

DRAFT – 6/30/09

Town of North East
Agricultural and Farmland Protection
Plan

DRAFT

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PREPARED BY:



Acknowledgements

Town Board

David Sherman, Supervisor
Dan Briggs
Dave McGhee
Tim Shaeffer
Carl Stahovec

Steering Committee

Dan Briggs
Dianne Engleke
Kent Kay
Lynn Mordas, Chair
John Perrotti
Jack Pulver
Jane Rossman
Henry Smedley
Kevin Smith

Participants of Public Outreach

Donald and Mary Booth	Mike Meiller
Peter Coon	Ray McEnroe
Alex Duncan	Louise Merriman
Donald Duncan	Bobby Perrotti
Leslie Farhangi	Jack and Jean Pulver
Ralph Fedele	Chris Regan
Audrey Fisher	Dave Reagon
Karen Kisslinger	Jay and Marty Reynolds
Mark Liebergall	Harry and Julie Schroeder
Petrina Lopane	Henry Smedley
Patti Lynch	Andy Szymanowicz
Bill Lutz	Donald Totman

Additional technical support was provided by:

Harry Baldwin - Dutchess County Agriculture and Farmland Protection Board
Lindsay Carille and Noela Hooper - Dutchess County Department of Planning and Development
Becky Thornton and Art Collings - Dutchess Land Conservancy
Mark Doyle – Town of Amenia

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Executive Summary

Agriculture has been the backbone of the Town of North East, both visually and economically for generations. The sweeping views of farm fields define this community for residents and visitors alike. The fertile soils combined with convenient access to large markets in three states has historically supported a strong farm industry in the Town. However, change has come to North East, threatening the future of agriculture, but also providing new opportunities for farmers and landowners. Once dubbed “Milk Row” because of the abundance of dairy farms to be found in North East, only 4 active dairies remain due to challenges of low milk prices and increased cost of doing business. At the same time, agriculture has diversified dramatically in North East, with farmers producing specialty crops for niche markets or selling directly to consumers through farmers’ markets and restaurants. In addition, the community has seen increased population growth, predominately in the development of large lots for second homes.

Recognizing both the threats to and the opportunities for agriculture, the Town of North East embarked upon an Agricultural and Farmland Protection Plan in early 2008. Having received a grant from the New York State Department of Agriculture and Markets to develop the plan, the Town hired American Farmland Trust to assist in its development. A Steering Committee of agricultural stakeholders and community members including 3 active farmers, a farmland owner, an agricultural businessperson, and representatives from the Conservation Advisory Committee and the Town Board was tasked with guiding the planning process. The process included public meetings, monthly Steering Committee meetings open to the public and one-on-one outreach to agricultural stakeholders through interviews. The Steering Committee used the results of this public outreach to identify opportunities to support agricultural businesses and strategies to limit threats to farmland in North East.

This work resulted in the four main goals of the plan identified below. Recommendations were then developed to implement these goals with action steps identified to achieve each recommendation. These recommendations provide the toolbox for leaders in North East to take action to support farm businesses and protect farmland for future generations. The following list is an abbreviated summary of the recommendations outlined in detail in the plan:

GOAL 1: Protect farmland to ensure a future for productive agriculture and to maintain the character of the community.

Recommendation 1.1: Develop a town Purchase of Development Rights program to complement the Dutchess County Farmland and Open Space Program and the New York State Farmland Protection and Implementation Grants Program.

Recommendation 1.2: Act as a resource for landowners regarding property tax reduction programs for farmland.

Recommendation 1.3: Research the opportunity to use incentive zoning to direct development towards desired locations and raise funds for permanent farmland protection.

Recommendation 1.4: Strengthen subdivisions regulations to protect prime agricultural soils and encourage new development compatible with continued agricultural use.

GOAL 2: Support economic opportunities for farms and businesses that complement agriculture.

Recommendation 2.1: Amend zoning code to clearly define agricultural uses and under what conditions they are allowed.

Recommendation 2.2: Create incentives for agricultural businesses existing in Town or locating in Town.

GOAL 3: Support agricultural education and awareness of its values and activities.

Recommendation 3.1: Create linkages between traditional tourism outlets and agriculture in North East.

Recommendation 3.2: Provide information to new landowners regarding the agricultural nature of North East.

GOAL 4: Encourage town policies and regulations that are supportive of agriculture.

Recommendation 4.1: Pass a Town Right to Farm Law.

Recommendation 4.2: Establish an Agricultural Advisory Committee.

Recommendation 4.3: Support a goal to have one farmer representative on each town board, including the Planning Board and the Zoning Board of Appeals.

Recommendation 4.4: Consider modifying the clustering rule as provided by the zoning code in the A5A district to encourage protection of workable agricultural land.

Introduction

When driving along Route 22 south into Dutchess County, one is struck by the sweeping expanses of farm fields nestled beneath the Taconic Range. Corn and hay blow in breezes that flow down the valleys of the Town of North East on a June day and one feels as if the clock has turned back in time.

In 1849, the Harlem Railroad extension brought change to the community of North East. The railroad provided access to New York City markets for local iron and dairy products and brought city residents north up the valley to find a different way of life. In some ways, not much has changed in 160 years. Metropolitan New York continues to provide an important market for agricultural products and new residents continue to make their way north along the Metro North rail line that now stops in Wassaic, just south of North East.

When it comes to agriculture however, much is different from what it was then. Dairy farmers are fewer in number and more land is leased for farming rather than owned. In some cases, farms have become larger to take advantage of the economies of scale, but in others, they have significantly downsized in order to minimize labor costs and maximize a niche market. Farmers in the Hudson Valley have proved themselves innovative and able to adapt to changing economic pressures and consumer demand to keep the region one of the highest grossing agricultural areas in New York.

The Hudson Valley is also one of the most threatened. A study by American Farmland Trust identified the Hudson Valley as one of the 10 most threatened agricultural areas in the country. The scenic vistas that farmland provides are what also attract newcomers to the region. In many cases, residential development is occurring on the best farm soils – the same ground that grows tall corn, also perks well for septic systems and digs easily for basements.

“The working landscape is the backbone of what makes North East beautiful. The loss of it would irrevocably change town.” - Supervisor David Sherman.

Development of a Farmland Protection Plan

Recognizing the changing needs of the agricultural industry and the changing population of the community, the Town of North East embarked upon an Agricultural and Farmland Protection Plan in early 2008. The Town hired American Farmland Trust to assist in the development of the plan

and tasked a Steering Committee of agricultural stakeholders and community members with guiding the process. That process has included public meetings, monthly Steering Committee meetings open to the public and one-on-one outreach to agricultural stakeholders through interviews. The process was meant to be as inclusive as possible and the feedback provided through these mechanisms directly impacted the recommendations of the plan.

Excerpt from the Town of North East application to New York State Department of Agriculture and Markets for a Municipal Farmland Protection Planning Grant:

“The Town of North East’s character is embodied in its agricultural operations and the open spaces and vistas they preserve. The Comprehensive Plan proposed by the Town in 2004 seeks to preserve the Village of Millerton as its center for business and commerce, while maintaining the essential character of the surrounding areas and historic hamlets. Farming predates all other land uses in our Town and benefits our community in numerous ways....By creating and implementing a formal plan, the Town of North East can permanently protect valuable farmland and promote the viability of agriculture in the community.”

History of Agricultural Planning in North East

This plan does not exist in a vacuum, however. North East has long recognized the resources – agricultural, natural and cultural – that make it distinct. Goal #2 of North East’s Comprehensive Plan, completed in 1988, is to “encourage the continuation and diversification of agricultural activities.” The Plan says, “It is the intention of the Comprehensive Plan to encourage the maintenance of agricultural activities and the preservation of land necessary to carry them out.” Cited for this goal are such reasons as protection of food security, local jobs and scenic character. Recommendations to achieve this goal include, Purchase of Development Rights programs, a Right to Farm law, strengthened Conservation Subdivision rules, and increased agricultural education. The Town has had success in implementing some of these recommendations, including supporting the purchase of development rights on two farms totaling 437 acres in Town. However, some of the recommendations from this plan remain to be implemented.

In addition to the Town’s Comprehensive Plan, the Dutchess Land Conservancy (DLC) did an “Agricultural Preservation Study” in the Town of North East in 2000. The plan included an

inventory of resources, analysis of growth and development and recommendations for preserving agriculture in North East. Such recommendations included modifying zoning regulations to increase farm viability, adopting a Right to Farm law, developing a local Purchase of Development Rights program, and changing subdivision regulations to encourage conservation development. Many of these tools echo those from the Comprehensive Plan. Similar tools have been repeated in this plan when not yet implemented by the Town of North East.

Most recently, in February of 2008, Hudsonia Ltd, a nonprofit scientific research and education institute, completed a biodiversity study analyzing significant habitats in the Town of North East. They identified a series of ecologically significant habitats and mapped those resources in a comprehensive Geographic Information System. Habitat maps provide another planning tool when making decisions regarding land use in North East and indeed, Hudsonia suggested proactively planning for biodiversity through the use of these maps. One of the general strategies to achieve such conservation was by “preserve[ing] farmland potential wherever possible.”

Dutchess County Agricultural and Farmland Protection Plan

The Dutchess County Agriculture and Farmland Protection Board wrote a plan outlining strategies to sustain agriculture and support farms in 1998. Recognizing that towns play a significant role in supporting agriculture, the plan included recommendations for Municipal Planning Strategies. The number one recommendation in this section reads “agricultural protection strategies should be developed on a town-by-town basis.” The plan also identifies actions that Towns should take to support agriculture, for example, passage of a local Right-to-Farm law. Many of these actions are included here in North East’s Agricultural and Farmland Protection Plan.

Community support for agriculture and farmland protection efforts

The Town Comprehensive Plan, completed in 1988, included a community-wide survey that rated the interest of residents on a variety of issues. The survey included questions related to farmland protection and support for agriculture as the backbone of the community. Of the 22% respondents to the survey, 82% showed strong support for preservation of agricultural land. 74% of respondents supported tax incentives for farmers by local and county governments to continue farming. 61% of town respondents place local agriculture on the top 5 most important elements of the community.

Value of the Agricultural Economy

The face of agriculture in Dutchess County has changed dramatically over the last 50 years. Land in agricultural use has been cut in half down to approximately 102,360 acres or 20% of the land base of the County. Despite increases in the market value of crop and livestock production in 2007 – up 41% from 2002 according to the Census of Agriculture – the average farm lost \$8,850 in 2007. While milk and commodity prices experienced a temporary high in 2007, input prices also skyrocketed, decreasing the total net income of farms. The dairy industry has been hit hardest with this trend. In 1972 there were 275 dairies in the county. Thirty years later, there were only 38.

With this decrease in agricultural land use, has come an increase in land values. The estimated value of land and buildings on farms increased by \$87 million during the period from 1997 to 2007 according to the Census of Agriculture. During this time there was also a decrease in land ownership and increase in land leased for agricultural operations as shown in Figure 1. As land values increase and residential development shifts the ownership of farmland to non-farmers, many adaptive farmers in Dutchess County are finding more economical ways to access land.

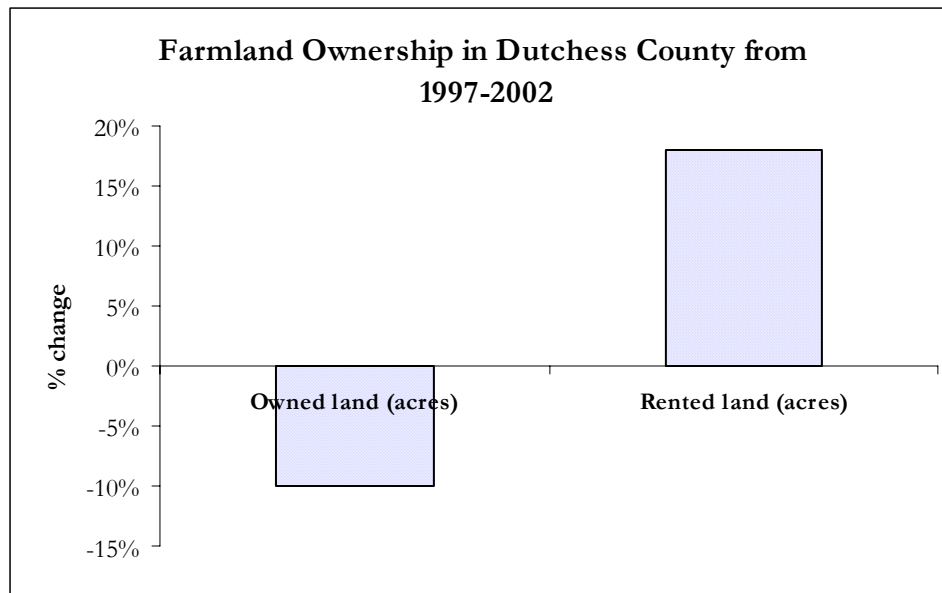


Figure 1. Change in ownership of farmland in Dutchess County from 1997-2002. *Agricultural Census data.*

Not all sectors of agriculture are declining in the County, however. The value of products sold directly to the consumer increased 35% from 1997 to 2002. This documents an increase in the number of farms moving from commodity production to direct retail, either through farmer's markets, community supported agriculture enterprises, or working directly with end-users such as restaurants and institutions. In addition, hired labor payroll on farms, one measure of the economic impact of agriculture in Dutchess County, doubled between 2002 and 2007.

According to the Census of Agriculture, 31 of the 39 farms in North East sold less than \$50,000 in agricultural products in 2002. While the direct economic impact of agriculture in North East appears small by these numbers, it is important to note agriculture remains one of the largest industries in the town of North East.

Land in Agriculture in North East

The Town of North East has experienced similar land use and business change trends over the years. Farmers are changing their businesses to meet new demands, including the increased cost of doing business, changing consumer interests in food and increased cost of the land. According to the Census of Agriculture information available by zip code¹ there were 39 remaining farms in 2002. The bulk of these farms, approximately 70%, reported farming as their primary occupation. Nine farms were doing some kind of direct retail to customers. Table 1 shows the variety of agricultural products currently grown in Town. This wide variety is an indication of both the quality of the soils for agriculture and the adaptability of the farmers in the community.

Upwards of 70% of the land base of Town lies within a state certified Agricultural District and 117 parcels or 15,676 acres receive an agricultural exemption. Approximately half of the land in town is classified by the Natural Resources Conservation Service as good agricultural soils, with 4,858 acres classified as prime and 9,189 acres classified as statewide important. "Prime farmland" soils is a classification given to soil groups that produce the highest yields with minimal inputs of energy and economic resources, and farming them results in the least damage to the environment. "Soils of statewide importance" is a classification given to soils considered of statewide importance for the production of crops. These soils are important to agriculture in the state, but exhibit some

¹ The Zip Code 12546 was used to calculate statistics for the Town of North East. While this information is not entirely accurate, it proves the best source of reliable data on farmland use available at the Town scale.

properties that do not meet Prime Farmland criteria, such as seasonal wetness. Nearly 50% of these combined soil classifications lie on open land that receives an agricultural exemption – indicating that the soils farmers own and work are of considerable quality. The “Farmland Soils and Agricultural District Parcels” map in Appendix A depicts the location of these resources. It is the goal of this plan to protect as much of these important resources as possible using the strategies outlined here.

Table 1. Agricultural products currently grown or raised in North East.

Agricultural Products in North East
vegetables
hot house tomatoes
specialty salad greens
beef
poultry
pork
lamb
beefalo
eggs
forage for animals
fluid milk
goat cheese
nursery and greenhouse plants
cut flowers
wool

Open space value

In addition to its strict economic value, agriculture has an important value in maintaining “open space”. Approximately 5,800 acres of land in town – nearly 20% of the total acreage in town – are protected. This protected land includes New York State Parks and state-owned wetlands, land owned by conservation organizations such as The Nature Conservancy and land under perpetual conservation easement held by the Dutchess Land Conservancy (“Protected Lands” Map in Appendix A). These open landscapes are essential to the cultural definition of the community of North East. The scenic vistas provided from the hills and valleys surrounding the Village of Millerton are priceless in what they bring to the community in tourism dollars and a sense of place for residents.

Indicators of conversion pressure

The population of North East has steadily grown through the last 50 years as shown in Figure 2. In 2000, according to the US Bureau of the Census, there were 3,002 residents in the town.

Interestingly, while the population of the Village of Millerton has held relatively flat over the last 70 years, the population of the Town has consistently grown since 1930. Observations of community members echo this statistical trend. New residential construction is occurring outside the village, typically on lots larger than the zoning minimum. The “Property Class and Zoning Districts” Map in Appendix A shows current zoning boundaries and parcel assessor code identification in North East.

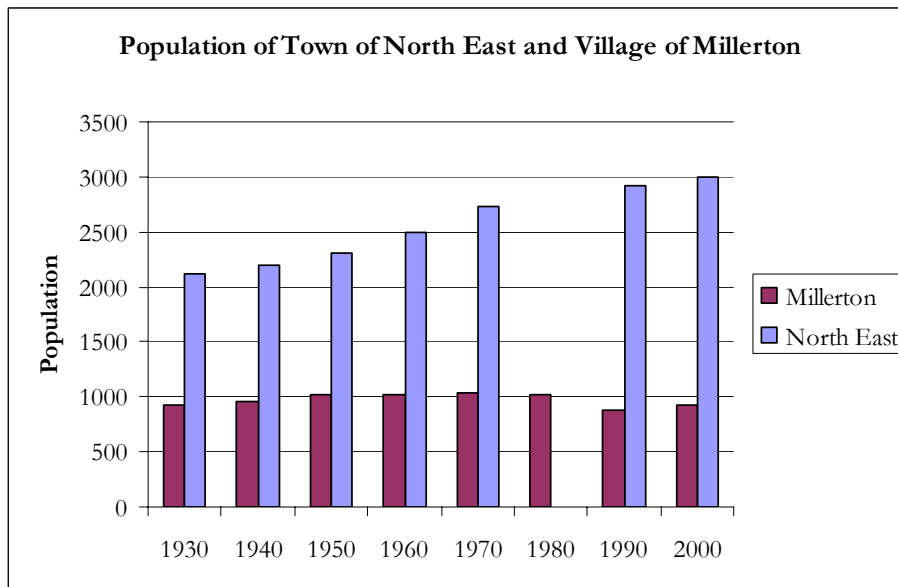


Figure 2. Population of Town of North East and Village of Millerton 1930 – 2000. *US Census data.*

The average household size at the time of the last Census (2000) was 2.5 with a total of 1,366 housing units in the Town. Of this total, 84% was occupied with about two-thirds owner-occupied and one-third occupied by renters. Approximately 10% of the housing stock was identified as seasonal, recreational or occasional use. New residential construction has remained mostly level from 2000 to date as shown in Figure 3 with on average 10 new homes per year. Interestingly, the highest level of new home construction was seen in 2002. Other regional data is consistent with this trend seen in North East and may be linked to New York City residents leaving the urban environment for more rural and seemingly safe places.

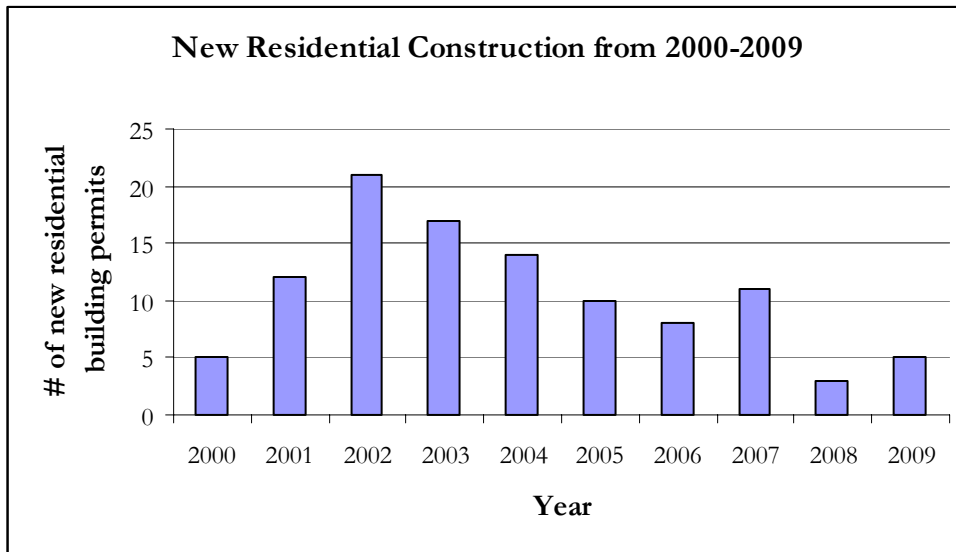


Figure 3. Building permits issued for new residential construction in the Town of North East from 2000 to July 2009. *Town of North East Building Department data.*

The growing population presents both a challenge and an opportunity for farms and agricultural land use in North East. New landowners from outside the community may appreciate the beautiful vistas that agriculture provides, but not understand the realities of what it takes to work that land. This includes plowing soil, mowing hay, chopping corn and spreading manure – all of which result in sights, sounds and smells perhaps unexpected or unwelcome to the new landowner. On the other hand, for those farmers in North East doing any kind of direct retail of farm products, new residents represent a new consumer market that may be interested in purchasing local agricultural products.

The consequences of possible farmland conversion

Farmland provides many benefits to the Town of North East that could be impacted if land was converted to other uses. It provides the scenic backdrop that invites tourists to the area. For residents, farmland provides a visual reminder of the agricultural heritage of the community. Farmland also provides important environmental benefits as wildlife habitat and water recharge areas that would be negatively impacted if land were converted.

Farmland has significant economic value to the community as well. American Farmland Trust “Cost of Community Services” Studies analyze town revenue and expenditures from different land use categories. A study done in North East in 1989 showed that for every dollar taken in as revenue from the Residential category, \$1.36 in services was required. At the same time, for every revenue dollar from Agricultural Land, only \$0.21 in services was required. While these numbers are dated,

similar studies done by AFT across the country over the last 20 years show consistent results; farmland pays more in taxes than it demands in services from the community. These studies show that agriculture's influence extends to supporting the necessary services required by other land uses in the community. For more information on Cost of Community Services studies, see the Fact Sheet in Appendix B.

Public Outreach for the Plan

Public input was particularly important to the Town in this planning process. Public outreach was seen as a two-way communication stream. The community was given several opportunities to provide input on the needs of the agricultural industry in North East and the strategies that would best support farm businesses. In addition, the Town had an opportunity to educate the community on the development of the plan. The Town employed several different methods to ensure public participation in the plan.

Public Meetings:

The Town hosted two public meetings on the plan. The first was a kick-off meeting held on September 30, 2008 to introduce the community to the planning process and gather initial feedback on the state of agriculture in Town. Twenty-three people attended the meeting. David Haight, New York Director for the American Farmland Trust, provided an overview of agriculture in New York. Liz Brock, lead consultant for the Town from American Farmland Trust, provided an introduction to the planning process for the Town of North East and then led the group in a brainstorming session about the strengths, weaknesses, opportunities and threats (SWOT) to agriculture in Town.

A second public meeting was held on August 3, 2009 to gather feedback on the draft plan with XX people in attendance. The draft plan was made available to the community electronically on the Millerton Village and the North East Community Center websites. In addition, it was available in hard copy format at the Town Hall, Village Hall and the North East-Millerton Public Library. The public was asked to provide comments on the plan. Comments were recorded and considered for revision by the Steering Committee. (fill in more after the meeting)

Stakeholder Interviews:

American Farmland Trust did a series of 10 stakeholder interviews to get one-on-one feedback directly from members of the agricultural community in North East. The steering committee identified the interview candidates and approved the questions covered in each interview. Responses were kept confidential so as to ensure honesty in the interviews. In addition, Lynn Mordas and Kent Kay from the Steering Committee interviewed eight additional agricultural stakeholders from the community. Common themes that derived from those conversations were compiled into the summary found in Appendix C. This summary was provided to the steering committee and helped guide the development of goals and recommendations for the plan. Interviewees were also sent a

draft copy of the goals and recommendations for the plan as well as personal invitations to public meetings to solicit direct comment.

Town Board Input:

American Farmland Trust presented the draft recommendations of the plan as compiled by the steering committee to the Town Board on April 2, 2009. Three members of the Board were present in addition to Supervisor David Sherman. This meeting gave Town Board members the opportunity to provide input on the draft goals and recommendations for the plan prior to receiving the final completed plan for approval. It also provided another opportunity for public comment, as several members of the community were present for that meeting. Comments from the meeting were taken into consideration and edits were made as appropriate to the goals and recommendations.

Press:

The Millerton News provided a final outlet for public education on the plan. They published 19 articles about the Plan throughout the duration of the process. At the beginning of the process, an editorial was published strongly supporting the Town's efforts to protect farmland.

SWOT Analysis:

In the initial meetings of the steering committee and at the first public meeting, factors relating to and impacting agriculture in the Town were discussed at length, with input solicited from the public at large, those directly involved in agricultural or ag-related businesses, and members of the steering committee. Input was solicited on four categories as they relate to agriculture in the Town of North East: strengths, weaknesses, threats and opportunities. Generally, strengths and weakness are factors that may be internal to the community, while opportunities and threats may be factors that are external to the community. This information provided important guidance to the Steering Committee as they developed draft goals and recommendations for the plan. The combined results of this SWOT exercise are provided in Appendix D.

Goals, Recommendations and Action Strategies for Farmland Protection in North East

Using input provided by the community at public meetings, during stakeholder interviews and at steering committee meetings, the steering committee drafted four goals for North East's Agriculture and Farmland Protection Plan. These include:

- ✓ Protect farmland to ensure a future for productive agriculture and to maintain the character of the community.
- ✓ Support economic opportunities for farms and businesses that complement agriculture.
- ✓ Support agricultural education and awareness of its values and activities.
- ✓ Encourage town policies and regulations that are supportive of agriculture.

These four goals guided the development of appropriate recommendations and action steps necessary to achieve them. Tools were chosen to specifically meet the needs of the farmers and agribusinesses in North East. The following pages outline in detail each goal, recommendation and action step required to achieve it. The last page in this section includes an implementation matrix that succinctly identifies each action step, the responsible parties to achieve it and a timeline for completion of the activity. Appendix L identifies other resources available to assist the community in implementing this plan.

GOAL: Protect farmland to ensure a future for productive agriculture and to maintain the character of the community.

It is recognized that much of the charm of North East for tourists and residents alike is based upon the beauty of the hills and valleys that run through town. The wide sweeping hay fields and rows of corn overlooking the Taconic Range are part of the reason North East has been “found” by second-homeowners. In addition, agriculture has been and continues to be a major industry in the Town. The link to both the economic and social future of North East depends in part upon protecting the land that provides these resources.

I. RECOMMENDATIONS

1. Develop a town Purchase of Development Rights (PDR) program to complement the Dutchess County Farmland and Open Space Program and the New York State Farmland Protection and Implementation Grants Program that pay farmers to permanently extinguish the right to develop their farm properties for non-agricultural use.

ACTION:

- a. Work with the Dutchess Land Conservancy and Dutchess County Planning Department to hold workshops on the State and County PDR programs. Education about PDR programs is critical to their success. The town can work within existing agencies to provide landowners with the information necessary to decide if PDR is the right tool for them. Fact sheets on the state and county PDR programs can be found in Appendix E.
 - b. Put the Community Preservation Act authorization to a town referendum. Both the County and State Farmland Protection Programs require a local match to fund projects. The CPA would create a consistent source of funding for future farmland protection projects. A copy of the Community Preservation Act authorizing language can be found in Appendix F.
-
2. Act as a resource for landowners regarding property tax reduction programs for farmland.

ACTION:

- a. Create a Resource Package for landowners including information on agencies that can provide expertise in keeping land in agriculture. Such information could assist landowners in becoming aware of the multitude of programs available to continue agricultural use of the land. This packet could include information on: Cornell Cooperative Extension of Dutchess County, Dutchess Land Conservancy and existing programs at the state that protect farmland including, but not limited to; the Farmland Protection Program, agricultural assessment, Farmer School Tax Credit, forest land exemptions, farm building exemptions.
- b. Encourage Town Assessor to attend trainings provided by the New York State Department of Agriculture and Markets and Office of Real Property Services on appropriate taxation of agricultural buildings and land. Appropriate assessment of land

and buildings helps farmers and agricultural landowners maintain the land in agriculture. Valuations and standards change, as do assessors, so this training should be on-going.

- c. Explore opportunity for fire districts to adopt agricultural assessment for valuation. Special use districts can choose to adopt agricultural assessment, lowering the contribution required from farmland that may not demand services like other land uses. This decision must be made on a case-by-case basis by each special use district and is at the discretion of the district.

3. Research the opportunity to use incentive zoning to direct development towards desired locations and raise funds for permanent farmland protection.

ACTION:

- a. Identify appropriate incentive for development and areas most appropriate for the incentive. There must be an incentive for builders in order to achieve success with this tool. An incentive is offered to potential developers of property – ideally something that they would like that zoning currently does not allow. Incentives offered could include increased building density, decreased setbacks or increased impervious lot coverage. Areas appropriate for this type of construction are identified and a fee structure to achieve them established. The funds from such development could then go to land conservation priorities in the community. The Town should work with the agricultural community and builders in the region in order to develop a program most likely to meet the needs of each. A sample incentive zoning code can be found in Appendix G.

4. Strengthen subdivision regulations to protect prime agricultural soils and encourage new development compatible with continued agricultural use.

ACTION:

- a. Require new development to minimize impact on prime agricultural soils or soils of statewide importance where practical. Directing development to less prime soils will result in good land remaining available for agriculture. To date, this kind of development has proven a double benefit – farmers can continue to work the land and as a result, new landowners qualify for agricultural assessment on their properties.

GOAL: Support economic opportunities for farms and businesses that complement agriculture.

In many ways, the best way to protect agriculture as a land use is to support it as a business. If farms are profitable, they will be under less financial pressure to convert the land to other uses. In some cases, farm profitability is supported by complimentary businesses occurring on the farm, including bed and breakfasts, home offices or machine repair shops. These businesses help diversity the farm and bring income to farm family, while not affecting the use of the land for agriculture. In other cases, profitability depends upon access to farm support services like tractor dealerships, animal processing facilities and value-added kitchens. The Town of North East lies in an important location in the heart of a tri-state agricultural region. As such, it could be a magnet to agricultural businesses that would help support the industry as a whole.

II. RECOMMENDATIONS

1. Amend zoning code to clearly define agricultural uses and under what conditions they are allowed.

ACTION:

- a. Reconcile discrepancy between distinct definition of “Farm, Nursery” and “nurseries” as defined under the definition of “farm”². In the main definition for “Farm” it lists, “...nurseries, greenhouses or other similar operations used primarily for the raising of agricultural or horticultural commodities.” Then later, it defines “Farm, Nursery” separately with limitations on construction of such facilities. Nursery farm operations should be included in the definition of “farm” in the code.
- b. Reconcile the use of the word “farm” vs. “agriculture” in the zoning code.³ “Agriculture” is defined very narrowly and all references to it have been stricken from the code, replaced instead by the definition of “farm”. Consider removing definition of “agriculture” completely if “farm” is preferred to provide clarity.

2. Create incentives for agricultural businesses existing in Town or locating in Town.

ACTION:

- a. Modify farm market regulations.⁴ Currently, the code stipulates that 2/3rd of the produce sold in a farm market must be produced on the farm where the market resides. This rule predicates that each farm have their own market. Consider changing this to 2/3rd of the produce sold must come from farms in the Town of North East to allow for cooperative arrangements between farms and lower overhead costs. The remaining 1/3rd would be required to come from within a 100 mile radius of North East – as it currently states in the code.

² See § 98-5, page 9817-9818 and § 98-48.1, page 9888.1

³ See § 98-5, page 9809 (“agriculture”) and page 9817 (“farm”)

⁴ See § 98-48.10, page 988.34-36

- b. Create a definition for Agricultural Commerce and define zones for its inclusion. There are many agri-businesses that allow farmers to diversify their income while keeping land in active agricultural use. The Town can define these businesses as they see appropriate and compatible with existing uses in particular zones.
- c. Include a definition for Agri-Tourism and add it as a use under the definition of “Farm” in the zoning code. Agri-tourism operations give farmers an opportunity to diversify their businesses and expand their income streams. Such operations also serve an important role of educating the non-farm public about agriculture, helping to build better neighbor-relations and appreciation for agriculture in the community. Agri-tourism should be allowed anywhere “Farms” are allowed in the Town Codes. Sample definitions of agricultural terms can be found in Appendix H.

GOAL: Support agricultural education and awareness of its values and activities.

As stakeholders described in interviews and public meetings, the nature of the community of North East and Millerton has changed. The population of the community today has less direct connection to agriculture compared to 30 years ago. As a result, understanding of the sights, sounds and smells related to working agriculture has decreased in the community. In addition, there are less children growing up on farms leading to a decrease in youth education about agriculture. With the age of farmers increasing, a new generation must be trained and willing to take over the farm businesses of today. And as the population continues to shift, a general understanding of the realities of agriculture must be instilled in the community in order to see a future for working farms in North East.

III. RECOMMENDATIONS:

1. Create linkages between traditional tourism outlets and agriculture in North East.
ACTION:
 - a. Create a town farm map for distribution at local businesses in Millerton, the Millerton Farmer’s Market, train station in Wassaic and Harlem Valley Rail Trail entrances (amongst other places). The map would show cooperating farms, farm stands and markets, their hours of operation, contact information and products for sale. It could also list common agricultural practices that may be witnessed from the roadside, including chopping of corn or spreading of manure. A sample community farm map can be found in Appendix I.
 - b. Connect agriculture to cycling events in North East. Work collaboratively with cycling clubs to create a farm bike route or one-time farmer’s market at the finish line of big cycling events in the community.
 - c. Create a town website and highlight agricultural nature of Town. The website could include links to the town farm map and farm events as well as the weekly Farmer’s Market in Millerton. The website could also serve as a hub of information for agricultural landowners as mentioned above in Recommendation I.2.

2. Provide information to new landowners regarding the agricultural nature of North East. Create a brochure that outlines the realities of living in an agricultural community. Such a publication could provide information about common farm practices and identify that North East is committed to agriculture. This could limit the potential for farmer/neighbor conflicts and help to educate new residents about agriculture in North East. The brochure could be distributed to local real estate agents for use with clients looking to purchase land in Town.

GOAL: Encourage town policies and regulations that are supportive of agriculture.

The overall goal of this agricultural and farmland protection plan is to institutionalize the support of agriculture in the Town of North East. The plan will announce to the region, the county and the state, that North East is a farming community and the Town is dedicated to supporting the future for farms. This commitment can be demonstrated by policies and regulations that encourage agricultural use of land. As the community continues to grow and change, these policies will ensure that agriculture continues to be supported.

IV. RECOMMENDATIONS:

1. Pass a Town Right to Farm Law. A Town Right to Farm law puts residents and visitors on notice that they are in an agricultural community. This visible demonstration of support of farms can go a long way towards educating people about the agricultural nature of the community. In addition, a Town Right to Farm law can move the Real Estate Disclosure Notice required by NYS Agricultural Districts Law up in the purchasing process. Currently, if property is sold that borders or lies within an Agricultural District, state law requires the new landowner to sign a Real Estate Disclosure Notice certifying that the landowner understands he or she is moving into an agricultural community. This certification is one of the multitudes of documents landowners sign at the closing. A Town Right to Farm Law can move this Notice further up in the purchasing process, better ensuring that landowners are aware of the consequences of moving into an agricultural district. A sample Right to Farm law can be found in Appendix J.
2. Establish an Agricultural Advisory Committee through a local law. The Agricultural Advisory Committee would meet as needed to address issues in town that could have impact on agricultural businesses and lands. Other town boards could use this committee as a sounding board for new development proposals and other land use issues as they pertain to agriculture. A Sample local law establishing a Town Agricultural Advisory Committee can be found in Appendix K.
3. Support a goal to have one farmer representative on each town board, including the Planning Board, and Zoning Board of Approvals. While the Agricultural Advisory Committee described above would institutionalize input by farmers about land use decisions

affecting farmers, it would not have regulatory authority. The Town can ensure farmer input on land use decisions by supporting a goal to have a farmer representative on each town board.

4. Consider modifying clustering rule as provided by zoning code in the A5A district to encourage protection of workable agricultural land.⁵ Currently, in the A5A zone, a clustering density bonus of up to 25% is allowed if a minimum of 100 acres is protected for agricultural use. Given the size of most parcels of agricultural land in town, this regulation may limit the potential use of this tool to protect parcels big enough to farm. Consider lowering the acreage threshold to encourage the use of this clustering tool.

⁵ See § 98-12, page 9833.

Implementation Matrix

Action to Implement Recommendation	Responsible Parties ⁶	Timeframe for Completion
Pass a Town Right to Farm Law	Town Board	1 year
Establish an Agricultural Advisory Committee (AAC)	Town Board	1 year
Create a definition for "agricultural commerce" and define zones for its inclusion	ZBA/CCE/Planning Board/AAC	1 year
Include a definition for "agri-tourism" and add it as a use under the definition of "Farm" in the zoning code	ZBA/AAC	1 year
Reconcile discrepancy between two definitions of "nursery" in zoning code	ZBA/AAC	1 year
Reconcile the use of the word "farm" vs. "agriculture" in the zoning code	ZBA/AAC	1 year
Explore opportunity for fire districts to adopt agricultural assessment	Town Board/CAC/AAC	1 year
Create a Resource Package for agricultural landowners	CCE/CAC/Assessor	1-2 years
Create a town farm map	CCE/CAC/Assessor/AAC	1-2 years
Research incentive zoning as a tool to raise funds for farmland protection	DCP/ZBA/AAC	1-2 years
Strengthen subdivision regulations to require new development to minimize impact on soils classified as Prime or Statewide Important	DCP/Planning Board/AAC	1-2 years
Connect agriculture to cycling events	HVRTA/NECC/CAC	1-2 years
Create a brochure that outlines the realities of living in an agricultural community	Town Board/AAC/CCE	1-2 years
Put Community Preservation Act authorization to a town referendum	CAC/Town	2-4 years
Create a town website and highlight farms	Town Board/AAC	2-4 years
Consider modifying clustering regulation as provided by zoning code in the A5A district to encourage protection of workable agricultural land	ZBA/Planning Board/Town Board/AAC	2-4 years
Work with the Dutchess Land Conservancy and Dutchess County Planning Dept. to hold PDR workshops	DLC/DCP/CAC	on-going
Encourage assessor to attend trainings on appropriate taxation of agricultural buildings and land	Town Board/Assessor	on-going
Support a goal to have one farmer representative on each town board	Town Board	on-going

⁶ The following acronyms are used here: AAC - Agricultural Advisory Committee, CAC - Conservation Advisory Council, CCE - Cornell Cooperative Extension, DCP - Dutchess County Planning, DLC - Dutchess Land Conservancy, HVRTA – Harlem Valley Rail Trail Association, NECC – North East Community Center, ZBA - Zoning Board of Appeals

Selection Criteria for Farmland Protection

Several of the plan's recommendations lend themselves well to selection criteria to be used by the Town to determine eligibility and suitability for programs, for example, the development of a town funded Purchase of Development Rights program or incentive zoning to fund farmland conservation.

The Town wished to create selection criteria that are fair, quantitative when possible and consistent with the goals and recommendations of the Agriculture and Farmland Protection Plan. The Town also wished to match criteria when possible to other funding programs likely to be used including, the New York State Farmland Protection Program and the Dutchess County Farmland Protection Program, in order to leverage maximum funding for farmers and landowners.

The criteria outlined below represents a first draft at ranking the benefits provided to the community through farmland protection. The criteria are expected to be revised over time to meet changing standards set by other funding sources and the changing needs of the community. The Agricultural Advisory Committee will be tasked with periodically reviewing the selection criteria, as well as using it to review potential farmland protection projects. The Town Board must approve all revisions of the selection criteria with recommendations provided by the Agricultural Advisory Committee.

DRAFT – 6/30/09

Ranking Criteria	Measurable	Thresholds	Weight	MAX weight
Viability of Subject Farmland	Quality of Soils	1/2 a point for percent soil classified as prime or statewide important up to 90%	0.5 * X%	45
	% Total Farm Available for Ag Production ¹	Greater than 80%	30	30
		60-80%	15	
		< 60%	5	
	Succession/Business Planning	Owner has a business and/or succession plan	10	10
		Owner does not	0	
	Proximity to Farmland	Adjacent to farmland under easement	15	15
within < 0.5 mile from farmland under easement		10		
> 0.5 mile from farmland under easement		0		
Environmental Impact	Conservation Planning ²	Owner participated in AEM Tier 3 or has other conservation plan in place	15	15
		Owner participated in AEM Tier 2	10	
		Owner does not participate in AEM or other conservation planning tool	0	
	Buffer to Significant Natural Public Resource	Farm contains or is adjacent to critical habitat as defined by Hudsonia maps	15	30
		Farm is in an aquifer recharge area	15	
		Farm does not contain habitat or lie within aquifer recharge area	0	
	Proximity to Conservation Land ³	Adjacent or within 500 ft of protected conservation land	10	10
> 500 ft from protected conservation land		0		
Community Impact	Proximity to Rail Trail	Adjacent to or visible from Rail Trail	5	5
		Not adjacent to or within view from Rail Trail	0	
	Proximity to Route 22	Adjacent to or visible from Route 22	5	5
		Not adjacent to or visible from Route 22	0	
	Proximity to Historic Resources	Farm is in Historic District or contains building on National or State Historic Registry	5	5
		Farm is adjacent to Historic District	2	
Farm is not adjacent to or within Historic District		0		

Total 170

Notes on Selection Criteria:

1 – Land available for agricultural production can include tillable acres, pastureland, managed woodlots, maple sugar bush, or other lands as deemed “productive” by the Agricultural Advisory Committee.

2 – The Agricultural Environmental Management (AEM) program is administered by the New York State Department of Agriculture and Markets. The program’s mission is to “protect and enhance the environment while increasing the economic viability of New York State’s agricultural industry and improving the quality of life for all New Yorkers.” The program employs a series of Tiers to achieve this mission. Tier 1 consists of an inventory of the farm and its resources. Tier 2 is an assessment of possible on-farm concerns and a documentation of baseline conditions on the farm. Tier 3 is the development of a conservation plan for the farm to address possible concerns or issues. The farm may qualify for these points at the discretion of the Agricultural Advisory Committee if they have another conservation plan on the farm, not through AEM, including, but not limited to a Comprehensive Nutrient Management Plan or a Whole Farm Plan.

3 – Conservation land can include state-owned parks and wetlands, town-owned land or land owned by conservation organizations like the Nature Conservancy and the Dutchess Land Conservancy, or other lands as deemed “conservation” by the Conservation Advisory Committee.

Carrying the Plan into the Future

As agriculture changes with the seasons and over time, so too must this Agricultural and Farmland Protection Plan. The recommendations and strategies laid out here present an opportunity to support farm businesses today and protect agricultural land for the future. It will take commitment on behalf of the farm community in North East, as well as on the part of the Town boards and committees to implement the strategies defined here. As the community continues to grow and agriculture continues to change, new or revised strategies may be needed to address new concerns or new opportunities. The plan should be revisited in at least 10 years in order to identify and address new challenges and opportunities for agriculture in the Town of North East.