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COUNTY OF ERIE

AGRICULTURAL AND FARMLAND PROTECTION BOARD

June 25, 2021

The Honorable April N.M. Baskin
Chair, Erie County Legislature
Old County Hall
92 Franklin Street,
Fourth Floor,
Buffalo, NY 14202

Dear Legislator Baskin,

The Erie County Agricultural and Farmland Protection Board (AFPB) is pleased to transmit the attached 2021 AFPB Report regarding modification and consolidation of the Marilla, Wales, and Elma Agricultral Districts pursuant to Agriculture and Markets Law. The AFPB respectfully requests that the Erie County Legislature review and vote on the proposed modifications.

Should you have any questions, please feel free to contact me at 759-6802 or by e-mail at brett@krehereggs.net.

Regards,

Brett D. Kreher

Brett Kreher
CHAIRPERSON,
ERIE COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

cc: Daniel Castle – ECDEP Deputy Commissioner
Sarah Gatti – ECDEP Senior Planner
Timothy German – ECDEP Planner

ERIE COUNTY AGRICULTURAL DISTRICTS
EIGHT-YEAR REVIEW & DISTRICT CONSOLIDATION REPORT

2021 REPORT

FROM:	ERIE COUNTY AGRICULTURAL & FARMLAND PROTECTION BOARD
TO:	ERIE COUNTY LEGISLATURE
PURSUANT TO:	SECTION 303-A OF THE AGRICULTURE AND MARKETS LAW

OVERVIEW

In accordance with the Erie County Agricultural District Consolidation Framework, which was adopted by the Agricultural and Farmland Protection Board on October 24, 2012 and approved by the New York State Department of Agriculture and Markets on November 19, 2012, and then amended by the Agricultural and Farmland Protection Board on September 21, 2016, the following districts will be consolidated during the eight-year review into one district:

Marilla Agricultural District No. 5
Wales Agricultural District No. 12
Elma Agricultural District No. 13

The consolidated district will be known as the Central Agricultural District.

Requests to add or remove land from these Districts were also entertained during this eight-year review and consolidation.

DISTRICT DESCRIPTIONS

The Marilla Agricultural District, which contains properties in the Town of Marilla, was initially certified in December 1973 and is undergoing its sixth eight-year review. The present district contains approximately 15,187.4 acres.

The Wales Agricultural District, which contains properties in the Towns of Wales and Aurora, was initially certified in November 1978 and is undergoing its fifth eight-year review. The present district contains approximately 18,466.7 acres.

The Elma Agricultural District, which contains properties in the Towns of Elma, Aurora, and Orchard Park, was initially certified in June 1979 and is undergoing its fifth eight-year review. The present district contains approximately 8,932.6 acres.

In the spring of 2021, surveys were mailed to all property owners with land enrolled in the Marilla, Wales, and Elma Agricultural Districts. These surveys requested information about their operation and allowing them to make modifications to their lands' status. Of the 3,848, 545 (14%) were returned.

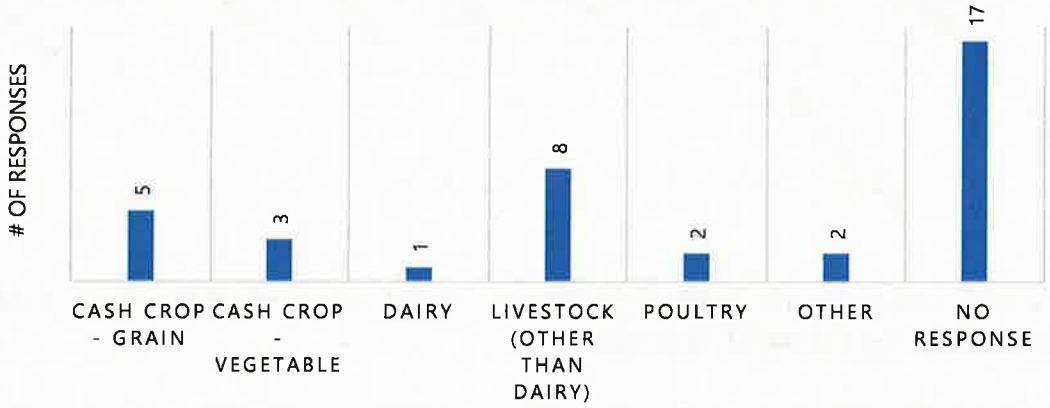
NATURE AND STATUS OF FARMING AND FARM RESOURCES

Marilla Agricultural District No. 5

Of the approximately 15,187.4 acres in the Marilla Agricultural District, 1,449.5 acres were reported as owned or rented, with 300.64 acres in cropped land. The survey results show a variety of farming enterprises within the Marilla Agricultural District (see table 1).

Table 1

MARILLA AGRICULTURAL DISTRICT: FARM ENTERPRISES



Soil classifications in the Marilla Agricultural District are predominantly prime, prime if drained, or of statewide importance.

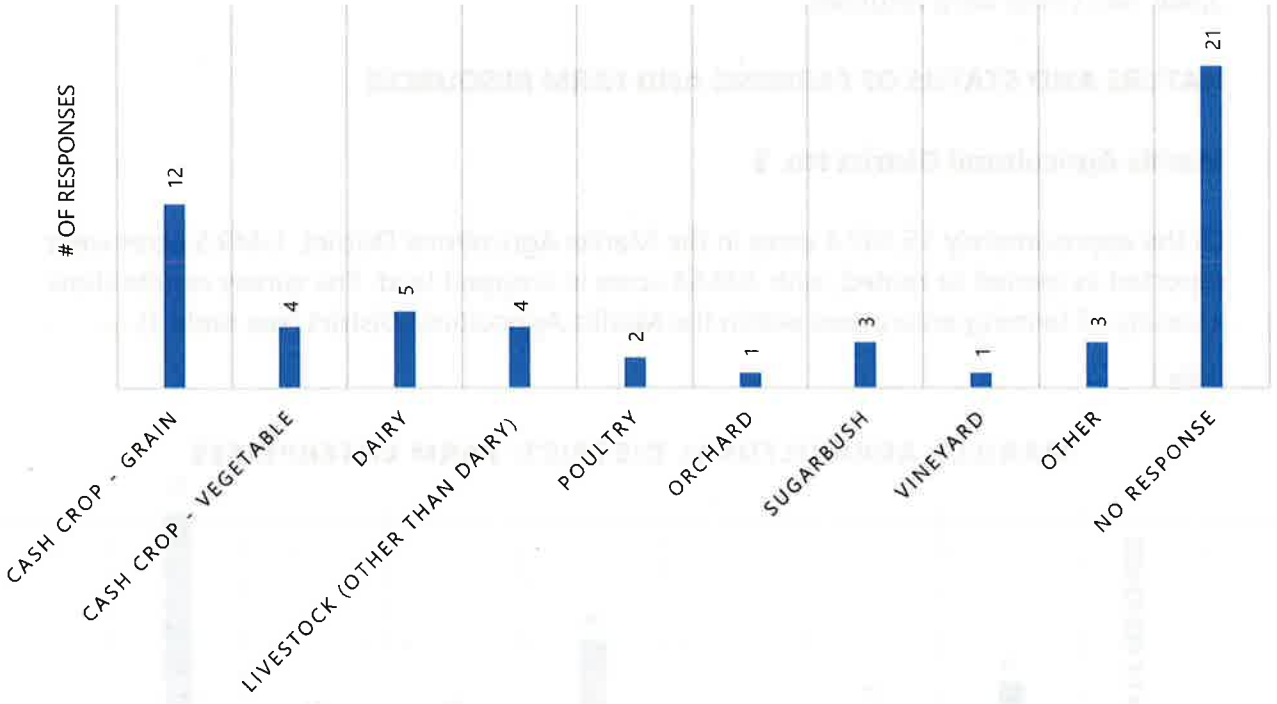
The entirety of the Marilla Agricultural District is located in a rural policy area of Erie County as defined by the Framework for Regional Growth that experiences limited development pressure. There are no Erie County Sewer Districts present in the Marilla Agricultural District.

Wales Agricultural District No. 12

Of the approximately 18,466.7 acres in the Wales Agricultural District, 2,969 acres were reported as owned or rented, with 2,077 acres in cropped land. The survey results show a variety of farming enterprises within the Wales Agricultural District (see table 2).

Table 2

WALES AGRICULTURAL DISTRICT: FARM ENTERPRISES



Soil classifications in the Wales Agricultural District are predominantly of statewide importance, prime if drained, or prime.

The entirety of the Wales Agricultural District is located in a rural policy area of Erie County as defined by the Framework for Regional Growth that experiences limited development pressure. There are no Erie County Sewer Districts present in the Wales Agricultural District.

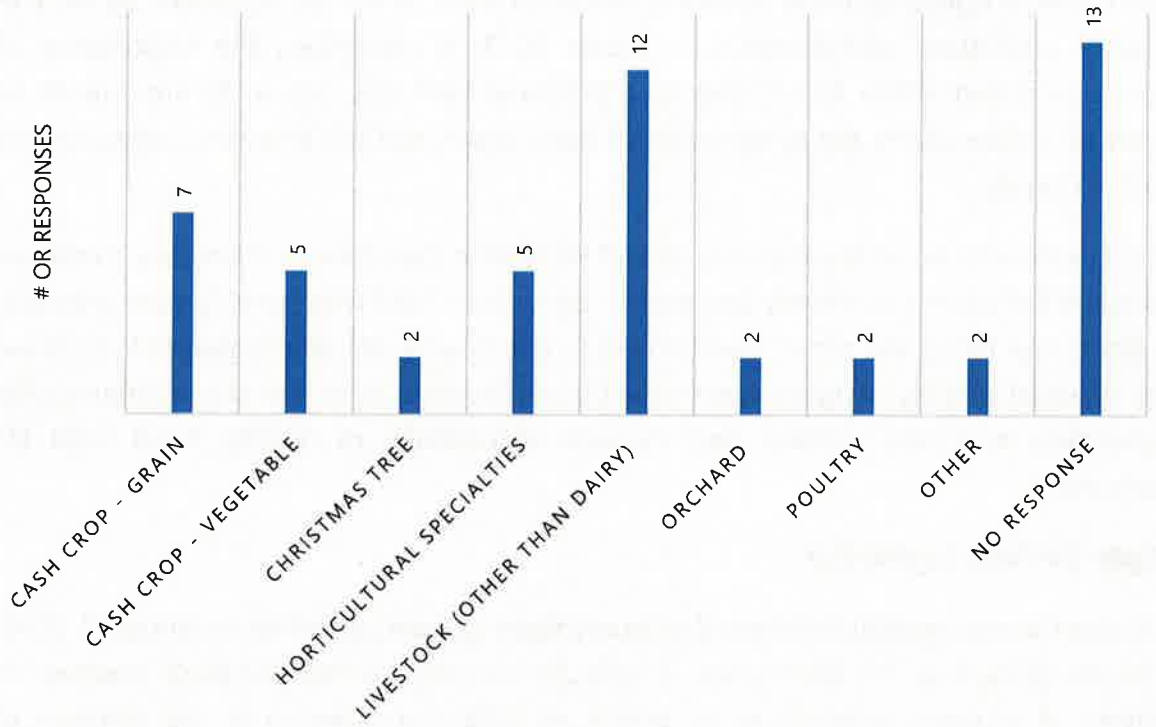
Elma Agricultural District No. 13

Of the approximately 8,932.6 acres in the Elma Agricultural District, 1,815.71 acres were reported as owned or rented, with 714.48 acres in cropped land. The survey results show a variety of farming enterprises within the Elma Agricultural District (see table 3).

Soil classifications in the Elma Agricultural District are predominantly prime if drained or prime.

Table 3

ELMA AGRICULTURAL DISTRICT: FARM ENTERPRISES



The Elma Agricultural District is primarily located in a rural policy area of Erie County as defined by the Framework for Regional Growth. These areas experience limited development pressure. A small area of the District is located in a developing area that does experience development pressure. Erie County sewer service is scarce in the District.

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 land use plan. The *Framework* regards the Towns of Marilla and Wales as rural policy areas of the County. The *Framework* also regards parts of the Towns of Elma, Orchard Park, and Aurora as both developed and developing policy areas of the County, with the rest regarded as part of the rural policy area. The *Framework* 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 and Farmland Protection Plan

Erie County's Agricultural and Farmland Protection Plan (AFPP) was approved by the Erie County Legislature and adopted in March 2013. It recognizes the importance of agricultural land within Erie County as a preferred land use, due to its importance to resource conservation, the preservation of open space, and the economic contributions to Erie County.

The Erie County Agricultural and Farmland Protection Plan 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.

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 in Erie County and alerts prospective buyers of property adjacent to or within an agricultural district to the impacts of agricultural practices (specifically odors, noise, dust, etc.). The disclosure notice to be signed at the time of contract sale is also a part of the County law. The Towns of Marilla, Wales, Elma, Orchard Park, and Aurora have enacted right-to-farm laws, recognizing agriculture as an important part of their economy.

Local Comprehensive Plans

The Marilla Agricultural District includes only land in the Town of Marilla. The Wales Agricultural District includes land from the Town of Wales, and to a lesser extent land from the Town of Aurora. The Elma Agricultural District includes land from the Town of Elma, and to a lesser extent land from the Towns of Aurora and Orchard Park.

The comprehensive plans for the above-mentioned towns all exhibit language that is supportive of the Erie County Agricultural and Farmland Protection Plan. Common themes and objectives between the comprehensive plans, as well as the Agricultural and Farmland

Protection Plan, include items such as the preservation of agricultural land and open space, future growth areas being located away from established agricultural operations, and the stated understanding that much of the land in these towns is prime agricultural soil and should remain in agricultural use.

EXTENT TO WHICH THE DISTRICTS HAVE ACHIEVED THEIR ORIGINAL OBJECTIVES

The Marilla Agricultural District No. 5, the Wales Agricultural District No. 12, and the Elma Agricultural District No. 13 have met their 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 Marilla, Wales, and Elma Agricultural Districts 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.

DISTRICT MODIFICATIONS AND AFPB RECOMMENDATIONS

In accordance with the Erie County Agricultural District Consolidation Plan, the following districts will be consolidated into the Marilla Agricultural District:

- Marilla Agricultural District No. 5
- Wales Agricultural District No. 12
- Elma Agricultural District No. 13

New York State Department of Agriculture and Markets advised the County that the district consolidation will be treated as a modification of one district during the eight-year review period – the Consolidated Central Agricultural District. This will help to streamline the Agricultural District Program, and is the next step in the County's plan to consolidate the fourteen current agricultural districts into four relatively equal districts.

During the 2021 public comment period, the AFPB received four applications for the modification of property in Erie County's existing Agricultural Districts. The AFPB considered the below requests and based their recommendations upon Agricultural District Law, which states that parcels included in agricultural districts must be "land highly

suitable for agricultural production" and which continue to be feasible for farming if conditions remain the same.

Each parcel requested for inclusion was analyzed in detail by the AFPB. Erie County staff identified soil types and suitability for agriculture, type of operation, whether the parcel is owned-operated or rented, farm-related income, surrounding land use, eligibility for agricultural assessment, consistency with zoning, local and regional planning documents, proximity to agricultural districts, and eligibility for inclusion pursuant to Article 25AA of Agriculture & Markets Law. This data is provided in the matrix included as attachment 5.

For requests denied, a brief explanation will follow the table on the next page.

During the 2021 eight-year review and consolidation, the AFPB received the following four applications for the potential modification of five parcels:

Table 4

APP	SBL	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT	APPLICANT	APP. REQUEST	AFPB REC.
1	177.00-1-38	32.48	4807 Reiter Road	Wales	Tina Bonifacio	Wales #12	Tina Bonifacio	Include	Include
2	178.00-2-73	5	12331 Strykersville Rd	Wales	James Statler / Cody Sim	Wales #12	James Statler / Cody Sim	Include	Include
3	163.00-1-1; 154.00-5-21.2	17.5; 13.42	Old Transit Road	Aurora	Connie S. Miller	Elma #13	Connie S. Miller	Remove	Include
4	138.01-4-24	0.62	90 Roycroft Parkway	Elma	Richard & Rose Ann Dulski	Elma #13	Richard & Rose Ann Dulski	Remove	Remove

Regarding the Miller parcels (application #3) in the Towns of Aurora and Elma, the Board **does not recommend removal** from the Agricultural District. The decision was based upon Agricultural District Law, which states that parcels to be included in agricultural districts must be "viable agricultural land", which is highly suitable for a farm operation as defined in Section 301. As the land is currently rented to a farmer and is being actively farmed, it is the view of the Board that the parcels are viable agricultural land. Furthermore, the removal of such land from the District is contrary to the goals stated in both the Town of Elma and Aurora comprehensive plans, the Erie County Agriculture and Farmland Protection Plan, and the Erie-Niagara Framework for Regional Growth. The latter identifies the parcel as being in a "developing area". These areas are subject to

development pressure and conversion of farmland to non-farm uses. The Framework states that efforts should be made to "minimize conversation of designated rural and agricultural lands".

LIST OF ATTACHMENTS

1. Application #1
2. Application #2
3. Application #3
4. Application #4
5. Application Matrix
6. Marilla #5 Survey Results
7. Wales #12 Survey Results
8. Elma #13 Survey Results
9. Framework for Regional Growth – Planning Policy Areas Map
10. Existing Erie County Agricultural Districts Map
11. Marilla, Wales, and Elma Agricultural Districts Map
12. Agricultural District Consolidation Plan Map
13. Agricultural District Consolidation Plan Grid
14. 30-Day Review Notice
15. Notice of Public Hearing

ATTACHMENT 1

Agricultural District Modification Form: Submission #1

▼ LANDOWNER INFORMATION

Tina Bonifacio

4807 Reiter Road
Wales, New York. 14052

7165707559

TLBB74@YAHOO.COM

▼ RENTER CONTACT INFORMATION (IF APPLICABLE)

▼ PROPERTY DESCRIPTION

SBL (Tax Parcel ID): 177.00-1-38
Street Address: 4807 REITER ROAD
Town: WALES
Acres: 32.48
Agricultural Assessment (Y/N): Y
Add or Remove from District?: ADD

▼ FARM DESCRIPTION

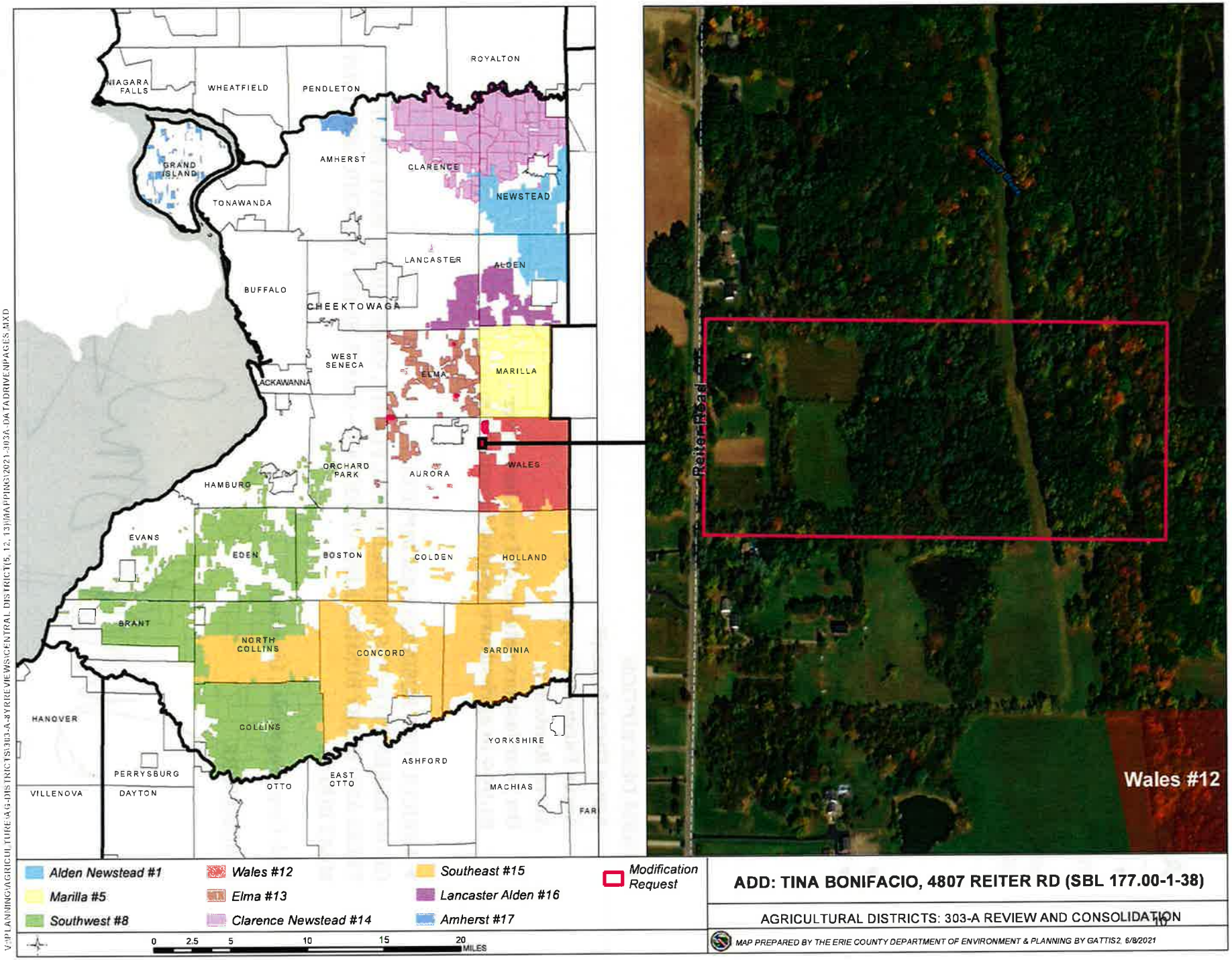
Acres Owned: 32.48
Acres Farmed/Cropped: 10
Acres Rented: 0
On your last tax return, did you have over $1,000 in agriculture-related income? Yes

▼ AGRICULTURE BUSINESS DESCRIPTION

GROW HERBS, FLOWERS AND MEDICINAL PLANTS, VEGETABLES. HAVE FRUIT TREES AND BERRY BUSHES. KEEP LIVESTOCK - GOATS, SHEEP AND CHICKENS (NOT MEAT BIRDS).

Cash Crop (Vegetable), Livestock

▼ SIGNATURE


ROYALTON
NIAGARA FALLS
WHEATFIELD
PENDLETON
GRAND ISLAND
AMHERST
CLARENCE
NEWSTEAD
TONAWANDA
LANCASTER
ALDEN
BUFFALO
CHEEKTOWAGA
WEST SENECA
ELMA
MARILLA
ACKAWANNA
ORCHARD PARK
AURORA
WALES
HAMBURG
EVANS
EDEN
BOSTON
COLDEN
HOLLAND
BRANT
NORTH COLLINS
CONCORD
SARDINIA
HANOVER
COLLINS
YORKSHIRE
ASHFORD
PERRYSBURG
EAST OTTO
OTTO
MACHIAS
VILLENOVA
DAYTON
FAR
Reiter Road
Wales #12
Alden Newstead #1
Marilla #5
Southwest #8
Wales #12
Elma #13
Clarence Newstead #14
Southeast #15
Lancaster Alden #16
Amherst #17
Modification Request
0 2.5 5 10 15 20 MILES
ADD: TINA BONIFACIO, 4807 REITER RD (SBL 177.00-1-38)
AGRICULTURAL DISTRICTS: 303-A REVIEW AND CONSOLIDATION
MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 6/8/2021
V:\PLANNING\AGRICULTURE\AG-DISTRICTS\303-A-REVIEW\WSCENTRAL DISTRICTS(5, 12, 13)\MAPPING\2021-303A-DATADRIVENPAGES.MXD

Application 1: Bonifacio (SBL 177.00-1-38)

ATTACHMENT 2

Agricultural District Modification Form: Submission #2

▼ LANDOWNER INFORMATION

James Statler / Cody Sim

12331 Route 78
Wales, New York. 14052

971-777-3170

- jamesstatler@icloud.com
- codysim@icloud.com

▼ RENTER CONTACT INFORMATION (IF APPLICABLE)

▼ PROPERTY DESCRIPTION

SBL (Tax Parcel ID): 178.00-2-73
Street Address: 12331 Strykersville Rd
Town: Wales
Acres: 5
Agricultural Assessment (Y/N): N
Add or Remove from District?: Add

▼ FARM DESCRIPTION

Acres Owned: 5
Acres Farmed/Cropped: 2.5
Acres Rented: 0
On your last tax return, did you have over $1,000 in agriculture-related income? No

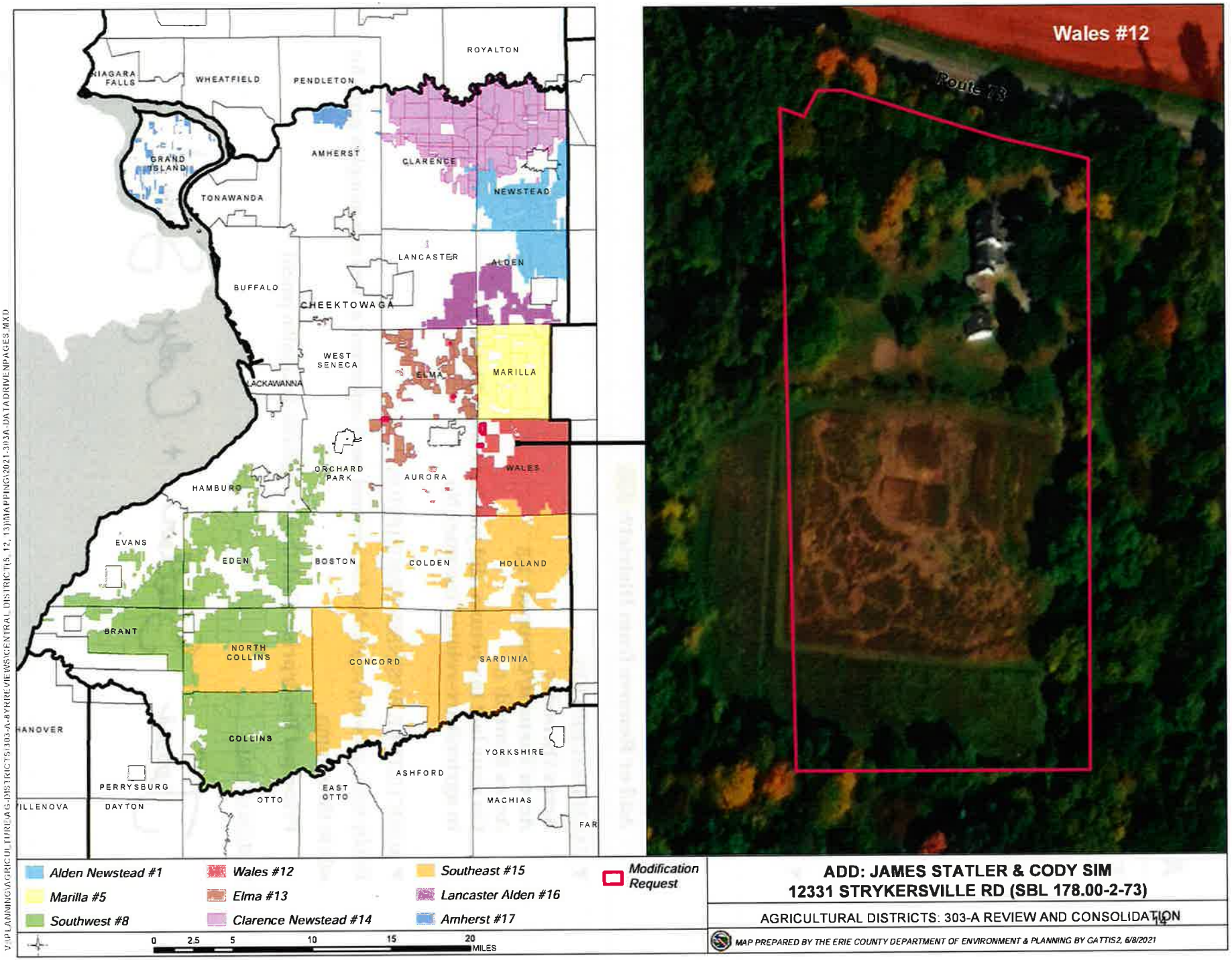
▼ AGRICULTURE BUSINESS DESCRIPTION

Hobby farm, growing vegetables for personal use & enjoyment as well as a pumpkin patch for sale in the autumn.

Principal Enterprise: Cash Crop - Vegetable (pumpkin patch)

▼ SIGNATURE

James Statler + Cody Sim


ROYALTON
NIAGARA FALLS
WHEATFIELD
PENDLETON
AMHERST
CLARENCE
GRAND ISLAND
TONAWANDA
NEWSTEAD
LANCASTER
ALDEN
BUFFALO
CHEEKTOWAGA
WEST SENECA
ELMA
MARILLA
LACKAWANNA
ORCHARD PARK
AURORA
WALES
HAMBURG
EVANS
EDEN
BOSTON
COLDEN
HOLLAND
BRANT
NORTH COLLINS
CONCORD
SARDINIA
HANOVER
COLLINS
YORKSHIRE
ASHFORD
PERRYSBURG
EAST OTTO
OTTO
MACHIAS
ILLENOVA
DAYTON
FAR
Wales #12
Route 78
Alden Newstead #1
Marilla #5
Southwest #8
Wales #12
Elma #13
Clarence Newstead #14
Southeast #15
Lancaster Alden #16
Amherst #17
Modification Request
0 2.5 5 10 15 20 MILES
ADD: JAMES STATLER & CODY SIM
12331 STRYKERSVILLE RD (SBL 178.00-2-73)
AGRICULTURAL DISTRICTS: 303-A REVIEW AND CONSOLIDATION
MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 6/8/2021
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Application 2: Statler/Sim (SBL 178.00-2-73)

ATTACHMENT 3

Agricultural District Modification Form: Submission #3

▼ LANDOWNER INFORMATION
Connie S. Miller

219 Willet Road
Blasdell, New York. 14219

- 7169842704
- 7169842704

csmbook@verizon.net

▼ RENTER CONTACT INFORMATION (IF APPLICABLE)
John Kramer

11093 Holland-Glenwood Road
Holland, New York. 14080

7169844014

▼ PROPERTY DESCRIPTION

- **SBL (Tax Parcel ID):** 163.00-1-1
  Street Address: Old Transit Rd
  Town: Aurora
  Acres: 17.50
  Agricultural Assessment (Y/N): y
  Add or Remove from District?: remove
- **SBL (Tax Parcel ID):** 154.00-5-21.2
  Street Address: Old Transit Rd
  Town: Elma
  Acres: 13.42
  Agricultural Assessment (Y/N): y
  Add or Remove from District?: remove

▼ FARM DESCRIPTION

Acres Owned: 30.92

Acres Rented: 30.92

Acres Rented: 30.92

On your last tax return, did you have over $1,000 in agriculture-related income? Yes

▼ AGRICULTURE BUSINESS DESCRIPTION

My tenant farmer plants a rotation of crops from corn, alfalfa or soybeans. I believe this is all for the tenant farmers use.

Principal Enterprise: Cash Crop (Grain)

▼ SIGNATURE

Connie L Miller

Agricultural District Review

Erie County DEP

95 Franklin Street

Buffalo, New York 14202

Connie S. Miller

219 Willet Road

Blasdell., New York 14219

April 12, 2021

Dear Sir or Madam:

I have a 31.5 acre farm land on Old Transit Road about a mile from Rte. 20. (The farm has no numbered address) My farm land has 13.42 acres in Elma and 17.50 acres in Aurora. My farm is on the far end of Elma.

My husband and I purchased this farm in 1980 and personally farmed this parcel as part of our vegetable production. Unfortunately in 1998 my husband died and I had no way to continue to farm this land, so I started to rent it to other farmers.

My farm land is currently rented to a farmer who resides in Holland, New York and rotates his crops from corn, alfalfa or soybeans. He is an excellent tenant. I have no plans at the present time to change this situation. But in the future I would like to sell the entire piece to either a developer for homes or a business that would be of community value.

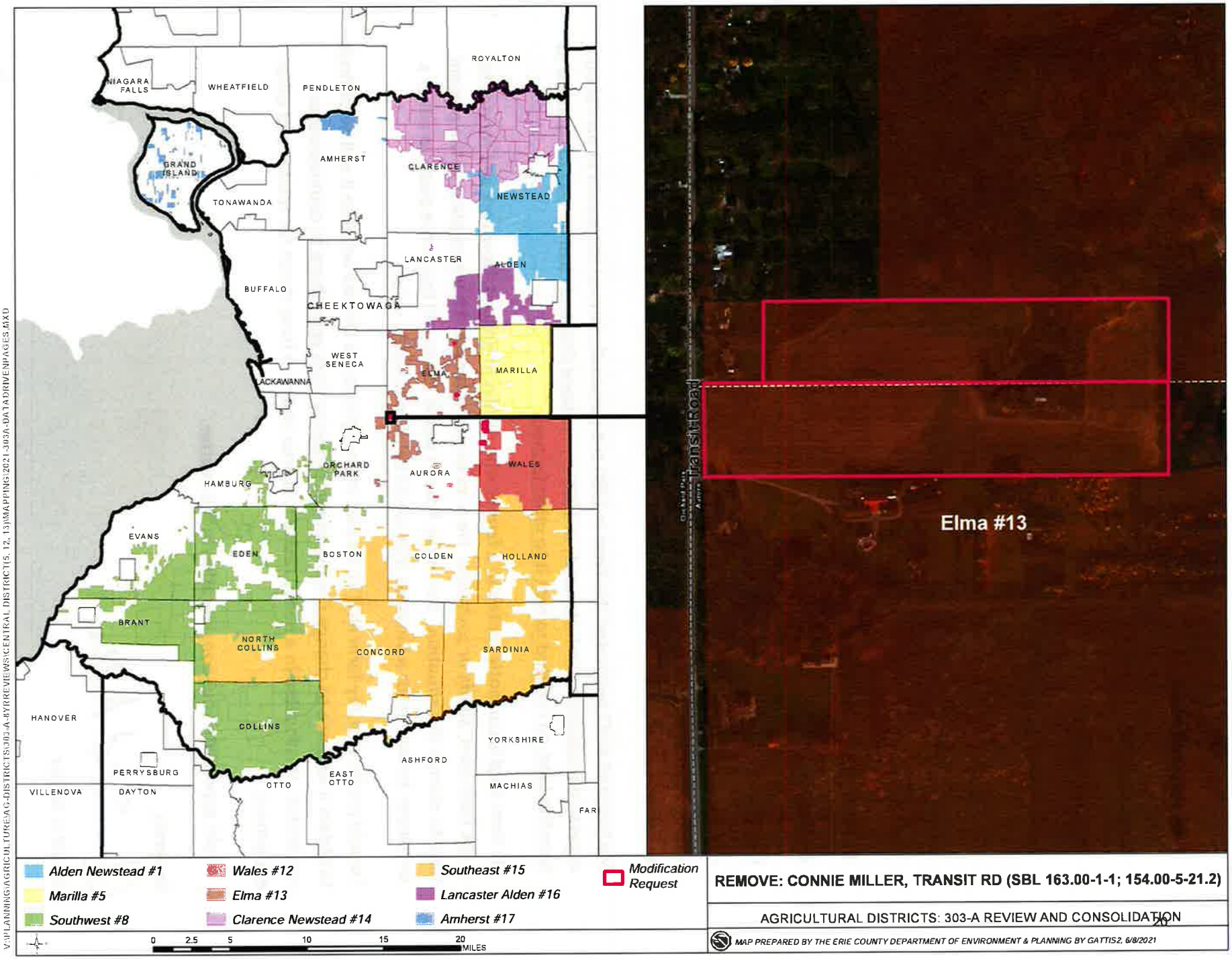
I would prefer that my farm NOT to be part of an Agricultural District because it will be difficult to obtain a variance to change the use of this property from agriculture to commercial or residential. It is located in a heavy residential area and on a busy street for tractor and other equipment.

I would appreciate your consideration in this matter.

Sincerely,

Connie S. Miller

Connie S. Miller



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Application 3: Miller (SBL 163.00-1-1 and 154.00-5-21.2)

ATTACHMENT 4

AGRICULTURAL DISTRICT MODIFICATION FORM

This form is to be completed by agricultural landowners who wish to request inclusion in an existing agricultural district. The information obtained from this form will be used by the County and State to determine the significance and viability of agriculture. (NYS Agriculture and Markets Law 25AA, §303-b)

REQUESTS WILL BE ACCEPTED FROM APRIL 7 TO MAY 7.

APPLICANTS MUST FILL OUT ALL APPLICABLE SECTIONS.

PART I:	**LANDOWNER INFORMATION**
OWNER NAME: Richard & Rose Ann Dulski	PHONE: 716-651-1044
ADDRESS: 90 Roycroft Parkway	ALT. PHONE: 716-861-8632
CITY, ST, ZIP: Elma, NY 14059	EMAIL: rdulski@roadrunner.com
RENTER CONTACT INFORMATION (IF APPLICABLE)	
RENTER NAME:	PHONE:
MAILING ADDRESS:	ALT. PHONE:
CITY, ST, ZIP:	EMAIL:

PART II: PROPERTY DESCRIPTION

Please describe the property proposed for addition to or removal from the Marilla, Wales, or Elma Agricultural District and list the SBL (tax identification) numbers and the town in which they are located. If you are unsure of your SBL numbers or whether or not a parcel is currently receiving an Agricultural Assessment, please check with your local assessor.

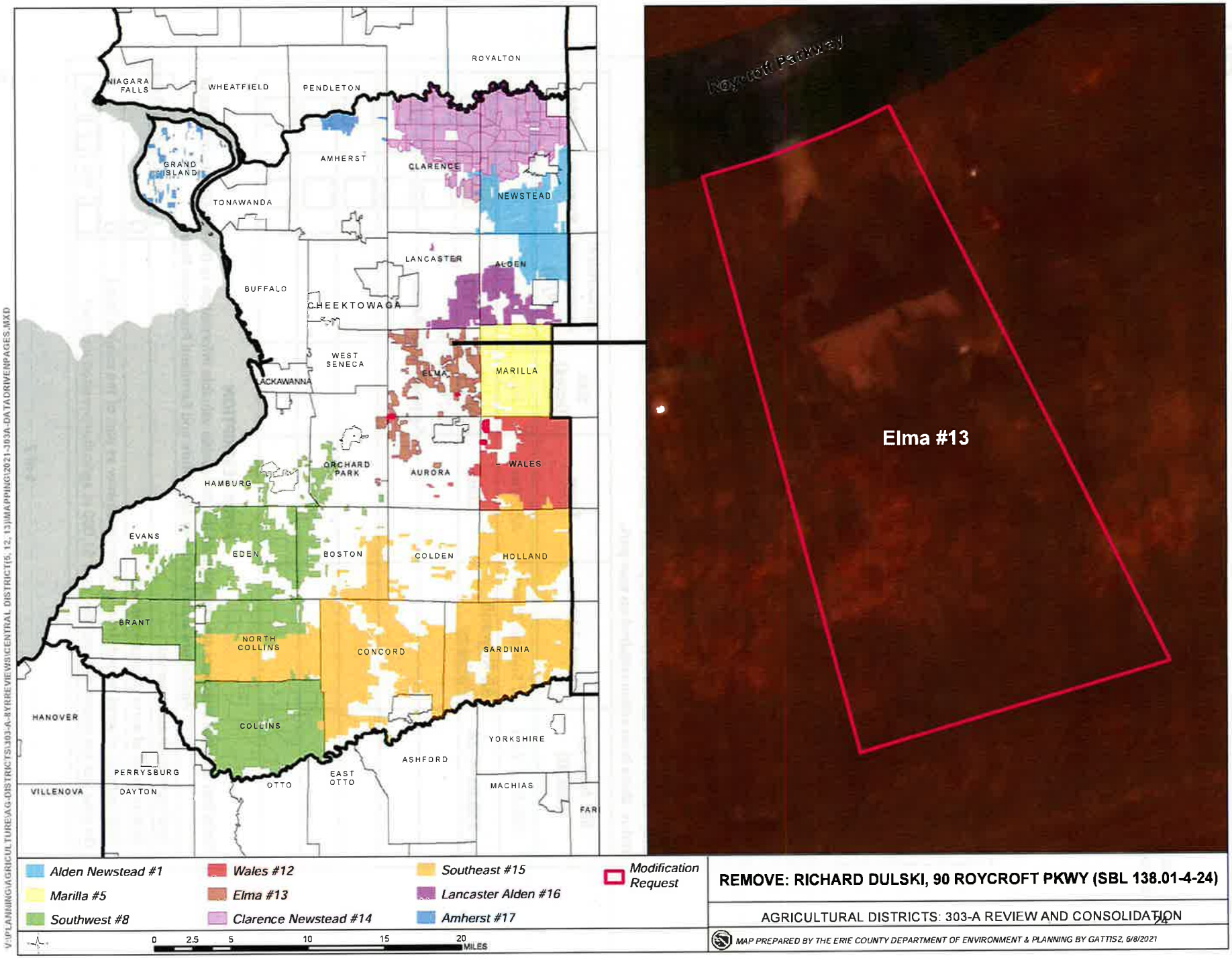
Only include requests to add or remove parcels. If you do not wish to make any changes to your enrollment status, **there is no action required on your part**.

SBL Number (Tax ID)	Street Address	Town	Size (acres)	Agricultural Assessment (Y/N)	Remove	Add
100.01-1-1.01	*1 Sample Street*	*Anytown*	*10.2*	*No*	*X*	*X*
138.01-4-24	90 Roycroft Parkway	Elma	FRNT 94.9 DPTH 287.36; ~~Approx. 0.63 Acres~~	No	X	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐

FARM DESCRIPTION

Note that financial questions are not required but do provide valuable information to the Erie County of Office of Agriculture and Erie County Agriculture and Farmland Protection Board.

Total number of acres owned	Approx. 0.626 Acres
Total number of acres farmed/cropped	0
Total number of acres rented (from another landowner as part of the subject farm)	0
On your last tax return, did you have over $1,000 in agriculture-related income?	☐ Yes ☑ No



REMOVE: RICHARD DULSKI, 90 ROYCROFT PKWY (SBL 138.01-4-24)

AGRICULTURAL DISTRICTS: 303-A REVIEW AND CONSOLIDATION

MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 6/8/2021

Application 4: Dulski (SBL 138.01-4-24)

ATTACHMENT 5

App #	1	2	3	4
Add/Remove	Add	Add	Remove	Remove
Owner Name	Tina Bonifacio	James Statler / Cody Sim	Connie S. Miller	Richard & Rose Ann Dulski
Renter Name	-	-	John Kramer	-
Operator (Owner/Renter)	Owner	Owner	Renter	Owner
SBL	177.00-1-38	178.00-2-73	163.00-1-1; 154.00-5-21.2	138.01-4-24
Address	4807 Reiter Road	12331 Route 78	219 Willet Road	90 Roycroft Parkway
Town	Wales	Wales	Aurora, Elma	Elma
Ag. Exemption (Y/N)	Y	N	Y	N
Over 1K in Agriculture-Related Income on Last Tax Return (Y/N)	Y	N	Y	N
Acres	32.48	5	17.5; 13.42	0.63
Type of Operation	Cash Crop - Vegetable; Livestock (Other than Dairy)	Cash Crop - Vegetable (pumpkin patch)	Cash Crop - Grain	-
District	Central	Central	Central	Central
NYS Soil Suitability	Fair; Fair-Poor	Good	Good	-
Surrounding Land Use	Forested land; rural residential	Forested land; rural residential	Forested land; agriculture; residential	Dense Residential
Municipal Zoning	Agriculture	Agriculture	Rural Residential/Agriculture Agriculture	Residential B

App #	1	2	3	4
Zoning on Agriculture	Farms and gardening. Farms, truck gardens, dairies, nurseries or greenhouses, farm structures and all other customary incidental agricultural occupations are permissible. Farms may consist of one or more parcels of owned or rented land, which parcels may or may not be contiguous with each other. Farm animal operations and housing on less than 10 acres permitted with a special use permit.	Farms and gardening. Farms, truck gardens, dairies, nurseries or greenhouses, farm structures and all other customary incidental agricultural occupations are permissible. Farms may consist of one or more parcels of owned or rented land, which parcels may or may not be contiguous with each other. Farm animal operations and housing on less than 10 acres permitted with a special use permit.	Rural Residential: The keeping of animals (subject to per acre provisions), apiaries. Agricultural: Agricultural, floricultural, and horticultural pursuits, including but not limited to dairies, general farms, horse farms, greenhouses, plant nurseries, produce farms, and the raising of bees, poultry and livestock, together with all customary buildings and structures necessary for the production and storage of the products of such pursuits.Agricultural: Agricultural, floricultural, and horticultural pursuits, including but not limited to dairies, general farms, horse farms, greenhouses, plant nurseries, produce farms, and the raising of bees, poultry and livestock, together with all customary buildings and structures necessary for the production and storage of the products of such pursuits.	Agriculture not mentioned.

App #	1	2	3	4
Comprehensive Plan	Agriculture is an important component of the community and should be left alone; The communities with active farmland need to look at ways to help preserve these lands, as well as the important farm soils that cannot be replaced once they are developed. Adopting and utilizing more effective agricultural zoning regulations, right-to-farm laws, overlay districts, conservation easements and other such techniques are recommended. Although each of the five communities may approach these tools differently, there is overall agreement on the desire to protect farmland. Wales should prioritize the protection of agricultural lands that are highlighted on these maps in an effort to keep as much contiguous agricultural land as possible. As with the State Agriculture Districts, it is best to keep as much agricultural land in the region connected as possible.	Agriculture is an important component of the community and should be left alone; The communities with active farmland need to look at ways to help preserve these lands, as well as the important farm soils that cannot be replaced once they are developed. Adopting and utilizing more effective agricultural zoning regulations, right-to-farm laws, overlay districts, conservation easements and other such techniques are recommended. Although each of the five communities may approach these tools differently, there is overall agreement on the desire to protect farmland. Wales should prioritize the protection of agricultural lands that are highlighted on these maps in an effort to keep as much contiguous agricultural land as possible. As with the State Agriculture Districts, it is best to keep as much agricultural land in the region connected as possible.	3.1 Regional Goals and Objectives: Maintain Community Character a) Protect important agricultural lands and open space. Protect the viability of well-established farming activities, and discourage non-agricultural uses on prime agricultural lands or forestry areas. Value: Understand and emphasize the importance of Agriculture in Elma's character; Recommendations: Limit sewer line extensions to preserve the character of the community; institute appropriate programs to preserve the remaining important areas of farmland and prime farm soils; consider pursuing an farmland protection plan; expand upon the existing conservation easement program and consider the creation of a purchase of agricultural conservation easements program; Priorities: coordinate agricultural protection programs/plans with neighboring communities; apply for a grant from NYSDAM for an Agricultural and Farmland Protection Plan; Adopt an Agricultural/Conservation Zoning District	Value: Understand and emphasize the importance of Agriculture in Elma's character; Recommendations: Limit sewer line extensions to preserve the character of the community; institute appropriate programs to preserve the remaining important areas of farmland and prime farm soils; consider pursuing an farmland protection plan; expand upon the existing conservation easement program and consider the creation of a purchase of agricultural conservation easements program; Priorities: coordinate agricultural protection programs/plans with neighboring communities; apply for a grant from NYSDAM for an Agricultural and Farmland Protection Plan; Adopt an Agricultural/Conservation Zoning District

COMM. 14M-2
Page 31 of 54

App #	1	2	3	4
Framework for Regional Growth	Rural Area: Discourage the conversion of rural and agricultural lands	Rural Area: Discourage the conversion of rural and agricultural lands	Developing Area: Align policies and investments to encourage the conversion of agricultural and rural lands; Channel growth to areas with existing sewer and water service; Support local planning that designates areas appropriate for development and conversion and avoid "leap frog" patterns of development; Minimize conversion of designated rural and agricultural lands	Developing Area: Align policies and investments to encourage the conversion of agricultural and rural lands; Channel growth to areas with existing sewer and water service; Support local planning that designates areas appropriate for development and conversion and avoid "leap frog" patterns of development; Minimize conversion of designated rural and agricultural lands
EC AFPP	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.
Notes			Suggestion: Connect tenant farmer with available farmland.	Not agricultural. Residential lot in subdivision.

ATTACHMENT 6

#5 - Marilla

	Acres in Pasture	93	Acres Owned	1,123
Acreage – 1,450	Acres Cropped	300.64	Acres Rented	326

Number of Active Agricultural Operations by Principal Enterprise

Dairy	1	Horticultural Specialties	0
Cash Crop (including grains and vegetables)	8	Orchard	0
Livestock	8	Wood	0
Poultry	2	Other (Unspecified)	2

Number of Operations According to Gross Sales and Agricultural Investments

	Gross Sales	Agricultural Investments
$10,000 or less	11	7
10,000 – 39,999	4	4
40,000 – 99,999	1	3
100,000 – 199,999	0	0
200,000 or more	3	3

Crops In Acres

Hay/alfalfa	620	Nursery/Horticultural Specialties	1
Corn	584	Forested	145
Grains	118	Other (Unspecified)	244
Fruit/Vegetables	227		

Livestock (#)

						Products:	
Cows	357	Hogs	0	Other	98	milk	0
Heifers/Calves	264	Poultry	113			sf greenhouses	300
Beef	20	Horses	94			cord wood	70
						maple syrup	30

The results of this survey are limited to the responses received by the Department of Environment and Planning

ATTACHMENT 7

#12 - Wales

	Acres in Pasture	206	Acres Owned	2,529
Acreage – 2,969	Acres Cropped	2,077	Acres Rented	440

Number of Active Agricultural Operations by Principal Enterprise

Dairy	5	Horticultural Specialties	0
Cash Crop (including grains and vegetables)	16	Orchard	1
Livestock	4	Wood	0
Poultry	2	Other (Unspecified)	7

Number of Operations According to Gross Sales and Agricultural Investments

	Gross Sales	Agricultural Investments
$10,000 or less	13	11
10,000 – 39,999	10	6
40,000 – 99,999	4	6
100,000 – 199,999	0	1
200,000 or more	5	8

Crops In Acres

Hay/alfalfa	1,032	Nursery/Horticultural Specialties	5
Corn	318	Forested	379
Grains	20	Other (Unspecified)	223
Fruit/Vegetables	23		

Livestock (#)

Cows	280	Hogs	6	Other	135
Heifers/Calves	211	Poultry	42		
Beef	89	Horses	32		

Products:

milk	130,000
sf greenhouses	2,400
cord wood	250
maple syrup	1,610

The results of this survey are limited to the responses received by the Department of Environment and Planning

ATTACHMENT 8

#13- Elma

	Acres in Pasture	386	Acres Owned	1,578.71
Acreage – 1,815.71	Acres Cropped	714.48	Acres Rented	237

Number of Active Agricultural Operations by Principal Enterprise

Dairy	0	Horticultural Specialties	5
Cash Crop (including grains and vegetables)	13	Orchard	2
Livestock	12	Wood	0
Poultry	2	Other	2

Number of Operations According to Gross Sales and Agricultural Investments

	Gross Sales	Agricultural Investments
$10,000 or less	14	14
10,000 – 39,999	12	5
40,000 – 99,999	1	5
100,000 – 199,999	3	2
200,000 or more	4	7

Crops In Acres

Hay/alfalfa	672	Nursery/Horticultural Specialties	56
Corn	44	Forested	255
Grains	103	Other (Unspecified)	244
Fruit/Vegetables	58		

Livestock (#)						Products:	
Cows	79	Hogs	12	Other	237	milk	6,000
Heifers/Calves	8	Poultry	207			sf greenhouses	245K
Beef	103	Horses	172			cord wood	75

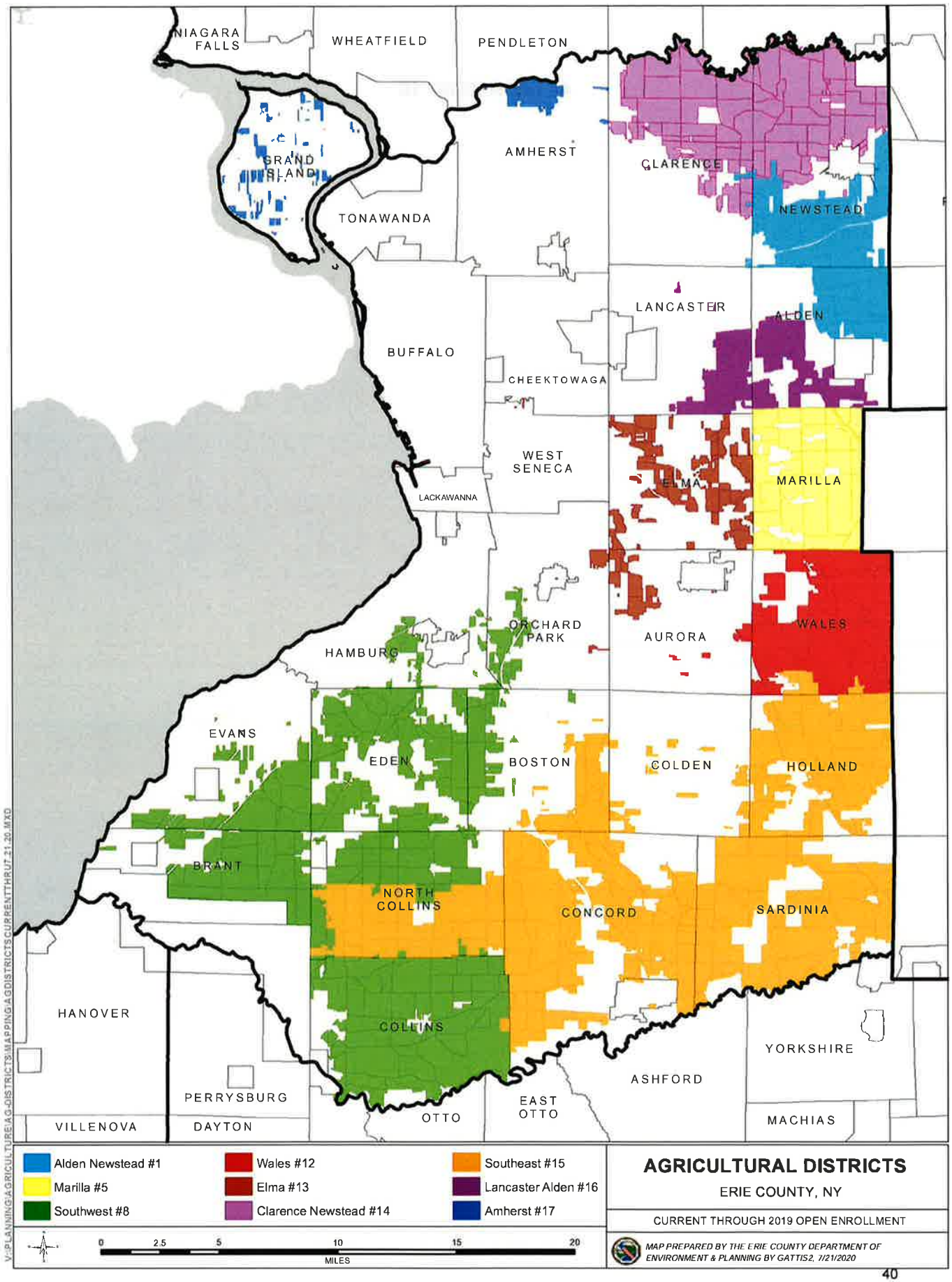
The results of this survey are limited to the responses received by the Department of Environment and Planning

ATTACHMENT 9

Planning Policy Areas
Developed Areas
The region's Developed Areas extend outward from cities of Buffalo, Niagara Falls and Lockport and include developed lands served by public sewer, water, and transportation infrastructure.
Developing Areas
The region's Developing Areas include rural and sparsely settled areas experiencing development pressure and demand for extensions of public sewer, water, and transportation infrastructure.
Rural Areas
The region's Rural Areas are the least intensively developed and include large tracts of forest and farm lands. In these areas, commercial services are clustered in incorporated villages and unincorporated hamlets.
ONTARIO
CANADA
LAKE ERIE

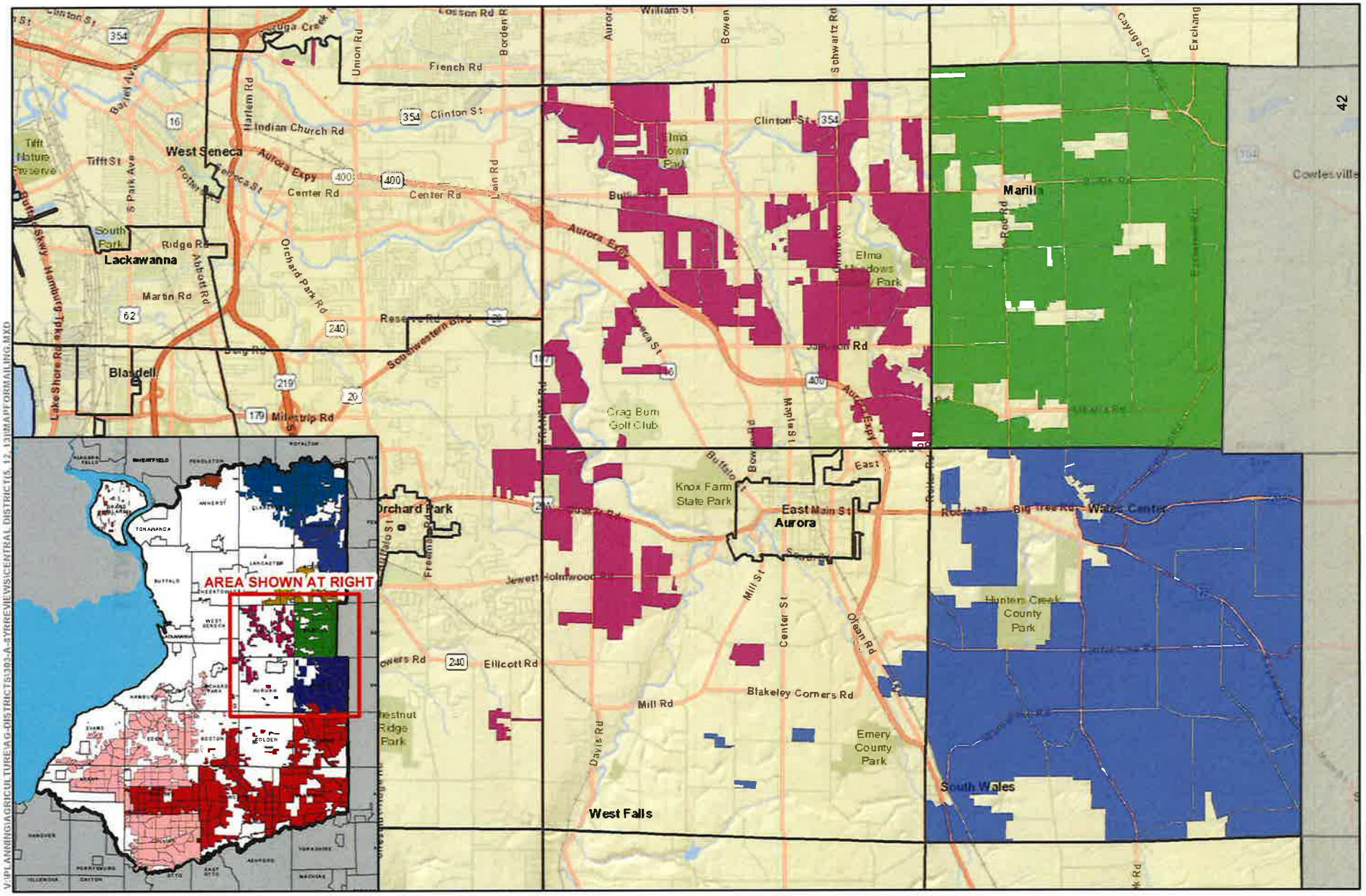
38

ATTACHMENT 10


NIAGARA FALLS
WHEATFIELD
PENDLETON
GRAND ISLAND
AMHERST
CLARENCE
NEWSTEAD
TONAWANDA
LANCASTER
ALDEN
BUFFALO
CHEEKTOWAGA
WEST SENECA
ELMA
MARILLA
LACKAWANNA
ORCHARD PARK
AURORA
WALES
HAMBURG
EVANS
EDEN
BOSTON
COLDEN
HOLLAND
BRANT
NORTH COLLINS
CONCORD
SARDINIA
HANOVER
COLLINS
YORKSHIRE
ASHFORD
PERRYSBURG
EAST OTTO
OTTO
MACHIAS
VILLENOVA
DAYTON
Alden Newstead #1
Marilla #5
Southwest #8
Wales #12
Elma #13
Clarence Newstead #14
Southeast #15
Lancaster Alden #16
Amherst #17
0 2.5 5 10 15 20
MILES
AGRICULTURAL DISTRICTS
ERIE COUNTY, NY
CURRENT THROUGH 2019 OPEN ENROLLMENT
MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 1/21/2020
V:\PLANNING\AGRICULTURE\AG-DISTRICTS\MAPPING\AGDISTRICTSCURRENTTHRUT 21.20.MXD

40

ATTACHMENT 11



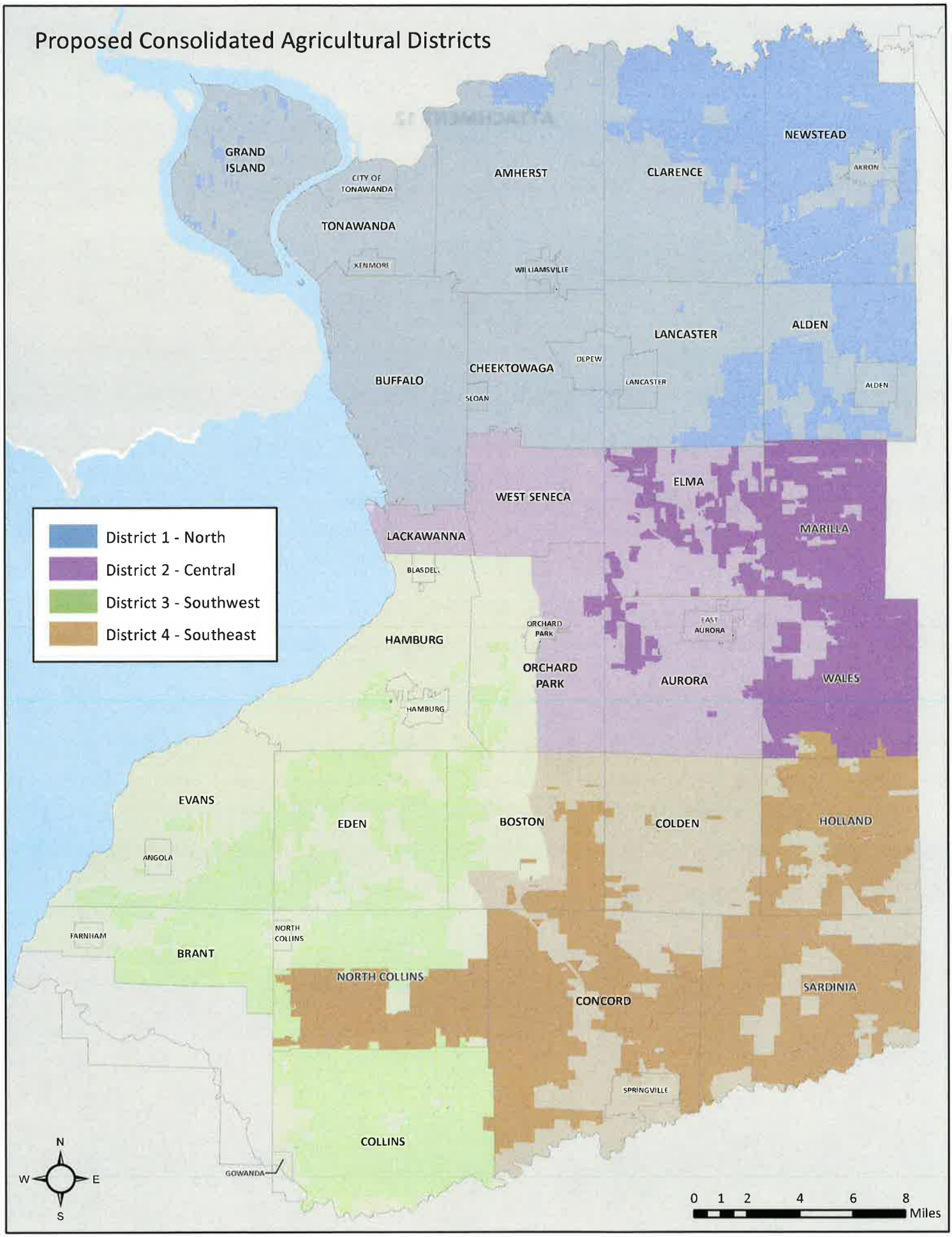
MARILLA, WALES, AND ELMA AGRICULTURAL DISTRICTS

MARILLA, WALES, ELMA, ORCHARD PARK, AURORA, ERIE COUNTY NY

CURRENT THROUGH 2020 OPEN ENROLLMENT

MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 3/18/2021

ATTACHMENT 12


Proposed Consolidated Agricultural Districts
District 1 - North
District 2 - Central
District 3 - Southwest
District 4 - Southeast
GRAND ISLAND
CITY OF TONAWANDA
AMHERST
CLARENCE
NEWSTEAD
AKRON
TONAWANDA
XENMORE
WILLIAMSVILLE
LANCASTER
ALDEN
DEPEW
CHEEKTOWAGA
BUFFALO
SLOAN
WEST SENECA
ELMA
MARILLA
LACKAWANNA
BLASDELL
HAMBURG
ORCHARD PARK
EAST AURORA
AURORA
WALES
EVANS
EDEN
BOSTON
COLDEN
HOLLAND
ANGOLA
FARNHAM
NORTH COLLINS
BRANT
NORTH COLLINS
CONCORD
SARDINIA
SPRINGVILLE
COLLINS
GOWANDA
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W
E
S
0 1 2 4 6 8
Miles

ATTACHMENT 13

	District		2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
North	1	Alden-Newstead	Due 11/18/12	Current							Due 11/18/20	Extend to 2023		Consolidate 04/28/23	Current							Due 04/28/33
	14	Clarence-Newstead	Due 04/09/12	Current							Due 04/09/20	Extend to 2023		Consolidate 04/28/23								
	16	Lancaster-Alden	Current			Due 04/28/15	Current							Due 04/28/23								
	17	Amherst	Overdue			Due 04/25/15	Current							Due 04/25/23								
Central	5	Marilla	Overdue	Due 12/04/13	Current							Due 12/04/21		Current						Due 12/04/29		
	12	Wales	Current						Due 11/09/18	Extend to 2021		Consolidate 12/04/21										
	13	Elma	Current							Due 06/20/19	Extend to 2021	Consolidate 12/04/21										
Southwest	2	Eden	Current	Due 04/16/13	Extend to 2016		Consolidate 06/21/16	Current							Due 03/17/24							
	4	North Collins	Current	Due 04/16/13	Extend to 2016		Consolidate 06/21/16															
	8	Collins	Overdue				Due 03/17/16															
	9	Brant-Evans	Current				Due 06/21/16															
Southeast	6	Sardinia	Overdue		Due 12/09/14	Extend to 2017		Consolidate 08/09/17	Current							Due 08/09/25						
	11	Holland	Current					Due 08/09/17														
	15	Concord	Overdue	Due 12/21/13	Extend to 2017			Consolidate 08/09/17														

ATTACHMENT 14

PUBLIC NOTICE

NOTICE OF EIGHT-YEAR REVIEW AND CONSOLIDATION OF MARILLA AGRICULTURAL DISTRICT NO. 5, WALES AGRICULTURAL DISTRICT NO. 12, AND ELMA AGRICULTURAL DISTRICT NO. 13 INTO THE CENTRAL CONSOLIDATED DISTRICT; AND NOTICE OF 30-DAY PERIOD FOR PUBLIC REVIEW OF MARILLA AGRICULTURAL DISTRICT NO. 5, WALES AGRICULTURAL DISTRICT NO. 12, AND ELMA AGRICULTURAL DISTRICT NO. 13, PURSUANT TO ARTICLE 25-AA OF THE AGRICULTURE AND MARKETS LAW.

PLEASE TAKE NOTICE, that Agricultural District No. 5, which encompasses approximately 15,187.4 acres within the County of Erie in the Town of Marilla and was originally established on December 4, 1973, pursuant to Article 25-AA of the Agriculture and Markets Law.

PLEASE TAKE FURTHER NOTICE, that Agricultural District No. 12, which encompasses approximately 18,466.7 acres within the County of Erie in the Towns of Wales and Aurora and was originally established on November 9, 1978, pursuant to Article 25-AA of the Agriculture and Markets Law.

PLEASE TAKE FURTHER NOTICE, that Agricultural District No. 13, which encompasses approximately 8,932.6 acres within the County of Erie in the Towns of Elma, Aurora, and Orchard Park and was originally established on June 20, 1979, 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 under Section 303-c of the Agriculture and Markets Law, the County Legislature is authorized to consolidate existing agricultural districts undergoing review.

PLEASE TAKE FURTHER NOTICE, that from April 7, 2021 to May 7, 2021, a map of the District will be on file and open to the public in the office of the County Clerk, at the Department of Environment and Planning, and online at www.erie.gov/environment, 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 requests can be submitted online, by mail, or sent electronically to agriculture@erie.gov.

Contact:
Sarah Gatti, Senior Planner

Erie County Department of Environment & Planning
95 Franklin Street, 10th Floor, Buffalo, NY 14202
716-858-6014 or agriculture@erie.gov

ROBERT GRABER, Clerk of the Erie County Legislature

Dated: April 1, 2021

ATTACHMENT 15

NOTICE OF PUBLIC HEARING

NOTICE OF A PUBLIC HEARING FOR THE MARILLA AGRICULTURAL DISTRICT NO. 5, THE WALES AGRICULTURAL DISTRICT NO. 12, AND THE ELMA AGRICULTURAL DISTRICT NO. 13 PURSUANT TO EIGHT-YEAR REVIEW AND CONSOLIDATION

PLEASE TAKE NOTICE, that Agricultural District No. 5, which encompasses approximately 15,187.4 acres within the County of Erie in the Town of Marilla and was originally established on December 4, 1973, pursuant to Article 25-AA of the Agriculture and Markets Law.

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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 a comment period was held from April 7, 2021 through May 7, 2021, during which 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 the following application was received for addition to District 12: 4807 Reiter Rd., SBL # 177.00-1-38, Town of Wales.

PLEASE TAKE FURTHER NOTICE, that the following application was received for addition to District 12: 12331 Strykersville Rd., SBL # 178.00-2-73, Town of Wales.

PLEASE TAKE FURTHER NOTICE, that the following application was received for exclusion from District 13: 0 Old Transit Rd., SBL# 163.00-1-1, Town of Aurora.

PLEASE TAKE FURTHER NOTICE, that the following application was received for exclusion from District 13: 0 Old Transit Rd., SBL# 154.00-5-21.2, Town of Aurora.

PLEASE TAKE FURTHER NOTICE, that the following application was received for exclusion from District 13: 90 Roycroft Pkwy., SBL# 138.01-4-24, Town of Elma.

PLEASE TAKE FURTHER NOTICE, that the modification proposed for District 5 is the consolidation of all parcels included in District 5, District 12, and District 13 into the Consolidated Central Agricultural District 5.

PLEASE TAKE FURTHER NOTICE, that on July 15, 2021 at 6:00 p.m., a Public Hearing will be held at Dard Hunter Hall Library, 40 S. Grove St., East Aurora NY, 14052 on the above modification requests, as well as recommendations of the Erie County Agricultural and Farmland Protection Board (AFPB). A copy of the AFPB's recommendations can be obtained by at erie.gov/afpbreport

Questions may be directed to Timothy German, Planner at timothy.german@erie.gov

Dated: Buffalo, New York, July 8, 2021
By: Robert M. Graber
Clerk, Erie County County Legislature