

New York State Department  
of Agriculture and Markets

**How Agricultural Districts Support  
Agricultural Businesses**

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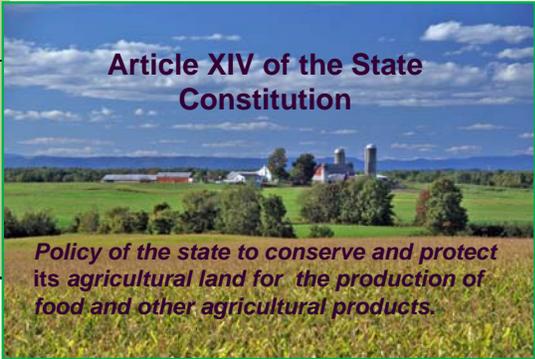
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**Article XIV of the State  
Constitution**



*Policy of the state to conserve and protect  
its agricultural land for the production of  
food and other agricultural products.*

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**The Constitution of the State of New York  
directed the legislature to provide for the  
protection of agricultural lands**

***Agricultural Districts Law*** - Since 1971,  
Article 25-AA of the Agriculture and Markets  
Law, has been the *centerpiece of state and  
county level efforts to conserve, protect and  
encourage the development and improvement  
of agricultural lands for food and other  
agricultural products [and]...to conserve  
agricultural lands as valued natural and  
ecological resources* and which provide  
needed open spaces for clean air sheds and  
aesthetic purposes.

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### Counties Create and Review Agricultural Districts- AML §303

- Landowner petitions county legislative body to add land to agricultural district.
- County agricultural and farmland protection board reviews petitions and makes recommendation to county legislative body.
- County legislative body holds public hearing and creates, modifies, or terminates the agricultural district. **Local Governments Notified**
- District reviewed every 8 years, annual additions during a county designated 30-day period. **State/Local Govt. Partnership**

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### Ag Districts in New York

Total Acres –  
8.75 million

Acres Farmed –  
6.2 million

No. of Farms –  
24,927



Produced by IRIS, Cornell University

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### Agricultural Districts and the Local Planning Process

- ❖ Municipalities are responsible for the regulation of land uses through comprehensive and/or master plans, local zoning, local laws, and building code enforcement. (Home Rule)
- ❖ ADL acknowledges Home Rule and protects farm operations.



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### AML §305-a(1) Policy of Local Governments

Imposes affirmative obligation upon local governments to enact and administer local laws and ordinances to effect the policy of AML Article 25-AA, which is to protect and enhance New York's farmland.



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### AML §305-a(1) Policy of Local Governments

...And prohibits local governments from unreasonably restricting or regulating farm operations in agricultural districts unless the locality can show that the public health or safety is threatened.



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### Guidance Documents Section 305-a

- *Farm Marketing Activities*
- Control of Farm Animals
- On-Farm Composting
- Open Burning
- Nutrient Management Practices (Land Application of Animal Waste, Recognizable and Non-recognizable Food Waste, Sewage Sludge and Septage; Animal Waste Storage/Management)
- Wetlands
- Farm Worker Housing

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### Guidance Documents Section 305-a

- Greenhouses
- *Zoning and Planning Laws*
- Commercial Horse Boarding and Equine Operations
- Junk, Junkyards and Litter
- Small Wind Energy Production Facilities
- Nursery Operations
- *Crops Grown to Support Distilleries, Breweries, Cideries and Wineries*
- Farm Operation Defined
- Start-up Farm Defined

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### What is a "Farm Operation"?

Defined by AML §301(11) as:

"...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,'
- b) 'timber operation,'
- c) 'compost, mulch or other biomass crops,' and
- d) 'commercial equine operation' as defined..."

May consist of one or more parcels of owned or rented land and parcels may be contiguous or noncontiguous to each other.

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### Wineries, Breweries, Distilleries, Cideries – Processing Facility/Tasting Room



- Regulation of Special Events – Health/Safety
- Charitable Events
- Weddings
- Corporate Meetings
- Birthday Parties
- Limitation on No. of Events, Hours of Operation
- Special Use Permit
- Tasting Room

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### Agriculture and Markets Law Considerations

- ❖ Production of Alcoholic Beverages
  - ❖ AML Protects:
    - ❖ Production of Crops – A Farm First
    - ❖ Processing of Crops into Alcohol
    - ❖ Marketing of Alcohol
      - ❖ 51% of crops needed to produce alcohol must be grown by the farm operation.
      - ❖ Marketing may include public events as long as intent is to sell your alcohol and only 30% of gross is incidental charges, such as rental fees.
      - ❖ Tasting room and direct sale to public protected.

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### Municipal Land Use Regulations A Partnership

- ❖ Production of Alcoholic Beverages
  - ❖ Take into consideration A&M guidance/letters
  - ❖ Municipality May Regulate Through Expedited Special Event Permit, Special Use Permit, Site Plan Review (consider time and cost to farm):
    - ❖ Activities Outside of the Scope of the AML
    - ❖ Matter Related to Public Health and Safety, Such As: Hours of operation, traffic, noise, number of events, number of guests, dark skies, ingress/egress, parking, sanitary facilities, permits (Health Department and/or SLA), catering, building construction, sale of alcohol not produced on premises, etc.

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### New York State - Winery Weddings

Acquired from an internet site advertising Farm weddings at wineries



A Winery Wedding in one of New York State's picturesque vineyard settings! Nestled along waterways and grand lakes in the company of historic villages, some 225 wineries enhance areas of rural charm in the six NY regions described below. The majority of wineries are found in the [Finger Lakes](#), [Hudson River Valley](#), and [Long Island](#) viticultural regions. The remaining wine-countries are in the burgeoning wine countries of [Central New York/Lake Ontario](#), [Lake Erie/Chautauqua](#), and the [Niagara Escarpment](#).

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### Protecting Vineyard Crop with Propane Cannon – 95% of Crop Destroyed

Starlings Eating Grapes



Starlings Above Grape Vines



**NOV for using Propane Cannon to Scare Birds**

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### Opportunities for New Farm Related Uses



Pumpkin Patches

#### Agricultural Tourism

U-pick, CSAs, roadside stands, corn mazes, hay rides, pumpkin patches, farm stays, festivals, bakeries & restaurants, parties, weddings, etc.

#### Farm Support Businesses

Slaughterhouse, farm implement repair, community kitchen, etc.

#### Farm Compatible Businesses

Bed & Breakfast, outdoor recreation, child day care, etc.

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### Agriculture and Markets Law Considerations

- ❖ Sale of Agricultural Products Grown on Farm
  - ❖ AML Protects:
    - ❖ Production of Crops and Sale of Crops Grown on Farm
    - ❖ Processing of Crops into Value Added Products
    - ❖ Marketing of Farm Products
      - ❖ 51% of crops marketed must be grown by the farm operation. Additional crops can be sold to diversity products offered to public.
      - ❖ On-Farm sales protected under AML.
      - ❖ Construction of farm markets protected under AML.
      - ❖ Recreational activities such as corn maize, hay rides, petting zoos, produce sling shots, etc.

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### Municipal Land Use Regulations A Partnership

- ❖ Production of Crops Grown on Farm
  - ❖ Take into consideration A&M guidance/letters
  - ❖ Municipality May Regulate Through Expedited Site Plan Review (consider cost & time to farm):
    - ❖ Activities Outside of the Scope of the AML
    - ❖ Matter Related to Public Health and Safety, Such As:
      - ❖ Hours of operation, traffic, noise, number of events, number of guests, dark skies, ingress/egress, parking, sanitary facilities, permits (Health Department), sale of food, building construction, amusements such as cow trains, jump y jumps, slides, lookouts, and other non-agricultural activities.

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### Agri-Tourism Activities



- Direct Farm Sales to Public
  - Increases income to farmer
  - Allows sale of product grown on the farm
  - Educational tool/brings people to the country
  - Fees charged to access activities/become a destination farm
  - Fees charged should not exceed sale of crops, otherwise, recreational, not agricultural

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**Farm and Farm Market with Agritainment**

- Entrance Fee - \$9.75 Adults and \$7.75 Children
- Receives \$2 pumpkin, \$2 gift certificate, \$1 sent to Maize Quest in PA.
- Building used as admissions booth and concessions
- Advertising for CSA. Active CSA. Received site plan approval from town in Spring, 2015.



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**Change In Use**

81,000 ± sq. ft. heated greenhouse to produce organically grown vegetables and fruit in the winter.

Town Code states that 60 percent of the product sold at a farmstand must be grown by the farmer.



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**On-Farm Market** consists of 4,000 sq. ft. of market space.

Town Code does not define "farmstand" or "farm market". Farm Market is only defined in section of code that regulates signs.

Kitchen is used to process farm grown product.



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### Bounce Pillow, Farm Animal Petting Zoo, Slide and Climbing Hill



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### Summary – A Partnership to Review Impacts

#### ■ A&M

- ❖ Is it a farm operation,
- ❖ Is the parcel located in an agricultural district,
- ❖ Zoning definitions,
- ❖ Is the activity permitted in the zone,
- ❖ Local variance approval,
- ❖ State Law,
- ❖ Cost and time, etc.

#### ■ Municipal Code/Law

- ❖ Zoning interpretation(s),
- ❖ Is the local law reasonable,
- ❖ Is public health and safety threatened,
- ❖ Are amendments to local laws needed,
- ❖ Is an expedited review an option, etc.

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### Contact Information

**Bob Somers**  
**518/457-8887**  
**bob.somers@agriculture.ny.gov**  
**www.agriculture.ny.gov**

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