

County of Albany

112 State Street
Albany, NY 12207



Meeting Agenda

Tuesday, August 25, 2020

6:15 PM

Held Remotely

Conservation, Sustainability and Green Initiatives **Committee**

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES

CURRENT BUSINESS:

2. ADOPTING THE PROPOSED MODIFICATIONS TO ALBANY
COUNTY AGRICULTURAL DISTRICT NOS. 1, 2, AND 3

County of Albany

112 State Street
Albany, NY 12207



Meeting Minutes

Wednesday, July 29, 2020

5:30 PM

Held Remotely

Conservation, Sustainability and Green Initiatives Committee

PREVIOUS BUSINESS:

Present: William Reinhardt, Beroro T. Efekoro, Mickey Cleary, Matthew J. Miller, Merton D. Simpson, Victoria Plotsky, Samuel I. Fein, Patrice Lockart and Peter B. Tunny

1. APPROVING PREVIOUS MEETING MINUTES

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote.

2. LOCAL LAW NO. "B" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY

A motion was made to move this Local Law forward with a positive recommendation. The motion carried by the following vote:

Aye: Chairperson Reinhardt, Vice Chair Efekoro, Legislator Miller, Legislator Simpson, Legislator Plotsky and Legislator Fein

Nay: Legislator Lockart and Legislator Tunny

Excused: Legislator Cleary

CURRENT BUSINESS:

3. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION REGARDING THE MAINTENANCE OF SNOWMOBILE TRAILS IN ALBANY COUNTY

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

DANIEL P. MCCOY
COUNTY EXECUTIVE



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

July 29, 2020

Hon. Andrew Joyce
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 June Conservation, Sustainability and Green Initiatives Committee meeting.

In accordance with NYS Agriculture and Markets Law, following the public hearing held on July 28, 2020, the proposed additions to Albany County Agricultural Districts must be approved by the County Legislature. 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
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel



Legislation Text

File #: TMP-1803, Version: 1

REQUEST FOR LEGISLATIVE ACTION

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

Approval of modifications to Agricultural Districts - Annual review

Date: July 29, 2020
Submitted By: Laura DeGaetano
Department: Economic Development, Conservation and Planning
Title: Sr. Natural Resource Planner
Phone: 518-469-9517
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) Click or tap here to enter text.

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: NYS Department of Agriculture and Markets 25AA

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: 296
Date of Adoption: 07/08/2019

Justification: (state briefly why legislative action is requested)

In accordance with NYS Agriculture and Markets Law, following the public hearing held July 28, 2020, the proposed additions to the Agricultural Districts must be approved by the County Legislature.

RESOLUTION NO. 296

ADOPTING THE PROPOSED MODIFICATIONS TO ALBANY COUNTY AGRICULTURAL DISTRICT NOS. 1, 2 AND 3

Introduced: 7/8/19

By Messrs. Reinhardt and Fein:

WHEREAS, Section 303-b of the Agriculture and Markets Law mandates the annual review of agricultural districts, and

WHEREAS, In connection with such review a proposal for the modification of Agricultural Districts 1, 2 and 3 has been submitted by the Agricultural and Farmland Protection Board, and

WHEREAS, The recommendations include adding 238.5 acres of actively viable farm land in the Towns of Bethlehem, Guilderland, Knox, New Scotland, Rensselaerville, and Westerlo, and

WHEREAS, In conducting such review, Section 303-b of the Agriculture and Markets Law requires this Honorable Body to hold a public hearing, which public hearing was held on May 28, 2019 in the William J. Conboy II Legislative Chambers at the County Courthouse, Albany, New York for the purpose of receiving the comments of any interested persons regarding the proposed modifications, now, therefore be it

RESOLVED, By the Albany County Legislature that the following proposed modifications to the Albany County Agricultural Districts submitted by the Agricultural and Farmland Protection Board and filed with the Albany County Clerk are hereby approved and adopted:

Town	Tax Map No.	Acres	Ag District
Bethlehem	96.-2-11	78.5	3
	95.-4-31.42	4	3
Guilderland	38.-5-4	72.4	3
	38.-3-25	11.8	3
	38.-3-26	3	3
Knox	36.-3-42.21	60	1
	36.-3-28	5	1
New Scotland	106.-2-17.4	23	3
	95.-3-33.3	7	3
	131.00-1-2.1	40	3
	131.00-1-2.2	3	3
Rensselaerville	160.00-1-58	7.8	2
Westerlo	116.-3-37	67	2

and, be it further

RESOLVED, That a copy of the modifications shall be submitted to the New York State Commissioner of Agriculture and Markets along with a certified copy of this resolution, 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.

Adopted by unanimous vote – 7/8/19.



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 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	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		188.26			

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

**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS**

**State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only**

PART I – PROJECT INFORMATION

1. The proposed action is located in the County of Albany
and the Town(s) of Berne, Bethlehem, Guilderland, New Scotland, Westerlo
2. The agency responsible for preparing this Short Environmental Assessment Form and determining environmental significance is the County Legislative Body of Albany County.
3. The name and address for the Clerk of the above named County is Hon. Bruce A. Hidley – Albany County Court House Room 128, 16 Eagle Street, Albany NY 12207-1077
4. Is this an application to modify an existing agricultural district? Yes No
 - If yes, what is the total number of acres comprising the district as it exists prior to modification?
 N/A acres
5. If this application involves a modification, will such modification result in a change in the size of the district? Yes No
 - If yes, how many acres are involved in the change? 188.26 acres
 - Does this represent an increase or decrease?
6. Zoning and Planning Information
 - Does the agricultural district correspond with a town(s) zoning district(s)?
 Yes No

If Yes, please cite the applicable zoning district(s):
Bethlehem- Residential/Agriculture (RA)
Guilderland – Residential/Agriculture (RA 3), RA5
New Scotland – Residential/Agricultural
Westerlo- Rural Development/Agricultural
 - Is/are the zoned district(s) within the modified agricultural district compatible with the goals and objectives of the Agricultural Districts Law, as set forth in Article 25-AA of the Agriculture and Markets Law? Yes No
 - If Yes, please cite the applicable language: Agriculture allowed by right.
7. What is present land use in the vicinity of the proposed modification?
 Residential Industrial Commercial Agriculture Park/Forest/Open Space Other

Describe: _____

8. Is there a public controversy related to this district proposal? Yes No If yes, describe below:

(Attach additional sheets if necessary.)

9. Attach any additional information as may be needed to clarify the proposed action.

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Authorized signature: Laura DeBettone

Date: July 29, 2020

PART II- ENVIRONMENTAL ASSESSMENT

General Information

In providing responses to each of the questions, the reviewer should keep in mind that the action proposed is the modification or termination of an agricultural district or districts. The action is not the land use or activity which will, or may, take place in the district(s). For example, it is not appropriate to consider the effects of management action that may be taken by individual operators in conducting farming. Agricultural farm management practices, including construction, maintenance and repair of farm buildings, and land use changes consistent with generally accepted principles of farming are listed as Type II actions in 6 NYCRR §617.5(c)(3), and these actions have been determined not to have a significant impact on the environment.

A. Does action exceed any Type I threshold in 6 NYCRR, Part 617.4 ? Yes No

If Yes, coordinate the review process and use the FULL EAF.

B. Will action receive coordinated review as provided for Unlisted actions in 6 NYCRR, Part 617.5 ?

Yes No

If No, a negative declaration may be superseded by another involved agency.

C. Could action result in any adverse effects associated with the following:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems?

Explain briefly:

NO _____

C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? Explain briefly:

NO _____

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

NO _____

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

NO _____

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

NO _____

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

NO _____

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

NO _____

D. Will the project have an impact on the environmental characteristics that caused the establishment of a CEA? Yes No

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts?

Yes No If Yes, explain briefly:

PART III- DESIGNATION OF LEAD AGENCY

Please indicate desire for lead agency status by checking the appropriate box below:

Since the proposed action will be undertaken by this County Legislative Body and since any adverse environmental impacts will be primarily of local significance, it is hereby recommended that this County Legislative Body serve as lead agency to ensure compliance with the requirements of the State Environmental Quality Review Act. It has been determined that the only other agency required to undertake an action in this case is the Department of Agriculture and Markets.

The County Legislative Body does not choose to nominate itself to serve as lead agency.

PART IV - DETERMINATION OF SIGNIFICANCE

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e., urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Albany County Legislature

Name of Lead Agency

Hon. Andrew Joyce

Print or Type Name of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Laura DeStefano
Signature of Preparer (If different from Responsible Officer)

Date