

# Town of Bethlehem

## Agricultural and Farmland Protection Plan



**FINAL**  
**SEPTEMBER 2009**

**Prepared By:**

**Town of Bethlehem  
Department of Economic  
Development and Planning**

**Agricultural and Farmland  
Study Advisory Committee**



**In Association with:**

**American Farmland Trust**





**Town of Bethlehem  
Agricultural and Farmland Protection Plan**

**Prepared by the Town of Bethlehem**

**Department of Economic Development and Planning**



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**In association with the Bethlehem Agricultural and Farmland Study Advisory Committee**

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SEPTEMBER 2009



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## Executive Summary

The Town of Bethlehem's Comprehensive Plan vision for the future identifies the Town as a community of attractive residential neighborhoods, vibrant hamlets, successful mixed-use commercial centers, modern industrial facilities, and productive rural lands. The high quality of life enjoyed by Town residents is a result of the balance of the Town's suburban and semi-rural settings. The semi-rural setting is represented by the various agriculture and farming activities in the Town. To encourage the continuance of the Town's semi-rural setting, this Plan presents several goals and recommendations for the protection of agriculture and farmland. The term protection should be perceived as an opportunity to support agriculture as a business, and on a voluntary basis protect farmland as a land use in the community. The term is not used as a means of restricting a property owner's rights to the use of their land. Protection is defined as follows:

*"The preservation, conservation, management and improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production."*

In February 2008, the Town was awarded a grant from the New York State Department of Agriculture and Markets to embark on the development of "Agricultural and Farmland Protection Plan" to work with individuals involved in the Town's agricultural industry to **establish strategies that will result in the enhancement, management and continued viability of agriculture and farmland areas in the Town**. The Town Board established a ten-member Agricultural and Farmland Study Advisory Committee of local farmers, landowners and stakeholders in the agricultural industry to steer development of the plan with support from the Town Department of Economic Development and Planning and American Farmland Trust.

The development of this Plan was designed to be inclusive with many opportunities to hear concerns, challenges and opportunities for agriculture directly from farmers, landowners and community members. The process of developing this Plan included four public meetings with two conducted concurrently with the Citizen Advisory Committee on Conservation's open space discussions, confidential one-on-one agricultural stakeholder interviews, and monthly Study Advisory Committee meetings open to the public. This process gave the Study Advisory Committee, Department of Economic Development and Planning, and American Farmland Trust the most accurate information regarding the needs of agriculture in the community and the best methods the Town could assist in meeting them.

## Agricultural and Farmland Data

Information regarding the Town's agriculture and farming industry was obtained with the assistance of Cornell Cooperative Extension of Albany County, Albany County Farm Service Agency, Town of Bethlehem Assessor's Office, Albany County Office of Natural Resource Conservation, and the New York State Office of Real Property Service. The following information highlights characteristics, reflecting 2007 – 2009 data, of the Town's agriculture and farming industry:

- 63 operating farms are located in Bethlehem, working just over 5,900 acres of land;
- Corn, hay, and pasture land represent the majority of agricultural and farming operations (others include horses, greenhouses/vegetables, and livestock);
- 33 farms are rented – nearly half the farms in Bethlehem, working just over 2,800 acres of land;
- 4,760 acres of land are enrolled in the Albany County Agricultural District #3;
- 4,000 acres receive agricultural assessment from the Town;
- Majority of farmland soils (10,000 acres) in the Town consist of Class II and III, very few are Class I;
- 77% of all agriculture and farmland are located in three Zoning Districts – Residential A (23%), Rural (30%), and Rural Light Industrial (24%);
- 68% of all agriculture and farmland are located in the Ravena-Coeymans-Selkirk School District.

## Agricultural Landowner Interviews

The agricultural landowner interviews were conducted with eleven farmers and owners of agricultural land in the Town. The following are common themes born of the interviews:

- Opportunities exist to educate farmers and landowners on existing programs to protect farmland and to provide new programs that make farmland more affordable;
- Farmers in Bethlehem are challenged by poor soils, disappearing farm support services, availability of labor and high land values;
- Increasingly suburban nature of the Town has resulted in conflicts and a perceived lack of respect and understanding between farmers, non-farm residents and town government;

- The challenges faced by farmers today will impact what the future looks like for agriculture in the Town of Bethlehem tomorrow.

## Goals and Recommendations

The evaluation of the needs and issues associated with the existing conditions listed above resulted in the development of five main goals of the Plan. Recommendations were then developed to implement and address these goals. By implementing the tools in this Plan, the Town of Bethlehem will take a strong stance in supporting the farm businesses that help to sustain agriculture as a land use. The following list is an abbreviated summary of the goals and recommendations outlined in detail in the Plan.

### *Goals*

**Goal 1:** Foster communication between farmers and non-farming community to encourage and support the existence of the agricultural industry within the Town.

**Goal 2:** Encourage flexible town policies and regulations that are supportive of agriculture.

**Goal 3:** Assist and support in resolving issues causing adverse impacts on agriculture and farmland.

**Goal 4:** Support economic opportunities for farms and businesses that complement agriculture.

**Goal 5:** Provide voluntary incentives for agricultural landowners to continue agricultural activities.

### *Recommendations*

The following recommendations have been developed to address Goals 1 -5 above. The recommendation number reflects the goal number that it is intended to address.

Implementation items have been identified as short term (0-1 year implementation), medium term (1-3 year implementation), and ongoing. It is recommended that the Plan be implemented by Town Department of Economic Development and Planning, with assistance from an Agricultural Advisory Committee (proposed).

**SHORT TERM IMPLEMENTATION**

Recommendation 1.a: Draft and adopt a resolution in support of the Albany County Right to Farm Law.

Recommendation 1.b: Establish an Agricultural Advisory Committee to provide advisory information to the Town Board, Planning Board or Zoning Board of Appeals with regard to agricultural related issues.

Recommendation 3.a: Encourage open communication between farmers/owners of agricultural land and Town Police Department.

Recommendation 3.c: Include Agricultural Advisory Committee in the Town’s Development Planning Committee review of potential projects to determine impact on agriculture.

Recommendation 4.a: Adopt New York State Department of Agriculture and Markets definition of “agri-tourism” and include the term as an “Agricultural Use” as defined in the Zoning Law.

Recommendation 4.b: Further review the Zoning Law Schedule of Use Regulations (§128-99) to determine complimentary uses that support agriculture and farmland.

Recommendation 4.c: Increase the temporary off-site signage (Zoning Law §128-59) allowed for farms.

**MEDIUM TERM IMPLEMENTATION**

Recommendation 1.d: Provide educational materials about agriculture and related benefits to the community.

Recommendation 1.e: Work with existing educational programs in schools to educate youth on farming.

Recommendation 4.d: Work with Albany County to update the “Albany County Bounty” farm guide to help promote Bethlehem agricultural and farming businesses.

Recommendation 4.e: Explore opportunities for the Bethlehem Industrial Development Agency to invest in agricultural businesses.

Recommendation 5.a: Research and consider the development of a term conservation easement program.

Recommendation 5.b: Develop amenity/incentive zoning to assist in preserving farm and agricultural lands.

**ONGOING IMPLEMENTATION**

Recommendation 1.c: Encourage Town Board to include representation from agricultural enterprises on town committees and boards.

Recommendation 2.a: Educate and provide support to agricultural businesses and farms during the planning review process.

Recommendation 2.b: Require all Planning Board members to receive training on agricultural land use planning.

Recommendation 2.c: Educate landowners about the land division review process available in the Town Zoning Law.

Recommendation 3.b: Explore ways to provide assistance with property encroachment matters.

Recommendation 3.d: Explore opportunities for remedial actions where drainage from existing development and infrastructure negatively impacts farmland.

Recommendation 5.c: Provide education regarding existing Purchase of Development Rights (PDR) programs and natural resource conservation programs (Federal and State) and support applications as they arise.

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**AGRICULTURAL AND FARMLAND PROTECTION PLAN RECOMMENDATION PRIORITIZATION TABLE**

GOAL	RECOMMENDATION	IMPLEMENTATION	RESPONSIBILITY	COMPLETE
1	Draft and adopt a resolution in support of the Albany County Right to Farm Law	SHORT TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
1	Establish an Agricultural Advisory Committee to provide advisory information to the Town Board, Planning Board or Zoning Board of Appeals with regard to agricultural related issues.	SHORT TERM	TOWN	<input type="checkbox"/>
3	Encourage open communication between farmers/owners of agricultural land and Town Police Department.	SHORT TERM	TOWN/CACC/ AG COMMITTEE	<input type="checkbox"/>
3	Include Agricultural Advisory Committee in the Town's Development Planning Committee review of potential projects to determine impact on agriculture.	SHORT TERM/ONGOING	DPC/ AG COMMITTEE	<input type="checkbox"/>
4	Adopt NYS Department of Agriculture and Markets definition of agri-tourism and include the term as an "Agricultural Use" as defined in the Zoning Law.	SHORT TERM	TOWN/ AG COMMITTEE	<input type="checkbox"/>
4	Further review the Zoning Law Schedule of Use Regulations (§128-99) to determine complimentary uses that support agriculture and farmland.	SHORT TERM	TOWN	<input type="checkbox"/>
4	Increase the temporary off-site signage allowed for farms.	SHORT TERM	TOWN	<input type="checkbox"/>
1	Provide educational materials about agriculture and related benefits to the community.	MEDIUM TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
1	Work with existing educational programs in schools to educate youth on farming.	MEDIUM TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
4	Work with Albany County to update the "Albany County Bounty" farm guide to help promote Bethlehem agricultural and farming business.	MEDIUM TERM	TOWN/ AG COMMITTEE	<input type="checkbox"/>
4	Explore opportunities for the Bethlehem IDA to invest in agricultural businesses.	MEDIUM TERM	TOWN/IDA	<input type="checkbox"/>
5	Research and consider the development of a term conservation easement program.	MEDIUM TERM/ ONGOING	TOWN	<input type="checkbox"/>
5	Develop amenity/incentive zoning to assist in preserving farm and agricultural lands.	MEDIUM TERM	TOWN	<input type="checkbox"/>
1	Encourage Town Board to include representation from agricultural enterprises on town committees and boards.	ONGOING	TOWN	<input type="checkbox"/>
2	Educate and provide support to agricultural businesses and farms during the planning review processes.	ONGOING	TOWN	<input type="checkbox"/>
2	Require all Planning Board members to receive training on agricultural land use planning.	ONGOING	TOWN PLANNING BOARD	<input type="checkbox"/>
2	Educate landowners about the land division review process available in the Town Law.	ONGOING	TOWN	<input type="checkbox"/>
3	Explore ways to provide assistance with property encroachment matters.	ONGOING	TOWN	<input type="checkbox"/>
3	Explore opportunities for remedial actions where drainage from existing development and infrastructure negatively impacts farmland.	ONGOING	TOWN	<input type="checkbox"/>
5	Provide education regarding existing Purchase of Development Rights (PDR) programs and natural resource conservation programs (Federal and State) and support applications as they arise.	ONGOING	TOWN	<input type="checkbox"/>

**\*IMPLEMENTATION LEGEND**

SHORT TERM: 0-1	RECOMMENATIONS THAT CAN BE IMPLEMENTED IMMEDIATELY
MEDIUM TERM: 1-3 YEARS	RECOMMENDATIONS THAT CAN BE IMPLEMENTED FOLLOWING THE COMPLETION OF SHORT TERM ITEMS.
ONGOING	RECOMMENDATIONS THAT ARE ONGOING ACTIVITIES, TO BE INCORPORATED INTO THE ACTIVITIES OF TOWN DEPARTMENTS (i.e. PLANNING, ENGINEERING, HIGHWAY, ETC.)

NOTE: The Town desires to fund these recommendations with grant opportunities from Federal and State Agencies, when available. The prioritization of these recommendations may change as grant opportunities arise and based on availability of Town staff.

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**GOAL:** To encourage and support agricultural uses of land and protect property owners' rights.

## Introduction

The purpose of this Plan is to work with individuals involved in the Town's agricultural industry to establish strategies that will result in the enhancement, management and continued viability of agriculture and farmland areas and lands in the Town of Bethlehem.

The plan is called an "Agricultural and Farmland Protection Plan." During the planning process there was much discussion among the Study Advisory Committee members regarding the use of the term "protection". Some members expressed concern that the term protection implies land use

**Protection:** The preservation, conservation, management and improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production. (*NYS Agriculture and Markets Law Article 25AAA*)

restrictions on agricultural properties. However, an understanding of the definition of "protection" by the New York State Department of Agriculture and Markets (NYSDAM) eased these concerns. According to the Agriculture and Markets Law Article 25AAA, protection is defined as: "the preservation, conservation, management and improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production." The use of the word "protection" in this Plan should not be perceived as a means of restricting a property owner's rights to the use of their land, but rather an opportunity to support agriculture as a business and on a voluntary basis protect farmland as a land use in the community.

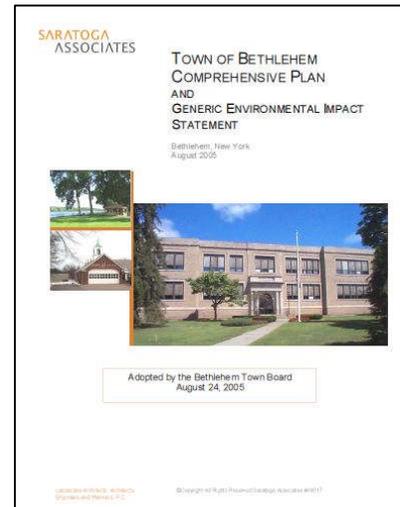
## Planning Process

In August 2005, the Town of Bethlehem adopted its first Comprehensive Plan. The adoption culminated an eighteen-month public process and conversation about the future of the community. The Comprehensive Plan is a document that guides the Town's land use and community development initiatives and investment decisions. One recommendation of the 2005 Comprehensive Plan was for the Town Board to consider the creation of a Farmland and Open Space Protection Program. The program was among several important community topics that emerged throughout the comprehensive planning process, but required more focused consideration and consensus-building prior to Town Board implementation.

In 2007 the Comprehensive Plan Oversight Committee recommended the Town Board initiate the farmland and open space planning process. In early 2008, the Town Board authorized the development of a Farmland and Open Space Protection Program. Recognizing the importance for an open space planning process to be unique to Bethlehem, the Board commenced the initial phase as an assessment of the Town's issues, needs and opportunities related to open space. This assessment was to be based on community input. The Board noted that the program would be referred to as the open space plan, anticipating that a more appropriate theme and/or title would emerge during the planning process and following input from the community.

The Town identified the Department of Economic Development and Planning (DEDP) to lead the Plan with professional planning assistance from Behan Planning and Design, and American Farmland Trust. Recognizing that open space preservation and farmland protection were two distinct ends with different stakeholders and purposes, the Program was separated into two components, a needs assessment for open space and an Agricultural and Farmland Protection Plan. The Citizens Advisory Committee on Conservation (CACC) was charged with serving as the advisory committee to provide advice and recommendations for the open space component. (See "Town of Bethlehem Recommendations on Open Space Needs and Opportunities".)

In February 2008, the Town was awarded a grant from the New York State Department of Agriculture and Markets for the development of the Agricultural and Farmland Protection Plan. The purpose of this component is to work with individuals involved in the Town's agricultural

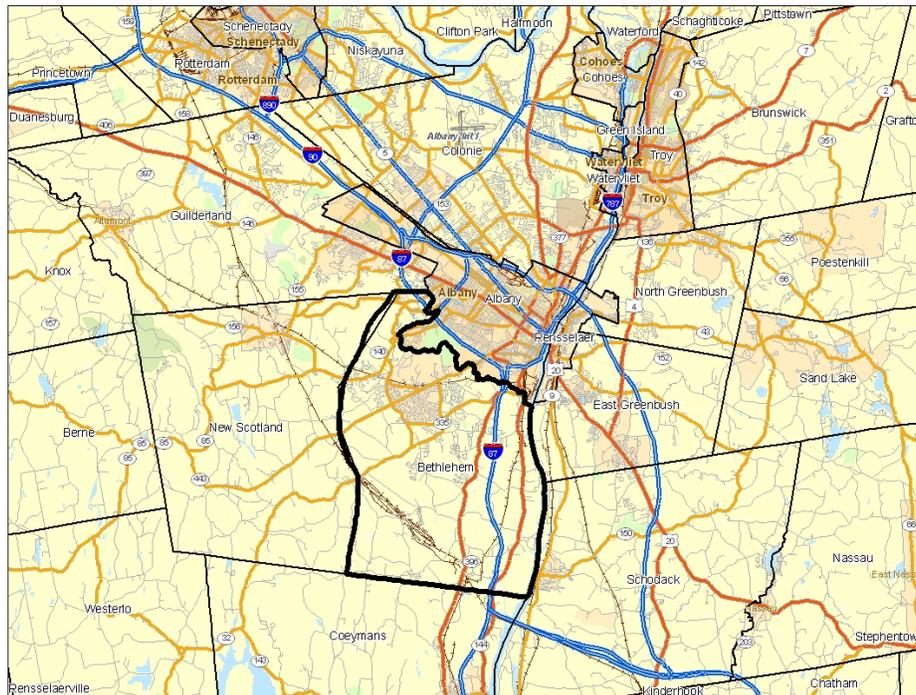


*The 2005 Comprehensive Plan recommended the Town Board consider the creation of a Farmland and Open Space Protection Program.*

industry to establish strategies that will result in the enhancement, management and continued viability of agriculture and farmland areas and lands in the Town of Bethlehem. The Town Board established an Agricultural and Farmland Study Advisory Committee of local farmers, landowners and stakeholders in the agricultural industry to steer the development of the plan with support from the DEDP and American Farmland Trust. The Agricultural and Farmland Protection Plan was conducted in tandem with the development of the open space needs and opportunities assessment and there was opportunity for the interaction of both components during several public meetings.

## State of Agriculture and Farmland

The Town of Bethlehem is located along the western banks of the Hudson River, just south of the City of Albany in Albany County, New York.



## ***Land in Agriculture***

Quantifying land use in agriculture at the Town scale proves difficult in practice. Information was gathered from several sources to get a general sense of where agriculture is predominantly occurring in the Town of Bethlehem. While these numbers aren't always consistent with one another, they paint a picture of the scale and scope of agriculture and farmland use in the

Town. The Town Zoning Law defines agriculture and agricultural use as, “The employment of land, including for the primary purpose of obtaining a profit in money, for raising, harvesting, and selling crops, or feeding, including but not limited to grazing, breeding, managing, selling or producing livestock, poultry, fur-bearing animals or honeybees, or dairying and the sale of dairy products, or any other horticulture, floriculture or viticulture, aquaculture, hydroponics, silviculture, animal husbandry, or a combination thereof. It also includes the employment of land, including for the primary purpose of obtaining a profit, for stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows, including other on-farm niche marketing promotions.”

The New York State Office of Real Property Service classifies land use in a series of standard codes, with agricultural codes including those between classification codes 100-199. Approximately 4,400 acres, or 115 parcels in the Town of Bethlehem are listed in agricultural codes according to this data source. This represents approximately 14% of the Town’s land area. This estimation likely does not capture a true picture of agricultural land. In some instances, land is coded as agricultural when it is not in fact farmed. In addition, farmland can be coded under “vacant” or “residential” codes depending on how the assessor views the property. For example, often parcels coded as “vacant” are simply hay fields that have been left fallow. Also, some parcels that are predominantly agricultural in use are coded as “residential” if they contain a house.

An alternative way of using property classification information to quantify agricultural land use in the Town of Bethlehem is to look at the number of parcels receiving agricultural assessment. According to the Bethlehem Assessor’s Office, in 2007, approximately 4,000 acres, representing 127 parcels, received agricultural assessment. In order to qualify for agricultural assessment, a parcel must be farmed for at least two consecutive years, be greater than 7 acres in size and worked by a farm that grosses an average of \$10,000 or more in sales per year. A parcel can be

**Agriculture; Agricultural Use - “The employment of land, including for the primary purpose of obtaining a profit in money, for raising, harvesting, and selling crops, or feeding, including but not limited to grazing, breeding, managing, selling or producing livestock, poultry, fur-bearing animals or honeybees, or dairying and the sale of dairy products, or any other horticulture, floriculture or viticulture, aquaculture, hydroponics, silviculture, animal husbandry, or a combination thereof. It also includes the employment of land, including for the primary purpose of obtaining a profit, for stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows, including other on-farm niche marketing promotions (Bethlehem Zoning Law §128-22)**

eligible if it is less than 7 acres in size if the farm grosses an average of \$50,000 or more in sales per year. In addition, rental land may qualify for these benefits if it is rented by an eligible farm operation. Start-up farms are eligible after their first year of production if they meet the acreage and income thresholds. It is expected that some agricultural parcels in Bethlehem don't qualify for agricultural assessment or have been inactive so this estimation of acreage in agriculture is also not complete. Further information regarding agricultural assessments can be obtained from the NYS Office of Real Property.

Often the best source of information on agricultural land use at the Town scale comes from local knowledge. Cornell Cooperative Extension (CCE) of Albany County and Albany County Farm Service Agency (FSA) representatives reviewed their farm records to quantify agricultural land use in the Town of Bethlehem. This is likely the most accurate information available. The agency's review concluded that there are 63 operating farms located in Bethlehem working just over 5,900 acres in the Town of Bethlehem. This represents approximately 19% of the Town's land area. CCE and FSA's review of acreage devoted to agricultural commodities concluded that approximately 910 acres are devoted to corn, and 1,760 acres are devoted to hay. Additionally, pasture land is represented by 394 acres and vegetables are represented by 40 acres. Nearly half the land in agriculture in Bethlehem – just over 2,800 acres - is rented to other farming operations. Animals currently raised on farms in Bethlehem include, dairy cows and heifers, horses, beef cows and other small livestock.

### ***Agricultural Districts***

In 2009, in the Town of Bethlehem there were over 4,760 acres enrolled in the Albany County Agricultural District #3. This represents approximately 15% of the Town's land area. These lands are somewhat dispersed throughout the town. New York's Agricultural Districts Law was enacted in 1971 to help keep farmland in agricultural production. State-certified districts are reviewed by the County Agricultural and Farmland Protection Board, approved by the County Legislature, and certified by NYS Department of Agriculture and Markets. They provide important "right-to-farm" protections to enrolled farms. For example, when requested, the Department of Agriculture and Markets can provide a determination whether land uses are agricultural or if farm practices are "sound agricultural practices". Such determinations can help defend farmers in zoning disputes or private nuisance lawsuits. Farms may enroll through an annual review process by contacting the County Agricultural and Farmland Protection Board. Land rented for agricultural purposes can also be included in an Agricultural District.

The Agricultural and Farmland Location Map illustrates areas that are involved in farming and agriculture based on available 2007 data. The map represents a “snapshot” of Bethlehem’s 2007 farming and agriculture areas based on the following data sources as described above:

- Albany County Agricultural Districts
- Town of Bethlehem Agricultural Assessment
- NYS Office of Real Property Service Agricultural Land Use Classification.

### ***Prime Farmland Soil***

The U.S. Department of Agriculture groups soils according to their suitability for field crops. 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. The Town of Bethlehem has approximately 10,000 acres classified as prime farmland soils mainly spread across the southeastern portion of the Town. The majority of lands currently being farmed contain prime farmland soils. Approximately 2,082 acres or 20% of the Town’s prime farmland soil occurs on lands that are involved in agriculture or farming. However, over the past twenty years several acres of prime farmland soils in Bethlehem have been developed for residential subdivisions. Although the USDA lists certain soils as prime farmland there is no guarantee that food crops will grow successfully. This may be reflected in the fact that, in Bethlehem, corn, hay, and pasture land represent the majority of agricultural and farming operations.

### ***Statewide Importance Soil***

“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, and erodibility. Such land produces fair to good yields when managed appropriately. In Bethlehem, only 9% (2,760 acres) of the total land area is considered soils of statewide importance. Approximately 1,100 acres or 40% of soils of statewide importance occurs on lands that are involved in agriculture or farming.

The Farmland Soils map illustrates areas in Town that contain prime farmland soils and statewide importance soils.

## Land Capability Classification I - IV

Land capability classification provides another measure of the agricultural productivity of the land. According to the Albany County Soil Survey, land capability classification shows the suitability of soils for most kinds of field crops. Capability classes are designated by Roman numerals I through VIII. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The Land Capability Classification Map illustrates the location of Class I through IV soils in the Town, reflecting those that are similar to the categories of prime farmland soils and soils of statewide importance.

According to the Albany County Soil Survey, Class I soils are defined as having slight limitations that restrict their use. Class II soils are defined as having moderate limitations that reduce the choice of plants or that require moderate conservation practices. Class III soils are defined as having very severe limitations that reduce the choice of plants or that require special conservation practices, or both. Class IV soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

A review of Class I through IV soils indicates that only 1% is represented by Class I. The breakdown of the remaining soil capability classes are as follows: 46% in Class II, 42% in Class III, and 11% in Class IV. Where they exist, Class I and II are patchy as can be seen by the Land Capability Class I-IV map. These small pockets of good soils are surrounded by poorer quality soils. This information is consistent with local insight that indicates the limitations of the soils in Town to grow high value crops.

## **Value to Agricultural Economy**

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The 2002 and 2007 Agricultural Census provides information concerning areas of farming and agricultural operations in the United States, including production expenses, market value of products, and operator characteristics. Results of the 2007 agricultural census were released in February 2009 and at this time only provide information at the County level. However, the 2002 Agricultural Census provides data at the zip code level. Data obtained at the zip code level for Bethlehem includes zip codes 12077, 12158, and 12054 since these areas reflect the locations of lands involved in agriculture and farming.

### ***Town of Bethlehem Data***

The 2007 Census of Agriculture reports that approximately 89% of farms in Bethlehem sold less than \$50,000 each in agricultural products with 9% selling between \$50,000 and \$249,000 and only 1 farm selling greater than \$250,000 annually in farm products. The Census estimated that 33% of farms are between 1 – 49 acres in size, while 66% of farms are between 50 – 999 acres in size<sup>1</sup>. 41% of principal operators report farming as their primary occupation. Collectively, this data reflects the sentiments provided by the agricultural community, which is, a majority of farming is conducted on average sized lands by individuals that rely on other occupations as their primary means of income.

### ***Albany County Data***

According to the US Agricultural Census, there were 61,030 acres of agricultural and farmlands, representing 498 farms, in Albany County in 2007. This represents an 11% loss of agricultural land from 2002 to 2007. Albany County is one of the fastest growing counties in New York and much of new development is occurring on agricultural land. Surprisingly, however, the number of farms increased by 14 from 2002 to 2007, showing a renewed interest in agriculture in the region. The same population that is pressuring the use of the land also represents an increased customer base that desires access to fresh, local food. Indeed, the market value of agricultural products sold from farms in Albany County increased from \$19.4 million in 2002 to \$22.4 million in 2007. Despite high input prices, most farms showed a positive net farm income in Albany County in 2007 – a trend not seen in many neighboring counties.

Farms in Albany County contributed significantly to the economy according to Agricultural Census data from 2007. Farms spent approximately \$1.7 million on property taxes while not demanding the same level of services as residential development. American Farmland Trust

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<sup>1</sup> Categories defined by the Agricultural Census.

“Cost of Community Services” studies across the nation have shown that farms pay approximately 60% more in taxes than they demand back in services such as schools, roads and emergency services. Farms were also an important employer in Albany County in 2007. Farms spent \$2.7 million in hired labor in 2007 according to the Agriculture Census and employed 393 people on farm.

Farms in Albany County are increasingly dependent upon rental land. According to the Agricultural Census, more agricultural land is rented rather than owned outright by farmers (See Figure A). While both categories

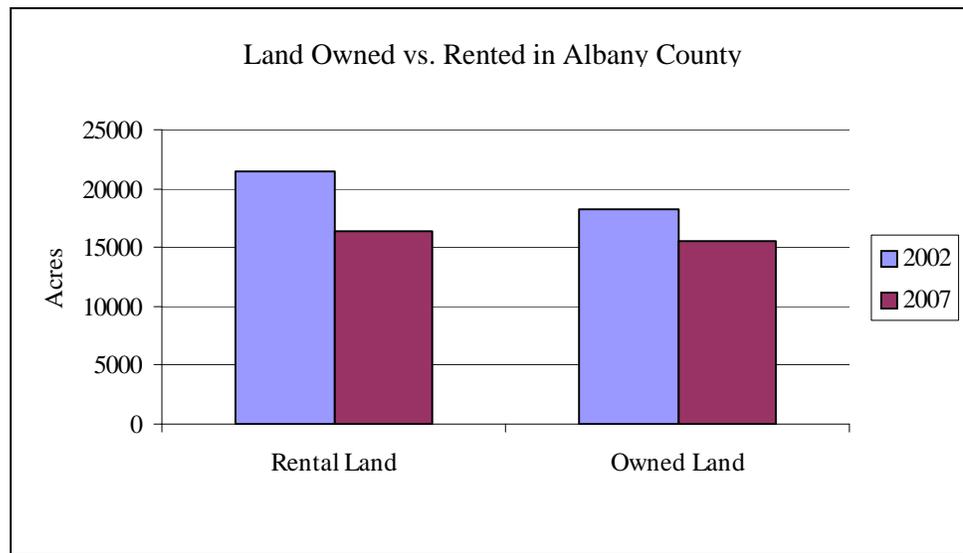


Figure A. Source: 2007 US Agricultural Census

experienced losses in farmland from census years 2002 to 2007, rental land lost considerably more acreage – upwards of 24% of rental land left agricultural use.

Farm businesses (rentee) are often dependent upon the availability of rental land to grow crops, graze livestock, and manage manure resources effectively, amongst other agricultural uses. Rental land helps to increase the efficiency and productivity of the farm business. Additionally, renting land is a way for landowners (rentors) to retain/obtain their agricultural assessment and/or benefit from a source of income from their land asset when they retire. Renters often have limited control over land availability and are limited to use of the land based on the time frame of the rental agreement. Currently, half the land in productive agriculture in Town is rented, according to CCE and FSA.

### Indicators of conversion pressure

A review of Bethlehem’s population and housing trends provides an indication of the level of conversion pressure on the agricultural and farming lands in the Town.

## Population and Housing Trends

### Population Trends

The Town of Bethlehem has been experiencing significant population growth over the past two decades. In 2000, the Town of Bethlehem had a population of 31,304. This represents a 28.8% increase in population from 1980 to 2000 and a 13.6% increase between 1990 and 2000. Bethlehem’s rate of growth significantly exceeded Albany County’s between 1980 and 2000 and between 1990 and 2000. It is also the largest percentage increase of all adjacent municipalities (Albany, Guilderland, New Scotland, and Coeymans). Table 1 contains Bethlehem population data from 1980 to 2000 from the 2000 US Census.

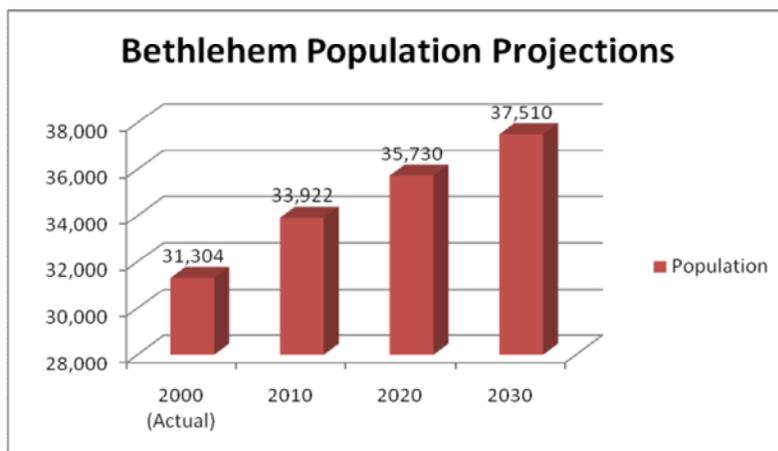
**Table 1: Bethlehem Population and Population Change 1980 – 2000**

1980	1990	2000	Change 1980 – 2000	Change 1990 – 2000
24,296	27,552	31,304	28.8%	13.6%

Utilizing 2000 Census data, the Capital District Regional Planning Commission (CDRPC) developed projections using a Population Projection Model (See Figure B). The CDRPC is tasked with developing population and household projections for the four-county Capital District Region.

The CDRPC population projections have been relatively accurate in the past. Previous projections for the year 2000, for example, were slightly below actual population numbers for the Town of Bethlehem. According to *A Profile of the Capital District* (December 1999) published by CDRPC, year 2000 projections indicated a population of 30,524. Actual year 2000 Census indicated a population of 31,304 – approximately 780 persons higher than projected. Projections for Bethlehem are found in the graph below.

The 2030 population projections developed by the Capital District Regional Planning

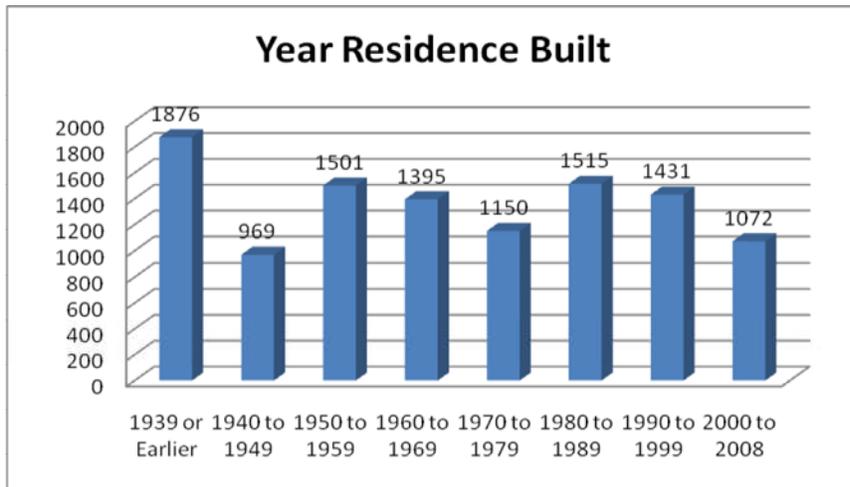


**Figure B**

Commission (CDRPC) indicate an increase of approximately 6,200 persons by 2030 in the Town of Bethlehem, or approximately 206 persons per year over the next 30 years. This represents a 29% increase in population over a 30-year period. Bethlehem is projected to capture between 11% and 12% of Albany County’s population growth through 2030.

### Housing Trends

Housing trends are an established indicator of suburban growth, specifically the development of 1 and 2-family homes. Furthermore, residential land use represents approximately 80% of the Town’s tax base. Housing data is provided by the New York State Office of Real Property Services (NYSORPS) and the Town of Bethlehem Building Department.



According to NYSORPS data, more than one-half of all housing units in the Town of Bethlehem were constructed in the 1950s or later (See Figure C). Fewer than 20% were constructed before 1939. Nearly 90% of all housing units are single family dwellings.

Figure C. Source: 2008 NYS ORPS

New housing development has occurred throughout the Town. More specifically, over the past 30 years it has occurred south of the NYS Route 32(Delmar Bypass) and the northwestern section of Town. This residential development has occurred in areas that have access to public sewer and water. The “Year Structures Built Map” in Appendix A illustrates the development pattern of housing units over the past sixty years.

A closer look at building permits awarded over the past eight years (2000 to 2008) illustrates a decline in one and two family residential building permits in the Town (See Figure D). As illustrated in Figure C, this is in comparison to the twenty year period of the 1980s and 1990s

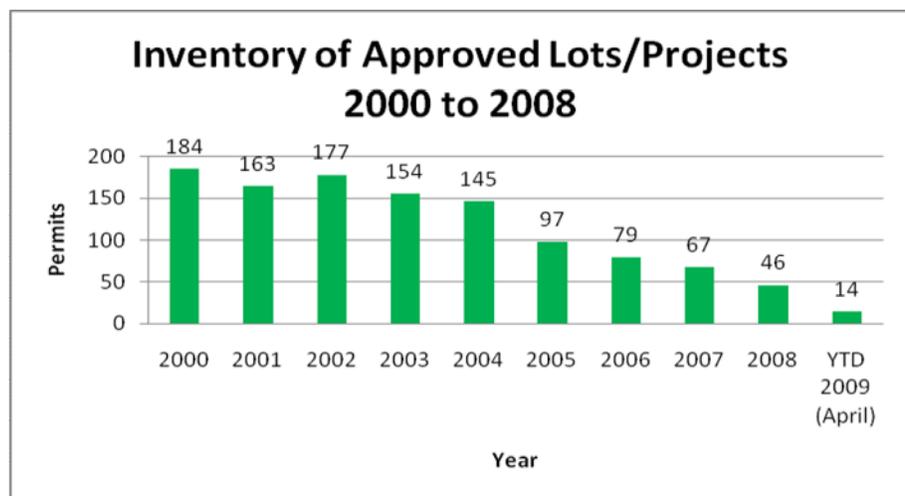


Figure D. Source: Bethlehem Building Department

when development pressure was at its highest level. Note the Town adopted a building moratorium on residential development during 2004 and 2005 in order to prepare a Comprehensive Plan and update zoning and subdivisions regulations. From 2005 to 2008 yearly residential building permits have decreased steadily by approximately 20%.

The Bethlehem Comprehensive Plan Oversight Committee (CPOC) Report, prepared in August 2007, provided a review of development activity and trends. The Report listed a variety of factors that could be influencing the reduction of residential development, including the location and physical characteristics of remaining developable residential lands in the Town, downturn in real estate market trends in the region and Town, and the Town’s decisions on limiting infrastructure extensions.

### Location of Residential Development

Figure E illustrates housing trends over the past eight years (2000- 2008 and 2009 YTD) and identifies building permits based on their location within the Town’s three school districts (Bethlehem Central, Ravena-Coeymans-Selkirk, and

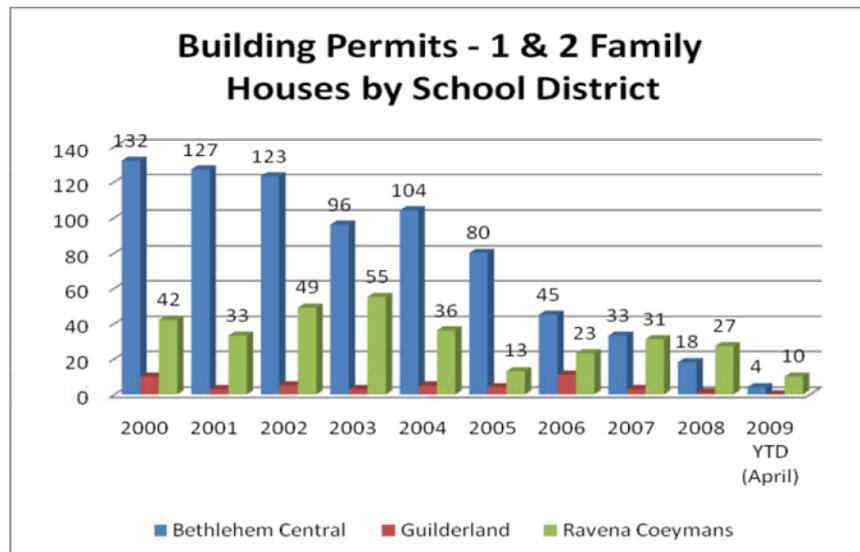


Figure E. Source: Bethlehem Building Department

Guilderland). The “Town of Bethlehem School Districts Map”, in Appendix B, illustrates the location of the three school districts in the Town. A review of the data indicates in the early part of this decade (2000 to 2006) the Bethlehem Central School District experienced a greater percentage of residential development than the Ravena-Coeymans-Selkirk and Guilderland school districts. However, in 2007, 2008, and 2009 year-to-date this trend began to change with the Ravena-Coeymans-Selkirk School District experiencing a greater percentage of residential development. It is important for the Town to monitor this trend since approximately 68% of the land area involved in agriculture and farming are located in the Ravena-Coeymans-Selkirk School District (see Table 2).

**Table 2: School Districts and Agricultural and Farmland Location**

School District	Agricultural and Farmland	
	Area (acres)	Percentage
Bethlehem Central	2,155	31%
Ravena-Coeymans-Selkirk	4,615	68%
Guilderland	50	1%

### Sewer and Water

The availability of sanitary sewer and water services makes land more attractive for development. The sewer and water maps located in Appendix C illustrate the location of sewer and water services in proximity to agricultural and farmed land in the Town.

### Zoning and Farmland Location

A review of the location of farmland and agricultural lands in relation to zoning district boundaries helps to identify opportunities and challenges for continued agricultural use of the land. The review revealed that of all parcels of land recognized by the NYSORPS data as agricultural (Land Use Codes 100 – 199), Bethlehem agricultural assessment parcels, and Agricultural District lands, approximately 77% are located within three Zoning Districts – Residential A (23%), Rural (30%) and Rural Light Industrial (24%). Not surprisingly, as listed in Tables 3 and 3A, these three districts also contain the highest percentages of prime and statewide important soils (Class I – IV), a USDA classification system that identifies good soils for agriculture.

Appendix D contains the Town of Bethlehem Zoning Map.

**Table 3: Zoning and Farmland Location**

Zoning District	Agricultural and Farmland		Land Capability Classification							
			Class I		Class II		Class III		Class IV	
	Area (acre)	%	Area (acre)	%	Area (acre)	%	Area (acre)	%	Area (acre)	%
RESIDENTIAL A	1,598	23%	0	0%	582	54%	400	37%	100	9%
RURAL	2,084	30%	24	2%	652	46%	511	36%	220	16%
RURAL LIGHT INDUSTRIAL	1,656	24%	2	0%	448	40%	584	52%	91	8%

**Table 3A: Zoning and Farmland Location**

Zoning District	Statewide Importance Soils	
	Area (acre)	Percent
RESIDENTIAL A	450	40%
RURAL	347	31%
RURAL LIGHT INDUSTRIAL	164	15%

### Open Space Value

As noted previously, agriculture and farming have been identified as an important industry or business in the Town. However, the community has also identified lands involved in agriculture and farming as open space.

Bethlehem’s Citizens Advisory Committee on Conservation (CACC) recognizes agricultural lands in its definition of open space.

**Open Space** is land that is not intensively developed for residential, commercial, industrial or institutional use. It serves many purposes, whether it is publicly or privately owned. It includes agricultural and forest land, community gardens, undeveloped shorelines, undeveloped lands that provide scenic value, public/private parks and recreation fields, walking and bicycling pathways or corridors, and nature/wildlife areas. It also includes water bodies such as rivers and streams. Its occurrence enhances the community character and quality of life for the Town of Bethlehem.

Lands involved in agriculture and farming provide the rural character and scenic resources that attract many to Bethlehem. Working farms help define the rural landscape and by

protecting cropland, and pastures Bethlehem can retain its traditional sense of place and rural identity.

These lands, all of which are in private ownership, help to enhance the quality of life for all residents. It is important to recognize that an agricultural landowner’s stewardship of the land whether for business or open space purposes serves to benefit the greater Bethlehem community. The protection of agricultural and farmlands also helps to serve the greater community goal of preserving open space.

### Consequences of possible conversion pressure

Several consequences would occur as a result of current agricultural lands converting to development. In regards to conversion to residential development, this could impose costs to the community in the form of increased demand for schools, roads, water, sewer, and other community services. Numerous “cost of community services” studies conducted by American Farmland Trust have shown that farms and agricultural lands generate more local tax revenue

than they cost in services. By comparison, residential development typically fails to make up for local costs with property tax revenue.

In addition, historically, residential development has resulted in changes to drainage patterns due to increased impervious surfaces. Well managed farms provide important environmental benefits to the community in filtering water and decreasing runoff from impervious surfaces like pavement and concrete.

## **Overview of Existing Plans and Regulations**

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### Comprehensive Plan

The Town of Bethlehem's 2005 Comprehensive Plan vision statement describes the Town as a community with productive rural lands. The Town recognizes that as it continues to grow, its agricultural lands and natural resources face increasing conversion pressure. In order to achieve its vision, a recommendation of the Comprehensive Plan was for the Town to consider the creation of a farmland and open space protection program for the protection of its high quality farmland and significant open space resources. The Comprehensive Plan also recommended encourage participation in Agricultural Districts, establish local right-to-farm provisions, promote agriculture through education, and develop an agricultural economic strategy.

### Albany County Farmland Protection Plan

The Albany County Agricultural and Farmland Protection Plan was prepared in 2004 to develop goals and strategies to support and enhance Albany County's agricultural industry and agricultural resources. The plan was prepared by the Albany County Agricultural and Farmland Protection Board, a board established by the County Legislature, whose role includes, review of Agricultural Districts, review of local laws and government actions affecting land in Agricultural Districts and implementation of the County Farmland Protection Plan. In addition to addressing County-level goals and strategies, the Plan identified what local governments can do to protect farmland, many of which Bethlehem's Agricultural and Farmland Protection Plan desires to accomplish:

Work with local farmers to develop techniques to preserve farmland and sustain agriculture.

- Support Agricultural Districts since they offer farms many protections.
- Pass a local right-to-farm ordinance to supplement State and County law.
- Provide agricultural value assessment on property tax and ensure that assessors are properly trained to assess agricultural structures.
- Discourage land uses that will conflict with neighboring agricultural operations.
- Include agriculture in local economic development plans. Ensure that local ordinances encourage economic viability by permitting roadside stands, farm markets, greenhouses, and use of off-site signs to attract customers.

- Review planning and zoning ordinances and make revisions to support agriculture and incorporate farmland protection and the needs of agriculture.

### Bethlehem Zoning Law – Land Use Review Procedures

The Town of Bethlehem Zoning Law contains a Schedule of Uses table, which lists the land uses permitted in the Town’s Zoning Districts. In Bethlehem, reviews of land use projects are designated as “by right”, “site plan”, and “special use permit”. The Town Planning Board is the authorized body to review, approve or disapprove land use projects designated as site plan and special use permit. The following discussion is intended to help inform the community of the land use review procedures that may be applicable to agricultural uses or uses that complement agriculture.

#### *By-Right*

A land use designated by right is one that does not require review by the Town Planning Board; however, it may be subject to a building permit and/or certificate of occupancy. Based on the Town of Bethlehem Zoning law, current agricultural uses located in a state-certified Agricultural District are allowed by right, regardless of the zoning district in which the property is located. In addition, the seasonal planting of crops is allowed by right in any zoning district. The construction, extension, or alteration of existing principal or accessory structures used for agricultural purposes, including those situated on property located within a county agricultural district are exempt from site plan approval.

#### *Site Plan Review*

Requirements of the Town’s site plan review process are intended to protect the community from traffic congestion, noise, flooding, excessive soil erosion, excessive noise and odor and other forms of pollution; and encourage a design that will be in harmony with surrounding development. A land use designated as site plan review is required to be designed and prepared by a licensed engineer, landscape architect, or surveyor in accordance with certain standards and criteria determined by the Town. However, new agricultural operations located in the Agricultural District subject to the site plan review process shall follow the Site Plan Process Guidelines as set forth by the Commissioner of Agriculture and Markets. (Appendix E includes the Guidelines). The NYSDAM developed a streamlined model site plan review process to respond to farmers' concerns while ensuring the ability to have local issues examined.

The Site Plan Process Guidelines include the submittal of a sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved, existing features of the site, proposed location and arrangement of buildings and uses on the site,

including means of ingress and egress, parking and circulation of traffic, and a description of the project. The sketch is not required to be prepared by an architect, professional engineer or land surveyor.

### *Special Use Permit*

Special permit uses are specifically declared to be allowed within the district in which they are located, provided that they meet special use permit performance standards (i.e. noise, odors, traffic access, circulation, parking, etc.). A site plan review is required for special permit uses.

Appendix F contains a review of the Town's Zoning Law Schedule of Uses Table as it relates to agriculturally related uses and their current land use review status (i.e. by-right, site plan review, or special use permit).

### *NYS Town Law and Planning Board Member Appointments*

The New York agriculture industry has a substantial impact on the overall economic health and well-being of the state. As such, New York State Town Law (§271) states: " A Town Board may, if an agricultural district created pursuant to section three hundred three of article twenty-five-AA of the Agriculture and Markets Law exists wholly or partly within the boundaries of such town, include on the planning board one or more members each of whom derives ten thousand dollars or more annual gross income from the agricultural pursuits in said town. As used in this subdivision, the term "agricultural pursuits" means the production of crops, livestock and livestock products, aquacultural products, and woodland products as defined in section three hundred one of the agriculture and markets law."

## **Public Input**

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Public input was particularly important to the Town and the Study Advisory Committee 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 Bethlehem 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 and possible tools that would help landowners and farm businesses.

As previously mentioned the Town undertook a process of developing a farmland and open space protection program. As such, the public meetings allowed for public input on both topics. The Town employed several different methods to ensure public participation in the plan. In addition to the public meetings discussed below, a regularly scheduled public comment

period at the end of each Study Advisory Committee meeting provided an opportunity for public input. Information and feedback provided through these channels was used to guide the recommendations and strategies of the plan.

## ***Public Meetings***

### **May 15, 2008 Meeting**

On May 15, 2008 a public orientation meeting was held to obtain feedback on what open space means to the community. The meeting resulted in the identification of Agriculture and Farmland as an important topic area to the community. Additionally, the definition of open space that emerged from the meeting included agricultural lands.

### **October 6, 2008 Meeting**

On October 6, 2008 a meeting with large-acreage landowners (i.e. owners of 7+ acres) was held. A majority of these landowners represented agricultural interests. The purpose of this meeting was to solicit concerns and identify opportunities from landowners related to open space conservation, particularly farmland protection, and to address the land stewardship topic identified at the May 15, 2008 open space meeting. This meeting also provided an opportunity to introduce and explain conservation options to landowners.

At the meeting, Behan Planning and Design, and American Farmland Trust provided a presentation on conservation tools and land management options. The presentation was based on information received during interviews with the Town's agricultural community/large-acreage landowners. The interviews were conducted in August 2008 by American Farmland Trust. The presentation included a discussion on the following topics, respect for property, affordability of large acreages, and land asset/estate planning. The consultants also presented an overview of potential farmland and open space tools and various solutions that other communities in the Capital Region have adopted to address these issues. Following the presentation, participants separated into small groups and asked questions about the various conservation options.

During the small group discussions, facilitators gauged the participant's interest in the various tools. Some participants expressed interest in a term easement program or an incentive/amenity zoning option.

A summary of the feedback received from the October 6 meeting is included in Appendix G.

### **October 23, 2008 Meeting**

On October 23, 2008 approximately 60 residents attended a public meeting to further discuss the topics identified from the May 15 meeting: Recreation and Pathways, Agriculture and Farmland, and Natural Systems. At the meeting, Town Planning Department staff provided a presentation on the existing conditions of the open space resources, including agriculture and farmland in the Town. Staff discussed the value and benefits of these resources to the Town, and provided maps that illustrated the locations of recreation lands, pathways, agricultural and farmed lands, as well as natural systems (i.e. steep slopes, floodplains, wetlands, streams, etc.). Following the presentation, participants were randomly separated into three groups and the consultants and Town staff traveled between the groups to discuss community goals associated with each of the topics: Recreation and Pathways, Agriculture and Farmland, and Natural Systems. This exercise afforded all participants the opportunity to provide their input on each of the three topics.

A summary of the feedback received from the October 23 public meeting is included in Appendix H.

### **August 5, 2009 Meeting**

On the evening of August 5, 2009, the Department of Economic Development and Planning (DEDP), in association with the Agricultural and Farmland Study Advisory Committee hosted a public meeting to present the Draft “Bethlehem Agricultural and Farmland Protection Plan” to the community. Approximately 30 attendees (10 of which included Study Advisory Committee members, Town Board members, and Town staff) viewed a presentation by the DEDP and American Farmland Trust, which provided an overview of the Plan’s planning process, goals, recommendations, and implementation.

A summary of the feedback received from the August 5 public meeting is included in Appendix I.

### ***Agricultural Landowner Interviews***

Eleven interviews were conducted with farmers and owners of agricultural land in the Town of Bethlehem in August and September of 2008. The interviews were conducted by Laura Ten Eyck, a field consultant for American Farmland Trust's New York State office. Agricultural commodities represented in the interviews included dairy, horticulture, beef and produce. No representatives of the Study Advisory Committee for the Plan were interviewed. The Interview Summary provided in Appendix J highlights common themes born of the interviews as interpreted by Ms. Ten Eyck. Where illustrative of a repeated theme, quotes have been used as stated by the interviewees.

### ***Strengths, Weaknesses, Opportunities, and Threats Analysis***

In July 2008 a Strengths, Weaknesses, Opportunities, and Threats exercise regarding agriculture in the Town, was conducted in cooperation with the Agricultural and Farmland Study Advisory Committee. 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 information to the Study Advisory Committee as they developed draft goals and recommendations for the plan. Recommendations were written with the hope of addressing weaknesses and threats to agriculture while expanding opportunities to capitalize on its strengths. The results of this analysis can be found in Appendix K.

## Goals and Recommendations

The goals and recommendations in this section are intended to address the agricultural issues and opportunities resulting from the agricultural landowner interviews, SWOT analysis, and the Agricultural and Farmland Study Advisory Committee and public meetings. They are intended to serve as strategies that will result in the enhancement, management and continued viability of agriculture and farming in the Town of Bethlehem.

**GOAL: Foster communication between farmers and non-farming community to encourage and support the existence of the agricultural industry within the Town.**

Agriculture has remained an important part of the Town's heritage and a foundation for economic growth in our community. In recent years, residential growth has created the need to increase awareness for the value and importance of the agricultural industry within our community. Informing Town residents about the agricultural industry's benefits to the community can help to continue the operation of farms that serve the Town and Region.

### I. RECOMMENDATIONS:

a. **Draft and adopt a resolution in support of the Albany County Right to Farm Law**

The Albany County Right to Farm Law was carefully developed with input from the Albany County farming community. The Law includes provisions for participation by the municipality in dispute mediation and provides enhanced protection to those provided through the NYS Agricultural Districts Law. In lieu of drafting a Bethlehem Right to Farm Law the Town should draft and adopt a resolution in support of the Albany County Right to Farm Law (see Appendix L). This action could provide farmers and agricultural landowners with a sense of security in knowing that farming is a valued and accepted activity in the community.

b. **Establish an Agricultural Advisory Committee to provide advisory information to the Town Board, Planning Board or Zoning Board of Appeals with regard to agricultural related issues.**

An agricultural advisory committee can be established as a component of a Town Right to Farm Law or under stand alone legislation. An Agricultural Advisory Committee would meet as needed to address issues in town that could have an impact on agricultural businesses. The committee membership can include active and retired farmers, agri-business people and representatives from agricultural agencies. The Committee would provide advisory information to the Town Board, Planning Board or Zoning Board of Appeals any time a proposed project borders agricultural properties, including but not limited to those within 500-feet of an Agricultural District or receiving agricultural

assessment. These properties are illustrated on the Agriculture and Farmland Location Map. The suggested review process outlined in the Albany County Agricultural and Farmland Protection Plan (pg. 58) could provide some assistance on how to conduct reviews. In such a way, the Committee can act as a sounding board to regulatory boards to mitigate future challenges between farms and non-farm neighbors. It is important the Town appoint a Town staff person to serve as a liaison between the Committee and Town departments. At times, a representative from Town Departments, such as DEDP, Buildings, Highway, Public Works, and Police could provide assistance to the Committee. Sample legislation and language for establishing an Agriculture Advisory Committee is included in the Appendix M.

**c. Encourage Town Board to include representation of an agricultural enterprise on town committees and boards.**

Over the years, the Town of Bethlehem has appointed several agricultural and farmer representatives to committees that have been tasked with discussing conservation issues, and future growth and development in the Town. For example, the Bethlehem Planning Advisory Committee, Citizens Advisory Committee on Conservation, US Route 9W Corridor Study Advisory Committee, and the Local Waterfront Revitalization Study Advisory Committee have included representatives of the agricultural community. It is important for the Town to continue this practice to provide opportunities for agricultural landowners to offer their perspective and input during community discussions.

Furthermore, the Agriculture and Farmland Study Advisory Committee recognizes that it is the prerogative of the Town Board to appoint members to Town committees and boards. This Committee notes that the only mention in Town Law Section 271 of specific group representation, in relation to appointment of Planning Board members, is an agriculture associated member in the event that Agricultural Districts are located within the Town. The Committee supports this concept.

**d. Provide educational materials about agriculture and related benefits to the community.**

The Town can provide education regarding farm practices and products through their website and other traditional educational resources available at the Town. For example, the Town can provide important information to agricultural landowners regarding tax abatement programs and the state-certified Agricultural District program through the Planning Department and/or Assessor's Office websites.

**e. Work with existing educational programs in schools to educate youth on farming.**

Work with Cornell Cooperative Extension of Albany County, Agriculture in the Classroom, New York Farm Bureau, and the Town's school districts to encourage implementation of lessons that help students gain a greater awareness of the role agriculture plays in the economy and society.

Currently, the Bethlehem Middle School has planted a 'kitchen garden' that teaches students about the connections between the food on their plates, local farms and good nutrition. Vegetables planted and harvested include beats, onions, potatoes, green beans, Indian corn, as well as others. The vegetables are used in the school's cafeteria and donated to local food pantries. Additionally, the Bethlehem School District plans Farm to You Fest activities during the Fall season. Activities include visiting farmers teaching in classrooms at Hamagrael Elementary School, and Eagle Elementary School students touring Sunnyside Farms located on Van Dyke Road.

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

II. RECOMMENDATIONS:

**a. Educate and provide support to agricultural businesses and farms during the planning review processes.**

In many cases, the planning process is viewed as a challenge to new agricultural businesses or new on-farm enterprises. As the Town recognizes the many benefits that agriculture and farming provide as a business and land use in the community, assistance and education can be provided by the Town Department of Economic Development and Planning and Engineering Division staff to help guide proposed agricultural projects through the process.

**b. Require all Planning Board members to receive training on agricultural land use planning.**

Currently, New York State Town Law Section 271 requires that all Planning Board members receive four (4) hours of annual training related to land use issues. At minimum, during a Planning Board member's seven year term, a portion of the training requirements (5 to 7 hours) should focus on planning relative to agriculture and related topics. This training is accessible through several avenues, including, but not limited to, workshops sponsored by the New York Planning Federation, American Farmland Trust, New York State Department of State, Office of Real Property Services and Department of Agriculture and Markets, and other local organizations.

**c. Educate landowners about the land division review process available in the Town Zoning Law.**

A land division permits the division of a parent parcel into not more than four lots (exclusive of the parent parcel) during any ten-year period, not to exceed one new lot in any twelve month period. This tool allows landowners in the R, RLL, RA, RB, RC, CR, RR, RH, and RLI zoning districts to be exempt from the requirements of a minor or major subdivision as long as not more than four lots are created (exclusive of the parent parcel) during any ten-year period. The landowner is still required to follow all Federal, State, and County environmental and design regulations; however, the Planning Board is not required to review the application. The land division is reviewed by the Department of Economic Development and Planning and approved by the Director of Economic Development and Planning. (See Zoning Code Section 103-20 for process and requirements). This information could be distributed in the Town’s e-Newsletter or Bethlehem Report.

**GOAL: Assist and support in resolving issues causing adverse impacts on agriculture and farmland.**

During the development of this plan, farmers and landowners shared challenges faced in owning and working farmland in the Town of Bethlehem. The maintenance of roadways, including repavement as it affects access to farm fields, and confusion surrounding the New York State Vehicle and Traffic Law relative to agricultural practices were identified as specific challenges. Many farmers also reported significant damage to crops caused by motorized and un-motorized trespassers. In addition, encroachment poses a significant challenge in maintaining the land for agriculture. Encroachment occurs when an adjacent property owner advances beyond their property line; thereby entering into the property of a neighboring lot. Examples of encroachment include the placement of structures such as sheds or fences, and mowing of lawn areas on an adjacent/neighbor lot. Many of these issues can be resolved through better communication and education between farmers/landowners, Town staff, and the community at large.

III. RECOMMENDATIONS:

**a. Encourage open communication between farmers/owners of agricultural land and Town Police Department**

A farmer or agricultural landowner’s ability to easily manage the land increases the likelihood that the land will remain as a viable farming or agriculture operation. In many

instances, the Town Police Department can play a proactive role in supporting the farmer's ability to perform normal agricultural business practices. The establishment of a dialogue between the Town Police Department and farmers/owners of agricultural land regarding agricultural practices and trespassing could result in a better understanding of these issues. Representatives from the Town, CACC, and Agricultural Advisory Committee could be involved in this activity. The NYS Department of Agriculture and Markets and Cornell Cooperative Extension could assist in these discussions to provide technical assistance as needed.

An example of this is Cornell Cooperative Extension's and the New York Farm Bureau's informal workshop that discusses agricultural issues related to the New York State Vehicle and Traffic Law.

**b. Explore ways to provide assistance with property encroachment matters**

Advancing technologies in Geographic Information Systems (GIS) may offer the ability for the Town to provide property information when requested by a property owner. This information may include aerial photography and GIS tax parcel mapping. It is important to note that this information would be provided to the requestor with certain qualifications regarding its accuracy. The Town's GIS database was not prepared with the intention or level of detail necessary to establish the exact location of property lines.

Additionally, the Town maintains several property plot and subdivision plans archived at Town Hall. When requested these plans can be provided for information purposes through the Freedom of Information Law process. To assist with property encroachment matters related to future development, the Town may wish to require that survey markers (iron rods) be placed at the property corners of new lots when future subdivisions are developed.

**c. Include Agricultural Advisory Committee in the Town's Development Planning Committee review of potential projects to determine impact on agriculture.**

The Town's Development Planning Committee (DPC) consists of representatives of the various Town departments that are involved in facilitating or servicing development projects in Town. The DPC holds regularly scheduled monthly meetings during which prospective developers can present development concepts and receive feedback from the Town on a host of development related issues. A representative of the Agricultural Advisory Committee may attend the monthly DPC meeting to voice questions or

concerns regarding the potential impact of proposed development on neighboring agricultural land.

It is recommended that the Chair of the DPC notify the Chair of the Agricultural Advisory Committee regarding DPC monthly meeting agendas. Subsequently, the Chair of the Agricultural Advisory Committee would notify an adjacent agricultural and farm landowner(s) when appropriate.

**d. Explore opportunities for remedial actions where drainage from existing development and infrastructure negatively impacts farmland.**

New development must meet current NYSDEC standards for stormwater management that are intended to mitigate the drainage impacts of the development on adjacent lands (including farmland). The NYSDEC standards are also intended to minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels.

However, problems exist, specifically with drainage on farmland, caused by existing development that was approved under prior to NYSDEC stormwater management standards. During routine Town roadway and/or drainage maintenance activities there may be an opportunity to remediate these problems, where feasible and appropriate. A potential funding source may include the amenity/incentive zoning provision discussed in Recommendation V-b.

It is recommended that Town Department's including Public Works, Highway and Planning, continue to provide engineering/planning review of problem areas (i.e. drainage) that are affecting agricultural lands, and consider options to address problem areas where feasible and appropriate. Currently, stormwater drainage issues such as illicit stormwater connections or activities, or construction activities causing stormwater pollution, can be reported to the Town Stormwater Management Program Coordinator via phone (439-4955) or the Town's website ([www.townofbethlehem.org](http://www.townofbethlehem.org)).

**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 (accessory uses) occurring on the farm, including bed and breakfasts, home offices or machine repair shops. These businesses help diversify 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 Bethlehem should support the agricultural industry just as it does other industries in town.

IV. RECOMMENDATIONS:

- a. Adopt New York State Department of Agriculture and Markets definition of “agri-tourism” and include the term as an “Agricultural Use” as defined in the Zoning Law.** Currently, the Town’s Zoning Law does not include a definition for agritourism and the Schedule of Uses Table does not include agritourism in its list of uses. According to the New York State Department of Agriculture and Markets “Agricultural tourism” means ‘activities conducted by a farmer on-farm for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public’s understanding and awareness of farming and farm life.’ The addition of this term to the “agricultural use” definition in the Zoning Law will allow for agri-tourism to occur in any zoning district where agricultural uses are allowed, subject to the same review process currently required..
- b. Further review the Zoning Law Schedule of Use Regulations (§128-99) to determine complimentary uses that support agriculture and farmland.** The review of the Zoning Law Schedule of Use Regulations, located in Appendix F, identified potential complimentary uses to the principal use of an agriculture/farm operation (agriculture use). However, as this was only a cursory review, further research to identify appropriate review approval (i.e. by-right, site plan, special use permit), scale, and externalities is needed before recommending specific changes to the Schedule of Use Regulations. This review could be conducted by the Department of Economic Development and Planning with assistance from the Agricultural Advisory Committee during the Department’s annual zoning update period.

**c. Increase the temporary off-site signage (Zoning Law §128-59) allowed for farms.**

Farms do not have the luxury of locating close to their consumers, unlike other businesses. Signs assist farmers in marketing their businesses and products they have to sell. In most cases, such signs are temporary, during the growing season, or often only in certain peak times of harvest. Currently, the Zoning Law allows agricultural premises to place in an off-site location not more than one temporary sandwich board, chalkboard, or reader board type sign. This recommendation increases the quantity of temporary signs to a maximum of four (4) off-site, provided all other design and siting guidelines are met.

**d. Work with Albany County to update the “Albany County Bounty” farm guide to help promote Bethlehem agricultural and farming businesses.**

Albany County has produced “Albany County Bounty”, a County farm guide that provides information regarding the locations of farms in the County and lists their production. The information from this guide is available on the County website [www.albanycounty.com/bounty](http://www.albanycounty.com/bounty) and is also produced in a fold-out brochure. Updates to the guide would be developed with the approval of willing landowners/business owners. Links to similar farm guides developed in other communities can be found in the Appendix N.

**e. Explore opportunities for the Bethlehem Industrial Development Agency to invest in agricultural businesses.**

The mission of the Bethlehem Industrial Development Agency (IDA) is to promote and assist business growth that will increase the tax base, develop employment opportunities, and enhance the quality of life for Bethlehem residents. The Town recognizes that agriculture is a business, which could benefit from the resources that the IDA may be able to provide, including financial assistance or tax exemptions to agriculturally related businesses. The IDA with assistance from the Albany County Business Development Corporation may be able to develop programs specifically related to agricultural businesses, such as low interest revolving loan funds or working capital programs, where legally possible. The Town Department of Economic Development and Planning can offer assistance with this activity. Samples of such support from other IDA’s and Economic Development Agencies can be found in the Appendix O.

**GOAL: Provide voluntary incentives for agricultural landowners to continue agricultural activities.**

Incentive-based land protection tools are just one of many strategies to implement the Town’s farmland protection plan. All incentive tools must be voluntary in order to be successful. All

participants in programs as described below should consult carefully with their financial advisors to ensure the right decision for each individual farm family is made. The Town of Bethlehem should support such landowner-driven farmland protection tools.

### V. RECOMMENDATIONS:

#### **a. Research and consider the development of a term conservation easement program.**

During the agricultural landowner interviews and public meeting there was interest in researching a term conservation easement program for the Town. A term conservation easement program would provide tax relief to agricultural landowners who agree to the conservation of resources for a given term of years. The easement may be set up on a sliding scale where the tax benefit increases the longer the term of the easement. Samples of such a term easement/tax abatement program can be found in the Appendix P.

In general, the following steps should be followed by Town staff in developing such a program:

- Develop criteria for term easements (types of resources to preserve, terms of easement, etc.)
- Identify eligible parcels in cooperation with willing landowners and develop a methodology to document the resources associated with the eligible parcels.
- Evaluate fiscal impacts and make a recommendation on the extent of the program.
- Draft and recommend a term conservation easement law for Bethlehem Town Board consideration.

#### **b. Develop amenity/incentive zoning to assist in preserving farm and agricultural lands.**

New York State Town Law Section 261-b, Incentive Zoning, empowers Town Boards to provide for a system of zoning incentives. By developing amenity/incentive zoning, the Town may grant zoning incentives in the form of density bonuses to developers to encourage the provision of certain community benefits or amenities, such as contributions to offset costs resulting from term easements, purchase of development rights, or to assist with drainage remediation projects that preserve active agricultural lands. Funds collected through the amenity/incentive zoning process would be placed in a dedicated fund for the preservation of agriculture and open space resources of willing landowners. A pilot project in which this type of amenity zoning might be used is the New Scotland Road Hamlet area.

Steps in the development of amenity/incentive zoning would include the identification of permitted areas for density bonuses (most likely Hamlet Zoning Districts) and identification of desired amenities (community benefits such as open space and agricultural resources). A draft local law would be developed and example scenarios testing should be conducted to evaluate the law before adoption.

**c. Provide education regarding existing Purchase of Development Rights (PDR) programs and natural resource conservation programs (Federal and State) and support applications as they arise.**

The Purchase of Development Rights (PDR) is a voluntary tool that pays landowners for their development rights to protect their land for agriculture. An easement that runs with the deed to the land in perpetuity is placed on the property ensuring it cannot be developed for non-agricultural uses. The landowner still maintains ownership of the property and all other rights to it. PDR can be applied to agricultural properties as well as lands with scenic, natural, or other open space values.

The town should consider advancing purchase of development right projects by supporting those that provide multiple benefits and receive various funding sources, such as farmland protection and watershed protection. The town could assist landowners who desire to apply to the Federal and State PDR programs by providing application assistance from the Town Planning Department in the form of staff time and technical support. The town does not need to have a PDR program in place to submit projects or state grant funding.

In addition, other programs exist through the Farm Services Agency, Natural Resource Conservation Service and Soil and Water Conservation Districts that temporarily protect land through easements and provide grants for environmental stewardship of land. The Town can assist farmers in learning more about these programs and connecting them with the right project partners.

## Implementation

This section prioritizes the recommendations for short, medium, and ongoing activities, and identifies the responsible parties to assist with implementation. The Town, including the Department of Economic Development and Planning and existing Boards and Committees, and the establishment of an Agricultural Advisory Committee, will play a vital role in the implementation and success of the Plan. Short term recommendations are those that could be implemented immediately, within 0 – 1 year. Medium term recommendations are those that could be implemented following the completion of short term items (1 – 3 years). The products of short term items could be utilized for the development of the medium term recommendations. Ongoing recommendations are actions that are to be incorporated into the ongoing activities of Town Departments (i.e. Planning, Public Works, Engineering, Highway, etc.).

The recommendations provided in the Implementation Table have been organized based on the implementation timeframe (in no particular order of importance). Goal numbers are provided to identify the goal intended to be achieved. The goals and their respective numbers are listed below:

**Goal 1:** Foster communication between farmers and non-farming community to encourage and support the existence of the agricultural industry within the Town.

**Goal 2:** Encourage flexible town policies and regulations that are supportive of agriculture.

**Goal 3:** Assist and support in resolving issues causing adverse impacts on agriculture and farmland.

**Goal 4:** Support economic opportunities for farms and businesses that complement agriculture.

**Goal 5:** Provide voluntary incentives for agricultural landowners to continue agricultural activities.

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**AGRICULTURAL AND FARMLAND PROTECTION PLAN RECOMMENDATION PRIORITIZATION TABLE**

GOAL	RECOMMENDATION	IMPLEMENTATION	RESPONSIBILITY	COMPLETE
1	Draft and adopt a resolution in support of the Albany County Right to Farm Law	SHORT TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
1	Establish an Agricultural Advisory Committee to provide advisory information to the Town Board, Planning Board or Zoning Board of Appeals with regard to agricultural related issues.	SHORT TERM	TOWN	<input type="checkbox"/>
3	Encourage open communication between farmers/owners of agricultural land and Town Police Department.	SHORT TERM	TOWN/CACC/ AG COMMITTEE	<input type="checkbox"/>
3	Include Agricultural Advisory Committee in the Town's Development Planning Committee review of potential projects to determine impact on agriculture.	SHORT TERM/ONGOING	DPC/ AG COMMITTEE	<input type="checkbox"/>
4	Adopt NYS Department of Agriculture and Markets definition of agri-tourism and include the term as an "Agricultural Use" as defined in the Zoning Law.	SHORT TERM	TOWN/ AG COMMITTEE	<input type="checkbox"/>
4	Further review the Zoning Law Schedule of Use Regulations (§128-99) to determine complimentary uses that support agriculture and farmland.	SHORT TERM	TOWN	<input type="checkbox"/>
4	Increase the temporary off-site signage allowed for farms.	SHORT TERM	TOWN	<input type="checkbox"/>
1	Provide educational materials about agriculture and related benefits to the community.	MEDIUM TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
1	Work with existing educational programs in schools to educate youth on farming.	MEDIUM TERM	AG COMMITTEE/ TOWN	<input type="checkbox"/>
4	Work with Albany County to update the "Albany County Bounty" farm guide to help promote Bethlehem agricultural and farming business.	MEDIUM TERM	TOWN/ AG COMMITTEE	<input type="checkbox"/>
4	Explore opportunities for the Bethlehem IDA to invest in agricultural businesses.	MEDIUM TERM	TOWN/IDA	<input type="checkbox"/>
5	Research and consider the development of a term conservation easement program.	MEDIUM TERM/ ONGOING	TOWN	<input type="checkbox"/>
5	Develop amenity/incentive zoning to assist in preserving farm and agricultural lands.	MEDIUM TERM	TOWN	<input type="checkbox"/>
1	Encourage Town Board to include representation from agricultural enterprises on town committees and boards.	ONGOING	TOWN	<input type="checkbox"/>
2	Educate and provide support to agricultural businesses and farms during the planning review processes.	ONGOING	TOWN	<input type="checkbox"/>
2	Require all Planning Board members to receive training on agricultural land use planning.	ONGOING	TOWN PLANNING BOARD	<input type="checkbox"/>
2	Educate landowners about the land division review process available in the Town Law.	ONGOING	TOWN	<input type="checkbox"/>
3	Explore ways to provide assistance with property encroachment matters.	ONGOING	TOWN	<input type="checkbox"/>
3	Explore opportunities for remedial actions where drainage from existing development and infrastructure negatively impacts farmland.	ONGOING	TOWN	<input type="checkbox"/>
5	Provide education regarding existing Purchase of Development Rights (PDR) programs and natural resource conservation programs (Federal and State) and support applications as they arise.	ONGOING	TOWN	<input type="checkbox"/>

**\*IMPLEMENTATION LEGEND**

SHORT TERM: 0-1	RECOMMENATIONS THAT CAN BE IMPLEMENTED IMMEDIATELY
MEDIUM TERM: 1-3 YEARS	RECOMMENDATIONS THAT CAN BE IMPLEMENTED FOLLOWING THE COMPLETION OF SHORT TERM ITEMS.
ONGOING	RECOMMENDATIONS THAT ARE ONGOING ACTIVITIES, TO BE INCORPORATED INTO THE ACTIVITIES OF TOWN DEPARTMENTS (i.e. PLANNING, ENGINEERING, HIGHWAY, ETC.)

NOTE: The Town desires to fund these recommendations with grant opportunities from Federal and State Agencies, when available. The prioritization of these recommendations may change as grant opportunities arise and based on availability of Town staff.