

# Town of LaFayette Agricultural and Farmland Protection Plan

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October 2014

Onondaga County, New York



 **THOMA**  
*Development Consultants*



## Executive Summary

The Town of LaFayette is a rural community rich in the tradition of farming and agriculture. The Town is characterized by its vast rolling hills, rich and plentiful farmland, and the expansive fields of apple trees that dot the landscape. LaFayette is a rural community with a small hamlet at its center. It borders the Town of Pompey to the east; Skaneateles is a short drive to the west; the Town of Tully is immediately south; and most significantly, LaFayette shares its northern border with Dewitt / Jamesville, and is only minutes from the City of Syracuse. Due to its close proximity to Syracuse, LaFayette has experienced some recent residential development in the northern most region. This development has primarily taken place at and around the Jamesville Beach Reservoir, as well as a number of clustered residential developments in other areas of the Town.

As of the 2000 U.S Census, the population of the Town was 4,833 people. Since then, the population has risen by about 3% to 4,952. As of the 2000 Census, there were 1,925 housing units within the Town of LaFayette. This number has increased as of the 2010 Census, bringing the housing unit numbers to 2,099. This change in housing units represents an increase of approximately 9% over a ten-year period. Nevertheless, LaFayette remains largely rural, with wide swaths of open space, and a large percentage of land devoted to agriculture.

In 2012, the Town adopted a new Comprehensive Plan. The plan identified the importance of agriculture to the Town's character, way of life, and its economy. The function of this Plan is to build upon the recommendations of the Comprehensive Plan, and expand upon the principles and goals that were presented.

Several primary guiding principles of both plans include:

- Encouraging new development to occur in, and adjacent to the existing hamlet
- Preserve the Town's rural, agrarian character
- Support farming as a primary land use and important economic force

Both the Comprehensive and Agriculture Plan note that, despite the Town's desire to preserve its farmlands, these farmlands are in danger of being lost forever. Although large scale residential and commercial development is unlikely. It is seen that steady, incremental residential development is slowly eating away important agricultural areas. At this rate, up to 25% of existing farmland could be lost to development within 50 years. In many ways, this slow loss is more insidious than larger scale development, as it often occurs unnoticed by community leaders and residents. Nevertheless, the cumulative effects of this progress remain serious. In order to combat the slow, steady loss of farmland, this plan identifies a number of recommendations, including:

- A Re-write of the Town's zoning and sub-division ordinance to remove non-farm friendly components, creating residential districts to concentrate new development where appropriate, and preserve farmland.



## Town of LaFayette Agricultural and Farmland Protection Plan

- Adopt a Town Right-to-Farm Law
- Pursue funding for a Purchase of Development Rights program
- Consider a Transfer of Development Rights program in cooperation with Onondaga County
- Consider incorporating a Conservation Subdivision option in the Town's Zoning Ordinance.
- Continue to have a standing Agricultural Committee of the Town Government.
- Ensure that Town infrastructure remains suitable to support the changing needs of agricultural operations in the Town.
- Support growth in agri-tourism in the Town.

Via this plan, the Town further emphasizes its continued support of agricultural in the community and its desire to take actions to ensure that agriculture remains an integral component of life in LaFayette. The Town will use the tools identified in the plan, as well as others that may arise, to preserve agricultural land and support agricultural operations.



## Chapter I. Introduction & History

### INTRODUCTION

The Town of LaFayette, has a rich agricultural heritage built upon the fertile soils that line the river valley floors that run north and south through the Town. The loam and silt loam soils are well adapted to the production of a variety of crops. It is thus not surprising that there is an extensive history of agriculture within the Town, and that agriculture remains an integral part of its culture and economy. While LaFayette is known for apple orchards, much of the prime agricultural land is devoted to the production of forage in support of non-local dairy farms.



Although agriculture is a dominant land use, the Town has seen slow but steady growth of new housing developments. The suburban sprawl emanating from the City of Syracuse, only 10 minutes north on Interstate 81, could, over time, threaten the rural, agricultural sense of place so valued by Town residents. The Vision Statement from LaFayette's 2012 Comprehensive Plan states, "LaFayette is a beautiful *rural town* and a great place to live. Our vibrant hamlet, *surrounding farmland, green spaces, and scenic views* are preserved through thoughtfully managed development. Our proud community is supported by proactive leadership. We welcome a diverse population, encourage the development of compatible businesses, and strive to capitalize on our existing assets and historic identity as the Crossroads of New York State." Thus, the Town has undertaken the development of this Agriculture and Farmland Protection Plan to better identify and quantify the impacts of agriculture on the

community, highlight impediments and threats to the agriculture industry and lands, and determine strategies for the long-term protection of its agricultural character and economy.



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## HISTORY

The lands that make up the Town of LaFayette was taken from the Towns of Pompey and Onondaga, and organized on April 15, 1825. It derives its name from the Marquis de LaFayette, a prominent hero in both the French and American Revolutions.

Located in the heart of New York, the center of LaFayette lies at the crossroads of two of the longest roads in the United States, Routes 11 and 20, which span all the way from Canada to Louisiana and the East Coast to the West Coast, respectively. The topography of the Town is hilly and broken. Between the Town's two principal streams, Butternut and Onondaga Creeks, is a high ridge, which rises in altitude from three to six hundred feet and includes deep declivities. The valleys on the east and west of this ridge, Sherman and Christian Hollows, extend the entire length of the Town and boast rich soils that give rise to LaFayette's farming industry.



In 1791, the first European settlement was established by John Wilcox, just east of the Indian orchard on Haskin's Hill. Mr. Wilcox sold fruit to the early settlers, and thus agriculture became the Town's first industry.

Numerous other settlements were established. Two strong settlement areas that have withstood the test of time are the Hamlet of LaFayette, and the Hamlet of Cardiff.

The Hamlet of Cardiff, originally known as Christian Hollow, was situated on the Syracuse and Tully Turnpike in the western part of the Town. Although, it was three miles west of the railroad station located in the Hamlet of Onativia, it was the community's strongest hamlet area. At the turn of the 20<sup>th</sup> century, Cardiff contained 30 houses, three stores, one church, a hotel, two wagon shops, a gristmill, and a post office.

Cardiff was a self-sufficient area at the turn of the 20<sup>th</sup> century. Once Interstate I-81 was built in the mid-1950's, however, Cardiff ceased to be a commercial growth area due to its remote location from major transportation systems and lack of commercial infrastructure.

With the building of the Skaneateles and Cazenovia road, the "village" of LaFayette continued to grow as the commercial hub of the Town. In 1854, the railroad was constructed in the Hamlet of Onativia. A station closer to the LaFayette Hamlet area would have fortified the economy of the Hamlet, but instead people had to make the trek to the rail station, which was located one mile to the east. Town residents used the rail system to access goods and services available in the City of Syracuse located to the north. As a result, LaFayette never established a strong Village or business area and remains predominantly rural to this day.



## Chapter II. Mission & Public Participation

### MISSION

In 2012, the Town of LaFayette received a \$25,000 grant from the NYS Department of Agriculture and Markets to prepare this Agricultural and Farmland Protection Plan. This Plan builds upon the Town's 2012 Comprehensive Plan. The Town Board appointed a Steering Committee in January 2013 to oversee the development and implementation of the plan. As directed by the Board, the Committee's mission was to develop an Agriculture and Farmland Protection Plan that addresses the issues identified in the Town of LaFayette Comprehensive Plan, as well as the Goals outlined below.

#### Short Term Goals

- Adopt a Right to Farm law
- Submit the Agricultural and Farmland Protection Plan to the Onondaga County for critical review and suggestions for revision
- Provide support and procedural information to agricultural land owners who wish to consider use of a Purchase of Development Rights program to protect their farmland from development pressures

#### Long Term Goals

- Critically review the Town of LaFayette Zoning Ordinance to ensure that it is supportive of agriculture
- Provide guidance to the Town Board on all issues that involve agriculture
- Develop agriculture friendly regulations to promote sound agriculture practices

The Comprehensive Plan recognizes the importance of the agricultural sector and stresses that the Town of LaFayette, "Support low-impact, sustainable agriculture as an important part of LaFayette's economy and rural character". Ultimately, the purpose of this Agricultural and Farmland Protection Plan is to ensure that agriculture and farming will continue to be a viable and economically significant industry in the Town of LaFayette in the coming decades. This plan furthers the commitment of the Town's Comprehensive Plan to support and encourage agriculture in the community. LaFayette's vision for its future includes agriculture as a central component of its land use, way of life, character and economy, for decades to come. The Town envisions that, over the next three decades, agriculture will remain the primary land use in the community.

### PUBLIC OUTREACH & INVOLVEMENT

Involvement of the public, farmers, and farmland owners is critical to the success of the agricultural protection planning process. All of the meetings held to develop and adopt this plan are detailed in Table 1 below. As indicated, a public hearing was held on June 9, 2014, as required by the New York State Department of Agriculture and Markets. In addition to the various meetings, a survey was disseminated at a public meeting to gather additional information from the public. These survey results are included in Appendix 1.



**TABLE 1  
Farmland Protection Plan Meeting Schedule and Detail**

<b>Date</b>	<b>Meeting Invitees</b>	<b>Topic/Activity</b>
April 9, 2013	Steering Committee	Kick off meeting
May 20, 2013	Steering Committee	Complete "Planning for Farmland Protection" survey; review zoning issues; work on Ag and Farmland Inventory
June 17, 2013	Steering Committee	Work on Ag and Farmland Inventory and Zoning updates
July 1, 2013	Steering Committee	Discuss overall Ag management issues and Zoning issues
July 29, 2013	Steering Committee	Identifying locations of Ag Properties on large-scale map; scheduled meetings for remainder of 2013.
August 19, 2013	Steering Committee	Work on Agri-business/Agri-Tourism inventory; Presentation on zoning and land use tools related to Ag; Presentation on past and projected residential development
September 9, 2013	Public Town Board Meeting	Update on plan development to the Town Board and presentation of project status and results to the public
September 16, 2013	Steering Committee	Review and updating of Farm operations map; Continue Agri-business inventory; Goal setting
September 30, 2013	Steering Committee	Review of draft Right to Farm law; discussion of Public meeting
October 21, 2013	Steering Committee	Re-visit Right to Farm law; Work on farm friendly zoning audit; review and approve public meeting agenda
October 29, 2013	Public Meeting	Presentation on Plan and progress to date; distribution of surveys; Facilitated discussion on a series of Ag topics/issues
November 4, 2014	Steering Committee	Review public meeting and survey results; finalize farm-friendly zoning audit
November 19	Steering Committee	Final wrap-up meeting prior to draft plan preparation
May 5, 2014	Steering Committee	Review and finalization of Zoning Audit
June 5, 2014	Steering Committee	Review of draft plan
June 9, 2014	Town Board	Public Hearing
TBD	Town Board	Submit plan to Onondaga County for review



## Chapter III. Current Status of Agricultural Land

### AGRICULTURAL RESOURCES

#### Topography

LaFayette is located in the Allegheny Uplands, an area formed by glacial processes which resulted in steep hills, deep valleys, and lowland areas shaped by the Town's two major stream systems, Butternut Creek and Onondaga Creek. Elevations range between 540 - 1,500 feet above sea level. Hills and valleys run generally north and south, with the highest elevations and steepest slopes along a ridge in the east side of the Town and another ridge at the Town's western border. Mason Hill in the east, at just over 1,500 feet, is the highest peak, while the Tully Valley Floor (see Topography Map) is the lowest elevation. Nearly all agricultural activity occurs on the valley floors.

#### Soil Resources

Soils in LaFayette are the result of ice-age glacial movements, which removed surface materials and redeposited them in an uneven pattern of soil and rock. The higher elevations tend to have stony, poorly drained soil that is not well suited for cultivation or construction. By contrast, the valleys contain rich soils and extensive deposits of sand and gravel. Virtually all of the Town's soils, with the exception of the ridges, are classified as "Prime Agricultural Soils" or "Farmland of Statewide Importance" by the U.S. Department of Agriculture – Natural Resources Conservation Service. See Prime Agricultural Soils Map. Three soils associations, rated as good and excellent soils for crops, are predominant: Honeoye Silt Loam (HnB), Honeoye and Lansing Gravely silt loam (HoD) and Aurora Silt Loam (AwB).

#### Agricultural Land Use

Agriculture contributes both to the economy and to the open space and rural character of the Town. 91% of land is zoned Agricultural-Residential. According to Real Property Tax data, 4,775 acres, or almost 18% of land in the Town is used for productive agriculture, with another 362 acres classified as primary residential with productive agriculture. 91 parcels with 4,981 acres receive an Agricultural Exemption. After slow declines for many years, the rise of the dairy industry in NYS has resulted in an increase in the amount of land used for agriculture in the past few years. An initial inventory of farms in the Town of LaFayette, using 2010 Real Property Data, shows 94 productive agricultural parcels. However, according to more recent information and an inventory completed with the assistance of the Steering Committee members, the quantity of land used for agriculture has increased since 2010, with 133 parcels now used for agriculture. Most of the additional land is leased to support larger scale dairy operations that are located outside of LaFayette, but are leasing land within the Town. Individual farmers have expanded their operations by purchasing or by leasing additional land, thus achieving enhanced and efficient utilization of their time and equipment. The diversity of farming operations change as marketing opportunities become evident. Table 2 shows the number of parcels and acreage in use for various agricultural purposes. It should be noted, however, that the number of parcels





and acreage being actively farmed, and the types of use, are continually changing. Therefore, the numbers below should be used to gauge overall trends and not for specific numbers.

<b>TABLE 2 AGRICULTURAL LAND USES</b>		
<b>TYPE</b>	<b># of PARCELS</b>	<b>ACRES</b>
<b>Dairy</b>	<b>43</b>	<b>1,802</b>
<b>Field Crops</b>	<b>13</b>	<b>601</b>
<b>Beef (and related crops)</b>	<b>31</b>	<b>990</b>
<b>Horse</b>	<b>10</b>	<b>193</b>
<b>Poultry</b>	<b>2</b>	<b>26</b>
<b>Timber</b>	<b>2</b>	<b>192</b>
<b>Greenhouse</b>	<b>2</b>	<b>5</b>
<b>Other Productive Agricultural/undefined</b>	<b>32</b>	<b>1,102</b>
<b>TOTAL</b>	<b>133</b>	<b>4,911</b>

Source: 2010 Real Property Data

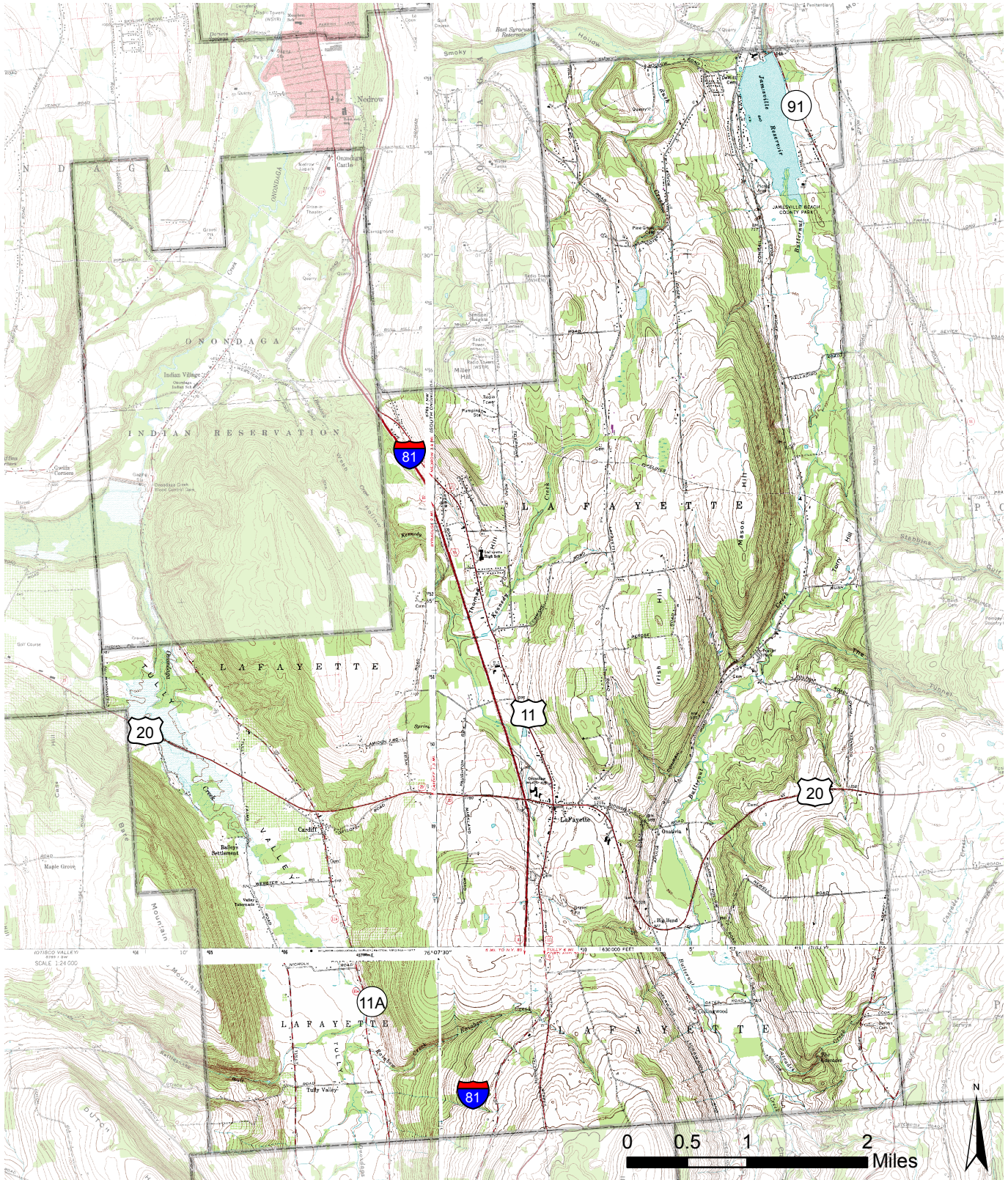
There are 87 land owners that have parcels associated with agriculture in the Town. These farms are part of the 692 farms, or 150,499 acres of agricultural land county-wide. The average farm size of an Onondaga County farm is 217 acres. According to the Census of Agriculture, Onondaga County farms made record breaking total farm sales of \$137.3 million in 2007, up from \$82.1 million in 2002.

The majority of farms in LaFayette belong to one of two agriculture districts. Onondaga County Agriculture District 1 includes farms west of I-81 in the Towns of LaFayette, Tully, Onondaga, and Otisco and District 4 includes farms east of I-81 in the Towns of LaFayette, Tully, Pompey, Fabius, and Dewitt (See Agricultural Districts and Farmland Map).

### **Farmland Ownership Patterns**

The development intentions of agricultural landowners are an important indicator of the stability of agriculture as a land use. As farming operations rely more heavily on rented rather than owned land, farmers face uncertainty about availability of land from year to year. Over the long term, this uncertainty can impact farm operator decisions to invest in their business.

Ownership patterns can be very changeable. As land values increase beyond a parcel's agricultural value, conversion to non-agricultural uses can become the short-term, financially preferred choice. This is particularly true if the farm's owner is near retirement or does not have heirs or partners who will continue the business. The temptation to sell frontage lots to meet a financial need also has an impact on the desirability of the remaining land as farmland. More recently, however, farmland values have been rising, limiting conversion pressures. Whether this is a short term or long-term trend is unclear. Nevertheless, LaFayette has seen an increase in "rented" farmland in recent years and, although there are fewer operators than in the past, the acreage being farmed has increased. A map of rented farmland follows.



Data provided from United States Geologic Survey quadrangle maps.

Date Created: 23 August 2011

# Topography

## Town of LaFayette Agricultural Protection











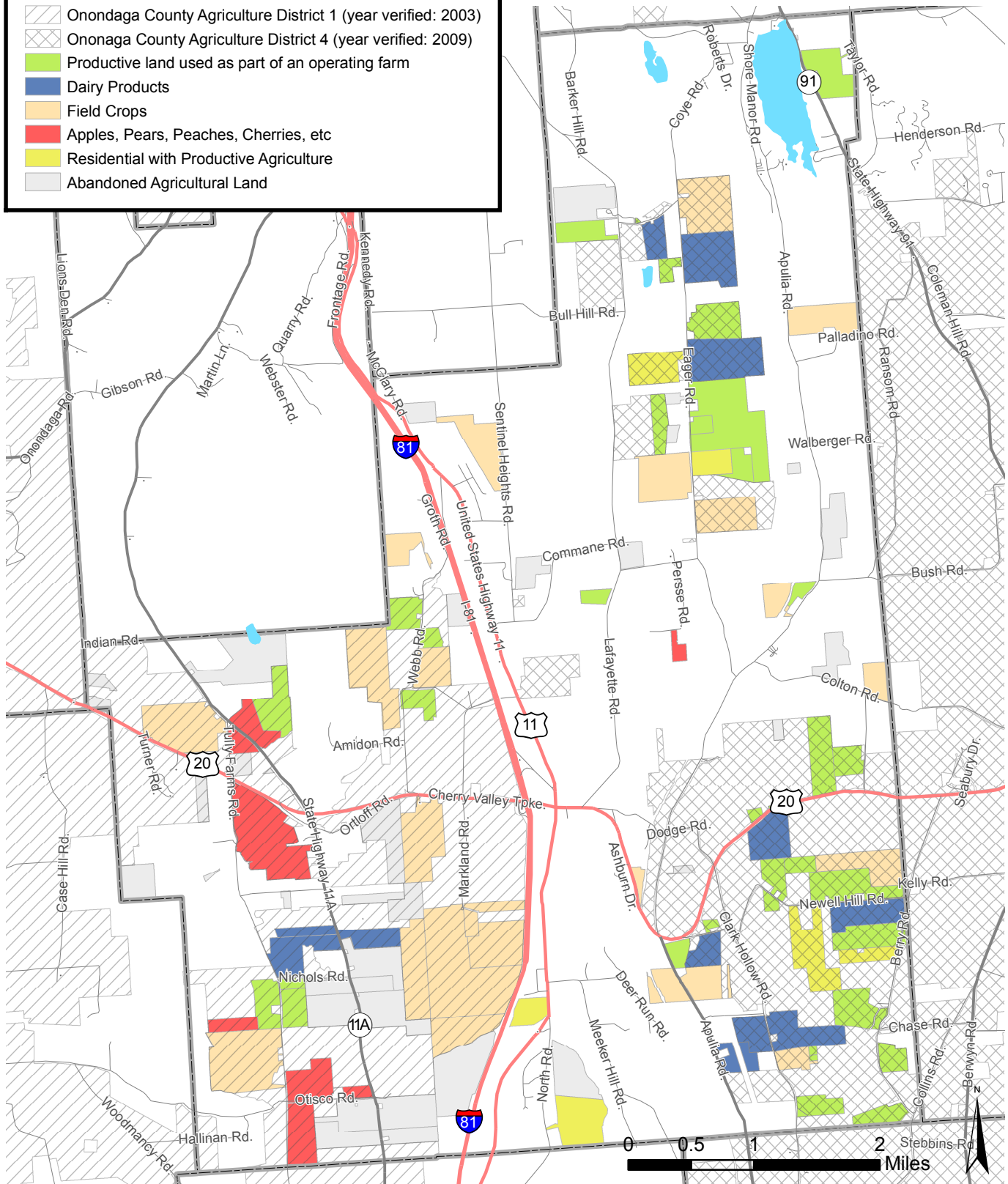
**Soil Type:**

- Prime Farmland Soils
- Farmland of Statewide Importance
- Prime Farmland if Drained



Data provided by Syracuse-Onondaga County Planning Agency

-  Onondaga County Agriculture District 1 (year verified: 2003)
-  Onondaga County Agriculture District 4 (year verified: 2009)
-  Productive land used as part of an operating farm
-  Dairy Products
-  Field Crops
-  Apples, Pears, Peaches, Cherries, etc
-  Residential with Productive Agriculture
-  Abandoned Agricultural Land



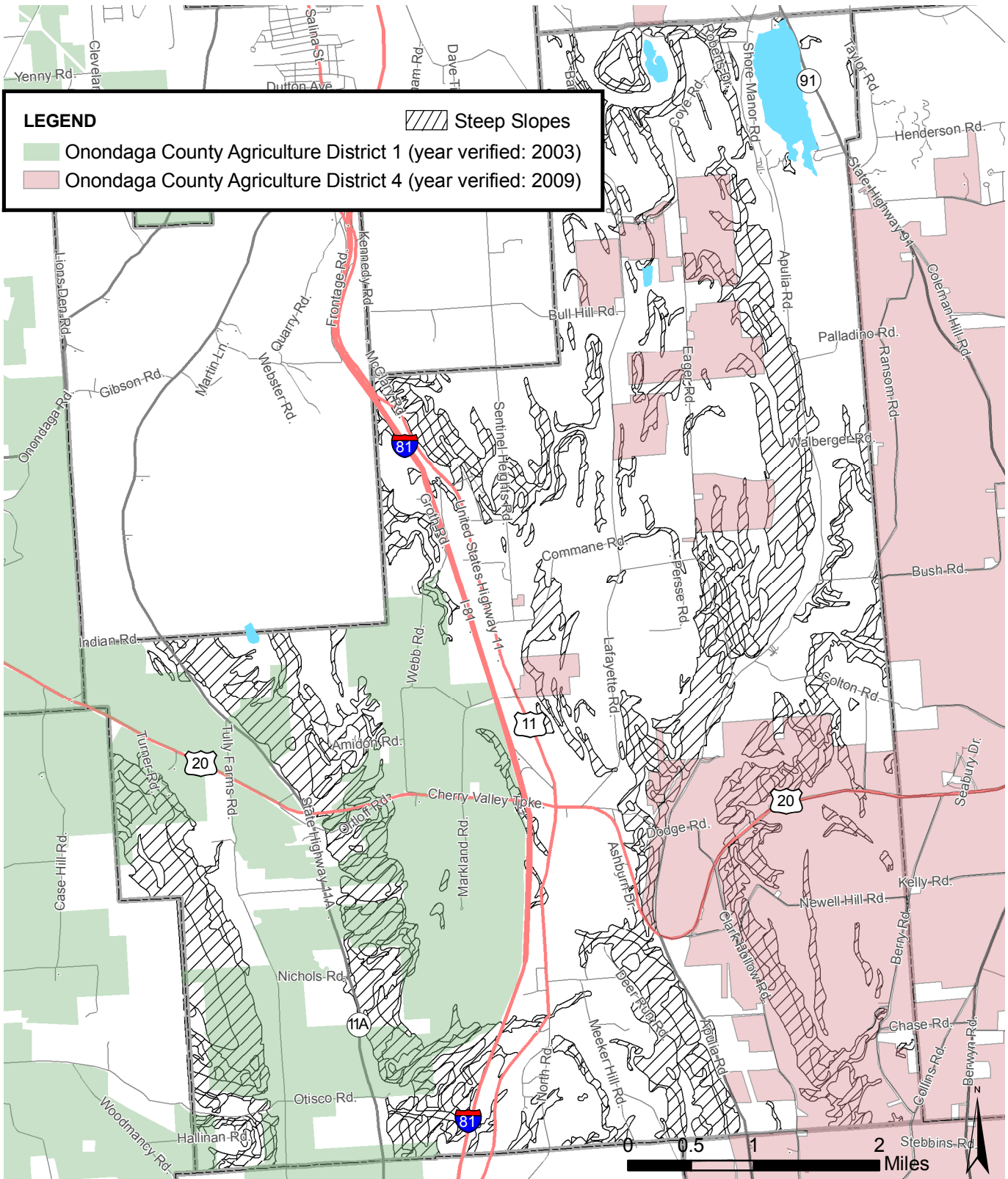
Data provided by Syracuse-Onondaga County Planning Agency and NYS Office of Real Property Tax Services (2010 data).

Date Created: 26 March 2013

# Agricultural Districts and Farmland Use

## Town of LaFayette Agricultural Protection





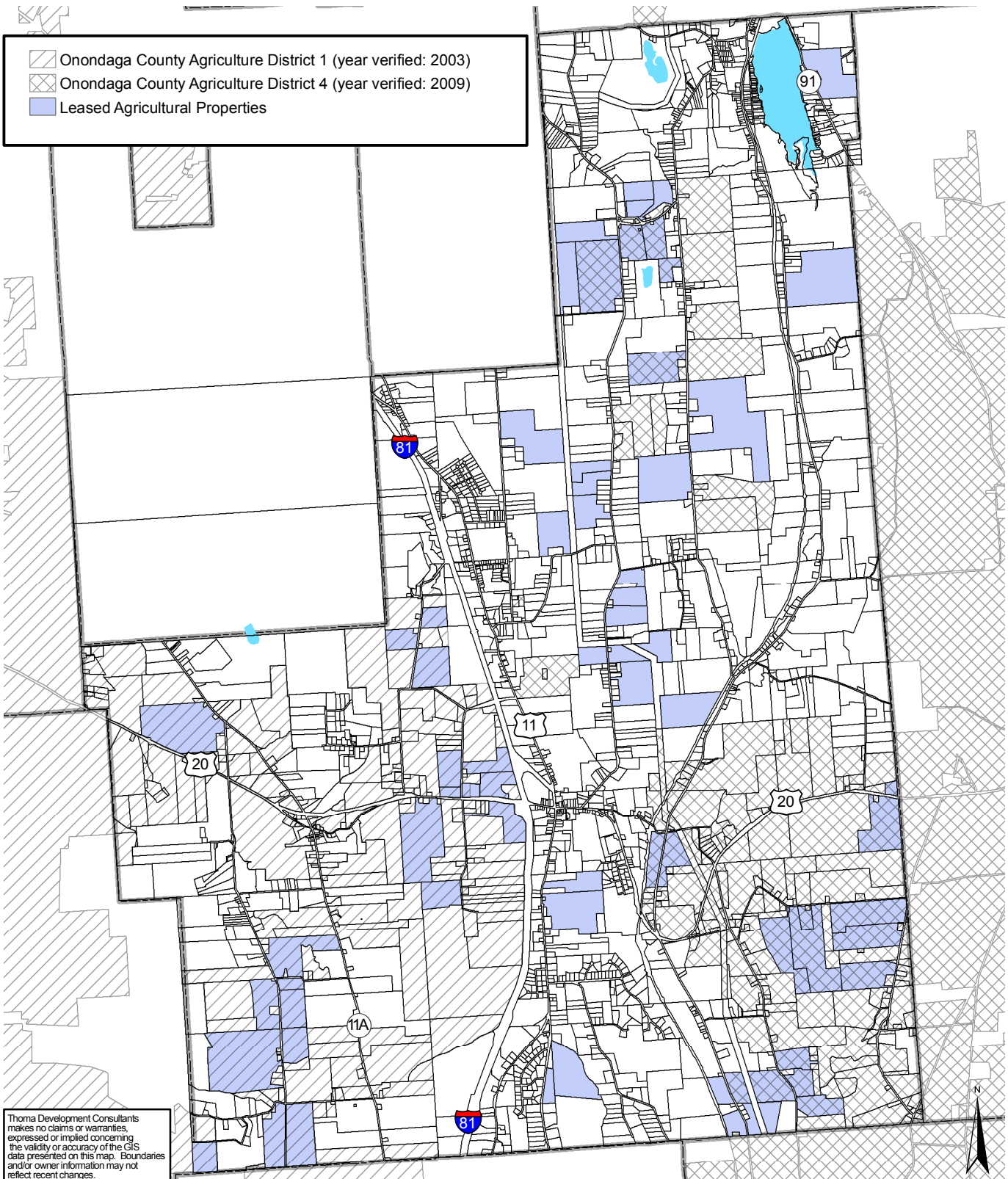
Data provided by Syracuse-Onondaga County Planning Agency and NYS Office of Real Property Tax Services (2010 data).




Date Created: 26 March 2013

# State Agricultural Districts & Steep Slopes

## Town of LaFayette Agricultural Protection





-  Onondaga County Agriculture District 1 (year verified: 2003)
-  Onondaga County Agriculture District 4 (year verified: 2009)
-  Leased Agricultural Properties

Thoma Development Consultants makes no claims or warranties, expressed or implied concerning the validity or accuracy of the GIS data presented on this map. Boundaries and/or owner information may not reflect recent changes.

Data provided by Syracuse-Onondaga County Planning Agency and NYS Office of Real Property Tax Services (2010 data).

Date Created: 26 Sept 2014

# Leased Agricultural Properties

## Town of LaFayette Agricultural Protection





## **AGRICULTURAL INFRASTRUCTURE**

There is abundant agricultural infrastructure within and around the Town of LaFayette, including many agricultural-oriented services, as well as some unique assets that contribute to the vibrancy of the farming industry.

### **Regional Agricultural Land Base**

LaFayette is an integral part of a concentrated area of prime agricultural land in New York State. However, Onondaga County has experienced significant suburban development in recent years. For example, the County lost 5,785 acres of farmland between 2002 and 2007, and 230 acres between 2007 and 2012. Between 1970 and 2000, Onondaga's population declined, but the Syracuse Urbanized Area nearly doubled. Most of this sprawl has occurred to the east and north of the City of Syracuse, with many towns losing their rural, agricultural identity. This sprawl growth, combined with a flat County population, spurred the County to develop a *Sustainable Development Plan* in 2012, which highlighted the need to preserve open space and agricultural lands. Towns south of Syracuse, such as LaFayette, Tully, Spafford, Otisco, and Fabius haven't faced the same development pressures as much of the rest of the County. These areas tend to have more in common with rural Cortland County to the south rather than the urban and suburban areas of Onondaga County.

This agricultural land base is important to retaining agricultural support businesses such as equipment dealers, feed and seed suppliers, mills, and professional services. The Town of LaFayette, however, has only a limited supply of businesses supporting agriculture.

### **NON-Fragmented Farmland**

LaFayette's agricultural land base remains concentrated but is slowly growing more fragmented over time by the cumulative impacts of low-density residential development and larger scale subdivisions. The maps following show the relation of agricultural and non-agricultural parcels in farming areas, as well as concentrations of denser housing development.

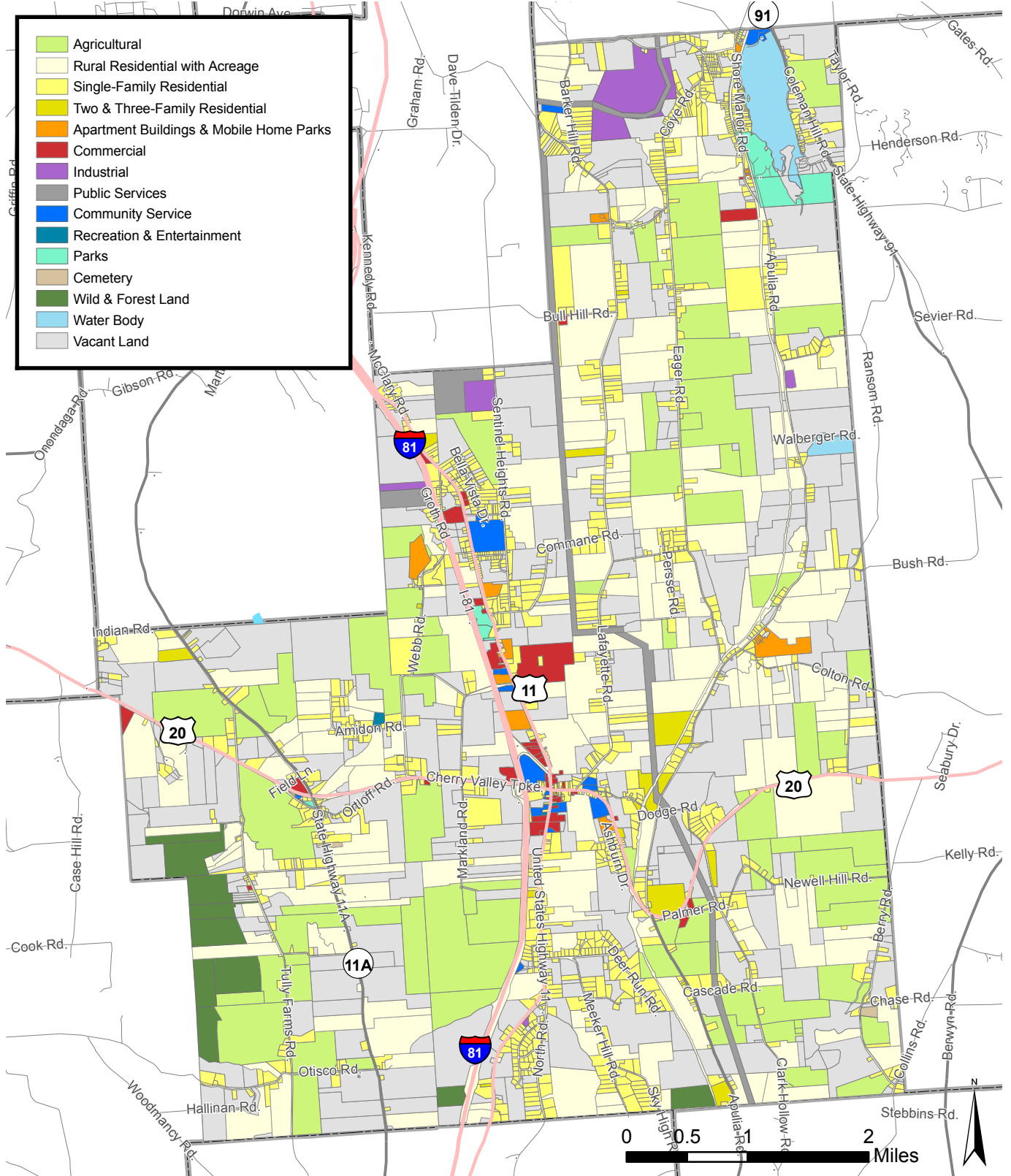
### **Participation in the NYS Agricultural Districts Program**

There are over 4,000 acres of LaFayette land enrolled in NYS Agricultural Districts 1 and 4. Participation in the State Agricultural District Program provides landowners certain protections from unreasonable restriction of the agricultural practices by local government, right to farm protection, and assurance that construction practices of public infrastructure projects will not adversely impact farmland, amongst other benefits. The majority of farms in LaFayette belong to one of these two agriculture districts.

### **Public Infrastructure**

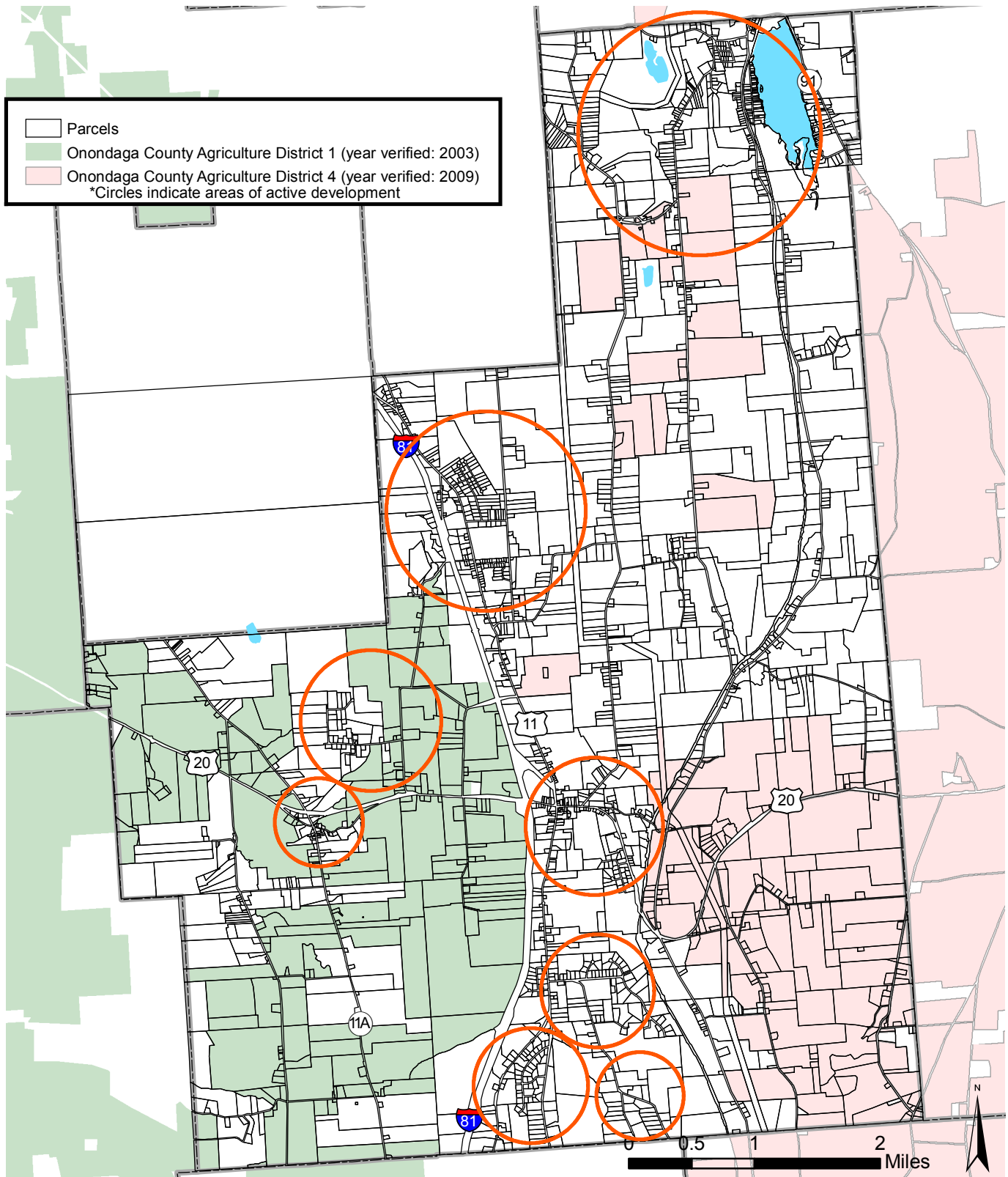
The Town has very limited public water and sewer infrastructure, which has been a limiting force on the conversion of farmlands to residential or commercial use. Public water is available in the northern reaches of the Town west and south of the Jamesville Reservoir. The presence of this infrastructure, and the easy access to Syracuse, creates greater conversion pressure, particularly for residential use.

- Agricultural
- Rural Residential with Acreage
- Single-Family Residential
- Two & Three-Family Residential
- Apartment Buildings & Mobile Home Parks
- Commercial
- Industrial
- Public Services
- Community Service
- Recreation & Entertainment
- Parks
- Cemetery
- Wild & Forest Land
- Water Body
- Vacant Land



Data provided by Syracuse-Onondaga County Planning Agency and NYS Office of Real Property Tax Services (2010 data).





□ Parcels  
 ■ Onondaga County Agriculture District 1 (year verified: 2003)  
 ■ Onondaga County Agriculture District 4 (year verified: 2009)  
 \*Circles indicate areas of active development

Data provided by Syracuse-Onondaga County Planning Agency and NYS Office of Real Property Tax Services (2010 data).

Date Created: 26 March 2013

# State Agricultural Districts & Developed Land

## Town of LaFayette Agricultural Protection





## **Transportation and Geographic Advantage**

LaFayette is located in the geographic center of New York State. It is bisected by Interstate 81, which runs north to south through the Town. Exit 15 of I-81 serves the LaFayette Hamlet. US Routes 20 and 11 intersect in the Hamlet. As a result, the community is well served by roadway services. A rail line runs north/south through the Town, but there is limited service, and no access in the Town. Major markets on the east coast and southern Ontario, Canada are all within less than an eight-hour drive. As a result, access to markets is relatively easy.

## **Agricultural Support Services**

A core of agricultural support services is available in the area, if not in the Town. These include, but are not limited to, the following:

- Trucking companies/services
- Equipment dealers
- Food processors
- Feed and seed supply
- Mills
- Professional services such as brokerage, agricultural chemical, and large animal veterinary
- Fertilizer and chemical supply

The availability of these types of support services and businesses are vital to the success of the agricultural industry. Without such businesses, the industry would suffer and agriculture in the community would decline. LaFayette must continue to ensure that agricultural support businesses and services are available to support farmers in the community.



## Chapter IV. Agri-Tourism

Agri-tourism is a growing trend in the farming community. It provides an opportunity for farm operations to expand and diversify their income. Agri-tourism in Onondaga County is currently limited: only 11 farms generated income from agri-tourism and recreational services in 2011. Beak and Skiff Apple Orchards is one producer that has fully-developed its agri-tourism potential with year-round activities. Although billed as being in the Town of LaFayette, it is actually outside Town boundaries. The annual LaFayette Apple Festival, located in the western portion of the Town, near Cardiff, draws thousands to the community one weekend each autumn.



As noted, the Town is bisected by US Route 20, America's longest highway and a State designated Scenic Byway. The Route 20 Association of New York State promotes the corridor from Duanesburg in Schenectady County to LaFayette. The U.S. Route 20 Byway Strategy identifies tourism and interpretation, including farming and agri-tourism as a major component.

Despite its rich farming history, vibrant farming community, and location at the western terminus of the Scenic Byway, the community has done little in regards to agri-tourism. The hamlet has few shops to attract visitors and, other than an occasional farm stand, very few farms provide agri-tourism experiences. Local businesses included as members on the Route 20 Association website include Cazenovia Equipment, Adams Eden Camp, Cherry Valley House Home Furnishings, Gernhardt Gallery, LaFayette Hills Country Club, McClusky Orchards, Navarino Orchards, and Beak and Skiff. A number of these businesses, however, are either no longer open or are not actually located within the Town. Only the two orchards are agricultural producers. In addition to those listed on the website, other agri-tourism/agri-businesses are located within the Town, including, but not limited to, Plumpton Farms, Bull Hill Farms, Tanglewood Riding Center, Green Thumb Markets, Harper's Greenhouse, Watson Greenhouse, Claddagh Farms Alpacas, and Trillium Stables.

The level of interest for greater Agri-tourism development in the Town, as demonstrated by the Steering Committee, public meeting, and survey results, is low. While there is no antipathy for agri-tourism, it is not seen as a significant opportunity. Nevertheless, a growth of agri-tourism in the Town could generate additional economic activity. This could include Bed and Breakfast/Farm Inns, farm tours, corn mazes, a farmer's market, additional farm stands, and other businesses that could capitalize on the Town's rural character, including antique shops, craft shops, eateries featuring local products, and others. The Apple Festival Grounds, owned by the non-profit organization that runs the Festival, sits idle for much of the year. Use of the facilities could be expanded to include additional events, such as the Bluegrass Festival it hosts annually.



## Chapter V. Viability of Agriculture in the Town of LaFayette

### ECONOMIC CONTRIBUTION OF FARMS TO LOCAL ECONOMY

According to the 2012 Census of Agriculture, the value of agriculture sales in the United States was the highest ever recorded, with both crop and livestock sales at record levels. Although farm income was higher than in 2007, so were production expenses. In New York State, there were 35,537 farms with \$5,415,125,000 in products sold, a 23% increase since 2007. “Milk by cows” was the largest commodity group in the State in terms of the market value of product sales.

Despite declines over the years, agriculture remains one of Onondaga County’s largest industries. As documented in the 2012 Census of Agriculture, there were 681 farms in Onondaga County with 159,269 acres. This is a decrease of 11 farms since 2007 and 44 since 2002, although the number of acres farmed has remained relatively constant. Despite the loss in the number of farms, the market value of products sold was \$152,050,000, an 11% increase over 2007’s \$137,372,000. Milk from cows was, by far, the largest commodity in terms of sales at \$79,508,000. This is followed by poultry and eggs at \$13,771,000; vegetable, melons, potatoes, and sweet potatoes at \$6,767,000 (a significant decrease since 2007); and other crops and hay at \$6,249,000. The largest number of livestock was cattle and calves, with 40,176 heads, a slight decrease since 2007.

There were 51 farms in Onondaga County with more than \$500,000 in sales, 36 farms with sales of \$250,000-\$499,999, and 44 farms with sales of up to \$100,000 to 249,999. 178 farms earned less than \$1,000. The average market value of products sold per farm was \$223,275. All of these represent fewer farms than in 2007.

Unfortunately, the five year national Agricultural Census does not provide data at the municipal level. Nevertheless, farms in LaFayette generate millions of dollars in sales each year through the production and sales of farm products. Based on the 2012 Onondaga County average per acre of Ag products sold of \$1,012, it is estimated that LaFayette farms generate more than \$5,060,000 annually in sales (\$1,012 times +/- 5,000 acres).

One of the largest expenses faced by farmers is property taxes. In 2002, 32% of the average Onondaga County farm operator’s net income was used to pay property taxes. A large percentage, but not all, agricultural land in the Town received an agricultural exemption.

According to the 2010 Census, 89 LaFayette residents were employed in the agricultural industry, accounting for approximately 4% of the workforce. This includes all Town residents that work in agriculture, including those that work on farms outside the Town. They had a median income of \$45,650. This means that the total value of income that residents derive from farming is in the \$4M range. The Onondaga Agricultural and Farmland Protection Plan, which was completed in 1997, quotes Nelson Bills of Cornell University in estimating that the total



economic multiplier for agricultural sales is 3.235 in Central New York. Using that multiplier, it is estimated that the total economic value created in LaFayette from agricultural wages and expenditures on supplies and services, in addition to the value of agricultural products, could be upwards of \$15 million.

Agriculture also generates economic impacts from businesses that provide services or goods to farmers and from businesses that process, transport, or resell farm products. These include: retail businesses that sell equipment, fertilizer, seeds and other inputs; providers of financial, technical, and engineering services; construction contractors; trucking companies; processing plants; and retail sales of farm products.

Numerous other local businesses also support or are related to agricultural operations. These include Cazenovia Equipment, JJ Feeds, Byrne Dairy Corporate Offices, and a number of greenhouses.

Based on the Real Property Tax data, it is estimated that the assessed value of ag lands in the Town of LaFayette is \$20,279,000. This results in \$207,334 in Town/County property taxes and \$388,655 in school taxes, prior to any agricultural exemptions. The total property tax impact after exemption is just under \$530,000. According to Onondaga County's 1997 Ag Plan, for every dollar and acre of farmland pays in property taxes, it uses \$.21 in community-funded public services. For every dollar an acre of residential land pays in taxes, it uses \$1.32 in community-funded public services. With this in mind, it is clear that agricultural lands play a significant role in supporting Town, County, and school district budgets.

## Potential for Growth

Aside from the traditional economic contributions of farm operations to the local community, farm operations could create additional economic stimulus by diversifying their operations to offer agricultural-related entertainment. Farms in upstate New York offer entertainment such as annual corn mazes, hay wagon rides, pancake breakfasts, produce-oriented themed events such as apples or stone fruit. Such diversification helps farm families supplement their income from agricultural production and keeps some non-farm spending local.

Direct market sales from farms, either to individuals or through retail outlets such as farm stands or farm markets, also keep retail expenditures local and support farms and farming. Although the Town allows roadside stands, there are some zoning limitations that could make it harder for smaller operations to provide direct sales, as detailed in Chapter VII.

**Local Food Movement** - The local food movement trend has been growing in the Central New York Region in recent years. More area residents are interested in where their food comes from and are eating sustainably. For many this means eating locally grown and raised food which means less consumption of oil for transporting and which contains fewer pesticides. In recent years the area has seen an increase in farmers markets and increased attendance at the Central New York Regional Market. Many new restaurants in the area have made commitments to buying locally grown food. Local specialty food markets, including the Syracuse Real Food Co-op and Natur-Tyme in Dewitt, have seen increased business and have expanded. A new local specialty food store, Green Planet, opened in Camillus in 2010. And finally several local advocacy groups have formed, including Slow Food CNY and Syracuse First. The local food



movement is expected to grow in the future. While numbers are not available for the Town of LaFayette, in 2007, 39 of the Onondaga County's 692 farms produced and sold value-added commodities. The local food movement provides growth opportunities for agricultural operations in LaFayette.

## **VALUE OF AGRICULTURE TO COMMUNITY**

The development of the 2012 Comprehensive Plan included public meetings and other community outreach. A recurring theme expressed by the public was the high value residents placed on the Town's rural, agricultural character. Residents were keenly aware of the suburban sprawl that had occurred in the northern Syracuse suburbs and did not want the same for their community. A SWOT analysis showed "agriculture" and "beautiful/green" among the top Town strengths and "loss of small town character" as the top threat. Although agriculture is the predominant land use in LaFayette, it is not the largest employer. Therefore, while residents value the "agricultural character", this often has more to do with open space rather than agriculture as a community. Elected and appointed officials seem to have a greater awareness of the economic importance of the local agricultural industry than the general public. At no point in the Comprehensive Planning process, however, was a desire for significant suburban development voiced.

## **CONVERSION PRESSURE ON LANDS PROPOSED FOR PROTECTION**

Farms geographically closest to development are generally most vulnerable to being developed because it becomes more profitable for farmers to sell their land rather than to keep it in agriculture use, or the farmer wishes to retire and the value of the land becomes a retirement asset. For the most part, LaFayette has seen little in the way of intense development pressure. Although LaFayette's zoning and lack of water and sewer infrastructure limits the potential for large-scale industrial or commercial development, it places few restraints on residential development. While this means that farmland is not being converted at an alarming pace, it also means that development is happening slowly but steadily, and that the long-term cumulative effects of development may go unnoticed until it is too late to address the problem.

A Build out analysis based on average residential development rates of 15 new homes per year, and a minimum of 1.5 acres per home, show the following:



<b>TABLE 3 IMPACT OF FUTURE RESIDENTIAL DEVELOPMENT</b>		
Years	Homes	Acres Developed
5	75	112
10	150	225
30	450	675
50	750	1,125

With a continued growth rate similar to Table 4, up to 25% of existing agricultural land could be converted to residential use in 50 years. The number of acres converted to residential use could be much higher than the last 50 years since the lot size of new homes is typically greater than 1.5 acres. This is shown on the attached map.

The most likely area for new development is in the northern reaches of the Town near the Jamesville Reservoir. This is the only area in LaFayette that is served by public utilities. The second is areas nearest Exit 15 of I-81 adjacent to the Hamlet. These areas are shown on the following map.

### Population Trends

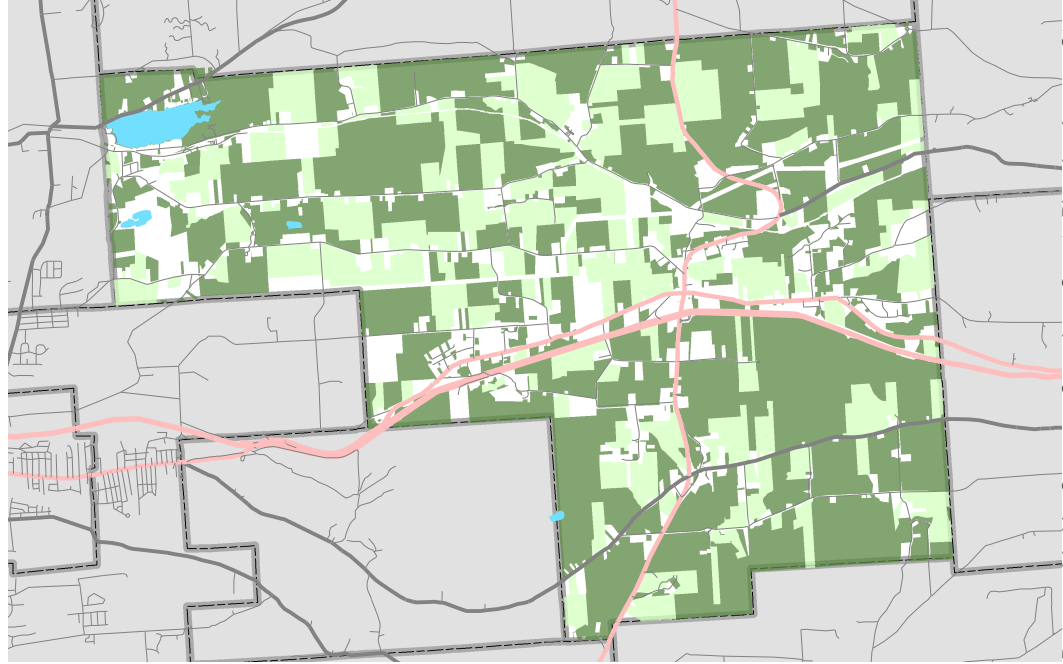
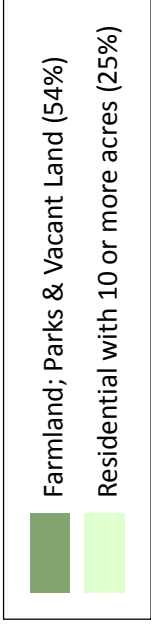
Following a population decrease between 1990 and 2000, LaFayette’s 2010 population increased 2.4% to 4,952 residents since 2000. This growth, while slow, is over 20% higher than Onondaga County as a whole. The number of households increased at a greater pace. The Town’s continued population growth creates more pressure to convert farmland to residential use.

<b>TABLE 4 POPULATION/HOUSING CHANGES</b>					
	1970	1980	1990	2000	2010
Population	4,401	4,488	5,105	4,833	4,952
% Change	30%	2%	14%	-5.3%	2.5%

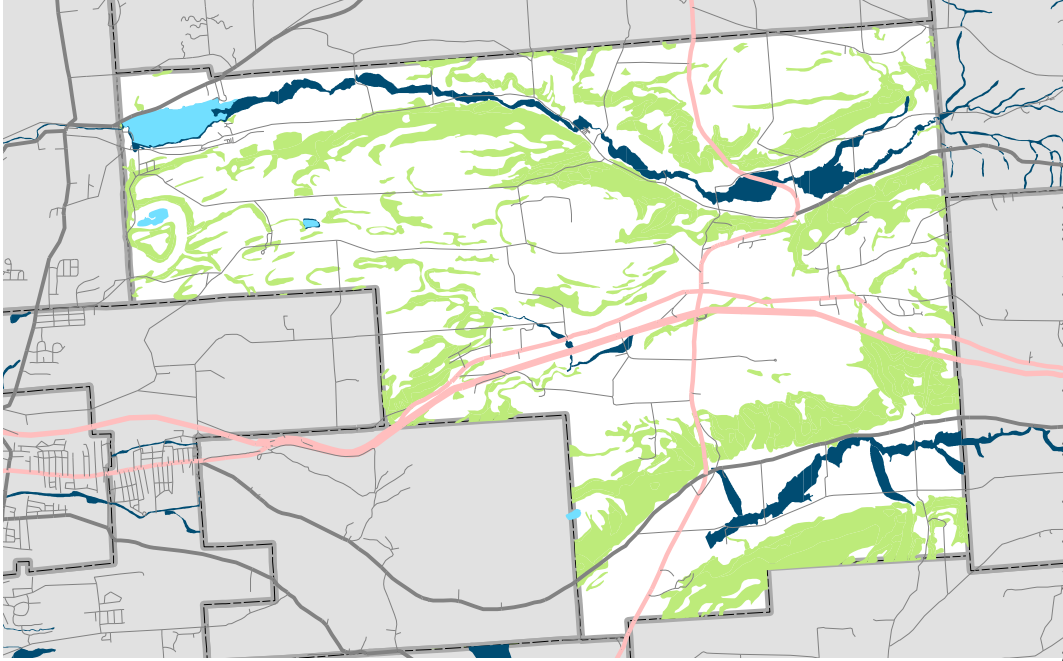
### Housing Trends

Across the United States, marital disruption, increases in human longevity, and delays in marriage account for greater percent increases in the number of housing units compared to the percentage of growth in population. This trend holds true in LaFayette, with the growth in the number of housing units far exceeding population growth. Nearly all new housing constructed in the Town is single family homes, with the vast majority of multi-family housing being located in the LaFayette Hamlet. Table 5 shows the increase in housing units since 1970 and Table 6 shows the increase in population density.

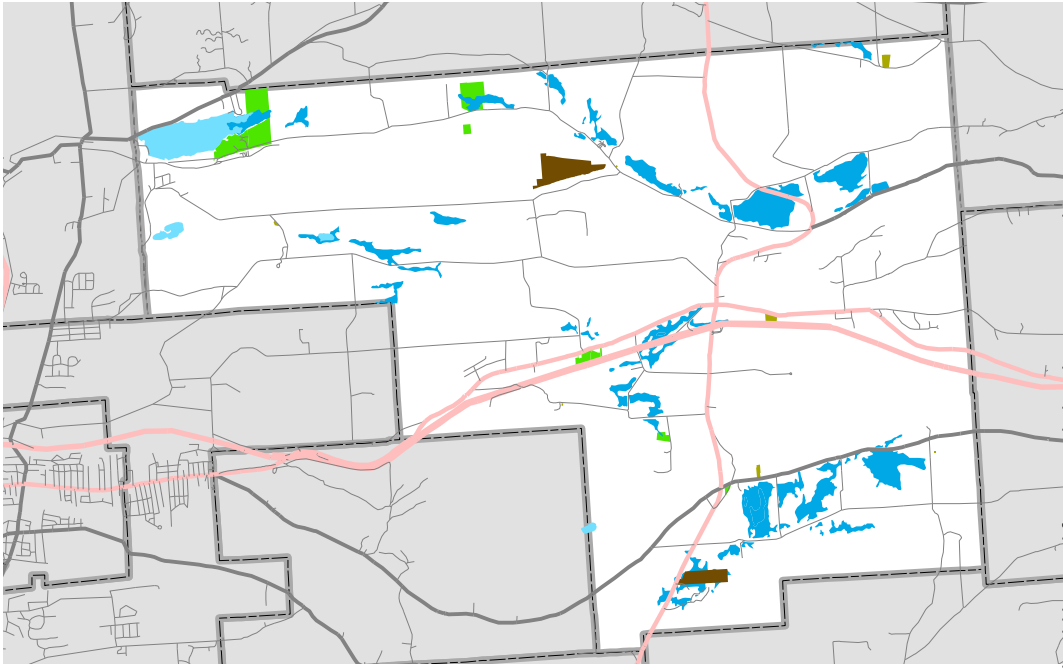
### Existing Open Space (79%)



### Development Constraints (~25%)



### Protected Open Space (~6%)



Data provided by Syracuse-Onondaga County Planning Agency. Steep Slopes data developed based on soils data. All data is approximate and should be used for general planning purposes only.

Date Created: 12 August 2013

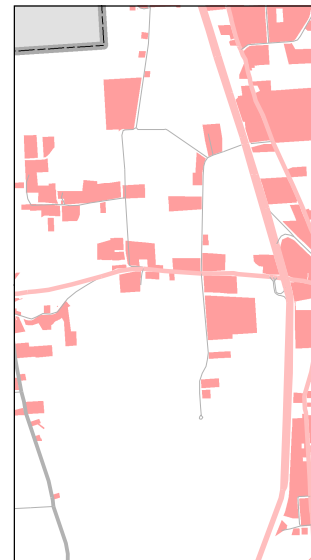
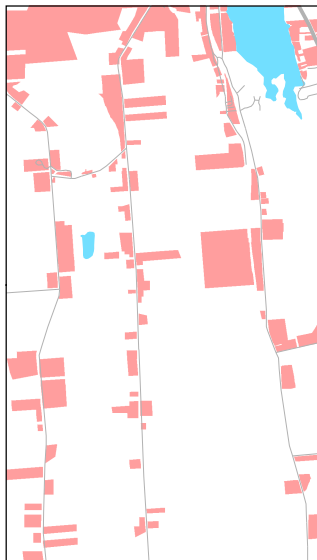
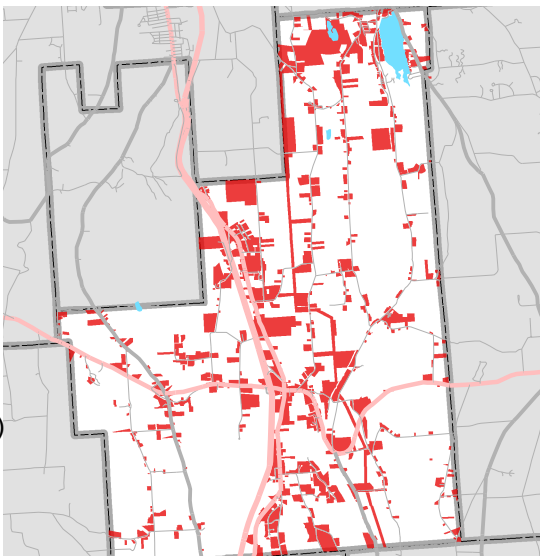


### Town of LaFayette

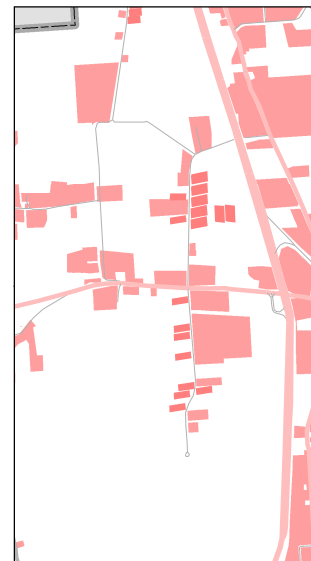
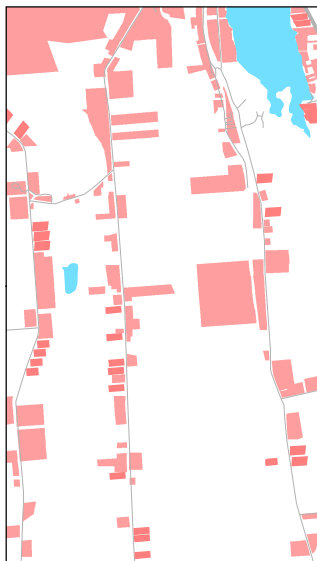
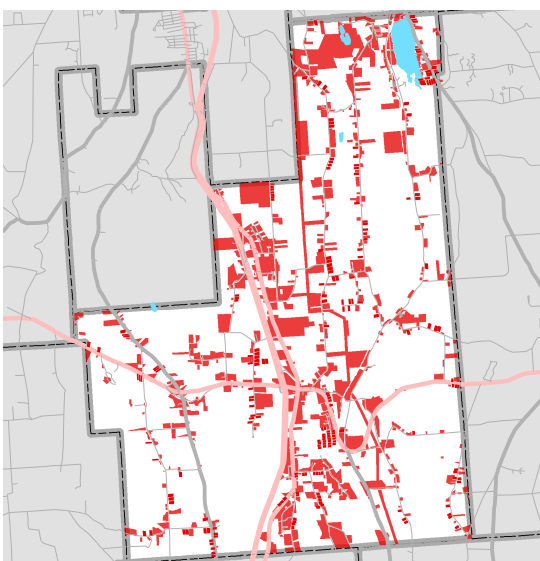
### Northeast area

### West of 81

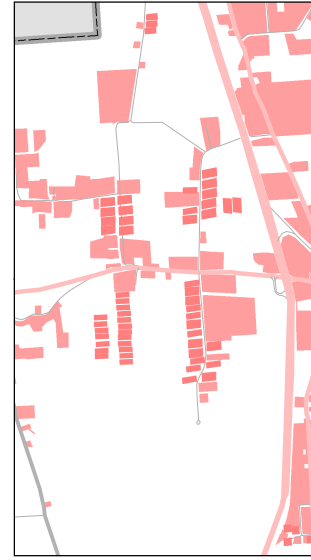
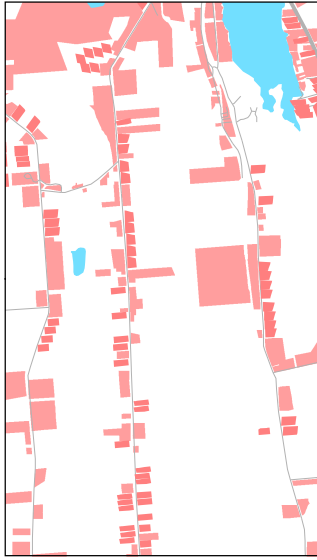
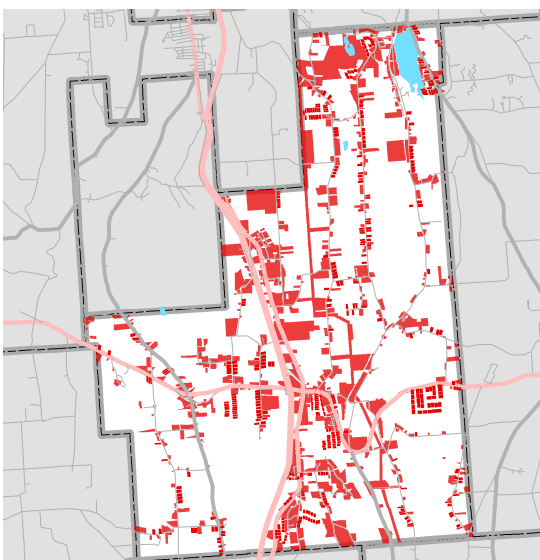
**2010**  
Existing residential & commercial. (not including residential with 10+ acres)



**2030**  
+ 200 houses since 2010.



**2050**  
+ 400 houses since 2010.



LaFayette experienced an average of 14.4 new households each year between 1990 and 2010, including houses and apartments. Above projections are based on 10 new houses per year. New development avoids steep slopes (over 15%), floodplains, wetlands, parks, and land trusts. Projections are meant to visualize overall development patterns and are not meant to show where development will occur at the parcel level.

Date Created: 26 September 2011



<b>TABLE 5 HOUSING UNIT CHANGES</b>				
<b>1970</b>	<b>1980</b>	<b>1990</b>	<b>2000</b>	<b>2010</b>
1,225	1,540	1,825	1,925	2,112
<b>% Change</b>	+25.7%	+18.5%	+5.5%	+9.7%

<b>TABLE 6 DENSITY PER SQUARE MILE 1970 – 2000</b>				
<b>1970</b>	<b>1980</b>	<b>1990</b>	<b>2000</b>	<b>PERCENT CHANGE 1970-2000</b>
31.21	39.24	46.50	49.04	57%

### Water Supply Issues

The availability of public water service, and especially public sewer service, make land more attractive for residential development and other non-agricultural purposes. Lands located closer to public infrastructure can be developed at higher densities, pushing land values up and reducing the likelihood that surrounding land will be dedicated to long-term agricultural use. Providing water will benefit farm operators, but it may also increase development pressure. Currently, only the northernmost regions of the Town near the Jamesville Reservoir are densely developed due to the presence of public water.





## Local Regulatory Environment

The Town's Zoning Code is generally agriculture-friendly, as detailed in Chapter VII . That chapter details a number of minor revisions that could enhance the ag-friendliness of local zoning regulations. One issue in the current regulations is that over 90% of Town land is included in an "Ag-Res" district. While this district is friendly to farming, it does not specify farming as the highest and best use in the district. Instead, it provides equal priority to housing development with a minimum housing lot size of 60,000 square feet (approximately 1.3 acres). This current Ag-Res zoning is supported and valued by the farming community, however, the reality is that the 90% of the Town is susceptible to moderate density housing development, which, over time, could significantly impact continued agricultural use and segmentation of agricultural lands.

## OTHER ISSUES IMPACTING LONG-TERM AGRICULTURAL VIABILITY

### Highway Infrastructure

The Town is served Interstate 81, US Routes 20 and 11, several NYS highway, and County and Town roads. The condition of Town roads and bridges has historically been sufficient to meet the needs of the agricultural industry. However, at the same time this infrastructure ages, the scale of agriculture is increasing, with larger machinery and greater numbers of large trucks. The more rural roads, not built to the same specifications as State and federal highways, are having more difficulty serving the farming needs. The weight of equipment is meeting or exceeding bridge loads in areas. This is a problem that is just beginning to emerge, but it likely to grow in the future.



### Natural Gas Extraction

LaFayette, similar to much of central and southern New York, sits over shale formations that hold large natural gas deposits. Due to the nature of the shale in the Town, and the fact that the Town has enacted a local law banning hydrofracking, it is unlikely, but not impossible, that large-scale gas infrastructure development will occur. If the process is eventually approved in New York, it could have significant impacts on agriculture and agricultural lands, whether or not development occurs within Town borders. The Town must remain vigilant as to the potential for natural gas extraction, and ensure that it does not negatively impact agricultural operations or lands. The Town must also ensure that any effort to control or mitigate the impacts of gas development does not have unintended consequences on the farming industry. For example, Road Usage laws intended to protect local



roads from damage due to gas extraction could also impact large farm equipment and trucking.

## **Farmland Ownership**

Farmland that is leased to farm operations tends to be more vulnerable to development than farmland on which owners of the land operate. As a result, farmers operating on rented land tend to be more reluctant to make long-term capital investments in their business. In LaFayette, the proportion of the agricultural land base comprised of farmer-owned operations has declined over the years, while rental of farmland has increased. If this trend continues, reinvestment in farms may decline as local farmers who operate on rented land become increasingly vulnerable to the financial decisions made by non-farming landlords (to sell for development). In the case of LaFayette, some of the largest renters of ag land are operations outside of the Town.

## **Industrial Farming**

Farming in the Town has traditionally been small to moderate in scale. Recent years have seen an increase in larger scale farming operations that are often very different in character from past farming. LaFayette is currently addressing a proposal for a large manure pond. Such larger scale development raises greater public scrutiny. A continued increase in the scale of farm operations could detract from the character of the Town that residents cherish, and help to diminish the positive image of farming in the community.

## **External Influences**

While this plan is to be used at the Town level, and focuses primarily on issues and actions that are within the control of local government, there are several potential threats to the economic viability of agricultural operations continuously simmering at more macro scales. These include, among others:

- Fluctuations in the cost of inputs (e.g. fuel, fertilizer, seed, services) with limited, or no latitude for the farmer to pass along these costs to the consumer or end user
- International trade agreements
- Global competition
- Changes in federal farm policy
- State and federal regulations
- Federal immigration policy that makes investment in labor intensive crops such as fruits and vegetables a potentially risky investment (due to labor availability)
- A limited local supply of laborers who are willing to work for the wages that farmers can afford to pay

## **Public Awareness/Understanding of Agriculture**

With most people no longer having any direct ties to farming, the media largely shapes the social understanding of agriculture and farming practices. Contact with farmland may be limited to buying produce at a roadside stand a few times a year. As a result of the disconnect between consumers of farm products and the agricultural industry, the public is less sensitive to



the loss of farmland. They are also less educated with agricultural processes, and therefore do not understand the potential impacts of living near agricultural operations. This can result in more negative interactions between residents and farmers.

### **No “Purchase of Development Rights” Program**

The NYS Department of Agriculture and Markets has a Purchase of Development Rights (“PDR”) program that allows localities to apply for PDR grants. A purchase of development rights program allows a town to “purchase” the development value of a farmland parcel from the owner. A permanent agricultural conservation easement is then placed on the land and it can only be used for agricultural purposes. The land is still privately owned and is retained on the tax rolls. To date, no landowners have been able to avail themselves of this opportunity. Processes and procedures, along with more information on Purchase of Development Rights is available within Chapter IV, under the Preservation Toolbox section.

### **No “Transfer of Development Rights” Properties**

Municipalities are authorized by Section 261-a, NYS Town Law, to establish Transfer of Development Rights provisions in their zoning regulations. Owners of land in designated conservation or “sending” areas may voluntarily sell their development rights for use in designated “receiving” areas. Developers who propose projects within the “receiving” areas are entitled to develop at a higher density than would otherwise be permitted by zoning. There are currently no properties within the Town that have taken advantage of this land preservation tool. Further information on Transfer of Development Rights is located in Chapter IV, under the Preservation Toolbox section.



## Chapter VI. Farmland Proposed for Protection

### IDENTIFYING WHERE AGRICULTURAL USE SHOULD BE A PRIORITY

Although it may be desirable to protect all agricultural land in the Town, defining a “critical mass” of land on which the Town can bestow the highest level of protection is a more realistic goal. The suitability of any particular parcel for protection can be ascertained by employing several tools: a suitability analysis using ESRI’s ArcGIS software; delineation of the best or most productive soils for crop production based on soil maps and historical production

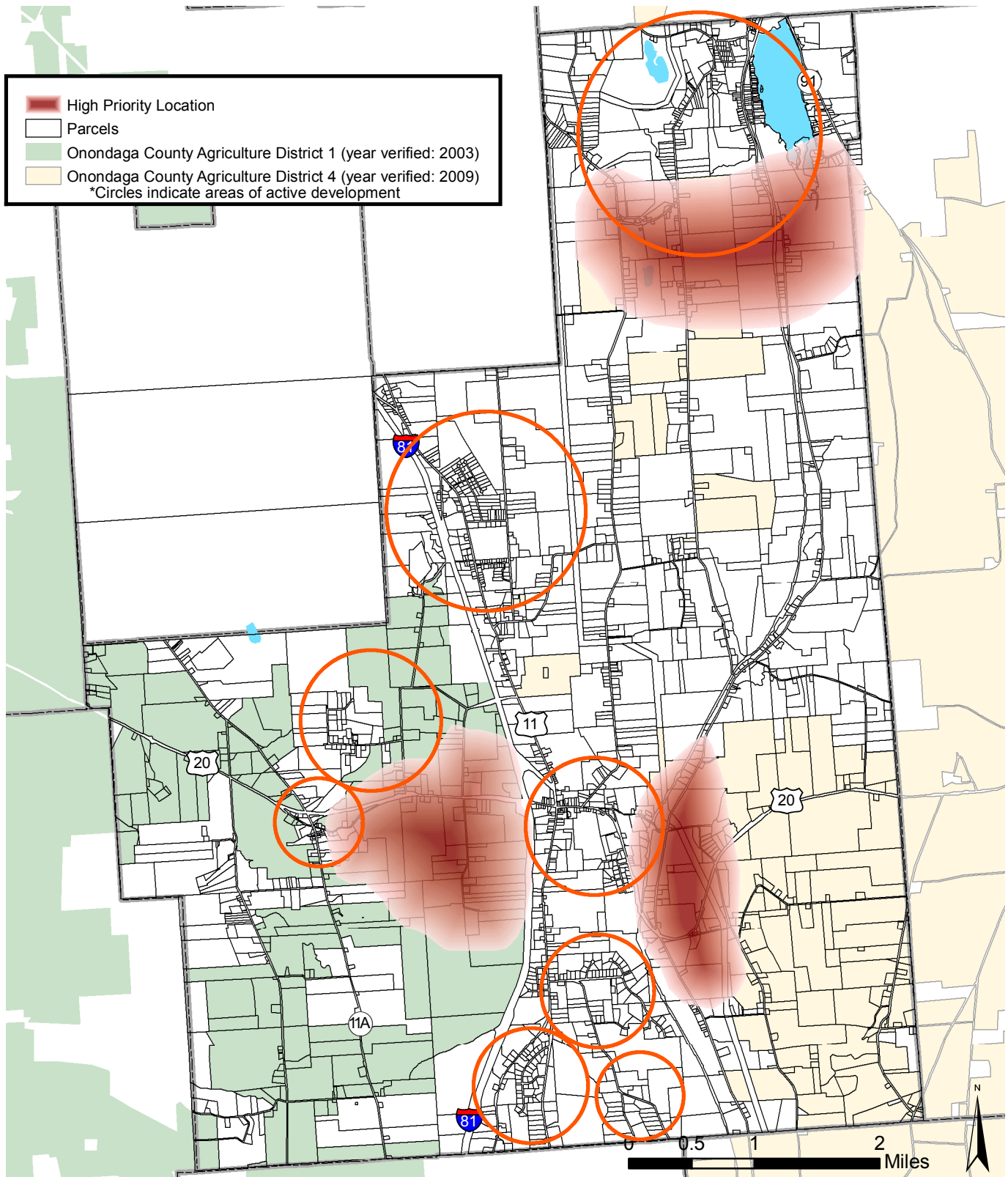


data; assessing the long-term prospects for a particular parcel’s preservation based on ownership, current use, and the prospects for the parcel being farmed by future generations. Once suitable parcels are identified, which may comprise a substantial portion of land acreage in the Town, the Town can work to protect such areas, including participation in a Purchase of Development Rights program.

Land proposed for protection is based on the following criteria 1) presence of significant agricultural soils, 2) retaining large blocks of agricultural land, 3) contribution of farmland to other Town natural, cultural, and open space priorities, natural area conservation, watershed protection, and historic or cultural resources, 4) land that is presently in an Agricultural District, and 5) land that is most prone to development pressures, including areas near population centers, areas near major transportation routes, and areas served by public infrastructure. Using these criteria as a starting point, the Town can determine those lands that are most in need of preservation.

### LOCATION OF FARMLAND PROPOSED FOR PROTECTION

Any land in the Town with prime agricultural soils; any land in agricultural use, as shown and any land currently enrolled in agricultural District 1 or 4, are worthy of protection. Collectively, these areas include farmland situated throughout the Town including those lands in more urbanized areas adjacent to the City of Syracuse border. However, those lands that are nearest the Jamesville Reservoir area and nearest the I-81 interchange are most in need of protection.



Data provided by Syracuse-Onondaga County Planning Agency and NYS Office of Real Property Tax Services (2010 data).

Date Created: 26 March 2013

# Areas Prone to Farm Land Conversion

## Town of LaFayette Agricultural Protection





## PRESERVATION TOOLBOX

Many tools are available to local governments to protect and preserve farmland. Land use regulations, such as zoning and subdivision codes, offer some of the most efficient and effective tools to support agriculture and farming. Discussion of zoning tools is detailed in the Zoning Audit of the Town of LaFayette Code found in Chapter VII. What follows are brief descriptions of other tools that can be used to support agriculture and encourage farmland protection and preservation.

### Planning & Zoning Tools

**Comprehensive Plan-** The comprehensive plan that was written and adopted in 2012 by the Town of LaFayette tackled many issues that were overdue for discussion in land use and growth management. Focus for the comprehensive plan was derived from the need to involve the public in the process to ensure that the plan addressed the needs of the community, and allowed the Steering Committee to better understand the strengths, weaknesses, opportunities and threats within the Town. Subjects that were discussed that would immediately impact the Agricultural community included Smart Growth, sustaining natural resources, and preservation of Agricultural and Open Space. Smart Growth is an important tool in planning communities, and also plays an integral role in the preservation of natural resources, agricultural land, and open space. Smart Growth by definition is a type of development growth that focuses on developing sustainable communities that foster and maintain the ten principles that will provide a healthy economy without negatively impacting the character or future of the existing community. The ten principles of Smart Growth include:



1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective

Smart Growth communities include fair, predictable, and affordable development that makes a community distinctive and attractive without sacrificing its character.





LaFayette's comprehensive plan established the Town's overall planning goal of enticing and promoting more dense development in and around the hamlet.

**Zoning Ordinance-** The majority of land in the Town, 91%, is zoned Agricultural-Residential. This zoning permits farms and single-family dwellings without site plan approval, unless a lot is subdivided. This allows for agriculture development in a large portion of the Town; however, the reality is that 38% of land is used for residential lots while only 17% is used for agriculture. With limited zoning districts dedicated to residential uses, conflict can arise between farmers and their residential neighbors. Certain types of farming are not compatible with residential areas due to the associated noises, odors, chemicals, conflicting hours, and other farming practices. As noted previously, this can create issues for working farmers, and also create an uneasy situation for homebuyers who are not sure if the neighboring lot may one day become a farm. Designating areas for residential growth can help alleviate these issues. There is currently significant support in the farming community to maintain the Agricultural-Residential Zoning district but there is support to designate certain developed areas of the Town as solely residential.

**Subdivision Regulations -** The Town's Subdivision Regulations encourage the preservation of unique and natural features when possible, but they do not mention farmland. The subdivision regulations could include the preservation of the natural and scenic qualities of open lands and farmlands as part of the main purpose of the regulations to help developers understand the Town's goals. The Subdivision Regulations can also require the review of the potential impacts of new subdivisions on productive farmland and nearby farm operations, stipulating design standards that would help reduce negative impacts.

### **Purchase of Development Rights (PDR)**

Purchase of Development Rights is a program in which the development rights are purchased from willing landowners and a permanent conservation easement is placed on the land that prohibits future development. The value of the development rights is generally calculated as the difference between the value of the land for agricultural purposes and its value for development. The landowner retains ownership of the parcel and may continue to farm the parcel or sell it. The easement holder (the Town, a conservation organization, or land trust) is responsible for ensuring that the property is not developed. The federal government and the State of New York have PDR programs.

The NYS PDR program is a competitive grant program where the State solicits eligible properties through a Request For Proposal (RFP) process administered by the NYS Department of Agriculture and Markets. Counties and municipalities set up local PDR programs to determine eligibility. The State offers 75% of the cost for purchasing development rights and the Town or the landowner must provide matching funds. The Federal Farm and Ranchland Protection Program (FRPP), is federally funded and administered by the United States Department of Agriculture.



Some municipalities have established local PDR programs that are funded by bond issues. A Town that establishes a local PDR program must first consider how much it is



prepared to contribute toward the purchase and how much the landowner (or other entity) must match. A process to solicit, review, and evaluate proposals must also be established, as well as an overall protection strategy.

Onondaga County has suggested a Modified Purchase of Development Rights Program in their 2001 Settlement Plan, where instead of purchasing development rights for an entire property, organizations focus instead on the front 400 feet roadside with their purchases. This preserves the rural highway view, while providing the landowner with the additional

income they need. Since PDR funding is often limited, the advantage to this form of PDR is that it is less costly since less land is involved. However, many PDR programs require purchase of development rights for the entire property rather than a portion.

Regardless of whether the municipality operates its own PDR program or whether state or federal funding is utilized, landowners may agree to sell their development rights for less than the appraised amount (known as a “bargain sale”), thereby donating the difference and claiming a tax deduction for the amount donated.

### **Transfer of Development Rights (TDR)**

Municipalities are authorized by Section 261-a, NYS Town Law, to establish Transfer of Development Rights provisions in their zoning regulations.

Unlike the Purchase of Development Rights program, the TDR programs establish rules and parameters that will allow for the private sector to pay for the conservation of land. Essentially, the TDR program involves an owner separating their development rights (and density potential) of their property, and selling it separately from the property itself. A private entity can then transfer or purchase those development rights to land for which more development and higher density would be more acceptable. The typical TDR program defines the location of the two specific “sending” and “receiving” areas, and then creates standards and guidelines to determine the most beneficial density transfer.

New York State Town Law 261-a states that the purpose of the TDR program is “to protect the natural, scenic or agricultural qualities of open lands, to enhance sites and areas of special character or special value, and to enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource.” By allowing development to occur in a specifically defined area, while conserving land in an



otherwise vulnerable location, the Transfer of Development Rights program is an alternative to the PDR program that allows a region to maintain its agricultural character.

The drawbacks to the TDR program however, are a testament to the complexity of the program itself. Generic environmental impact statements are required, as is a certificate that is documented and recorded with the county clerk. The program involves both time and staff to implement and maintain. If a town does not have the support of the various levels of government including the town board, board of appeals, and the town supervisor, then the Transfer of Development Rights program will not be successful. Because the Town of LaFayette does not currently have staff to focus on the intricacies of a TDR program, it may want to consider partnering with Onondaga County to implement a program if one is desired.

### **Private Conservation Easements**

Landowners may place farmland under a permanent conservation easement to be held and monitored by the Town or by a private land trust or other non-profit organization. The donation of easements may be helpful to some families in estate planning, as the value of the donated easement can be claimed as a tax deduction. Donation of easements provides permanent protection of farmland and open space at no cost to the Town. Landowners retain ownership of the land but it must be used in accordance with the purpose dedicated in the easement.

### **Right to Farm Law**

Right to Farm laws typically state the Town's policy in support of farming in a clear manner, define "generally accepted agricultural practices" and "farming operations," and affirm a farmer's right to employ such practices. The laws also include a statement that farm practices may include odors, noise, vibration, other activities and that a nuisance action cannot be brought when these activities result from normal farming operations. Such a law also often establishes a local "grievance" procedure to resolve complaints between farmers and non-farm neighbors. To date, conflicts between farmers and neighbors have been limited, but they do occur and are likely to increase as steady residential development occurs. Therefore, as part of this planning study, a Town of LaFayette Right To Farm Law was drafted, and is included herein as Appendix 2.

### **Urban Growth Boundary (UGB)**

An Urban Growth Boundary is a delineated area outside of which development is restricted or prohibited. UGB's are based on anticipated population growth and development trends, coupled with the local government's policy for where it believes growth should occur. The boundary must be reviewed and adjusted at regular intervals, such as 10 or 20 years, depending on growth rates and program goals. Extensions of public infrastructure, including water and sewer connections, may not be made outside of the UGB. Effective UGB's direct growth to designated areas while preserving land outside of the UGB. The Town's Comprehensive Plan calls for denser development within and adjacent to the zoned hamlet area in order to help preserve open space outside the hamlet. This is a similar, but less formal approach, than UGB's.



## Tax Relief Programs

Farming utilizes large amounts of land but does not demand proportionally large expenditures from local governments. In response to this situation, New York State has established programs to reduce property taxes on farmland that meets certain eligibility requirements. Farmers must make an annual application for participation in tax relief programs such as:

- Agricultural Use Assessments base property taxes on the value of the land as farmland, rather than its value for development. Eligible farms located within certified Agricultural Districts, as well as farms outside of a District that meet certain criteria, may receive Agricultural Use Assessments. The program is also available to landowners who rent property to an eligible farmer. Most, although not all, farmers take advantage of the agricultural assessment.
- Farmers School Property Tax Credit is a program for eligible farmers to receive refunds of up to 100% of school taxes for up to 350 acres of agricultural land, and 50% of school taxes on acreage in excess of 350 acres. To be eligible for this tax credit, farmers must earn at least 2/3 of their income in excess of \$30,000 from farming.
- Farmworker housing is exempt from property taxes, provided that the facility meets all safety and health standards set by the State Building Code and NYS Department of Labor.
- Renovation of a historic barn for continued agricultural use may qualify for a property tax exemption.
- Certain property and services used in agricultural production are exempt from sales tax. Farmers need to complete Form ST-125.

## Conservation Subdivision

Conservation development, also known as conservation design or CSD, is a controlled-growth land use development that adheres to the principle of allowing limited sustainable development while protecting the area's natural environmental features in perpetuity, including preserving open space landscape and vista, protecting farmland or natural habitats for wildlife, and maintaining the character of rural communities.

Conservation Subdivision Design can be used to help protect agricultural lands and open space. With conservation subdivisions there is careful attention paid to site design. Homes and lots are designed to maximize visual and physical access to the open space, with homes clustered together on smaller lots (but with an average overall density no greater than with conventional subdivision



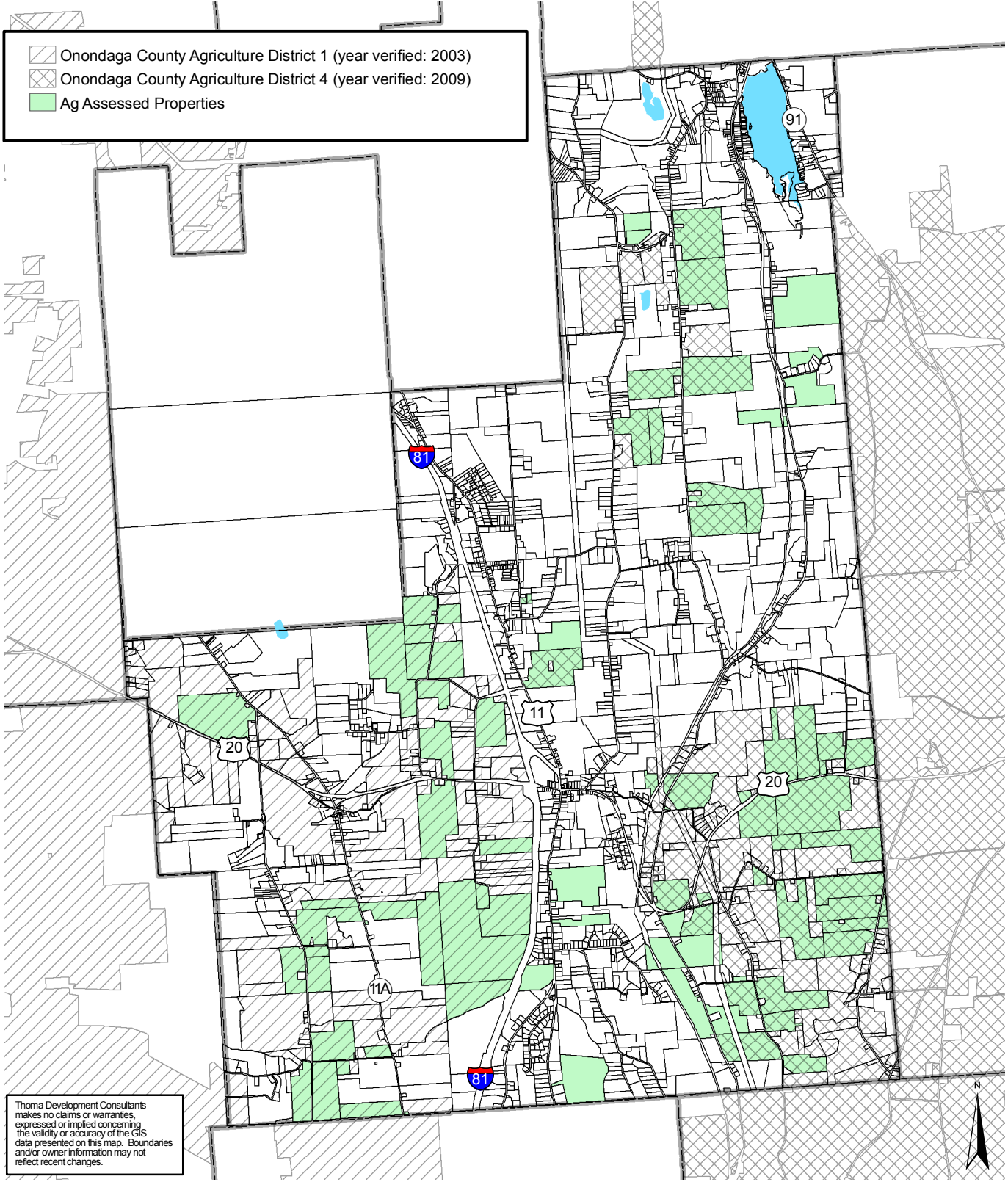





design). An easement or other mechanism protects the remaining open space or agricultural land in perpetuity. Unique, scenic, or significant natural features are identified and the site is designed to preserve large contiguous blocks of land.

Conservation Subdivision Design has many benefits for developers, the Town, homeowners, and neighboring citizens according to the *Conservation Subdivision Design Handbook* and studies completed on CSD. The review process can be smoother because usually fewer people object to preserving open space; road construction costs are reduced, and therefore road maintenance costs for the Town are lower; the open space acts as a built-in marketing strategy for the developer; and homes sell faster and appreciate faster than in conventional subdivisions, benefiting homeowners. Some types of agriculture are better suited for CSD than others. Hayfields, orchards, Christmas tree farms, and some organic farming are usually more compatible, while noise, dust, chemicals, and odors associated with some other farming may be undesirable. Ownership of the open space will vary depending on the land, but usually is held by a homeowner's association, a farmer, or the Town, with a conservation easement held by the owner, or a third party, such as a non-profit land trust.

It should be noted that Conservation Subdivision Design is similar to Cluster Development however, the latter does not necessarily involve the careful protection of unique features or agricultural land.

Due to the current, antiquated nature of the Town's current zoning ordinance, and the lack of professional, paid planning staff at the Town, Conservation Subdivision Design would be difficult for the Town to implement on its own. It is, however, a tool that should be incorporated into a re-write of the Town's Zoning Ordinance, and may be able to be implemented with assistance from Onondaga County.



-  Onondaga County Agriculture District 1 (year verified: 2003)
-  Onondaga County Agriculture District 4 (year verified: 2009)
-  Ag Assessed Properties

Thoma Development Consultants makes no claims or warranties, expressed or implied concerning the validity or accuracy of the GIS data presented on this map. Boundaries and/or owner information may not reflect recent changes.

Data provided by Syracuse-Onondaga County Planning Agency and NYS Office of Real Property Tax Services (2010 data).

Date Created: 23 Sept 2014

# Ag. Assessment Properties

## Town of LaFayette Agricultural Protection





## Chapter VII. Zoning Audit

### AGRICULTURAL FRIENDLINESS OF LAND USE REGULATIONS

#### Introduction

The Town of LaFayette has an adopted zoning ordinance that has been implemented to regulate the use of lands within the Town borders. The zoning ordinance also includes bulk regulations, which prescribe minimum lot sizes, setbacks, yard dimensions, road frontage, and maximum lot coverage. LaFayette's zoning ordinance divides the Town into multiple zoning districts, each with distinct permitted uses and standards. Since its original adoption in 1970, the Town zoning ordinance has been amended 30 times.











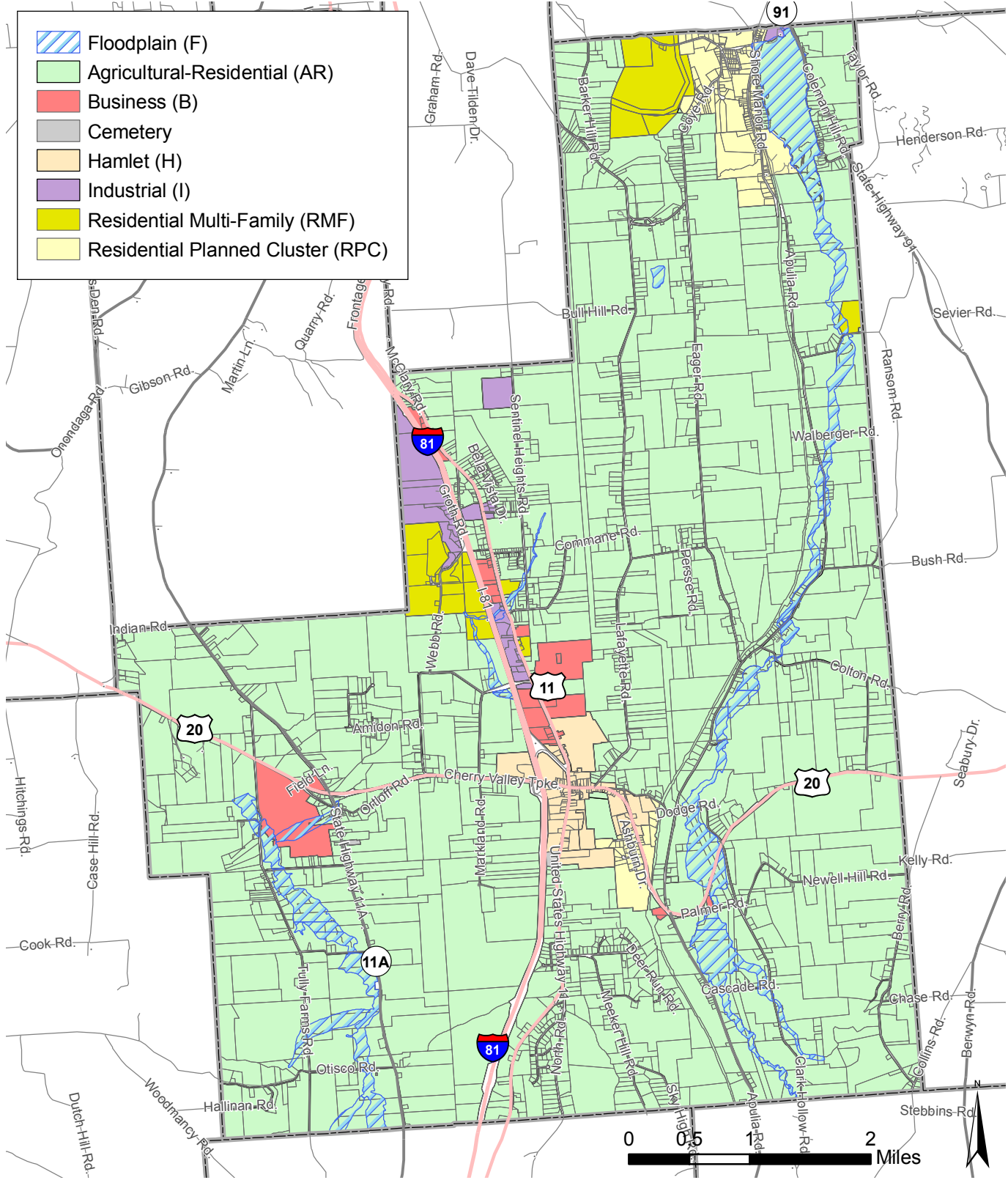
The current LaFayette Zoning Ordinance separates the Town into eight different zoning districts as shown on the following map:

- Agricultural – Residential District (AR)
- Flood Plain District (F)
- Residential Planned Cluster District (RPC)
- Residential Multifamily District (RM)
- Business District (B)
- Industrial District (I)
- Commercial Planned Development District (CPD)
- Hamlet District (H)

The Ag – Res district, by far, is the largest district in the Town, with approximately 91% of the land area in the Town being zoned Agricultural Residential. This allows for a large percentage of the Town to be used for agricultural purposes. However, the reality is that about 38% of the Ag – Res District is used for residential lots.

The following audit is not a complete analysis of the Town of LaFayette Zoning ordinance. Rather, it is an analysis of the potential negative impacts that the ordinance could have on agricultural uses and agriculture as an economic driver in the Town of LaFayette.

-  Floodplain (F)
-  Agricultural-Residential (AR)
-  Business (B)
-  Cemetery
-  Hamlet (H)
-  Industrial (I)
-  Residential Multi-Family (RMF)
-  Residential Planned Cluster (RPC)



# Zoning Districts

## Town of LaFayette Ag. and Farmland Protection Plan





## Zoning Background

The purpose of a zoning ordinance is to implement the community vision, which has been set forth in a Town's Comprehensive Plan through the use of land use regulations. Many zoning ordinances often look at land use from the perspective of developing land to its highest and best use, and as a result, agriculture is often only viewed as a useful activity until higher development pressures prevail. That being said, zoning ordinances often do not view the agricultural use as a long-term contributor to the economy or character of a Town.

Over the years, this school of thought has come full circle and many localities are recognizing the positive impact and value possessed in agriculture, much like business and industrial development. As the importance of agriculture has been elevated, many municipalities have begun to reassess their land use regulations and policies and are amending in favor of "Ag-friendly" zoning to support the viability of the local agricultural industry.

The Town of LaFayette's Comprehensive Plan firmly establishes the importance of agriculture in the Town. The first sentence of Section III in the Comprehensive Plan, states in bold print, "agriculture plays an important role in LaFayette, contributing both to the economy and the open space and rural character of the Town". As development pressure has remained steady in the Town of LaFayette over the past decade, it is important that the Town has taken this stance and affirmed the value of its local agricultural industry.

As discussed in other sections of this Plan, it is recommended that Agriculture be defined as: *"the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of agricultural products, crops, livestock and livestock products as a commercial enterprise, including 'commercial horse boarding operation' as defined in Article 25AA, Section 301, Subdivision 14, of the Agriculture and Markets Law, a 'timber operation' as defined in Article 25AA, Section 301, Subdivision 13, of the Agriculture and Markets Law, a 'compost, mulch, or other biomass crops' operation as defined in Article 25AA, Section 301, Subdivision 16, of the Agriculture and Markets Law, and 'commercial equine operation' as defined in Article 25AA, Section 301, Subdivision 17, of the Agriculture and Markets Law"*.

As the largest zoning district in the Town of LaFayette, the Agricultural – Residential district permits a number of land uses by right. The uses by right in the Ag.-Res district are listed in Article II, Section A, of the Town of LaFayette Zoning Ordinance and include:

- Farms and Farming and Farm Accessory Uses
- Single Family Dwellings and Accessory Uses

In addition to the uses allowed by right in the Ag.-Res district, there are also a number of uses that are allowed upon "Controlled Site Approval". Controlled Site Approval is the term currently used in the Town of LaFayette in place of the more commonly used term "site plan approval." The uses permitted upon Controlled Site Approval are interspersed throughout Article II, Section A, of the Town of LaFayette Zoning Ordinance and include:

- Accessory farm dwellings (mobile homes)



- Green Houses
- Dog Kennels
- Customary Home Occupations
- Schools and Related Uses
- Churches and Related Uses
- Libraries
- Parks and Playgrounds
- Community Centers
- Municipal Buildings
- Utility Substations
- Public Stables
- Private Stables
- Windmills

Some uses that are allowed upon “Controlled Site Approval” that would be considered growth inducing uses include:

- Schools and Related Uses
- Churches and Related Uses
- Parks and Playgrounds
- Community Centers
- Municipal Buildings
- Utility Substations

These items, while allowed, would require an additional level of scrutiny when deciding upon placement and need within the Town.

Additionally, there are also a number of uses that are allowed upon the issuance of a “Specific Permit” in the Agricultural Residential district. The special permit uses are also interspersed throughout Article II, Section A, of the Town of LaFayette Zoning Ordinance and include:

- Camps
- Storage Trailers
- Private Air Strips
- Marinas
- Outdoor Recreation Uses
- Commercial Animal Crematorium

Article II, Section A, also lists the standard bulk regulations for uses in the Agricultural – Residential district. These dimensional regulations include a 60,000 sq. ft. minimum lot size, a 125 ft. minimum lot width at the building line, front yard minimum depth of 75 ft. from the highway center line, rear yard depth of 30 ft., side yard width of 25 ft., a maximum lot coverage of 20%, and minimum road frontage of 60 feet. This ultimately means that the minimum lot size for approximately 91% of the land in the Town of LaFayette is about 1.3 acres.

The Town of LaFayette employs a form of cumulative zoning, meaning that land uses that are permitted in a less intensive use zone are also typically permitted in the more intensive use zones. For example, agriculture is a permitted use in the lower intensity use Agricultural -



Residential district and is also permitted, subject to the Ag.-Res. District regulations, in the more intensive Business district. As a result, farms and farm operations are explicitly permitted, although subject to certain requirements, in all other zoning districts in the Town of LaFayette, with the exception of the Industrial District, the Commercial Planned Development District, and the Hamlet District. In the Flood Plain District, all uses permitted in the Agricultural Residential District are permitted, but all are subject to Controlled Site Approval. In the Residential Planned Cluster District, all uses which are permitted in the Ag.-Res District are also permitted and are subject to all the requirements (yard size, setbacks, site plan approval, specific permits) for the particular use as outlined in the Ag.-Res District. The same agricultural uses and rules are applicable in the residential Multi-Family District. All Agricultural Residential District uses are also permitted in the Business District subject to any controlled site approval or specific permit requirements that are found in the Ag.-Res District regulations. This means that farms, farming, and farm accessory uses are permitted by right in the Business District.

A review of the Town of LaFayette Zoning Ordinance reveals that agricultural uses are fairly uniformly permitted throughout all but a few of the Town's zoning districts. In all districts where agricultural uses are permitted, with the exception of the Flood Plain District, farms and farming are permitted by right, meaning that there is no burden of any review process. However, uses such as public and private stables, which could likely be considered an agricultural related use under the Agriculture and Markets Law, are met with quite onerous restrictions and requirements in addition to the general requirements of the Town's Controlled Site Approval process. These requirements are likely to discourage farmers and other individuals from investing in this type of equine/agricultural use, a land use and enterprise that is quickly gaining in popularity in Central New York as a means of generating significant economic value.

### **Zoning Audit Process to Identify Potential Non-Conformance with Agriculture and Markets Law**

This zoning audit for the Town of LaFayette was conducted in a manner that would specifically involve input and opinions from planning professionals, but also from the individual farmers and the farming community in the Town of LaFayette. First, planners from Thoma Development Consultants conducted an independent review of the Town of LaFayette zoning ordinance with the specific goal of identifying provisions that are not "farm-friendly". While this was occurring, the Steering Committee that was formed by the Town also conducted its own audit of the Town's Zoning Ordinance. After both groups finished the individual review process, the planners and Steering Committee reconvened and compared and discussed the findings of the Zoning Audits. As a result, there were a number of provisions that were identified as being unfriendly or overly restrictive of the agricultural community and industry and potentially in violation of Agriculture & Markets Law §305-a.

Provisions that were identified as "unfriendly" or potentially overly restrictive of the agricultural type use in the Town of LaFayette include:

- The Controlled Site Approval (site plan approval) requirement for accessory farm dwellings
- The requirement that accessory farm dwellings only house farm workers deriving 50% or more of their income from work on the farm



- The stringent site plan and survey requirements for public and private stables
- The explicit prohibition of horse shows at public stables
- The lack of a setback requirement for residential wells
- The minimum 40 acre requirement under the Town's definition of "Farm"
- Article V, Section I, as it pertains to roadside stands, only allows for the sale of "produce" grown "on the premises"
- Article V, Section I, as it pertains to roadside stands, requires that all roadside stands provide adequate parking and does not allow for vehicles to park anywhere in the highway right of way

Generally, the site plan review/approval process is applied to higher intensity uses such as business or industrial properties where the use may have a negative impact on the surrounding community. Under New York State Town Law §274-a, the elements that a local ordinance may require in a site plan may include elements relating to "parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses as well as any additional elements specified by the town board in such zoning ordinance or local law." As the site plan review elements are expansive, application of site plan review or "controlled site approval" to accessory farm worker dwellings may discourage farmers from providing housing for employees. This requirement may be overly restrictive and in violation of Agriculture and Markets Law §305-a when applied in a State Agricultural District. To avoid a potential violation of the Agriculture and Markets law, the Town of LaFayette should lessen some of the Controlled Site Approval requirements as it applies to accessory farm dwellings.

The requirement that employees who are housed in accessory farm dwellings derive 50% or more of their income from employment on the farm could also be viewed as overly restrictive. This provision could disqualify employees who are otherwise valuable to the farm operation but who also derive significant income from outside employment. To avoid this scenario, the Town should consider lowering this income requirement.

As noted above, Article II, Section A of the Town Zoning Ordinance requires that applicants for public and private stables submit a detailed survey as part of the Controlled Site Approval process. This requires that applications for public stables include:

- Gradient and topography of land
- Location of wells and water sources to the applicant's land and adjacent lands
- Location of existing and proposed structures
- Proposed septic
- Manure management plan
- Proposed hours of operation
- Proposed parking
- Lighting
- Location of restrooms
- Proposed fencing location and style
- Proposed signage
- Proposed trailer storage and vans



The provision for private stables also prohibits “horse shows.” Horse shows are an important part of the horse stable business and should be allowed, especially in a State Agricultural District where such restriction may be overly restrictive on an agricultural use under the Agriculture and Markets Law.

The survey requirements for private stables are very similar. These requirements are quite expansive and may discourage future development of private and public horse stables. As the equine industry has expanded in Central New York, these requirements may push this type of development to other surrounding municipalities. To avoid this, the Town of LaFayette should consider relieving applicants from some of the requirements of this process.

Article VIII, Section B of the Town Zoning Ordinance defines a “farm” as “a parcel of land in excess of 40 acres devoted to agricultural use, exclusive of industrial-agricultural enterprises.” This definition of farm is very exclusive and disqualifies any smaller operations that happen to occupy less than 40 acres. It is very possible for a farm to operate on a smaller scale, so the definition of “farm” should be updated with the acreage requirement significantly reduced or eliminated.

Also a limiting factor on the local agricultural community, Article V, Section I, as it pertains to roadside stands, only allows for the sale of “produce” grown “on the premises.” Many farmers in the Town of LaFayette farm multiple parcels of land. In many instances, the farmer’s lands are not contiguous and may even be separated by many miles. Limiting the sale of agricultural products at roadside stands



to only those products grown on site would require farmers to set up many roadside stands. Even more likely, rather than setting up many farm stands, a farmer will probably only sell those products grown on site and be forced to find an alternative use for products grown off site. This is overly restrictive when viewed through the lens of the Agriculture and Markets law. To avoid a violation when applied in State Agricultural Districts, the Town should eliminate the requirement that only produce grown on site may be sold at roadside stands.

Article V, Section I of the Town’s Zoning Ordinance requires that roadside stands for the sale of farm produce provide enough off-street parking to adequately accommodate the use. The section specifically states that no parking is to occur within any street or highway right of way. This is an inconvenience to farmers wishing to sell produce from a roadside stand and is likely to discourage farmers from providing easy and local access to fresh produce at a farm stand. At a public meeting focused on agricultural and farmland protection in the Town of LaFayette, many community members expressed the opinion that local law and policy did not favor small or large-scale agri-business. This farm stand provision in the Zoning Ordinance is an example that inhibits a local farmer’s ability to market and sell local, fresh produce. The



Town should consider allowing on street parking for roadside stands as long as vehicles can be parked outside of travel lanes.

## Zoning Ordinance Definitions

Article VIII, Section B of the Town Zoning Ordinance sets out the definitions for many terms referred to in the ordinance. A number of the terms are relevant to agriculture and are fairly well defined. The terms that relate to agriculture include:

- Farm
- Greenhouse
- Junkyard
- Nursery
- Private and Public Stables

Noticeably absent from the list of definitions is the definition of “agriculture.” Working with planning professionals, the Town of LaFayette Steering Committee was able to define agriculture in a manner that reflects the values and norms of agriculture in the Town of LaFayette. It is therefore recommended that The Town of LaFayette include the following definition of agriculture in its zoning ordinance:

Agriculture – The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of agricultural products, crops, livestock and livestock products as a commercial enterprise, including ‘commercial horse boarding operation’ as defined in Article 25AA, Section 301, Subdivision 14, of the Agriculture and Markets Law, a ‘timber operation’ as defined in Article 25AA, Section 301, Subdivision 13, of the Agriculture and Markets Law, a ‘compost, mulch, or other biomass crops’ operation as defined in Article 25AA, Section 301, Subdivision 16, of the Agriculture and Markets Law, and ‘commercial equine operation’ as defined in Article 25AA, Section 301, Subdivision 17, of the Agriculture and Markets Law.



It is also recommended that the Town of LaFayette add a definition for the term “agricultural products” to the list of definitions in the Zoning Ordinance. The Agricultural and Farmland Protection Steering Committee recommended the following definition:

Agricultural Products – The products as defined in section 301(2) of Article 25AA of the New York State Agriculture and Markets Law including, but not limited to:

- a. Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans



- b. Fruits, including apples, peaches, grapes, cherries and berries
- c. Vegetables, including tomatoes, snap beans or peas, cabbage, carrots, beets and onions
- d. Horticulture specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, ratites such as ostriches, emus, rheas and kiwis, farmed deer and buffalo, fur-bearing animals, milk and milk products, eggs, fur, and poultry products
- f. Maple sap and sugar products
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump
- h. Aquaculture products, including fish, fish products, water plants and shellfish
- i. Short rotation woody crops raised for bio-energy, and production and sale of woodland products including, but not limited to, logs, lumber, posts and firewood.

As a final recommendation for the definitions section of the LaFayette Zoning Ordinance, the Town should make a small amendment to its definition of junkyard. To bring the definition into compliance with Agriculture and Markets Law Section 305-a, the Town should add to the end of the “junkyard” definition, the words: “except as necessary to dismantle, store, or salvage farm machinery or farm vehicles not in working condition.”

### **Other Recommended Zoning Changes**

As mentioned above, the Town of LaFayette Zoning Ordinance was originally adopted in 1970. Since then, it has been amended 30 times. Numerous amendments have resulted in an ordinance that is difficult to read, navigate, and apply. Specifically, within each section pertaining to each different zoning district, the uses permitted by right, uses permitted subject to controlled site approval, and uses permitted subject to a specific permit are disorganized and interspersed. This makes it very difficult for a potential developer to determine what land uses are permitted, how they are permitted (by right, subject to site approval, specific permit), and where the different uses are permitted. It is recommended that the zoning ordinance be redrafted so that the landed uses within each district are organized hierarchically, i.e., uses permitted by right, followed by uses subject to site plan approval, followed by uses permitted upon the issuance of a specific permit.

As part of the re-drafting of zoning laws, the Town should carefully review allowed uses in the Ag-Res zone to ensure they are compatible. For instance, the law currently includes such uses as “private air strips” and “marinas” that may be incompatible.

When reviewing the Town of LaFayette zoning, specifically, the different zoning districts, one rather large omission in the ordinance stands out. Although approximately 90% of the Town is zoned Agricultural Residential, there is no solely “Residential District”. Rather, the residential and agricultural uses are treated as equally preferred uses in the Agricultural Residential District. Ultimately, this means that agriculture is not a highest preferred use anywhere in the Town of LaFayette. As a result, there are areas within the Town of LaFayette that are zoned Agricultural Residential but which have been highly developed as residential neighborhoods (*see developed areas map*). The Town of LaFayette should consider rezoning these residentially developed areas of the Town to create a single-family residential zoning



district. Rezoning these areas will put potential developers on notice that there are certain areas of the Town where residential uses are preferred, and certain areas where agriculture is the preferred use. This may also help to eliminate conflicts between agricultural and residential uses while ensuring the long-term protection of agricultural lands.

In addition to this, the Town should add a purpose statement to each zoning district in the Zoning Ordinance. Purpose statements give developers and individuals a first impression of each zoning district and set for the preferred use and unique goals of each individual zoning district.

A potential purpose statement for the Agricultural Residential District could read as follows:

*Promote the continued agricultural use of land by assuring a proper physical environment for such agricultural uses and to maintain the open and rural nature of the Town of LaFayette by assuring that the development of lands in agricultural districts occurs at a low density suited to maintain the Town's rural character.*

A potential purpose statement for a new Residential District could read as follows:

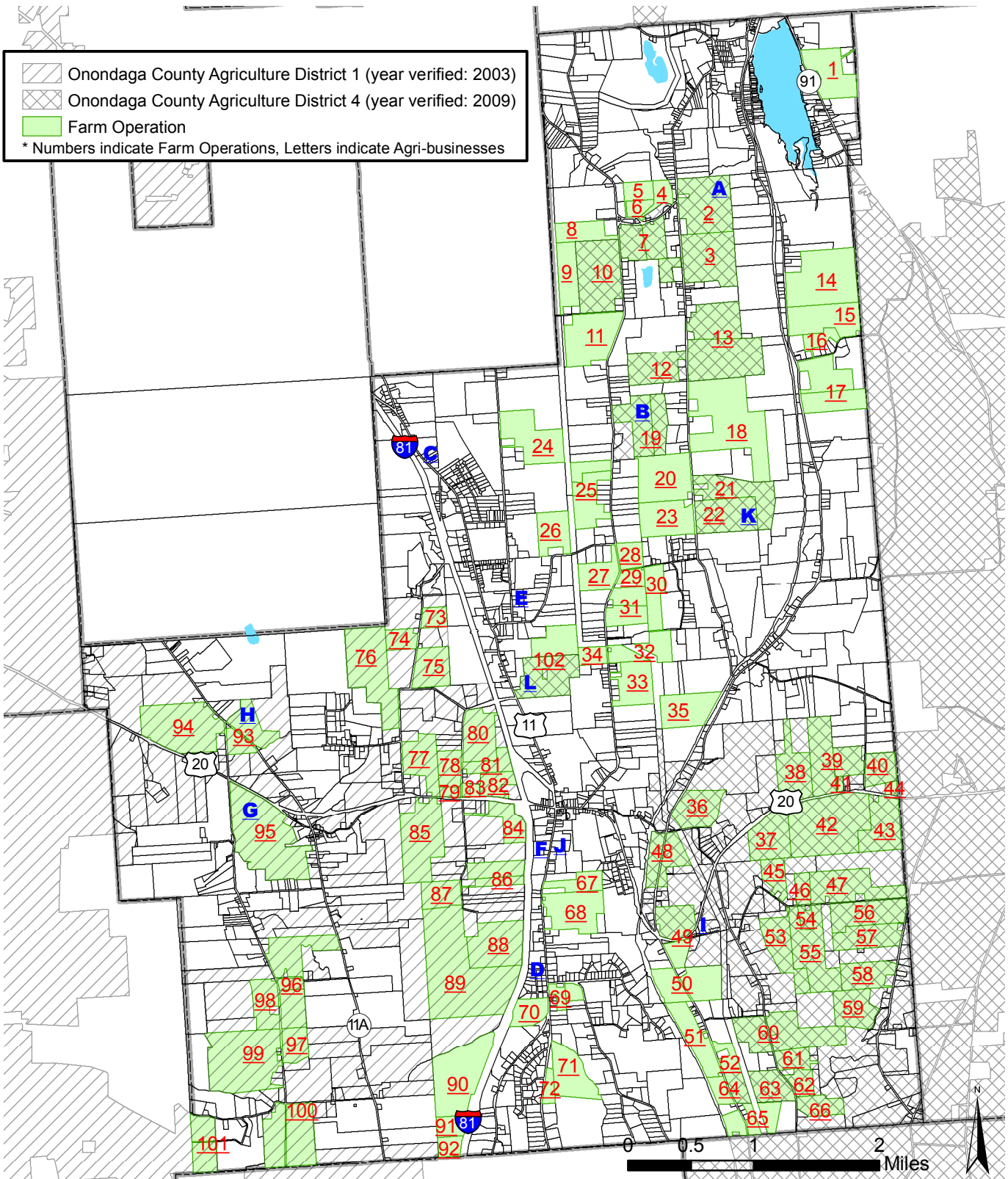
*To recognize that there is a desire for residential use of land outside of the Hamlet core of the Town of LaFayette and to assure that such open lands may appropriately be used for residential purposes while protecting and maintaining the rural character of the Town and avoiding conflict with valuable agricultural uses.*




By making the above minor changes to the LaFayette Zoning Ordinance, the Town is sending the message that agriculture is a valued asset. By acknowledging agriculture as an asset and economic driver, the Town of LaFayette will begin to ensure and sustain the continued existence of the local agricultural industry, and as a by product, protect the open space and character by which the Town of LaFayette is known.



# APPENDIX 1

## FARM INVENTORY



 Onondaga County Agriculture District 1 (year verified: 2003)  
 Onondaga County Agriculture District 4 (year verified: 2009)  
 Farm Operation  
 \* Numbers indicate Farm Operations, Letters indicate Agri-businesses

Data provided by Syracuse-Onondaga County Planning Agency and NYS Office of Real Property Tax Services (2010 data).

Date Created: 26 Oct 2013

# Farm Operation / Agri-Business

## Town of LaFayette Agricultural Protection



	Owner	Operator	Farm Use
1	Keogh	Niles	
2	Plumpton	Plumpton	
3	Fisher	Fisher	
4	Ossenburg	Hubler	
5	Roberts	Hubler	
6	Darin	Hubler	
7	Coye	Hubler / Plumpton / Groth	
8	Metz	Herlihy	
9	Dix	Herlihy	
10	Loetterle	Stanton / Herlihy	
11	Metz	Metz / Herlihy / Hubler	
12	Magyar	Hubler	
13	Hubler	Hubler	
14	Liebmann	Pallidino	
15	Carley Farm LLC	Carley Farm LLC	
16	Albanese	Albanese	
17	Albanese	Albanese	
18	Sirota	Albanese / Groth	
19	Stanton	Stanton	
20	Sirota	Groth	
21	Ferro	Ferro	
22	Keane	Keane	
23	Keane	Keane / Hubler	
24	Micki Reed Trust	Herlihy	
25	Janak / Storrier / Kasik	Thorpe	
26	Schadt	Thorpe	
27	Staton	Stanton	
28	Tanglewood Riding Center	Tanglewood Riding Center	
29	Shoup	Stanton	
30	Grover	Grover	
31	Sanders / Calderon	Blume	
32	Kurgan	Thorpe	
33	Bush	Thorpe	
34	Millett	Groth	
35	Cudd	Thorpe	
36	Young	Young	Horses
37	Knapp	Knapp	Beef
38	Knapp	Knapp	Beef
39	Knapp	Knapp	Beef
40	Knapp	Knapp	Beef
41	Wies	Wies	Dairy
42	Wies	Wies	Dairy
43	Dadey	Palmer	
44	Dadey	Groth	
45	Knapp	Knapp	Beef
46	Knapp	Knapp	Beef
47	Smith	Smith	Eggs
48	Bush	Palmer	
49	Palmer	Palmer	
50	Blum	Blum	

51	Blum	Blum	
52	Blum	Blum	
53	Bush	Smith	
54	Knapp	Palmer	
55	Woodford	Palmer	
56	Morezak	Smith	
57	Kellish	Smith	
58	Elliott	Smith	
59	Morezak		
60	Nurse	Nurse	
61	Sheremeta	Nurse	
62	Wicks	Nurse	
63	Sheremeta	Nurse	
64	Sheremeta	Nurse	
65	Doupe	Nurse	
66	Nurse	Nurse	
67	Klaiber	Thorpe	
68	Baker	Palmer	
69		Thorpe	
70		Thorpe	
71	Johnson	Thorpe	
72	Scammell	Thorpe	
73	Helen Morris Trust	Hourigan	
74	Shute	Hourigan	
75	Helen Morris Trust	Hourigan	
76	Hourigan or Edwards Trust	Hourigan	
77	Hourigan	Hourigan	
78	Olrich	Hourigan	
79	Evans	Hourigan	
80	Hourigan or Naughton Trust	Hourigan	
81	Lasky	Hourigan	
82	Donohue	Hourigan	
83	Olrich	Thorpe	
84	Hall	Volles	
85	Maher	Hourigan	
86	Hourigan	Hourigan	
87	MacMackin	Griswald	
88	Hourigan	Hourigan	
89	Griswald	Griswald	Dairy
90	White	White	Timber / Hunting
91	Gutchess	Gutchess	Timber
92	Morgan		
93	Deer Run	Deer Run	Apple
94	Henderson	Guptill	
95	Apple Festival	Apple Festival	
96	Burt	Hourigan	
97	McFetridge	Hourigan	
98	Burt	Hourigan	
99	McFetridge	Hourigan	
100	Kuss Trust	Griswald	Dairy
101	Morse		
102	Watson		

## Agri-Business Operation

A	Plumpton Farms
B	Tanglewood Riding Center
C	Green Thumb Markets
D	Harpers Green House
E	Carol Watson Green House
F	Cazenovia Equipment
G	Apple Festival
H	Deer Run Farms
I	JJ Feeds
J	Byrne Dairy Corporate
K	Keane Stable
L	Watson Farms

## APPENDIX 2

### RIGHT TO FARM LAW

**LOCAL LAW NO. \_\_\_\_**  
**OF THE YEAR 2013**

A Local Law in relation to the right to farm in the Town of LaFayette

BE IT ENACTED by the Town Board of the Town of LaFayette, New York as follows:

**SECTION 1: PURPOSE AND INTENT**

The Town Board of the Town of LaFayette, New York hereby recognizes that small and large farms are an integral component of the Town's economy; farming provides locally produced, fresh commodities; agricultural land has a lesser demand for services provided by local governments; and agricultural diversity promotes economic stability, open space, environmental quality and the overall quality of life in the Town of LaFayette. In order to maintain a viable agricultural economy and preserve open space, it is necessary to afford farmers in the Town of LaFayette the right to farm.

It is the general purpose and intent of this Local Law to maintain and preserve the agricultural traditions of the Town of LaFayette; to encourage and permit the continuation of sound agricultural practices inherent to and necessary for the business of farming to proceed free of unreasonable interference or restriction; limit the circumstances under which agricultural uses may conflict with residential and other uses; and to promote effective and efficient means to resolve disputes which may arise concerning agricultural practices and farm operations.

**SECTION 2: DEFINITIONS**

- A. Agricultural Practices – Activities necessary for the on-farm production, preparation, and marketing of agricultural products. Such activities shall include, but not be limited to, operation of farm equipment, nutrient and soil management, responsible use of agricultural chemicals and other crop protection methods, and construction and use of farm structures and fences.
- B. Agricultural Products – The products as defined in section 301(2) of Article 25AA of the New York State Agriculture and Markets Law including, but not limited to:
  - a. Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans
  - b. Fruits, including apples, peaches, grapes, cherries and berries
  - c. Vegetables, including tomatoes, snap beans or peas, cabbage, carrots, beets and onions
  - d. Horticulture specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers

- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, ratites such as ostriches, emus, rheas and kiwis, farmed deer and buffalo, fur-bearing animals, milk and milk products, eggs, fur, and poultry products
  - f. Maple sap and sugar products
  - g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump
  - h. Aquaculture products, including fish, fish products, water plants and shellfish
  - i. Short rotation woody crops raised for bio-energy, and
  - j. Production and sale of woodland products including, but not limited to, logs, lumber, posts and firewood.
- C. Farmer – Any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including, but not limited to, the cultivation of land, the raising of crops or the raising of livestock.
- D. Farmland – Land used for agricultural production, as defined in 301(4) of Article 25AA of the New York State Agriculture and Markets Law.
- E. Farm Operation – The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of agricultural products, crops, livestock and livestock products as a commercial enterprise, including “commercial horse boarding operation” as defined in Article 25AA, Section 301, Subdivision 14, of the Agriculture and Markets Law, a “timber operation” as defined in Article 25AA, Section 301, Subdivision 13, of the Agriculture and Markets Law, a “compost, mulch, or other biomass crops” operation as defined in Article 25AA, Section 301, Subdivision 16, of the Agriculture and Markets Law, and “commercial equine operation” as defined in Article 25AA, Section 301, Subdivision 17, of the Agriculture and Markets Law.

### SECTION 3: RIGHT-TO-FARM DECLARATION

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within the Town of LaFayette at all times and at all such locations, properly zoned for agricultural use, as are reasonable and necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies and whether the practice is reasonable and necessary, conducted in accordance with generally accepted agricultural practices and not a threat to public health.



#### SECTION 4: NUISANCE

Agricultural practices and farm operations conducted on farmland shall not be found to be a public or private nuisance if such practices are:

- A. Reasonable and necessary to the specific farm or farm operation;
- B. Conducted in conformity with generally accepted and sound agricultural practices;
- C. Conducted in a manner which is not negligent or reckless;
- D. Conducted in conformity with all local, state, and federal laws and regulations;
- E. Conducted in a manner which does not obstruct the free passage or use of navigable waters or public roads; and
- F. Conducted in a manner which does not pose a threat to public health and safety.

Nothing in this law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death due to negligence or recklessness.

#### SECTION 5: NOTIFICATION TO PURCHASER OF REAL PROPERTY

To promote harmony between farm uses and neighboring non-farm uses, when any purchase and sales contract is presented for sale, purchase, or exchange of real property located in the Town of LaFayette partially or wholly within an Agricultural District established pursuant to the provisions of Agriculture and Markets Law Article 25AA or within 1,000 feet of any such Agricultural District, the prospective seller shall present to the prospective purchaser a disclosure notice stating the following:

“It is the policy of the Town of Lafayette to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective buyers that the property they are about to acquire lies partially or wholly within an agricultural district or within 1,000 feet of an agricultural district and that farming activities occur within the area. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Additional information is available through the New York State Department of Agriculture and Markets.”

A copy of said notice shall be included by the grantor or grantor’s agent as an addendum to the purchase and sale contract at the time an offer to purchase is made. Receipt of such disclosure notice shall be recorded on a property transfer

report form prescribed by the state board of real property services as provided for in section Three Hundred Thirty-Three of the Real Property Law.

#### SECTION 7: SEVERABILITY

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

#### SECTION 8: EFFECTIVE DATE

This Local Law shall be effective immediately upon filing with the New York Secretary of State.