

RESOLUTION NO. 241

PUBLIC HEARING ON PROPOSED MODIFICATIONS TO AGRICULTURAL DISTRICT NOS. 1, 2 AND 3

Introduced: 7/13/20
By Mr. A. Joyce:

WHEREAS, Section 303-b of the Agriculture and Markets Law mandates an annual thirty-day review period, when landowners can request inclusion of land in an agricultural district prior to the County established review period, and

WHEREAS, Such review has been conducted and modifications are proposed regarding the inclusion of actively viable farm land into the agricultural districts located in the Towns of Berne, Bethlehem, Colonie, Guilderland, New Scotland and Westerlo, and

WHEREAS, In connection with such review, a proposal for the modification of Albany County Agricultural Districts has been submitted, and

WHEREAS, In conducting such review, Section 303-b of the Agriculture and Markets Law requires this Honorable Body to hold a public hearing on the additions to Agricultural Districts upon notice as prescribed therein, now, therefore be it

RESOLVED, By the Albany County Legislature, that a public hearing be held remotely with instructions available on the Albany County website at 7:15 p.m. on Tuesday, July 28, 2020, for the purpose of receiving the comments of any interested persons regarding the proposed modifications to Agricultural District Nos. 1, 2 and 3 within Albany County, and, be it further

RESOLVED, That notice of said public hearing be given in accordance with the requirements of the Agriculture and Markets Law, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

DANIEL P. MCCOY
COUNTY EXECUTIVE



COUNTY OF ALBANY
ECONOMIC DEVELOPMENT, CONSERVATION AND PLANNING
112 STATE STREET ROOM 1310
ALBANY, NEW YORK 12207-2021
(518) 447-5670 - FAX (518) 447-5662

March 25, 2020

Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State St., Rm. 710
Albany, NY 12207

Dear Chairman Joyce:

Please find enclosed a Request for Legislative Action to be considered at the April 2020 Conservation, Sustainability and Green Initiatives Committee meeting.

In accordance with NYS Agriculture and Markets Law, a public hearing on the proposed annual additions to Albany County Agricultural Districts must be held to receive comment on the recommended modifications.

If you have any questions, please feel free to contact me at 447-5670.

Sincerely,

Laura DeGaetano
Sr. Natural Resource Planner

cc: Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Kevin Cannizzaro, Majority Counsel
Arnis Zilgme, Minority Counsel



Legislation Text

File #: TMP-1622, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):

Request public hearing on annual Agricultural District Review

Date: 03/26/20
Submitted By: Laura DeGaetano
Department: Economic Development, Conservation and Planning
Title: Sr. Natural Resource Planner
Phone: 518-447-5670
Department Rep.
Attending Meeting: Laura DeGaetano

Purpose of Request:

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Set Public Hearing

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel

- Personnel Non-Individual
- Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes No
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes No
Anticipated in Current Budget: Yes No

County Budget Accounts:

Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation

If yes, explain: Yes No
Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 209
Date of Adoption: 5/13/19

Justification: (state briefly why legislative action is requested)

The Albany County Legislature has established an annual thirty-day period beginning February 1, during which, landowners can request inclusion of lands in an Agricultural District. In accordance with NYS Agriculture and Markets Law, a public hearing on proposed annual additions to a District must be held to receive comment on the proposed additions. A memo dated April 22, 2020 from NYS Department of Agriculture and Markets provided guidance on the review process for annual inclusions. It stated that the department does not have the authority to waive the public hearing requirement but that it could be conducted remotely with the public directed to submit comments by phone, mail, or email. While the department will process annual additions submitted outside of the 120-day review period, it advised that a landowner could take legal action for failure to meet the statutory deadlines. Finally that each county should individually ensure that the notice requirements of AML 303b, open meetings law, and any applicable executive orders are met.



Albany County Agricultural and Farmland Protection Board

Recommendations of the Albany County Agricultural and Farmland Protection Board Annual Agricultural District Review 2020

Prepared by Laura DeGaetano – Albany County Department of Economic Development, Conservation and Planning March 2020

Pursuant to Article 25-AA section 303-b of NYS Agricultural and Markets Law, the Albany County Legislature established an annual review period beginning on February 1 during which property owners may apply to add land to any of the County’s three Agricultural Districts. On behalf of the County Legislature, the County Office of Natural Resource Conservation conducted a review of all landowner applications for inclusion in a District. The findings of this review, which relied on information provided by the landowner, analysis of aerial photos, and in some cases, a field assessment of the subject parcels, have been reviewed by the Agricultural and Farmland Protection Board. Based on this review, the following report and recommendations are submitted for consideration by the County Legislature.

A total of eleven (11) parcels were submitted for consideration to be included in Albany County Agricultural Districts during the 30-day annual review period beginning February 1, 2019. Of the parcels submitted, seven (7) were found to be consistent with the intent of agricultural districting and are recommended for inclusion in the appropriate Agricultural District. Parcels 93.-1-1-1.2, 93.-1-1.11, 93.-1-1.22 are included as a correction to include the entire parcels created through a subdivision during the 2018 Agricultural District #3 review. Parcels 97.11-1-6, 9.2-2-72.14, and 9.2-2-72.13 were found not to have predominantly viable agricultural land or production as defined in Agricultural District Law 25AA at this time and so were not recommended for inclusion in the District. A summary of parcel information and Board recommendations are included in the table below.

TOWN	PARCEL	# OF ACRES	AG DISTRICT	Recommendation Of AFPB	Principal Enterprise
Bethlehem	97.11-1-6	.72	3	DO NOT ADD	Livestock
Bethlehem	94.-1-47.14	11.3	3	ADD	Equine
Colonie	9.2-2-72.14 9.2-2-72.13	4.55 7.87	3	DO NOT ADD	Orchard
Guilderland	14.00-1-1	10.5	3	DO NOT ADD	Horticultural
New Scotland	93.-1-1.12 93.-1-1.11 93.-1-1.22	13.43 11.6 15.01	3	ADD	
Berne	113.-1-4.310	42.5	1	ADD	Hay
Guilderland	36.00-1-12.1	26.7	3	ADD	Poultry
Westerlo	116.-3-37	67	2	ADD	Agriforestry
Total Acres Added		187.54			

Tom DellaRocco – Chairman / Maggie Alix / Laura DeGaetano / Harold E. Hahn / Tom Gallagher / Gary Kleppel / John O’Pezio / John Santacrose / Chris Smith / Mark Stanton / Michael Zakens