:00 pm a public hearing was held at the Cornell Cooperative Extension Offices in East Aurora, New York to consider recertification of the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(b) the Erie County Agricultural and Farmland Protection Board reviewed the district, prepared a report to the Erie County Legislature and voted unanimously on December 5, 2011 to recommended that the district be continued without modification; and

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the continuation of the district will not have a significant effect on the environment.

NOW, THEREFORE, BE IT

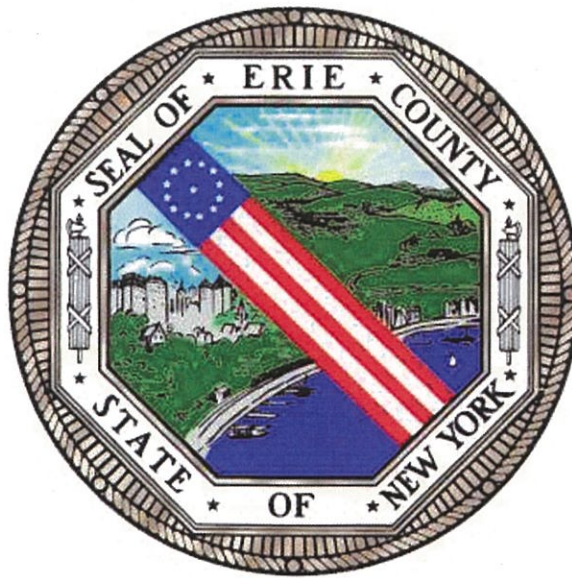
RESOLVED, that the Erie County Legislature finds that Agricultural District #14 – Clarence Newstead should be continued without modification as recommended by the Erie County Agricultural and Farmland Protection Board; and be it further

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 Clarence and Newstead Town Supervisors; 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 district review plan to the Commissioner of New York State Department of Agriculture and Markets for certification.

FISCAL IMPACT: None for Resolution.

**ERIE COUNTY  
CLARENCE – NEWSTEAD  
AGRICULTURAL DISTRICT No. 14  
  
EIGHT-YEAR REVIEW REPORT**



PREPARED BY  
ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING  
FOR THE AGRICULTURAL & FARMLAND PROTECTION BOARD  
AND ERIE COUNTY LEGISLATURE

PURSUANT TO  
SECTION 303-A OF THE  
AGRICULTURE AND MARKETS LAW

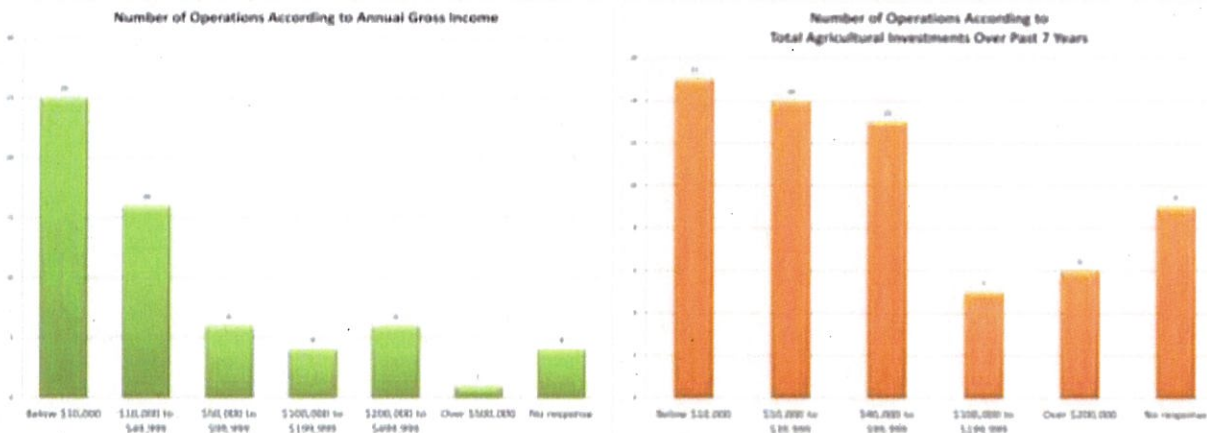
## OVERVIEW

The Clarence-Newstead Agricultural District, which contains properties located in the Towns of Clarence and Newstead, was initially certified April 9, 1980 and is undergoing its fourth eight-year review. The present district contains 29,878.9 acres (see attached map). In the summer of 2011, 528 surveys were mailed to property owners of 10 acres or more within the district requesting information about their operation and allowing them to make modifications to their lands' status. Responses were received for 226 surveys (42.8%), including 117 surveys that indicated agricultural activity.

## NATURE AND STATUS OF FARMING AND FARM RESOURCES

Of the 29,878.9 acres in the district, 12,429.9 acres were reported as owned or rented, with 8,436.9 acres in crops, 345.5 acres in pasture, and a total of 8,782.4 acres (approximately one third of the district) in agricultural use.

According to the survey results, the District contains a variety of farming enterprises ranging from large to small, with considerable diversity of farming activity, including horticulture specialty (Christmas trees), greenhouses, horses and livestock production, various cash crops, dairying and a major egg producer, a major sod production operation, and vegetable growing. The following charts reflect the annual gross sales and farm investments reported in the survey. They clearly indicate that the majority of the district is comprised of a number of smaller to mid-size operations and a few larger operations.



Soils maps of the Clarence Newstead Agricultural District show extensive bands of prime soils, and approximately 77% of the land is classified as prime or viable (marginal with high potential if adequate drainage is provided.)

The Town of Clarence is completely within a water district and some public sewers are situated in the southern and eastern portion of the Town, however most of this area is outside of the Agricultural District. According the US Census Bureau's American Community Survey, approximately 1,989 new homes were built from 1990 to 1999. From 2000 to 2009,

approximately 1,927 new homes were built. This is an indication that development pressure in the Town of Clarence is substantial and sustained over the last two decades.

The Town of Newstead has been experiencing less growth than the Town of Clarence. According to the American Community Survey, approximately 517 new homes were built between 1990 and 1999, while 385 new homes were built between 2000 and 2009. The Town has several water districts encompassing nearly the entire Town. Lateral restrictions have been imposed by the Department of Agriculture and Markets. No public sewers are available.

The open character of the landscape, sprinkled with attractive agricultural lands and vistas has been an attractor for non-agricultural development in the Towns of Clarence and Newstead. Major east-west roads provide quick and easy access for commuters and others interested in reaching the nearby urban areas and downtown Buffalo. The Agricultural District is a means of controlling some development, since there is a strong desire to maintain the agricultural, rural, and semi-rural character of this area.

### ***District Modifications***

No changes to the Clarence-Newstead Agricultural District No. 14 were proposed during the eight-year review. No parcels were added or removed from the district. However, the total number of acres currently reported may be slightly different from the acreage reported during the last eight-year review is due to a new, more accurate GIS parcel file used in the 2011 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 Towns of Clarence and Newstead as developing and rural areas of the County. The Framework encourages reinvestment and redevelopment of the developed areas of the county, seeks to minimize water and sewer infrastructure extensions into the developing and rural areas of the county, and aims to 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***

New York State provides matching grants to assist counties and towns with development of agricultural and farmland protection plans. Those plans identify how municipalities can maintain the economic viability of their agricultural industry and the supporting land base. Erie County’s last Agricultural and Farmland Protection Plan, *Erie County Farms for the Future*, was published in March 1996.

Erie County was recently awarded a matching grant to support preparation of a new Agricultural and Farmland Protection Plan, which is anticipated to be finished in 2012.

The Town of Clarence has also been awarded a grant from the New York State Department of Agriculture and Markets for the development of a Municipal Agricultural & Farmland Protection Plan pursuant to Article 25-AAA of the Agriculture and Markets Law and 1NYCRR Part 390. This plan is intended to strengthen the current Greenprint Program and provide recommendations and implementation strategies specifically for farmland protection and agricultural economic development.

### ***Local Comprehensive Plans***

Agricultural District No. 14 includes lands from the Towns of Clarence and Newstead. When county funding became available to municipalities for the development of new or revision of existing comprehensive plans, the Erie County Department of Environment and Planning provided guidelines for a farmland protection element in those plans. As a result, many local comprehensive plans now include a section on agricultural lands and means of protecting such lands.

The Town of Clarence Master Plan 2015, updated in 2007, identifies the loss of agricultural lands as a major concern and has initiated several preservation programs including the adoption of a conservation easement program, agricultural zoning, and preserving the Clarence-Newstead Agricultural District. The Town also has an open space and land conservation program in place, locally known as the Greenprint Program. The Town is also proposing to enhance existing open space preservation tools and to develop a preservation program, including a purchase of development rights (PDR) program. The Master Plan also aims to revise the zoning, site plan, and subdivision regulations to further promote the preservation of agricultural land and to support the agricultural industry.

The Town of Newstead Comprehensive Plan, revised in 2001, also recognizes the importance of agriculture to its character and economy and has recommended the implementation of several tools to enhance the Town's agricultural industry and to protect agricultural lands. The Town's Conservation Advisory Council recommended the implementation of a Transfer of Development Rights Program to steer development away from prime farmland. The Town also uses agricultural zoning designations to preserve and protect agricultural areas.

### ***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 Clarence and Newstead 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 Clarence-Newstead Agricultural District No. 14 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**

All of the Towns containing lands in the Clarence-Newstead Agricultural District currently enforce a Zoning Ordinance or Law, with district lands falling predominantly within agricultural or residential use zoning districts, which are designed to accommodate primarily agricultural and rural residential uses. Farms and agricultural operations are allowed by right in these districts.

## **RECOMMENDATION**

Based upon the findings contained within this report, it is recommended that the Erie County Legislature renew the Clarence-Newstead Agricultural District No. 14 without modification for another eight years.

**LIST OF ATTACHMENTS:**

- Clarence-Newstead Agricultural District Fact Sheet
- 30-Day Notice/Public Hearing Notice
- Summary of Public Hearing Proceedings
- RA-114 Form – Eight-Year Review Profile
- Environmental Review Completion Statement
- Map – Clarence-Newstead Agricultural District
- Map – Existing Erie County Agricultural Districts



# CLARENCE-NEWSTEAD AGRICULTURAL DISTRICT NO. 14

## SURVEY RESULTS

### Acreage in District

Clarence-Newstead Agricultural District	29,878.9
Proposed for Addition	0
Proposed for Deletion	0
<b>TOTAL</b>	<b>29,878.9</b>

### Number of Active Agricultural Operations by Principle Enterprises

Dairy	5	Wood	0
Cash Crop (Including grains, vegetables)	36	Other	0
Livestock	16	Christmas Trees	2
Poultry	2		
Horticultural Specialty	2		
Orchard	1		

### Number of Operations According to Annual Gross Income

Below \$10,000	25
\$10,000 to \$49,999	16
\$50,000 to \$99,999	6
\$100,000 to \$199,999	4
\$200,000 to \$499,999	6
Over \$500,000	1
No response	4

### Number of Operations According to Total Agricultural Investments Over Past 7 Years

Below \$10,000	15
\$10,000 to \$39,999	14
\$40,000 to \$99,999	13
\$100,000 to \$199,999	5
Over \$200,000	6
No response	9

### Crops Including Horticulture

	<u>Acres</u>
Hay & Alfalfa	2,634.06
Corn	2,934.07
Grains	1,821.13
Christmas Trees/Sugarbush	3.00
Vegetables/Fruit	295.90
Nursery/Agricultural Specialties	5.00
Pasture	345.50
Soybeans	1,400.47

### Products

Milk (lbs)	4.3 Million
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### Livestock

	<u>Numbers</u>
Cows	269
Heifers & Calves	273
Beef	424
Hogs	16
Horses	134
Poultry	164
Sheep	134
Goats	10

### Survey Summary

Number of surveys sent to landowners	528
Surveys returned (42.8%)	226
Surveys returned indicating agricultural activity (22.2%)	117
Acres in pasture	345.50
Acres cropped	8,436.93
Acres owned	7,568.70
Acres rented	4,858.23
<b>Total Acreage Farmed</b>	<b>8,782.43</b>

# PUBLIC NOTICE

## NOTICE OF A 30-DAY PERIOD FOR PUBLIC REVIEW OF THE CLARENCE-NEWSTEAD AGRICULTURAL DISTRICT NO. 14 PURSUANT TO THE EIGHT-YEAR REVIEW

PLEASE TAKE NOTICE, that Agricultural District No. 14, which encompasses approximately 29,900 acres within the County of Erie in the Towns of Clarence and Newstead was originally established on April 9, 1980, pursuant to Article 25-AA of the Agriculture and Markets Law.

PLEASE TAKE FURTHER NOTICE, that under Section 303-a (1) of the Agriculture and Markets Law, the County Legislature is required to review a district eight years after its creation and every eight years thereafter.

PLEASE TAKE FURTHER NOTICE, that during this 30-day period, a map of the District will be on file and open to the public in the office of the County Clerk and at the Department of Environment and Planning, and during this period any municipality whose territory encompasses the above Agricultural District, any State Agency or any landowner within or adjacent to the District, may propose a modification to the District.

PLEASE TAKE FURTHER NOTICE, that any proposed modification must be submitted to the County Department of Environment and Planning within thirty days of the date of this notice.

PLEASE TAKE FURTHER NOTICE, that modification request information is located online at [www.erie.gov/environment](http://www.erie.gov/environment) and requests can be submitted by mail or sent electronically to [agriculture@erie.gov](mailto:agriculture@erie.gov).

PLEASE TAKE FURTHER NOTICE, that at the termination of the thirty day period, the District and proposed modification(s) will be submitted to the Erie County Agricultural and Farmland Protection Board for Comment.

PLEASE TAKE FURTHER NOTICE, that on December 5, 2011 at 7:00 p.m., a public hearing will be held at Clarence Town Hall, 1 Town Place, Clarence, NY 14031 on the District, proposed modifications, and recommendations of said board.

Rachel Chrostowski, Planner  
Erie County Department of Environment & Planning  
95 Franklin Street, Room 1007, Buffalo, NY 14202  
(716)858-8002 or [agriculture@erie.gov](mailto:agriculture@erie.gov)

Dated: August 1, 2011

**Please Keep Posted Through August 30, 2011**

**CLARENCE-NEWSTEAD AGRICULTURAL DISTRICT NO. 14 RENEWAL  
PUBLIC HEARING MINUTES**

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Clarence Town Hall  
1 Town Place • Clarence, NY 14031  
December 5, 2011 • 7:00 pm

AFPB Members Present:

Darren Kempner, County Planning Director (Ex-Officio); Deputy Commissioner, Erie County Department of Environment & Planning  
Brett Kreher, Vice Chair, Kreher's Poultry Farms, Farmer  
Bryant Zilke, President, Erie County Farm Bureau, Agriculture Businessperson  
Diane Held, Senior New York Field Manager, American Farmland Trust, Agricultural Land Preservation Agency Representative  
Deb Roberts, Cornell Cooperative Extension (Ex-Officio)  
Dan Henry, W.D. Henry and Sons, Inc., Farmer

Staff Present:

Mark Rountree, Planner, Erie County Department of Environment & Planning  
Rachel Chrostowski, Planner, Erie County Department of Environment & Planning

Guest Present:

Jason Engel, Cardinal Design & Shamel Milling Company, Inc.

- A. Kreher gave an introduction to the public hearing. Kempner summarized New York State Agriculture and Markets Law that enacted Agricultural Districts and explain the benefits of inclusion. Kempner explained that the AFPB will consider comments from the public hearing and finalize recommendations to the County Legislature.
- B. Kreher introduced the Clarence-Newstead Agricultural Districts 8-Year Renewal
1. Chrostowski described the District, which is shown on the distributed map. There have been no proposed changes to the district.
  2. Chrostowski described the results of a survey to landowners of 10+ acre parcels within the district: 226 of 528 surveys were returned, 117 surveys indicating agricultural activity. The survey revealed that 12,427 acres were owned or rented with 8,437 acres in crops, 346 acres in pasture, and a total of 8,782 acres in agricultural use. This district is located in the northeastern part of the County. The western part of the district is in a developing area that faces some development pressure. The eastern part of the district is more rural and has experienced less growth. Agriculture is quite strong in this area and both Towns in the District recognize the importance of agriculture to their character and economy.
    - a. Kreher opened the hearing to anyone wishing to comment on the Clarence Newstead Agricultural District.
      - i. No comments were submitted.
    - b. Kreher announced that the Clarence Newstead Agricultural District Renewal hearing is now complete and declared the hearing closed at 7:24 pm.

**New York State  
Department of Agriculture and Markets**

**AGRICULTURAL DISTRICT REVIEW PROFILE**

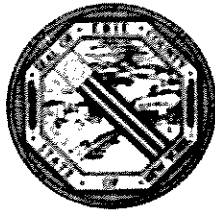
**DISTRICT IDENTIFICATION**

County: <b>Erie</b>				District No.: <b>14</b>	
Town(s) in District: <b>Clarence, Newstead</b>					
No. acres in district:	No. acres in farms: <sup>1</sup>	No. acres cropped:	No. acres owned by farmers:	No. acres rented by farmers:	
<b>29,879</b>	<b>8,782</b>	<b>8,437</b>	<b>7,569</b>	<b>4,858</b>	

**AGRICULTURAL DATA ANALYSIS**

A. Since last review, number of acres in	District Added: <b>0</b>	Deleted: <b>0</b>
B. Since last review, number of acres in farms	Increased: <b>0</b>	Decreased: <b>0</b>

<sup>1</sup> Number of acres in farms represents the sum of acres owned by farmers and rented by farmers.



# MEMO

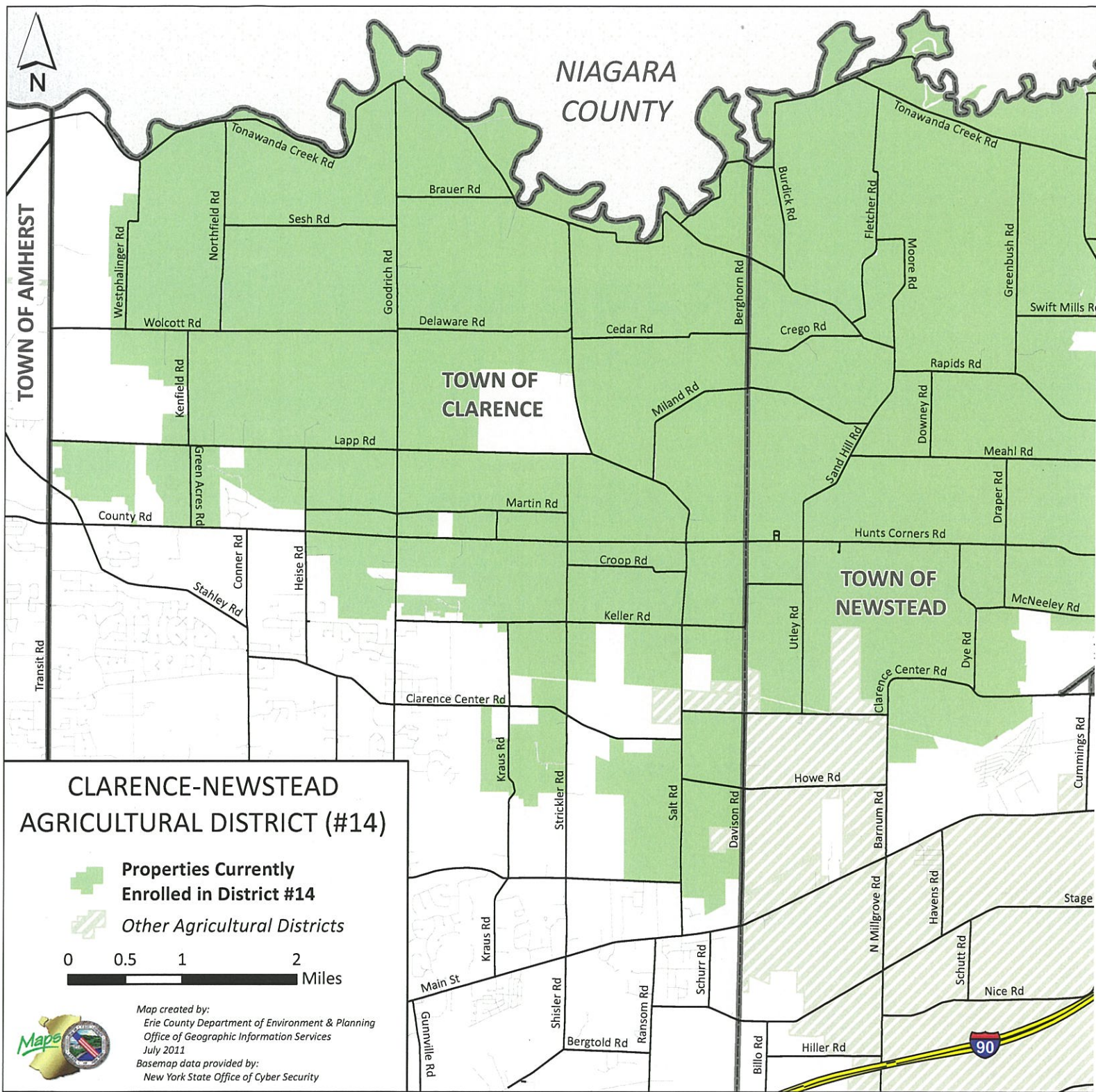
**COUNTY OF ERIE  
DEPARTMENT OF ENVIRONMENT AND PLANNING  
DIVISION OF PLANNING**

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To: New York State Department of Agriculture and Markets  
From: Darren Kempner, Deputy Commissioner  
Subject: Environmental Review of Clarence Newstead Agricultural District No.14  
Date: December 30, 2011

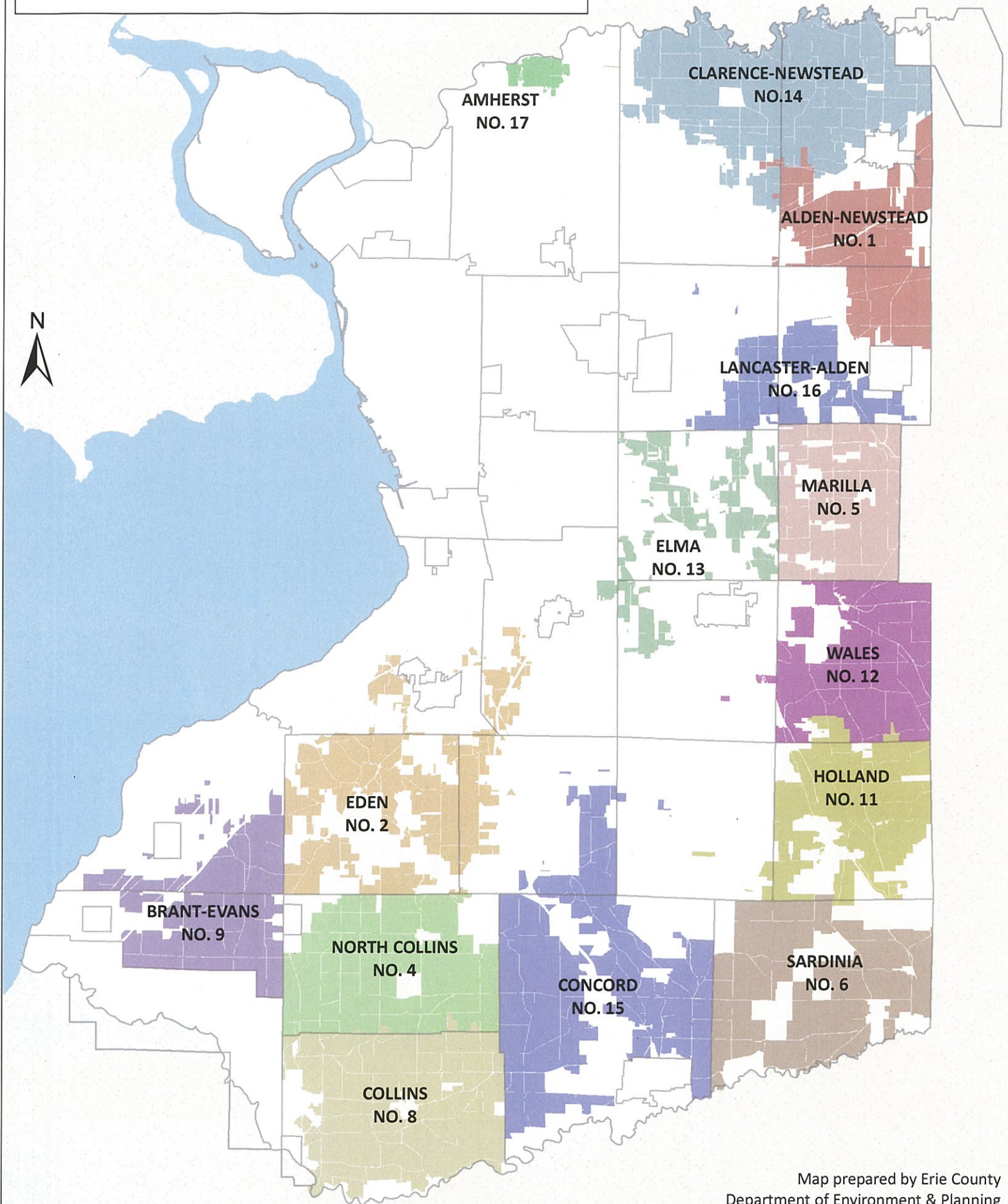
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The required environmental review process has been completed for the eight-year renewal of the Clarence Newstead Agricultural District No.14, with no modifications. According to the New York State Department of Environmental Conservation, the recertification of an agricultural district with no material change is classified as a Type II action. Therefore, review under SEQR has been completed.





# ERIE COUNTY AGRICULTURAL DISTRICTS



Map prepared by Erie County  
Department of Environment & Planning  
Office of Geographic Information Services  
Data current as of 12/06/11

0 1.25 2.5 5 7.5 10  
Miles