

## New York State Legal Definitions Relating to Agriculture

§ 301. Definitions. When used in this article:

1. "Agricultural assessment value" means the value per acre assigned to land for assessment purposes determined pursuant to the capitalized value of production procedure prescribed by section three hundred four-a of this article.

2. "Crops, livestock and livestock products" shall include but not be limited to the following:

- a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- b. Fruits, including apples, peaches, grapes, cherries and berries.
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.
- f. Maple sap.
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
- h. Aquaculture products, including fish, fish products, water plants and shellfish.
- i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.
- j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.

3. "Farm woodland" means land used for the production for sale of woodland products, including but not limited to logs, lumber, posts and firewood. Farm woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products.

4. "Land used in agricultural production" means not less than seven acres of land used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more; or, not less than seven acres of land used in the preceding two years to support a commercial horse boarding operation with annual gross receipts of ten thousand dollars or more. Land used in agricultural production shall not include land or portions thereof used for processing or retail merchandising of such crops, livestock or livestock products. Land used in agricultural production shall also include:

- a. Rented land which otherwise satisfies the requirements for eligibility for an agricultural assessment.
  - a-1. Land used by a not-for-profit institution for the purposes of agricultural research that is intended to improve the quality or quantity of crops, livestock or livestock products. Such land shall qualify for an agricultural assessment upon application made pursuant to paragraph (a) of subdivision one of section three hundred five of this article, except that no minimum gross sales value shall be required.
- b. Land of not less than seven acres used as a single operation for the production for sale of crops, livestock or livestock products, exclusive of woodland products, which does not independently satisfy the gross sales value requirement, where such land was used in such production for the preceding two years and currently is being so used under a written rental arrangement of five or more years in conjunction with land which is eligible for an agricultural assessment.
- c. Land used in support of a farm operation or land used in agricultural production, constituting a portion of a parcel, as identified on the assessment roll, which also contains land qualified or an agricultural assessment.
- d. Farm woodland which is part of land which is qualified for an agricultural assessment, provided, however, that such farm woodland attributable to any separately described and assessed parcel shall not exceed fifty acres.
- e. Land set aside through participation in a federal conservation program pursuant to title one of the federal food security act of nineteen hundred eighty-five or any subsequent federal programs established for the purposes of replenishing highly erodible land which has been depleted by continuous tilling or reducing national surpluses of agricultural commodities and such land shall qualify for agricultural assessment upon application made pursuant to paragraph a of subdivision one of section three hundred five of this article, except that no minimum gross sales value shall be required.

f. Land of not less than seven acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more, or land of less than seven acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of fifty thousand dollars or more.

g. Land under a structure within which crops, livestock or livestock products are produced, provided that the sales of such crops, livestock or livestock products meet the gross sales requirements of paragraph f of this subdivision.

h. Land that is owned or rented by a farm operation in its first or second year of agricultural production, or, in the case of a commercial horse boarding operation in its first or second year of operation, that consists of (1) not less than seven acres used as a single operation for the production for sale of crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more; or (2) less than seven acres used as a single operation for the production for sale of crops, livestock or livestock products of an annual gross sales value

of fifty thousand dollars or more; or (3) land situated under a structure within which crops, livestock or livestock products are produced, provided that such crops, livestock or livestock products have an annual gross sales value of (i) ten thousand dollars or more, if the farm operation uses seven or more acres in agricultural production, or (ii) fifty thousand dollars or more, if the farm operation uses less than seven acres in agricultural production; or (4) not less than seven acres used as a single operation to support a commercial horse boarding operation with annual gross receipts of ten thousand dollars or more.

i. Land of not less than seven acres used as a single operation for the production for sale of orchard or vineyard crops when such and is used solely for the purpose of planting a new orchard or vineyard and when such land is also owned or rented by a newly established farm operation in its first, second, third or fourth year of agricultural production.

j. Land of not less than seven acres used as a single operation for the production and sale of Christmas trees when such land is used solely for the purpose of planting Christmas trees that will be made available for sale, whether dug for transplanting or cut from the stump and when such land is owned or rented by a newly established farm operation in its first, second, third, fourth or fifth year of agricultural production.

k. Land used to support an apiary products operation which is owned by the operation and consists of (i) not less than seven acres nor more than ten acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more or (ii) less than seven acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of fifty thousand dollars or more. The land used to support an apiary products operation shall include, but not be limited to, the land under a structure within which apiary products are produced, harvested and stored for sale; and a buffer area maintained by the operation between the operation and adjacent landowners. Notwithstanding any other provision of this subdivision, rented land associated with an apiary products operation is not eligible for an agricultural assessment based on this paragraph.

5. "Oil, gas or wind exploration, development or extraction activities" means the installation and use of fixtures and equipment which are necessary for the exploration, development or extraction of oil, natural gas or wind energy, including access roads, drilling apparatus, pumping facilities, pipelines, and wind turbines.

6. "Unique and irreplaceable agricultural land" means land which is uniquely suited for the production of high value crops, including, but not limited to fruits, vegetables and horticultural specialties.

7. "Viable agricultural land" means land highly suitable for agricultural production and which will continue to be economically feasible for such use if real property taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of non-agricultural development.

8. "Conversion" means an outward or affirmative act changing the use of agricultural land and shall not mean the nonuse or idling of such land.

9. "Gross sales value" means the proceeds from the sale of:

a. Crops, livestock and livestock products produced on land used in agricultural production provided, however, that whenever a crop is processed before sale, the proceeds shall be based upon the market value of such crop in its unprocessed state;

b. Woodland products from farm woodland eligible to receive an agricultural assessment, not to exceed two thousand dollars annually;

c. Honey and beeswax produced by bees in hives located on an otherwise qualified farm operation but which does not independently satisfy the gross sales requirement;

d. Maple syrup processed from maple sap produced on land used in agricultural production in conjunction with the same or an otherwise qualified farm operation;

e. Or payments received by reason of land set aside pursuant to paragraph of subdivision four of this section;

f. Or payments received by thoroughbred breeders pursuant to section two hundred fifty-four of the racing, pari-mutuel wagering and breeding law; and

g. Compost, mulch or other organic biomass crops as defined in subdivision sixteen of this section produced on land used in agricultural production, not to exceed five thousand dollars annually.

11. "Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a

"commercial horse boarding operation" as defined in subdivision thirteen of this section, "timber processing" as defined in subdivision fourteen of this section and "compost, mulch or other biomass crops" as defined in subdivision sixteen of this section. For purposes of this section, such farm operation shall also include the production, management and harvesting of "farm woodland", as defined in subdivision three of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

12. "Agricultural data statement" means an identification of farm operations within an agricultural district located within five hundred feet of the boundary of property upon which an action requiring municipal review and approval by the planning board, zoning board of appeals, town board, or village board of trustees pursuant to article sixteen of the town law or article seven of the village law is proposed, as provided in section three hundred five-a of this article.

13. "Commercial horse boarding operation" means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation.

14. "Timber processing" means the on-farm processing of timber grown on a farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, through the use of a readily moveable, nonpermanent saw mill, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

15. "Agricultural tourism" means activities conducted by a farmer on-farm for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of farming and farm life.

\* 16. "Apiary products operation" means an agricultural enterprise, consisting of land owned by the operation, upon which bee hives are located and maintained for the purpose of producing, harvesting and storing apiary products for sale.

\* NB There are 2 sb 16's

\* 16. "Compost, mulch or other organic biomass crops" means the on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this section, "compost" shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

\* NB There are 2 sb 16's

## **Seward SWOT Analysis**

### **Public Meeting**

**3/23/09**

## **Seward/Carlisle Agricultural and Farmland Protection Plan**

### **Strengths**

Diversity

Jobs

Quality of life

Recreation

Attractive place for people who telecommute

Multigenerational farms, farms passed down in family and kept active

Have choices for purchasing local food

Hay

Good quality soils

People like to live near farm animals

### **Weaknesses**

Taxes too high (also high taxes discourage people who want to move into town)

Have to travel distance for parts and service (farm equipment, milking equipment)

Soil types conducive to forage, not vegetable production

Available land is spread out, have to travel good distances on roads

Weather

Danger of traveling on roads with slow moving farm equipment

### **Opportunities**

Direct marketing, local foods

More opportunity for slaughterhouse, (quality issues, getting own meat back, hanging long enough)

Need to give more opportunity to existing farmers

Minimize red tape with animals

Need for people to eat

Local farmers sharing equipment (controversial)

Niche markets, alpaca, sheep

### **Threats**

Taxes

Realtors, subdivisions

Sprawl

Prices of agricultural products set below the cost of production

Regulation

Competition on price with products from other countries

Farmers are independent, not easy to get them together on issues

Increase in cost of living



# American Farmland Trust

## **Summary of Interviews with Farmers and Owners of Agricultural Land** *Town of Seward*

### **Background**

This summary of perspectives on agriculture in the Town of Seward is based on interviews with 10 farmers and owners of farmland conducted by Laura Ten Eyck, field consultant for American Farmland Trust. The interviews took place during the winter and early spring of 2009.

The interviews were undertaken as part of the development of the Town of Seward's Agricultural and Farmland Protection Plan. This research was intended to document opinions of farmers and rural landowners about the state of agriculture within Seward and opportunities and challenges facing local farmers. In addition, a series of agricultural and farmland protection tools were discussed including agricultural assessment, land use regulation and conservation easements. Also discussed were issues such as farm profitability, property taxes, and residential development in agricultural areas.

### **Economic Impact of Agriculture**

Seward is a farming town with a few very small residential hamlets. The entire Town of Seward is located within an agricultural district. The town has very little industry other than agriculture and few retail businesses. The majority of the money generated by business in the town is brought in by agriculture. The economic impact of agriculture on other businesses is limited in the Town of Seward due to the lack of supporting agribusinesses in the town but is significant at the county level as Seward farmers do make many purchases within the county. As one dairy farmer suggested:

“Because the county has no milk processing plant, milk produced on local farms leaves the county and goes elsewhere. The money that comes to us in payment for the milk we produce is generated somewhere else. If this farm wasn't here the \$250,000 in gross revenue it generates would not come here. Once I get the money I need to buy things. Most of what I buy, such as grain and services, comes from within the county. The dollar moves around three or four times. If I wasn't here the dollar would never come here. Farms generate a lot of money. Money wouldn't come here if we didn't have cows and sell milk.”

*- Quote from a Town of Seward Dairy Farmer*

Whether or not the existing dairy farms will be able to weather the crisis in milk prices remains to be seen. “Dairymen are really getting hammered hard,” observed a farmer. “At the beginning of the year the price was strong. The farmer felt good for once,” said another dairy farmer

regarding the economic conditions for dairy farmers in last year. “Then input costs skyrocketed. The good price got chewed up by cost. Now milk is going to very low prices and input costs have not come down enough. It is hard to manage a business when those kinds of forces are thrown at you all at once. Something needs to be done. I don’t have the answer. The economics of farming needs to be better all across the country, not just in my little town.”

But the outlook for dairy farms at the time the interviews were conducted was guardedly optimistic. “The farm is going to struggle to pay the bills this year. It is as simple as that,” confided a dairy farmer. “There are not a lot of dairies in this town but in the last few years they’ve held their own. We’ve actually gained a couple of farms—young fellows that decided they want to make a go of it, but it is a tough business.”

### **Loss of Farmland to Residential Development**

“Farmland is being lost in small increments to residential development,” observed one owner of agricultural land. He purchased his land from a farmer who went out of business as a retreat for his family and now rents to a neighboring organic crop farmer. “When the economy improves more and more people will be buying farmland for recreation, second homes and hobby farms.”

“We continue to see development,” said a farmer. “It has slowed down a lot. Whether it will pick up again depends on how long it takes for this economic mess to clear up. It could take five years.” When farms go out of business the land is often bought and subdivided by developers in Cobleskill who then market the property downstate.

“Ten years ago it wasn’t unheard of to get more for a place than you were asking because people from the city would fight over it,” recalled an individual who owns agricultural land and rents to a farmer. “Realtors advertise stuff down in the city because they know that is where the money is. A lot of people down there, like let’s say a cop or a municipal worker, they work 20 years and retire. They take the money they made and move up here. It only makes sense to retire and move up here and buy a farmhouse and a barn on a bunch of land. For the same money you could buy basically nothing down there.”

### **Taxes**

Although it was initially believed that residential development would lower taxes for rural landowners by increasing the tax base this is not believed to have happened. The new residents, coming from a more urban area, are accustomed to a higher level of services and expect this from the town.

“I remember when all these houses started going in around here they said ‘It’s increasing the tax base. Your taxes are going to go down.’ Of course it never happened,” said one landowner. “Then they said ‘You should be happy because the value of your property is going up.’ But for me personally, when I used to be able to look out the window and see just that one farmhouse, to me that was more valuable. Now I look out that window and see houses scattered everywhere.”

Homes in remote and scenic locations increase road maintenance expenses. “This road used to be seasonal,” said a farmer of the road he lives on. “Now there are six to eight houses on it and the town has got to keep it open year-round.” And more residential development means more traffic. “There used to be five cars a day going down this road,” said another farmer. “Now I can’t even back out of the driveway.” School taxes are also on the rise. “Everything at the school has to be

new,” complained a farmer who both owns and rents land. “Half the kids can’t read and write but they have to have a tennis court and a big lunch room. Why should an 80-year-old couple have to pay taxes through the nose so that someone who moves up from the city’s kids can play tennis?”

Farmers and rural landowners feel that high taxes are the biggest challenge they face when it comes to hanging on to their land and making their farms profitable. “I will say that our taxes—school, county, town—are a drastic hit, even with the agricultural assessment, the Star Program and everything else,” said one farmer. “Our taxes have gone up 30 to 40 percent in the four- and-a-half years that we have been here and paid taxes. In my view that is the single most detrimental factor to our business. Instead of being able to buy more steers, chickens or hay we have to have the money to pay taxes. They say they are going up more next year. The taxes would be the one thing that would make us move out of this state. That is the main thing they have to do something about.”

“If farmers can’t make a living they are going to sell,” said another farmer. “You can’t blame them. They can bust their ass on the farm or they can make a million bucks. What would you do?” And as farmers do sell out, more farmland gets sold for residential development, bringing in more people and raising taxes further.

“They call it progress but we are going backwards, not forwards,” said a rural landowner. “If you think progress is selling more land for development you are wrong. The more development you have the more money it is going to cost. I don’t care what happens: you get more, you pay more.”

### **Retirement and the Next Generation**

Difficult economic circumstances often make it impossible for farmers and landowners to pass down land that has been in their families for generations to their children. One farmer said, “My kids would like to see this land stay the way it is and not get broken up but as time goes on eventually someone is going to own it who can’t afford to keep it together and that will probably be my kids. I don’t feel good about that. It makes me feel like I let my grandparents down somehow.”

“We farmers work all of our lives,” said another farmer. “We don’t have a 401K and investments in the stock market. Our money is in our property. All of our profits have gone into improving the farmstead. There may come a time when the farmer can’t pass the land on to the next generation. When I can’t farm anymore I want to live comfortably. I don’t want to be a ward of the state. I’m going to have to sell my property.”

### **Local Foods & Tourism**

Some younger farmers have purchased land in Seward from retiring farmers and begun farming themselves, marketing their products directly to consumers through Community Supported Agriculture farms (CSAs) and farmers markets. The market for locally produced food is on the rise. “There is a willingness,” said one farmer. “Consumers want to buy local if they can.” The town has good proximity to markets in Cobleskill, Cooperstown and the Capital District as well as New York City. The town itself is extremely scenic and providing that it does not give way to over-development and its pastures don’t grow up into weeds it has potential as a tourist destination in its own right. “People don’t go to places like Schoharie County or Vermont to see brush,” observed a retired farmer.

“It is a viable area for tourism,” said one town resident retired from the tourist trade. “But I’m not sure there is enough cooperation among various groups. The ideal situation is to pool your money—get people to come and then keep them around for awhile so they spend their money here instead of somewhere else.”

Hunting and snow-mobiling are popular forms of recreation for both town residents and tourists. Many farmers and landowners believe the loss of hunting grounds to be a serious consequence of residential development. Farmers and landowners hunt themselves and also allow other hunters the privilege of hunting on their property. The local snowmobile club maintains extensive, marked trails throughout the town, many of which cross farmland. The club seeks annual permission from the landowners to allow the trail to cross their property. Club members hold an annual summer barbecue for the landowners to show their appreciation. All the farmers and landowners interviewed for this summary viewed the snow-mobilers in a very positive light.

### **Farmland Protection**

Most farmers feel the town government cares a lot about agriculture. As one farmer indicated:

“The town is very supportive of farming. I don’t see that changing. The majority of the people in town are not farmers but many on the town boards used to be farmers, or are farmers, and the new people seem to be supportive of that.”

*- Quote from a Town of Seward Farmer*

Some farmers believe that the town’s land use regulations are too strict and limit their options for what they can do with their land. “Seward is very strict on zoning. They have gone overboard,” said one farmer. “I know a realtor who says Seward is the worst place you can be for zoning.” There are also concerns that the town government may be inflexible. “I’m afraid we will get people appointed to boards who have lived here a long time and don’t want change. That is the type of person that gets appointed to boards. I think they should be elected. There should be more opinions. People should be allowed to vote.”

There is some interest in farmland preservation through agricultural conservation easements among the farmers and rural landowners in the Town of Seward but they have concerns about state funding as well as the future of the protected land. “If people want to preserve land someone is going to have to spend some money,” said one farmer. “Great ideas take money. The State Department of Agriculture and Markets’ Farmland Protection Program didn’t have enough money to begin with and now the governor wants to cut it by 40 percent.”

“The permanent sale of development rights may work for a farmer for a year,” observed one farmer. “But in 25 years they still own the land and they can’t do anything with it. They are stuck paying taxes on it. To me a term easement is wiser than the outright purchase of development rights.”

Farmers do feel that the high quality of the farmland in certain parts of the town combined with its likelihood of being developed is enough to justify some form of protection. They believe other farmland does not need protection because it is unlikely to be developed. “What would make sense would be for the town to set aside a few farms worthy of preservation that are good to build on. That makes sense to me.” said one farmer. “If they don’t get protected, when a

farmer quits a developer will buy the land and subdivide it to make money. Next thing you know you have missed an opportunity.”

In general, farmers believe that the fate of the farms in town will be decided by economic conditions as well as national and state policy decisions that are beyond the town’s control. “I think the government has got its hands too deep into everything for us to be able to do much at this level,” said one rural landowner. However farmers acknowledge that it is important for the town to ensure farmers the flexibility they need in order to stay in business during tough economic times. “The town does as much as it can to help farmers,” said one farmer. “It doesn’t want to be the straw that breaks the camel’s back.”

## Soil Definitions

Source: National Resource Conservation Service – National Soil Survey Handbook (NRCS-NSSH; Part 622 / NRCS Soils; Part 657.5 Identification of Important Farmlands)

- (1) Prime Farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. Examples of soils that qualify as prime farmland are Palouse silt loam, 0 to 7 percent slopes; Brookston silty clay loam, drained; and Tama silty clay loam, 0 to 5 percent slopes. (Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit, and vegetables.)
- (2) (Additional) Farmland of Statewide Importance is land, in addition to prime and unique farmlands that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops. Criteria for defining and delineating this land are to be determined by the appropriate state agency or agencies. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. In some states, additional farmlands of statewide importance may include tracts of land that have been designated for agriculture by state law.
- (3) (Additional) Farmland of Local Importance. In some local areas, there is concern for certain additional farmlands for the production of food, feed, fiber, forage, and oilseed crops, even though these lands are not identified as having national or statewide importance. Where appropriate, these lands are to be identified by the local agency or agencies concerned. In places, additional farmlands of local importance may include tracts of land that have been designated for agriculture by local ordinance.

## 2: Conservation Design Method

### *Promoting Good Design:*

As mentioned in the last chapter, the traditional method for subdivision design is typically to commission or otherwise obtain a survey of the property boundaries of the site, divide the land into evenly-sized lots, plunk in a few roads to access those lots if needed, and then attempt to site homes on them as best as possible. Sometimes one lot has several terrific options for home sites while the lots around it are forced to settle for the best of a set of poor options. This often results in drainage issues, unsuitable house sites, removal of forests, hedgerows, and other unique features, or overwhelmingly uninspiring, cookie-cutter, lifeless developments. The reason for this is that **the traditional approach has its priorities wrong**, and does the step which should be first - setting aside land and picking house sites - last, and the step which should be last - laying out lots - the traditional method does first.

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### *Do It Backward - Randall Arendt's Approach:*

Randall Arendt is a planner, site designer, writer, speaker, and advocate for conservation-minded planning. His methods have been developed over the years, and he has become known for his clear writing, practical approach, and accessible diagrams and drawings which illustrate his points. In his *Growing Greener Workbook* and other works (see Appendix B), Arendt lays out a process which approaches design the other way around, which he refers to as "**Conservation Subdivision Design**."

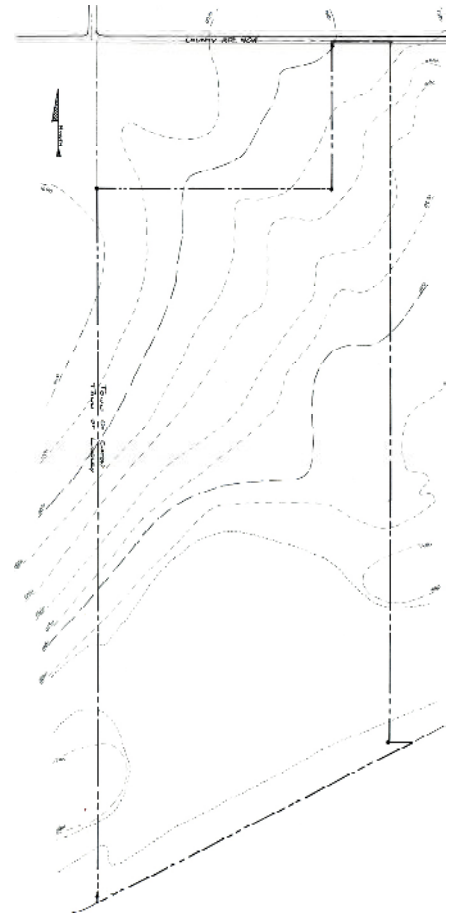
This process begins with **an extensive analysis and mapping of the site** - done in a straightforward manner with easily accessible tools and resources. A good design begins with a solid understanding of the site. From there, the four-step process is the reverse of the traditional development model. Instead of the last step, **the first step is to set aside land for conservation and protection**. This, then, is not the "leftovers", but the land that most deeply influences the character of the site and gives it its character. **Once that has been determined, houses are sited** - not merely in the best choice possible within a constrained lot which has already been laid out, but on the best locations over the whole of the site. Only after there are homes to access are roads drawn in, cutting down on unnecessary road length and allowing the subdivision to be **designed as a neighborhood** rather than a group of homes. Finally, instead of the first step as it often is in a traditional development, **the last step is to divide the land into parcels**, in a way that makes sense with the rest of development and conserves land.

This approach provides an exemplary model for a better design process in a simple, easy to remember form: when it comes to design, take the traditional method and "Do It Backwards." In the following pages, we'll **demonstrate that process** with an individual site: the Lonny DeWalt property.

## *The DeWalt Property - A Case Study:*

Lonny DeWalt's property of about 60 acres is an interesting site and a terrific opportunity to demonstrate Conservation Subdivision Design. The site, in the town of Caton at the Lindley border, contains a large portion of the roughly 25-acre Spencer-Martin Wetland, a prime wildlife habitat located at the headwaters of several watersheds.

The wetlands has been incorporated into the New York State Open Space Plan for protection, and a local group had expressed an interest in purchasing the whole property if available. Knowing that they may not be able to raise the money to afford the entire parcel, we wanted to work out a plan which allowed some homes onto the site in order to make some money for DeWalt while still allowing public access to the wetland and preserving a large enough upland buffer to protect the area. In addition, DeWalt is a minister, and expressed a desire to set aside a parcel of the land for a church retreat, in a secluded lot near the wetland but also separated somewhat from the proposed homes.



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## Preparation: Site Analysis

### Overview:

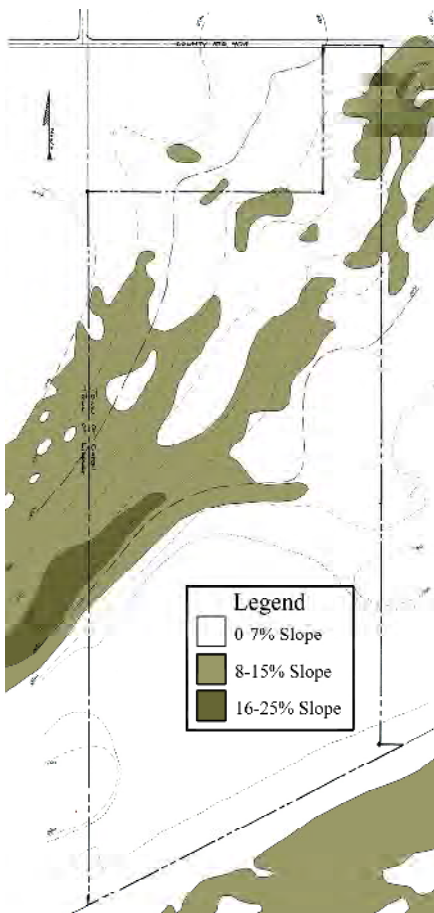
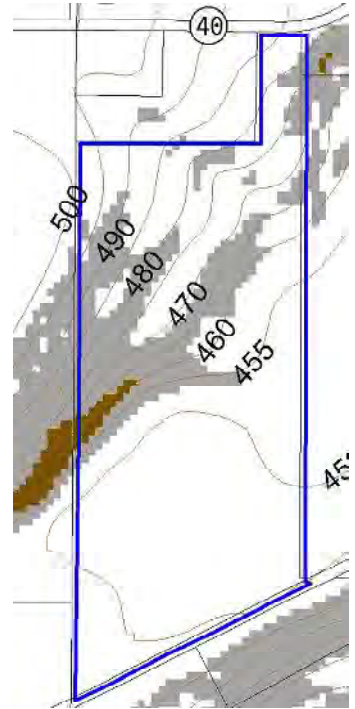
A good design needs to come from a solid foundation, and that foundation is **a knowledge of the site**. After all, you can't know where the best sites for placing the houses are if you don't know what makes them good or bad. There's a lot more that should go into this step than simply the site survey typically required under current zoning; you'll want to look at slopes, at aerial photographs, at soil characteristics, and at the unique qualities of the site itself. Before that sounds too daunting, however, rest assured - it doesn't cost an arm and a leg. **In fact, it likely won't cost a dime!**

All of the resources we're about to use in this example are **free or affordable and available to the public**. Contact the STCRPDB if you need help accessing them. The easiest way to handle these maps is to simply copy them onto tracing paper; this makes them easy to overlay, compare, and interpret.

## Slopes:

On its own, a contour map can be difficult to read if you're not used to it. In addition, what's most important isn't how high the land is (well, except where floodplain issues are a concern), but **how steeply it's sloping**. Steeper slopes are more prone to be unstable when disturbed by development, create drainage and grading issues when siting homes, and are more expensive to build on. Thus, an important step in site analysis is to map the slopes.

A GIS (Geographic Information System) program provides a useful tool for this, and a printout such as the example shown (right) makes a good starting point for a slope map, but you can also create one yourself by **measuring distances between contours**. Generally, a slope up to 7 feet vertically in 100 feet horizontally (or 7%) is considered well-suited for development. Slopes from 8% to 15% are less optimal but developable if needed (for comparison, a typical handicapped-access ramp in a building is just over 8%). Areas from 16% to 25% are marginal at best and should be avoided if at all possible, especially when they are currently wooded - the potential for erosion is too great. And lastly, slopes over 25% (1 foot vertically per 4 feet horizontally) **should be avoided under any circumstances**. These divisions are the ones used in the mapping in this book.



The GIS map is a good starting point, but its contours are in metric units (at least, in this case) and the slopes are rather blocky. Fortunately, since slopes are merely a proportion (of rise to run), the metric units don't change the slope. What we need to do, then, is (as shown, left) trace the blocks and smooth them out. And there you have it - a map of the sloped areas.

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## Soils:

It's generally a good idea to obtain a soils map as well, and copy it onto a tracing-paper overlay. What's primarily important here isn't the names of the soil groups (though those might be worth recording), but the information in the index of soil types regarding **what type of development and use (agricultural, drainage, stability, etc) the soil is suited to**.

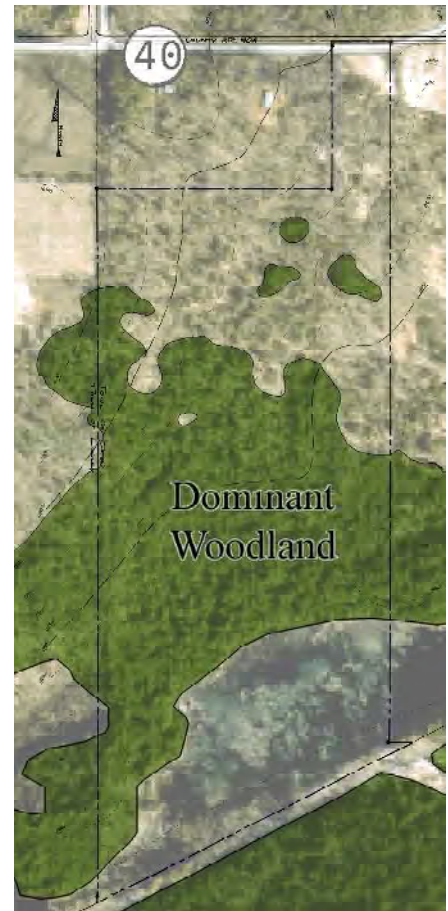
In the case of the DeWalt site, no particular constraints to development were found except the extensive wetland, and erodibility issues in the steeper area in the woodland (already reflected in the slope map). Since no agricultural use is intended for the site post-development (the limited former farmland is the part slated for use), an extensive analysis of soil qualities for agriculture wasn't merited.

## Aerial Photography:

GIS is able to combine an aerial photograph (which are available through public databases) with a site boundary, as demonstrated at right. **Aerial photographs are done to a particular scale** and can be measured and drawn upon just like a map, so if GIS isn't an option, you can also perform this step yourself by measuring from identifiable landmarks.

You can use an aerial photograph to help **denote particular features which might not show up on a survey otherwise** - the precise locations of hedgerows, the edges of woodland, the layout of farmed fields, the course of a stream, an existing but unsurveyed farm road which could be improved, and more. These should also be **supplemented by notes and observations from walking the site itself**, noting things that may not be apparent from the air. Trace any of these features which are important to the site onto your overlays - you'll want to know how they relate to other features.

In the case of the DeWalt site, as shown here, the primary feature of note is the **current extent of the wooded areas** (shaded over the photo, right). There are no intact hedgerows remaining, nor are there any apparent stream corridors or other noteworthy features.



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## Other Issues:

Be sure to **note anything else of particular importance** to the site's development on some or all of your overlays, as well - you'll want to know any particular peculiarities of drainage, etc, as well as the character of surrounding areas. Perhaps views are of particular importance to the site's character, or wind direction and solar orientation may be critical factors in your design.

**Whatever it is, make note of it** somewhere in your mapping.

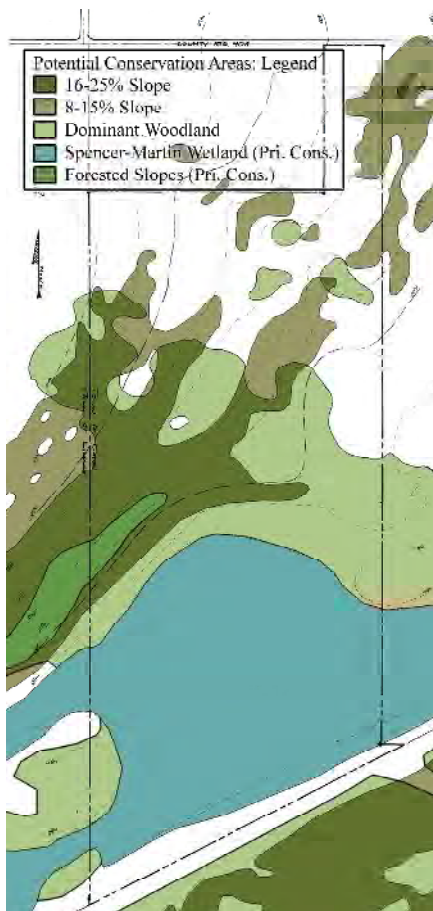
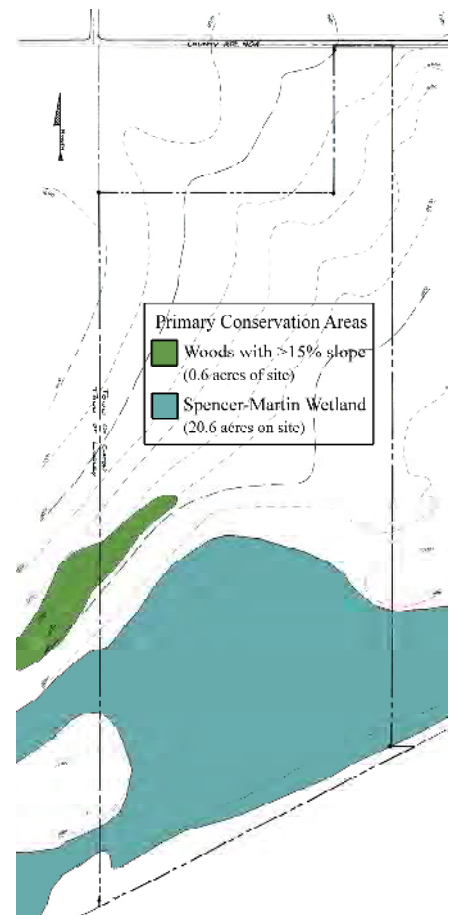
In the case of the DeWalt site, the major factor is the Spencer-Martin Wetland. It is about 25 acres, the majority of it on-site, and is listed by NYSDEC as a Class II wetland. It was listed in the NYS Open Space Plan 2001. The wetland is located in the headwaters of several watersheds: the northern portion drains into Barnard Creek and the southern end drains into Ryers Creek. Ecologically, the wetland includes open water, emergent vegetation surrounded by a former pasture, and northern hardwood forest. Ducks, geese, herons and beaver make the wetland their home. Both the wetland itself, and a buffer area around it, are critical factors in any design for the site.

## Step One: Define Conservation Areas

Once these maps have been completed, the next step is to use them to **identify primary and secondary conservation lands**. This is done, typically, by overlaying the maps created earlier and "drawing up" the important features of them to provide a map which combines all the aspects.

**Primary conservation lands are those which are ecologically or otherwise sensitive, and cannot or should not be built upon** - wetlands, land that is part of a waterbody, land within the 100-year floodplain, extreme slopes, soils prone to slumping, and wooded sloped areas prone to erosion when developed. These areas, in Arendt's process, are **removed from consideration** when discussing the buildable acreage of the site.

In the case of the DeWalt site, as shown (right), the Spencer-Martin Wetland and the area of steeply-sloped, wooded terrain have been set aside as Primary Conservation areas. These two areas total about 21.2 acres on site, and bring the buildable acreage of the site down to about 37.5 acres.



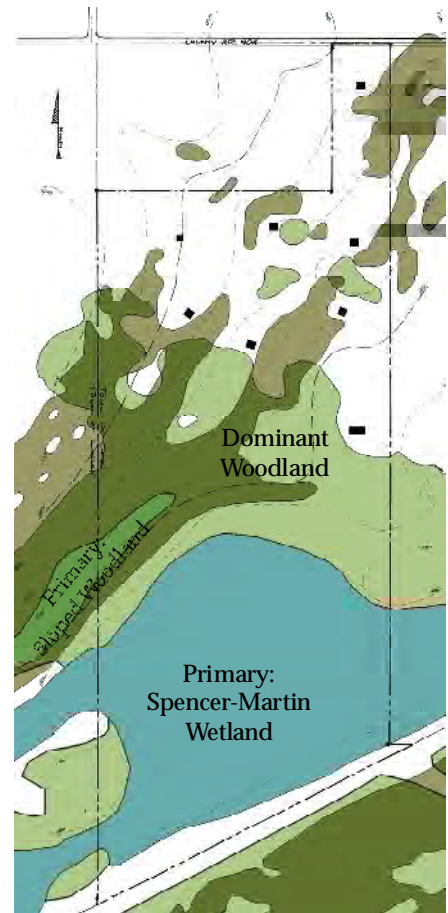
Secondary Conservation areas are those which are intentionally set aside to be preserved. Under a Conservation Subdivision plan such as Arendt proposes, **at least half of the buildable acreage is to be set aside for conservation**, and the full density of that area is eligible to be transferred to the remaining land so that **the potential for development is not reduced**. These areas should, if possible, form a continuous whole which, ideally, ties together with similar areas on surrounding sites, creating the potential for a **network of green space** extending through the community. Generally, these areas are those marked above in one of the maps are good candidates to become part of the Secondary Conservation portion of the site.

The DeWalt site's major feature which could otherwise be developed is the mature woodland. Thus, the goal is to preserve that woodland wherever possible and to create a trail system giving access both to the forest and to the wetland at the bottom of the hill.

## Step Two: Locate Building Sites

Arendt's next step is to **locate the most suitable house sites within the remaining space**. With an eye to locating these houses suitably in relation to one another and on the best possible sites on the remaining, non-conserved land, and keeping in mind the target density and appropriate spacing of homes, the best areas to place homes frequently seem to jump off the page at you when you're looking down at the overlay of maps.

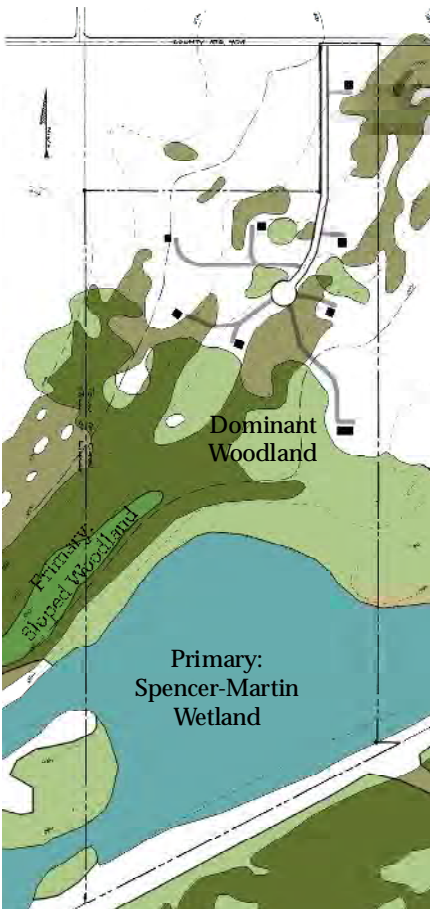
Here, with just over 18 acres as our goal for the maximum developed land, and looking to keep a low-density feeling in the subdivision to maintain the rural character, we have chosen to site 8 potential homes on the northern portion of the site. Tucked back into the woods in the southeast corner of the development, one of the sites is particularly appropriate for the church retreat that Mr. DeWalt expressed an interest in creating.



## Step Three: Lay Out Roads, Trails, and Access

From here, the next step is simple; devising **the most appropriate and economic way to gain access to those sites**, and exploring the access from those sites to the conserved land, whether it be via easements through private lands or through mutually-held trails.

In this case, a relatively short road off of County Rte. 40A terminates in a cul-de-sac broad enough to allow emergency vehicle turnaround, avoiding both steeper slopes and woodland as it curves in to a central spot in the site.

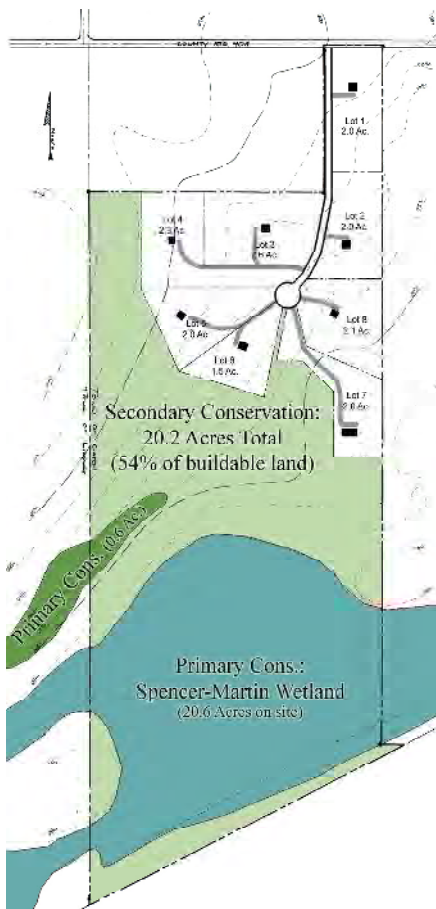
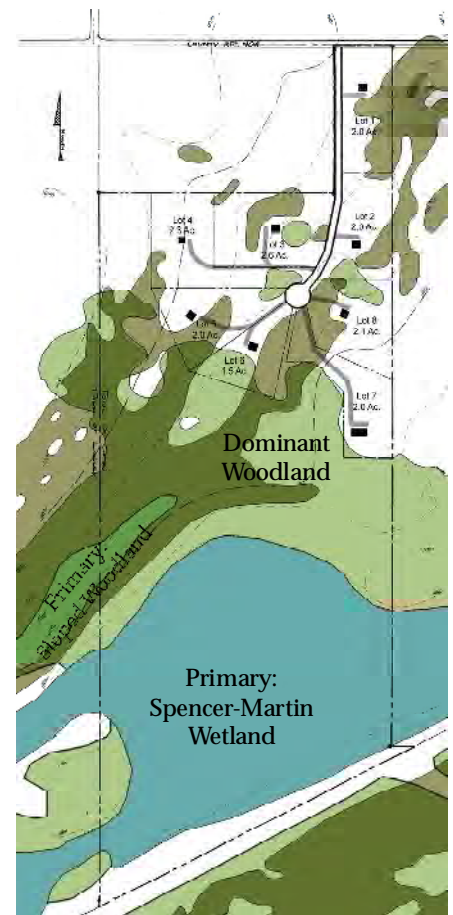


## Step Four: Draw in Lot Lines

The last step in Arendt's process is **the division of the land into individual parcels**. With proposed conservation areas in mind, and keeping access for each house clear, it's simple to draw in lot lines and divide the area into parcels.

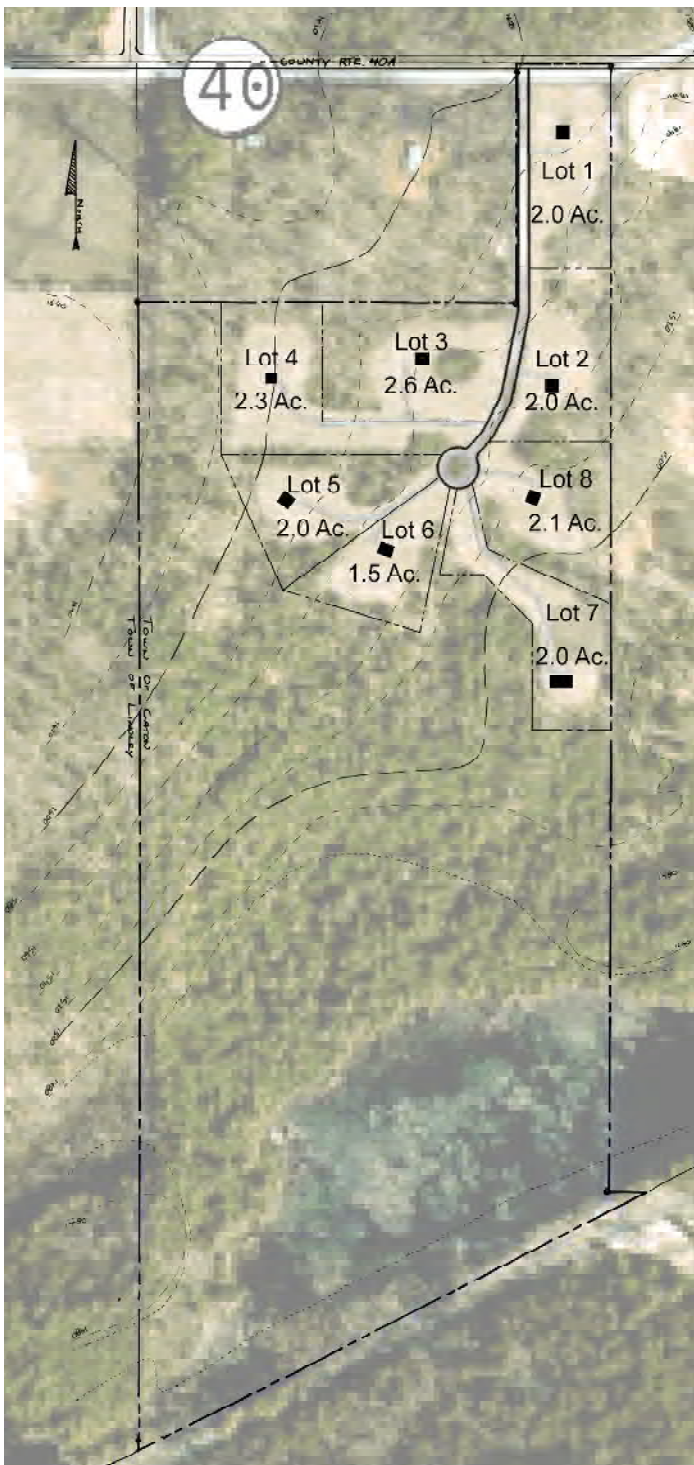
**Keep in mind local zoning codes** while you're working on this step. Most towns have minimum lot sizes, setbacks, and lot widths; **sometimes, there are exceptions made in cases of "cluster housing"** where a percentage of the land is kept as open space. In this case, the Town of Caton allows lots down to half of the standard 2-acre minimum, provided that at least half of the developable land is kept as open space. We haven't needed to go that low; the only lot under 2 acres in the scheme measures 1.5 acres.

**Also pay attention to opportunities for special or unusual lots**; lot 7, as mentioned before, which tucks back away from the others and nestles into the edge of the woods, is well suited to fill Mr. DeWalt's desire for a church retreat.



## Final Layout Analysis:

In the end, for the DeWalt site, Arendt's process has resulted in **just over 50% of the buildable land held in conservation, all in one continuous chunk** which connects with open space to both sides and provides a substantial buffer for the ecologically sensitive wetland area. The 8 lots average out at just over 2 acres each, and only about 950 feet of new road is required. Well over 300 feet of guaranteed buffer exists between the wetland and the closest corner of potential development, and the closest planned building is significantly further.



Proposed development reflected in digitally-modified aerial photo

## Adapting Arendt's Methods:

Arendt's method for Conservation Subdivision Design is **only one potential option for good design**; sometimes, the resulting density is not desired, or other factors serve to limit the potential for a Conservation Subdivision as outlined above.

The most likely obstacle or complication arises when 50% of the buildable acreage is not a suitable figure for conservation, whether for economic reasons or otherwise. In addition, the process only addresses residential subdivisions, and is not completely transferrable to mixed-use or commercial ventures without soem rethinking.

The process, however, is a fundamentally sound approach, and is **far preferable to the traditional one**. These steps, whether taken directly as Arendt proposes them or as a model and a goal, are the basis of sound, good design, as you'll see in the chapters to come.

**For an example of how this process can be codified** into zoning law, be sure to explore STC's website for the Village of Painted Post's Subdivision Law referenced in Appendix D.

For more information on Conservation Subdivision Design and Open Space Planning, take a look at Appendix C; the bibliography also lists several of Arendt's other books.

# **Summary of Seward Land Use Survey**

## **INTRODUCTION**

This survey was designed to gauge the level of public interest in, and opinion of, certain issues relating to land use in the Town of Seward. Responses to the survey were meant to tell local boards how residents felt about hot topics, such as alternative energies, as well as zoning and preferred land uses. This survey was conducted to gather information so the results could be used in crafting the Agriculture Protection Plan, while the same results could also be used for the potential development of a Comprehensive Plan in Seward, should they decide to write one in the near future.

## **METHODS**

In July 2009, a forty-four (44) question survey was created through the joint efforts of Schoharie County Planning, the Seward Town and Planning Boards, and members of the Seward Agriculture Protection Plan committee, as well as members of the public who attended the public hearing at the July Planning Board meeting. The town was broken into eight districts (meant to separate areas by the density of housing and number of roads, roughly breaking the town into residential areas, open space areas, and areas combining the two. These somewhat arbitrary districts were created using aerial photos and do not reflect zoning regulations or anything quantifiable) and respondents were asked which of these districts their property is located. This was asked so that location could be linked to other questions. For example, it would be helpful to know where a residence is located when someone says they would like to see industrial development in their neighborhood, or for someone who says they would not like to see farming practices in their area, as these responses would not be typical of the entire town. It is also beneficial to know what general area residences are in when they assess the current quality of anything ranging from their drinking water to cable/internet access. This will be done on an as-needed basis, and has not been started as such specific information has not yet been requested by the Town. It is anticipated that such requests will be made after boards and committees have had a chance to view this document.

The survey was sent to every registered voter (list acquired from the Board of Elections) and every tax payer (list acquired from Real Property) in the Town to get the best possible representation in our data, as was discussed during the July Planning Board meeting. 1624 surveys were mailed in August and 413 (25.4%) were returned by the October deadline, or close enough to the deadline as to be entered individually and queried/tabulated with the others for the final results. What this means is that every survey received before December was entered in Microsoft Access exactly as it was on paper (or as close to an exact representation as possible, given character limits) and then, also using Access, every result was added up for every part of every question on the survey, giving us the final tallies shown in the unabridged results.

## SUMMARY

There are several areas of interest regarding future development of land in the town of Seward, as indicated by these survey results. This short summary will highlight some of these areas of interest in detail. The unabridged results, including comments and graphical representations, can be found at <http://www.schohariecounty-ny.gov/CountyWebSite/Planning/AgProtPln/SewRsIts.pdf> or by navigating to the page for the Agriculture & Farmland Protection Plan on the Town of Seward site. Highlights found below.

- 80% of survey respondents are full-time residents of Seward. 60% of respondents have lived in Seward for more than 12 years.
- The most prevalent reasons for people choosing to live in Seward were: rural location, low crime rate, affordable house/property, and low taxes (however many indicated that taxes have since become a burden – this needs to be addressed).
- It is clearly indicated throughout the survey that the agricultural appearance and business aspects of farming are very important to residents.
- Top four responses for how people would like their neighborhood to be developed: Ag. (crops) – 27.0%; Ag. (livestock) – 22.0%; rural residential – 13.8%; and conservation/open space – 13.3% (#s 19 and 20).
- Top three responses for how people would **NOT** like their neighborhood to be developed: high density residential – 29.4%; large business/commercial – 29.0%; and industrial/manufacturing – 27.5% (# 21).
- 9% of respondents indicated that they are either: dissatisfied (6%) or very dissatisfied (3%) with the quality of life in town (vs. 12% undecided, 20% neutral, 14% very satisfied and 45% satisfied), indicating that a majority of residents are relatively happy with their life in Seward.
- 28% of responses indicate that neighborhood changes were for the worse, as opposed to 9% saying for the better and 63% indicating no change.
- *Regarding wind turbines in town:* 8.4% (commercial) and 7.5% (personal) of responses indicated that they would **NOT** support wind turbines anywhere in town, compared to 19.5% (commercial) and 19.4% (personal) saying that they would support them anywhere in the town. 18.1% (commercial) and 18.2% (personal) would support turbine construction if regulated by the Town. 16.6% (commercial) and 15.2% (personal) do not have enough info.

- 57% of 300 respondents to the question about natural gas as an energy source indicated that they would support natural gas exploration in Seward.
- 76% of people would encourage the construction of cell towers.
- *Regarding the potential construction of a municipal facility:* people don't know if it is needed or if it is affordable, and don't want increased taxes or costs of living. This is not considered a priority to those taxpayers who responded, at least not in the immediate future, or until the economy dramatically improves.
- 17 of 370 responses (4.6%) indicate quality employment opportunities in town, as opposed to 252 of 365 (69.0%) saying that there are quality employment opportunities within 30 miles. Some would like more local opportunities while others prefer to maintain the rural location (while commuting to work), citing the increased traffic associated with having jobs close to home as a negative. Some responses say that the only local jobs should be agricultural, while others think small business or light manufacturing should be introduced to help offset the tax burden.

Please read the full survey results if further information is required.

# TOWN OF SEWARD SURVEY

1. Based upon the accompanying map, in which "neighborhood" do you live? *[Check one]*

- ① Area 1 – Residential A: 82
- ② Area 2 – Residential B: 55
- ③ Area 3 – Open Space A: 22
- ④ Area 4 – Open Space B: 26
- ⑤ Area 5 – Open Space C: 39
- ⑥ Area 6 – Residential/Agriculture A: 67
- ⑦ Area 7 – Residential/Agriculture B: 56
- ⑧ Area 8 – Residential/Agriculture C: 23
- No Reply: 32
- Improper Response: 3

2. Are you currently a legal (voting) resident of the Town of Seward? *[Check one]*

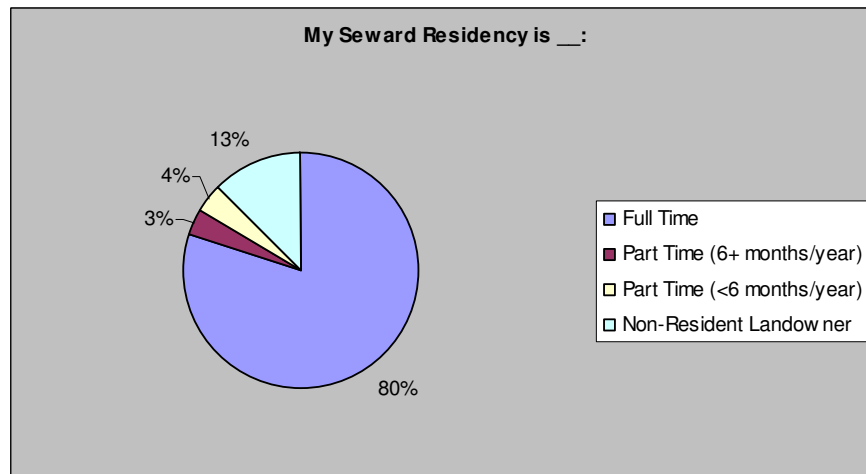
- ① Yes: 297    ② No: 89    No Reply: 19

3. Are you the primary resident? *[Check one]*

- ① Yes: 328    ② No: 46    No Reply: 31

4. Are you *[Check one]*;

- ① a full time resident: 305    ② a part time resident (6 or more months a year): 13
- ③ a part time resident (less than 6 months a year): 15    ④ non-resident landowner: 48    No Reply: 22



5. How much property do you own in the Town of Seward? *[Check total for all parcels]*

- ① None: 17    ② Less than one acre: 52    ③ 1 to 4.9 acres: 91    ④ 5 to 9.9 acres: 64    ⑤ 10 to 24.9 acres: 52    ⑥ 25 to 49.9 acres: 42    ⑦ 50 to 99.9 acres: 30    ⑧ 100 acres or more: 36    No Reply: 21

6. Do you maintain your Legal Residency in the Town of Seward? (*Legal residency is defined by where you vote*) *[Check one]*

- ① Yes: 302    ② No: 81    No Reply: 22

*If yes - a. Do you own or rent your in-town residence? [Check one]*

- ① Own: 299    ② Rent: 11    No Reply: 93    Improper Response: 2

*If no - b. Where do you maintain your Legal Residency? [Check one]*

- ① Elsewhere in Schoharie County: 20    ② Elsewhere in New York State: 37
- ③ Outside of New York State: 19    No Response: 329

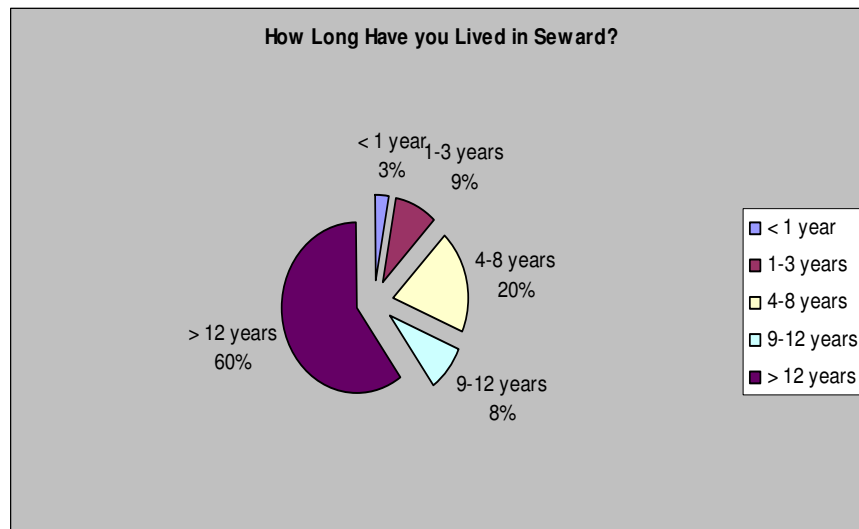
*Fill-in Answers (number of answers in parenthesis):* Bronx, Canajoharie, Carlisle, Florida (5), New Hampshire, New Jersey (7), North Carolina, Orange County, Pennsylvania, Sharon Springs, South Carolina (2), Texas, Suffolk County, Westchester County

7. How long have you resided at your current address? *[Check one]*

- ① For the past year: 15    ② For the past 1-3 years: 38    ③ For the past 4 to 8 years: 74    ④ For the past 9 to 12 years: 30    ⑤ or, For more than a dozen years: 225    No Response: 22

8. How long have you resided in the town of Seward? *[Check one]*

- ① For the past year: 11    ② For the past 1-3 years: 32    ③ For the past 4 to 8 years: 70
- ④ For the past 9 to 12 years: 29    ⑤ For more than a dozen years: 213    No Response: 50



9. Other than your residence, do you own property in the Town of Seward? **[Check one]** ① Yes: 117 ② No: 274

***If yes check all that apply to other properties you own***

③ Seasonal residence for myself: 15 ④ Residential Property for rent by others: 6 ⑤ Commercial property: 1  
 ⑥ Agricultural property: 47 ⑦ Other residential property: 2 ⑧ Vacant land: 56

10. How has zoning in the Town of Seward impacted you?

① Positively: 38 ② Negatively: 70 ③ No significant impact: 260

***Comments: Attached***

11. How important are land use issues to you?

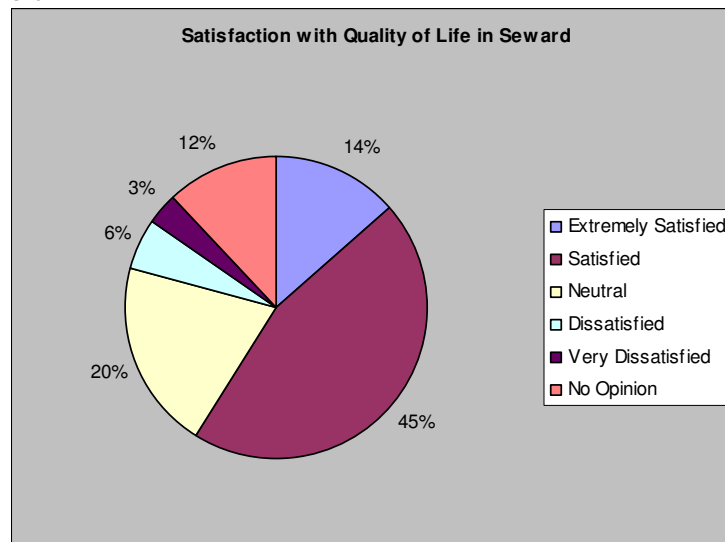
① Important: 328 ② Not important: 14 ③ Not sure: 54

12. In your opinion the current land use regulations adopted by the Town are:

① Too restrictive: 87 ② About right: 107 ③ Not restrictive enough: 23 ④ Not sure: 167

13. How satisfied are you with the quality of life in the Town of Seward today? **[Check one]**

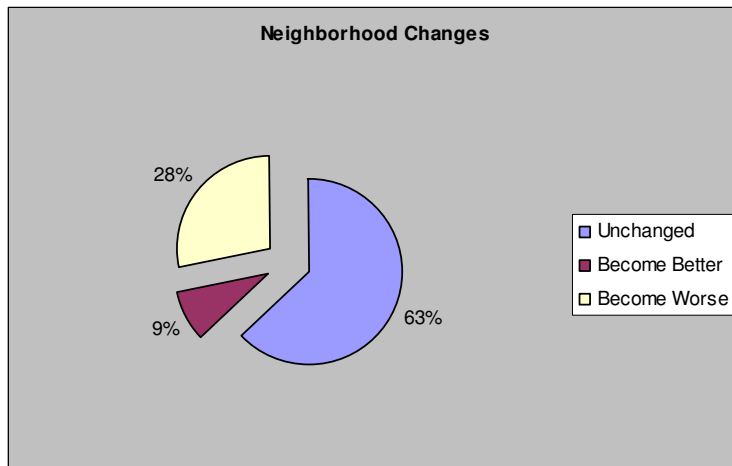
① Extremely satisfied: 53 ② Satisfied: 176 ③ Neutral: 78 ④ Dissatisfied: 22 ⑤ Very dissatisfied: 13 ⑥ Not sure or no opinion: 46 No Reply: 13



14. During the time you have lived in Seward, has your neighborhood changed?

① Remained more-or-less unchanged: 225 ② Become better: 32 or ③ Become worse: 102

***Comments: Attached***



15. Are there historic sites, natural or unique environmental areas, or scenic views which should be protected, particular roads or areas in the Town of Seward? ① Yes: 156 ② No: 157 No Reply: 76

*Comments: Attached*

16. Should the cost of public improvements and services be considered by the Town, at the developers expense, when reviewing proposed developments? ① Yes: 331 ② No: 35 No Reply: 30

17. Are there particular roads or areas in the Town of Seward that stand out in your mind as being especially attractive to the community? ① Yes: 131 ② No: 207 No Reply: 58

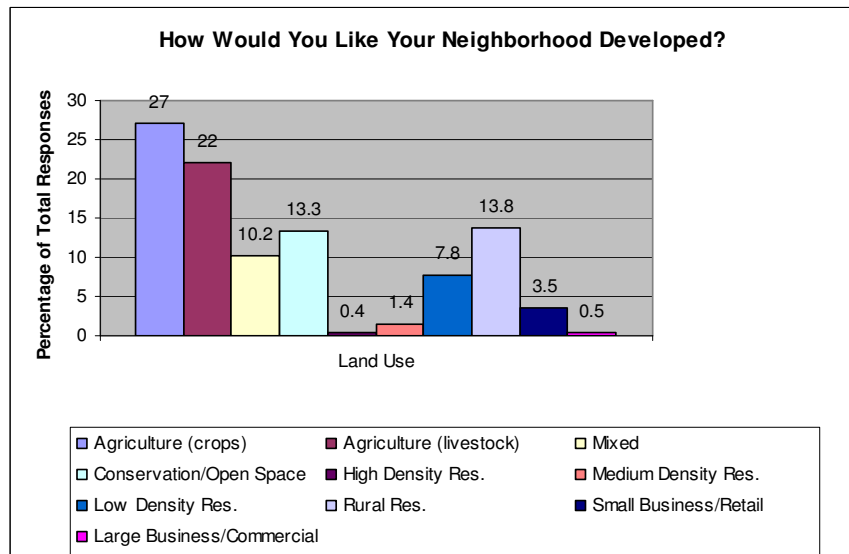
*Comments: Attached*

18. Are there particular roads or areas in the Town of Seward that stand out in your mind as being especially unattractive to the community? ① Yes: 104 ② No: 228 No Reply: 65

*Comments: Attached*

19. How would you like land use in your immediate Seward neighborhood to develop as? *(Check top 3 choices)*

① Agricultural *[Cropland]*: 286 ② Agricultural *[Livestock]*: 233 ③ Mixed: 108  
 ④ Conservation or open land reservation: 141 ⑤ High Density Residential: 4  
 ⑥ Medium Density Residential: 15 ⑦ Low Density Residential: 83  
 ⑧ Rural Residential: 146 ⑨ Small Business/Commercial/Retail: 37 ⑩ Large Business/Commercial: 5  
 No Response: 21



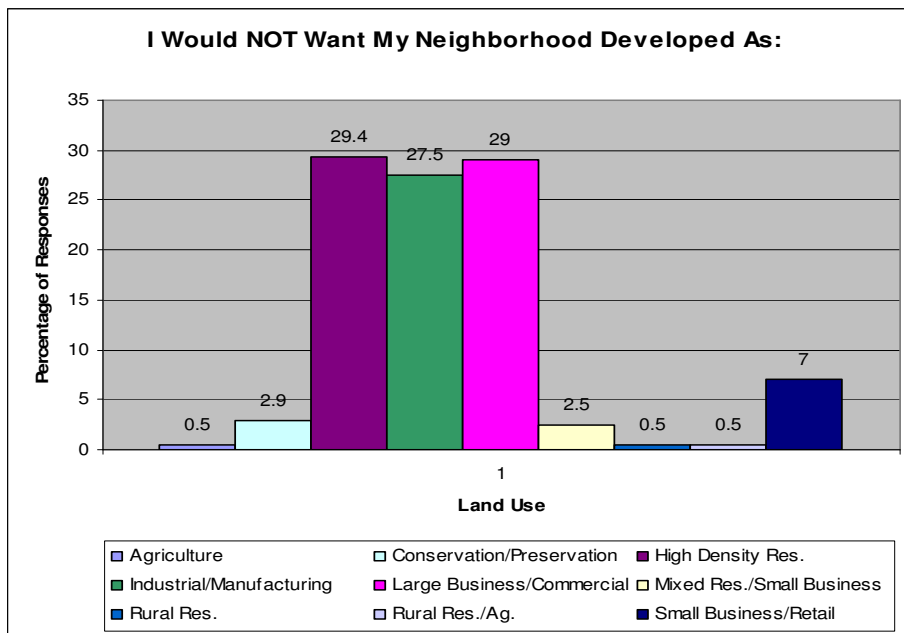
20. I would like to see the land use in my immediate neighborhood developed as *(Check top 3 choices)*:

① Agricultural: 283 ② Conservation or Preservation: 180 ③ High Density Residential: 7  
 ④ Industrial or manufacturing: 2 ⑤ Large business, commercial or retail use: 2  
 ⑥ Mixed residential and small business: 85 ⑦ Rural residential: 144 ⑧ Rural residential and ag: 160

⑨ Small business, commercial, and retail: 52      No Response: 13

21. I would not like to see the land use in my immediate neighborhood developed as *(Check top 3 choices)*:

① Agricultural: 6      ② Conservation or Preservation: 32      ③ High Density Residential: 321  
 ④ Industrial or manufacturing: 301      ⑤ Large business, commercial or retail use: 317  
 ⑥ Mixed residential and small business: 27      ⑦ Rural residential: 6      ⑧ Rural residential and agricultural: 6  
 ⑨ Small business, commercial and retail use: 77      No Response: 30



22. Which of the following policies should the Town of Seward follow regarding agricultural uses:

Should the Town... *(Circle one response for each option)*

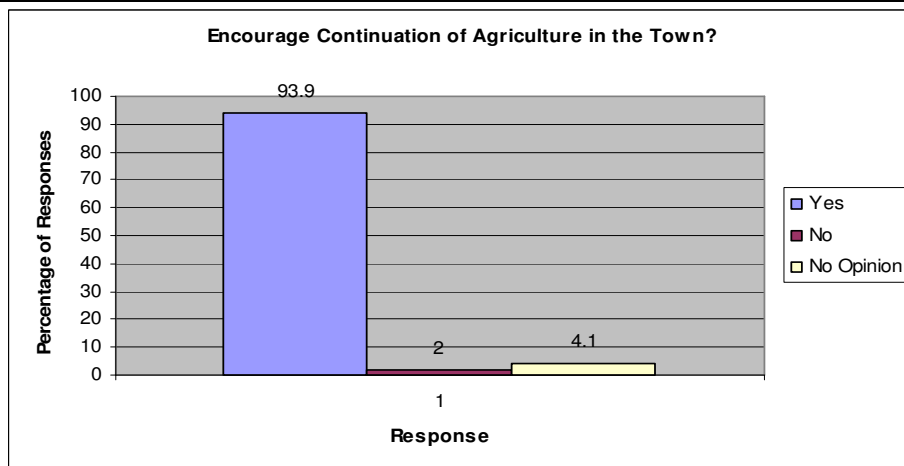
a. encourage the continuation of agriculture in the Town?

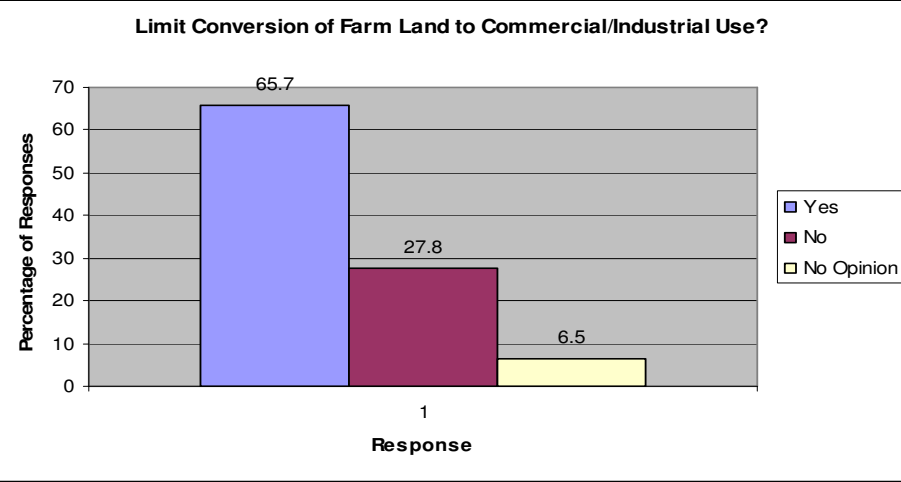
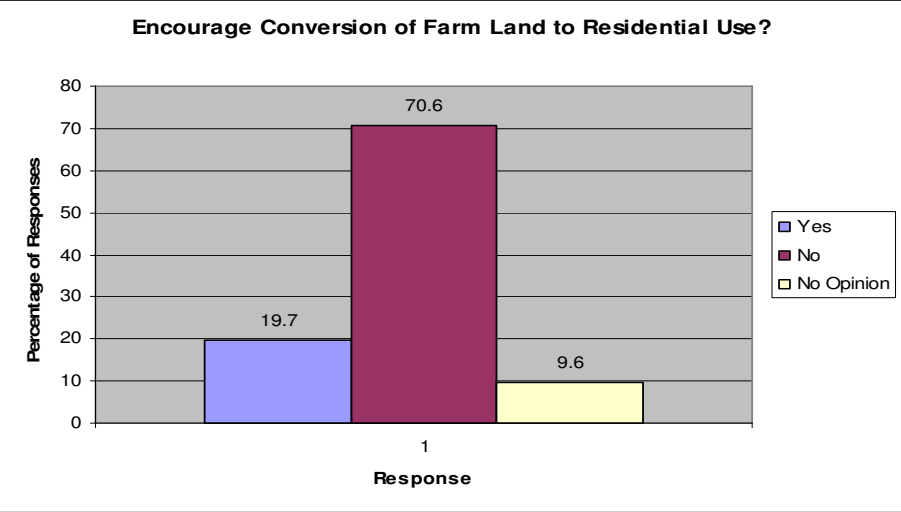
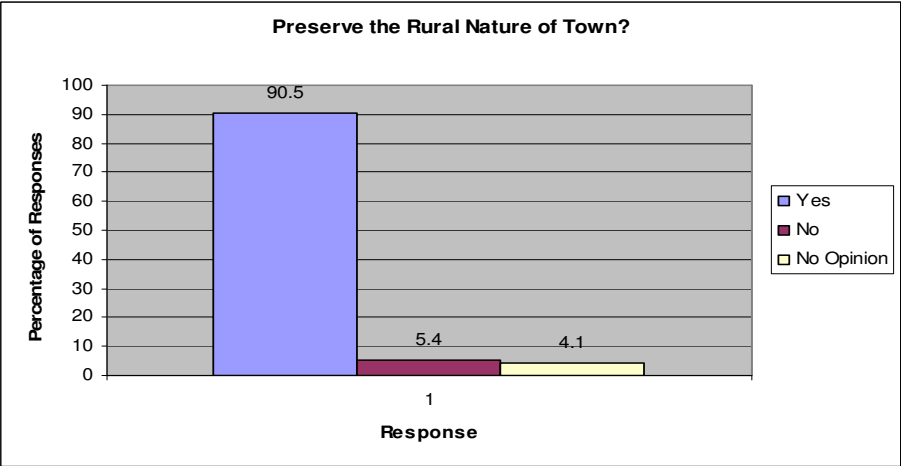
b. strive to preserve the rural nature of the Town?

c. encourage the conversion of farm land to residential use?

d. limit the conversion of farm land to commercial or industrial use?

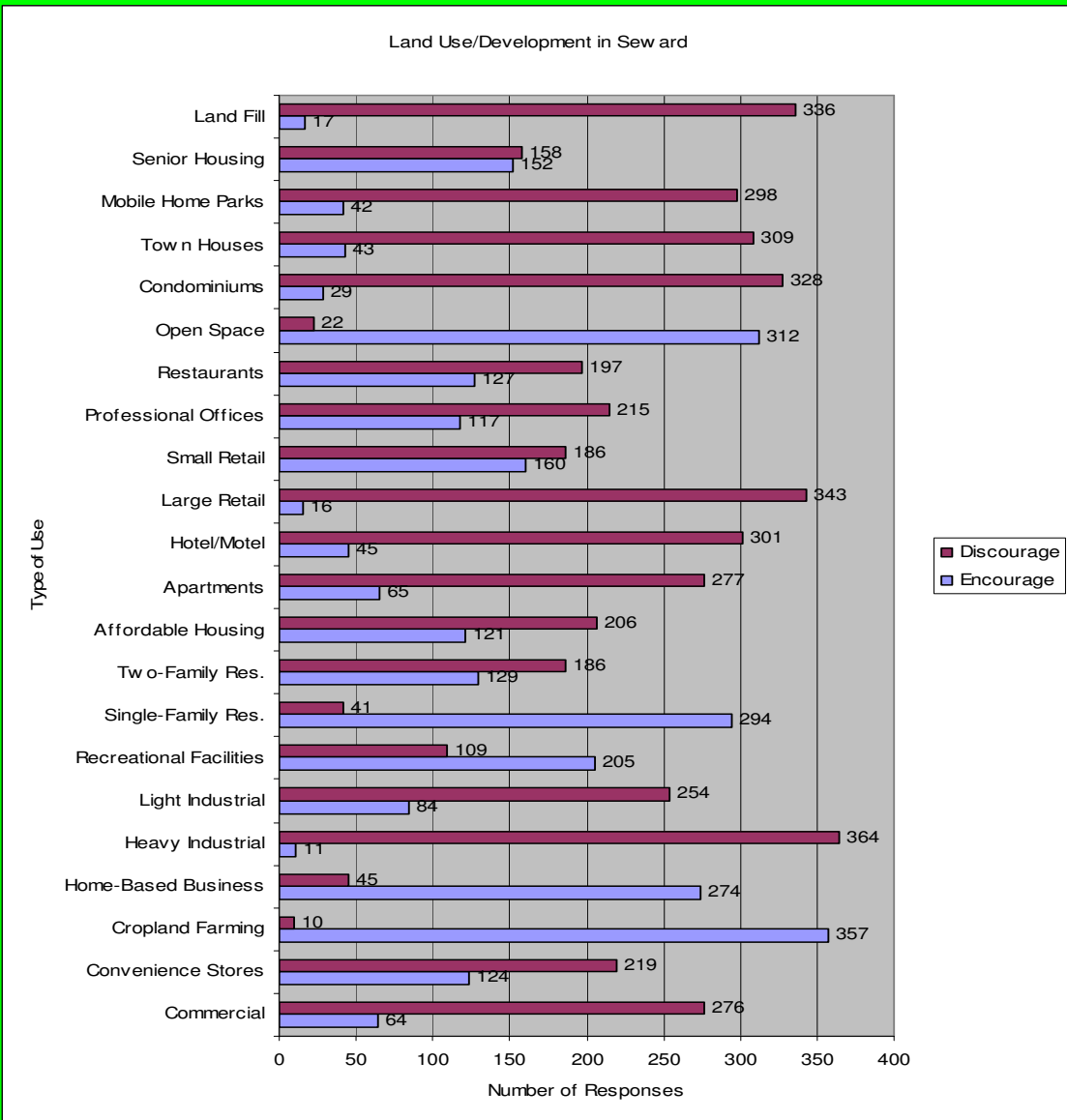
Yes	No	No Opinion
①	②	③
368	8	16
①	②	③
354	21	16
①	②	③
76	272	37
①	②	③
253	107	25





23. Please indicate whether the Town of Seward should encourage or discourage the following types of land uses in your neighborhood ( See map accompanying Question 1):

	Encourage	Discourage	No Opinion		Encourage	Discourage	No Opinion
a. Commercial uses	① 64	② 276	③ 44	l. Hotel/Motel	① 45	② 301	③ 37
b. Convenience Stores	① 124	② 219	③ 40	m. Large Retail	① 16	② 343	③ 20
c. Cropland Farming	① 357	② 10	③ 24	n. Small Retail	① 160	② 186	③ 35
d. Home-based Business	① 274	② 45	③ 69	o. Professional Offices	① 117	② 215	③ 44
e. Heavy Industrial	① 11	② 364	③ 10	p. Restaurants	① 127	② 197	③ 54
f. Light Industrial	① 84	② 254	③ 44	q. Open space	① 312	② 22	③ 33
g. Recreational Facilities	① 205	② 109	③ 64	r. Condominiums	① 29	② 328	③ 23
h. Single-Family Residential	① 294	② 41	③ 50	s. Town Houses	① 43	② 309	③ 30
i. Two-Family Residential	① 129	② 186	③ 64	t. Mobile Home Parks	① 42	② 298	③ 38
j. Affordable Housing	① 121	② 206	③ 58	u. Senior Housing	① 152	② 158	③ 71
k. Apartments	① 65	② 277	③ 44	v. Land Fill	① 17	② 336	③ 29



24. Please indicate how important the following reasons were for you or your family in moving to Seward? *[Check one]*

	Very Important	Important	Not Important		Very Important	Important	Not Important
a. Affordable house or property	① 208	② 118	③ 39	g. Sense of Community	① 105	② 163	③ 87
b. Near Job	① 97	② 180	③ 182	h. Low Crime Rate	① 229	② 114	③ 16
c. Recreational opportunities	① 72	② 97	③ 182	i. Close to Capital District	① 70	② 122	③ 264
d. Rural Location	① 269	② 90	③ 14	j. Near Relatives and Friends	① 118	② 105	③ 138
e. Low Taxes	① 204	② 97	③ 35	k. Good transportation access	① 75	② 105	③ 170
f. Good School	① 153	② 103	③ 104	l. Grew up Here	① 90	② 56	③ 208

*Comments: Attached*

25. Please indicate how important these are to you and how you feel about their present quality in the Town of Seward by circling the appropriate letters. *You should respond to BOTH importance and quality.*

	How Important to You?			What is Present Quality?		
	Very Important	Important	Not Important	Excellent	Adequate or Average	Poor
a/b. Water Quantity	① 286	② 93	③ 8	① 157	② 167	③ 26
c/d. Water Quality	① 296	② 76	③ 11	① 109	② 188	③ 46
e/f. Wastewater Disposal	① 181	② 143	③ 44	① 58	② 242	③ 31
g/h. Historic Preservation	① 116	② 172	③ 87	① 20	② 246	③ 60
i/j. Land Use Regulation	① 161	② 174	③ 40	① 38	② 229	③ 54
k/l. Code Enforcement	① 121	② 183	③ 66	① 35	② 240	③ 51
m/n. Access to Cable Television	① 104	② 113	③ 164	① 44	② 114	③ 165
o/p. Youth Programs	① 53	② 157	③ 166	① 9	② 161	③ 149
q/r. Recreational Facilities and Opportunities	① 51	② 146	③ 176	① 14	② 170	③ 131
s/t. Protection of Open Spaces	① 191	② 148	③ 39	① 27	② 249	③ 49
u/v. Protection of Steep Slopes	① 128	② 163	③ 82	① 24	② 236	③ 55
w/x. Protection of Floodplains and Wetlands	① 150	② 174	③ 53	① 28	② 247	③ 46

26. Please indicate how important these are to you and how you feel about their present quality in the Town of Seward by circling the appropriate letters. You should respond to both importance and quality.

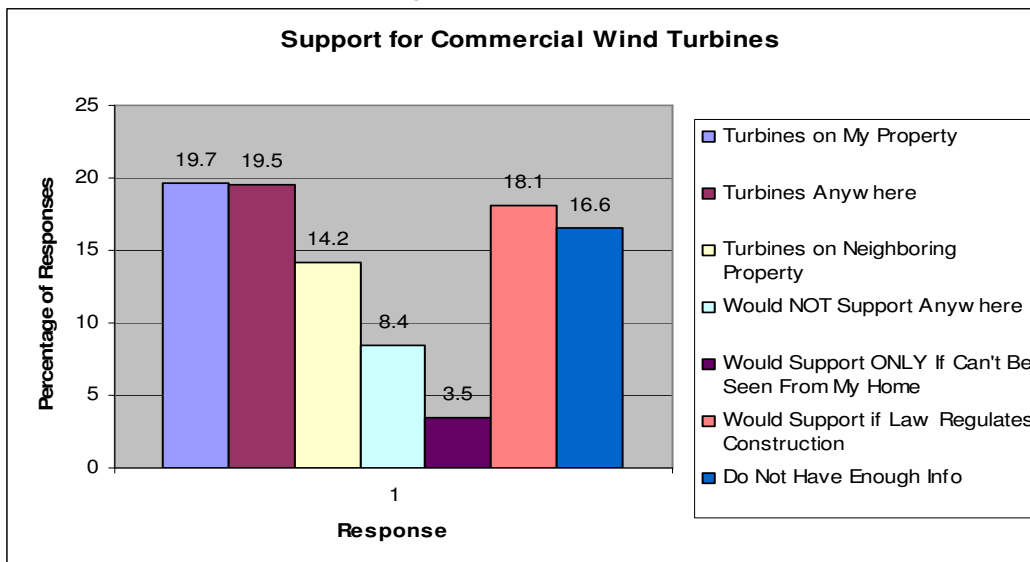
Feature	How Important to You?			What is Present Quality?		
	Very Important	Important	Not Important	Excellent	Adequate or Average	Poor
a/b. Agriculture appearance of the area	① 219	② 137	③ 30	① 107	② 226	③ 20
c/d. Farming and agriculture as a business	① 224	② 135	③ 25	① 73	② 233	③ 41
e/f. Connection to the heritage of the town	① 79	② 185	③ 108	① 22	② 231	③ 82
g/h. Employment opportunities	① 97	② 149	③ 128	① 11	② 113	③ 215
i/j. Living close to my job	① 99	② 128	③ 143	① 62	② 185	③ 76
k/l. Police coverage	① 104	② 219	③ 51	① 37	② 239	③ 69
m/n. Fire protection and coverage	① 185	② 178	③ 17	① 54	② 255	③ 39
o/p. Ambulatory coverage	① 173	② 184	③ 18	① 49	② 237	③ 46
q/r. Rural character of the Town	① 197	② 161	③ 22	① 86	② 243	③ 18
s/t. Close to family and friends	① 100	② 151	③ 127	① 76	② 216	③ 39
u/v. Quality of school district	① 146	② 156	③ 79	① 99	② 217	③ 26
w/x. Access to Internet	① 141	② 137	③ 93	① 44	② 138	③ 153

27. On a scale from 1 to 5 how important are the following reasons that you or your family chose to live in the Town of Seward?

	Unimportant	Not Very Important	Important	Very Important	Most Important
a. Affordable house or property	⑤ 16	④ 29	③ 130	② 105	① 78
b. Home near job	⑤ 86	④ 76	③ 94	② 60	① 40
c. Available recreational opportunities	⑤ 75	④ 119	③ 111	② 24	① 20
d. Rural location	⑤ 10	④ 10	③ 113	② 105	① 120
e. Low taxes	⑤ 8	④ 11	③ 116	② 102	① 101
f. Good school	⑤ 46	④ 38	③ 131	② 88	① 54
g. Sense of community	⑤ 29	④ 63	③ 184	② 52	① 31
h. Low crime rate	⑤ 12	④ 12	③ 143	② 114	① 76
i. Close to Capital District	⑤ 74	④ 110	③ 117	② 37	① 18
j. Near relatives or friends	⑤ 76	④ 86	③ 95	② 56	① 50
k. Good access to transportation	⑤ 83	④ 109	③ 110	② 34	① 16
l. Grew up here	⑤ 166	④ 41	③ 55	② 33	① 43
m. Other (Specify Below)					
Comments: Attached	⑤ 18	④ 0	③ 3	② 9	① 23

28. If the Town of Seward were approached today to allow construction of one or more **COMMERCIAL** wind turbines, would you support: **[check all that apply]**

① wind turbine(s) on my property: 134 ② wind turbine(s) anywhere: 133 ③ wind turbine(s) on neighboring property: 97  
 ④ would NOT support the construction of wind turbines anywhere in town: 57 ⑤ I would support wind turbine(s) only if I can't see them from my home: 24 ⑥ would support if there was a law regulating construction and operation of wind turbines: 123 ⑦ Do not have enough information: 113



29. The following are a number of issues identified by other municipalities or addressed in local regulations governing the construction and operation of wind turbines, On a scale from 1 to 5 please indicate the level of your concern about each: **(Mark selection after each item)**

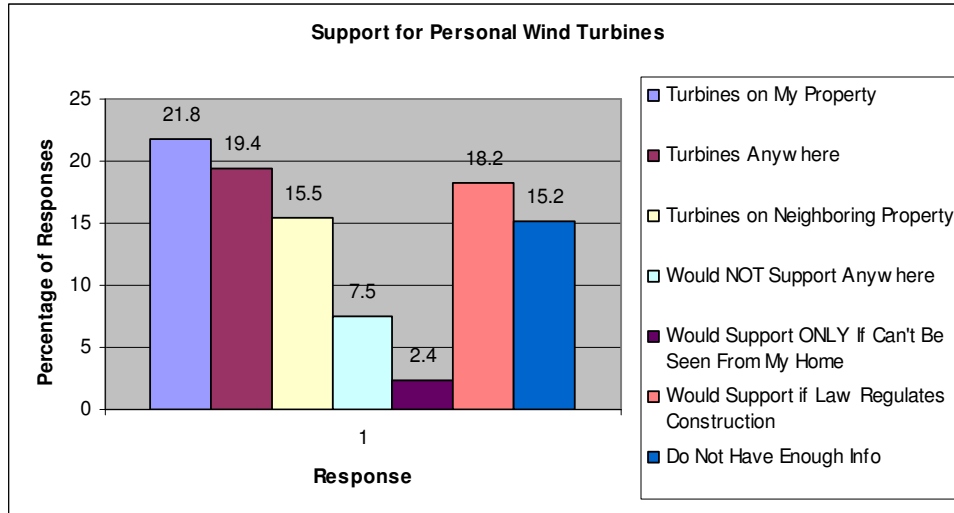
	Not concerned	Not very concerned	Moderately concerned	Very concerned	Extremely concerned
a. Visibility	⑤ 87	④ 80	③ 104	② 33	① 82
b. Noise	⑤ 53	④ 67	③ 102	② 50	① 114
c. Impact on bird migration	⑤ 82	④ 69	③ 98	② 55	① 78
d. Bird or bat kills	⑤ 81	④ 66	③ 86	② 69	① 78
e. Local access to power generated	⑤ 31	④ 27	③ 74	② 109	① 138
f. decreased property values	⑤ 45	④ 58	③ 97	② 56	① 122
g. Setbacks	⑤ 29	④ 54	③ 108	② 69	① 99
h. Total number of turbines in any one area	⑤ 41	④ 51	③ 109	② 50	① 131
i. PILOT (Payment in Lieu of Taxes) agreements with local governments and school districts.	⑤ 21	④ 24	③ 118	② 81	① 112
j. Payments and lease terms with owners of property on which the	⑤ 33	④ 31	③ 114	② 86	① 108

generators are located.  
 k. light flickering through wind turbine blades  
 l. Other \_\_\_\_\_  
*Comments: Attached*

⑤ 91      ④ 97      ③ 77      ② 30      ① 81  
 ⑤      ④      ③      ②      ①

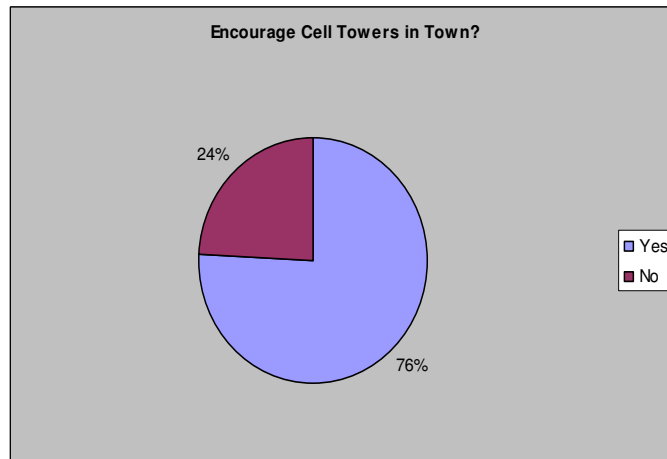
30. If the Town of Seward were approached today to allow construction of one or more **PERSONAL USE** or **MUNICIPAL** wind turbines, would you support: *[check all that apply]*

① wind turbine(s) on my property: 152    ② wind turbine(s) anywhere: 135    ③ wind turbine(s) on neighboring property: 108  
 ④ would NOT support the construction of wind turbines anywhere in town: 52    ⑤ I would support wind turbine(s) only if I can't see them from my home: 17    ⑥ would support if there was a law regulating construction and operation of wind turbines: 127    ⑦ Do not have enough information: 106



31. Are there alternative sources of energy that the Town should encourage? ① Yes: 254    ② No: 94  
 If yes, would you support natural gas or oil exploration?    ① Yes: 171    ② No: 129  
*Comments: Attached*

32. If the Town of Seward was approached to allow the construction of more cell towers would you encourage?  
 ① Yes: 274    ② No: 88



33. How would you characterize the property you own or occupy in the Town of Seward? *[Check all that Apply]*

① Residential: 202    ② Commercial: 5    ③ Agricultural (*producing a significant farm income*): 73  
 ④ Rural residential including incidental livestock (*6 head or fewer*) or minor cultivation (*under 10 acres plowed*): 73  
 ⑤ Rural residential with vacant or wooded land: 139    ⑥ Vacant/ wooded land: 60

**34. If you reside in the Town of Seward:**

**a. how would you classify your residence?**

- ① I do not reside in Seward: 57 ② Single family residence on its own lot: 313 ③ Single family residence sharing a lot with another: 4 ④ Two family residence: 5 ⑤ Multi-family residence (3 or more households in unit): 2

**b. how would you describe the construction of your residence?**

- ① I do not reside in Seward: 49 ② Traditional wood frame or masonry constructed on site: 245  
③ Factory built components, assembled on site: 20  
④ Modular construction on permanent foundation (including single and double wides): 44  
⑤ Mobile home on permanent foundation: 11 ⑥ Mobile home which retains capability for relocation: 12

**35. What is the source of your water supply? (If multiple sources, check primary source)**

- ① Private Well on My Property: 350 ② Cistern: 2  
③ Spring or other Surface Water Supply (Pond, Creek, etc): 21

a. If you presently rely upon a private well for your water supply is it ① a drilled well: 263 or ② a dug well? 27

b. If you know, how deep is the well      feet, and what is the well output in gallons per minute (gpm)     .

**36. Please describe the type of construction for your residence and/or business:**

- a. your residence [Check one which most applies] ① Wood frame: 265 ② Trailer or Mobile home (retaining mobility capability): 16 ③ Mobile home or manufactured structure on permanent foundation: 53 ④ masonry: 6  
⑤ no residence, or not applicable: 15 ⑥ log house: 12

- b. your place of business [Check one which most applies] ① Wood frame: 25 ② Trailer or mobile home (retaining mobility capability): 0 ③ Manufactured structure on permanent foundation: 4 ④ masonry: 4 ⑤ Pole building: 9 ⑥ Steel frame: 1 ⑦ no business, or not applicable: 357

**37. Concerning the availability of jobs that enable you to provide your expected quality of life...**

a. in your opinion, are there currently quality employment opportunities available IN the Town of Seward [Check one]

- ① Yes: 17 ② No: 353

b. in your opinion are there currently quality employment opportunities available AROUND (within 30 miles) the Town of Seward? [Check one]

- ① Yes: 252 ② No: 113

c. If you answered "no" to the questions above, in your opinion, what types of jobs are needed in the Town?

**Comments: Attached**

**38. How many people in your household are employed outside of the home? [Fill in the Appropriate Number of Each]**

a. Employed Full Time [ 391 ]; b. Employed Part Time [ 97 ]; c. Not employed outside of home [ 161 ].

**39. Please indicate the number and status of persons in your household who are not employed outside of the home (Fill in the Appropriate Number of Each):**

- a. Work at home for money [ 32 ]; b. Homemaker [ 38 ]; c. Retired [ 207 ];  
d. Unemployed but looking for work [ 15 ]; e. Students [ 121 ]; f. Pre-school Children [ 13 ]

**40. Do you currently have Internet service?**

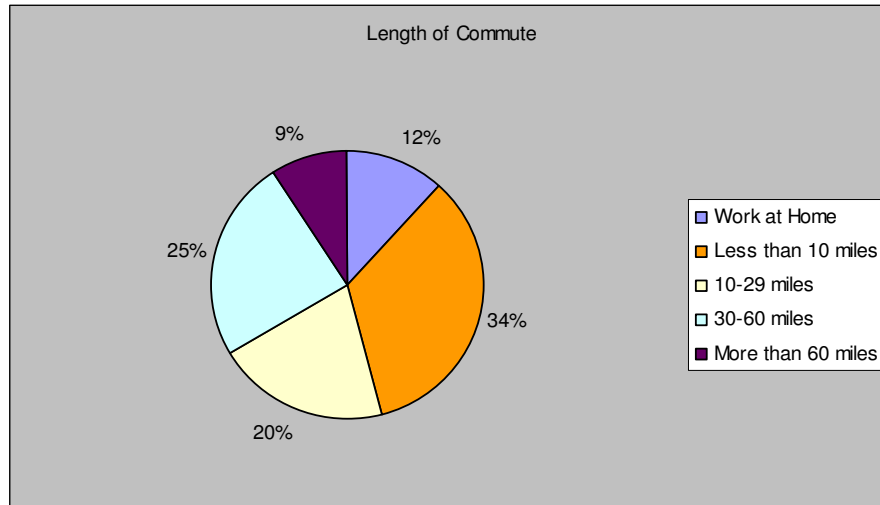
① Yes: 280    ② No: 92

**If yes What is the source of your service?**

① Cable: 97    ② Satellite: 41    ③ Telephone Dial-up: 95    ④ Telephone DSL: 40  
 ⑤ Other: 8 (Please Specify type of Service) air cards (all 8)

**41. How far do the people in your household commute (one-way) to work? [Check one which most applies]**

① Work at home or on my own property: 33    ② Drive less than 10 miles: 93    ③ Drive 10 – 29 miles: 56  
 ④ Drive 30 – 60 miles: 67    ⑤ Drive more than 60 miles: 25



**42. If you are a business owner or operator, during the last week, how many people (including yourself) were employed at your business in Seward? [Fill in the Appropriate Number of Each]**

a. Employed Full Time [ 31 ] ;    b. Employed Part Time [ 10 ].

**43. Should the Town encourage adult uses such as adult book stores or other adult entertainment?**

① Encourage: 15    ② Discourage: 309    ③ No opinion: 62

**44. In regards to Municipal Facility (please answer all questions):**

- ① Would you support building a new Town Facility?    ① Yes: 49    ② No: 303  
 ② Support adding on the current facility shared with town and county highway departments?    ① Yes: 166    ② No: 152  
 ③ Support building the new Municipal Facility near the current highway facility on the same lot?    ① Yes: 64    ② No: 133  
 ④ Should a public hearing be conducted on the municipal facility?    ① Yes: 311    ② No: 41  
 ⑤ Support construction within the next:  
     ① 2-3 years: 44    ③ 6-10 years: 72  
     ② 4-6 years: 63    ④ Never: 120

Q_General_Comments_Query	
SNum	RQGencomment
0	
2	Q28 support only if they can be profitable w/o govt money being spent
7	can't answer question 44 - don't know reasons for consideration of such a change
19	it (Municipal Facility) is not needed, taxes are too high already. Think!
27	I want to know why we need a new town hall, how

Q_General_Comments_Query	
SNum	RQGencomment
	much it will cost and how much my taxes will go up.
34	29. The only way I would support the construction of wind turbines would be with strict laws regulating setbacks, noise, etc. Any town law regarding wind towers should require the wind company to sign and adhere to the Attorney General's Code of Ethics
36	Let's see if we can expand the tax base and lower our taxes before we think about taking on more expense. I

Q General Comments Query	
SNum	RQGencomment
	can't afford to add on anymore; why should the town be able to afford it?!
40	I honestly don't see much happening except high tax rates. There is no public water or sewage. Nor is there any police, fire, or medical personnel from Seward, everything is from Cobleskill. There are no jobs or stores here. 10 houses on Rt 10 is it.
45	44. 40-50 years
64	44. use one of the buildings Seward owns and split the duties
76	44. if town grows and it's needed then do it
80	43. loud and clear - NO!!
82	dissolve the town
83	town government in all of NY should be eliminated
85	no wind turbines!!
92	44. look into need (before building)
107	16. depends what it is
108	29. won't agree unless get a % reduction for own electrical usage
108	29. will only agree if % reduction for home electric usage.
108	29.) will only agree if get % reduction for electric usage. 37.) little business here and should remain so; farms are good and people who live here know they'll likely have to travel for jobs
130	19. livestock is the only way to keep open land open
131	I don't care what people do with their property! I just want my taxes LOWERED!
138	44.) when needed?
143	44. repair my road first; lower my taxes
151	10. Neighbors running illegal slaughter house, code enforcement officer said he'd give them a chance! Asked me where I was from! Does that really matter? By the way, I'm born and raised in upstate NY!
155	12. Hunters are all over my private property and I have been robbed 7 times!!!
155	12. Hunters are all over my private property and I have been robbed 7 times!!! 14. Too many hunters going wherever they want - no police department!!
156	Respondent is a handicapped man - needs guidance; lives at home; enjoys working part time at college
157	19. too much land for one house - we need the taxes! 44. no money, and we don't need more taxes!!!
161	10. "residential" zoning now restricts future use of property, which was originally bought and designed to use as a small farm with riding horses. Property can't be sold for this use which decreases property value and resaleability to those who want this
163	44. if needed and when needed
164	44. depends on the hearing - don't know why this is needed
166	I own acreage in Seward that's used for ag. crop production. I responded to those questions on the survey that pertained to a non-resident landowner with an interest in agriculture.
178	44. you have the equipment and manpower to DO SO

Q General Comments Query	
SNum	RQGencomment
190	44. 5) when the economy is better
191	43. Separate religion from government
213	It doesn't matter unless you are a good ole boy. Some can, some can't. You're all liars
225	26. rural does not mean run down!!; big fancy school, lousy educators; school taxes too much!! BELT TIGHTENING TIME 43. NO SMUT PLEASE 44. no more spending!!; cut tax burden!!; WE DO NOT NEED ANOTHER FACILITY, stop it
228	23.) would NOT discourage commercial development on Rt 10 and parts of 165. 44.) at this point I think this would be a waste of money
232	19. large business/commercial should be considered if it can lower taxes. 28. want more info.
246	I didn't fill this out because I live in the town of Carlisle and only have a 25 acre strip on the west side of our farm in the town of Seward.
266	see survey: submission solely in letter form (regarding wind energy)
269	44.) (5) maybe (in 6-10 years)
282	15.) In general, the mix of farms and mountain woods should be considered a great resource for its yield of fresh produce and grass-fed dairy and meat, as well as its valuable habitats for diversity of flora and fauna.
290	44. 5) if it is ever really needed, which I doubt - maybe 20 years
291	44. when times are better
303	44.2) and 5) after public hearing mind will be made up
314	44. Cannot answer without information. What would it be for? Silly questions
315	I have kept my 2.8 acres atop of Settles Mtn as a "piece of home." We moved to TX 30 years ago but still call Schoharie County home. Thank you all.
318	43. NEVER!
326	19. In my particular area there isn't much room for any kind of development. I can't think of one thing that the community as a whole would support, unless it was a big box store.
344	43. Definitely not!
345	44. is there a need?
351	44. if and when there is demonstrated and affordable need
359	44. 5) 15+ years
363	44. 5) = \$ needed
364	5. 132 acres divided btw Seward and Sharon 43. Absolutely not 44. do not know if needed
365	43. State question clearly - should the Town approve the business application if..., or are you asking if the town should approve residents' patronization of such regardless of where sited? 44. What is Municipal Facility for?
368	28. need to see plans for turbine construction somewhere it would not disrupt views or property
369	44. consider other options
370	44. not at this time
374	I don't really care what people do with [their] house or

Q_General_Comments_Query	
SNum	RQGencomment
	land
376	I would most prefer to see area stay rural/suburban. Taxes are high & some utilities (internet, cable) are lacking, but that is preferable to heavy traffic that accompanies dense residential and industrial/commercial uses. Good ag. base & college -

Q10_Fill_In	
SNum	RQ10comment
5	reduces availability to do things with property
6	need more business to carry tax load and get funds
10	I believe zoning not fully enforced
14	I own the land, should be able to do as I please
15	haphazard subdivision
19	there is no commercial zoning
27	we support zoning
34	we support zoning
36	need it to maintain country life & allow business
45	unknown
51	land use regs debate - livestock farm building
56	Most zoning is to say no, not "how can we help"?!
62	can't build barn for tools for land without house
71	at least not yet
76	don't know
82	zoning not enforced
83	apparently not enforced
84	I don't like taking peoples' rights away
95	school sent my brother & I to Radez not Golding
137	too controlling
151	neighbors running illegal slaughter house
155	road not maintained; road and taxes not seasonal
157	lot requirement to build a home not reasonable
161	residential zoning restrictive & lowers value
165	I pay as much taxes as someone with more land
173	like it just the way it is
177	too many regulations
181	I'm assessed as much as someone with more acreage
186	it has stopped cluster housing
197	like large lot sizes
204	vacant land they said was too small
205	had to stop work on small barn too close to road
219	luckily could grandfather
238	neighbor and animal issues
239	lots are way too small
242	lots are too small
250	really don't know the zoning laws
269	want Seward to stay rural/ag!!!
274	75% needs to be eliminated
275	bought farm land not used for building a home
278	80% of zoning should be eliminated
282	lack the knowledge to respond

Q_General_Comments_Query	
SNum	RQGencomment
	use
394	44. not necessary at this point

Q10_Fill_In	
SNum	RQ10comment
287	nothing of consequence
288	don't know zoning laws; need more info
290	should be agriculture
292	too much residential that was ag
300	keep in agriculture
302	needed site variances in the past
304	look around, some abide by rules and some don't
310	they have impacted some residents
318	increased taxes
322	need to have strict laws on burning junk
338	not a resident - not informed about zoning
341	too much gov't
344	haphazard use of land and farming
345	if the land around me is developed - negatively!
351	promotes agricultural aspects of area
353	don't need others saying what you can do
359	too much zoning
365	don't weaken current zoning or change w/o public
367	Moved here to be in ag. setting - now residential
372	intrudes too much on personal lives
377	smacks of communism, curtails BASIC RIGHTS
378	annoying system - too many rules/regs
380	would like to build and move here, not sure yet
382	couldn't put shed where we wanted
390	too much farm land being sold as parcels
393	fewer trailers that are depreciable - tax base
397	zoning is prohibiting growth
403	love the open spaces and farms
405	need easement to access property
407	Lutheran church & town residence issues

Q14_Fill_In	
SNum	RQ14comment
3	farmland converted to houses
4	too many feral cats
5	excessive speeds on roads; too much vehicle volume
10	houses are maintained better
11	dangerous roads - 435 and patrick road too fast
15	farm divided into too small subdivisions
17	too many ATVs; vandalism on Jersey Ln
18	subdivisions

Q14_Fill_In	
SNum	RQ14comment
19	new homes and neighbors
20	better neighbors
24	people want to live in a rural area
28	Hamlet of Seward unchanged except unkempt homes
32	don't know if or what changes have taken place
36	many more homes around me - 5 I can see from house
38	no economic development proposed
42	zoning - subdivision regs
47	not allowing some small business in
51	modular homes, busy-body regs; livestock regs
54	too many junk yards in Dorloo
59	too many abandoned vehicles in yards
61	vandalism on Jersey Ln
66	too much junk in yards
67	location
69	unkempt homes
71	deterioration of farm situations
73	junk piling; more homes
74	neighbors' houses not kept in repair
75	Dorloo store closed
80	junk around houses/uncared for houses
82	too many new houses on road
83	new construction on 3-5 acre plots
84	lost farms
85	traffic on 10 should be 45 mph max
90	too many farms are not worked
91	There's not much that could change!
93	no work
94	some owners don't keep up with repairs
97	no work
101	TRAFFIC
101	traffic
102	more traffic, rude drivers, influx of new owners
105	too many new houses
107	sub dividing properties going down hill
108	land with campers and junk car on Lawyersville Rd
111	only 7 people live on this road
112	less road maintenance, more burglaries
113	taxes are too high
117	lost all our farms
123	except the farm next door is no longer active
124	our kids now live here
129	more trash on roads, more noise/traffic
130	increased housing = decreased outdoor recreation
137	the times!
139	too much traffic on Rt 10
141	buildings not being maintained
143	improvement of properties around us
144	more new houses
145	losing open space to more houses

Q14_Fill_In	
SNum	RQ14comment
146	yes for better
151	see #10 and general comments
152	too many restrictions
153	no opinion
155	no maintenance to town & too many hunters all over
157	need too much frontage and acreage to build a home
158	no significant changes over the last 8 years
161	more homes abandoned or in disrepair; zoning probs
162	farmers haven't sold and subdivided (great thing)
165	more houses on the road
167	too many houses
181	taxes out of control for benefits we receive
183	roads better
194	too many new houses
196	too much development
200	new people moving in
204	too many neighbors/restrictions on hunting
205	aside from some new houses
208	small area
210	no one moving in; nothing changed good or bad
212	increased traffic
219	more traffic
221	the times!
222	more houses, paved roads allow people to go 60 mph
225	tax burden too large that's why
227	tax burden too high
232	became more populated yet taxes have decreased
233	increased population = paved roads/power/mail
235	general store and P.O. both closed
238	neighbor and animal issues
239	too many subdivisions and cabins
240	a little more crowded
242	too many subdivisions
250	unkempt/vacant properties; fenced animals
253	more traffic/noise/dirt due to cnty truck facility
255	not too much happens
260	neighbor improvements
263	residence built on adjacent land in prominent spot
264	everyone respect each other's balance in life
267	significant new housing around my land
270	nearby homes inhabited by undesirable neighbors
273	lack of business; taxes too high; economy
274	farms are leaving
277	more people moving in
278	farms disappearing
284	residential/ag. area and has no more businesses
287	using our road as a dumping ground
288	litter all along road
289	farm land in use all around my 6 acres
290	junkyard was added & general deterioration

Q14_Fill_In	
SNum	RQ14comment
294	lack of enforcement of trespassing laws
295	too much new construction
301	taxes too high - hard to live
305	zoning rules, economy, water quality
307	small building lots cropping up
308	seems to be fewer dumps
310	people care about their property looking nice
316	loss of store; P.O. and increase in traffic
318	new homes
323	neighbors moved from dairy to beef cows
325	farming much less
326	still areas that need cleaning up
327	a few new houses that's all
338	local lack of dev opps offered and poor economy
340	permitting outside storage of "merchandise"
344	unmonitored slaughtering
345	agricultural land is being developed
348	only 4 homes on the road - not much to change
351	little turnover of property
353	not allowing single-wides discriminates by wealth
359	taxes too high for area, people can't pay
360	farmland becoming building lots
363	zoning, the economy
365	no one has \$ to make changes
367	my view is impacted by new house & I smell septic
369	more houses/traffic; illegal atv etc use on road
372	development, increased traffic, accidents- 2 fatal
373	lived full time '77-'84; part time '85-present
375	taxes
377	too much development; people moving here
382	lower incomes
383	more junk vehicles/junk properties
386	a new home built nearby our property
388	new home built close to mine
390	too many residences - like a thruway
392	rural
397	growth is prohibited or seriously restricted
398	changed - more activity on minimum maintenance rd
401	two residents have allowed homes to deteriorate
403	I assume there are restrictions on use
408	people drive too fast on Gardnersville Rd
410	very little growth - I like that!
411	my property is remote

Q15_Fill_In	
SNum	RQ15comment
3	keep all environmentally sensitive lands protected
5	wetlands in town; Loonenburgh Tpke - historical rd
7	any known historical sites should be protected

Q15_Fill_In	
SNum	RQ15comment
10	old school house, Gauge and Odd Fellows Halls
15	Non-maintained town roads throughout town
19	wetland and mountains
21	Settles Mtn Rd
23	areas that are already residential
27	most of the town is scenic and should be protected
28	hamlet of Seward should remain as is
32	West Creek feeding the Schoharie and watershed
33	farmland; swamps
34	Bates farm, churches/cemeteries, mtns and pastures
38	open space
39	out back door; buildings
41	Catherine Markley gravestone Rt 10 - Janesville
42	Loonenbergh Tpke - historic
47	Seward Pond
48	432 Gardnersville Rd - scenic views very important
49	large undeveloped forest lands should remain green
51	many
53	old creamery, farms
55	farm and wood lands
56	old cemeteries
58	432 Gardnersville Rd - important scenic views
64	the old train station
66	Mill Pond Fall on 165; cemetery on 10/165
67	hills - woodland areas
68	town-wide
69	all cemeteries should be mowed
70	wetlands and waterways should have buffer
71	keep the land undeveloped
76	train station, tavern, church, ponds and creeks
78	someone should write a history of the hamlet
83	cemeteries for historical & genealogical purposes
88	cemetery on Rt 10
93	farm land to keep rural
95	all farmland should be protected/remain as is
97	farm land to keep rural
100	along Rt 165
108	enough building on south side of Lawyersville Rd
109	wetlands, open fields, and mountain areas
110	all of Seward
124	the view down the valley towards Cobleskill
125	view down the Rt 10 valley
130	elm tree on Lowe Rd
137	scenic
138	wetlands - without exception
143	endangered box turtles south of 145; good well H2O
145	all cemeteries and historic site along Rt 10/Rhnbk
146	wildlife as a whole
153	no opinion
155	Harroway Rd paved and plowed!!!

Q15_Fill_In	
SNum	RQ15comment
158	Loonenbergh Tpke; all historic roads
161	beautiful mountain views and pastoral farmland
162	farm land and views of hills shouldn't be changed
163	don't know of any
164	not sure what protected means in this context
168	just leave everything the way it is
170	all historic sites should be protected
175	all historic sites should be protected
186	all historic sites should be protected/documented
187	NO MORE asphalt on "dirt roads"
192	hilltops should remain scenic
195	once they're gone, they're gone forever!
196	Settles Mtn and Smokey Hollow
200	old historic homes have history
203	Cemeteries; wilderness - Rigley, Bush, Decatur Rds
210	Rhinebeck/Hallenbeck/Gardnersville Rds scenic
219	too much woodcutting
220	a very nice area
221	town is lovely
222	I would be in favor; can't think of areas
225	protect them all!!
227	all of it
228	all of Lowe/Bush Rds
232	all farming properties
233	creeks that flow through town & undeveloped hills
239	open space B - very scenic; should be open space
240	cemeteries, Indian sites, old buildings, RR, swamp
245	Bush St, Clove Rd
253	school house and Putriment farm
260	trees
263	rural roads have beautiful views; don't violate
264	the view from Castro Mtn overlooking Seward town
265	Gardnersville Rd from 145 to 10
270	Lowe Rd - farming/hunting etc; swamp area - herons
273	Markley Rd looking NNW; Hill Rd looking NNW
282	mix of farms and mountain woods should be [kept]
289	environmental
290	mine on NE side of Loonenbergh
300	Clove Rd, Loonenbergh Tpke etc
309	back roads - wooded area
312	Gordon Rd - Panoramic view
313	all of the high land areas
315	Seward cemetery
316	back roads/wooded areas should be kept
317	don't know exactly
318	water areas
323	wetlands by the mill pond
326	most back roads; where property is kept up
331	please preserve beautiful open land
333	all require consideration/protection

Q15_Fill_In	
SNum	RQ15comment
335	scenic views on Lawyersville Rd
343	ag. areas should have restrictions on aesthetics
344	farm areas on Clove Rd - "country" aspect
345	Rt 10 corridor
348	not that I know of
351	protect soil for crops; watershed for people etc
363	Clove Rd; the hills and forests
364	beautiful view from our home site
365	town-wide scenic areas - leave them all alone
372	any open land should be considered before develop
377	open/agricultural land
380	old fort, etc
381	don't want gov't controlling more freedoms we have
384	Clove Rd
386	old cemetery
388	historic cemeteries
389	Clove Rd and Bush St
390	wetlands
392	Clove Rd
393	the whole town is historic
394	the town
397	wetlands on Rhinebeck near 145
399	Clove Rd, vista from Winegard to I-88, W R'ville
403	scenic views along secondary roads
412	views from most roads very pleasant

Q17_Fill_In	
SNum	RQ17comment
5	most roads have unique features
10	old RR ROW should be maintained for public trails
11	patrick rd, hill rd, winegard rd, podpadic rd
15	Empie Ln
23	mainly agricultural & open space; residential
24	rural back roads - main reason to live here
27	Rt 10, 145 ,Clove, Lowe, Lawyersville Rds
28	all of the town is especially attractive
33	clove rd after bridge; bush st; lowe rd
34	parts of Lowe Rd, hallenbeck Rd, Lawyersville Rd
36	Hill Rd
39	most back roads
41	Rt 10 near Cobleskill
42	dairy farms
44	165, Low Rd, West R'ville Rd, Neval Rd, Clove Rd
48	Gardnersville area
51	many
53	Lowe
55	Clove Rd
58	Gardnersville area
60	hamlet of Seward - would be nice to see stores

Q17_Fill_In	
SNum	RQ17comment
64	Patrick Rd, Clove Rd
66	Berry Ln
67	165; 10; scenic views (entire town)
68	town-wide
71	no through traffic on Trillium Ln
76	spillway on 165
77	Clove Rd
80	maintain farm land
84	most of Seward
93	route 165
97	Rt 165
100	along Rt 165, Rt 10 and most back roads
101	Clove Rd - less congestion
108	Lowe, Clove, Lawyersville, Hallenbach, Rhinebeck
109	most of the rural roads
110	Gardnersville Rd, Jersey Ln, Rhinebeck Rd
123	rural, scenic roads: Loonenbergh, Rhinebeck, Lowe
125	views from the hills (W R'ville, etc)
129	Clove Rd, Rigley Rd
130	Clove Rd (valley)
137	people have mentioned beauty of Gardnersville Rd
139	Clove Rd & Lowe Rd
143	a lot of roads and properties
146	many roads and properties
149	scenery
152	Warnerville cut-off
155	Harroway Rd & Rt 10
158	Loonenbergh Tpke
160	Lawyersville and Markley Rds
162	Lawyersville Rd has gorgeous views and farmland
166	Patrick Rd along West Creek - scenic and tranquil
167	all of them; keep "the country" country
169	all
186	Lowe Rd - there has been little to no development
192	open land
196	Lawersville, Clove and Lowe Rds
198	Rt 10 and Clove Rd
203	Engleville Rd; Catskill foothills (see #15)
210	roads mentioned above scenic & pristine
220	Gardnersville Rd
221	most all
222	entire town is beautiful, keep it as is
225	all of them...
227	all of them
228	Lowe/Bush Rds
231	Rt 10 Hyndsville & Clove Rd first 3 houses
232	almost all of them
239	Clove & W Clove, Decatur, Soto, Bush Rds
240	many of the back roads; Lowe Rd
245	Bush St, Clove Rd

Q17_Fill_In	
SNum	RQ17comment
253	NW view Rt 10; sharp curve in Janesville
256	pretty red barn in there view
263	Bush St; Lowe, Rhinebeck, Markley Rds - ag views
264	Pinchino? Farm, red barn in the distant view
270	Lowe Rd - beautiful scenery and wildlife
287	Clove Rd cuts through farms/residential - scenic
288	Clove Rd - farms/foilage are beautiful
289	all the back roads and farming areas
290	many
291	Slate Hill Rd especially
297	entire community/area is very nice
301	Slate Hill Rd
306	Trillium Ln - entirely resid. and well maintained
309	Lowe Rd, Rhinebeck - scenic
310	Trillium lane is a lovely, attractive development
312	Gordon Rd
313	Rt 145 & Gordon Rd
316	Lowe, Rhinebeck Rds - scenic view
317	a lot - too much to write
322	beautiful rural area
323	the hills
329	county & state roads - maintained better
332	farmland, meadows, wooded areas
333	Rt 165
335	Hallenbeck, Lawyersville Rds; Hyndsville area
343	Rt 10
344	165 past Dorloo; Rt 10 Hyndsville past Janesville
345	northern stretch of Rt 10 looking south
351	most of the farms are well kept
363	Clove, Bush, W R'ville Rds
364	many but don't know the names
365	town-wide (too many to list)
368	Slate Hill Rd
369	view near intersection of 145 & Rhinebeck Rd
372	old back roads, "lightly populated" areas
373	Rts 165 & 10 - main roads of travel
380	Main St
384	Rt 10
389	Clove Rd and Bush St
392	Rt 10
398	W R'ville, Ledge, Rigley, Clove Rds
403	view west from 145 at Gordon/Rhinebeck Rds
408	all the roads

Q18_Fill_In_Query	
SNum	RQ18comment
1	used tools business on Rt 10 and junk on Rhinebeck
4	Loonenburgh/Lawyersville bridge needs to be weeded
7	Rt 10 south of Hyndsville (plash tools)

Q18_Fill_In_Query	
SNum	RQ18comment
19	areas with junk all around
22	Karas and Winegard Rds not maintained - stormwater
27	parts of Rhinebeck, Loonenburg, and Rt 10
33	clove rd before the bridge (close to rt 10)
34	Loonenbergh, Gardnersville, Rt 10, Rhinebeck Rd
38	debris and junk visible from public right of way
41	Warnerville cutoff (not in Seward)
53	certain areas of W. Richmondville Rd
60	the old Seward store
64	Patrick - where the road is decaying
66	165 after W R'ville Rd heading towards county line
69	beginning of Clove Rd
74	Park Ave, houses in disrepair and yards unkempt
76	road by tavern where garbage was taken
78	Loonenbergh Tpke
79	Podpadic Rd
83	auto junk yard on Rhinebeck Rd
93	W Richmondville Rd and Rt 10
94	2 or 3 properties on Park Ave
97	W Richmondville Rd and Rt 10
101	Rt 10
107	run down houses, vacant houses, debris
108	Janesville and old fix-it area not pretty
109	some of Rt 10; unkempt homes and/or farms
112	Rigley and Ledge Rds - no maintenance and dumping
117	corner of Loon. and Gard. Rds; tool guy Rt 10
124	junkyard on Rhinebeck Rd
125	junkyards
129	W R'ville Rd near Rt 7
130	Loonenbergh near Gardnersville
133	Rhinebeck Rd needs to be paved - too dusty
135	Loonenbergh due to condition of road
139	the junk yard at the end of Hyndsville
143	run down and neglected properties here and there
146	a lot of properties are neglected and eye sores
149	unkempt properties
150	unkempt property
155	HARROWAY ROAD!!!!
166	Rock Dstrct Rd - 145 to Carlisle - drains on crops
170	mini farms with too many animals and no space
175	areas that look like dumps or are have no upkeep
181	Rhinebeck Rd; Loonenbergh Tpke
186	Hollenbeck Rd - all subdivided into building lots
187	W R'ville Rd - new homes don't fit surroundings
189	Gardnersville Rd needs repaving
192	trailer park, falling down structures
202	Loonenbergh Tpke
203	properties with junk vehicles & offroad landfills
216	Rt 10 in Hyndsville
223	junk cars and debris all over unmowed property

Q18_Fill_In_Query	
SNum	RQ18comment
230	Patrick Rd is becoming dangerous (part of Rd gone)
231	Clove Rd from Rt 10 to the first bridge
239	Rt 165
250	corner of Loonenbergh & Rhinebeck - fallen barns
258	W Richmondville Rd
263	the town is a gem for rural beauty, don't develop!
270	Rt 10 farm with shabby shelters for sickly horses
272	Lawyersville Rd - too much junk unintended
273	County Rt 29 in severe disrepair; dangerous
289	Rt 10
290	most of Loonenbergh
291	area of 164 in Dorloo near church
297	junked up yards on 165 btw Lowe & W R'ville Rds
298	Park Ave
301	Rt 165 in town - boarded up houses
309	Rt 10 - junkyard
310	there are some unattractive houses in hamlets
316	Rt 10 by flash - junk yard!!
317	neglected ones
318	Rt 165 - villages of Seward and Dorloo poor repair
320	Dorloo looks like a dump! Very unattractive
322	homes not taken care of - junk in yards
326	I'm not going to answer this
329	seasonal - subdivision will cost too much in tax
332	unkempt personal property
340	Rt 10 in Hyndsville - see question 14
344	Rt 10 across from Fromire; corner of WnegrD/Clove
345	Rolle(?) trucking area/Marchs(?) farm
346	former Dorloo and Seward stores
351	run down homes along Clove Rd (rentals?)
359	why, so you can abandon them?
362	junkyard on Rhinebeck; abandoned trailer on Hallen
365	Rt 165/Dorloo - fine derelict property owners
367	any road with a new house "plopped" on top of hill
368	Park Ave (esp 127) needs town to require fixing
369	any abandoned or neglected properties - eyesores
380	the ones with junked cars visible
383	Rt 165 from Lowe Rd to county line - junk property
386	none in particular, but poorly maintained property
388	maybe a few poorly maintained properties
390	too many driveways to use rd like a thruway
393	Rt 10 south of Hynds. - used merchandise eyesore
397	Plash tools; Rhinebeck Rd near old Ace; junk etc
398	any of the above with trash dumping
401	several homes on Park Ave, corner of 165
408	yards with junk cars, etc
410	boarded house across from Lowe Rd: fix or demolish
413	mine needs to be tarred

Q24_Fill_In	
SNum	RQ24comment
9	non-resident landowners
84	farm location
110	its natural beauty
112	low crime rate in the past
143	I wish taxes were low
162	low taxes - don't we wish
181	taxes not low anymore
192	freedom from noise, traffic and SPEEDING!
198	love the mountains/farmland/beauty
225	taxes too high! Where is bus stop?
227	HIGH taxes (not low taxes)
228	low taxes? where?
235	by accident
240	moved here 55 years ago
268	do not live in Seward
273	taxes in Seward for certain are not low
292	taxes too high!
325	born here; always lived here
330	will be building home in 2 years
331	do not reside in Seward yet. Love open space
364	we love the property and area
367	beauty of Seward's open spaces
379	taxes not low enough
394	taxes too high
406	moving OUT due to taxes too high/unreasonable

Q27_Fill_In	
SNum	RQ27comment
175	wanted to live where it isn't crowded or hurried
177	there used to be freedom of land use
192	taxes were a lot lower 6 years ago
206	climate
219	wife's family grew up here, mine did not!
222	able to build small home; no hoops; low taxes
225	taxes too high, stop spending
228	it's beautiful here
240	moved here 55 years ago
243	great place to raise a family
264	respect of other's rights
267	limited gov't in my life
268	do not live in Seward
290	scenic view
302	vacant land owner
330	land owner - will build in 2 years
331	affordable land; hope taxes are affordable in 3yrs
338	survey not designed for non-resident landowners
343	non-resident landowner!
345	this is my home!
373	scenic view of land
375	taxes are too high
397	too bad we didn't know taxes were so high
399	keep wife happy
413	views

Q27_Fill_In	
SNum	RQ27comment
9	non-resident
11	rural home with acreage close to I-88 and albany
19	lower taxes - you're killing us and using our land
24	taxes need to be lowered - only reason to move
41	love Hyndsville
54	born & brought up in Seward, lived here all 91 yrs
60	view of hills and mountains
62	views, wildlife, agricultural community, quiet
64	need public transportation so people can commute
67	loved the area! Beauty of hills; woods (wild life)
68	open space
76	best scenic views in rural New York
84	farm location
85	owned a house near Seward
102	beautiful area
117	family only - no neighbors
123	low taxes no longer a reality!
143	great views
152	less zoning restrictions than city
161	having riding horses and small personal homestead
162	low taxes - when do we see that?

Q29_Fill_In	
SNum	RQ29comment
19	must have enough room
34	see general comments
47	like wind if they produce power for me and my town
48	spread out
51	construction of new power lines
52	need alternate power
58	spread them out instead of all together
62	usage should be given back to townspeople for free
67	no information
76	in other states they are high up; no bad effects
85	negotiators for the town not competent
102	ruining the landscape
108	need standards for turbines/acre
110	no way!
120	needs some more information
123	feel that turbines should be owned by the TOWN
134	lower cost of electricity
143	who is making the money generated by power
167	undecided
169	undecided
178	who puts them up? U.S.A.

Q29_Fill_In	
SNum	RQ29comment
187	wind farms (many turbines) placed away from homes
192	keep them off mountain tops
193	health hzrd; not viable without gov't (taxpayer) \$
203	maintain 1000' setbacks
222	would support if I get free electricity
225	law should regulate location
228	depends on size, no., who benefits from power, etc
240	don't believe there is a problem (regarding d)
252	cost
253	provision for removal when obsolete/abandoned
254	health & environmental impacts
282	integration of turbines with needs/uses of land
287	information such as PILOT not available
290	more tax value placed on leasers (should be)
301	commercial is noisier than home
304	safety and noise
311	they are a waste of money
323	I think they are beautiful
331	impact on value of land - would like more info
338	town should encourage leases with landowners
349	strongly against wind turbines
351	access rds to turbine/reliability of maintenance
353	homeowner business - lease terms not town concern
354	waste of money, not cost effective - don't support
363	impact of construction
365	kickbacks
371	location in town
381	no turbines
394	need much more information
397	reasonable regulation
413	obstruction by views

Q31_Fill_In	
SNum	RQ31comment
2	solar
3	photovoltaic
5	solar or wind power
9	wind, solar or passive solar
10	wind of properly regulated; solar
13	solar
14	wind turbines
15	gas ekeware in Catskill area
16	solar energy
18	natural gas or oil to benefit all in Catskills
23	wind and solar
24	municipal owned only
26	solar
27	conservation!! Follow existing codes
30	solar

Q31_Fill_In	
SNum	RQ31comment
32	solar - ask Julie about solar company interest
33	use what our domestic environment provides us on
34	energy conservation is best - get energy audit
35	drill for gas
41	solar - lights/water
42	solar
45	hydroelectric
48	solar
49	wind, natural gas with env. Regs and oversight
51	wind, solar, geothermal, home-based, hydro
55	all sources - low impact & return to original
60	solar
64	wind, solar - no gas or oil (destroy environment)
70	gas - only if there's a lot and low impact
71	wind energy only! No oil or gas
76	gas or oil anywhere to lower utility costs
80	natural gas - do not alter land appearance
85	probability it would be uneconomic
90	hydro
92	supervised
100	bio fuel
101	natural gas - much shale on property
103	natural gas
109	Marcellus shale
111	wind - it's clean
112	gas, only with more info
117	solar, gas, oil - anything to help bring down cost
138	natural gas?
139	solar - natural gas info should be sent to all
147	spoiling water
152	oil/gas and solar power
154	wind, solar
157	natural gas and oil
158	solar
160	natural gas or solar
161	not enough knowledge on subject to make choice
170	natural gas in outlying areas
175	natural gas in outlying areas
177	should use hydro power via many streams of Seward
181	natural gas a possibility
186	possibility of hydro-electric
187	natural gas
189	solar panels
191	depends on environmental impact
192	solar panels; hydro electric
193	Marcellus shale gas - income for town & residents
195	solar for municipal use
200	natural gas
204	need information on this
206	solar

Q31_Fill_In	
SNum	RQ31comment
217	wind and solar
220	solar
221	solar
223	all alternative energy should be explored
225	personal use wind, solar or thermal
227	personal (with limitations)
228	wind depends on size; gas = H2O quality concerns
230	solar and wind
232	solar, water
233	water power
234	solar
237	natural gas
245	solar
250	natural gas or solar
260	both
267	gas/oil, woo/organic, hydro, wind (even nuclear)
270	solar
271	any type should be discussed; allowed if possible
282	solar on resid./munic. Facilities
287	gas & oil - non-invasive exploration; methane
288	gas (methane, etc) as long as it is not invasive
292	solar
293	solar
294	natural gas
297	natural gas, oil if present (both)
307	I would support natural gas exploration
308	solar, natural gas
310	companies drill where there is shale
311	natural gas
314	natural gas
318	wind
323	geothermal, solar - anywhere
325	natural gas - water (West Creek) - wind power
328	solar, wind
329	wind, gas, oil - do not limit my right to make \$
331	solar
335	natural gas exploration - we need more than oil
337	gas
338	commercial/private solar in addition to above
339	natural gas
341	wind, solar
343	low impact natural gas exploration
346	solar; hydroelectric power by the mill pond
348	solar, wind, biofuels, hydroelectric at dam
351	encourage solar/geothermal, no gas
353	not town concern; infringing on ownership rights
354	any cost effective source anywhere
358	solar; geothermal
359	nat. gas, oil, solar - but leases with landowner
363	geothermal, solar & personal wind

Q31_Fill_In	
SNum	RQ31comment
366	natural gas drilling
369	for town or residential?
373	solar?
378	solar and wind
380	I would also support wind and be a pilot site
384	natural gas
385	solar
386	uncertain
391	WATER POWER
392	natural gas
397	shale - solar
399	W-T-E, wind, solar, biofuel
401	solar to help light homes - clean energy
403	natural gas - to lower fuel costs and provide jobs
411	natural gas and wood chip combustion generator

Q35_Fill_In_x2		
SNum	RQ35commenta	RQ35commentb
2	175	30
5	121	15+
8	>300 feet	
10	220	7.5+
11	220	5
15	70	
17	300	3
18	70	
19	300	5
20	340	
24	110	10
26	20	35
27	250	5-6
28	125	40
30	200	5+
33	120	
34	250	5
35	175	14
36	180	5
38	200	
39	125	40
41	240	
42	130	7
48	85	
52	250	
54	200	40
55	120	
57	260	
58	85	
59	200	40
60	250	

Q35_Fill_In_x2		
SNum	RQ35commenta	RQ35commentb
61	300	3-5
64	200; 25	
66	100	4
67	240	
68	180	
71	320	
72	320	
73	180	3-4
74	175	10
75	100	2
76	18	3-5
78	50	
82	357	10+
83	357	
85	125	
86	90	
87	110	25
91	400	
92	110	25
93	146	
94	175	10
97	146	
99	200	
101	137	5
102	137	5
107	250	
109	210	40
110		3-5
111	75	
112	232	20
114	400	
116	240	10
117	150	40+
119	230	15
122	8	5
124	14	
125	15	
127	350	5
132		25
137	146	10
139	125	
140	400	
141	260	1/2
142	90	25
143	100	5
145	16	
146	75	6
147	98	
149	115	45
150	115	45

Q35_Fill_In_x2		
SNum	RQ35commenta	RQ35commentb
155	180	3
160	105	
165		5
171	130	15
175	60	
177	140	
178	240	12
181		5
184	230	5
186	125	40
188	87	8
189	90	4.5
192	100	10+
196	110	10
197	17	
199	25	
202	50	
204	102	28
208	36	10
209	36	10
211	190	3+
212	190	3
215	220	30
216	220	30
218	56	8
220	146	10
221	146	10
222	150	6
224	56	8
225	200	13+
226	145	
227	199	13+
232	134	3
233	130	5
237	8	
239	100	6
243	190	
250	150	7
255	275	
256	278	
257	200	
259	110	3-5
260	100	3-5
261	10	
264	278	
267	215	5
270	200+	
271		40
272	110	40
273	150	20

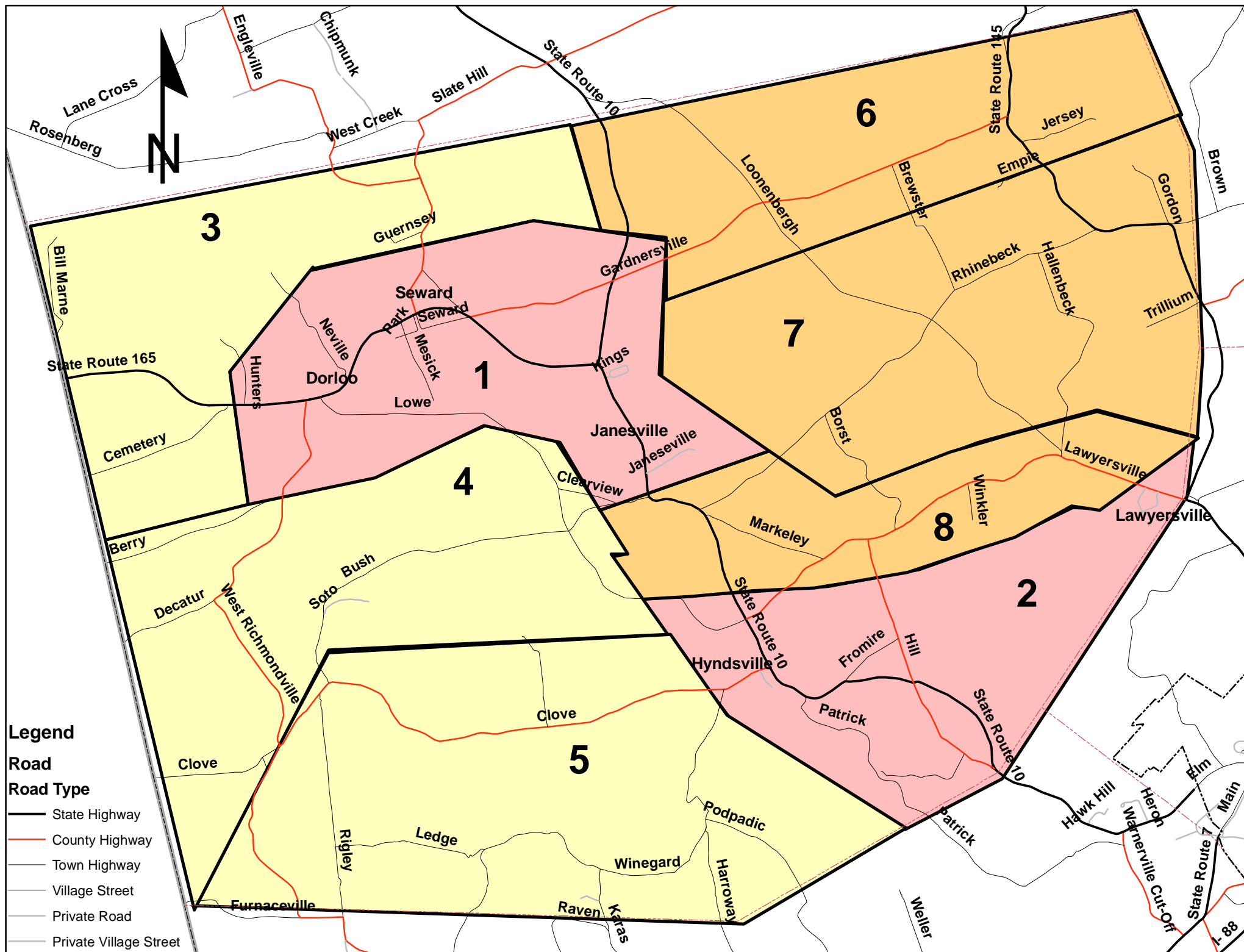
Q35_Fill_In_x2		
SNum	RQ35commenta	RQ35commentb
274	256	
275	75	15
278	256	
286	75	25
287	80	
288	80	
290	500	1
293	255	9
295	160	10
296	280	75
301	60	
303	180	10+
306	250	4.5
307	13	
311	150	
312	300	10
313	300	10+
314	20	
317	110	5
321	350	5
323	90	
325	15	5
326	180	
334	175	10
336	110	5
340	200	8
342	320	5
345	200	20
346	280	4
348	280	4
349	175	
350	95	
352	84	30
356	125	6
365	250	
366	80	2
367	68	
369	65	
370	140	
372	100	7
373	150	
377	80	6
379	140	
381	8	
383	150	3.5
384	265	5
385	85	3
389	100	
390	150	8
392	265	5

Q35_Fill_In_x2		
SNum	RQ35commenta	RQ35commentb
397	235	
398	400	5
399	390	4
401	200	7
403	300	low
404	125	
411	340	5
413	300	60

Q37_Fill_In	
SNum	RQ37comment
2	light industry
5	small businesses
7	don't know
19	property on state roads should be zoned commercial
20	don't know
22	better paying, more professional/skilled jobs
24	small in-home or professional offices
35	rural won't be available
35	rural won't be available
35	rural won't be available
36	jobs that can support family of 4
38	appropriate to rural character - home business etc
40	any types of jobs
41	advertise for jobs
45	any
56	light manufacturing, restaurants, small business
60	health centers, book stores, bakeries, restaurants
61	almost any
64	full-time, permanent w benefits
67	NONE
68	home office professional
70	37a. It's a rural area; 37b. When economy stable
71	ag. support jobs and services
76	recreational vehicle sales and services
77	not concerned
83	light industry
85	light industrial
88	any?
93	office work
95	any
97	office work
102	don't know
109	small business; small manufact., indust., retail
111	all jobs are important to the area
114	any jobs
116	all types of jobs
122	no jobs
126	light industry

Q37_Fill_In	
SNum	RQ37comment
130	small industry, craftsmen, niche agriculture
135	none
137	good paying jobs
138	small town - limited in number - need not be a lot
139	small stores to employ people
140	any jobs
142	farm
143	don't know
145	convenience store on state road or SMALL business
146	don't know
152	home-based and small "mom and pop" businesses
155	food restaurants; Hilton Hotels
158	professional; work at home via internet; light manu
161	ok to me - don't want commercial/ industrial enviro
164	above living wage - not tax supported
170	manufacturing
174	manufacturing
175	manufacturing
177	combination of manufacturing, service and retail
178	federational
189	retail; warehouse
191	factory
193	natural gas jobs
195	Home Depot; Lowes - pay health insurance
196	service garages; recreation; milling; agriculture
199	grocery store
203	entry level and up
206	agricultural
210	starting at better than minimum wage with benefits
217	all types
220	agricultural - small business
221	small business/farm jobs
222	none - prefer to commute
225	ag/home-based business
250	finance and other well-paying jobs for educated
252	small business and home business
259	jobs that start at \$10-15/hour
267	I travel to work

Q37_Fill_In	
SNum	RQ37comment
269	the kind that pay \$40k/year
272	all
273	too few need ALL types
279	all kinds
284	nursing home/manufacturing jobs
290	none
298	any job would be helpful
301	all types - whatever will save us from starving
306	quality manufacturing jobs for HS grads
311	don't know - rural nature demands commuting
317	gov't/state
318	none except for farming and ag. related
324	small business
328	all types
334	some light industry or commercial
337	go to Albany (for jobs)
345	refuse collection/farming
351	health care aides?
353	more than minimum wage
354	any real job with a business other than ag.
355	anything
359	it's a town, not a city!
368	jobs for men with little or no education
373	more small business within 30 miles
375	any
380	more IT jobs
398	wind turbines
399	64 \$ question!
401	all kinds
403	skilled labor/professional level
405	jobs to support the residence (residents?)
410	mills in Coby need to be re-opened
412	need to support our farmers





**Town of Seward, Schoharie County  
Land Use Code Review  
Draft 9/9/09 Revised 10/13/09**

## **Introduction**

The Town of Seward Land Use Code is comprised of zoning regulations, subdivision regulations and regulations governing the siting of mobile homes and the development of mobile home parks and trailer camps. The Land Use Code was originally adopted in August 1997 and amended in July 2006 and September 2007. The Land Use Code is relatively simple and reflective of the rural and agricultural character of the community.

The Town of Seward itself is relatively sparsely populated, with a population in 2000 of 1,637 persons. (US Census of Population) Its population is low enough that recent population estimates data from the US Census Bureau is not available for the town. Data for Schoharie County however indicates that the estimated population growth between 2000 and 2007 for the county was only approximately 410 persons, or a county-wide increase of less than 1.3 percent. Given this low population growth between 2000 and 2007 for Schoharie County as a whole, it is safe to assume the Town of Seward is also growing a slow rate as well and not experiencing a substantial amount of development pressure at this time.

Analysis of aerial imagery available for the Town of Seward from 2004 indicates a predominance of agricultural lands, forest lands and scattered rural residential development. In addition there are several small hamlets with small concentrations of residential and small-scale commercial development, namely Dorloo, Gardnersville, Hyndsville, Janesville and Seward. No large scale suburban type residential development or commercial development is visible within the borders of Seward, or immediately adjacent to the town's borders.

There are portions of three state highways within the Town of Seward: NYS Rtes 10, 145 and 165. These three highways however are two lane highways with relative low traffic volumes. According to the NYS Department of Transportation statistics, NYS Rte 10, the busiest highway, carries approximately 2,720 vehicles per day; NYS Rte 145 less than 1,360 vehicles per day; and NYS Rte 165 less than 1,000 vehicles per day.

Seward is located approximately 3 miles north of and is connected to I-88 by NYS Rte 145. NYS Rte 145 also connects the town with US 20 located just north of the northerly boundary of the town. There is a new Wal Mart regional distribution center on US 20 near Sharon Springs. Because Seward is located between the regional distribution center and the I-88 interchange with NYS Rte 145, the town may experience some increases in traffic, and some potential for growth in the future.

For the purpose of this report agriculture is defined as the use of land, buildings, structures, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise or a hobby, and including commercial horse boarding operations as defined in the Agriculture and Markets Law Article (AML) 25-AA, Section 301. Historically agriculture has included a variety of disciplines aside from fruit, vegetable and crop production and livestock raised for food. In this report animal husbandry, or the breeding of specific animals for use or sale (e.g. race horses), beekeeping, aquaculture (fish production), horticulture, floriculture and silviculture are all considered agricultural pursuits as well.

Agriculture and farming, and agricultural operations and farms, are considered to be interchangeable terms in this report.

## **Analysis**

This section focuses on four areas of the Town of Seward Land Use Code zoning regulations as they relate to agriculture in the Town of Seward:

### **A. conformance with Agriculture and Markets Law**

- B. permitted (and not permitted) land uses;
- C. zoning dimensional requirements;
- D. zoning definitions;

A. Agriculture and Markets Law

The Agriculture and Markets Law (AML) Section 305-a provides farmers and agricultural operations located within State agricultural districts specific protections against local zoning regulation that may be unreasonably restrictive and cause undue interference with legitimate agricultural practices as defined by State law. Because many of the farms in the Town of Seward are located within a state agricultural district, they are afforded the protections available through Section 305-a.

In 2002 the Legislature amended Town Law Section 283-a to require local governments to ensure that their laws, ordinances or other regulations that might apply to agricultural operations located in State certified agricultural districts do not "...unreasonably restrict or regulate farm operations in contravention of Article 25-AAA of the Agriculture and Markets Law, unless it can be shown that the public health or safety is threatened."

Generally questions that municipal officials should ask when assessing their application of zoning regulations to agriculture include:

1. Do the regulations materially restrict the definition of farm, farming operations or agriculture in a manner that conflicts with the definition of "farm operation" as set forth in AML Sect. 301(11)
2. Do the regulations materially limit or prohibit the production, preparation or marketing of any crop, livestock or livestock product?
3. Are certain types of agriculture subject to more intensive review or permitting process than other types of agriculture?
4. Is any agricultural activity that meets the definition of "farm operation" as set forth in AML Sect. 301(11) subject to special permit, site plan review or other local review standard above

ministerial review, or subject to a more intensive level of review than other uses permitted within the same zoning district?

5. Are farm operations treated under the local zoning regulations as integrated, interdependent uses and activities, or as independent, competing uses of the same property?
6. Do the local zoning regulations relegate any farm operations located within a State agricultural district to the status as "nonconforming use?"

The Commissioner of Agriculture and Markets is empowered to initiate a review of local land use regulations as they may affect farm operations within a State agricultural district, either independently or upon the request of a farmer or municipal official within an agricultural district. The Department of Agriculture and Markets will review the regulations to assess whether the local law or ordinance is unreasonably restrictive on its face and whether it is unreasonably restrictive when applied to a particular situation. The Department must also assess whether the regulated activity also poses a threat to public health or safety.

If the Department of Agriculture and Markets determines that a local law or ordinance does impose an unreasonable burden on farm operations within a State agricultural district, it will notify the municipality of its findings. The Department will then work with municipal officials to bring the local regulations in line with the AML. If the issue cannot be resolved through negotiation the Commissioner is authorized under the law to bring an action against the municipality to enforce the provisions of Section 305-a.

In this light there are a number of areas where the Town of Seward Land Use Code may be in conflict with AML Article 25AAA, when the Code is applied to agricultural operations located in State agricultural districts. These include:

1. The requirement of a Special Permit for certain agricultural uses;
2. Potentially excessive lot size and setback requirements.

## B. Permitted Land Uses

According to the Town of Seward Land Use Code, agriculture is a permitted land use within the RA Residential Agriculture and OS Open Space zoning districts. These two zoning districts appear to cover 90 to 95 percent of the land in the town. In each of these zoning districts the Permitted Uses sections list "farm structure/use" as a permitted land use. Related land uses that are allowed by Special Use permit include "seasonal produce stands," "home occupation," "commercial business" and "rural service, shop."

Although agricultural uses are not explicitly listed as permitted uses in the R Residential zoning district, some agriculture is likely to be present within that district. In such cases agricultural operations would be permitted as legal nonconforming land uses which were present upon adoption of the zoning regulations and are thus "grandfathered" under current zoning.

Uses permitted with the granting of a Special Use permit are deemed to be permitted uses within their respective districts; however they are subject to review by the Town of Seward Board of Appeals prior to issuance of a building permit. According to Article IV(16)(C) of the Town of Seward Land Use Code approval by the Board of Appeals is subject to the finding that the proposed project will not "...be injurious to the neighborhood or otherwise detrimental to the public welfare."

The primary issue with regard to requiring special permit approvals for land uses which are agricultural in nature or which directly support an agricultural operation is the requirement under Town Law that the approving board make a determination that the proposed "special use" is "...in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood..." (Town Law Sect. 274-b) The Department of Agriculture and Markets recognizes such uses as constitutionally recognized land uses which are protected by Agriculture and Markets Law Sect. 305-a (1).

Article IV, Sect. 16 (C) of the Town of Seward Land Use Code sets forth standards to be met prior to the issuance of a special permit that reflect Town Law Sect. 274-b.

Although requiring a special permit for activities that are recognized by the Department of Agriculture and Markets as legitimate agricultural pursuits may be interpreted as contravening Agriculture and Markets Law, there are nonetheless agriculture related developments that may warrant review beyond the building permit review process. Town Law Sect. 274-a grants towns the authority to review site plans of proposed developments. Town Law defines a site plan as "a rendering, drawing, or sketch prepared to specifications and containing necessary elements as set forth in the applicable zoning ordinance or local law which shows the arrangement, layout and design of the proposed use of a single parcel of land..."

In the case of land uses that the general public has access to, such as commercial, multi-family housing and industrial development, site plan review and approval provides local communities the opportunity to ensure, among other things, that the proposed development is designed in a manner that conforms to local zoning, provides a safe environment for the users of the site, safe access to and from the public highways, and mitigation measures to address potential significant adverse environmental impacts of the proposed development.

In general when a municipality lists uses as being permitted by site plan review, it has made a legislative determination that they are appropriate uses for the zoning district(s) in which they are permitted. The objective of site plan approval is to assure the health safety and welfare of the general public using the premises. As a result the site plan review process does not have to take into account consideration of abstract and potentially subjective issues such as being "in harmony with such zoning ordinance or local law..." it is considered to be a more straightforward approach to controlling certain types of development in the community.

For this reason the use of site plan review for some agriculture related land use activities is acceptable to the Department of Agriculture and Markets.

Given the nature of agriculture and the land uses that are associated with it, the Town of Seward should consider establishing a site plan approval process in addition to the existing special permit process. Land uses associated with agricultural operations such as seasonal produce stands, home occupation, and rural service shop can be moved from the existing Special Permit category to the new category of uses that would be subject to site plan review. The site plan review application process could mirror the current Town of Seward process for special permit in terms of application, required submissions and planning board review. The difference would be in that the review would be limited to technical issues related to zoning conformance and generally accepted engineering and design practices, and completed by the Planning Board.

Given the simplified approach to zoning that the Town of Seward has taken, some agriculture-related enterprises such as farm markets, equipment dealerships and other retail operations engaged in the sale of agricultural products fall within the “commercial business” category of land uses. While agricultural-related enterprises may be appropriate in many areas of the community, subject to site plan approval, many commercial business can be detrimental to the surrounding areas and hence should still be subject to special permit review. Thus in addition to establishing site plan review for certain agriculture-related enterprises, the Town may want to consider breaking out specific agriculture-related commercial businesses into a new category, and distinguish them from other “commercial business” land uses.

One approach utilized in other towns is creating a class of commercial enterprises that described as “agribusiness,” “agricultural enterprises,” or “agricultural commercial” for the purpose of zoning. This class of use would distinguish businesses designed to support an active farm operation from independent, stand-alone businesses that are not related to agriculture. The class permits farm operators to tap sources of supplemental income by providing goods and other services that support theirs and other agricultural operations in the town and the region. Such businesses would be owned and operated by the owner/operator of an active farm and be subordinate to the farm operation. Examples of such businesses would be farm equipment dealerships, seed, grain, hay, straw and fertilizer sales, repair services, building, excavating and other contracting services and trucking services.

In the Town of Ulysses such businesses are referred to as “agricultural commerce” and defined as:

*“A retail or wholesale enterprise providing services or products principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations.”*

Key to controlling the size and scope of agriculture-related enterprises is that they be limited to the owner/operator of an active agricultural enterprise, be subordinate to the larger farm operation and have limits on the number of permitted employees. In the Town of Ithaca, NY the number of employees is limited to six.

Other business activities that may not be considered traditional agriculture, but are appropriate land uses that support local agriculture, are those referred to as “agro-tourism,” “agro-entertainment” “agricultural recreation” or other terms. This category can include farm tours, petting zoos, corn mazes, hayrides, demonstrations of historic and contemporary handcrafts, wine tasting, onsite cafes featuring food products produced on premises, and other activities that can tap the interests of the non-farm community in agriculture, provide opportunities for both education and recreation. Such enterprises can generate supplemental income for the farm operation and contribute to the economic viability of the local agricultural sector.

Because such enterprises are open to the general public, a site plan review process designed to ensure adequate ingress and egress from the public highways, safe and adequate parking facilities, signage, lighting and landscaping is an appropriate measure.

Another land use related to agriculture which is relatively new is the use of wind turbines to generate electricity. The Department of Agriculture and Markets has considered wind turbines used to supply a portion of a farm’s electrical needs to be on-farm equipment. The turbine must

be part of a “farm operation” which otherwise meets the AML §301 (11) definition of that term. Currently there does not appear to be any provisions for such structures in the Land Use Code.

The Town of Seward should consider amending its Land use Code to explicitly permit, and regulate such non-commercial wind energy systems. One reason for doing so is to distinguish between the smaller scale wind turbines designed for residential, agricultural or small business use and the large scale commercial wind farms. The Town of Seward can do so by providing a definition of such systems and establishing specific limits on size and location. Definition

Definition language might include:

*“A machine that converts the kinetic energy of wind into electrical energy, the pole, tower or pylon on which it is mounted, and associated control and supporting structures, with a generating capacity of 20 kilowatts (kW) or less, built primarily for the purpose of generating electricity for use on the property on which it is located but which also may be configured in a manner to permit the sale of excess electricity produced to customers located off the premises.”*

In addition to a clear definition, the Town of Seward can include in the Land Use Code specific design standards to control the size and location of such units. These standards could include limiting installations to accessory use to one or more of the principal permitted uses on the property; a limit on height (maximum of +/- 120 feet is generally accepted as reasonable); minimum setback distances from any front, side or rear property line and from public rights of way and public parks; limit cumulative rated output of all wind turbines generators on any given parcel. (Agriculture and Markets sets limit at 110% of anticipated demand)

### C. Zoning Dimensional Requirements

The Town of Seward Land Use Code establishes minimum lot size and setback requirements for each of its three zoning districts. They listed in Table 1 below.

Overall the lot dimensional requirements in the Town of Seward Land Use Code appear to be designed to promote the rural character of the town and protection of agricultural lands and open space. This is most notable in the substantial lot size, lot width and yard setback requirements of the RA Residential Agriculture and the OS-Open Space zoning districts. In those districts the majority of non-residential uses require a minimum lot size of 10 acres.

The practice of utilizing very large lots as a means of protecting rural character and open space resources is common throughout the country. The practice does have some merit when applied toward the protection of rural character and open space resources, particularly in communities with little growth pressure. The practice when applied to agricultural lands and agricultural uses however may produce the undesirable effect of 1) removing excessive amounts of land from agricultural production; 2) unnecessarily restricting the operations of farms; and 3) adding unnecessarily to the cost of running an agricultural operation, without substantially advancing the public policy interest or protecting valuable agricultural land resources.

Examples in Table 1 (*see page 11*) of what may be excessive lots size requirements include:

- a. minimum requirement in Residential district of 2 acres for a seasonal farm stand;
- b. minimum requirement of 10 acres in Residential Agriculture district for farm structure/use, seasonal produce stand, home occupation, public/semi public structure, public utility, commercial structure, or rural service shop;
- c. minimum requirement of 10 acres in Open Space district for clubs and open space recreation, farm structure/use, seasonal produce stand, home occupation, public/semi public structure, public utility, commercial structure, or rural service shop;
- d. minimum lot widths of 500 feet for non-residential uses in the Residential Agriculture and Open Space districts;
- e. Minimum front yard, side yard and rear yard setbacks of 100 feet for non-residential uses in the Residential Agriculture and Open Space districts.

<b>Table 1. Town of Seward land Use Code Lot Size &amp; Setback Requirements</b>						
<b>Districts</b>	<b>Permitted Uses*</b>	<b>Minimum Lot Size (Acres)</b>	<b>Minimum Lot Frontage (Feet)</b>	<b>Maximum Front Yard (Feet)</b>	<b>Maximum Side Yard (Feet)</b>	<b>Maximum Side Yard (Feet)</b>
“R” Residential	One family dwelling Seasonal produce stand Home occupation	2	250	100	50	50
	Public/semi public structure Public utility Commercial structure	3	250	100	50	50
“RA” Residential Agriculture	One family dwelling Two family dwelling	3	300	100	75	75
	Farm structure/use Recreation Open Space Seasonal produce stand Home occupation Public/semi public structure Public utility Commercial structure Commercial excavation Rural service shop	10	500	100	100	100
“OS” Open Space	One family dwelling Two family dwelling Seasonal dwelling	5	350	100	100	100
	Clubs, open space recreation Municipal reservoir Farm structure use Forestry practices Recreation Open Space Seasonal produce stand Home occupation Public/semi public structure Public utility Commercial structure Commercial excavation Rural service shop	10	500	100	100	100
* Includes both those permitted by right and those permitted with Special Permit						

The majority of the uses outlined in “b” and “c” above can generally be accommodated on lots that are two acres or less in size in areas where no public water or sewer infrastructure is available. The result is that in practice much of the lot area is not utilized. The same is true with regard to the required lot width and yard setback requirements in “d” and “e” above. By spacing development out such requirement may well provide drivers impression of traveling through a rural area they can also result in the loss of a substantial amount of agricultural lands.

In the case of farm stands, home occupations, rural service shops and farm operations in general the large lot size requirements and setback requirements can place burdensome restriction on agricultural operations and the ability of farmers to succeed in the enterprises. Such requirements often result in the unintended regulation of farm operations and uses, not as an integrated whole, but as obstacles to capital improvements to the operation.

Finally, analysis of aerial imagery for the Town of Seward shows that an extremely small number of agricultural and other non-residential properties within the town actually conform to the 100-foot front yard setback requirements. In theory they are thus legal non-conforming uses and subject to the restrictions of Article III Section 15, and the need to appeal for a variance from the Zoning Board of Appeals prior to making any improvements to the property. The application process, the standards for granting variances under state law and the uncertainty inherent in the appeals process places an unnecessary burden on agricultural operations and may act as a disincentive to investment in agricultural operations.

In addition to the local land use policy considerations, the Town of Seward lot dimensional requirements and the potential need for zoning variances may be interpreted as being unreasonably restrictive in the regulation of farm operations in contravention of Article 25-AAA of the Agriculture and Markets Law.

The Town of Seward should reevaluate its lot dimensional requirements particularly with regard to the potential negative impacts on agricultural operations. Although they may contribute somewhat to protection the rural character and open space resources of the town, they may do so at a substantial cost to agriculture. Given the relatively low growth rates or potential for growth in the Town of Seward, reducing lot size and setback requirements should not have any significant adverse impact on Town efforts to protect its rural character, agricultural lands and open space resources.

#### D. Definitions

An important component in any set of zoning regulations is the glossary section containing definitions of various terms used in the zoning regulations. Because of the nature of zoning, clarity is critical to ensuring fair and consistent interpretation of the regulations, promoting efficient administration and positive public perceptions with regard to their local zoning, and inoculating the community against controversy and in some cases expensive litigation.

In the Town of Seward agriculture and activities associated with it are covered under the umbrella term “Farm Structure/Use.” The definition appears to be partially based on the definition of land used in agriculture in AML Article 25-AA (301) (4). The AML Article 25-AA (301) (4) definition however was developed for the purpose of qualifying agricultural lands for inclusion in the Agricultural Districts program. For the purpose of local zoning the inclusion of parameters such as minimum amount of land involved and minimum income derived can be problematic. The minimum size requirement of seven (7) acres, and the income thresholds to qualify as a farm under the Town of Seward Land Use Code, may preclude a number of small-scale specialized agricultural operations that are recognized by the New York State Agriculture and Markets Law.

The Town of Seward should modify its definition of “Farm Structure/Use” to eliminate references to minimum size and minimum income. If the Town desires it can utilize the definition for “farm operation” in AML Article 25-AA (301) (11):

*“...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a ‘commercial horse boarding operation’ ... ‘timber processing’ and ‘compost, mulch or other biomass crops’ ... [and] the production, management and harvesting of ‘farm woodland’ ... ”*

Revising the definition would provide a clear and concise definition for agricultural operations and at the same time provide the protection of valued agricultural and open space resources and rural character that the Town of Seward desires.

A second issue with regard to definitions is that the Town of Seward definition for junkyards does not exempt the traditional farm "junk piles" or the collection of inoperable equipment or vehicles that can be found on the typical Upstate farm and many times serve as sources of spare parts or scrap used in the farm operation. The Department of Agriculture and Markets recognizes the need for some junk storage on farm, however it does not expect municipalities to grant farmers a blank check.

Careful crafting of the definition of "junkyard" can both protect the community, and the rights of farmers in the Town of Seward. In a number of towns their existing definitions for junkyard have been amended to include language such as "...and other debris that is not generated by or used in any ongoing agricultural operations on the premises."

**Attachment – 1 ZONING SCHEDULE**

Districts	Principal Permitted Allowed uses	Permitted Special uses	Minimum Lot Requirements Area Acres	Minimum Lot Requirements Feet Frontage	Maximum % Lot Coverage (bldg. area)	Maximum Building Stories	Maximum Height Feet	Maximum Yard Dimensions in Feet Ctr. Rd/Sides/Rear	Maximum Yard Dimensions in Feet Neighboring Dwelling/Water Wells
"R" Residential	One Family Dwelling	Seasonal Produce Stand	2	250	25%	2	30	100/50/50	
		Home Occupation	2	250	25%	2		100/50/50	
		Public/Semi Public Structure	3	250		2		100/50/50	
		Public Utility	3	250		2		100/50/50	
		Commercial Business	3	250		2		100/50/50	
		Personal Use Livestock Housing	5					100/100/100	200/100
"RA" Residential Agriculture	One, Two Family Dwelling		3	300	25%	2	30	100/75/75	
		Farm Structure/Use Recreation, Open Space	10	500	10%	2	30	100/100/100	
		Personal Use Livestock Housing	5					100/100/100	200/100
		Aforementioned Permitted Special Uses in "R" Zone & Commercial Excavation, Rural Service, Shop, Use	10	500	10%	2	30	100/100/100	
"OS" Open Space	One, Two Family Dwelling		5	350	5%	2	30	100/100/100	
		Seasonal Dwelling	5	350	5%	2	30	100/100/100	
		Clubs, Open Space Recreation	10	500	5%	2	30	100/100/100	
		Municipal Reservoir	10	500	5%	2	30	100/100/100	
		Farm Structure	10	500	5%	2	30	100/100/100	
		Forestry Practices	10	500	5%	2	30	100/100/100	
		Personal Use Livestock Housing	5					100/100/100	200/100
		All Aforementioned Permitted Special Uses & "R" & "RA" Zones	10	500	5%	2	30	100/100/100	

RESOLUTION – JANUARY 11, 2010

Approving the Town of Brutus  
Agriculture and Farmland Protection Plan

WHEREAS, The Town of Brutus received grant funds from the New York State Department of Agriculture and Markets to prepare an Agriculture and Farmland Protection Plan; and

WHEREAS, having received those funds the Town engaged in a two year process involving numerous local residents and farmers, and experts from NY Farmland Trust and Cayuga County Planning to develop said Plan; and

WHEREAS, a draft of the Plan was presented in August 2009, at which time copies were made available to the public, the Plan was placed on the Town's web site, and three public meetings were conducted to review and, where appropriate modify, the draft plan; and

WHEREAS, following this review process a final draft was presented to the Town Board on December 14, 2009 at which time the Town Board authorized the scheduling and advertising of a public hearing, caused the placement of the final draft of the Plan on the Town website, and initiated the SEQRA review process for the Plan; and

WHEREAS, a public hearing on the Plan was conducted by the Town Board of the Town of Brutus on January 11, 2010; and

WHEREAS, on January 11, 2010 the Town Board of the Town of Brutus also concluded the SEQRA review process of the Plan and determined that the Plan will not have negative impacts on the environment; now therefore be it

RESOLVED, that the Town Board of the Town of Brutus hereby approves the Town of Brutus Agriculture and Farmland Protection Plan; and be it further

RESOLVED, that the Town Board of the Town of Brutus, in accordance with the recommendations of the Plan, hereby establishes an Agricultural Advisory Committee to assist the Town Board and other local agencies implement the recommendations of the Plan and generally advise the Town Board and other local agencies on matters impacting local agriculture; and agrees to adopt at subsequent meetings such resolutions as may be necessary to establish the membership of the Agricultural Advisory Committee and facilitate its operations.

## Related Publications

Thousands of publications are distributed annually by the Division of Local Government.

The *James A. Coon Local Government Technical Series* contains publications dealing with many land use issues that government officials face, such as administration of land and charters, duties and responsibilities of local boards and local government cooperation. Other publications produced by the Division include the *Municipal Control of Signs*, the *Local Open Space Planning Guide* and the *NYS Local Government Handbook*.



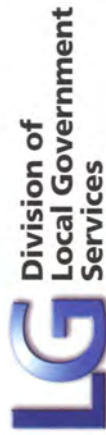
The Division also makes a select number of publications produced by other government agencies such as *SEQR Handbook: SEQR and Local Government*, available via its website, including several studies involving village dissolution and consolidation of services.

The Division distributes much of this material at training events and conferences. In addition, a number of publications are available in electronic form and can be downloaded from the Department of State's Division of Local Government website at the following address: [www.dos.state.ny.us/lgss/publications.htm](http://www.dos.state.ny.us/lgss/publications.htm)

The Department of State defends the public's safety, protects and develops a sustainable environment, strengthens local communities, and serves the business community.

The Office of the Secretary of State was established in 1778, making it, other than the Offices of Governor and Lieutenant Governor, the oldest agency in the administration of New York State government. Known as the "Keeper of Records" for more than two centuries, the Department of State continues to perform its historic responsibilities, as well as oversee a wide range of additional functions and evolving programs.

The Division of Local Government Services provides training and technical assistance to local governments and community organizations throughout the state, and helps local officials to solve problems involving basic powers and duties, public works, municipal organization, planning, land use and regulatory controls, and community development. One of the goals of the Division is to serve as a principle resource for New York local governments.



One Commerce Plaza, 10th Floor  
99 Washington Avenue, Albany, NY 12231  
Telephone: (518) 473-3355  
Toll-Free Local Government Helpline: (800) 367-8488  
[www.dos.state.ny.us](http://www.dos.state.ny.us)  
E-mail: [localgov@dos.state.ny.us](mailto:localgov@dos.state.ny.us)  
0808

David A. Paterson  
Governor

Lorraine Cortés-Vázquez  
Secretary of State



## Training Program

The Land Use Training Program is one of the best-known programs available to local government officials. This is the place local government officials come for help when:

- They need training
- They don't understand a land use issue or concept
- They need advice on board procedures
- They want samples of laws adopted by other communities

The Training Program has expanded the level of accessibility and services provided, through the blending of our traditional on-site training practices with new techniques such as on-line training and additional land use resources available on our website. We ensure board members and other local officials have access to training and tools that will equip them with the resources needed to meet the challenges their communities face.

### On-Site Training

On-site training is available for elected and appointed local officials. Sponsored by regional councils, municipal associations, and county governments, training programs are featured at conferences and training events throughout the year. We recognize that many officials are unable to attend day-long or daytime training sessions, therefore the Division also offers training sessions during evening hours.

While our training has traditionally been focused in the area of planning and zoning, we have broadened our scope to include a series of courses on smart growth, planning issues in rural areas, and on environmental and energy topics.

Sponsors host these training sessions. They make arrangements to provide a facility, issue training announcements and manage the registration process. Training is provided by the Department at no cost. Information about training programs is available from the Division of Local Government at the following website address:

<http://www.dos.state.ny.us/lgss/training.htm>

## Training Session Course Titles

- Planning Board Overview
- Zoning Board of Appeals Overview
- How to Conduct Effective Meetings & Hearings
- Making a Good Record: *Minutes, Findings, & Decision Documents*
- Powers and Duties of Elected Officials
- Municipal Comprehensive Plan
- Site Planning Review
- Special Use Permits
- Subdivision Review
- Use Variance
- Planning and Zoning Case Law
- Adopting and Amending Zoning
- Local Planning and Zoning – *Who does what to whom and when?*
- SEQRA – State Environmental Quality Review Act
- Enforcement of Zoning and other Local Laws
- Land Use Moratoria
- Locally Unwanted Land Uses
- Working with Applicants
- County Referrals
- Smart Growth: *Tools and Strategies for Municipalities*
- Community Design Tools
- Designing New Centers
- Intermunicipal Planning
- Land Use Tools for Walkable Communities
- Creating Affordable Housing in your Community
- Municipal Regulation of Wind Power Facilities
- Regulation of Outdoor Wood Boilers
- Regulation of Storage Containers
- Mock Meeting: *"They Can't Do That!" – Open Meetings and Hearings Sessions*
- Mock Zoning Board of Appeals Meeting & Hearing
- Mock Planning Board Meeting
- Mock Site Plan Review
- Mock Meeting and Hearing for Wind Proposals

## Technical Assistance

Technical assistance is available through a team of land use specialists and attorneys assigned to the Division of Local Government. The Division also serves as a technical assistance clearinghouse for local government officials, members of local boards, zoning enforcement officers, municipal attorneys, and others who assist local governments in their decision-making process.



Assistance is available upon request by telephone, fax, e-mail, or in person at one of the many events where the Division is represented. Specialized assistance is provided in several areas, including the New York City Watershed, Tug Hill and Adirondack regions, as well as in counties located in New York's Southern Tier.

The Division is also a valuable resource for its collection of local laws. Our database, which spans everything from "A" (adult uses) to "Z" (zoning enforcement), serves as a valuable resource for municipalities contemplating a change in local regulations.

While Division specialists can provide answers to a variety of questions, at times they may refer a local official to another state agency that is better suited to respond to their specific needs. Assistance is available through a toll-free help line at (800) 367-8488.

~~~~~  
**New York State**  
**Department of Agriculture and Markets**  
**10B Airline Drive**  
**Albany, New York 12235**  
~~~~~

**CIRCULAR 1150**

**ARTICLE 25AA -- AGRICULTURAL DISTRICTS**

**AGRICULTURE AND MARKETS LAW**  
**(AS AMENDED THROUGH January 1, 2009)**  
**AGRICULTURAL DISTRICTS LAW**

- establish a working relationship with the council and shall fully cooperate with the council in any requests it shall make.
6. The advisory council on agriculture may ask other individuals to attend its meetings or work with it on an occasional or regular basis provided, however, that it shall invite participation by the chairman of the state soil and water conservation committee and the dean of the New York state college of agriculture and life sciences at Cornell university. The advisory council on agriculture shall set the time and place of its meetings, and shall hold at least four meetings per year.
  7. The advisory council on agriculture shall file a written report to the governor and the legislature by April first each year concerning its activities during the previous year and its program expectations for the succeeding year.
  8. The advisory council on agriculture shall advise the commissioner in regards to whether particular land uses are agricultural in nature.

### **310. Disclosure**

1. When any purchase and sale contract is presented for the sale, purchase, or exchange of real property located partially or wholly within an agricultural district established pursuant to the provisions of this article, the prospective grantor shall present to the prospective grantee a disclosure notice which states the following:  
"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances. Prospective purchasers are urged to contact the New York State Department of Agriculture and Markets to obtain additional information or clarification regarding their rights and obligations under article 25-AA of the Agriculture and markets Law."
- 1-a. Such disclosure notice shall be signed by the prospective grantor and grantee prior to the sale, purchase or exchange of such real property.
2. Receipt of such disclosure notice shall be recorded on a property transfer report form prescribed by the state board of real property services as provided for in section three hundred thirty-three of the real property law.

New York State Office of Real Property Services	<b>ASSESSOR'S MANUAL</b>  Data Collection and Maintenance of Property Inventories - RFV	SECTION APP-B	PAGE i
		DATE	9/01/06

# **PROPERTY TYPE** **CLASSIFICATION AND OWNERSHIP CODES**



**NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES**

This document exists in the Assessor's Manual, as Appendix-B of the Residential-Farm-Vacant section. Additional copies may be obtained from the New York State Office of Real Property Services, WA Harriman State Campus, Albany, New York 12227 (Telephone: (518) 474-1764).

New York State Office of Real Property Services	<b>ASSESSOR'S MANUAL</b>  <b>Data Collection and Maintenance of Property Inventories - RFV</b>	SECTION APP-B	PAGE 1.00
		DATE 9/01/06	

100 - **AGRICULTURAL**

- 105 - Agricultural Vacant Land (Productive)  
Land used as part of an operating farm. It does not have living accommodations and cannot be specifically related to any of the other divisions in the agricultural category. Usually found when an operating farm is made up of a number of contiguous parcels.
- 110 - Livestock and Products
  - 111 - Poultry and Poultry Products: eggs, chickens, turkeys, ducks and geese
  - 112 - Dairy Products: milk, butter and cheese
  - 113 - Cattle, Calves, Hogs
  - 114 - Sheep and Wool
  - 115 - Honey and Beeswax
  - 116 - Other Livestock: donkeys, goats
  - 117 - Horse Farms
- 120 - Field Crops  
Potatoes, wheat, hay, dry beans, corn, oats, and other field crops.
- 129 - Acquired Development Rights  
Land for which development rights have been acquired by a governmental agency (e.g., certain agricultural lands in Suffolk County).

100 - AGRICULTURAL (cont.)130 - Truck Crops - Mucklands

Muckland used to grow potatoes, sugar beets, onions, snap beans, tomatoes, cabbage, lettuce, cauliflower, sweet corn, celery, etc.

140 - Truck Crops - Not Mucklands

Nonmuckland used to grow onions, snap beans, tomatoes, cabbage, lettuce, cauliflower, sweet corn, celery, carrots, beets, peas, etc.

150 - Orchard Crops151 - Apples, Pears, Peaches, Cherries, etc.152 - Vineyards160 - Other Fruits

Strawberries, raspberries, dewberries, currants, etc.

170 - Nursery and Greenhouse

Buildings, greenhouses and land used for growing nursery stock, trees, flowers, hothouse plants, mushrooms, etc.

180 - Specialty Farms181 - Fur Products: mink, chinchilla, etc.182 - Pheasant, etc.183 - Aquatic: oysterlands, fish and aquatic plants184 - Livestock: deer, moose, llamas, buffalo, etc.190 - Fish, Game and Wildlife Preserves

**200 - RESIDENTIAL****210 - One Family Year-Round Residence**

A one family dwelling constructed for year-round occupancy (adequate insulation, heating, etc.).

**NOTE:** If not constructed for year-round occupancy, see code 260.

**This following property classification code changes will be established beginning with the 2007 assessment roll. Please make the necessary changes now, as you update your assessment roll.**

**215- One Family Year-Round Residence with Accessory Apartment**

A one family, year round residence with a secondary self contained dwelling unit. Accessory apartments are usually contained within or added to the principle residence and are often occupied by immediate family members.

**220 - Two Family Year-Round Residence**

A two family dwelling constructed for year-round occupancy.

**230 - Three Family Year-Round Residence**

A three family dwelling constructed for year-round occupancy.

**240 - Rural Residence with Acreage**

A year-round residence with 10 or more acres of land; it may have up to three year-round dwelling units.

**241 - Primarily residential, also used in agricultural production****242 - Recreational use****250 - Estate**

A residential property of not less than 5 acres with a luxurious residence and auxiliary buildings.

260 - Seasonal Residences

Dwelling units generally used for seasonal occupancy; not constructed for year-round occupancy (inadequate insulation, heating, etc.). If the value of the land and timber exceeds the value of the seasonal dwelling, the property should be listed as forest land (see category 900).

**NOTE:** If constructed for year-round occupancy, see code 210.

270 - Mobile Home

A portable structure built on a chassis and used as a permanent dwelling unit.

271 - Multiple Mobile Homes

More than one mobile home on one parcel of land; not a commercial enterprise.

280 - Residential - Multi-Purpose / Multi-Structure281 - Multiple Residences

More than one residential dwelling on one parcel of land. May be a mixture of codes 210's, 220's and 230's, or all one type.

283 - Residence with Incidental Commercial Use

A residence which has been partially converted or adapted for commercial use (e.g. residence with small office in basement). Primary use is residential

## Slow-Moving Vehicle Restrictions

Under New York State law, self-propelled agricultural equipment can be operated on public roadways after dark and when visibility is reduced to less than 1,000 feet, regardless of time of day, only if:

- ▲ The vehicle is equipped with the following devices in good working condition and visible from the front and rear:
  - Signaling devices properly mounted
  - Two red reflectors mounted at the same height on the rear as far apart as possible
- ▲ The vehicle is equipped with lamps that are lighted:
  - Two white colored head lights on the front
  - One red tail lamp on the rear as far left as possible
  - Two amber lamps at least 42 inches high visible from the front and rear



NYS Governor's Traffic Safety Committee

NYS Department of Motor Vehicles

NYS Department of Agriculture and Markets

NYS Department of Transportation

New York State Police

New York Center for  
Agricultural Medicine and Health



For more information about slow-moving vehicles  
and the slow-moving vehicle emblem  
please visit the  
Governor's Traffic Safety Committee web site at:  
[SafeNY.com](http://SafeNY.com) or  
[nysdmv.com](http://nysdmv.com).



# SHARING the ROAD with SLOW-MOVING VEHICLES



## Slow-Moving Vehicles

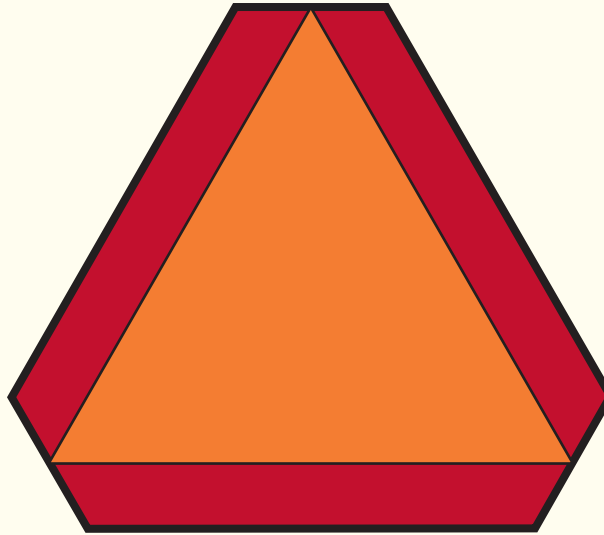
Slow-Moving Vehicles (SMVs) are all vehicles that operate at 25 mph or less, including:

- ▲ Tractors
- ▲ Self-propelled farm equipment
- ▲ Road construction and maintenance machinery
- ▲ Animal-powered vehicles



## Slow-Moving Vehicle Season

Motorists will encounter more agricultural slow-moving vehicles from late April through mid-October, when farmers are more apt to be planting and harvesting crops. Please be aware of these vehicles and use caution when sharing the road with them.



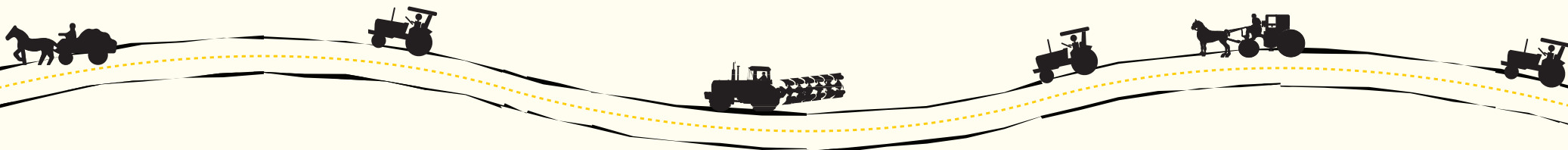
## Slow-Moving Vehicle Emblem

- ▲ NYS law requires vehicles that travel 25 mph or less to have a Slow-Moving Vehicle Emblem:
  - Placed in the middle of the back end
  - Located two to six feet above the road
  - Kept clean and replace when faded
- ▲ Each piece of agricultural equipment, whether self-propelled or used in combination, shall separately display a slow-moving vehicle emblem
- ▲ It is illegal to put SMV emblems on stationary objects – such as mailboxes or driveway posts

## Sharing the Road with Slow-Moving Vehicles

When motorists encounter a slow-moving vehicle on the roadway they should:

- ▲ Slow down immediately when you see a vehicle or equipment with a SMV emblem in the road
- ▲ Increase following distance to create a safety cushion
- ▲ Be alert and watch for turns into fields
- ▲ Drive courteously
- ▲ Pass with care only when it is safe and legal to do so
- ▲ Be aware that animal-powered vehicles may make unanticipated movements
- ▲ Remember SMV operators may have poor visibility due to loads and equipment in tow
- ▲ Be aware that equipment in tow may sway on the road



## **Agricultural Vehicle Equipment Requirement's**

### **SLOW MOVING VEHICLE EMBLEM**

- **VTL 375-36 (b)** – Farm machinery and implements of husbandry and other machinery including road construction and maintenance machinery designed to operate at twenty five miles per hour or less, traveling on a public highway during day or night, whether self propelled or used in combination, shall each separately display a slow-moving vehicle emblem as developed and designed by the American Society of Engineers.
- Slow Moving Vehicle Emblem Specifications are defined by Part 68 of the Commissioners' Rules and Regulations.
- Limited to vehicles traveling at speeds of 25 mph or less.
- Should be mounted, point up, perpendicular to the direction of travel, mounted in the center of the vehicle, un-obscured and 2 to 6 feet above the ground, measured at the bottom edge.
- Should be mechanically fastened (hardware or adhesives), sturdily supported and secured.
- If the emblem can't be centered, mount left of center line but not over or beyond the left edge of the vehicle.
- If the vehicle bearing the Slow Moving Vehicle Emblem is being transported by another vehicle at a speed of greater than 25 mph, the Slow Moving Vehicle Emblem must be covered.
- The Slow Moving Vehicle Emblem must be kept clean (Visible from all distances 600 feet to 100 feet away – day light / high beams).
- Illegal to use in any other manner (driveway markers etc).
- Note: The use of the Slow Moving Vehicle Emblem shall not replace such warning devices as tail lamps, reflectors, flashing lights warning flags or flares and the Slow Moving Vehicle Emblem shall not be used as a clearance marker for wide loads or equipment.

### **LIGHTING REQUIREMENTS**

- Agricultural Vehicles and Equipment must be equipped with lamps of the type approved by the commissioner which are lighted and are in good working order when such equipment is operated, driven, or parked on any public highway or street during the period of one half hour after sunset to one half hour before sunrise and during such times that visibility for a distance of one thousand feet ahead or behind such agricultural equipment is not clear.

**Regulations of the Commissioner  
Part 43 Motor vehicle Lighting**

**43.9 Lighting Requirements on Agricultural Equipment**

(a) Self-propelled agricultural equipment shall be equipped in accordance with Table V.

Table V – Required Lighting Equipment for self propelled Agricultural Equipment

<i>Item</i>	<i>Number and Color</i>	<i>Location</i>
<i>Head lamps</i>	<i>two, white</i>	<i>front –same level as far apart as practicable</i>
<i>Tail lamps</i>	<i>one, red</i>	<i>rear, as far to left as Practicable</i>
<i>Combined hazard Warning and turn Signal lamps</i>	<i>two, amber</i>	<i>at least (42 inches high) same level as far apart as practicable, visible front and rear</i>
<i>Rear reflectors</i>	<i>two, red</i>	<i>rear, same level as far apart as practicable</i>

(b) reserved for towed, mounted or semi mounted agricultural implements

(c) this section shall apply only when the agricultural equipment is used on the public highway from one half hour after sunset to one half hour before sunrise, or any other time that visibility for a distance of 1000 feet ahead or behind the agricultural equipment is not clear. At other times, no lighting is required on agricultural equipment

(d) nothing in this Part shall be construed as effecting the requirement of vehicle and traffic law, section 375, sub division 36 and Part 68 of this Chapter that agricultural equipment display the slow – moving vehicle emblem

**Dimensional Requirements  
(Vehicles in use / possession on the farm)**

- Vehicles and implements or combinations thereof, not over 12 feet in width and used solely for farm purposes are permitted on public highways, except upon any highway at any time

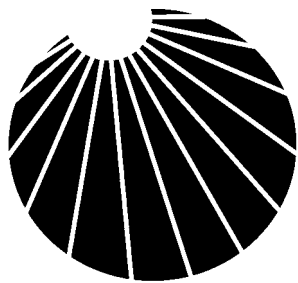
on which operation is prohibited by the department of transportation. (Thruway, Interstate Highways and other highways as deemed by the Commissioner).

- Vehicle and implements or combinations thereof, between 12 feet and up to 17 feet in width used solely for farm purposes are permitted on public highways, when meeting the following requirements.
  - The vehicle and implement or combination thereof is operated during the period from one half hour before sunrise to one-half hour after sunset;
  - Red or orange fluorescent flags not smaller than 18 inches square, and reflectors are placed on the extreme corners of the load
  - Two flashing amber lights in compliance with the regulations prescribed by the commissioner of transportation are attached to the rear of the load or, if the vehicle hauling such implement is equipped with hazard lights which is visible from the rear of the load, such lights are flashing; and
  - If the vehicle or load extends beyond the centerline of a highway or if the vehicle is being operated during any time when, due to rain, sleet, snow, hail, fog, insufficient light, or any other reason, visibility for a distance of one thousand feet ahead is not clear, the vehicle is preceded by an escort vehicle which is equipped with a warning sign and flashing lights in compliance with regulations prescribed by the commissioner of transportation. (*Flashing lights to be minimum 6 inches in diameter – maximum 9 inches in diameter - mounted on the extreme corners of the load, between 5 feet and 7 feet above the ground – amber lens – with a white bulb, not more than 50 candle power, visible for a distance of at least 1000 feet. Over width sign to be black letters on yellow back ground, stating "OVERSIZED LOAD", sign to be 7 feet wide, 18 inches high with 10 inch lettering and a brush stroke of 1.41 inches*).
  - Agricultural vehicles and implements between 12 feet and 17 feet in width are not permitted on highways as prohibited by the department of transportation. (Thruway, Interstate Highways any other highways deemed by the Commissioner).
- Racks for carrying hay, straw or unthreshed grain may have a width of ten feet at the top of the rack. In no case shall the width at the base of the rack exceed one hundred two inches nor shall the width of the rack exceed one hundred two inches at any portion thereof while on any qualifying highway.
- The height of a vehicle from the underside of the tire to the top of the vehicle, inclusive of load, shall not be more than thirteen and one-half feet. Any damages to highways, bridges, or highway structures resulting from a vehicle greater than thirteen feet in height shall be compensated for by the owner and the operator of such vehicle.

## **Operation of Agricultural Equipment by Youth's**

- Operating a tractor over 20 PTO horse power, or connecting or disconnecting an implement or any of its parts to or from such tractor is deemed a "Hazardous Occupation in Agriculture" for minors – youths. Additional Hazardous Occupations in Agriculture include, operating or working with a corn picker, grain combine, hay mower, forest harvester, hay baler, potato digger, mobile pea viner, trencher, earth mover, fork lift, potato combine as well as other farm tasks not listed here.
- Youths ages 16 and above may work in any farm job at any time.
- Youths of any age may work at any time on any job on a farm owned or operated by their parents.
- Minors age 14 and 15 who hold Certificates of Completion of Training under a 4-H or vocational agriculture training program may work outside school hours on certain equipment for which they have been trained.
- 14 and 15 year old students enrolled in vocational agricultural programs are exempt from certain hazardous occupations when certain requirements are met.
- Farmer employing age 14 and 15 year old minors must keep a copy of the Certificate of Training on hand with a copy of the minors records.
- Federal Labor Law violations involving youth employment may result in fines up to \$11,000 for each youth employment violation.
- Note: An employer / employee relationship exists between parents and their children who work on the farm
- For additional information reference youth employment in the agricultural field – [www.wagehour.dol.gov](http://www.wagehour.dol.gov) or call 1-866-487-9243 - reference Fact Sheet # 40: Federal Youth employment Laws in Farm Jobs.

**Note: This handout reflects current legislative laws, rules and regulations of New York State as of February, 24, 2010. For additional information contact the New York State Police Troop "D" Traffic section at (315) 366-6036.**



FARMLAND  
INFORMATION  
CENTER

# FACT SHEET

AGRICULTURAL

CONSERVATION

EASEMENTS



American Farmland Trust

FARMLAND INFORMATION CENTER  
(800) 370-4879  
[www.farmlandinfo.org](http://www.farmlandinfo.org)



## DESCRIPTION

A conservation easement is a deed restriction landowners voluntarily place on their property to protect resources such as productive agricultural land, ground and surface water, habitat, historic sites or scenic views. They are used by landowners ("grantors") to authorize a qualified conservation organization or public agency ("grantee") to monitor and enforce the restrictions set forth in the agreement. Conservation easements are flexible documents tailored to each property and the needs of individual landowners. They cover either an entire parcel or portions of a property. The landowner usually works with the prospective grantee to decide which activities should be limited to protect specific resources. Agricultural conservation easements are designed to keep land available for farming.

## RESTRICTIONS

In general, agricultural conservation easements limit subdivision, non-farm development and other uses that are inconsistent with commercial agriculture. Some easements allow lots to be reserved for family members. Typically, these lots must be small—1 to 2 acres is common—and located on the least productive soils. Agricultural conservation easements often permit commercial development related to the farm operation and the construction of farm buildings. Most do not restrict farming practices, although some grantees ask landowners to implement soil and water conservation plans. Landowners who receive federal funds for farm easements must implement conservation plans developed by the USDA Natural Resources Conservation Service.

## TERM OF THE RESTRICTIONS

Most agricultural conservation easements are permanent. Term easements impose restrictions for a specified number of years. Regardless of the duration of the easement, the agreement is legally binding on future landowners for the agreed-upon time period. An agricultural conservation easement can be modified or terminated by a court if the land or the neighborhood changes and the conservation objectives of the easement become impossible to achieve. Easements may also be terminated by eminent domain proceedings.

## RETAINED RIGHTS

After granting an agricultural conservation easement, landowners retain title to their property and can still restrict public access, farm the land, use it as collateral for a loan or sell their property. Land subject to an easement remains on the local tax rolls. Landowners continue to be eligible for state and federal farm programs.

## VALUATION

Landowners can sell or donate an agricultural conservation easement to a qualified conservation organization or government body. It is important to determine the value of the easement to establish a price or to calculate tax benefits under federal and state law. The value of an agricultural conservation easement is generally the fair market value of the property minus its restricted value, as determined by a qualified appraiser. In general, more restrictive agreements and intense development pressure result in higher easement values.

## TAX BENEFITS

Grantors can receive several tax advantages. Donated agricultural conservation easements that meet Internal Revenue Code section 170(h) criteria are treated as charitable gifts. In 2010, Congress extended through 2011 enhanced tax deductions for donated conservation easements authorized by the Pension Protection Act of 2006. The extension allows landowners to deduct the value of conservation easements up to 50 percent of their Adjusted Gross Income (AGI) compared to the former limit of 30 percent. The unused portion of the easement value may be carried forward for up to 15 years, as opposed to five. In addition, "qualified farmers and ranchers"—defined as individuals or corporations who earn more than 50 percent of their gross income from the business of farming in the taxable year in which the gift is made—still can deduct the value of the easement up to 100 percent of their AGI with a 15-year carryforward. Corporations were formerly limited to 10 percent of AGI with a five-year carryforward.

In addition to the federal income tax incentives, most state income tax laws provide

## AGRICULTURAL CONSERVATION EASEMENTS

For additional information on farmland protection and stewardship contact the Farmland Information Center. The FIC offers a staffed answer service and online library with fact sheets, laws, sample documents and other educational materials.

[www.farmlandinfo.org](http://www.farmlandinfo.org)

(800) 370-4879



American Farmland Trust

NATIONAL OFFICE  
1200 18th Street, NW, Suite 800  
Washington, DC 20036  
(202) 331-7300  
[www.farmland.org](http://www.farmland.org)



for charitable deductions of conservation easements. At least 14 states offer income tax credits for easement donations on agricultural land. Florida exempts permanently protected land from up to 100 percent of state property taxes.

Tax codes in some states direct local tax assessors to consider the restrictions imposed by a conservation easement. This provision generally lowers property taxes on restricted parcels if the land is not already enrolled in a differential assessment program. Differential assessment programs direct local tax assessors to assess land at its value for agriculture or forestry, rather than for residential, commercial or industrial development.

The donation or sale of an agricultural conservation easement usually reduces the value of land for estate tax purposes. To the extent that the restricted value is lower than fair market value, the estate will be subject to a lower tax. In some cases, an easement can reduce the value of an estate below the level that is taxable, effectively eliminating any estate tax liability. However, as exemption levels increase, there may be less incentive from an estate tax perspective.

The Economic Growth and Tax Relief Reconciliation Act of 2001 expanded an estate tax incentive for landowners to grant conservation easements by removing the geographic eligibility requirements. Under Section 2031(c) of the tax code, executors can exclude 40 percent of the value of land subject to a donated qualified conservation easement from the taxable estate regardless of the property's location. This exclusion is limited to \$500,000 but is in addition to any reduction in the value of the estate as a result of protecting the land with a conservation easement. The full benefit is available for easements that reduce the fair market value of a property by at least 30 percent. A smaller exclusion is available for easements that reduce property value by less than 30 percent.

### HISTORY

Forty-nine states have a law pertaining to conservation easements. The National Conference of Commissioners on Uniform State Laws adopted the Uniform Conservation Easement Act in 1981. The Act served as a

model for state legislation allowing qualified public agencies and private conservation organizations (land trusts) to accept, acquire and hold less than fee simple interests in land for the purposes of conservation and preservation. Since the Uniform Conservation Easement Act was approved, 23 states have adopted conservation easement enabling laws based on this model, and 26 states have drafted and enacted their own enabling laws. In addition, 30 states have authorized and/or operate state-level purchase of agricultural conservation easement (PACE) programs. PACE programs compensate landowners for placing restrictions on their land to keep it available for agriculture.

### BENEFITS

Agricultural conservation easements:

- Permanently protect important farmland while keeping the land in private ownership and on local tax rolls.
- Are flexible documents that can be tailored to meet the needs of individual farmers and ranchers and unique properties.
- Can provide farmers with several tax benefits including income, estate and property tax reductions.
- Can help farmers and ranchers transfer their operations to the next generation.

### DRAWBACKS

- Agricultural conservation easements do not ensure that the land will continue to be farmed.
- Donating an easement is not always a financially viable option for landowners.
- Monitoring and enforcing conservation easements requires a serious commitment on the part of the easement holder.
- Subsequent landowners are not always interested in upholding easement terms.
- Do not offer protection from eminent domain. If land under easement is taken through eminent domain, both the landowner and the easement holder must be compensated.

# Schoharie Land Trust

## Why conserve Schoharie's rural character?

The natural beauty we value and enjoy today is under increasing pressure from over-development and sprawl which could permanently change the rustic landscape.

Farmland provides the open space and scenic beauty of our region. It is the basis of our agricultural economy, supporting local businesses and services. Returning to local and regional food systems is an effective way to ensure safe, nourishing food, and to decrease fossil fuel use and greenhouse gas emissions.

Tourism is also a viable industry in our region replete with both historic sites and scenic attractions. The latter include our fertile farms and fields, woods and wetlands, hills and caves, wildlife habitat and streams, especially the Schoharie Creek flowing north through the valley.

All of these assets are worth safeguarding. Schoharie Land Trust is part of a growing movement engaged in this essential conservation.

## Membership—at all levels—helps realize Schoharie Land Trust's mission

Currently the Land Trust protects 1,795 acres through conservation easements on 13 parcels of land, including 5 agricultural easements. The organization also owns 2 parcels totaling an additional 357 acres.

Consider adding your lands to this growing acreage total, and ensure it will reflect your vision for the future. Enjoy hiking the trails of the 342-acre Paulson Preserve in Summit.



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## Mission

*It is the mission of the Schoharie Land Trust to protect the beauty, land, heritage and rural character of Schoharie County and adjacent areas by acquiring real property, holding conservation easements, and providing technical assistance and planning information to landowners, public agencies, and others interested in safeguarding our natural assets.*

## Schoharie Land Trust Inc

PO Box 482 • Cobleskill, NY 12043-0482

(607) 652-2162

[www.schoharielandtrust.org](http://www.schoharielandtrust.org)

**Working to conserve  
Schoharie County's  
rural character  
and natural resources**

*Welcoming New Members*

*Maintaining preserves  
for public education  
and recreation*

*Planning for the future*

## What is a conservation easement?

A conservation easement is a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values. You can continue to own and use your land and to sell it or pass it on to heirs.

When you donate a conservation easement to a land trust, you give up some of the rights associated with the land. For example, you might give up the right to build additional structures, while retaining the right to grow crops. Future owners will also be bound by the easement's terms. The land trust is responsible for making sure the easement's terms are followed.

Conservation easements offer great flexibility. An easement on property containing rare wildlife habitat might prohibit any development, for example, while one on a farm might allow continued farming and the building of additional agricultural structures.

An easement may apply to just a portion of the property, and need not require public access.

A landowner sometimes sells a conservation easement, but usually easements are donated. If the donation benefits the public by permanently protecting important conservation resources and meets other federal tax code requirements it can qualify as a tax-deductible charitable donation. In New York State, there are also property tax reduction incentives for easements. See next column.

Perhaps most important, a conservation easement can be essential for passing land on to the next generation. By removing the land's development potential, the easement lowers its market value, which in turn lowers estate tax. Whether the easement is donated during life or by will, it can make a critical difference in the heirs' ability to keep the land intact.

—Courtesy of the Land Trust Alliance

## What are the tax benefits of a conservation easement?

In 2006, the Conservation Easement Tax Credit officially became part of the New York State tax code. This innovative credit will give New York landowners whose land is restricted by a conservation easement an annual refund of 25% of the property taxes paid on that land, up to \$5,000 per year. It is available to all owners of easement-restricted land, regardless of when the easement was created, provided that the easement was wholly or partially donated to a land trust or a governmental agency.

Landowners who donate a conservation easement can deduct the value of the easement from their income for federal and state income tax purposes. Also in 2006, Congress approved a large expansion of the federal tax incentive for conservation easement donations. This law:

- Allows the donor of a conservation easement to deduct the value of the easement up to 50% of their adjusted gross income in any one year;
- Allows qualifying farmers and ranchers to deduct up to 100% of their income;
- Extends the carry-forward period for a donor to take tax deductions for voluntary conservation agreements from 5 to 15 years.

In addition, land protected by a conservation easement may qualify for a reduced assessment for real property tax purposes. However, this determination is made by local assessors.

Family on an easement-protected farm.



## Membership Invitation

Name(s) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone ( ) \_\_\_\_\_

E-mail \_\_\_\_\_

☐ Please contact me(us) about opportunities for volunteer work

☐ Please contact me(us) regarding possibilities for the property I(we) own

## Annual Dues/Contributions

Member .....\$35

Friend .....\$50

Contributor .....\$100

Patron .....\$500

Benefactor .....\$1000

Student, Senior, other .....\$ \_\_\_\_\_

Dues and contributions are fully tax-deductible.  
Schoharie Land Trust is a not-for-profit 501(c)(3) organization.

Thank you for mailing this form with your check to:

**Schoharie Land Trust Inc**

PO Box 482 • Cobleskill, NY 12043-0482

(607) 652-2162

[www.schoharielandtrust.org](http://www.schoharielandtrust.org)

Membership and other contributions help Schoharie Land Trust preserve rural Schoharie County

# Purchase of Development Rights

**P**urchase of Development Rights (PDR), also known as purchase of agricultural conservation easements (PACE), is a voluntary approach to farmland protection that compensates landowners for permanently protecting their land for agriculture. In general, landowners possess a variety of rights to their property, including the right to use water resources, harvest timber or develop their property consistent with local regulations. Some or all of these rights can be transferred or sold.<sup>10</sup>

PDR programs essentially pay landowners to extinguish their rights to develop their land. Landowners retain other ownership rights to the property. The property remains on the tax rolls, and its taxable value should be based upon these remaining rights.

PDR programs place a deed restriction, commonly known as a conservation easement, on the property. In most cases, conservation easements are permanent agreements tied to the land that apply to all future owners. These binding agreements permit specific government agencies (federal, state, county, municipal) and/or qualified private, nonprofit organizations to have the right to prevent nonfarm development or activities that could interfere with present or future agricultural use on the property.

The goal of agricultural conservation easements is to protect land to help support the business of farming and conserve productive soils for future generations of farmers. Land subject to an agricultural conservation easement can still be farmed or used for forestry, recreation and other uses compatible with agricultural activities. Since agriculture is constantly evolving, agricultural conservation easements typically provide opportunities for farmers to construct new farm buildings and farm worker housing or to change commodities or farm practices.

In general, the value of a permanent conservation easement equals the fair market value of a property minus its restricted value, as determined by a certified real estate appraiser. For example, if the full market value of a parcel of farmland is \$400,000, but the land is worth \$100,000 when protected, then the farmer would typically be paid the difference of \$300,000 for selling the development rights. PDR is popular with many landowners in part because the payment is financially competitive with development offers.



- Farmland Information Center, Fact Sheets
  - *Agricultural Conservation Easements*
  - *Farm Transfer and Estate Planning*
  - *Installment Purchase Agreements*
  - *Purchase of Agricultural Conservation Easements*
  - *Purchase of Agricultural Conservation Easements, Sources of Funding*
  - *PACE: Status of Local Programs 2010*
  - *PACE: Status of State Programs 2010*
- New York State, Farmland Protection Program
- New York State Department of Agriculture and Markets, Model Agricultural Conservation Easement
- Agricultural Stewardship Association, Agricultural Conservation Easement
- New York State, Environmental Conservation Law Article 49 Section 3

## *Benefits of PDR programs*

- Protect farmland permanently, while keeping it in private ownership
- Are voluntary programs
- Allow farmers to transform land assets into liquid assets that can be used for other purposes
- Can protect a variety of agricultural and natural resources
- Help keep agricultural land affordable for farmers

## *Drawbacks of PDR programs*

- Are expensive
- Are difficult to fund adequately; demand for the programs is usually far greater than available funds
- Will not protect some important farms that choose not to participate

- Are complex and time consuming
- Require an ongoing investment of time and resources to monitor and enforce conservation easements

## Issues to Consider in Developing Local PDR Programs

PDR programs can be an important “carrot” to counterbalance the “stick” of land use regulations. This is especially true in communities experiencing high development pressure, where there is a need for farmland protection alternatives that are financially competitive with development proposals. PDR programs can allow communities to permanently protect significant blocks of land as a resource for local farms. This protected land will also be a community resource, providing local food, rural character and cherished scenic landscapes.

However, PDR programs are not a panacea. They will not solve all of the problems that challenge local farms. The programs are often expensive, and PDR program implementation takes considerable time and requires specific knowledge and skills.

Towns debating whether to start or support a PDR program should consider the following:

### *What types of land do you want to protect?*

### *How will you determine your priorities?*

Due to the voluntary nature of PDR programs, landowners largely determine which properties end up enrolling. However, towns can benefit from having a ranking system, map or other plan that guides local farmland protection priorities. A local prioritization strategy can add legitimacy to PDR efforts, ensure that limited public funds are spent strategically, and address landowner or resident questions about the rationale for project selections.

The specificity of a ranking system will differ by community. Some communities use their comprehensive plans to help focus PDR programs. Other towns create a priority ranking system and farmland protection map that ranks each farm property in the community. Realistically, the comprehensiveness and complexity of a local strategy should be balanced by the community’s available time and resources. Because PDR programs tend to be landowner driven, properties identified on local

maps may never be protected. Towns that spend years identifying, prioritizing and analyzing may lose opportunities for actual farmland protection.

### *How will projects be funded?*

This question presents one of the most significant challenges for towns that want to establish PDR programs. Purchase of development rights is attractive because it offers a significant financial incentive for landowners. However, communities often are faced with significant landowner interest as well as rising real estate prices. Without a consistent source of PDR funding, local programs can be stifled and may make slower progress than originally anticipated.

Some of the traditional funding sources for local PDR programs in New York include:

- New York State, Farmland Protection Program
- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), Farm and Ranch Lands Protection Program (FRPP)<sup>11</sup>
- Town bonds
- Town property taxes
- Town real estate transfer taxes

All of the above funding sources have benefits and drawbacks. The state and federal programs provide grants to eligible governments, which is an attractive option for local governments since the grants can bring hundreds of thousands of dollars to local projects. The downside to the state and federal programs is that they are currently significantly oversubscribed and require cost-share funds.

## New York State Farmland Protection Program

Established in 1996, New York’s Farmland Protection Program provides grants to eligible counties and towns (with approved farmland protection plans) to permanently protect land for agriculture. The grants can provide up to 75 percent of the funds needed to purchase the development rights on farmland and will match a landowner bargain sale dollar for dollar up to 87.5 percent of the cost.

After the New York State Department of Agriculture and Markets (NYSDAM) issues a request for applications, proposals are ranked and scored. Priority is given to projects that preserve viable

agricultural land in areas facing high development or conversion pressure. Priority also is given to land that buffers a significant public natural resource. Some of the specific evaluation criteria include:

- Number of acres preserved
- Soil quality
- Percentage of total farm acreage available for crop production
- Proximity to other conserved farms
- Level of farm management demonstrated by current landowner
- Likelihood of the property's succession as a farm if ownership changes

### Federal Farm and Ranch Lands Protection Program (FRPP)

The 1996 Farm Bill established FRPP to provide funding to purchase development rights on productive farm and ranch land. FRPP provides up to 50 percent of a farm's development rights value. However, the matching 50 percent of project funds must be acquired prior to submittal of an application to FRPP. The 2008 Farm Bill significantly increased FRPP funding so that almost \$200 million per year can be allocated per year from 2008 to 2012.



- USDA NRCS, Farm and Ranch Lands Protection Program Fact Sheet

### Town Funding Sources

In general, local funds provide the opportunity to protect significant blocks of farmland at a scale that can't be achieved solely through state or federal grants. However, local taxpayers must pay for bonds and property taxes. Some landowners will oppose local PDR programs because they do not want to support an expense that is paid for through property taxes.

Town real estate transfer taxes can be an attractive source of funding for local PDR programs, since the funds are generated by the sale of real estate, not property taxes. However, towns in New York must be authorized by the state to enact local real estate transfer taxes. Such "Community Preservation Act" authority has been provided to six towns on the eastern end of Long Island, one in western New York, and select towns in the Hudson Valley.

### *Who will administer projects? Who will hold and monitor conservation easements?*

PDR projects are complex and time-consuming. They require expertise in real estate transactions and an understanding of the nuances of conservation easements. Towns must determine who will be involved in grant writing, project administration, legal reviews as well as on-going monitoring and stewardship activities.

Town governments often collaborate with private land trusts that can act as partners in PDR program implementation. A land trust is a nonprofit organization that—as all or part of its mission—actively works to conserve land by undertaking or assisting direct land transactions. Most land trusts are primarily involved in the purchase or acceptance of donations of land or conservation easements. Working with local governments, land trusts can assist in negotiating conservation easements and completing other aspects of funded projects. In addition, land trusts can hold conservation easements and undertake ongoing monitoring and stewardship responsibilities.

### *What are agricultural conservation easements?*

In general, a conservation easement is a legal agreement between a landowner and a land trust or government agency. Conservation easements are typically used to permanently limit uses of the land in order to protect conservation values. Agricultural conservation easements are one type of conservation easement. They typically limit subdivision, non-farm development and other uses that are inconsistent with agriculture. However, agricultural conservation easements often permit commercial development related to a farm operation, such as the construction of farm buildings. While some agricultural conservation easements require soil and water conservation plans, most do not restrict farm management practices, allowing farmers to adapt and change practices as needed.

Landowners retain title to their property and can still farm, rent their land or use the property as collateral for acquiring a loan. Farmers are usually allowed to limit public access to their property, unless they agree otherwise. Some of the important issues to consider when drafting agricultural conservation easements:

- *Easement purpose.* The primary purpose usually involves supporting the continued agricultural use of the property and protecting productive agricultural soils.
- *Construction of agricultural buildings.* Farms typically need flexibility in the construction of new farm buildings so that existing farms can adapt and new farmers have opportunities to get into the business.
- *Residential construction.* Consideration should be given to allowing for the construction of farm worker housing. In addition, landowners may be interested in options for limited residential construction for family members, etc.
- *Non-agricultural uses such as forest management, rural enterprises and recreation.* Non-farm income opportunities can help keep farm families profitable and on the land. However, the impacts of non-farm activities on the farm operation must also be considered.

## CASE STUDY

### Town of Warwick, Orange County, New York: PDR Program

The town of Warwick's 1999 Comprehensive Plan strongly recommended the establishment of a local PDR program. In 2000, a majority of town voters approved a ballot initiative authorizing the expenditure of \$9.5 million for the acquisition of open space and development rights.

In 2001, Warwick formally reconstituted its agricultural advisory board to oversee the implementation of the town's PDR program. The board is charged with soliciting applications from landowners, educating landowners, monitoring enrolled properties (or making provisions for monitoring), reviewing permission requests from enrolled properties and overseeing other aspects of the program. In 2001, the town also established an "agricultural and open space preservation fund" with specific guidelines for its use, an application ranking procedure and a process for submitting applications to NYSDAM for cost-share assistance on PDR projects.

In 2006, the town adopted the Community Preservation Project Plan to address the issue of protecting farmland. An outgrowth of the plan was the Community Preservation Project Fund, which generates income through a 0.75 percent real estate transfer tax to purchase development rights on agricultural land. Since then Warwick has acquired,

or is in the process of acquiring, the development rights on 13 farms encompassing 2,300 acres.



• Town of Warwick, Code

## CASE STUDY

### Town of Riverhead, Suffolk County, New York: Community Preservation Fund Law

New York State Town Law Section 64-E permits five towns in Long Island's Peconic Bay region to develop "community preservation funds" that protect farmland, natural areas and other open space. The five towns, including Riverhead, are given the authority to enact up to a two percent real estate transfer tax with proceeds going to the dedicated community preservation fund. The transfer tax can only be enacted after a majority vote by the town board and a local referendum. A portion of each residential sale price is deducted prior to the application of the transfer tax to minimize the burden on affordable housing.

The town of Riverhead has used the authority granted by the state to establish its own Community Preservation Fund Law. The law defines the purpose of the town fund, its administration and defines procedures for the application of the two percent real estate transfer tax. The law further describes how the fund will be used for land conservation and stewardship purposes.

From April 1999 through 2010, Riverhead's Community Preservation Fund generated over \$33 million and enabled the acquisition of conservation easements on 1,700 acres. This funding has been critical to conservation efforts in an area experiencing extremely high development pressure.

According to the Peconic Land Trust, since the enactment of the Community Preservation Fund Law, 6,000 acres have been protected in the Peconic Bay region. In 2006, voters in all five townships approved a referendum to extend the collection of the two percent real estate tax from 2020 to 2030. In April 2009, a referendum calling for additional financial oversight to the Community Preservation Fund was also passed.

In addition, as of July 2008 three other towns in the Peconic Bay region—Southampton, East Hampton and Shelter Island—enacted tax exemption policies that apply to first-time home-buyers as well as certain nonprofit corporations.



- Town of Riverhead, Community Preservation Act Law

## CASE STUDY

### Town of Clarence Greenprint and Town of Marilla, Erie County, New York

The town of Clarence experienced a rapidly growing population—a 30 percent increase between 1990 and 2000—and its residents were concerned over loss of open space and farmland. These concerns prompted passage by Clarence residents of a \$12.5 million bond act in 2002.

Subsequently, the town developed the Clarence Greenprint with a mission “to preserve and protect ecologically significant landscapes, valuable agricultural resources, aesthetic beauty, and the rural character of the town, while maintaining a stable tax base and managing growth.” Since then, the Western New York Land Conservancy has worked with Clarence to contact landowners, rank parcels and draft conservation easements. To date, 802 acres of farmland have been protected either by outright purchase or by placement of a conservation easement on the land.

In the nearby town of Marilla, farmers and members of the Conservation Advisory Board were concerned that sprawling residential development radiating out from the city of Buffalo would lead to conversion of significant farmland. The town board committed money from the town general fund to leverage additional funding from New York State and the federal FRPP program to purchase development rights on farmland. These local investments and leveraged funds have enabled the permanent protection of more than 770 acres of agricultural land.

## CASE STUDY

### Jefferson County, New York: PDR Feasibility Study

Forty percent of Jefferson County’s land base in 2006 was in active agricultural use, and \$106 million of farm products were sold by the county’s farmers. The economic significance of the industry and the quantity of land used by agriculture were driving factors in the Agricultural and Farmland Protection Board’s (AFPB) decision to undertake a PDR Feasibility Study. A Work Group representing agricultural

organizations, the county, economic development organizations, and land use interests led the process and hired American Farmland Trust to conduct the study. Work group meetings, public meetings and one-on-one farmer meetings resulted in a list of recommendations for the county to implement as it moved forward with a PDR program.

The county established progressive goals through the feasibility study including:

- Through 2035, promote a “no net loss” goal for land in agricultural districts by retaining approximately 187,000 acres as a critical mass of agricultural land.
- Through 2035, protect 20 percent of current productive acreage for agriculture.



- Jefferson County, PDR Feasibility Study

## CASE STUDY

### Suffolk County, New York: Farmland Protection Program

Suffolk County was the first municipality in the nation to permanently protect farmland by purchasing development rights on the land. Since its inception in 1974, the Suffolk County Farmland Protection Program has protected 9,669 acres of land, limiting its use to agricultural production and compatible uses. Over \$200 million of state, federal and local money through grants, appropriations, bonds and real estate transfer taxes have funded these purchases.



- Suffolk County, PDR Application



- Suffolk County Publication, Greenhouse Structures on Protected Farmland, [www.suffolkcountyny.gov/upload/planning/pdfs2/reports/2009/greenhouse\\_guidelines\\_08.pdf](http://www.suffolkcountyny.gov/upload/planning/pdfs2/reports/2009/greenhouse_guidelines_08.pdf)

## CASE STUDY

### Washington County, New York: Land Trust/County Partnership for PDR Program

Washington County’s 1996 Agricultural and Farmland Protection Plan recommended a study of the feasibility of using purchase of development rights (PDR) as an effective tool to protect farmland in the area. Subsequently, the feasibility study recommended the use of PDR and led to the county partnering with a local

land trust, Agricultural Stewardship Association (ASA), to develop and administer a PDR program.

Per a Memorandum of Understanding (MOU), the county and ASA have designated the division of responsibility for choosing farms for the program, writing applications to New York State, performing the tasks needed to close a project once a farm is awarded money and receiving the money from the state for disbursement to the farmer.

For the past four years, ASA has partnered with Rensselaer County in a similar manner. An MOU designates responsibilities of the two entities and the conditions for ASA to be paid by Rensselaer County for managing the county's PDR Program. The past 13 years of success with these valuable partnerships has resulted in over 10,000 acres of permanently protected farmland in the two-county region.



- Land Trust/County Memorandum of Understanding

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## CASE STUDY

### Cayuga County, New York: PDR Program

Since 2001, Cayuga County has secured funding to protect 7,380 acres of highly productive farmland on 13 farms. Funding to protect these farms has come from the New York State Farmland Protection Program and the federal FRPP.

Due to tremendous interest from area farmers, the Cayuga County Agricultural and Farmland Protection Board (AFPB) established a pre-application process to determine the farms to submit for funding each year. Early in the year, farmers can attend a workshop to learn about the program and then submit a pre-application to the Cayuga County Department of Planning and Economic Development. The Department uses a scoring format, developed by the AFPB, to rank all pre-applications and sends those rankings on to the AFPB for final selection.



- Cayuga County, Pre-Application for NYS Farmland Protection Implementation Grant

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## CASE STUDY

### Frederick County, Maryland: Critical Farms Program

Frederick County launched the Critical Farms

Program in 1995 to preserve prime farmland and to help full-time farmers purchase farmland. Applicants to the program earn more than half of their income from farming, and no less than 75 percent of the acreage they want to purchase has to be zoned as agricultural or conservation. Before applying to the program, farmers must have a farm under contract of sale.

On farms accepted into the program, the county buys a five-year option on a conservation easement for 75 percent of the appraised easement value. The easement value is set at 70 percent of the fair market value. In exchange, farmers are required to apply to one of Maryland's state PACE programs. If the applicant is successful in selling an easement to either state program, the farmer must repay the county the full amount of the option price. If the farmer fails to sell the easement within the option period, the farmer must repay the option amount, within 60 days including interest, or the county places a conservation easement on the property. Because this process usually takes about five months, the county can act quickly to protect important farms that would otherwise be sold for nonagricultural purposes. The process to sell an easement through a PACE program generally takes from 12 to 18 months.

The Critical Farms Program receives \$250,000 per year through general county revenue. This covers the cost of appraisals and personnel. When conservation easements are sold to the state, reimbursements from the state PACE program go back to the county's Critical Farms Program. At the beginning of 2010, Frederick County had invested \$8.1 million since the program began in 1995 and had earned back \$3.7 million. As of 2009, the County had assisted 27 farmers with acquiring 3,383 acres of farmland. Seven of those farms, 883 acres, had options they were trying to sell to a state PACE program.



- Frederick County, Maryland, Option to Purchase Agricultural Land Preservation Easement

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## CASE STUDY

### Frederick County, Maryland: Installment Purchase Program

Frederick County has been using an Installment Purchase Program (IPP) to acquire easements on farmland since 2002. The IPP allows the county to

leverage existing funds to purchase more easements than through traditional lump-sum-easement purchase programs by allowing the county to spread out payments over 10 or 20 years. The IPP is used only for easements that the county purchases independently without help from a state PACE program.

Installment Purchase Agreements (IPAs) spread out payments for conservation easements so that landowners receive semi-annual, tax-exempt interest over a term of years, typically 10 to 20. The principal is due at the end of the contract term. Under Frederick County's IPP, upon approval by the county and agreement by the landowner, the county invests in a Zero Coupon Bond that will mature to the full value of the easement at the end of a term of the landowner's choosing. (Currently the county is considering eliminating the option for a 10-year term in order to extend its buying power and to better leverage funds.)

Interest payments on the easement value are made through the term and are exempt from federal and state income tax. At the end of the term the seller of the easement receives the full principal amount, which allows for deferral of capital gains tax until that time. Landowners can liquidate their IPA prior to the end of an agreement or can transfer it to heirs. The IPP is funded from recordation tax revenues. As of 2009, 94 properties on 14,649 acres had been preserved by the IPP.



- Frederick County, Maryland, Agricultural Land Preservation Installment Purchase Agreement

## CASE STUDY

### Boulder County, Colorado: Purchase of Land in Fee and Lease Agreements

The Boulder County Parks and Open Space Department's mission includes preserving open space and protecting natural and agricultural resources. For 30 years, agricultural lands have been protected by the county by purchasing development rights and placing a conservation easement on the land (the farmland stays in private ownership), or by purchasing the farmland in fee. The county prefers purchasing development rights because it is less costly and does not require future management of the land. But, there are landowners who prefer to sell land outright. When

the county does purchase the land in fee, a conservation easement is placed on the land, and, in the past, the land was then either sold or leased. More recently, the county has chosen to retain ownership and lease the land to farmers in order to maintain an available and affordable source of farmland.

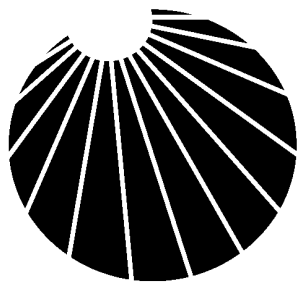
Approximately 175 producers are on the waiting list for county-owned agricultural land. After an informational meeting about the property, interested individuals submit bid packets, which include a description of how they intend to use the land. This review process has ensured that county-owned agricultural land is leased to bona-fide farmers. Most of the county's leases are crop-share leases. The county agrees to pay some of the expenses up front in exchange for a share of the harvest. Crop-share leases require extensive documentation and typically do not net as much as cash leases, however, the county offers crop-share leases to support local producers.

Leases are for one year with two additional one-year options to renew. During those three years the property does not go out to bid, allowing the tenant a stable three-year planning period. On organic farms, the property goes out to bid after four years. The county invests in and helps to maintain the property and is able to fund infrastructure improvements and general maintenance without needing to realize a quick return on investments. In order to help the county meet the commissioners' directive to increase acreage of land in organic production, tenants who are transitioning to organic production pay 50 percent less in rental payments. These farmers can also opt for a longer, five-year lease.

Originally, funding for the program came from annual county appropriations but then changed to funding from sales and use taxes. This revenue stream has been used to back the issuance of \$280 million in bonds. In 2009, \$1 million of income was generated from county-held agricultural leases that helped offset program costs. As of mid-2009, 26,154 acres of agricultural land were owned by the county and leased to producers, and more than 31,000 acres were privately owned but under county-held easements.



- Boulder County, Colorado, Open Space Lands, [www.bouldercounty.org/openspace/about\\_us/acquisitions.htm](http://www.bouldercounty.org/openspace/about_us/acquisitions.htm)



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# FACT SHEET

FARM AND  
RANCH LANDS  
PROTECTION  
PROGRAM



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## DESCRIPTION

The Farm and Ranch Lands Protection Program (FRPP) is a voluntary federal conservation program that provides matching funds to eligible entities to buy permanent conservation easements on farm and ranch land. The program was originally enacted in the Federal Agriculture Improvement and Reform Act of 1996. It was reauthorized and expanded in the Farm Security and Rural Investment Act of 2002. The Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill P.L.110-234) changed the purpose of the program from protecting topsoil to protecting "...the agricultural use and related conservation values of eligible land by limiting nonagricultural uses..." (16 U.S.C. §3838i). It also expanded the types of eligible entities and categories of eligible land. Most importantly, the 2008 Farm Bill changed the nature of the program from a federal real estate acquisition program to a federal financial assistance program that provides funds to entities for easement acquisitions. Funding for the FRPP comes from the Commodity Credit Corporation, the same federal entity that finances farm income support payments and conservation payments. The USDA Natural Resources Conservation Service (NRCS) manages the program.

## ELIGIBILITY

### Land and Landowner

To qualify for the FRPP the land must be part of a privately owned farm or ranch and must:

- Contain prime, unique or other productive soil—at least 50 percent unless otherwise determined by the State Conservationist, contain historical or archaeological resources, or support a state or local policy consistent with the purpose of the program;
- Be included in a pending offer from a state, tribal or local government or non-governmental organization's farmland protection program;
- Be covered by a conservation plan on any highly erodible cropland;
- Be large enough to sustain agricultural production;
- Be accessible to markets for what the land produces;
- Be near parcels of land that can support long-term agricultural production; and
- Be owned by an individual, legal entity or Indian Tribe that does not exceed the Adjusted Gross Income (AGI) limitation.\*

Eligible land includes cropland, rangeland, grassland, pasture land or forest land that contributes to the economic viability of an agricultural operation or serves as a buffer to protect an agricultural operation from development. Forest land must not comprise more than 66 percent of the acreage submitted in the pending offer. Forest land in excess of 10 acres or 10 percent of the easement area, whichever is greater, must have a forest management plan before closing. Other incidental land may be considered eligible if inclusion is necessary for the efficient administration of a conservation easement.

## Cooperating Entities

To be eligible to apply to the program, entities must:

- Be federally recognized Indian tribes, states, units of local government or non-governmental organizations that buy agricultural conservation easements for the purpose of protecting agricultural use; and
- Have pending offers for acquiring conservation easements.

For the purposes of the FRPP, "non-governmental organization" means a tax-exempt organization formed for the conservation purposes set forth in Internal Revenue Code Section 170(h)(4)(A). These purposes include the preservation of land areas for outdoor recreation, natural habitat, open space—including farmland and forest land—and the preservation of historic resources. The 2008 Farm Bill amended the definition of eligible entities to add churches, universities and hospitals. In addition, eligible entities must demonstrate:

- A commitment to long-term conservation of agricultural lands;
- A capacity to acquire, manage and enforce easements;
- Sufficient staff to monitor and enforce easements; and
- Available funds.

The 2008 Farm Bill established "certified entities" as a special class of eligible entities that have demonstrated a capacity to complete land projects using FRPP funds and an ongoing commitment to monitoring and stewardship. Certified entities can enter into longer cooperative agreements that can obligate funds for up to five years.

\* Individuals or entities that have an average AGI exceeding \$1.0 million for the three tax years preceding the year the contract is approved are not eligible to receive program benefits or payments. An exemption is provided in cases where 66 percent of the AGI is derived from farming, ranching or forestry operations.

## FARM AND RANCH LANDS PROTECTION PROGRAM

### APPLICATION PROCESS AND FUND ALLOCATION

The NRCS Chief allocates FRPP funds each year following Congressional budget approval. NRCS State Conservationists announce the availability of FRPP funds and set deadlines for ranking applications from eligible entities. Technically, FRPP operates with a continuous sign-up, but applications will be evaluated once a year, likely in late winter or early spring.

The NRCS State Conservationist ranks proposals using national and state criteria. National ranking criteria are developed by the Chief in consultation with the national program manager and consider:

- Percent of prime, unique and important farmland;
- Percent of cropland, pastureland, grassland and rangeland;
- Ratio of total acres in the parcel to be protected to average farm size in the county;
- Decrease in the percentage of acreage of farm and ranch land in the county between the last two USDA Censuses of Agriculture;
- Percent population growth;
- Population per square mile;
- Proximity to other protected land;
- Proximity to other agricultural operations and infrastructure; and
- Additional criteria as determined by the Chief.

State and local criteria are developed by the State Conservationist with advice from the state technical committee—a technical advisory group made up of individuals who represent natural resource sciences and occupations from state and federal agencies and the private sector. State and local criteria may include but are not limited to:

- Location in an area zoned for agriculture;
- Entity's experience managing and enforcing easements;
- Additional social, economic, historical and archaeological, and environmental benefits supplied by the project;
- Degree to which enrollment may help achieve national, state and regional conservation goals or enhance existing conservation projects;
- Diversity of natural resources to be protected;
- Land Evaluation and Site Assessment score;
- Existence of a farm or ranch succession plan established to encourage farm viability for future generations; and
- Landowner willingness to allow public access for recreational purposes.

The State Conservationist must now make the national and state ranking criteria available to the general public.

The State Conservationist determines the NRCS share awarded for a given project. The NRCS may pay up to 50 percent of the appraised fair market value of the easement. Cooperating entities now must provide at least 25 percent of the final negotiated purchase price. For a summary of FRPP final allocations by state to date, see pages 4 and 5.

### COOPERATIVE AGREEMENTS

When a proposal from an entity is approved, the NRCS executes a cooperative agreement on behalf of the Commodity Credit Corporation. The cooperative agreement describes the transaction, the project cost, an estimate of the federal share and responsibilities of each party. Cooperative agreements can obligate funds for up to five years for certified entities and three years for other eligible entities. It includes an attachment listing the parcels selected by the State Conservationist. During their duration, cooperative agreements will be amended each fiscal year to include the list of projects receiving FRPP funds.

Eligible entities are able to use their own conservation easement deed. The NRCS, however, can establish minimum requirements as a condition for receiving funding. The easement, for instance, must contain a right of enforcement clause for the United States, which empowers the NRCS to inspect and enforce the easement if the eligible entity fails to uphold it. The right of enforcement is considered a “vested property right” and cannot be condemned by state or local governments, but this right has not been acquired by the NRCS. Instead, it is a condition the eligible entity must meet in order to receive FRPP funds. This interpretation means that federal real property acquisition requirements no longer apply.

Land subject to the easement must be managed in accordance with a conservation plan for highly erodible land developed in accordance with the standards in the NRCS Field Office Technical Guide and approved by the local conservation district. Conservation easements also must include a limit on impervious surfaces. In general, the NRCS requires a limit of 2 percent of the eased area, but the State Conservationist may grant waivers on a case-by-case basis not to exceed 10 percent.

### HISTORY

The federal government's efforts to stem farmland conversion began with the passage of the

For additional information on farmland protection and stewardship, contact the Farmland Information Center. The FIC offers a staffed answer service and online library with fact sheets, laws, sample documents and other educational materials.

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Farmland Protection Policy Act (FPPA) in 1981. The FPPA directs federal agencies to evaluate the extent to which federally funded projects lead to the conversion of agricultural land and to consider less harmful alternatives. The regulations were issued in 1994 but have failed to effectively prevent farmland conversion.

The Farms for the Future Act, adopted as part of the 1990 Farm Bill, set the precedent for federal funding by authorizing the Resources Conservation Demonstration Program. This program provided guaranteed loans and subsidized interest payments to state and local farmland protection programs. A pilot program in Vermont saved the state approximately \$10.7 million in interest payments over three years.

The Federal Agriculture Improvement and Reform Act (the 1996 Farm Bill) established a Farmland Protection Program (FPP), which superseded the Farms for the Future Act, to protect farmland from conversion to nonagricultural uses. It authorized up to \$35 million in matching funds over six years to state, tribal and local programs for the purchase of agricultural conservation easements and other interests in productive farmland.

The Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) expanded the FPP to include non-governmental organizations as eligible entities, make farm and ranch land containing historical and archeological sites eligible and allow landowner donations to count as part of the entity's match. The rule renamed the program to Farm and Ranch Lands Protection Program.

The Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill) changed the purpose of the program from protecting topsoil to protecting agricultural use and the conservation values of agricultural land from nonagricultural development. It expanded the types of eligible entities and categories of eligible land and changed the nature of the program from a federal real estate acquisition program to a program that provides financial assistance to entities for easement purchases. Lastly, the 2008 Farm Bill increased funding for the program. Congress authorized the following funding for each fiscal year:

• Fiscal Year 2008	\$97,000,000
• Fiscal Year 2009	\$121,000,000
• Fiscal Year 2010	\$150,000,000
• Fiscal Year 2011	\$175,000,000
• Fiscal Year 2012	\$200,000,000

## FUNCTIONS & PURPOSES

The FRPP provides financial support to state, local and private farm and ranch land protection efforts. These programs protect agricultural land from residential and commercial development by acquiring agricultural conservation easements on productive farmland. Conservation easements allow farmers to free capital tied up in their land while still maintaining the right to use the land for agriculture. Income from the sale of conservation easements may be used to reinvest in agricultural operations, invest for retirement and/or reduce debt. By removing the speculative value of the land, these programs may also help keep agricultural land affordable for beginning farmers. In addition, the FRPP encourages good stewardship by requiring the implementation of conservation plans on highly erodible cropland.

## BENEFITS

- Provides much-needed financial assistance to state, local and private farmland protection efforts.
- Encourages the development of new farm and ranch land protection programs.
- Encourages good stewardship by requiring the implementation of conservation plans on highly erodible cropland.
- Makes the protection of farm and ranch land from conversion to other uses an NRCS issue.
- Fosters national awareness about farm and ranch land protection.

## DRAWBACKS

In general, the NRCS will not enroll land previously protected by a permanent conservation easement OR land owned by an eligible entity unless ownership is transferred to a private landowner before the NRCS disburses the full FRPP payment. This has complicated and sometimes precluded preacquisitions by public entities and land trusts.

- FRPP participants and immediate family members cannot serve as voting board members for the land trust or public easement acquisition program that holds their easement. This provision has barred further service from valued board members and will prevent landowners with first-hand experience in selling easements from serving land protection organizations.
- The AGI limitation has prevented individuals and corporations who own key agricultural lands from participating.

# FARM AND RANCH LANDS PROTECTION PROGRAM

AFT NATIONAL OFFICE  
1200 18th Street, NW, Suite 800  
Washington, DC 20036  
(202) 331-7300  
[www.farmland.org](http://www.farmland.org)

  
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FEDERAL FARM AND RANCH LANDS PROTECTION PROGRAM ALLOCATIONS

State	1996	1997	1998	2000	2001	2002	2003	2004
Alabama	\$0	\$0	\$0	\$0	\$0	\$0	\$1,221,901	\$1,063,321
Alaska	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,507
Arizona	\$0	\$0	\$0	\$0	\$0	\$1,750,000	\$0	\$687,639
Arkansas	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
California	\$2,080,000	\$416,300	\$1,042,000	\$0	\$1,117,400	\$2,470,500	\$3,213,682	\$3,713,015
Colorado	\$1,040,000	\$0	\$1,042,000	\$0	\$540,200	\$2,099,700	\$3,491,161	\$3,499,863
Connecticut	\$1,040,000	\$0	\$1,042,000	\$0	\$623,500	\$2,101,035	\$2,034,693	\$2,970,308
Delaware	\$1,040,000	\$0	\$1,385,000	\$0	\$617,300	\$1,956,500	\$2,812,604	\$4,212,200
Florida	\$453,000	\$0	\$625,000	\$0	\$729,600	\$1,000,000	\$3,230,596	\$2,855,047
Georgia	\$0	\$0	\$0	\$0	\$0	\$1,095,900	\$1,136,839	\$1,440,697
Hawaii	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,406
Idaho	\$0	\$0	\$0	\$0	\$212,200	\$450,000	\$904,958	\$370,492
Illinois	\$0	\$0	\$0	\$0	\$520,000	\$1,319,430	\$1,439,727	\$1,767,477
Indiana	\$0	\$0	\$0	\$0	\$0	\$901,200	\$101,402	\$7,075
Iowa	\$0	\$0	\$0	\$0	\$289,100	\$766,311	\$382,017	\$266,660
Kansas	\$0	\$0	\$0	\$0	\$0	\$165,000	\$488,702	\$119,420
Kentucky	\$416,000	\$0	\$729,000	\$0	\$635,800	\$2,878,500	\$3,136,810	\$2,862,143
Louisiana	\$0	\$0	\$0	\$0	\$0	\$0	\$21,020	\$998
Maine	\$0	\$0	\$375,000	\$0	\$663,800	\$972,000	\$1,141,447	\$1,566,500
Maryland	\$1,555,000	\$104,300	\$1,457,997	\$0	\$718,400	\$2,622,400	\$5,032,549	\$6,658,459
Massachusetts	\$1,040,000	\$208,300	\$1,250,000	\$0	\$637,800	\$2,304,200	\$2,932,471	\$4,526,816
Michigan	\$1,040,000	\$364,300	\$1,094,000	\$0	\$562,200	\$2,238,600	\$3,102,026	\$2,684,099
Minnesota	\$0	\$0	\$0	\$0	\$0	\$0	\$1,302,625	\$1,135,953
Mississippi	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Missouri	\$0	\$0	\$0	\$0	\$0	\$408,000	\$1,218,553	\$670,130
Montana	\$0	\$0	\$0	\$0	\$103,200	\$1,338,400	\$2,003,840	\$2,287,642
Nebraska	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$539,022
Nevada	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$566,900
New Hampshire	\$0	\$104,300	\$234,000	\$250,000	\$527,900	\$1,856,467	\$1,954,102	\$3,195,205
New Jersey	\$1,040,000	\$208,300	\$1,458,000	\$0	\$765,600	\$2,300,928	\$4,476,298	\$5,714,994
New Mexico	\$0	\$0	\$0	\$0	\$0	\$0	\$1,423,893	\$434,700
New York	\$416,000	\$104,300	\$1,458,000	\$0	\$440,900	\$1,650,782	\$2,847,539	\$3,301,635
North Carolina	\$159,000	\$0	\$313,000	\$0	\$598,100	\$2,193,428	\$2,168,361	\$2,399,224
North Dakota	\$0	\$0	\$0	\$0	\$0	\$0	\$701,100	\$446,496
Ohio	\$0	\$0	\$0	\$0	\$0	\$1,612,800	\$2,428,786	\$3,346,079
Oklahoma	\$0	\$0	\$0	\$0	\$26,000	\$0	\$1,199,957	\$1,390,598
Oregon	\$0	\$0	\$0	\$0	\$0	\$0	\$1,188,484	\$175,131
Pennsylvania	\$1,664,000	\$281,300	\$1,458,000	\$0	\$665,800	\$2,870,316	\$5,027,444	\$4,244,350
Rhode Island	\$520,000	\$0	\$703,000	\$0	\$527,300	\$1,328,600	\$1,282,460	\$2,675,154
South Carolina	\$0	\$0	\$0	\$0	\$299,500	\$534,950	\$1,186,487	\$1,666,904
South Dakota	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Tennessee	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$917,922
Texas	\$0	\$0	\$0	\$0	\$480,500	\$0	\$1,320,503	\$1,559,561
Utah	\$0	\$0	\$0	\$0	\$116,500	\$40,500	\$1,157,901	\$1,201,142
Vermont	\$1,040,000	\$104,300	\$1,250,000	\$0	\$3,452,800	\$1,859,600	\$2,036,124	\$3,519,873
Virginia	\$104,000	\$0	\$0	\$0	\$521,800	\$1,496,131	\$921,344	\$1,421,900
Washington	\$208,000	\$0	\$469,000	\$0	\$588,800	\$2,088,422	\$1,947,491	\$1,716,240
West Virginia	\$0	\$0	\$0	\$0	\$0	\$400,000	\$1,003,992	\$1,628,585
Wisconsin	\$145,000	\$104,300	\$615,000	\$0	\$518,000	\$1,635,200	\$1,803,867	\$2,088,000
Wyoming	\$0	\$0	\$0	\$0	\$0	\$0	\$809,644	\$1,014,288
Pacific Basin	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Puerto Rico	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$15,000,000</b>	<b>\$2,000,000</b>	<b>\$17,999,997</b>	<b>\$250,000</b>	<b>\$17,500,000</b>	<b>\$50,705,800</b>	<b>\$77,235,400</b>	<b>\$90,539,770</b>

Figures represent funds for easement acquisitions (i.e., financial assistance) and technical assistance. Historically, technical assistance has represented approximately 3% of funds allocated to the states. There were no allocations in fiscal year 1999.

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FEDERAL FARM AND RANCH LANDS PROTECTION PROGRAM ALLOCATIONS

2005	2006	2007	2008	2009	2010	Cumulative Total	State
\$48,104	\$1,645,209	\$964,625	\$1,073,396	\$570,387	\$568,434	\$7,155,377	Alabama
\$0	\$54,071	\$443,128	\$363,497	\$716,873	\$10,439	\$1,595,514	Alaska
\$18,492	\$5,470	\$6,982	\$7,881	\$131,178	\$8,983	\$2,616,625	Arizona
\$1,676	\$156,001	\$5,698	\$6,422	\$20,618	\$0	\$190,415	Arkansas
\$5,865,805	\$2,444,060	\$2,462,827	\$6,149,543	\$3,755,987	\$5,132,343	\$39,863,462	California
\$4,527,904	\$2,307,342	\$2,112,600	\$2,861,397	\$5,700,954	\$6,581,176	\$35,804,297	Colorado
\$3,420,407	\$3,132,506	\$2,925,228	\$3,067,797	\$5,909,290	\$6,504,267	\$34,771,031	Connecticut
\$4,100,865	\$3,179,442	\$3,092,174	\$6,330,496	\$5,767,819	\$5,063,248	\$39,557,648	Delaware
\$4,500,562	\$1,695,786	\$1,678,077	\$2,278,271	\$1,510,964	\$8,621,090	\$29,177,993	Florida
\$1,588,207	\$801,432	\$943,664	\$1,166,923	\$22,582	\$24,472	\$8,220,716	Georgia
\$2,153,520	\$1,886,349	\$1,116,459	\$1,122,092	\$339,710	\$15,463	\$6,635,999	Hawaii
\$56,200	\$618,563	\$418,210	\$44,096	\$1,094,344	\$1,373,318	\$5,542,381	Idaho
\$1,779,871	\$1,783,486	\$1,435,226	\$1,848,022	\$1,876,114	\$16,871	\$13,786,224	Illinois
\$754	\$824	\$0	\$0	\$2,231	\$191	\$1,013,677	Indiana
\$1,055,670	\$8,370	\$34,537	\$7,211	\$247	\$0	\$2,810,123	Iowa
\$76,100	\$500,126	\$1,330,436	\$1,364,872	\$1,036,832	\$835,611	\$5,917,099	Kansas
\$3,745,262	\$2,452,218	\$2,959,715	\$2,651,474	\$3,189,464	\$2,514,154	\$28,170,540	Kentucky
\$16,437	\$1,398	\$6,313	\$0	\$1	\$0	\$46,167	Louisiana
\$38,769	\$944,359	\$1,103,324	\$2,272,702	\$376,641	\$674,251	\$10,128,793	Maine
\$8,720,347	\$3,010,946	\$2,962,099	\$2,914,415	\$4,338,428	\$4,565,682	\$44,661,021	Maryland
\$4,746,323	\$3,757,318	\$3,961,185	\$5,941,764	\$6,094,039	\$8,844,152	\$46,244,368	Massachusetts
\$4,163,108	\$1,811,745	\$1,695,365	\$2,486,416	\$3,012,459	\$6,272,636	\$30,526,954	Michigan
\$1,593,018	\$563,489	\$701,843	\$2,659,023	\$3,061,214	\$1,434,207	\$12,451,372	Minnesota
\$0	\$0	\$0	\$0	\$0	\$0	\$0	Mississippi
\$628,505	\$9,593	\$1,256,358	\$82,330	\$26,436	\$20,891	\$4,320,796	Missouri
\$1,260,781	\$1,567,468	\$935,414	\$2,099,410	\$2,780,313	\$2,652,862	\$17,029,330	Montana
\$10,942	\$139,244	\$8,164	\$9,738	\$1,481,913	\$1,144,373	\$3,333,396	Nebraska
\$1,260,437	\$1,530,121	\$1,960,423	\$8,751	\$3,626,948	\$5,435,925	\$14,389,505	Nevada
\$3,507,384	\$3,378,274	\$3,339,447	\$1,357,352	\$3,962,125	\$2,681,474	\$26,348,030	New Hampshire
\$6,439,064	\$4,120,272	\$4,740,488	\$8,486,474	\$6,838,653	\$9,130,636	\$55,719,707	New Jersey
\$680,480	\$306,922	\$428,372	\$27,506	\$624,658	\$617,841	\$4,544,371	New Mexico
\$5,713,403	\$2,241,158	\$1,772,001	\$1,443,633	\$2,530,397	\$4,308,195	\$28,227,943	New York
\$3,664,957	\$1,757,731	\$1,614,567	\$2,657,991	\$3,021,553	\$2,620,532	\$23,168,444	North Carolina
\$370,213	\$415,655	\$5,683	\$8,467	\$5,567	\$10,606	\$1,963,787	North Dakota
\$3,974,570	\$2,008,037	\$2,856,580	\$3,514,186	\$3,379,364	\$3,765,464	\$26,885,865	Ohio
\$861,287	\$719,557	\$79,698	\$113,235	\$308,892	\$345,726	\$5,044,950	Oklahoma
\$675,783	\$4,826	\$574,492	\$14,986	\$8,066	\$6,753	\$2,648,521	Oregon
\$6,899,419	\$2,840,139	\$3,067,978	\$6,225,588	\$5,823,055	\$6,820,254	\$47,887,643	Pennsylvania
\$3,506,411	\$3,816,524	\$2,916,852	\$1,563,560	\$5,432,162	\$3,048,425	\$27,320,448	Rhode Island
\$1,623,621	\$2,369,293	\$1,211,644	\$430,601	\$2,823,699	\$3,564,544	\$15,711,242	South Carolina
\$271,271	\$2,047	\$161	\$6,802	\$5,219	\$307	\$285,808	South Dakota
\$518,522	\$551,655	\$752,600	\$971,002	\$1,035,750	\$1,271,533	\$6,018,984	Tennessee
\$712,585	\$1,998,599	\$1,525,682	\$4,085,557	\$2,212,904	\$2,110,064	\$16,005,955	Texas
\$1,334,346	\$473,673	\$1,327,614	\$526,616	\$922,004	\$270,408	\$7,370,704	Utah
\$3,553,722	\$3,138,224	\$3,048,322	\$3,009,047	\$3,372,551	\$3,216,785	\$32,601,348	Vermont
\$1,733,381	\$931,724	\$1,091,895	\$2,188,704	\$1,801,825	\$1,226,881	\$13,439,585	Virginia
\$2,112,853	\$1,190,602	\$1,181,980	\$2,017,850	\$6,096,996	\$6,301,953	\$25,920,187	Washington
\$2,052,080	\$1,933,575	\$2,248,675	\$2,873,475	\$5,624,854	\$5,798,148	\$23,563,384	West Virginia
\$3,592,567	\$1,571,197	\$1,678,137	\$2,644,803	\$1,501,091	\$1,942,949	\$19,840,111	Wisconsin
\$1,245,344	\$549,893	\$741,616	\$2,184,345	\$3,848,714	\$21,093,116	\$31,486,960	Wyoming
\$0	\$0	\$0	\$0	\$0	\$0	\$0	Pacific Basin
\$6,341	\$0	\$0	\$0	\$0	\$0	\$6,341	Puerto Rico
\$110,427,670	\$72,326,513	\$72,724,558	\$95,169,717	\$117,624,085	\$148,467,633	\$887,971,143	<b>Total</b>

Figures represent funds for easement acquisitions (i.e., financial assistance) and technical assistance. Historically, technical assistance has represented approximately 3% of funds allocated to the states.



- American Farmland Trust, *New York Agricultural Landowner Guide*

## Providing Appropriate Assessments for Farm Buildings and Structures

Farm buildings and related structures are an integral part of farm operations. Since agricultural structures have unique purposes, they often cannot be easily transformed for other uses. Farm buildings can be expensive to construct but often depreciate rapidly. Towns may find it challenging to establish appropriate assessments for farm buildings. Town assessors should seek special training from Cornell Cooperative Extension, the New York State Office of Real Property Services or other agencies about the assessment of farm structures to ensure that farm building assessments are fair and accurate.

## Adopting Agricultural Assessment Values for Service Districts

New York's Agricultural Assessment Program provides "use value" assessment for actively managed farmland meeting the eligibility requirements. Agricultural assessment allows farmland to be taxed for its agricultural value, rather than its market (non-farm development) value. Enrolled properties receive agricultural assessment for town, county and school taxes.

The governing body of a fire protection or ambulance district may adopt a resolution stating that agricultural assessment values should be used to determine the taxes levied by that district. Such a measure ensures that farmland is taxed at its current, non-speculative value, recognizing that farmland generally requires fewer public services and should be taxed appropriately.



- New York State, Real Property Tax Law Sections 483, 483-a and 483-c
- New York State, Office of Real Property Services:
- Agricultural Assessment for Rental Landowners

- Agricultural Assessment Forms
- Farm Building Exemption
- Farm Worker Housing Exemption Forms
- New York State, Department of Taxation and Finance:
- Farmers' School Tax Credit
- Historic Barns Tax Credit

## Lease of Development Rights

Lease of development rights (LDR) or term easement programs reduce property tax assessments on land protected by term conservation easements. Authorized by Section 247 of the General Municipal Law, these programs have been used to stabilize farmland and other undeveloped areas by reducing property tax assessments in exchange for term deed restrictions. Such programs can be an important complement to existing property tax reduction programs, especially for part-time farmers or other rural landowners who do not qualify for agricultural assessment and other existing programs.

In New York, the most common form of LDR has been town programs that reduce property tax assessments by 25 to 90 percent for landowners willing to sign five- to 25-year deed restrictions on property meeting minimum acreage requirements. They do not permanently protect land for farming, but they can help stabilize broad areas of a community, giving towns and landowners more time to develop other farmland protection strategies. Due to differing opinions about towns' legal authority to enact such programs, some towns have sought state authorizing legislation that clarified their ability to develop an LDR program.

LDR programs often draw interest from landowners with small farm acreages or from part-time farmers. Larger, commercial farmers often are already benefiting from existing state and local tax reduction programs, such as the agricultural assessment program and Farmers' School Tax Credit. While further property tax reduction may be of interest to full-time farmers, the restrictions may outweigh the additional benefits. However, town LDR programs often help to retain rented farmland and open spaces that serve as buffers between farms and nearby residences. In this way, LDR programs can benefit all farmers in a given town.



### **Benefits of LDR**

- Helps stabilize broad areas of a community
- May be attractive to landowners preferring term agreements to permanent commitments
- Provides “breathing room” for communities experiencing rapid land use change
- Reduces property tax burden for farm landowners who may not qualify for agricultural assessment or other state property tax reduction programs

### **Drawbacks of LDR**

- Does not permanently protect land
- Can create the perception that a town is subsidizing land speculation and landowners will receive a “windfall” at the end of the term
- Requires property tax shift or other incentives that can be expensive
- Requires on-going monitoring and enforcement

### **LDR Options**

Some localities have experimented with additional benefits or standards to make LDR programs more attractive to landowners and/or improve their effectiveness. For instance, California’s Williamson Act program has a “rolling” rather than a fixed term. The length of the term continues to roll forward until a participating landowner decides to withdraw from the program, at which point the term of the agreement begins to decrease until it expires. For example, if a landowner signs a 10-year rolling term agreement in 2000, the 10-year term continues to roll forward each year. If the landowner indicates that he/she wishes to withdraw from the program in 2005, then the landowner’s term commitment would end in 2015 (i.e., the year of withdrawal notice plus the 10-year term).

Other programs have required that town governments receive a “right of first refusal” authority on properties enrolled in LDR programs. This gives a town the right to match purchase offers on participating properties. This authority may not prevent the sale of a property, but it can provide leverage to a town if key properties come up for sale during the term of their agreement.

Several New York towns, such as Southampton and Warwick, have instituted LDR programs with additional incentives: the expedited of limited development proposals on enrolled properties, the retention of current zoning standards for enrolled properties and grant-writing assistance to help farmers acquire agricultural economic development funds. By offering incentives that may interest commercial farmers in LDR, towns can provide term protection to additional farmland.

### **Additional Considerations**

LDR programs often involve simpler deed restrictions than PDR programs, in part because towns want to reduce program complexity and transaction costs. This can be justified because the agreements are not permanent, and simple programs are more attractive to landowners and easier to administer. However, towns must have a clear understanding of the permitted uses of properties and the actions that constitute a violation. For instance, can participating landowners build barns and other agricultural structures? Can they subdivide their property? Can they store vehicles or other items on land subject to the agreements? By having clear policies on such issues, towns can help prevent future misunderstandings and make the program easier to administer.

Towns also need to develop penalties significant enough to discourage violations and dispel the perception that they are subsidizing land speculation. By having relatively minor penalties for the conversion of enrolled land, towns may encourage more people to participate in LDR programs but do little to discourage the loss of farmland to new development. Town LDR programs without penalty provisions may fail to achieve their stated goals or be subject to criticism by taxpayers. Funds generated by LDR penalties can be dedicated to future town efforts that permanently protect farmland and other open space.

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## **CASE STUDY**

### **Town of Perinton, Monroe County, New York: Conservation Easement Law**

The town of Perinton established a “Conservation Easement Law” in 1976. The law does not set a minimum acreage for LDR enrollment but stipulates that a “parcel must be suitable for further

development so that the limitation on development during the easement time period provides a benefit to the town.” In exchange for commitments of five to 25 years, the town reduces property tax assessments on enrolled properties by 25 to 90 percent.



- Town of Perinton, Conservation Easement Law
- Town of Perinton, Conservation Easement for Farming Purposes

## CASE STUDY

### **Town of Clifton Park, Saratoga County, New York: Conservation Easement Law**

In 1996, the town of Clifton Park adopted a “Conservation Easement Law” with the intent of providing for “the acquisition of interests or rights in real property for the preservation of historic buildings and landmarks and open space....” Owners of historic buildings or landowners with a minimum of 15 acres per lot (or 7.5 acres each for any two adjoining lots) can apply to the town’s program. In exchange for 15- to 25-year commitments to not develop the land, the town reduces the property tax assessments of participating landowners by 80 to 90 percent.



- Town of Clifton Park, Conservation Easement Law

## CASE STUDY

### **Town of Southampton, Suffolk County, New York: Agricultural Overlay District and Agricultural Planned Development District**

The town of Southampton, located on the east end of Suffolk County, developed an “agricultural overlay district” and “agricultural planned development district” (PDD) to encourage the business of farming and protect productive farmland for agricultural purposes.

The agricultural overlay district defines program eligibility and targets the protection of some of the most productive soils in New York. Parcels of at least 10 acres located in the overlay district are eligible for the program. Parcels enrolled in a 10-year agricultural easement are subject to the following standards:

- No development other than uses related to agricultural production are permitted on the property during the 10-year term (unless the landowner applies for and receives permission to terminate the agreement).
- At least 150 days prior to the termination date, the town of Southampton will exercise a right of first refusal option to purchase the development rights (PDR) or fee title to the property. If the landowner and town are not able to agree on terms within 30 days of the offer, the landowner may develop the property in accordance with the agricultural PDD requirements. A three-year window is provided for submittal of a development application consistent with the agricultural PDD conditions.
- The landowner may submit a letter of interest during the 10-year period and request an appraisal to determine the PDR value on the property. The town will make an offer in 120 days and the landowner can accept or refuse the offer without violation of the agricultural PDD.
- During this 10-year period, the landowner receives a commitment that the permitted density of development will remain fixed.
- The town will assist landowners of enrolled parcels in obtaining federal, state, county or local monies for agricultural production, marketing and economic development.

This type of program may be of particular interest to landowners in communities that are considering changes in the permitted density of development, because LDR enrollment will fix density ratios for the term of the agreement. In addition, the program allows towns to stabilize broader areas while acquiring local funds to purchase development rights or developing other permanent solutions.



- Town of Southampton, Agricultural Overlay District and Agricultural Planned Development District

## Why Keep Saratoga County Farming?

### Farms help sustain the county's rural

**economy.** Saratoga County farms generate more than \$30 million a year in sales, producing a variety of agricultural goods. They spend \$29 million a year on goods and services, much of which goes to support local businesses.

**Farms support tourism.** Saratoga County's scenic farm landscapes help attract people to this area, contributing to Saratoga Springs' reputation as the "City in the country."

**Farms maintain the character of our communities.** Most Saratoga County farms are concentrated in the eastern and western outskirts of the county in towns like Northumberland and Charlton. Some farms, however, are scattered in more urbanized areas like Clifton Park, Malta, and Halfmoon. Farms create a sense of place, connect us to our rural heritage and help balance sprawl.

**Farms keep property taxes lower.** Taxes paid on farmland exceed the cost of providing services. Farmland contributes \$3 to \$4 in taxes for every dollar's worth of services it uses. Residences typically use \$1.25 in services for each tax dollar they pay<sup>1</sup>.

**Our farms are at risk.** Saratoga County is the second fastest growing county in the state. As areas in southern Saratoga County reach full-buildout, we will see our remaining farmland subjected to far greater development pressure on a scale that will threaten the very viability of farming.

### We can keep Saratoga County Farming!

If our rural, suburban and urban communities work together, we can save our most important farmland—keeping farming viable here in Saratoga County.

<sup>1</sup> Based on numerous Cost of Community Services Studies conducted by American Farmland Trust that look at the cost of providing community services like roads, sewers, and schools; comparing it to the services used, and taxes paid by different land use.

Saratoga County farmers welcome you and your family to the country. Together we can grow and prosper in our communities.

For more information about  
agriculture  
in  
Saratoga County  
contact:

Cornell Cooperative Extension  
of Saratoga County  
50 West High Street  
Ballston Spa, NY 12020  
518-885-8995  
[www.ccesaratoga.org](http://www.ccesaratoga.org)

Visit:

[www.saratogafarms.com](http://www.saratogafarms.com)

This brochure was produced  
by the:

Saratoga County Agricultural Promotion  
Committee.

Farm photos by Jim Newton

# ARE YOU THINKING ABOUT MOVING TO THE COUNTRY?



## PLEASE CONSIDER THIS...

Have the noise, traffic, and hassles of your neighborhood led you to consider moving to the country?



Does the thought of clean fresh air and country solitude and peacefulness make you want to build a new home?

Do you dream about moving to the country so your property will be surrounded by natural scenery and panoramic views?



If you answered, "Yes" to any of these questions, you may want to reflect on what it means to live in the country.

Since the early days of our nation, farmers have produced the food, fiber, and nursery products needed to make the country grow and flourish. In fact, their productivity has allowed our nation to become the "breadbasket" of the world.

### ***New York Is An Agricultural State***

Agricultural production returned over \$3 billion to the state's farm economy in 2002. About 25 percent of the state's land area, or 7.6 million acres are used by 37,000 farms to produce a very diverse array of food products.

New York ranks high nationally:

Dairy Products – 3<sup>rd</sup>  
Apples - 2<sup>nd</sup>  
Grapes & Tart Cherries - 3<sup>rd</sup>  
Sweet Corn - 3<sup>rd</sup>  
Cabbage - 1<sup>st</sup>  
Maple Syrup - 2<sup>nd</sup>  
Snap Beans - 2<sup>nd</sup>  
Pumpkins - 1<sup>st</sup>  
Corn Silage - 3<sup>rd</sup>

NY farmers accomplished this by:

- practicing important soil and nutrient management;
- conserving natural resources; and
- working long hours in all types of weather.

Farm practices, such as late hours, manure application, and crop management give us the breadbasket designation and are essential to farming. New homeowners living in the country must take them into account.

### ***What Are Agricultural Districts?***

Agricultural districts encourage the continued use of farmland for agricultural production by:

- providing a farmer with certain protections to continue agricultural practices.
- allowing the farmland owner to receive agricultural assessment for their lands instead of having real property assessments based on higher market value.

- protecting farmers from local laws that unreasonably restrict farming operations located in an agricultural district.

Saratoga County has two consolidated agricultural districts that encompass 111,130 acres of the county's 540,423 acres of land or 21% of the county's total acreage.

### ***What Is a Right to Farm Law?***

The general purpose and intent of the law is to:

- maintain and preserve the rural traditions and character of the county.
- permit the continuation of agricultural practices.
- protect the existence and operation of farms.
- encourage the initiation and expansion of farms and agribusinesses.
- promote new ways to resolve disputes concerning agricultural practices and farm operations.

The Right to Farm Law exists in many Saratoga County towns.

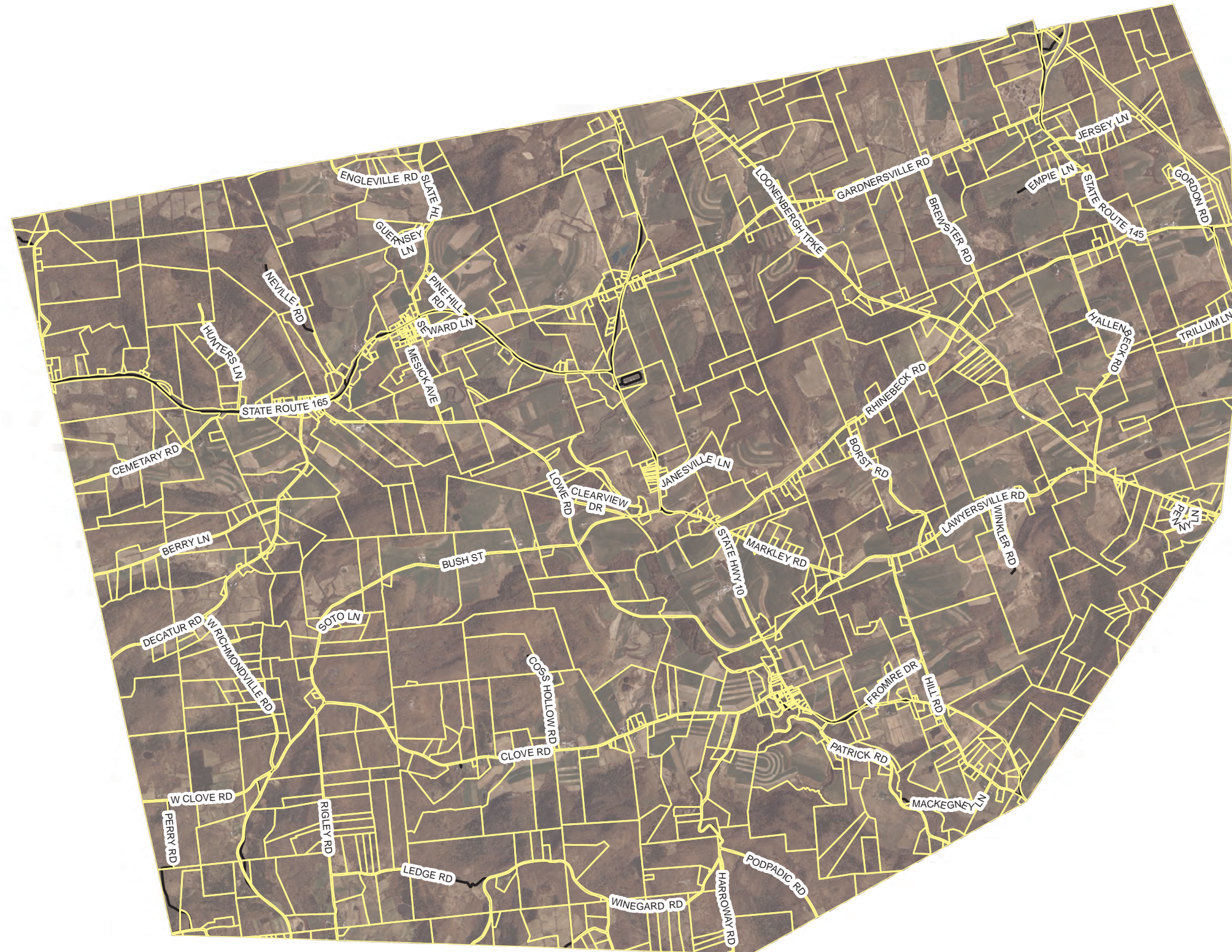
### ***How Can You Help?***

Support farmers by shopping at local Farmers' Markets, at farm stands, or directly from farmers.

Learn about agriculture by attending events such as the Sundae on the Farm Tour held in June and Saratoga County Fair held in July.

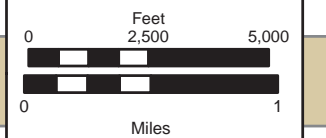
Always seek permission from farmers before entering their property for any purpose to avoid damaging crops and/or disrupting farming operations.

Befriend your farm neighbors. Talk with them about your concerns. Refrain from unwarranted complaints about generally accepted farm management practices.



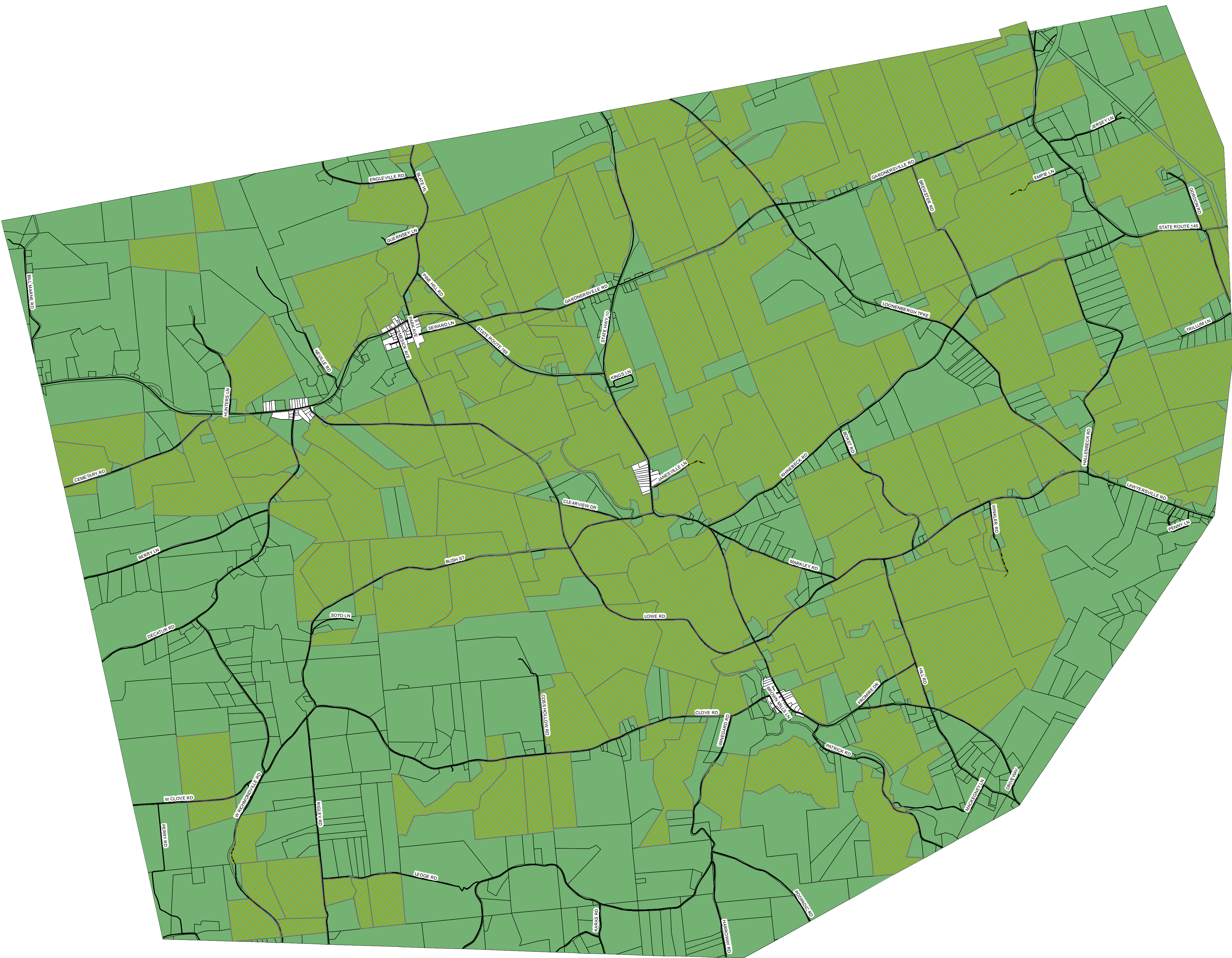
Legend

- Parcel
- Roads



# Town of Seward

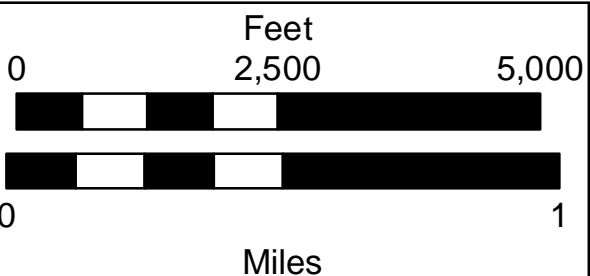
Map4  
Parcels & Ag Exemptions



## Legend

- Parcels
- Roads
- Parcels Receiving Agricultural Exemptions
- Agricultural District

July 9, 2012



## Resources

### **American Farmland Trust**

(518) 581-0078

[www.farmland.org/newyork](http://www.farmland.org/newyork)

### **Cornell Cooperative Extension of Schoharie County**

(518) 234-4303

<http://cceschoharie.org/>

### **Land Trust Alliance**

(518) 587-0774

<http://www.landtrustalliance.org/community/northeast>

### **New York Beginning Farmers Project**

[www.nybeginningfarmers.org](http://www.nybeginningfarmers.org)

### **New York Farm Bureau**

(518) 436-8495

[www.nyfb.org](http://www.nyfb.org)

### **New York FarmNet/FarmLink**

(800) 547-3276

[www.nyfarmnet.org](http://www.nyfarmnet.org)

### **New York Planning Federation**

(518) 270-9855

[www.nypf.org](http://www.nypf.org)

### **New York State Association of Towns**

(518) 465-7933

[www.nytowns.org](http://www.nytowns.org)

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

Agriculture Protection Unit (518) 457-2713

Agricultural Districts Law: [www.agmkt.state.ny.us/AP/agservices/agdistricts.html](http://www.agmkt.state.ny.us/AP/agservices/agdistricts.html)

Agricultural and Farmland Protection Program: [www.agmkt.state.ny.us/AP/agservices/farmprotect.html](http://www.agmkt.state.ny.us/AP/agservices/farmprotect.html)

### **New York State Department of State**

(518) 474-4752

[www.dos.state.ny.us](http://www.dos.state.ny.us)

### **New York State Energy Research and Development Authority**

(518) 862-1090

[www.nyserda.org](http://www.nyserda.org)

### **Schoharie County Planning and Development Agency**

(518) 234-3751

<http://www.schohariecounty-ny.gov/CountyWebSite/Planning/planninghome.jsp>

### **Schoharie Land Trust**

(607) 652-2162

[www.schoharielandtrust.org](http://www.schoharielandtrust.org)

### **SUNY Cobleskill**

(518) 255-5700

[www.cobleskill.edu](http://www.cobleskill.edu)