

Town of North East
Agricultural and Farmland Protection
Plan

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The Town of North East

with assistance from


American Farmland Trust

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Executive Summary

Agriculture has been the backbone of the Town of North East 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.

“The Town of North East has been for many years the pre-eminent farming town in Dutchess County.”

- Harry Baldwin, Chairman, Dutchess County Agriculture and
Farmland Protection Board

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. The community has seen a slow influx of new residents, predominately in the development of large lots for second homes. 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.

Recognizing both the threats to and the opportunities for agriculture, the Town of North East embarked upon developing an Agricultural and Farmland Protection Plan in early 2008. The plan is a roadmap that describes ways that the town can address top concerns of local farmers and creating a supportive environment for agriculture.

With 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 four 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, formal public comments, 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. Some of these recommendations are simple, easily acted upon and will result in little or no cost to the town. Others are less straightforward or could involve greater town expenditures and require analysis before further action is taken. The plan also includes an implementation matrix to assist the Town in its implementation of recommended actions contained in the Plan. This matrix identifies key recommendations of the Plan and a suggested timeframe for implementation. It is recognized, however, that the Town Board will determine, in its discretion, which portions of the Farmland Protection Plan recommendations it will be implementing, and will be setting its own timeframes for such implementation.

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: Research and implement property tax reduction programs to limit assessments on lands committed to long-term agricultural use

Recommendation 1.2: Assist farmland owners in participating in Purchase of Development Rights programs such as the Dutchess County Farmland and Open Space Program and the New York State Farmland Protection and Implementation Grants Program.

Recommendation 1.3: Act as a resource for landowners regarding property tax reduction programs for farmland.

Recommendation 1.4 Research the opportunity to use incentive zoning to direct development towards desired locations and raise funds for permanent farmland protection.

Recommendation 1.5: Strengthen subdivision regulations to protect prime agricultural soils and encourage new development compatible with continued agricultural use.

Recommendation 1.6 Research the feasibility of a Transfer of Development Rights (TDR) program in North East.

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

Recommendation 2.1: Amend the Town 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.

Recommendation 2.3: Explore and implement opportunities to obtain federal and state funding for agricultural economic development.

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.

Recommendation 3.3: Support the reinvigoration and expansion of Agricultural Education in the area public schools.

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

Recommendation 4.1: Adopt a Town Right-to-Farm Law.

Recommendation 4.2: Support efforts to clarify agricultural assessment standards

Recommendation 4.3 Establish an Agricultural Advisory Committee to advise the Town in decisions with impact to agriculture.

Recommendation 4.4: Support a goal to have one farmer representative on each town board, including the Planning Board and the Zoning Board of Appeals.

Recommendation 4.5: Consider modifying the clustering rule as provided by the zoning code in the A5A district to encourage protection of workable agricultural land.

I. Introduction and Context

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 in the Harlem Valley. The primary commodities being grown today have changed and dairy farms are fewer in number. 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 more broadly 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 region is also one of the most threatened. A study by American Farmland Trust identified Dutchess County as one of the most threatened agricultural areas in the state¹. 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 our town.” - Supervisor David Sherman.

¹ “Farming on the Edge”, American Farmland Trust, March 1997

Development of a Farmland Protection Plan

Recognizing the changing needs of the agricultural industry, 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. 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. 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 1994, 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 successfully implemented 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 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 the County 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 states, “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 and for the creation of core areas of protected working farmland in each town of at least 2,000 acres. 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 1994, 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 placed local agriculture on the top 5 most important elements of the community. While this gauge of

public opinion is dated, it does represent historical support for policies that promote farm viability and protect farmland.

II. The State of Agriculture in North East

Land in Agriculture

Data on land use in agriculture at the town scale is somewhat limited. Information was gathered from several sources to get an estimate of land in agriculture. While these numbers are not always consistent with one another, they illustrate the scale and location of farming in the Town of North East.

Area Operated	# of Operations
1 - 49 acres	8
50 - 999 acres	27
> 1,000 acres	1

Data from 2007 Agricultural Census, USDA, 2007

As of 2002, the Agricultural Census provides information on farm operations within a given zip code area². It is important to note that the Agricultural Census defines a “farm” as any operation that produces and sells \$1,000 or more annually in farm products. Responses to the written survey are voluntary and the census is taken every 5 years. From this data source, in 2007, there were 36 farm operations which responded to the Census in the Town of North East, down from 39 operations responding in 2002. Unfortunately this data source does not provide total acreage information. It does however, give the number of farm operations within given ranges of area operated as shown in Table 1 below. The majority of farms responding in the Town of North East are in the middle size range provided by the Census.

The acreage enrolled in state certified Agricultural Districts provides another measure of the quantity of land involved in agriculture. Landowners can apply annually to the County Agriculture and Farmland Protection Board to be included in an existing Agricultural District. The New York State Department of Agriculture and Markets provides important “right-to-farm” protections to landowners enrolled in Agricultural Districts. These benefits include protection against unreasonably restrictive local laws as well as determination of “sound agricultural practices” which can be helpful in private nuisance

² The Zip Code 12546 was used to calculate statistics for the Town of North East. Portions of the Town of North East are in three other zip codes: 12501 (Amenia), 12503 (Ancram) and 12567 (Pine Plains). These areas have farm operations of substantial size and income that are not included in the data presented as it is impossible to extract only the Town of North East land from the Census data provided.

lawsuits. Upwards of 70% of the land base of Town – or 18,402 acres³ – lies within the state certified Agricultural District. It is important to note that not all of this land is in agricultural production, however, as parcels are enrolled wholly and often include wooded areas or wetlands that are not suitable for cropping.

Parcels receiving agricultural assessment give yet another estimate of land in farms in North East. The New York State agricultural assessment program values land at its current use, rather than its highest and best use. Valuations are determined based on soil classes set at the state level and landowners must file annually with their local assessor to be included in the program. Land placed under agricultural assessment and then converted to non-agricultural use is subject to conversion fees. In order to qualify, a farm operation must utilize more than 7 acres (owned and/or leased) and gross an average of \$10,000 or more in farm sales annually. Farms less than 7 acres can qualify, but the operation must meet an average \$50,000 in sales annually.⁴ In North East, there are 195 parcels or 14,457 acres currently receiving an agricultural assessment⁵.

The New York State Office of Real Property Services classifies land use in a series of standardized codes, with agricultural uses falling between 100-199. According to this data, the final estimate of land in agricultural use, is 11,128 acres or 158 parcels⁶ in the Town of North East. This information, however, is often inaccurate; with numerous parcels coded incorrectly for primary perceived use. For example, a hay field may be coded as “Vacant Land”. Likewise, an agricultural parcel that also has a home on it could be coded as “Residential”. The map in Appendix A, “Land Use and Zoning” shows the distribution of these codes in the Town of North East.

Soils and Agricultural Resources

Approximately half of the total 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.⁷ “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

³ Dutchess County Real Property Tax Service Agency 5/29/09

⁴ NYS Agriculture and Markets Law Article 25-AA, Section 301.

⁵ Data provided by Dutchess County Real Property Tax Service Agency, 8/20/09

⁶ Dutchess County Tax Parcels, Real Property Tax Service Agency, acquired by CCEDC GIS lab July 27, 2009.

⁷ SSURGO Database, USDA Natural Resource Conservation Service, 2006

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 properties that do not meet Prime Farmland criteria, such as seasonal wetness. Some of these soils have been developed for other uses as can be seen by the apparent parcel size on the map “Farmland Soils and Agricultural District Parcels” in Appendix A. However, nearly 50% of these combined soil classifications remain on open land that receives an agricultural assessment – in essence 50% of the quality soils in town are presumably still in farm use. These soil resources are finite; once paved over it is difficult to reclaim them.

Table 2 shows the variety of agricultural products currently grown in Town as described by the steering committee and farmers interviewed. This wide variety is an indication of both the quality of the soils for agriculture and the adaptability of the farmers in the community.

Table 2. 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

Information provided by the Steering Committee for the plan.

In addition to these agricultural products, there are also a number of equine operations in the Town. By all estimates, a considerable portion of the Town of North East remains agricultural. This plan takes a proactive approach to designing strategies to protect this land and promote its continued agricultural use in the future.

Value of the Agricultural Economy

The availability of statistical information on the value of the agricultural economy on the town scale is limited. According to the 2007 Agricultural Census, 22 of the 36 farms had reported less than \$50,000 each in sales, 7 had reported between \$50,000 and \$249,999 in sales each and 7 had reported greater than \$250,000 in sales each⁸. While data on total farm sales in the Town is not available, it can be safely concluded that agriculture is a multi-million dollar economic engine in the Town of North East. Research from Cornell University shows that every dollar grossed on the farm doubles in the community as farmers purchase goods and services locally.⁹

The Agricultural Census provides much more information about the economics of agriculture at the County scale. This data provides insight to the trends seen locally in agriculture over time. While milk and commodity prices experienced a temporary high in 2007, input prices also skyrocketed, decreasing the total net income of farms. 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 in Dutchess County lost \$8,850 in 2007. 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.

Not all sectors of agriculture are declining in the County, however. The value of products sold directly to the consumer increased 44% from 1997 to 2007 – an increase of approximately \$1.2 million in sales during that time. 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 to over \$15 million.

The value of farms in Dutchess County has also increased over time. 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 below. As land values increase and residential development shifts the ownership of farmland to non-farmers, many adaptive farmers in

⁸ All sales values reported are gross sales of farm products.

⁹ “Agriculture-Based Economic Development: Trends and Prospects for New York.” Nelson Bills, July 2001.

Dutchess County are finding more economical ways to access land. Farmer stakeholder interviews conducted by American Farmland Trust in the Town of North East supported this same trend, with 5 of the 10 participants indicating that they leased land from other landowners to support their farm businesses.

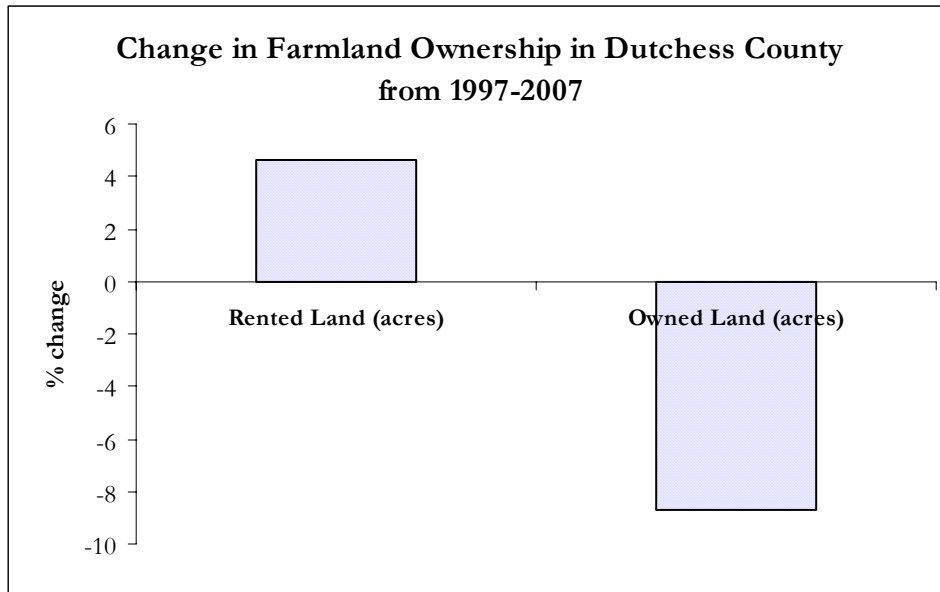


Figure 1. Change in ownership of farmland in Dutchess County from 1997-2007. *Agricultural Census data.*

Certainly, agriculture is facing difficult economic times. As the trends described above show, however, a shift appears to be occurring to compensate for tough times and changing markets. The trend towards more direct marketing allows farm businesses to set the price for their products. At the same time, businesses are doing more to cut costs, like renting rather than owning land. In this fiscal environment, it becomes even more critical that the Town support opportunities for farms to diversify their businesses and also increase awareness for new landowners on how to keep their properties in production.

Open space value

In addition to its strict economic value, agriculture has an important value in maintaining “open space”. Approximately 6,314 acres of land in town are protected. This land includes 2,125 acres under New York State ownership in the Taconic State Park¹⁰ and one parcel owned by The Nature Conservancy. The Dutchess Land Conservancy (DLC) holds perpetual conservation easements on 4,107 acres of

¹⁰ Public Land Boundaries, New York State Office of Cyber Security & Critical Infrastructure Coordination, 2005

land¹¹. Approximately 60% of the easements held by DLC are on “working lands” in either agricultural or forestry production with the remainder on parcels protected for other purposes, including open space. These lands are shown on the “Protected Lands” Map in Appendix A. Land under easement, unlike State-owned land, remains in private ownership and thus on the Town tax roll.

These open landscapes are essential to the 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. In addition, these open landscapes are what attract new residents to the community. In some cases, this landscape may be caused by the permanent conversion of productive farmland to a major subdivision. In other circumstances, the poor siting of a new house along a scenic roadway or continued fragmentation may significantly impact the scenic, ecological or open space values found in North East. This plan outlines ways the Town can continue to grow while limiting impact on this important resource.

¹¹ Data provided by Dutchess Land Conservancy, 8/12/2009

Indicators of conversion pressure

The population of North East has grown very slowly over 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 grown consistently, albeit slowly, 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.

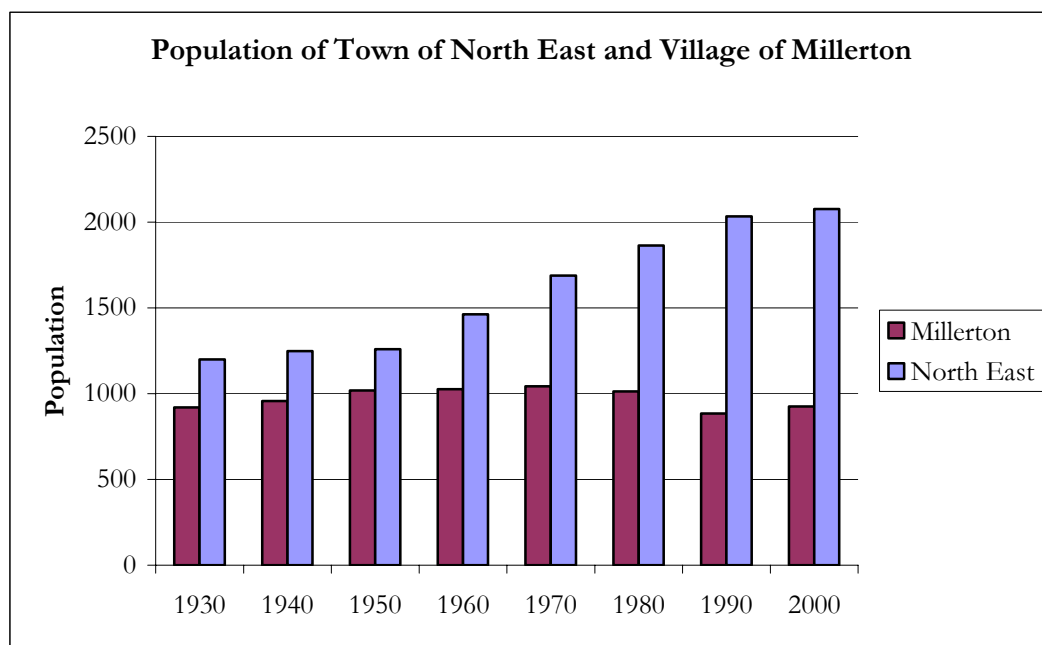


Figure 2. Population of Town of North East and Village of Millerton 1930 – 2000. *US Census data.*

The average household size at the time of the last Census (2000) was 2.5 persons 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 fluctuated slightly 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.*

Unlike in the neighboring towns of Amenia and Pine Plains, conversion pressure on farmland in North East has not been from a significant influx of people or large housing subdivision proposals. Here, according to farmers and residents, development pressure has come primarily from a small influx of people purchasing large lots historically owned or rented by farmers. In many instances, these new homeowners seek to continue renting their land to farmers in exchange for the tax programs provided. However, if development of these lots is not done with an eye towards protecting access to quality agricultural soils, it can have significant impact. Poorly planned construction on large lots can result in areas too small to farm or difficult to access with modern equipment. While much different than a large influx of people or homes, the end result of the development occurring in the Town of North East has been increased pressure on farming due to the reduction of available farmland acreage.

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. Well-managed farmland also provides important environmental benefits as wildlife habitat and water recharge areas that would be negatively impacted if land were converted to developed uses.

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 in taxes from the Residential category, \$1.36 in services was required. At the same time, for every revenue dollar generated 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. In essence, farmers pay taxes on their homes, just like other residents living on a ¼ acre lot, and pay significant additional taxes on their remaining land as well. 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.

III. 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 three public informational 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 16 people in attendance. The draft plan was made available to the community electronically on the North East Community Center website. 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. Written comments were also accepted on the first draft of the plan for a period of nine weeks. Concerns were raised in this first round of comments including, the accuracy of the statistics and the recommendations presented in the first draft. These concerns were addressed through a revised second draft of the plan presented at a third public meeting.

A third public meeting was held on November 16th to take public comment on the revised plan. Approximately 43 people were in attendance for this meeting that included a presentation about the planning process and proposed recommendations. Public comment was accepted from many individuals in attendance at the meeting and the public comment period was extended to November 30th to accommodate additional input.

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 [Strengths, Weaknesses, Opportunities and Threats] 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 agriculture or agriculturally-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 the chart below.

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 themes to be covered in each interview (Appendix C). 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 below. This summary was provided to the steering committee and helped guide the development of goals and recommendations for the plan. The interview summary was mailed to all participants interviewed by American Farmland Trust with an invitation to provide comment or correction. 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.

S.W.O.T. Analysis

INTERNAL FACTORS	
Strengths	Weaknesses
Defines the community/sense of place	Inflated land values and high property taxes
Opportunity to provide local food	Lack of processing facilities
Environmental protection benefits	Lack of labor pool willing to work on farms
Quality agricultural natural resources	Minimal agricultural education in schools
Flexibility of farm businesses to adapt to new business environments	Lack of agricultural support infrastructure and services
Available strong markets for products (NYC, Greenmarkets, etc.)	Difficulty in getting products into local markets
Residential development has retained farmable parcels	Barriers for entry of new farmers are high
Good farmer/neighbor relationships for now	
EXTERNAL FACTORS	
Opportunities	Threats
Increased consumer demand for local food	Lack of farmer involvement on town boards and committees
Close to new markets for products (Wholefoods, CIA, etc)	Residential development pressure; mainly in the form of estate/recreation homes
Expansion in demand for organic - especially meat products	Lack of next generation interested in taking over farm operations
Agritourism/ Agri-"tainment"	Limited availability of workforce housing in region
Cooperatives between farmers to reduce the cost of needed services and achieve joint marketing opportunities	Economic viability of traditional agricultural commodities
New crop development, including berries, hops	Increased dependence on leased land to grow crops and manage wastes
Renewable energy, including wind, solar, biofuels, etc.	Zoning limits options to diversity farm operation and increase viability
Town to assist in marketing of local farms and farm products	
Value-added processing facilities	
Link second homeowners with local farmers	
Docking station for potential mobile slaughtering facility	

North East Agricultural Stakeholder Interview Summary

In the fall of 2008, 18 individuals in North East including farmers, agri-business owners, veterinarians and landowners were interviewed about their perspective of the current and future state of agriculture in the Town of North East. Commodities raised by those interviewed included dairy, equine, vegetables, livestock and nursery production. Ten of these interviews were conducted by Liz Brock with the American Farmland Trust, with the remaining conducted by Lynn Mordas and Kent Kay from the Steering Committee. The following common themes came out of these conversations. Where indicated, specific quotes from interviewees have been used to illustrate key concepts. Quotes were left anonymous to protect the integrity of these confidential interviews.

The communities of North East and Millerton have changed significantly over the last 50 years. “Used to be you were able to do work with a hand shake – we knew all our neighbors.”

Those interviewed shared nostalgia of the past, going to Millerton on a Friday night, doing their shopping and catching up with neighbors about the latest farm practices. The village has changed, shifting from stores providing basic needs to boutiques and antiques. Traffic has increased on Route 22, especially on Friday nights as weekenders arrive. As farms have gone out of business, the farm community has become increasingly segregated with at least two producers interviewed indicating that they have no real relationships with other farmers in town.

Farmers in North East face significant economic challenges. “With dairy prices at \$16 per hundred weight [of milk] and the cost of production at \$18 per hundred – the math just doesn’t work.” Many of the economic challenges that face farmers are beyond the control of the town, including commodity pricing and the costs of worker’s compensation. However, the biggest concern raised by those interviewed dealt with the increased value of their land and buildings and related assessment issues. As one farmer put it, “Can’t grow crops on \$20,000 per acre land.” There is a sense that it’s not possible to raise enough in agricultural crops to pay for the property taxes on the land. There is concern over how the next generation will be able to purchase the farm. In addition, farmers felt it was important for farm buildings to be appropriately assessed as agricultural structures. In one example, the recent revaluation increased the value of farm buildings at one location over \$1.2 million. Interviewees felt agricultural structures should also be dealt with differently during the planning process at the town, including lower building permit fees compared to new residences.

The availability and affordability of quality labor to work on farms and prospects for succession limit the future of agriculture in North East. “Farming depends on a generational influx of energy and enthusiasm – without that you get tired over time.” About half those interviewed had some kind of succession plan in place to transition the farm to the next generation. The remaining operations said that the farm would probably go out of business when they were ready to retire – from a lack of interest or availability of a next generation of the family to take over. There is a sense of a lack of interest by students and educators in farm education programs including formal agricultural courses, 4-H and Future Farmers of America youth organizations. Housing for farm labor was another significant challenge to maintaining quality help as a result of the lack of affordable housing in the area and the inability to subdivide small lots for the next generation. In three cases, farmers had decreased their operations in size or services offered in order to reduce the dependence upon labor outside what the immediate family could provide.

In part because of these challenges, the nature of agriculture is changing in North East, shifting away from commodity operations and towards direct retail. “It’s all about having a good product at the right price.” Farmers shared they’ve seen an increase in the number of farmers doing some version of direct retail of their products – either through farmer’s markets, working with restaurants or marketing directly from the farm. However, those farmers involved in direct retail shared challenges in making this economical. While Greenmarkets in metropolitan New York offers access to consumers with interest in and capital for buying local farm products, farmers interviewed said that the distance traveled and the competition faced at these markets made it unprofitable. Many farmers sold products closer to home at farmer’s markets and restaurants in Red Hook and Woodstock, or even more locally on the farm itself. One farmer remarked, “I used to do farmer’s markets in New York City - I can make more money here at the farm. I don’t compete with anyone at my location.” The Millerton Farmers Market in the village was thought of as “a nice gesture” and “helps educate the second homeowner community”, but some farmers interviewed did not see it as profitable, even with the offer of volunteers to staff booths on their behalf. Others, however, did express that their participation was not only quite profitable, but was enhanced by the volunteers. It should be noted that the volunteer students were also participating in agricultural education programs and farm internships as components of their tenure at the market. Two farmers questioned how many farm stands the town could sustain and whether small-scale vegetable operations will truly preserve farmland in town.

New residents pose both challenges and opportunities for farmers in town. “Land is not necessarily lost in town – just inconvenienced.” The development of farmland into second home estates has led in many cases to continuing the agricultural use of the non-developed land. New residents are interested in receiving the agricultural assessment tax exemption that comes from their lands being farmed and also appreciate the aesthetic that crops and grazing livestock provide. One farmer indicated that he works with approximately 90 landowners in the region, managing their properties as if they were his own - a requirement for maintaining successful relationships according to him. New residents also represent new consumers that are interested in purchasing local food and plants, participating in equine events and having farm “experiences” including agri-tourism and farm tours. Many farmers are capitalizing on this market to improve their bottom lines. New residents have brought challenges as well on occasion. Two farmers shared they had been reported by neighbors to the American Society for the Prevention of Cruelty to Animals regarding perceived animal welfare issues. In both cases, the farmers were found to be handling animals appropriately, but the cost and time in dealing with these incidents were troubling.

Farmers are interested in tools that would improve their profitability and support farm businesses. “We feel optimistic about the future of agriculture in North East, even if it’s not in milk.” Farmers expressed interest in finding ways of diversifying their income and reducing their expenses and they saw opportunities for the town to assist them. Examples of this support include, supporting alternative energy strategies, expanding the definition of agriculture to include composting and small-scale agriculture, allowing for the expansion of greenhouses/retail markets to sell farm products on the farm and applying appropriate fees for building permits on farm structures. Some farmers were interested in permanent farmland protection tools, such as Purchase of Development Rights programs, but two farmers were not interested in this tool as they saw it limiting the opportunities for the next generation. Farmers were favorable to passing a Right-to-Farm law to establish Town support of agriculture in the future and to increasing opportunities for farmers to be involved in the Town decision-making processes. Finally, all farmers – regardless of scale – said that the availability of farmland for rent was critical to the success of their operations. “Leasing is the only option because land is so expensive.” There is a need to protect and support relationships between new non-farm landowners and farm operations.

V. Goals, Recommendations and Action Strategies

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 the 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 M 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. Agriculture has been and continues to be a major industry and the predominate land use in Town. The wide sweeping hay fields and rows of corn overlooking the Taconic Range are part of the reason North East has been enjoyed by generations of local residents and newcomers alike as a place to stay and live.

I. RECOMMENDATIONS

1. Research and implement property tax reduction programs to limit assessments on lands committed to long term agricultural use.

Term easements provide a possible mechanism to relieve property taxes on farmland while temporarily securing it for the future. Such mechanisms do not permanently protect land, but they do help enhance farm viability by reducing property taxes for enrolled farmland owners and provide additional time for complementary actions to keep land in farming.

Often called the “Lease of Development Rights”, landowners receive a reduction in the assessment of their property as determined by the structure of the program in the community. A term conservation easement is placed on the land, restricting the ability to develop it for non-agricultural uses. The reduction in the assessment and term of the easement are often linked – with a higher reduction coming in exchange for a longer term. The program would have to be researched to gauge interest by farmers and to determine its potential financial impact on the community. With a reduction in assessment, the tax base is shifted to other town residents. Sample language from a community employing this program can be found in Appendix D.

ACTION STEPS:

- a. Research the feasibility of a term easement program that would give landowners a reduction in assessment on land committed to remaining in agricultural production for a specific number of years (e.g. a 10-20 year term).
 - b. Gauge local interest in the program from farmers and community residents. Determine legality of program for community.
2. Assist farm landowners in participating in Purchase of Development Rights programs such as the Dutchess County Farmland and Open Space Program and the New York State Farmland Protection and Implementation Grants Program.

The Purchase of Development Rights (PDR) is a voluntary method of private land conservation that pays landowners to permanently protect their land for agriculture. The land is

protected by way of an agricultural conservation easement that runs with the deed to the property and permanently extinguishes the right to develop the property for non-agricultural uses. In exchange for this, landowners are compensated for the value of the development rights. Value is determined by way of two appraisals – one of the property at its fair market value and one as if the restrictions were in place. The difference between the appraisals represents the value of the development rights. PDR projects have the dual benefit of permanently protecting farmland and making land more affordable for the next generation of farmers.

There are several programs that will fund PDR projects in New York. The Federal Farmland Protection Program is funded through the Farm Bill and will contribute up to 50% of the value of the development rights. The New York State Farmland Protection Program is funded through the State's Environmental Protection Fund and pays for 75% of the value of development rights. Dutchess County also has matching funds available to contribute towards PDR projects. All three programs require some form of matching dollars either in the form of cash or a "bargain sale" – when the farmer accepts less than 100% of the value of the development rights. In the case of Dutchess County, the program requires that Town's contribute dollars to the local match. More information about these programs can be found in Appendix E. Another option would be the establishment of a transferable state income tax credit equal to the value of the donation of a permanent conservation easement. Such credits could be sold to businesses and individuals that could use the credits while providing cash to landowners for unused credits.

There are several mechanisms by which the Town could raise matching funds for a PDR program. Funding could be raised through a municipal open space/farmland protection bond, voted on by the residents of North East. North East already has had success with this approach when the voters in the Town of North East authorized a \$10,000 bond to match state and county funding to protect the Pulver Farm.

Alternatively, the Town could also research the use of the Community Preservation Act to fund farmland protection. The Community Preservation Act (CPA) is a real estate transfer fee of a maximum of 2% of the value of a home sale that is above the current median for Dutchess County, currently at \$309,900.¹² *Like a bond, it would also require a town referendum supported by the voters of the Town of North East to be enacted.* The Town would also need to adopt a plan on how and where the funds would be used prior to a vote (separate from this plan). In other communities, the CPA has been used successfully in conjunction with a Municipal Bond to pay back the terms of the bond, limiting the impact of the bond on taxpayers in the community. A copy of the Community Preservation Act authorizing language for the Town of North East can be found in Appendix F. The Town could also seek alternative funding sources, such as private donations or foundation grants to fund farmland protection work in the community. Regardless

¹² Data for 2008, provided by NYS Office of Real Property Services.

of the strategy employed, the impacts to the community, including to taxpayers, should be fully explored with public input prior to seeking a vote for approval.

ACTION STEPS:

- a. Work with the Dutchess Land Conservancy and Dutchess County Planning Department to hold workshops on the State and County PDR programs.
 - b. Support new tax incentives for the permanent protection of farmland as well as greater funding for New York’s Farmland Protection Program and the federal Farm and Ranchland Protection Program.
 - c. Explore opportunities for local funding to match federal, state and county funding for PDR projects.
3. Act as a resource for landowners regarding property tax reduction programs for farmland.

The most commonly heard concern among farmers and agricultural landowners revolved around the challenge of paying high property taxes. Many programs currently exist at the state level to address this issue – including agricultural assessment (discussed earlier), farm building exemptions, forestland exemptions and the Farmer School Tax Credit. Some landowners may not be aware of these opportunities. The Town can provide contact information for the appropriate people to assist landowners in learning about and enrolling in these and other existing programs, as well as about the programs established locally.

In addition to these programs, there are additional opportunities the Town could consider to ease the property tax burden on farmland. Special use districts can choose to adopt agricultural assessment valuation, 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 full discretion of the district.

The appropriate assessment of land and buildings helps farmers and agricultural landowners maintain the land in agriculture. Valuations and standards change, as do assessors. The Town should require the assessor to receive training provided by New York State Department of Agriculture and Markets and the Office of Real Property Services on the State standards of assessing agricultural land and buildings.

The Agricultural Advisory Committee established by the Town will act to support development of the local laws and to apprise the Town of other mechanisms for farmland tax relief. This Committee could also be called upon as necessary by the Board of Assessment Review.

ACTION STEPS:

- a. Pro-actively distribute a Resource Package for landowners including information on agencies and programs that can provide expertise in keeping land in agriculture; including, but not limited to: Cornell Cooperative Extension of Dutchess County, Dutchess Land Conservancy, Soil and Water Conservation Districts, and Farm Service Agency.
 - b. Explore opportunity for fire districts to adopt agricultural assessment for valuation.
 - c. Encourage the Town Assessor to regularly 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.
4. Research the opportunity to use incentive zoning to direct development towards desired locations and raise funds for permanent farmland protection.

Incentive zoning can be an alternative method of funding farmland protection activities, while also encouraging growth in places deemed appropriate by the Town. With this tool, there must be an incentive for builders in order to achieve success. 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, though not limited to, increased building density, decreased setbacks or increased impervious lot coverage. Areas appropriate for this type of construction are identified by the community and a fee structure to achieve them is 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 research a program most likely to meet the needs of each. A sample incentive zoning code can be found in Appendix G.

ACTION STEP:

- a. Research the feasibility and applicability of incentive zoning to development to appropriate areas and raise funds for farmland protection activities.
5. Strengthen subdivision regulations to protect prime agricultural soils and encourage new development compatible with continued agricultural use.

The development of large lots has in many cases resulted in quality acreage left available to continue in agriculture. Subdivision language that directs development to less prime soils, however, will give the Planning Board tools to limit the impact of development on agriculture, both on the land being developed and neighboring lands. To date, this kind of development has proven a double benefit – farmers can continue to work the land and as a result, new landowners may qualify for agricultural assessment on their properties.

ACTION STEP:

a. Consider revised subdivision codes that require new development to minimize impact on prime agricultural soils or soils of statewide importance where practical.

6. Research the feasibility of a Transfer of Development Rights (TDR) program in North East.

Transfer of Development Rights, like incentive zoning, is another planning tool that can be used to generate funds for farmland protection. In this case, TDR programs establish parameters whereby the private sector pays for the conservation of land important to the community. Two “districts” must be identified in the community – a “sending” area and a “receiving” area – and development rights are transferred from one to the other. Sending districts are the parts of the community that will be the focus of land conservation efforts. Receiving districts are the focus of more concentrated development.

TDR programs are authorized by New York State Law 261-A. The law requires towns to identify specific sending and receiving districts in accordance with a comprehensive plan. Land in sending districts must be permanently protected by conservation easements. Development rights removed from protected properties can either be used to increase the density of development in receiving districts or “banked” for sale to a developer in the future.

TDR programs are very complex and require significant oversight and management at the Town level. Challenges can arise when sending and receiving districts are in different taxing jurisdictions. In addition, sending and receiving districts are often challenging for a community to identify. However, it represents an opportunity for the private market place to fund farmland conservation and community residents expressed interest in exploring its potential use in North East.

ACTION STEP:

a. Work with Dutchess County Planning Department, the Town Planning Board, the Agricultural Advisory Committee and Dutchess Land Conservancy to research the feasibility of the development of a Transfer of Development Rights program in North East.

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

One of the best ways 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 the 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 the Town zoning code to clearly define agricultural uses and under what conditions they are allowed.

As farms increasingly have to adapt and change under economic pressures, they may seek new and different opportunities to diversify their operations or change products. The Town zoning code should be explicit in it's support of agriculture as a preferred land use in the A5A district and supported elsewhere in the town. There are two examples of discrepancies in the zoning code with respect to its definition of different types of farms.

In the main definition for "Farm", the code 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.

"Agriculture" is defined very narrowly and all references to it have been stricken from the code, replaced instead by a broad definition of "farm". While this achieves the goal of supporting diverse farm operations, it is confusing to the reader. The Board could consider removing definition of "agriculture" completely if "farm" is preferred to provide clarity.

ACTION STEP:

- a. Reconcile discrepancy between distinct definition of "Farm, Nursery" and "nurseries" as defined under the definition of "farm"¹³.
- b. Reconcile the use of the word "farm" vs. "agriculture" in the zoning code.¹⁴

¹³ See § 98-5, page 9817-9818 and § 98-48.1, page 9888.1

¹⁴ See § 98-5, page 9809 ("agriculture") and page 9817 ("farm")

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

The Town can support farms by supporting opportunities for the creation or expansion of businesses that complement agriculture. As farms seek to diversify their income, they may develop related businesses on the farm, for example, machine or equipment repair. Such related businesses help other farms in the community – one of the most commonly lamented challenges of farms in North East was the distance from needed service businesses. Small changes to the zoning code could potentially encourage such businesses to locate in North East and increase the economic viability of farms in North East.

For example, 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. An amendment to change the code to say “2/3rd of the produce sold must come from farms in the Town of North East” would allow for cooperative arrangements between farms and lower overhead costs. The remaining 1/3rd could remain as currently stated in the code as required to come from within a 100-mile radius of North East.

Agri-tourism operations allow farmers to diversify their businesses and expand their income streams. Such operations also serve an important role in educating the non-farm public about agriculture, helping to build better neighbor-relations and appreciation for agriculture in the community. Currently, agri-tourism is not defined nor explicitly allowed in the zoning code, presenting possible challenges to those who wish to employ it as a tool.

There are many other agri-businesses that support farms and can help diversify farm income. The Town can define these businesses, such as slaughterhouses, food processors or equipment and feed dealers as they see appropriate in an “Agricultural Commerce” definition and allow for their use in zones as compatible with existing uses. Sample definitions of such agricultural terms can be found in Appendix H.

ACTION STEP:

- a. Consider modifying the zoning code as it pertains to farm markets to allow for cooperation between farmers.¹⁵
- b. Include a definition for Agri-Tourism and add it as a use under the definition of “Farm” in the zoning code.
- c. Create a definition for Agricultural Commerce and define zones for its inclusion.

¹⁵ See § 98-48.10, page 988.34-36

3. Explore and implement opportunities to obtain federal and state funding for agricultural economic development.

Federal and State departments typically allow for applications to be made for economic development funds of a general or directed nature. Municipalities are eligible to apply for these funds for individual projects. Additionally, legislative initiatives are also available as means for funding specific projects. The Town can be proactive in soliciting funds as additional incentive to agricultural or agriculturally supportive projects. Projects currently under consideration by area farmers include a co-operative kitchen for value added production, a distribution center for agricultural products to be marketed co-operatively, a mill for processing shorn wool, a meat aging facility, and an authorized site for a mobile slaughterhouse facility. The Town can use the many tools included in this plan to support the development of such operations as ensuring the sustainability of local farms, which would also serve to create local jobs.

ACTION STEPS:

- a. Authorize the Town Clerk to receive electronic notices of funding opportunities from the State and Federal governments .
- b. Establish communications between the Town Board and Legislators to express interest in their support of funding for specific projects on an as needed basis.

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.

The Town can provide education about agriculture by advertising themselves as a “farm community” through traditional tourism tools. For example, a Town website could include links to agricultural businesses and farm events as well as the weekly Farmers’ Market in Millerton. The website could also serve as a hub of information for agricultural landowners as mentioned in Recommendation I.2.

Other communities have used Town farm maps showing cooperating farms, farm stands and markets, hours of operation, contact information and products for sale as a tool to promote agriculture and provide education to it’s residents. In the Town of North East, with the popularity of the Rail Trail with visitors to the community, the Agricultural Advisory Committee could 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. A sample farm map from a Town website can be found in Appendix I.

In addition, the equine industry continues to grow in Dutchess County, with the County ranked number one statewide in the 2007 Agricultural Census in the number of horses. Several farms in North East have adjusted to meet this new demand by growing high quality hay and feed for horses, keeping the land open and farms viable. The Town could consider opportunities to provide equine related activities where appropriate to encourage the growth of this industry and education of residents about agriculture.

ACTION STEP:

- a. Create a town website and highlight the agricultural nature of Town.
- b. 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).

- c. Connect agriculture to cycling events in North East.
- d. Consider opportunities to increase equine related tourism.

2. Provide information to residents regarding the agricultural nature of North East.

Just as the Town can provide information to visitors through the tools described above, it can provide educational opportunities about agriculture to its residents – both new and existing. Such education could limit the potential for farmer/neighbor conflicts and help educate residents on the realities associated with agriculture. Examples of the information that could be provided include:

- ✓ Common farm practices likely to be witnessed by residents – including plowing, seeding and spreading manure – describing why the practices are done on the farm.
- ✓ The benefits agriculture provides to the community in open space, jobs, and moderation of property taxes.
- ✓ A sample breakdown of what it “takes” to farm, a list of the income vs. sample expenditures spent on farm – for example, how much it costs to produce a potted plant for your yard, a tomato for your dinner or a gallon of milk for your breakfast.

The information could be shared via the web, or through a printed brochure that could be distributed in local shops, the Town Hall and on farm.

The community would also benefit from additional opportunities to talk directly with farmers about their continuing efforts as stewards of the lands they utilize. This could be accomplished by establishing a Farm Day event in the Town, which would enable the public to interact with farmers at either a specified location or at individual farms. This event could also be co-coordinated with the annual tractor pull event sponsored by the local FFA chapter.

ACTION STEPS:

- a. Work with Cornell Cooperative Extension to create a brochure highlighting the agricultural nature of North East and the realities it presents.
 - b. Consider sponsoring an annual Farm Day event for the community.
3. Support the reinvigoration and expansion of Agricultural Education in the area public schools.

In the past, the public school district in the local community had a strong and vibrant agricultural education program. This helped to instill an interest in agriculture in students and prepare them for careers or future education in agriculture. To ensure the sustainability of agriculture and a future workforce, the Town can be proactive in supporting (with the co-operation of other Towns included in the school district) agricultural education at all levels, elementary, middle and high school. This support may come in the form of restricted in-kind or financial contributions from the community.

ACTION STEPS:

- a. Support agricultural education opportunities in municipal schools.
- b. Partner with organizations like Cornell Cooperative Extension and Farm Bureau to ensure existing programs are being implemented in North East schools.
- c. Work with 4H, FFA and other youth programs to promote local agriculture and build public awareness of agricultural practices, challenges facing local farmers and the benefits of farms to North East.

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. Adopt 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. The law requires this notice be signed at closing. A Town Right-to-Farm law can require signature of this document at the time a purchase and sale contract is signed, ensuring early on that landowners are aware of the consequences of moving into an agricultural district. A Town Right-to-Farm law can also establish a dispute resolution process to mediate conflicts and avoid expensive legal battles. A sample Right-to-Farm law can be found in Appendix J.

ACTION STEP:

- a. Work with the Agricultural Advisory Committee described below to draft a Right-to-Farm law that is appropriate for North East and adopt it.
2. Support efforts to clarify agricultural assessment standards

The Town of North East re-evaluated all assessments of land parcels in 2007. The aftermath of this effort included public outcry of unevenness in application, particularly of farmlands, farm buildings and agricultural assessment exemptions. The state laws regarding such assessments and

their applications include provisions under both Agriculture and Markets Law and Real Property Law. Repeated amendments to these statutes have created a maze of code, which is difficult to interpret. The Town can assist in clarifying interpretations of these laws. A fact sheet related to proper agricultural assessment can be found in Appendix K. Distribution of such information will help ensure uniform and fair application of standards. Parcels in agricultural use should be appropriately coded as such, even where there is mixed use. Additionally, the pay back (required five year tax payback) for conversion of agricultural lands with prior agricultural assessment exemption should be addressed to preclude automatic triggering upon any transfer of deed of such lands, instead allowing time to determine whether the lands or any portion thereof are to remain in agricultural use subsequent to transfer of ownership.

ACTION STEP:

- a. Work with the Town Assessor and others to provide clear guidance to farm landowners about agricultural assessment standards and how these standards are to be applied.
 - b. Encourage the state Office of Real Property Services to provide clear guidance and direction for the application of agricultural assessment standards and support state legislation to give the Office of Real Property Services the authority to ensure compliance with such standards.
3. Establish an Agricultural Advisory Committee to advise the Town in decisions with impact to agriculture.

Agricultural Advisory Committees are used in communities to serve as a sounding board on issues that could have impact on agricultural businesses and lands. Committees meet as needed to address concerns raised by other town boards regarding new development proposals and other land use issues as they pertain to agriculture. This entity would also serve as a resource for the assessment and assessment review processes. Such committees secure a voice for agriculture at the Town level. The committee in North East can work with other local town governments to support the development and placement of mutually beneficial agricultural support facilities in the area (e.g. mobile or regional USDA slaughter facility for meats/poultry, wool processing mill, co-operative cheese production/aging facility). The authorizing law should establish eligibility criteria for the committee's members and define their tenure. A Sample local law establishing a Town Agricultural Advisory Committee can be found in Appendix L.

ACTION STEP:

- a. Draft and adopt a local law establishing an Agricultural Advisory Committee and appoint its members.
4. Support a goal to have one agricultural 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 an agricultural representative on each town board. Such a representative could include for example, farmers, agricultural landowners, agri-business owners or employees.

ACTION STEP:

- a. Encourage agricultural representatives to participate on town boards and committees.
5. Consider modifying clustering rule as provided by zoning code in the A5A district to encourage protection of workable agricultural land.¹⁶

Zoning ordinances can give bonuses for residential or commercial development plans that cluster new growth away from high quality farmland. Bonuses are based on the goal of protecting viable agricultural soils. This technique allows developers to receive income from the additional units while protecting farmland acreage that could be rented to farmers for continued use.

Currently, in the A5A district, a clustering density bonus of up to 25% is allowed, however, a minimum of 100 acres must be protected for agricultural use in order to be eligible. This high minimum acreage may be limiting the potential use of this tool to protect farmland. Currently, there are 67 parcels greater than 100 acres in North East and another 63 between 50 – 100 acres in size.¹⁷ Reducing the minimum acreage required for the clustering density bonus could double the parcels eligible for this program and potentially increase its use to protect farmland.

ACTION STEP:

- a. Consider lowering the acreage threshold required for clustering bonus to a minimum of 50 acres in the A5A district to encourage development of land that is compatible with continued agricultural use.

¹⁶ See § 98-12, page 9833.

¹⁷ Data provided by Neil Curry, Cornell Cooperative Extension Dutchess County, GIS Lab, 9/16/09.

VI. Implementation Matrix

Action to Implement Recommendation	Responsible Parties ¹⁸	Timeframe for Completion
Adopt 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
Pro-actively distribute a Resource Package to 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
Consider strengthened 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
Assist farm landowners interested in participating in PDR Programs.	CAC/Town	2-4 years
Create a town website and highlight farms	Town Board/AAC	2-4 years
Research the feasibility of and interest in a term easement program	Town Board/AAC	2-4 years
Research the feasibility of and interest in a TDR Program	Town Board/AAC	2-4 years
Consider lowering the acreage threshold required for clustering bonus to a minimum of 50 acres in the A5A district	ZBA/Planning Board/Town Board/AAC	2-4 years
Consider opportunities to increase equine related tourism	AAC	2-4 years
Support efforts to clarify agricultural assessment standards	Town Board/AAC/Assessor	2-4 years

¹⁸ 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

VI. Implementation Matrix

Work with the Dutchess Land Conservancy and Dutchess County Planning Dept. to hold PDR workshops	DLC/DCP/CAC	on-going
Encourage assessor to regularly attend trainings on appropriate taxation of agricultural buildings and land	Town Board/Assessor	on-going
Explore opportunities to obtain federal and state funding for agricultural economic development	Town Board/AAC	on-going
Consider sponsoring an annual Farm Day event for the community	Town Board/AAC/CCE/DLC	on-going
Support agricultural education opportunities in municipal schools and work with participating students to promote local agriculture.	Town Board/AAC/CCE	on-going
Support a goal to have one agricultural representative on each town board	Town Board	on-going

VII. 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.

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.

VIII. 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 approaches may be needed to address new concerns or new opportunities. The Town can continue to seek ways of supporting connections for its agricultural operations and businesses with the strong markets for their products to the south. 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.