

**Town of Bethlehem
Agricultural and Farmland Protection Plan
Study Advisory Committee Meeting**



SUMMARY OF MEETING April 20, 2009
Bethlehem Town Hall Room 101 – 7:00 PM

Attendance

Members:

Tom Gallagher, Paul Kleinke, George Leveille, Nancy Neff, Charles Preska

Staff/Consultants:

Robert Leslie (Town), Deborah Kitchen (Town), Liz Brock (AFT)

Public:

Linda Jasinski, Ryan Kitchen, Thomas Newell, Michael Waldenmaier

Meeting Materials Distributed

03/16/09 Meeting Summary

04/14/09 Draft Goals and Recommendations

04/14/09 Draft Ag & Farmland Protection Plan Recommendation Prioritization Table

04/20/09 Meeting Agenda

04/20/09 NYS Dept. of Ag & Markets definition of value-added agricultural product

04/20/09 Guidelines for Review of Local Laws Affecting Temporary Greenhouses

04/20/09 Definitions found in Section 128-22 of the Town of Bethlehem Zoning Law

04/20/09 FYI re: start up of Delmar Farmers Market, coming to BCMS June 6, 2009 at 9:00 a.m.

04/20/09 FYI re: Asst. Principal Mark Warford's efforts to create an organic vegetable garden at BCMS

Meeting Summary

The March 18, 2009 meeting summary was discussed and approved. It will be posted on the Town's website.

Purpose of Meeting

Review Draft Recommendations

Prioritize Recommendations

Identify Implementation Time Frame

Responsibility

Discussion regarding draft Goals and Recommendations and Recommendation Prioritization Table

The Plan will include a description of the existing conditions and tangible action items.

Goal – Foster communication between farmers and non-farming community to encourage and support the existence of the agricultural industry within the Town. Include language and section number of Town Law which relates to Ag representation on Planning Board. Existing conditions should also include the Town Law statement about Ag representation on Planning Board.

Recommendation - Develop and adopt a Town of Bethlehem Right to Farm Law – identified as a short term priority: Include a note to establish a Right to Farm Law and use the law to restate the importance of agriculture in the Town of Bethlehem. The AFPP Advisory Committee could assist with developing the Right to Farm Law or an Agricultural Advisory Committee could be appointed and charged with the task of developing the Law. Mr. Gallagher noted that a Right to Farm Law adopted by other communities are specific to the Town they are created for - such as the Town of New Scotland. Ms. Neff stated that it would be a good idea to compare the County Right to Farm Law with those adopted by other communities to find out how they were customized to meet the needs of the community. The document could be used to establish an Agricultural Advisory Committee, create a dispute resolution process, or put residents on notice that it is an agricultural community. It was also noted that the Albany County Right to Farm Law includes a

requirement for a Real Estate disclosure statement to inform prospective buyers that the property they are about to acquire lies partially or wholly within an Agricultural District or within 500 feet of an Agricultural District and that farming activities occur within the area as well as thresholds for Agriculture Assessments.

Recommendation – 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 – identified as a short term priority:

Create an Agricultural Advisory Committee and establish parameters for its use. This Committee could be created independent of a Right to Farm Law. And the Right to Farm Law could legislate that it exists. The role of the agricultural committee would need to be clarified. Parameters for its use might include monthly meetings and review of proposed planning Board projects that are located within 500 feet of an agricultural property. Town staff members and/or departments assigned to work with the committee should be identified.

Recommendation – Provide educational materials about agriculture and related benefits to the community through the Town website – identified as a medium term priority:

Create links to materials that have already been posted on other websites such as the NYS Dept. of Agriculture & Markets, Cornell Cooperative Extension, Albany County, NY Farm Bureau, etc.

Recommendation – Work with existing educational programs in schools to educate youth on farming – identified as a medium term priority:

Obtain a copy of the educational curriculum that is available through Cornell Cooperative Extension. Mr. Leslie reported that he has spoken with the Mark Warford, Assistant Principal of Bethlehem Central Middle School about his plan to promote an organic vegetable garden at the Middle School based on his experience with the garden created at the East Greenbush school district. Mr. Preska stated that he was contacted by a social studies supervisor from Eagle Elementary who is interested in agriculture. He has also learned that there is a teacher at the high school who is interested in pursuing a small scale methane digester. Mr. Gallagher reported that five of the Albany City schools are scheduled to visit the Stevens Farm this year.

Recommendation – Provide support to agricultural businesses and farms during the planning review process – identified as an on-going term priority:

No changes were made to the previously written recommendation – dated 04/14/09.

Recommendation – Require all Planning Board members to receive training on agricultural land use planning – identified as an on-going term priority:

No changes were made to the previously written recommendation – dated 04/14/09.

Recommendation – Educate Landowners about the land division review process available in the Town Zoning Law – identified as an on-going term priority:

No changes were made to the previously written recommendation – dated 04/14/09. The information could be shared via Town newsletters or the Bethlehem Report.

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

Revise first sentence to read as follows: During the development of this plan, farmers and landowners shared challenges faced in owning and working farmland in the Town of Bethlehem.

Recommendation – Encourage open communication between farmers/owners of agricultural land and Town Police Department – identified as a short term priority:

This is a similar recommendation noted in the Open Space Needs, Opportunities and Recommendations drafted by the Citizen's Advisory Committee on Conservation. Representatives from the Town, Citizen's Advisory Committee on Conservation and the Agricultural Committee would be involved in the activity.

Recommendation – Utilize Town mapping and archive resources to provide property information as issues arise when requested – identified as an on-going priority:

Recommendation should be softened to include a reason for why mapping might be used.

Recommendation – Include Agricultural Advisory Committee in the Town's Development Planning Committee review of potential projects to determine impact on agriculture –identified as a short/on-going term priority:

Text shown in the prioritization table should mirror the text shown in the goals and recommendations document.

Recommendation – Explore opportunities for remedial actions where drainage from existing development and infrastructure negatively impacts farmland-s – identified as an on-going term priority:

Revise paragraph one to read as follows – However, problems exist, specifically with draining on farmland, caused by existing development that was approved ~~under~~ prior to NYS DEC stormwater management standards. Ms. Neff noted that the document should include information about who to contact when problems arise and what process currently exists for addressing these draining issues. It was suggested that dedicated funds be obtained through the implementation of the amenity/incentive zoning to help offset the expense of taking action on this recommendation.

Recommendation – Adopt New York State Department of Agriculture and Markets definition of “agritourism” and include the term as an “Agricultural Use” as defined in the Zoning Law – identified as a short term priority:

Text shown in the prioritization table should mirror the text shown in the goals and recommendations document. Mr. Leveille noted the Town would be amending a definition that is predicated on the Ag & Markets definition. This action item would require an amendment to the Zoning Law.

Recommendation – Further review the Zoning Law Schedule of Use Regulations (§128-99) to determine accessory-uses that support agriculture and farmland - identified as a short term priority:

Text shown in the prioritization table should mirror the text shown in the goals and recommendations document. The word accessory should be removed from the first sentence. Mr. Leslie stated that a list of uses to be considered was identified at the March 2009 AFPP committee meeting and it will be included in the Plan and reviewed by Town staff at a later date. The Town may wish to consider an overlay district. Ms. Brock indicated that she reviewed the uses that were identified at the March 2009 meeting and compared them to existing zoning regulations and made a recommendation based on her review. Ms. Kitchen asked Ms. Brock to provide the AFPP Committee member with a copy of the document. This action item would require an amendment to the Zoning Law.

Recommendation – Increase the temporary off-site signage allowed for farms - identified as a short term priority:

The section (§128-59) of the Zoning Law will be included in the action plan. Four signs will be allowed. It was suggested that the sentence relating to discussion on design guidelines be removed. This action item would require an amendment to the Zoning Law.

Recommendation – Create a town farm guide to help promote agriculture as a land use and business - identified as a medium term priority:

Work with Cornell Cooperative Extension to complete this action item.

Recommendation – Explore opportunities for the Bethlehem Industrial Development Agency to invest in agricultural businesses - identified as a medium term priority:

It was suggested that the recommendation include assistance by the Department of Economic Development and Planning. Mr. Gallagher recommended that the Town and/or BIDA reach out to other organizations as conduits for funding, i.e., AI Tech Fund, Albany County Business Development Corporation. Ms. Brock suggested that BIDA reach out to organizations that offer business planning seminars.

Recommendation - Research and consider the development of a term conservation easement program - identified as a medium/on-going term priority:

??? recommendation should specify who will be responsible for this task? **The term should be changed to medium/on-going and this change should be reflected in the prioritization table as well.**

Recommendation - Develop amenity/incentive zoning to assist in preserving farm and agricultural lands - identified as a medium term priority:

Edit first sentence to read as follows: New York State Town Law Section 261-b, Incentive Zoning, empowers Town boards to provide 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 assist with drainage remediation** projects that preserve active agricultural lands.

Recommendation – Provide education regarding existing Purchase of Development Rights (PDR) programs (Federal and State) and support applications as they arise - identified as a medium/on-going term priority:

Text shown in the prioritization table should mirror the text shown in the goals and recommendations document.

Recommendations – Continued

With regard to agricultural representation on Town boards and committees, Ms. Neff stated that she was surprised to see that the recommendation to “Encourage Agricultural Representation on Town Boards and Committees such as the Planning Board and Zoning Board of Appeals” had been deleted. She noted that the recommendation was made based on public input from the agriculture community and it was supported by language included in Section 271-11 of NYS Town Law. Ms. Neff indicated that she is strongly opposed to deleting the recommendation because it represents the opinions of several members of the agricultural community and she feels it is a sentiment that should not be ignored. She noted that the Law, reads as follows: “...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 agricultural pursuits in said town....”. Ms Neff stated that the Law addresses the issue of Agricultural representation on the Planning Board – it does not speak to other special interest groups or occupations. The recommendation was developed in response to a large landowner interview summary provided by Laura TenEyck which reads as follows: “farmers feel they have a lack of representation on Town Boards and committees that deal with land use issues.” She also noted that the Planning Board is not currently represented by a business owner.

Mr. Gallagher noted that the members of the Farmland Protection Board would want to see the recommendation included because it would encourage other communities to include the recommendation.

Mr. Leslie stated that based on strong support from the committee members in attendance he would develop the recommendation to reflect the appointment of agricultural members to committees and boards, and include the section of Town Law that pertains to the appointment of Planning Board members. The recommendation will be inserted under the Foster Communications goal. He will also include a reference to the Town Law in the existing conditions section and add the recommendation to the prioritization table.

Follow-up

Update the prioritization table so that it contains the same recommendations listed in the goals and recommendations document.

Provide the AFPP committee members with a copy of the recommendation document Ms. Brock prepared after she compared the Towns zoning to the list of uses that were identified by the committee at the March 2009 meeting.

Generate draft Plan including Ag. Interview, SWOT Analysis, Existing Conditions Narrative, Maps, Draft Goals & Recommendations, Prioritization Table and distribute to Committee Members.

Revise draft and forward to the County Ag & Farmland Protection Board.

Set a date for a Public Hearing.

Obtain a copy of the educational curriculum that is available through Cornell Cooperative Extension.

Compare the County Law Right to Farm Law with those adopted by other communities to find out how they were customized to meet the needs of the community.

Prepare a list of proposed Zoning Law Amendments

Next Meeting

The next meeting will be held on Monday, June 15, 2009 at 7:00 p.m. in Room 101

Respectfully submitted: Deborah Kitchen