



MOREAU FARMLAND PROTECTION PLAN

PRESERVING OUR HERITAGE & SECURING OUR FUTURE



2014
The Chazen Companies

Acknowledgements

The Moreau Farmland Protection Plan was prepared by an advisory committee that worked cooperatively to create a new and forward thinking vision to preserve the Town's working landscape. The Moreau Farmland Protection Plan Committee would like to thank the many citizens of Moreau for contributing their ideas to the creation of this plan.

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Introduction

Farming is an essential part of the Town of Moreau and Saratoga County economies. Annual sales of agricultural products in Saratoga County are approximately \$60 million, which equals nearly \$91,000 per farm.¹ This figure represents a 75 percent increase in sales from 2002. During this same period the amount of government payments to farms decreased by more than 50 percent. According to the Green Infrastructure Plan for Saratoga County (2006), Saratoga County farms provide over 1,300 full and part-time jobs. The Green Infrastructure Plan also noted that total farm investments (land, buildings, machinery, and equipment) were approximately \$250 million, which illustrates “the commitment of the county’s farmers to their business and the local economy.”

Encompassing nearly 25 percent of Saratoga County’s Consolidated Agricultural District #1, the Town of Moreau’s agricultural resources contribute significantly to the town and county’s tax base. According to 2012 Saratoga County Real Property Tax Service data, the total assessed value for



¹ Figures are based on the USDA 2007 Census of Agriculture. Please note that figures for the 2012 Census of Agriculture will not be available until 2014.

agricultural parcels was approximately \$40 million.² Although this figure represents approximately only four (4) percent of Moreau's total assessed value, the 'return of investment' from farmland is great. As the saying goes "cows and corn don't go to school," meaning when it comes to community services farms generate little demand relative to other land uses, particularly when compared to single family housing. According to a recent study conducted by the American Farmland Trust of 12 upstate New York communities, working and other open lands "generate less revenue than residential, commercial or industrial properties, but they require little public infrastructure and few services." More specifically, on average, for every dollar in tax revenue that is raised from working and open lands, only \$0.37 is spent on municipal services. Whereas, for every dollar that is generated from residential housing, approximately \$1.30 is spent on municipal services.³



While it is easy to weigh the value of Moreau's farmlands from a strictly financial perspective, it is equally important to consider the cultural and intrinsic value of such a vital resource. The continually increasing demand for local goods and services reflects a deeper cultural yearning for a more sustainable and direct connection to the land and to our respective communities. It has also inspired a new generation of farmers and provides new opportunities for existing ones. Partially influenced by notions of traditional farming practices, coupled with an improved understanding of naturally grown production, ecology, and permaculture practices, more and more farmers are producing high value

² Includes agricultural assessed parcels and parcels with agricultural activities.

³ American Farmland Trust, Fact Sheet: Cost of Community Services Studies (2010). <http://www.farmland.org/>

crops and livestock. As an alternative to traditional markets, these goods are often sold at local and regional farmers markets, as part of a Community Supported Agriculture (CSA) operation, or to nearby restaurants that market locally sourced food and artisan menus. In addition to these trends, diversification of conventional farming enterprises to include agritourism, farm stands, and event spaces illustrate our collective and growing interests in exploring where our food comes from, how it is produced, and who is responsible for producing it.

While farming is a valuable asset to the town and county, the threat to area farming operations is constant. National and regional economic trends and fluctuations in commodity prices, capital expenditures for new equipment and buildings, regulatory requirements, labor needs and demands, and unpredictable weather patterns all impact and/or chip away at the bottom line. In addition to these factors, encroaching development and infrastructure interferes with farming operation at best, or facilitates farmland conversion at worst. While the Town of Moreau has been proactive in protecting its agricultural resources it recognizes that these efforts are ongoing. In light of this, the Town prepared a NYS Agricultural and Markets Farmland Protection grant application in 2009, which was subsequently awarded in 2012. With these funds the Town prepared this plan via a public participatory planning process (see Planning Process figure below), which is intended to serve as a blueprint for future farmland protection activities.



Ultimately, successful agricultural protection requires continued, proactive planning, coordination, and implementation on the part of local officials and the greater agricultural community. This plan recognizes that there are a variety of agricultural practices and activities within Moreau, all of which are important to the local economy. In order to maintain Moreau's agricultural economy, the Moreau Farmland Protection Plan seeks to create a community vision that highlights the importance of both farms and farmers and provides the support that is needed for this and future generations.

Planning Process

The figure below depicts the overall Moreau Farmland Protection Plan planning process. A summary of the planning process is included in the following sections (next page).

INVENTORY & ANALYSIS

- Agricultural Resource Analysis
- Active Farmland Analysis
- Zoning & Land Use Analysis
- Build Out Analysis & Growth Projections

PUBLIC OUTREACH & ENGAGEMENT

- Committee Meetings
- Agriculture Stakeholders Meeting
- Farmers Survey
- Public Workshop

MOREAU FARMLAND PROTECTION PLAN

- Farmland Preservation Strategies
- Farmland Economic Support Strategies
- Implementation Strategies

Moreau Farmland Protection Plan Committee

The Moreau Farmland Protection Plan Committee consisted of individuals that were local farmers, residents, and Town officials. As part of the planning process, the Committee hosted an agriculture stakeholder meeting, conducted a farmer's survey, and hosted a public workshop. The Committee also reached out to Saratoga County Planning Department's farm preservation staff, Saratoga County Farm Bureau, Saratoga PLAN (a Saratoga County based non-profit land trust) and NYS Department of Agriculture & Markets.



Inventory & Analysis

The first step in the planning process was to conduct an inventory and analysis of the Town's existing agricultural resources and land use characteristics. This included a review of goals and recommendations outlined in its Comprehensive Plan and existing and proposed zoning provisions. Using information and data from such sources as Geographic Information Systems (GIS) software, the U.S. Census Bureau, U.S. Fish and Wildlife Service, NYS Department of Agriculture & Markets, NYS Department of Environmental Conservation, Capital District Regional Planning Commission, Saratoga County Real Property Tax Services, Saratoga County Planning Department, Town Tax Assessor, and local residents, the Moreau Farmland Protection Committee examined social, economic, and land use trends, prepared a GIS buildout analysis, and developed town-wide and agricultural district-specific

population growth projections. Based on the result of the inventory and analysis and community input, the Committee also identified priority agricultural resources and their respective development values as part of an effort to identify the potential cost of a local conservation program.

Public Participation



Providing opportunities for farmers and residents to take part in the planning process was a high priority for the Moreau Farmland Protection Committee. The Committee hosted two (2) events during the planning process to garner input from the community. The first event was an Agricultural Stakeholders Focus Group Meeting on April 25, 2013 at Town Hall. The purpose of this meeting was to provide a forum for the agricultural community to express what they feel most threatens their viability and to provide possible strategies that could best assist them in continuing with their operations. Information from this event was then used to craft preliminary recommendations and the Moreau

farmers survey (see additional information below).

Following the preparation of the draft plan recommendations, the Moreau Farmland Protection Committee hosted a public workshop January 15, 2014 at Town Hall. The purpose of this workshop was to present the draft plan recommendations to the community and to obtain feedback. This input, along with additional input from Moreau farming community, Saratoga County Planning Department, and Saratoga Farm Bureau was then incorporated into the Committee's review and revision process.

Moreau Farmers Survey

In an order to solicit input from the Moreau farming community, the Moreau Farmland Protection Plan committee conducted a survey. The goal of the survey was to provide farmers with a mechanism to provide direct feedback on the current state of farming in Town including the economic value and benefits of farming, their assessment of the future of farming, and an evaluation of a range of farmland protection tools. After the Committee prepared the survey it was mailed to all the agricultural property owners that were identified during the inventory and analysis process. A link to complete the survey online via Survey Monkey (a web based survey platform) was also provided. The survey was sent to over 100 property owners and had a response rate of nearly 20 percent. A summary of the survey findings are included in Community Input section below (see page 23).

Farmland Protection Recommendations

As a result of this planning process the Moreau Farmland Protection Plan Committee developed a series of recommendations that are intended to preserve the Town's farmland from an economic and cultural resource perspective. These recommendations include a series of land use, policy, and programmatic strategies that will require strong public and private partnerships among the town and farming communities. Recommendations are organized by their respective level of priority and/or implementation timing (i.e., short, medium, or long-term).

Inventory & Analysis

In an effort to better understand the relationship between the Moreau's agricultural resources and future growth trends might impact existing and future farming operations, the Moreau Farmland Protection Committee conducted a comprehensive inventory and analysis of the town's farmland soils and agricultural characteristics. Using this information, the Committee then also developed a town-wide GIS buildout analysis and prepared population and household growth projections. This information was then used to help inform planning participants and the recommendations that are outlined in this plan. Located at the end of this section are several GIS figures that referenced below.

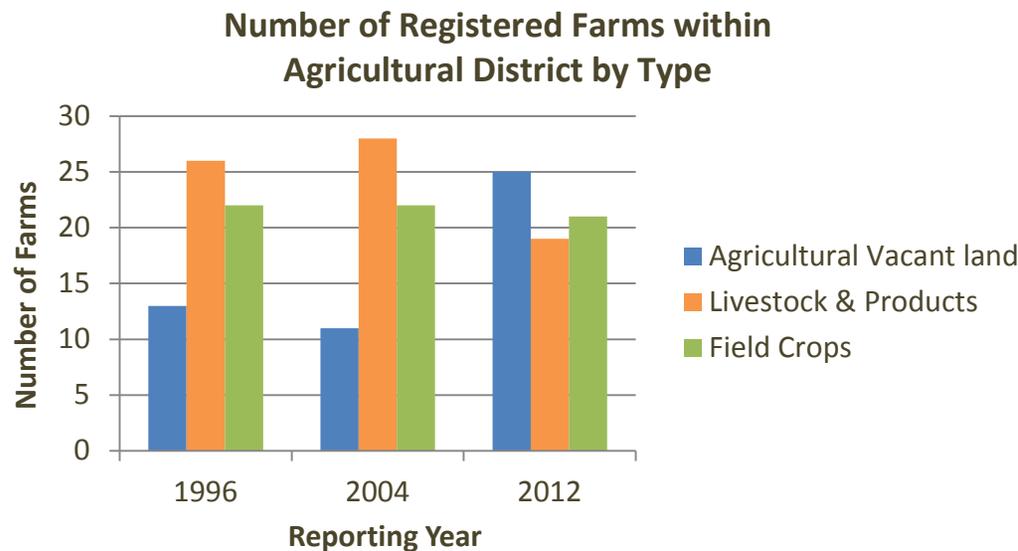
Farmland Soils

The United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) has two main farmland soil designations: Prime Farmland and Soils of Statewide Importance. Prime Farmland soils are well-drained soils that have a gentle slope and require a minimum of conservation practices. The criteria for identifying Prime Farmland soils are entirely related to soil characteristics and other physical criteria. In general, Soils of Statewide Importance are defined as soils that are similar to Prime Farmland soils, but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Moreau has over 3,750 acres of Prime Farmland soils and 12,620 acres of Soils of Statewide Importance, which together equal approximately 65 percent of Moreau's total land area. Within the Residential (R-5) zoning district and Saratoga County Consolidated Agricultural District #1, which encompasses a majority of the Town's existing agricultural land uses, there are 3,100 acres of Prime Farmland soils and 1,690 acres of Soils of Statewide Importance. The preservation of these soil types is an important part of any successful farmland protection program. The USDA soils map located at the end of this section illustrates the location of these soil resources.

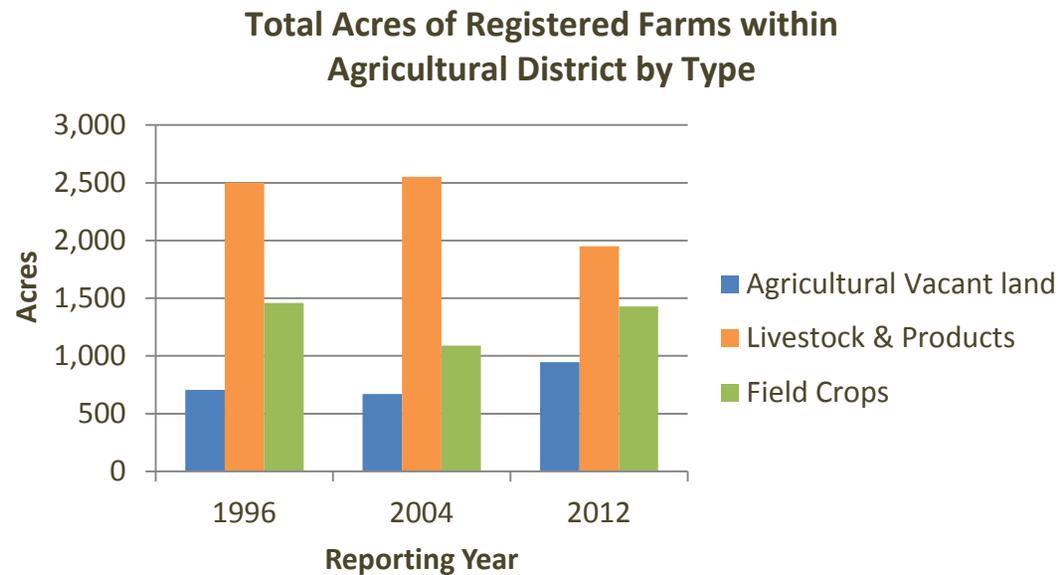
Agricultural District

New York State’s Agricultural Districts Law was enacted in 1971. The intent of this law is to encourage the continued use of farmland for agricultural production. An agricultural district can be created by a group of interested landowners “who collectively own at least 500 acres.” Enrolled agricultural district land owners benefit from several protective measures, which can include: protection from “unreasonably restrictive” local laws; a Notice of Intent (NOI) requirement for public projects that may impact farms; some limited protection from private nuisance actions; and a property sale disclosure notice informing potential buyers that they are within an agricultural district.

Approximately 8,400 acres of Saratoga County’s 35,050 acres Consolidated Agricultural District #1 is located within the Town of Moreau. The figure below illustrates the number and types of farms that are registered as part of the agricultural district.



According to Saratoga County Consolidated Agricultural District #1 figures, there were a total of 61 registered agriculture district farms in 1996. In 2012, there were 65 farms. In 1996, a majority of these parcels were used for livestock and related products. In 2012, a majority are agricultural vacant (productive lands). The figure below provides a breakdown of these by their respective acreage.



In 1996, there were 26 parcels (totaling 2,502 acres) used for livestock and related products. By comparison, in 2012, there were 19 parcels, with a total of 1,950 acres. During this same period the total number of acres of agricultural vacant (productive) lands increased by 34 percent, from 705 acres (13 parcels) to 945 acres (25 parcels). If these declines were to become a continuing trend, such losses may significantly impact the local farming industry given the high value of these farming operations. Furthermore, such losses can be a detriment to the agricultural community's confidence in the long-term viability of their farming operations.

Active Agriculture

Because agricultural district data only provides figures for enrolled land owners it does not necessarily provide information on all the Town's agricultural lands. Working with the Town Assessor, the Moreau Farmland Protection Committee examined agriculturally assessed lands based on the town's assessment rolls. Agricultural operations may be assessed at reduced rates if they meet a series of requirements. According to the NYS Department of Tax and Finance, in order to be eligible for agricultural assessments, lands must: ⁴

- Generally consist of seven or more acres that were used in the preceding two years for the production for sale of crops, livestock, or livestock products.
- The annual gross sales of agricultural products generally must average \$10,000 or more for the preceding two years. If an agricultural enterprise is less than seven acres, it may qualify if average annual gross sales equal \$50,000 or more. In addition, land that supports a commercial horse boarding operation may qualify for an agricultural assessment if the following eligibility requirements are met:
 - At least seven acres of land supports the commercial horse boarding operation;
 - The operation boards at least 10 horses regardless of ownership; and
 - The operation receives \$10,000 or more in gross receipts annually in the preceding two years from fees generated through boarding horses and/or through producing sale of crops, livestock, and livestock products. (Land that supports operations whose primary on site function is horse racing is not eligible.)
- A start-up operation may qualify based on its annual gross sales of agricultural products in the operation's first or second year. Annual sales must amount to at least \$10,000, if the start-up operation has seven or

⁴ New York State Department of Tax and Finance Agricultural Assessment Program Overview
http://www.tax.ny.gov/research/property/assess/valuation/ag_overview.htm

more acres, or to at least \$50,000, if the start-up operation has less than seven acres in agricultural production.

- A start-up commercial horse boarding operation may also qualify based on annual boarding fees of \$10,000 or more in its first or second year.

According to data provided by the Town Assessor, a total of 66 parcels within the Town receive reduced agricultural assessment. They receive a reduced property tax assessment on the portion of land used for active agricultural operation as a means to protect and promote the availability of land for farming purposes. Most of these properties are located within Saratoga County Consolidated Agricultural District #1. In total, these 66 parcels cover 3,745 acres within the Town (see assessment table below). The land area receiving a reduced agricultural assessment is 2,990 acres in size, or 80 percent of the total area. The remaining 20 percent represents those areas on an agricultural parcel where homes are located or where land is not used for agricultural purposes.

Parcels Receiving Agricultural Certified Land Assessments

		Acres		Land Assessment		
Parcels	Actual	Eligible	Percent Eligible	Actual	Agricultural Certified	Percent Agricultural Certified
66	3,745	2,990	79.8%	\$7,961,100	\$5,967,969	74.9%

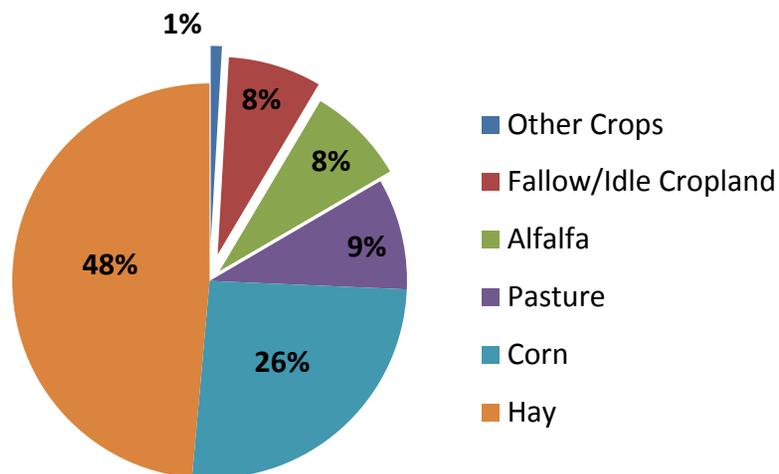
Source: Town of Moreau Assessors Office

The total assessed value for all properties having eligibility for a reduced agricultural assessment is \$7.9 million. Per acre assessed value ranges from \$943 to \$54,186 with a median value of \$2,360 per acre. The land area eligible for the reduced agricultural assessment is valued at \$5.9 million. Reduced land assessment for these areas range from a low of \$450 per acre up to a high of \$54,186 per acre with a median value of \$1,987 per acre.

In addition to agricultural certified land assessments, the Committee used Saratoga County real property tax data to identify additional agricultural resources. According to 2012 real property tax data there are 70 agricultural parcels (totaling 4,320 acres) within the Town of Moreau (including registered and non-registered agricultural district parcels).⁵ This figure includes agricultural vacant (productive) lands, lands used for livestock (e.g., dairy, cattle, horses, etc.), other field crops, and specialty farms including game preserves.

In addition to assessment data and parcel classification, NYS orthographic imagery and US Geological Survey (USGS) National Land Cover Database (NLCD) information was utilized to identify active farmlands in the town of Moreau. Based on this analysis, approximately 3,910 acres of active farmland areas were identified, as were an additional 142 parcels that likely have agricultural activities, totaling 2,880 acres. According to 2012 real property tax data, a majority of the parcels were single family residences ranging from one (1) acre to 153 acres in size. The attached Active Farmlands Map illustrates the location of these parcels and farm areas.

Town-Wide Active Farmland Characteristics



Based on NLCD data, an analysis of the 3,910 active farmland areas indicates that 48 percent is used for hay, 26 percent is used for corn, nine (9) percent is pasture lands, eight (8) percent is alfalfa, and additional eight (8) percent is fallow or idle cropland, and one (1) percent is a mix of other crops and agricultural uses (e.g., apples, pumpkins, ryes, etc.). While this analysis has helped to locate many of the Town's open land agricultural resources (e.g., fields, crops, pastures, etc.), it is likely that there are

⁵ While many parcels are simultaneously classified as agriculture and qualify for reduced assessments, there are total of 35 parcels that do not coincide.

many other forest related, enclosed, and/or small-scale operations within the Town. Such operations are often labor intensive and yield high value products that may be sold at local or regional farmers markets, restaurants, or cooperatives.

Buildout Analysis

In order to better understand potential growth in the Town of Moreau and prioritize actions to protect farmland, a Geographic Information Systems (GIS) buildout analysis of single-family homes (the most permissible and dominate land use within the Town’s agricultural and residential districts) was conducted. A buildout analysis is an estimate of the overall development potential of a land area given a set of assumptions and constraints. Utilizing Moreau zoning and land use regulations, as well as environmental and regulatory constraints (i.e. wetlands, streams, steep slopes, depth to bedrock and water table, etc.), an estimate of the total number of potential residential dwelling units was calculated.

Since the objective of the buildout analysis was to determine the number of potential residential dwelling units, certain parcels were excluded from the build out study because the ownership or current use of the parcel precludes residential development of the land (e.g., parcels containing churches, cemeteries, landfills, parking lots, public parks, picnic grounds, power generating facilities, utilities, public buildings, etc.). The remaining parcels in the Town were included in the study and analyzed for potential residential development. The buildout analysis examined development potential based upon their total acreage of “unconstrained” land and the level of existing development for all the remaining parcels. Based on these calculations, it was determined that a total of 5,028 new single-family dwelling units could be constructed at full buildout. A total of 1,561 could be built within the Town’s agricultural zoning districts. Within the R-5 zoning district, approximately 770 single-family homes could be built. With five (5) acre minimum zoning requirements, this would equal 3,850 acres of new residential parcels. The results by residential and agriculture zoning districts are provided in the table below.

Residential (Single-Family) Buildout Analysis Results

Zoning District	District Code	Potential Dwelling Units
One-Family Residential Districts	R-1	846
One- and Two-Family Residential Districts	R-2	2,317
Agriculture, One- and Two-Family Residential Districts	R-3	506
Agriculture, One- and Two-Family Residential Districts	R-4	284
Agriculture, One- and Two-Family Residential Districts	R-5	771
Multifamily Dwelling, One- and Two-Family Residential District	UR	290
Resource Protection Districts	RP	14
Totals		5,028

Future Growth Projections

Agricultural lands are often a more attractive option for residential development and are therefore subject to significant development pressures. Agricultural lands are largely flat, may be free from significant environmental constraints, and are primarily open fields with some agricultural structures. Given this potential, it is important to understand construction trends within the Town, and to the extent possible, within the agricultural district.

According to US Census Data, the Town issued 719 single family home building permits from 1997-2011 (15 years). During this period, peak permitting years occurred in 2001 (76 permits) and 2005 (73 permits). However, from 2006 through 2011, the Town averaged a total of 28.5 building permits. This represents more than a 50 percent decline in building permits from the previous six years (2000-2005) when the Town averaged 64 single family building permits per year. This decline is likely attributable to the housing crash and national recession.

During 1997-2011 a total of 49 single family homes were built within the R-5 District, where a majority of the Town’s agricultural operations are located. This represents seven percent of all permits that were granted during this period of time. It also represents 15 percent of all single-family homes within the R-5 District.

With the impacts of the recession now waning, and as the Capital Region and Saratoga County economies continue to grow, particularly among the technology related sectors (e.g., GlobalFoundries, University at Albany’s College of Nanoscale Science and Engineering, etc.), it is likely that the Town will experience an increase in housing development. In order to project the Town’s future growth, the Capital District Regional Planning Commission’s (CDRPC) population and housing projections were utilized.

The CDRPC develops population and household growth projects for individual municipalities within the greater Capital Region. According to CDRPC, “the projection models involve two distinct stages: a quantitative first stage using a log-linear regression projection model on historic Census data, and a qualitative second stage using non-quantitative judgments of the likelihood and extent of future population change within particular jurisdictions.” The table below provides population and household projections from 2010-2050 for the Town of Moreau.

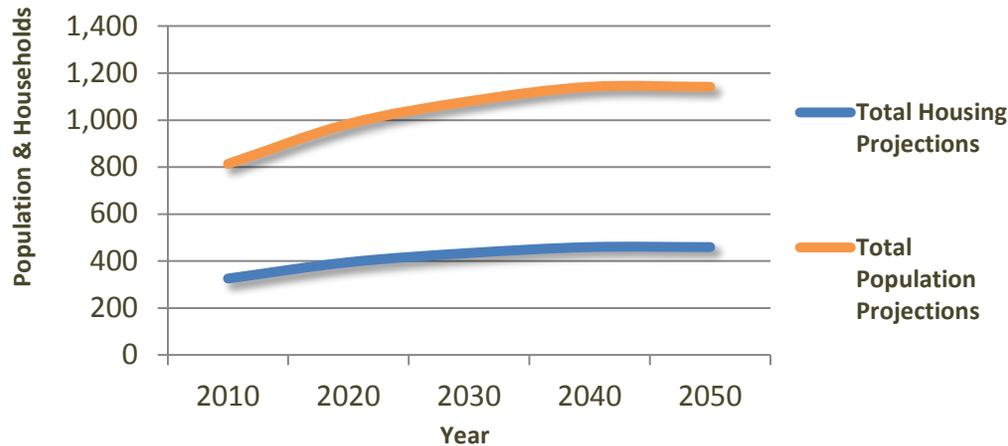
Moreau Population & Household Projections 2010-2050

Projections	2010	2020	2030	2040	2050
Town and Village Population Projections	14,728	15,601	16,276	16,551	16,384
Town Only Population Projections	11,210	11,974	12,528	12,789	12,660
Town and Village Household Projections	5,694	6,125	6,428	6,620	6,599
Town Only Household Projections	4,094	4,462	4,711	4,891	4,882
Persons Per Household Projections*	2.50	2.46	2.45	2.42	2.40

*Note that person per household projections are based on community-specific modeling and are not a simple function of population and household projections. Please visit <http://www.cdrpc.org/> for more information.

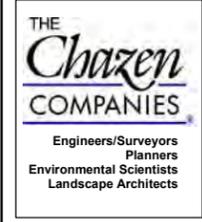
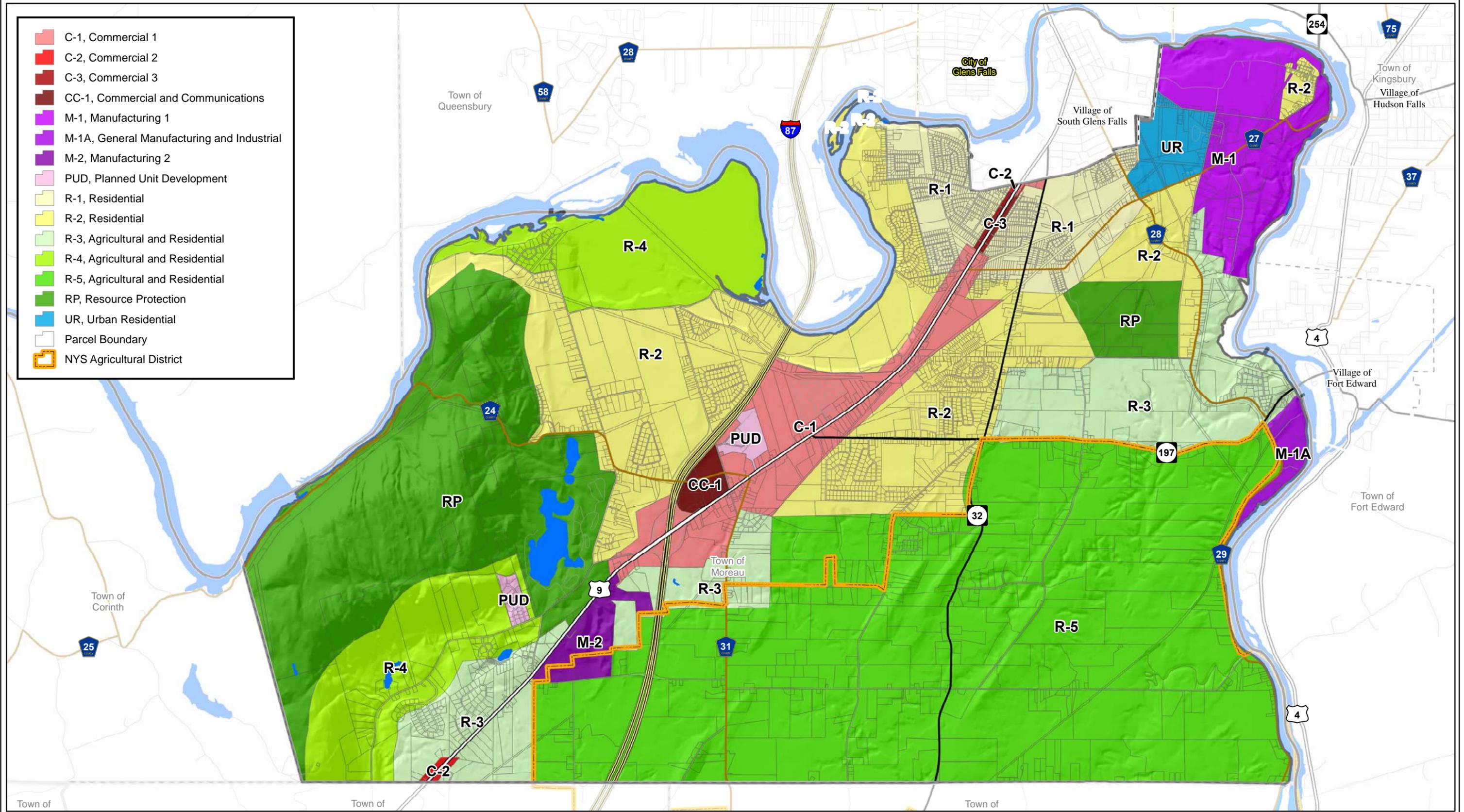
Based on these projections, combined with the results of the buildout analysis, a Town of Moreau-specific growth rate was calculated, which was then assigned to the Residential (R-5) zoning district and Saratoga County Consolidate Agricultural District #1. This growth rate was used to estimate what percent of future growth would occur within these districts from 2010-2050. Base on this analysis, it is estimated that the

Agricultural District Projected Growth: 2010-2050



population and number of households within the Town’s R-5 district and Saratoga County Consolidate Agricultural District #1 will increase by over 40 percent, which would equal nearly, 135 new homes, 770 acres of new residential parcels, 800 acres of utilities and roadways, 328 new residents, and 236 new peak hour vehicle trips. The adjacent figure illustrates these results.

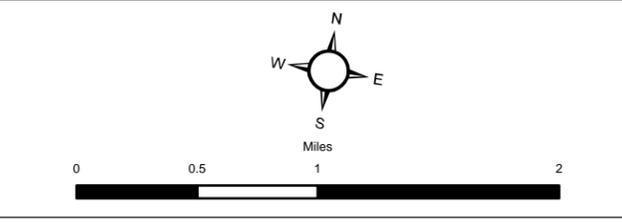
- C-1, Commercial 1
- C-2, Commercial 2
- C-3, Commercial 3
- CC-1, Commercial and Communications
- M-1, Manufacturing 1
- M-1A, General Manufacturing and Industrial
- M-2, Manufacturing 2
- PUD, Planned Unit Development
- R-1, Residential
- R-2, Residential
- R-3, Agricultural and Residential
- R-4, Agricultural and Residential
- R-5, Agricultural and Residential
- RP, Resource Protection
- UR, Urban Residential
- Parcel Boundary
- NYS Agricultural District



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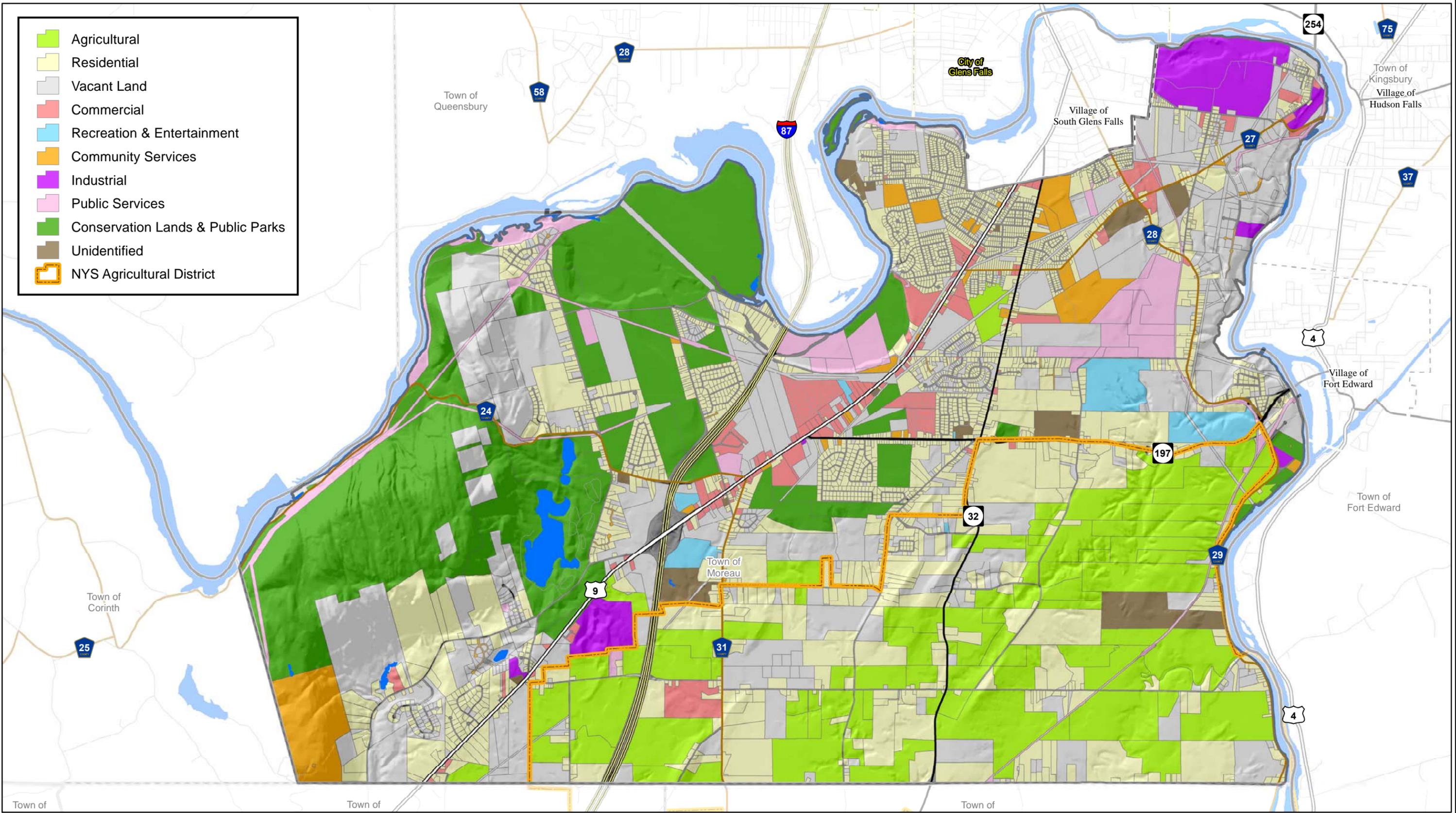
Moreau Farmland Protection Plan

Zoning Map

Town of Moreau
Saratoga County, New York

Drawn:	PWC
Date:	02/04/2013
Scale:	1:48,000
Project:	91247.00
Figure:	NA

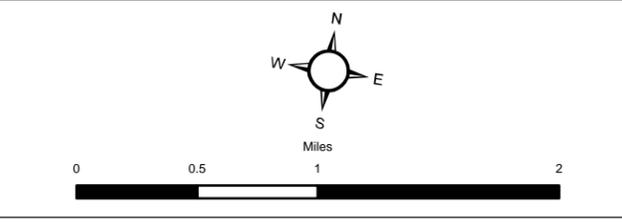
- Agricultural
- Residential
- Vacant Land
- Commercial
- Recreation & Entertainment
- Community Services
- Industrial
- Public Services
- Conservation Lands & Public Parks
- Unidentified
- NYS Agricultural District



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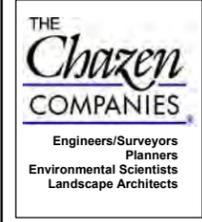
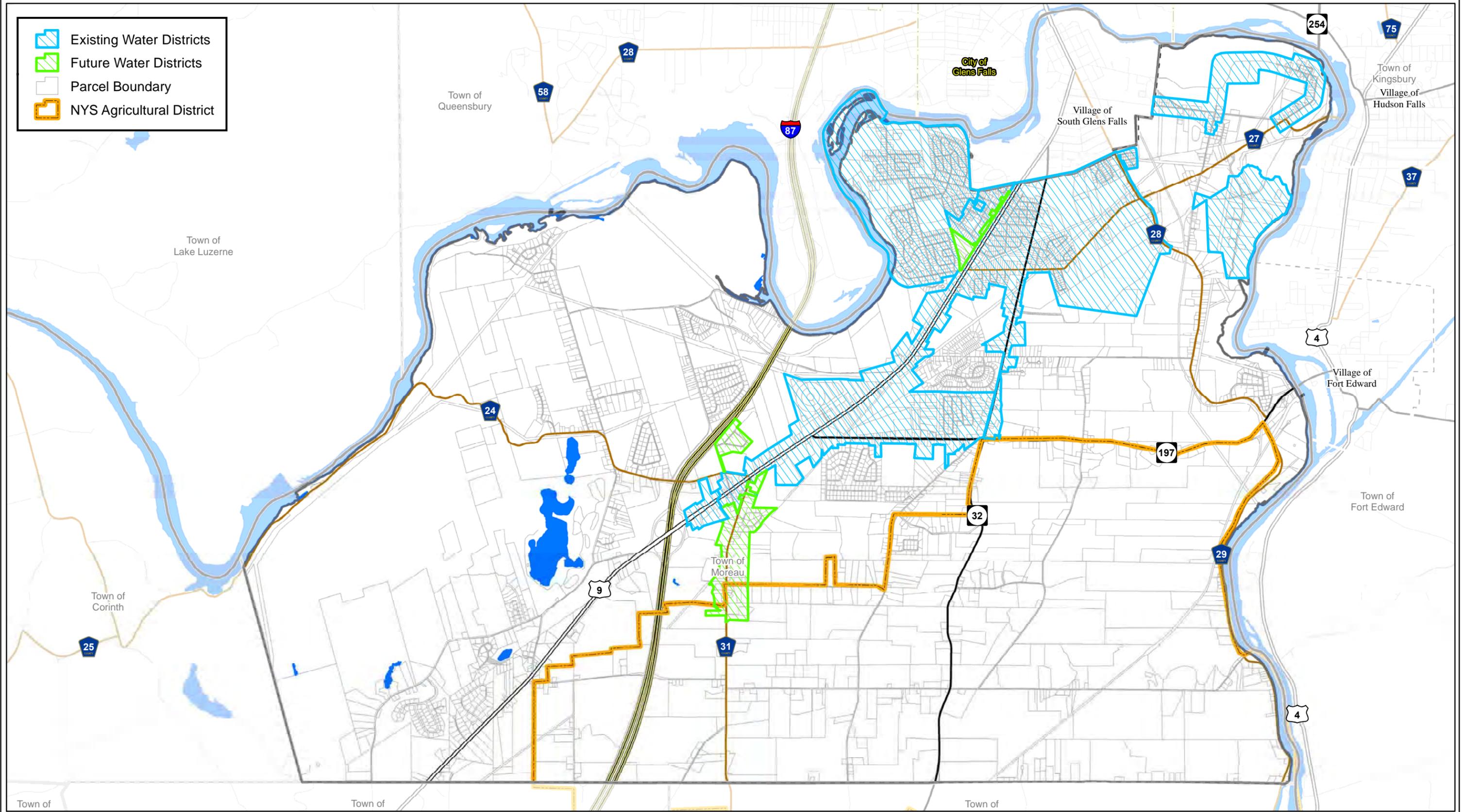
Moreau Farmland Protection Plan

Land Use Map

Town of Moreau
Saratoga County, New York

Drawn:	PWC
Date:	02/04/2013
Scale:	1:48,000
Project:	91247.00
Figure:	NA

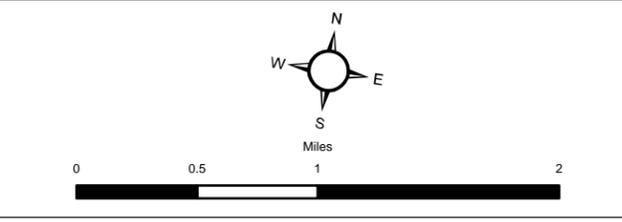
-  Existing Water Districts
-  Future Water Districts
-  Parcel Boundary
-  NYS Agricultural District



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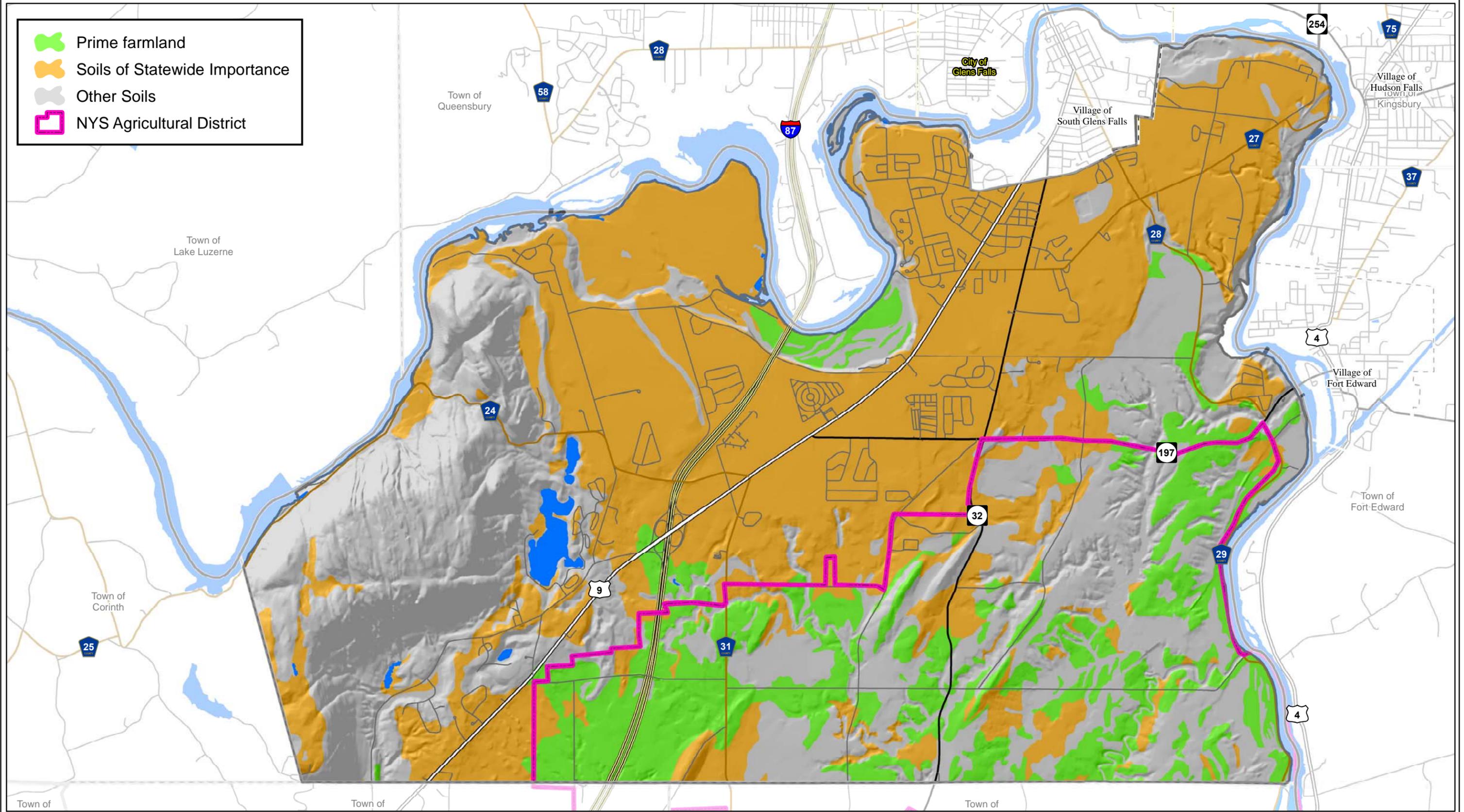
Moreau Farmland Protection Plan

Infrastructure Map

Town of Moreau
Saratoga County, New York

Drawn:	PWC
Date:	02/04/2013
Scale:	1:48,000
Project:	91247.00
Figure:	NA

-  Prime farmland
-  Soils of Statewide Importance
-  Other Soils
-  NYS Agricultural District



THE Chazen COMPANIES
 Engineers/Surveyors
 Planners
 Environmental Scientists
 Landscape Architects

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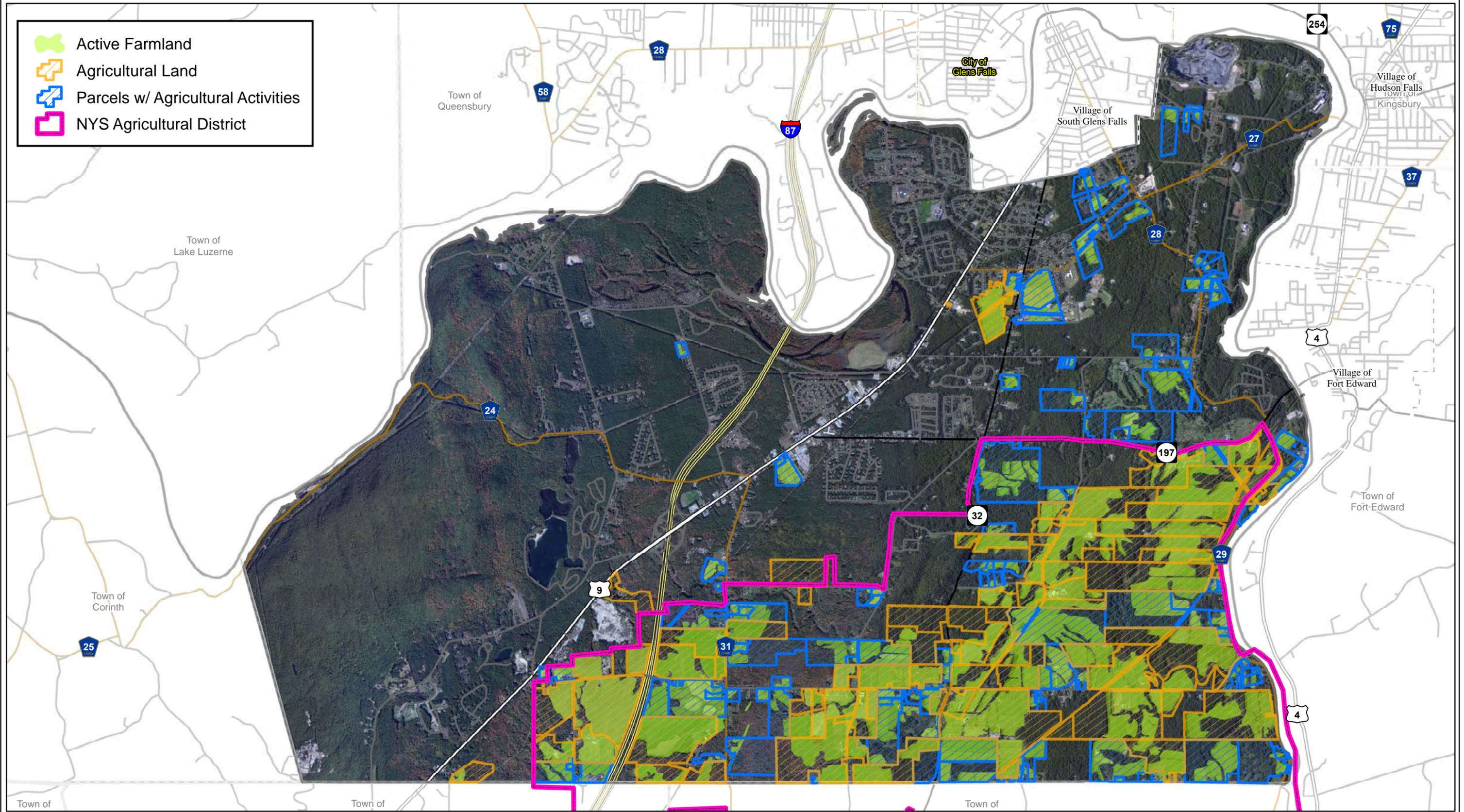
Moreau Farmland Protection Plan

USDA Soils Map

Town of Moreau
Saratoga County, New York

Drawn:	PWC
Date:	02/04/2013
Scale:	1:48,000
Project:	91247.00
Figure:	NA

-  Active Farmland
-  Agricultural Land
-  Parcels w/ Agricultural Activities
-  NYS Agricultural District



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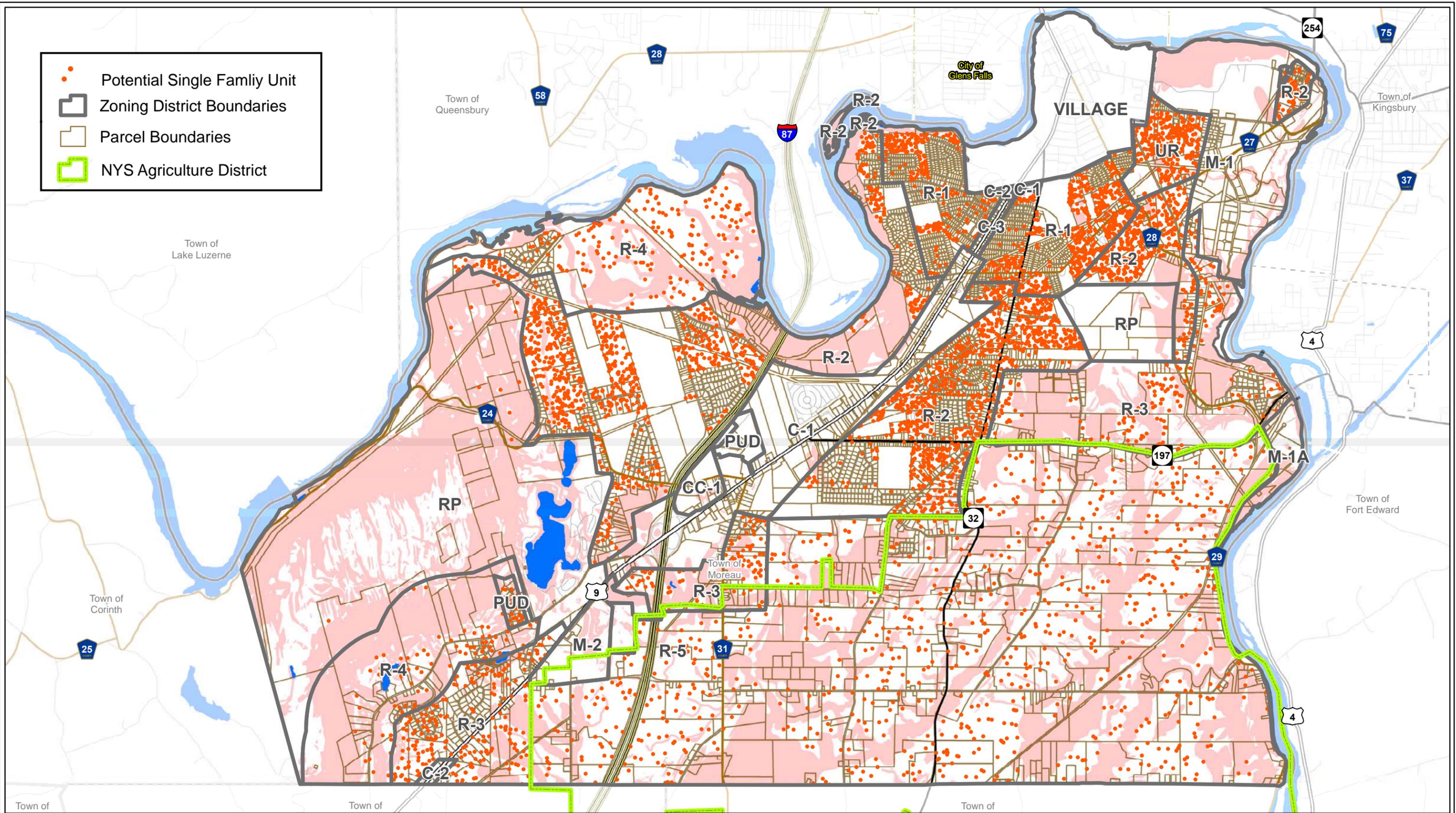
Moreau Farmland Protection Plan

Active Farmlands

Town of Moreau
Saratoga County, New York

Drawn:	PWC
Date:	02/04/2013
Scale:	1:48,000
Project:	91247.00
Figure:	NA

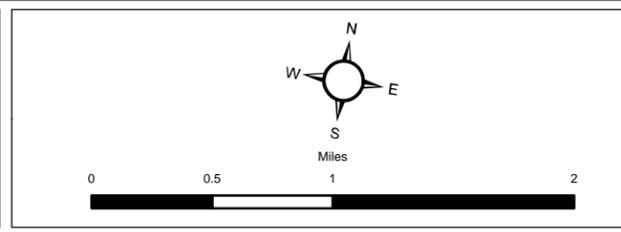
- Potential Single Family Unit
- Zoning District Boundaries
- Parcel Boundaries
- NYS Agriculture District



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Moreau Farmland Protection Plan

Buildout Analysis Map

Town of Moreau
Saratoga County, New York

Drawn:	PWC
Date:	02/04/2013
Scale:	1:48,000
Project:	91247.00
Figure:	NA

Priority Agriculture Analysis

Priority Resource Analysis

The evaluation of the relative value and importance of agricultural lands was performed using GIS overlay techniques. Agricultural lands are not created equal, some lands are better suited for crops versus livestock, and other site characteristics contribute (or diminish) a lands potential agricultural productivity. Soil characteristics, location within the agricultural district, proximity to other agricultural operations, size, and other factors are all characteristics that contribute to this value. Conversely, properties located adjacent to residential development or those served by (or proximate to) utilities are less suited for agricultural operations thereby negatively impacting agricultural value.



Using GIS, select criteria from the United States Natural Resources Conservation Service's (NRCS) Land Evaluation and Site Assessment (LESA), coupled with input from the Advisory Committee, was cataloged and assigned a value based on its positive or negative influences on agricultural operations. A complete list of the attributes used in this scoring is provided in the table below.

Priority Agricultural Attributes

Positive Attributes	Negative Attributes
<ul style="list-style-type: none"> • USDA-NRCS Prime and Statewide Important Soils • Located within the Agricultural Districts • Actively used for agricultural purposes • Land classified as agriculture by Saratoga Real Property Services • Identified as farm activity based on USGS Land Cover • Agricultural Parcel Size (0-25 acres, 25-50 acres, 50-100 acres , greater than 100 acres) 	<ul style="list-style-type: none"> • Located within a commercial or non-agriculture zoning district • Located within and existing water district • Located within and existing sewer district • Proximity to core residential areas (clusters of residential parcels that are less than one acre)

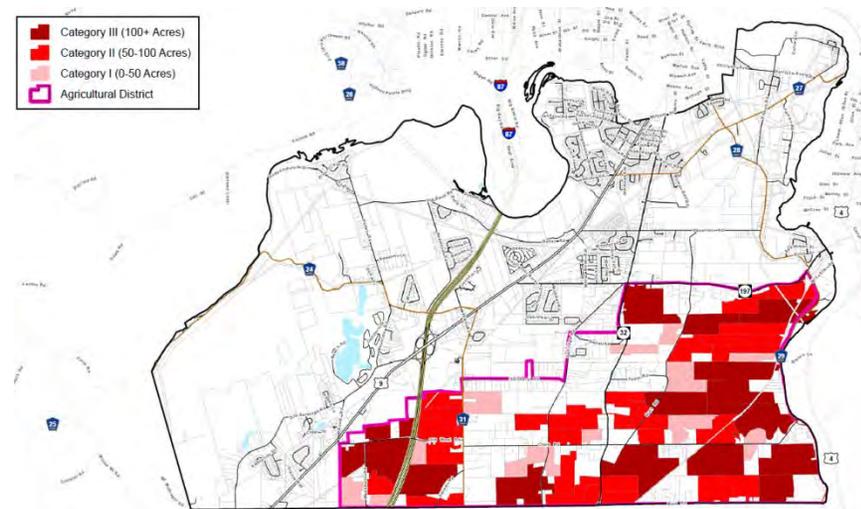
The GIS model was used to calculate where clusters of agricultural resources were concentrated. Locations where multiple resources were present received a high rank and where there fewer overlapping resources received a lower rank (see priority agricultural resources figure located at the end of this section). The Table below (next page) identifies the results of this analysis. Based on the results, approximately 17 percent of the Town’s total land area has higher priority levels of agricultural resources.

Agricultural Attributes Overlay Results

Analysis Results	Total Acres	Percent of Town
Limited or no Agricultural Resources	26,097	66
Some Agricultural Resources	6,806	17
Multiple Agricultural Resources	2,448	6
High Priority Agricultural Resources	4,289	11
Total	39,640	100

Priority Parcel Analysis

While the priority resource analysis identified concentrations of agricultural resources, it does not necessarily identify specific parcels that present the greatest conservation value. In order to identify such lands, the analysis was cross-referenced with the active agricultural land inventory. Three categories of priority properties were identified based on the above analysis. Properties that were identified as having active agricultural activities, as well as a high percentage of agriculture resources, were categorized



based on parcel size: 0-50 acres, 50-100 acres, and greater than 100 acres. The priority agricultural parcels figure above and at the end of this section illustrates the results of this analysis. The table below identifies the total acreage and number of parcels within each of these categories.

Priority Agricultural Results

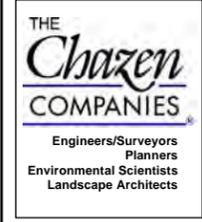
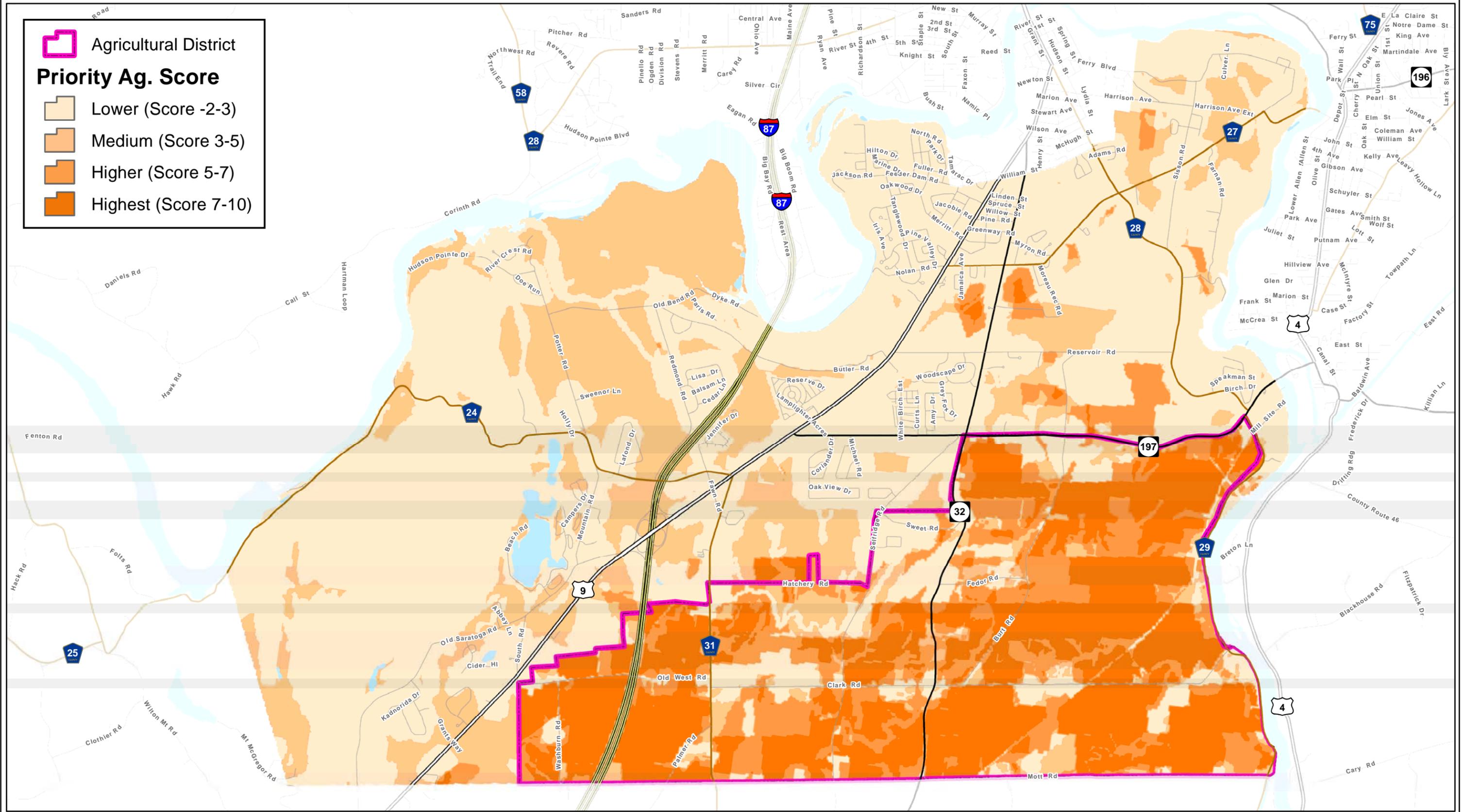
Tier	Acres	Parcels
Category I (Greater Than 100 acres)	2,441	14
Category II (50 to 100 acres)	1,916	26
Category III (Less than 50 acres)	760	21
Total	5,117	61

The analysis identified a total of 61 priority agricultural parcels, totaling 5,117 acres, which represents 61 percent of the total land area within the Town's Saratoga County Consolidated Agricultural District #1. Among these lands, 14 parcels (2,441 acres) were greater than 100 acres, representing nearly 50 percent of all the priority lands. While the size and concentrations of agricultural resources are important elements to consider when developing any conservation initiative, other factors such cultural significance, proximity to existing and future development, and future viability of the farming operation must be taken into consideration. Regardless, using this analysis can help to develop a framework for a farmland protection vision that is accurately based on agricultural resources, which can then be utilized to prioritize preservation investments within the Town.

 Agricultural District

Priority Ag. Score

-  Lower (Score 2-3)
-  Medium (Score 3-5)
-  Higher (Score 5-7)
-  Highest (Score 7-10)



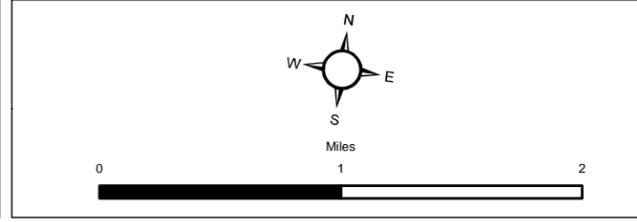
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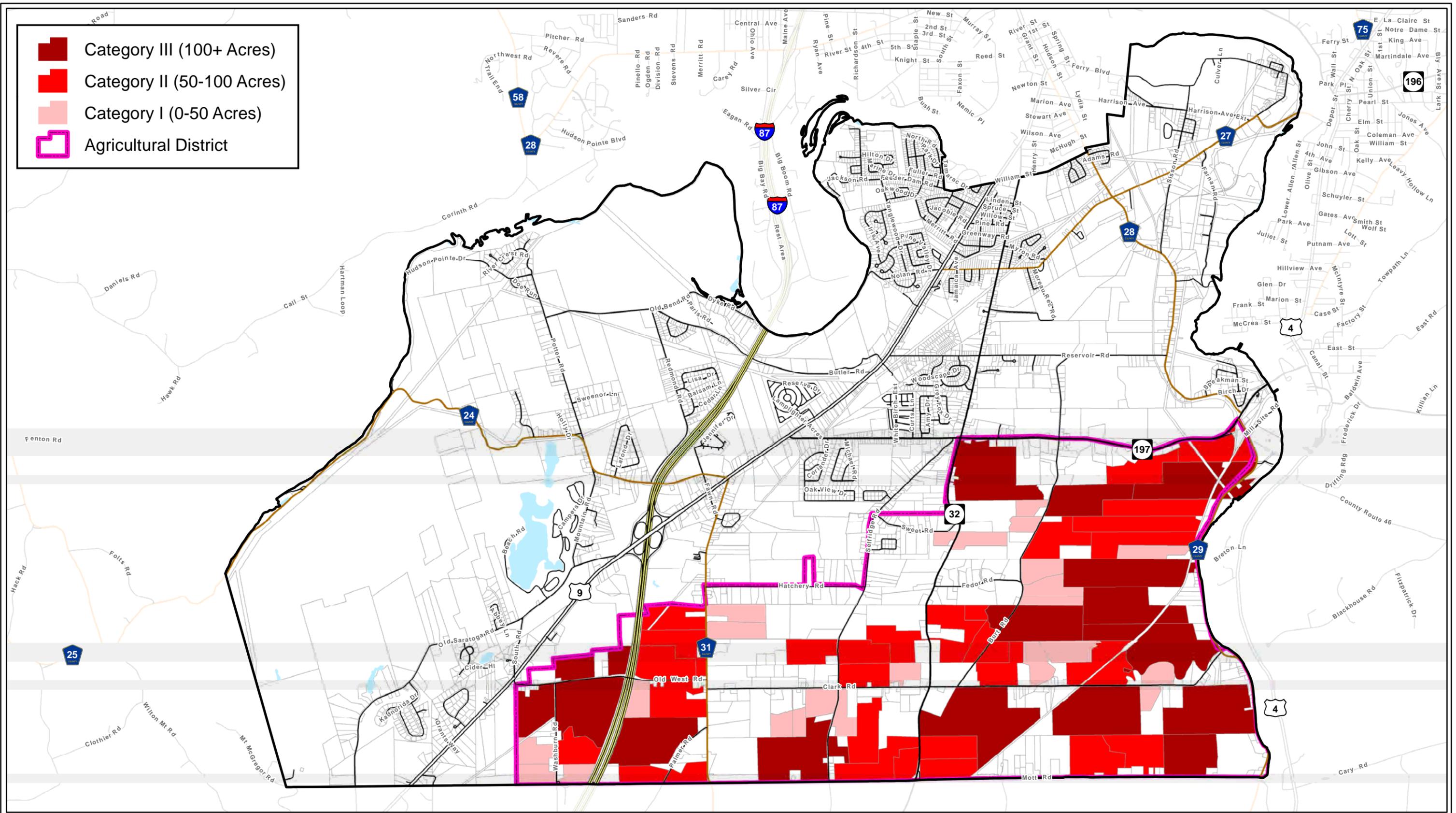
Moreau Farmland Protection Plan

Priority 5 [f]W`h fU`FYgci fW Map

Town of Moreau
Saratoga County, Farmland Protection

Drawn:	PWC
Date:	5/10/2013
Scale:	1:48,000
Project:	91247.00
Figure:	1

 Category III (100+ Acres)
 Category II (50-100 Acres)
 Category I (0-50 Acres)
 Agricultural District



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Moreau Farmland Protection Plan
Priority Ag. Parcel Category Map
 Town of Moreau
 Saratoga County, Farmland Protection

Drawn:	PWC
Date:	5/10/2013
Scale:	1:48,000
Project:	91247.00
Figure:	1

Community Input

Because community input is a vital part of any planning process, the Moreau Farmland Protection Plan Committee incorporated a number of public participation events and opportunities during the planning process. This included an agricultural stakeholders meeting, farmer survey, and a town-wide public workshop. During each of the outreach efforts the Committee provided inventory and analysis information and engaged the community via facilitated discussion or through print and online surveys. This input served as the foundation for the recommendations outlined in the following recommendations section. A summary of community input is provided below.

Agriculture Stakeholders Meeting

The Agricultural Stakeholders Meeting was held at the Town Hall on April 25, 2013. Members from the agricultural community were invited to attend and discuss current trends, concerns, opportunities, and ways of improving agricultural operations within the Town. Approximately 15 people were in attendance including members from the agricultural community, the Moreau Farmland Protection Plan Committee, and the project's planning consultant team. Stakeholders discussed a variety of issues ranging from agricultural-based tourism to potential impacts of water and sewer service expansion.

Some specific ideas, issues, and concerns addressed by members of the agricultural community included the following:

- Farmers were interested in exploring agritourism opportunities. This could include school groups and kid-oriented activities. It could also include agricultural related tours, camping, and event space.

- Farmers expressed that there was a perceived lack of agricultural identity within the Town or that some residents felt farming was less important than other aspect of the community. Suggestions to address this issue included the installation of Right to Farm and Town of Moreau signs along roadways that enter the town (including the Adirondack Northway) and increased public education about local farming and goods through social and print media. Such outreach could highlight specific farms throughout the year to promote events, the sale of local goods, or just inform local residents of what farms are in the area.
- Farmers also felt the need to develop better networks and organizational structures to discuss and address farming issues with the community. Currently the Saratoga County Fair is only event where farmers regularly see one another.
- Many farmers expressed concern about the future of farming in the Town and hoped that there would be an opportunity to pass their operations down to future generations. However, they felt that extension of sewer and water services would promote development of farmland and increase traffic volumes along the roadways, thereby threatening livestock and moving farm equipment.
- Farmers were interested in exploring conservation easements and purchase or lease of development rights as a tool to recapitalize farming operations, preserve farmland, and reduce sale prices for next generation farmers.
- Farmers discussed the practical impacts of certain zoning and land use regulations on farming operations. This includes regulations regarding farm stands, off-street parking, sign regulations, fencing, incompatible use setbacks (e.g., residential housing and farming operation), and diversification of farm operations. Farmers also noted that existing zoning and revisions should be in accordance with NYS Department of Agriculture and Markets Law.

- While some farmers expressed an interest in diversifying their operations to include high labor, high value, produce and meat products in order to capture the growing market for locally sourced goods, such changes may require significant investments and/or hindered by lack of experience. In addition, limited access and options (real or perceived) and/or knowledge of such markets were also a concern. Furthermore, the regulations regarding “organic” labeling often prohibit the production of local goods given the lack of suitable cropland. However, it was noted that alternatives to organic labeling, including, Certified Naturally Grown, may help to address such issues.

A summary of the agricultural stakeholders meeting is included in Appendix A.

Moreau Farmers Survey

The Moreau Farmland Protection Plan Survey was sent to local farmers and agricultural property owners on June 10, 2013. The survey was developed as a mechanism for soliciting feedback on the current state of farming in Town including the economic value and benefits of farming to the Town, an assessment of the future of farming, and an evaluation of a range of farmland protection tools.

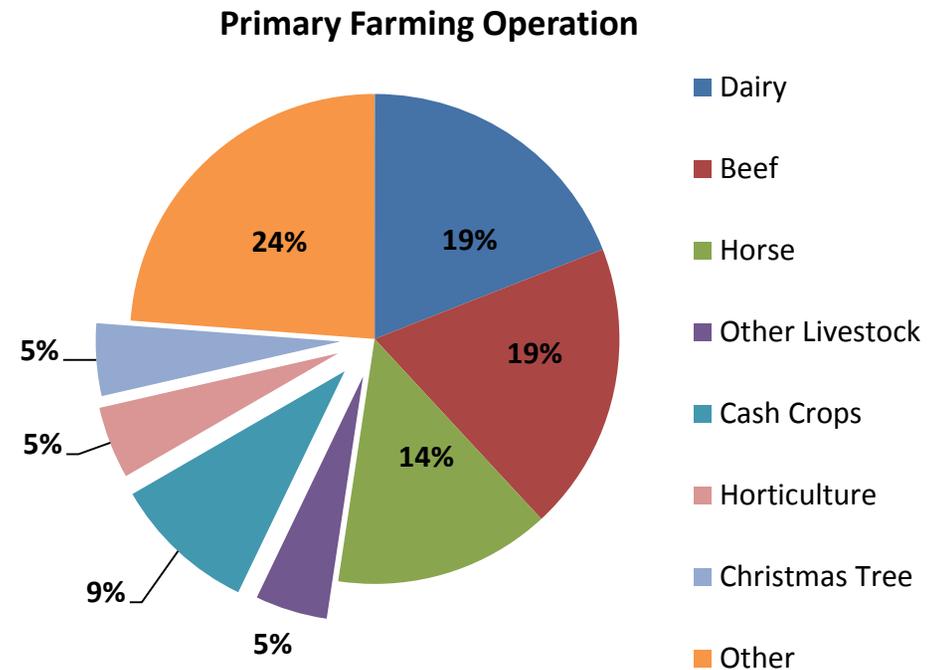
A letter was sent to approximately 108 local farmers and agricultural property owners within the Town of Moreau. The letter invited these residents to participate in the 11 question survey via mail or online through Survey Monkey. Over the reporting period a total of 20 surveys were completed representing an 18.5 percent response rate.

The Moreau Farmland Protection Plan Survey sought information from local farmers and agricultural property owners relating to primary farming operations, secondary and non-farm activities, amount of land farmed, how farmland is used, gross annual sales, future plans for farming activities, challenges facing the success of farming in

Moreau, agricultural trends, concern about the loss of farmland, farmer and non-farm neighbor relations, and level of support for farmland protection strategies. A complete copy of the Moreau Farmland Protection Plan Survey is included in Appendix B along with a summary report detailing the survey's findings.

Summary of Survey Findings

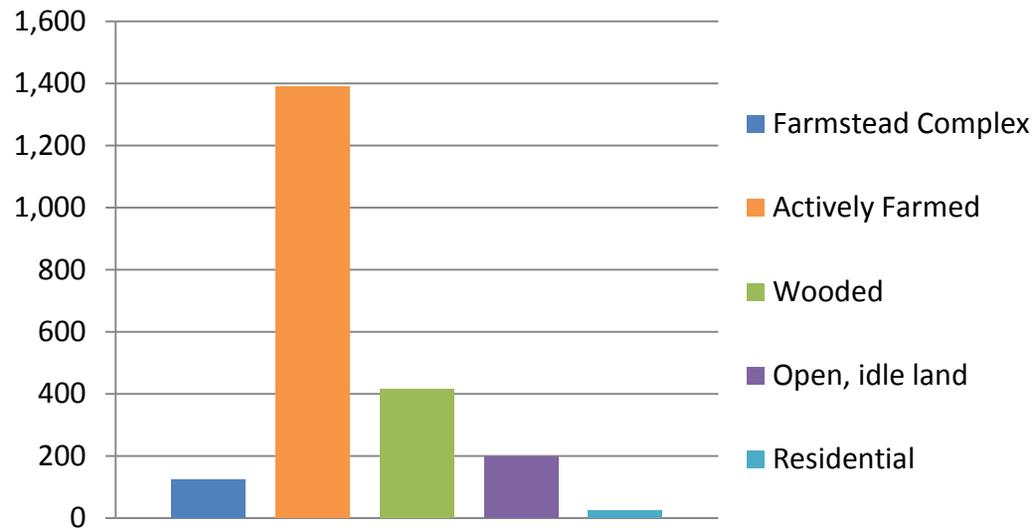
When asked about primary farming operation, 20 percent of respondents indicated dairy as their primary operation, 20 percent indicated beef as their primary operation and an additional 20 percent indicated other as their primary operation. In terms of secondary operations used to diversify farming activities, a number of respondents indicated they have farm stands. Other reported secondary farming activities included antique restoration, trucking, and agri-tourism.



When asked about the type of land respondents farmed 13 out of 20 respondents indicated the only land they farm is under their ownership. Of these respondents, 38 percent own land 0-49 acres in size and another 31 percent of respondents own land 151-200 acres in size. No respondents indicated owning land they farmed in excess of 200 acres in size.

Six out twenty respondents indicated they farm land they both own and lease. Four out of these six respondents either own and/or lease land 0-49 acres in size. Four out of these six respondents lease less than 100 acres of land, and just one leases land 201-350 acres in size.

Acres of Land by Use



Based on 17 respondents, farmers have an average of 147 acres of land, of which, 82 acres are actively farmed, 30 acres are wooded, 22 acres are open/idle land, 10 acres are farmstead complex, and 3 acres are residential. These responses further indicated a total of 1,389 acres of actively farmed land, or 65 percent of land identified by respondents. Wooded land totaled 416 acres (19 percent) and open/idle land totaled 197 acres (9 percent).

Fourteen out of twenty respondents indicated the amount of gross annual sales from the previous year. Based on these responses, 21 percent indicated zero annual sales (personal use only), 21 percent indicated sales less than \$10,000 and another 21 percent indicated sales between \$50,000 and \$99,999. Fourteen percent of respondents indicated gross annual sales between \$100,000 and \$199,000.

Based on 11 respondents who indicated their plans within the next year, 4 out of 11 anticipated increasing farming operations and 5 out of 11 anticipate staying the same. Out of the 17 respondents who indicated their

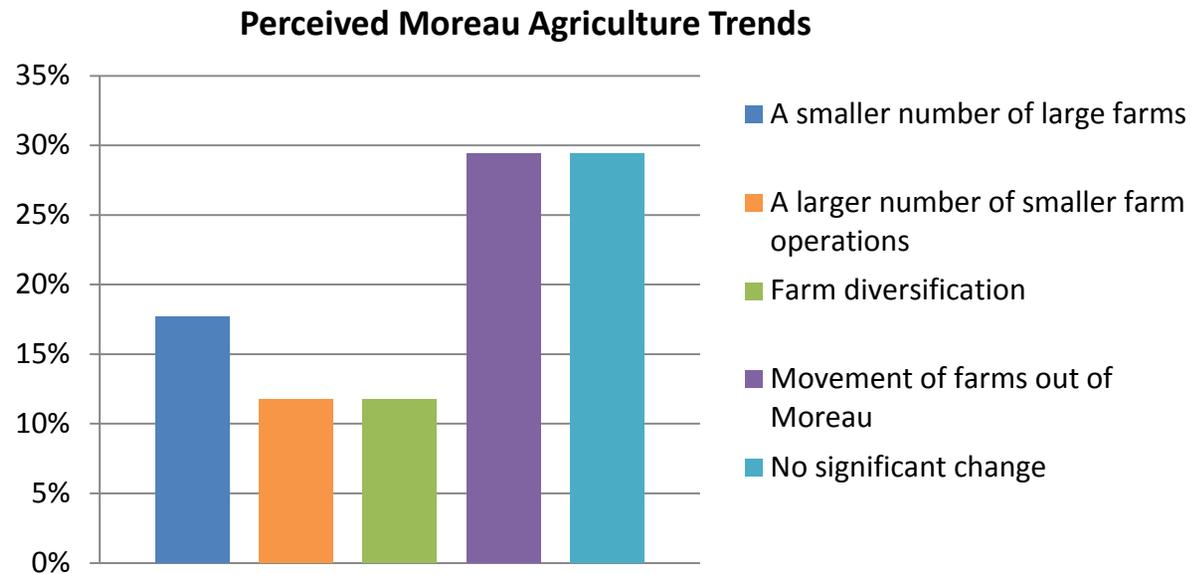


plans within the next five (5) years, six indicated that they would increase farming operations, five would stay the same, and four would likely diversify. Just one respondent planned to decrease operations and one respondent noted that they intended to sell all farming operations within the next five years.

Based on 16 respondents, the top five challenges facing the success of farming in Moreau were property taxes, machinery costs, fuel cost, production cost, and environmental regulations. Other challenges that

received no selections include: rental costs, access to adequate financing, access to agri-services, access to marketing or business support, lack of local consumers/clients, and a lack of processing facilities.

Nearly 60 percent of respondents were split as to whether farms will move out of Moreau in the near future or there will no significant change. When asked how concerned they were about the loss of farmland in Moreau, nearly 40 percent were very concerned and over 60 percent were somewhat concerned. Sixty seven percent of all respondents indicated there is a positive relationship between farmers and non-farm neighbors and just 11 percent indicated a negative relationship.



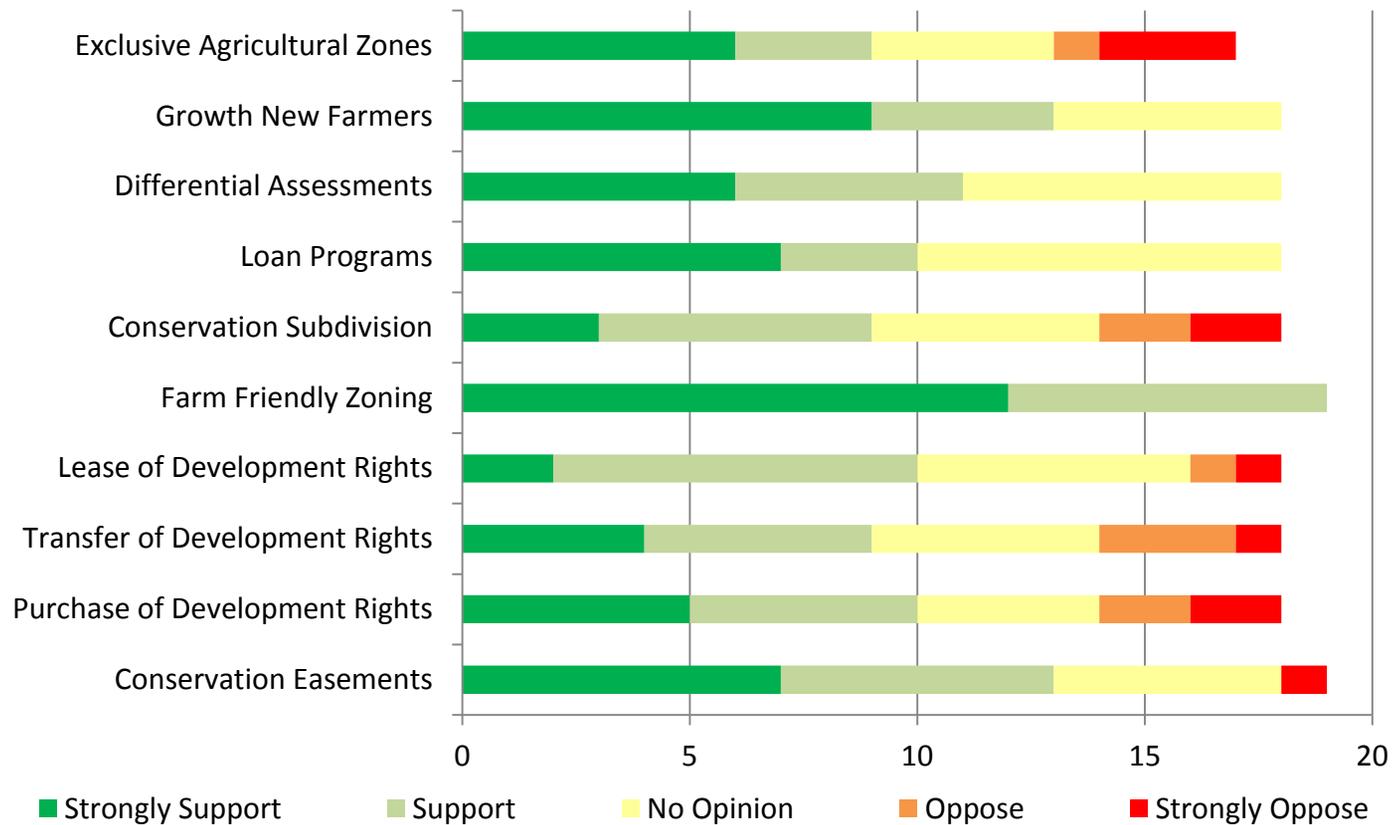
When asked about farmland protection strategies, survey participations were provided a range of options, including the following:

- **Conservation Easements:** A legal document that restricts the use of land to farming, open space, or wildlife habitat. A landowner may voluntarily sell, lease, or donate an easement to a government agency or private land trust and as a result may be eligible for federal tax and NY property tax benefits.
- **Purchase of Development Rights:** The voluntary sale of the rights to develop a piece of property by the landowner to a government agency or land trust. The sale price is determined by an appraisal. The land is permanently restricted to farming or open space.

- **Transfer of Development Rights:** Property rights that are not used on the land from which they come. These may be sold to be used on another designated site in a growth area in order to allow the farm or open space to remain undeveloped. It allows landowners to receive the full equity of the property.
- **Lease of Development Rights:** When the development rights of a property are leased to a municipality through a contractual agreement for a specified period of time in return for tax benefits or other monetary transaction. This results in land being restricted to farming or open space for that specified time period.
- **Farm Friendly Zoning:** Local regulations that do not restrict agricultural activities. Zoning laws that are farm friendly allow agriculture in more than one zoning district, simplify regulations and standards for farms and agricultural businesses, and allow flexibility in agriculture related businesses on the farm.
- **Conservation Subdivisions:** A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space, or farming.
- **Loan Programs:** Dedicated funding stream to disburse loan funds to farms and agricultural businesses to start new businesses, expand operations and/or diversify.
- **Differential Assessments:** When land is assessed for tax purposes as farmland, it is based on its use/value for farming rather than on its “highest and best” use for potential development. New York State offers an agricultural exemption program which lowers the assessment of lands devoted to farming.
- **Growing New Farmers:** Promotes and encourages new farmers to locate in the town by offering information, incentives and programs to help them get started.
- **Exclusive Agricultural Zones:** Zoning districts that only allow agricultural uses and prohibit any other uses unless they are related to farm use.

Strategies that received the greatest level of support include farm friendly zoning, conservation easements, and growth of new farmers. In response to purchase of development rights, 56 percent of respondents supported the strategy while 22 percent opposed the strategy. Similarly, 50 percent of respondents support transfer of development rights and 22 percent opposed the strategy (the full survey results are included in Appendix B).

Level of Support for farmland protection strategies



Community Workshop

The Moreau Farmland Protection Plan Advisory Committee hosted a public workshop at Town Hall on January 15, 2014. The intent of the workshop was to provide a forum for all members of the community to discuss the importance of the Town's agricultural resources and to review the draft Moreau Farmland Protection Plan findings and recommendations. Input obtained during the workshop was used to revise the plan and to help identify implementation priorities and strategies. Representatives from NYS Agriculture and Market also attended the workshop and provided information regarding funding for implementation, including monies for zoning revision and adoption of local Transfer of Development Rights (TDR) ordinances.

The workshop also included a panel discussion with representatives from Saratoga County Planning, Saratoga County Farm Bureau, Saratoga PLAN, as well as members of the Moreau/Saratoga County farming community.



The panel discussion covered several topics including state and county Purchase of Development Right (PDR) programs, promoting agricultural awareness through events (e.g., Sundae on the Farm, etc.) and local and region-wide marketing and branding initiatives, and a variety of farmland conservation land use tools.

Following the panel discussion, workshop participants provided feedback as well as their strong support for the plan recommendations. Among the most strongly support recommendations was the creation of a local Agricultural Advisory Committee and the adoption of farm friendly zoning. Participations were also very interest in expanded PDR opportunities and increased agricultural awareness.

Farmland Protection Recommendations

The following farmland protection and revitalization initiatives are based on extensive public input that was obtained during the Moreau Farmland Protection Plan planning process. Recommendations have been organized by their level of support and/or priority, but it is emphasized that such priorities may change based on funding opportunities and /or evolving community needs.

While these recommendations represent a range of policy and land use options that will help preserve Moreau's agricultural resources, true success will depend upon a committed and informed community and strong partnerships with willing landowners. Because implementation of these strategies requires a long-term commitment from dedicated and knowledgeable members of the community, one of this plan's primary recommendations is the creation of a local Agricultural Advisory Committee. Created by the Town Board, members of the Agricultural Advisory Committee would be appointed to serve a select number of years and tasked with implementing the recommendations outlined in this plan. In addition to plan implementation, the Agricultural Advisory Committee would be responsible for advising the Town Board, Planning Board, and Zoning Board of Appeals on agricultural related matters. This may include proposed land use regulations, infrastructure projects (e.g., water and sewer services, etc.), and proposed developments.

While the Agricultural Advisory Committee would provide the necessary commitment and continuity, additional support and/or partnership opportunities should include the Saratoga County Planning Department, Cornell Cooperative Extension of Saratoga County, Saratoga County Farm Bureau, American Farmland Trust, and local land trust such as Saratoga PLAN and Agricultural Stewardship Association.

Ultimately, protection of Moreau's agricultural resources will require an improved, town-wide understanding of both its financial and cultural resource value. The Agricultural Advisory Committee, through newsletters, the town's website, at the farmers market, and through public forums can help educate residents about the reduced cost of community services, open space, wildlife habitation, and food security benefits that local farms provide.

The following recommendations were also identified during the planning process.

Farm Friendly Zoning:

Adopt revised zoning ordinances that benefit farmers. Land use and zoning provisions that negatively impact farming operations are often inadvertently adopted by communities. However, such regulations can unnecessarily restrict farming operations and limit their growth. While Section 305-A of NYS Agriculture and Market Law, which regulates Agricultural Districts, allows the Commissioner of the New York State Department of Agriculture and Markets to review local laws to determine if they are unreasonably restrictive of farms operating in agricultural districts, this process is often unintentionally overlooked or underutilized by local municipalities and/or members of the farming community. As such, the town should review and revise its zoning provisions so that they provide greater flexibility in regulations to accommodate the unusual needs of agricultural businesses. For example, both the land use impact and the off-site impact of a seasonal farm business are often much less than that of a full-time business. Pick-your-own food operation or Christmas tree farm businesses are not viable in a community that treats farms like all other retailers.⁶ Examples of farm friendly zoning include the following:

- **Roadside Stands:** The Town's current roadside stand provision requires products to be sold on the premise that they are produced. The unintended consequence of such regulation is that goods cannot be sold on

⁶ Rutgers University, Sustaining Farming on the Urban Fringe (<http://njsustainingfarms.rutgers.edu>)

adjacent or nearby pieces of property that are owned by the same farmer. The rational basis for allowing a farm stand should be about increasing profitability and flexibility and not necessarily where goods are produced.

- **Non-traditional or Retail-based Farm Businesses:** The Town's zoning currently identifies a wide range of permissible agriculture and commercial related uses within its agricultural zoning districts. However, this approach can involve splitting hairs to make unfamiliar distinctions between what is "commercial" and what is "agricultural." Flexible definitions and uses related agricultural commerce and agritourism that recognize newer types of farm businesses such as landscape nurseries, greenhouses, farm tours, cooking, and ecological classes, Community Supported Agriculture (CSA), bakeries, farm stores and restaurants, farm-stays, camping, corn mazes, harvest festivals, you-pick operations, agriculturally related competitions, and



other similar events are valuable elements of rural character that benefit the farmer's bottom-line and the town. Given the nature of farming operations, flexible standards regarding hours of business, temporary on- and off-site signs, and parking should accompany such zoning revisions.

- **Simplified Site Plan Requirements and Regulations:** In addition to providing flexibility for non-traditional or retail-based farm businesses, flexible standards regarding business hours, temporary and permanent on-

and off-site signs, and on- and off- street parking should be afforded to farming operations. For example, simpler standards make sense for parking requirements during seasonal retailing or events. In addition to parking, more flexible sign standards that permit off-site signage would help improve visual access to nearby farming enterprises. Such parking standards should allow the traveling public to stop along the roadside and small-scale, attractive signage that is keeping with the area's rural character, should be aimed at increasing profitability and expanding business opportunities through diversification for farmers. Ultimately, when agricultural uses are limited in scope and impact, they need not be treated as if they were year-round permanent businesses.

- **Buffer Zones Between Farmland and Residential Uses:** The town currently has a setback of 25 feet within its agricultural districts. However, because new development can place a burden on existing farms, increased buffer zones between agricultural and residential uses should be adopted. New residential development should provide for its own buffer zone and/or landscape plantings for screening when it is deemed necessary by the Planning Board or zoning administrator.

A more comprehensive review of the Town's zoning regulations is included in Appendix C.

Next Generation Farming:

Help facilitate the growth of next generation farmers. According to the most recent USDA Census of Agriculture (2007), the average age of a Saratoga County farmer was 57 years old.⁷ As farmers continue to age and retire, they often sell their land or convert their farm into a rental operation. With every sale or conversion the

⁷ Data from the 2012 Census of Agriculture will be released February 2014.

opportunity for next generation farmers declines. According to the owners of Quincy Farm in Easton, NY, Luke Deikis and Cara Fraver:



Historically, land tenure in the US has meant that a farmer owned his land, having inherited it or purchased it on the open market as a regular homeowner might. Given the skyrocketing prices of real estate surrounding metropolitan areas – driven by development pressure as well as the market for "rural estates" and second homes – this is simply impossible for today's new farmer. It's not just an inability to produce such a large down-payment: It's that even a well-run operation with established markets would be unable to service the mortgage on a market-rate purchase price. For a start-up, it would be ludicrous to take on such a burden. As the prices rise and the remaining farmland dwindles – at a rate of 2 acres PER MINUTE [sic] according to American Farmland Trust – this situation only gets worse and worse.⁸

While these market realities threaten farming operations throughout the United States, Luke and Cara's experience with Quincy Farm offers a great alternative that is worth emulating. As their interests in owning and operating a farm increased over the last decade, they explored a variety of long-term tenure options to owning and operating a farm. In 2010, they visited the Wright Farm in Easton, NY, which was for sale but at a price they couldn't afford. Working with the Open Space Institute (OSI) and Agricultural Stewardship Association (AS), who purchased the properties development rights, thus dramatically reducing the purchase price, Luke and Cara were

⁸ Quincy Farm (<http://www.quincyfarm.net/>)

able to buy the farm of their dreams and renamed it Quincy Farm. Since that time, Quincy Farm has expanded to supply five (5) farmers markets and three (3) winter markets and Community Support Agriculture (CSA) operations in Ballston Spa, Malta, and Glens Falls.

In an effort to preserve Moreau's farmland for the next generation of farmers, the proposed Moreau Agricultural Advisory Committee should partner with local, regional, and/or national land trusts that work with young farmers when purchasing existing operations and help facilitate purchase cost reduction strategies, such as Purchase of Development Rights (see below for additional information regarding Purchase of Development Rights). As part of this effort the Agricultural Advisory Committee could maintain an inventory of farmers that are interested in working with land trusts when selling their lands. In addition to maintaining an inventory and being a point of contact, the Agricultural Advisory Committee could be a go to resource for local farmers that are interested in participating in such an initiative when they sell their lands. In order to position itself as a farm-friendly community, the Town and the Agricultural Advisory Committee could market this initiative to next generation farmers through web based outreach, press releases, and in partnership with land trusts and local and regional farmers markets and CSA operations.

In addition to Saratoga County Planning Department, Saratoga County Farm Bureau, Cornell Cooperative Extensions, and NYS Department of Agriculture and Markets, below are additional resources that are related to this recommendation:

- **American Farmland Trust** (www.farmland.org) is a national farmland conservation program that is "dedicated to protecting farmland, promoting sound farming practices, and keeping farmers on the land." American Farmland Trust's initiatives focus on coordinating federal and state farmland protection programs, protecting clean air and clean water through sustainable agricultural practices, and working with

farmers, planners, and policy makers on favorable economic and land use practices that keep farmers on the land.

- **Open Space Institute** (www.osiny.org) is a conservation organization that is dedicated to preserving scenic, natural, and historic landscapes, through “land acquisition, conservation easements, loan programs, fiscal sponsorships, creative partnerships, and analytical research.” OSI has helped to preserve hundreds of acres of farmland throughout Saratoga County.
- **Saratoga PLAN** (www.saratogaplan.org) is a Saratoga County focused land trust that has preserved over 530 acres of farmland through conservation easements and outright property acquisitions. According to Saratoga PLAN, “organization offers comprehensive land conservation services to governments, organizations, and individuals, while simultaneously striving to achieve regional coordination and cooperation in land use, open space and recreational trail planning.”
- **Agricultural Stewardship Association** (www.agstewardship.org) is a land trust that is dedicated to protecting farmland in Washington and Rensselaer counties. While its mission does not include Saratoga County, the Agricultural Stewardship Association’s experience with preserving farmland and facilitating next generation farmer land acquisition provides for a good case study and their staff may be a valuable resource when developing a local initiative or program.
- **NY FarmLink** (www.newyorkfarmlink.org/) is a non-profit organization that helps farmers transfer “management responsibility and farm assets to the next generation or a non-family member.” NY FarmLink provides consulting services and technical assistance for succession planning for family and non-family

transfers, retirement and estate planning, joint venture/partnerships, and help for beginning farmers. NY FarmLink also provides financial consulting services ranging from profitability analysis, options for improving farm viability, methods of creating useful cash flow budgets, evaluating proposed business changes, and working with partners to assist with debt restructuring.

Farmland Conservation:

Help facilitate farmland preservation through the establishment of conservation easements or purchase or lease of development rights.

Conservation Easements

Conservation easements are among the most popular farmland protection tools. Conservation easements may be established through donation or the purchase of development rights. Once established, a conservation easement restricts the use of land to farming, open space, or wildlife habitat. A landowner may voluntarily sell, lease, or donate an easement to a government agency or private land trust and as a result may be eligible for federal tax and NY property tax benefits. While conservation easements limit non-farm development, according to American Farmland Trust, “landowners retain title to their property and can still farm, rent their land or use the property as collateral for acquiring a loan.” Furthermore, properties remain on the tax rolls and farmers can retain some development rights, such as farm related commercial development and forestry uses, depending on how the conservation easement is drafted.⁹

Partnering with a local land trust, the Agricultural Advisory Committee can help facilitate the use of voluntary conservation easements by providing information regarding relevant state and federal tax credits, share technical

⁹ American Farmland Trust’s Guide to Local Planning for Agriculture in New York

resources and guides, and publish contact information for partnering land trust on the Town's website and print media.

Purchase of Development Rights (PDR)

While establishing a conservation easement can provide some financial benefits, farmers, like most businesses, are often not in a position to donate such a significant portion of their value. As such, a Purchase of Development Rights (PDR) approach is more enticing because it compensates landowners for the value of their conservation easement (i.e., development rights). With PDRs, the value of a conservation easement is determined by calculating the difference between the fair market value and the agricultural value. Once acquired, conservation easements are held by a public body (federal, state, county or local government) or a not-for-profit organization (i.e., land trusts). Because PDR payments are financially competitive with development offers, farmers are able to realize the full value of their land while retaining the balance of their property rights (e.g., use of the land for agriculture or other specified purpose, right to prevent trespass, right to sell, etc).

In Saratoga County, funding for PDRs are available through its Farmland and Open Space Program, which was established in 2003 to “use limited county funds to attract federal, state, local and private matching funds.”



State PDR funding resources include the NYS Farmland Protection Program, which was created in 1992 as part of the Agricultural Protection Act. The USDA's Farmland Ranch Land Protection Program¹³ (FRPP) can provide additional PDR funding opportunities.

The PDR process typically includes five steps: (1) landowner applies for PDR program; (2) the application is reviewed by a selected local, county, or state board that uses a set of established criteria to prioritize applications; (3) an appraiser calculates the value of the property's development rights; (4) the appraisal value is negotiated (this phase can include additional appraisals); (5) the landowner and the board sign a "deed of easement" which remains with the property's deed. It is worth noting that if awarded the NYS Farmland Protection Program pays farmers up to 75 percent of the cost to complete the purchase of development rights transaction. Given the support for PDRs within the local farming community, the Agricultural Advisory Committee could help facilitate PDRs by providing program and funding information to farmers (particularly to those that own priority agricultural lands that are identified within this plan), offering technical assistance to applicants, and submitting letters of support with applications.

While the PDR approach is popular, funding is often limited and the time it takes to complete the process can be several years. Alternative funding sources and localized PDR initiatives can help address these issues. In Saratoga County, the Town of Malta and Stillwater have used the Generic Environmental Impact Statement (GEIS) process to create a local PDR funding source that is intended to mitigate the impacts to agricultural and open space resources due to increased development (please see Additional Efforts section below for more information on the GEIS process).

Lease of Development Rights (LDR)

In addition to PDRs, the Lease of Development Rights is another conservation easement strategy. However, unlike PDRs, LDRs are not permanent deed restrictions. LDR programs typically reduce tax assessments for farmers that are willing to sign five to 25 year deed restriction. A municipality establishes its own LDR program eligibility and minimum acreage requirements. In addition to these eligibility requirements, some communities have developed a “rolling” LDR program, whereby participating farmers’ length of term continues to “roll forward” until they decide to withdraw. Other programs require that the local municipality receive a “right of first refusal” on properties enrolled in its LDR program. However, because LDR programs do not provide permanent farmland protection, this should be understood as a temporary conservation solution.

Differential Assessments:

Review agricultural assessments to ensure accuracy and help facilitate enrollment in agricultural assessment programs. In New York State farmers whose land satisfies certain eligibility requirements are entitled to number of preferential and deferred taxation programs (i.e. school tax credits, farm building exceptions, etc). In addition, according to the NYS Office of Real Property Services, “benefit assessment, special ad valorem levies, or other rates and fees for the finance of improvements such as water, sewer or nonfarm drainage may not be imposed upon land used in agricultural production and within an agricultural district unless such charges were imposed prior to forming the agricultural district.”

In addition to state assessment programs, local initiatives can help facilitate additional tax relief. Local programs can simply provide information and technical assistance for farmers applying for state tax reduction programs, or they can focus on providing reduced and/or more appropriate assessment for farms and their accessory structures (i.e. barns, stables, etc). One simple suggestion the American Farmland Trust offers is that local

assessors attend special training on how to properly assess farm structures to ensure that assessments are fair and accurate. This may also include providing assessors with depreciation schedules in order to assist with more accurate valuations, which can lead to lower assessments. In addition to more accurate assessment, NYS now limits the annual increase in agricultural assessments to two (2) percent.

Loan Programs & Financing:

Provide loan and other financial assistance information to farmers and create a microenterprise program for small businesses. Farming is a business, and like many businesses, whether it is a startup or a long-term operation, the need for financial assistance for capital improvements, payroll, and supplies is sometimes necessary. Farmers often need such assistance to construct new barns, buy new equipment, and purchase essential provisions (seed, feed, livestock, etc.). As such, it is recommended that the Agricultural Advisory Committee serve as a “one-stop-shop” for farm related loans and financial assistance. This may include maintaining an inventory of local banks that have agricultural lending departments with favorable terms. The Committee could also provide technical assistance to farmers that are applying for USDA Farm Service Agency (FSA) and host agricultural related business training events.¹⁰ In addition to providing technical assistance, the Town should consider developing a microenterprise program through the NYS Office of Community Renewal that includes loan funds with attractive interest rates and repayment terms that can be used to finance local farming operations. Alternatively, the Town could lobby Saratoga County to create a similar microenterprise program.

¹⁰ The USDA’s Farm Service Agency (FSA) provides direct and guaranteed loans to beginning farmers and ranchers who are unable to obtain financing from commercial credit sources.

Agricultural Awareness, Branding, and Marketing:



Promote agricultural awareness and develop a local or regional agricultural branding and marketing strategy. Moreau and the region's farms and agricultural resources are one of its greatest assets. As previously noted, there is a growing awareness and appreciation of local farms and food supplies. The town and region should capitalize on this trend by developing an initiative that highlights the region's local farms and positions and markets itself as a region with a high quality of life, with robust natural and cultural resources. This effort will not only benefit local farmers, it will help attract young families and new businesses that seek such characteristic in a community when deciding where to locate. There are several

small actions that the Town and Agricultural Advisory Committee could do in the short term to promote such awareness, including installation of right-to-farm signage along roadways that enter the town (this may also include lobbying the NYSDOT to install a Moreau sign along Interstate 87), publish newsletters that are distributed to town residents and press release that promote the town's agricultural resources, and provide information about local farms at the town's successful farmers market.

In the long-term, the town could develop a more robust branding and marketing strategy that incorporates is agricultural resources and links people to local farming operations. According to the Brookings Institution, particular attention must be paid to "re-positioning," or creating a certain image or identity in the minds of target markets. As a place of interest, the Town of Moreau, Glens Falls, and Saratoga County region competes with the

Hudson Valley, Finger Lakes, and the Adirondacks. Therefore, a branding and marketing strategy should include a position statement and collateral material that helps define Moreau and region as a unique place of interest to outside audiences. Moreau and the region's agricultural resources are one of its greatest assets that should be leveraged when creating taglines, creative logos, upgrading the town and county website (that includes a dedicated Agricultural Advisory Committee page). This effort should also include the development of town and regional agricultural resource maps. These maps can be posted to town, county, and tourism websites with links to local farms, integrated into print material, and displayed throughout the town and region, in town halls, at farmers markets, and local businesses (Stewarts Shops, restaurants, etc.).



FreshLocalWNY.org

Agricultural Planning Board Member

Create a permanent position for a representative from the farming community on the Town Planning Board. One of the more cost effective ways to incorporate agricultural concerns into local land use ordinances and regulations is having individuals from the farming community serve on the Planning Board. In accordance with § 271.11 of NYS Town Law, towns that have agricultural district “wholly or partly within the boundaries of such town,” can specifically appoint to the planning board one or more members of the agricultural community so long as they “derive ten thousand dollars or more annual gross income from agricultural pursuits in said town.” While the town has appointed members of the farming community to the planning board, formal recognition as

such appointments, coupled with the creation of a permanent agricultural member position, would send a positive signal to the farming community and would help to ensure that local agricultural interests were being considered.

Additional Farmland Protection Efforts

Town-Wide Generic Environmental Impact State (GEIS)

Adopt a town-wide GEIS that helps mitigate impacts to agricultural resources. The New York State Environmental Quality Review Act (SEQRA) was enacted in 1975. Patterned after the National Environmental Policy Act of 1969, SEQRA seeks to strike a balance between social and economic goals and concerns about the environment. The Environmental Impact Statement (EIS) is a key part of the SEQRA process, and state statute determines how it is prepared. A Generic EIS (GEIS) is a tool provided by SEQR to evaluate development issues within a defined geographic area that may impact land use and the environment.

For example, the primary purpose of a town-wide GEIS could be to identify the potential impacts that projected growth and development may have on the community's resources and the appropriate mitigation measures that are necessary to minimize those impacts. Because the SEQR process allows the collection of fee in-lieu of mitigation, it can be used as a tool to fund a wide variety of initiatives, including capital improvements (water and sewer), transportation infrastructure (intersection improvements, trails, etc.), and conservation initiatives (land acquisition).

Similar to the nearby communities of Malta and Stillwater, when preparing a town-wide GEIS, open space or farmland protection mitigation fees can be calculated for specific types of development projects (residential, commercial, etc.) using a similar buildout analysis as the one that is included in this plan. Once a GEIS is adopted,

mitigation fees can be collected at the issuance of building permit. An alternative approach is to divide the collection of fees into thirds: one third at stamping of final plans; one third at the first building permit; and one third at the first issuance of Certificate of Occupancy. As the town collects these fees they are allocated to a dedicated account that is then used to fund a local Purchase of Development Rights (PDR) program that targets priority agricultural resources that are identified in the GEIS.

Transfer of Development Rights

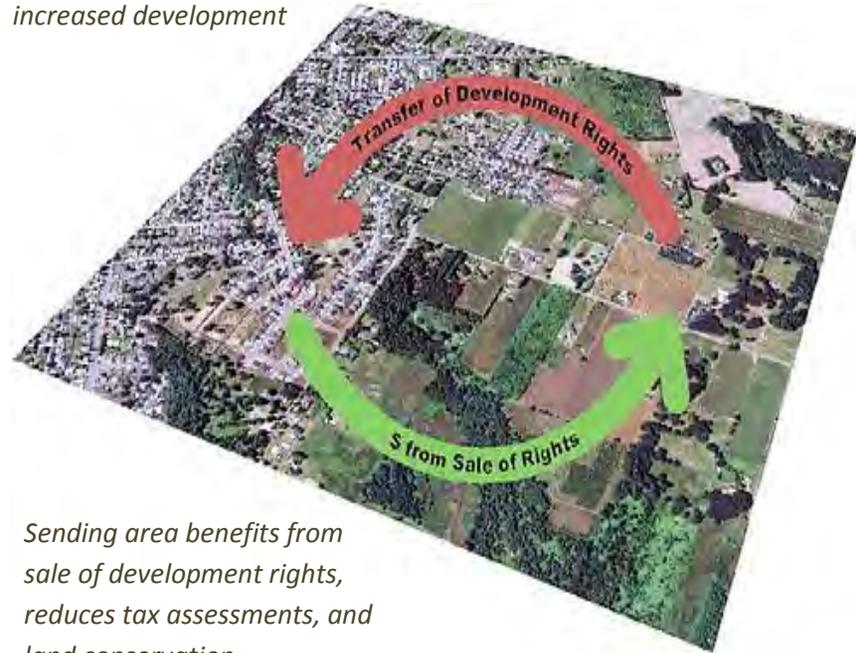
Consider adopting a Transfer of Development Rights (TDR) program. TDR programs enable the transfer of development potential from one parcel of land to another. TDR programs are typically established by local zoning ordinances. NYS Town Law §261-A states that the purpose of TDR programs is “to protect the natural, scenic, or agricultural qualities of open lands, to enhance sites and areas of special character or special historical, cultural, aesthetic or economic interest or 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.”

TDR is often used to shift development from agricultural land to designated growth zones located closer to municipal services. TDR programs require the designation of “sending” and “receiving” districts in order to transfer development from one part of the community to another. As described in the Town’s Comprehensive Plan, a developer seeking to build at maximum density in the receiving district must accumulate development rights (at a cost that reflects the value of these rights) from landowners in the sending district. The development rights are then transferred from the sending district to the receiving district. To ensure that the development rights are permanently extinguished from the land in the sending district, a conservation easement is placed on that land. The original landowner of the land in the sending district continues to own the land and may utilize it

for acceptable conservation uses (agriculture, silviculture, etc.). The developer of property in the receiving district uses the acquired development rights from the sending district to maximize the development potential for their property.

Sending districts are the parts of a community that will be the focus of land conservation efforts where development rights are transferred from. Receiving districts are the focus of more concentrated development where development rights are transferred to. TDR programs can be designed to accomplish multiple goals including farmland protection, conservation of environmentally sensitive areas and preservation of historic landmarks. In the context of farmland protection, TDR programs prevent non-agricultural development of farmland, help keep farmland affordable and provide farmland owners with capital that can be used to enhance farm viability.

Receiving Area benefits from increased development



Sending area benefits from sale of development rights, reduces tax assessments, and land conservation

Sufficient demand is the most critical factor in operating a successful TDR program. In areas where strong local housing markets and above average demand exists, TDR programs can tap into this demand. As Moreau moves to expand sewer services along its Route 9 corridor, it is likely that development pressure will increase dramatically. Using smart growth principles, the town could develop a TDR program that identifies sending zones within the R4

and R5 Agriculture Districts and a receiving zone along the Route 9 corridor. New sewer services, coupled with density bonus incentives for developers (e.g., allowances for increased levels of development if they if they acquire development rights from the sending zone), would likely generate enough demand for a successful TDR program.

Conservation Subdivision

Consider adopting a conservation subdivision ordinance. Conservation subdivision is a type of development that takes into consideration site-specific natural and cultural resources and carrying capacity. In addition to the environmental benefits of allowing homes to be situated in an environmentally sensitive manner, a network of conserved agricultural and/or open space lands can be created in the process. These conserved lands, for example, might continue to be actively farm or maintain natural habitat and ecosystem functionality. In addition, the conserved lands could provide benefits related to water quality.

The Conservation Subdivision Design approach begins with the identification of agricultural, cultural, or natural resources present on the site to be developed (active agricultural, environmentally constrained land, significant habitats, historic or scenic views, significant woodlots, etc.). The number of permitted dwelling



A comparison of a conventional subdivision (left) with a conservation subdivision (right). In both cases, a total of 16 residential lots are being created

units within the subdivision is determined by subtracting areas of constrained land (wetlands, wetland buffers, watercourses, steep slopes, floodplains, agricultural soils, etc.) from the gross lot area and dividing that number by the allowable density for the zoning district. Development patterns are then designed in such a way to avoid these resources. Flexible lot sizes, area, and setback standards encourage creativity.

Open space lands within a conservation subdivision are maintained through conservation easements. In most instances homeowners associations retain ownership. However, in the context of farmland protection, easements that allow for existing or future farming operation can be created.

Implementation Strategy

The implementation of the following recommendations outlined in the table below will depend upon the commitment of local leaders, level of public participation, availability of funding, and successful partnerships. The timing to initiate each project is indicated as short (1-2 years), medium (2-3 years), and long term (3-5 years). However, it is important to note that short term projects may require a significant amount of resources and time to complete. Conversely, long term projects may be accomplished in a brief amount of time or with limited effort. Therefore, while it is recommended that Moreau and the proposed Agricultural Advisory Committee first focus on higher priority or short term projects, it should also consider taking advantage of any opportunity that may advance on of the following initiatives.

Initiate	Project	Implementation Steps	Leadership & Partnerships
Short Term	Agricultural Advisory Committee	<ul style="list-style-type: none"> ▪ Establish Agricultural Advisory Committee Appoint membership ▪ Develop committee bylaws ▪ Implementation the initiatives outlined in this plan ▪ Meet regularly to discuss farm related needs 	Town Board; Agricultural Advisory Committee
Short Term	Farm Friendly Zoning	<ul style="list-style-type: none"> ▪ Review existing land use regulations and identify and address potential obstructions to farming operations (NYS Agriculture & Markets currently provides funding to address such exercises) ▪ Identify and permit diversification of farming operations 	Town Board; Agricultural Advisory Committee

Initiate	Project	Implementation Steps	Leadership & Partnerships
Short Term	Differential Assessments	<ul style="list-style-type: none"> ▪ Identify farm assessment related training programs ▪ Review agricultural assessments to ensure accuracy ▪ Provide preferential tax information to local farmers via Town website and print material/mailers 	Town Board; Town Assessor; Agricultural Advisory Committee
Medium Term	Farmland Conservation	<ul style="list-style-type: none"> ▪ Provide State and Federal Purchase of Development Rights (PDR) program information and funding announcements on the Towns website and via print material/mailers ▪ Lobby Saratoga County to fund its Farmland and Open Space Program and provide related information on the Towns website and via print material/mailers ▪ Create a local PDR or Lease of Development Rights Program (LDR) using Town-wide Generic Environmental Impact Statement (GEIS) mitigation fees. Partner with local land trust for technical assistance and land holdings. ▪ Prepare and adopt a local Transfer of Development Rights (TDR) ordinance (NYS Agriculture & Markets currently provides funding for creation of a local TDR program) 	Town Board; Agricultural Advisory Committee; Local Land Trust

Initiate	Project	Implementation Steps	Leadership & Partnerships
<p>Medium Term</p>	<p>Next Generation Farming</p>	<ul style="list-style-type: none"> ▪ Partner with local, regional, and/or national land trusts that work with next generation farmers ▪ Maintain an inventory of farmers that are interested in working with land trusts when selling their lands ▪ Serve as point of contact for local farmers and interested parties ▪ Market this initiative to next generation farmers through web-based outreach, press releases, and in partnership with land trusts and local and regional farmers markets and CSA operations 	<p>Town Board; Agricultural Advisory Committee; Local Land Trust</p>

Initiate	Project	Implementation Steps	Leadership & Partnerships
Medium Term	Agricultural Awareness, Branding, and Marketing	<ul style="list-style-type: none"> ▪ Develop a local or regional agricultural branding and marketing strategy that highlights the region’s farms and agricultural heritage ▪ Create position statement, taglines, creative logos, new or upgraded website, and collateral material that helps define region as a unique place of interest to outside audiences, including a high quality of life with robust natural and cultural resources ▪ Create a town, county, and/or regional agricultural resource maps for print and web-based media ▪ Install right-to-farm and Agriculture District signage along roadways ▪ Publish newsletters and press release that promote the town’s agricultural resources, and provide information about local farms at the town’s farmers market 	Town Board; Agricultural Advisory Committee; Saratoga County; NYS Agriculture & Markets; Regional Economic Development Council
Medium Term	Loan Programs & Financing	<ul style="list-style-type: none"> ▪ Provide loan and other financial assistance information to farmers via Town website and print material/mailers ▪ Create a local or lobby for a Saratoga microenterprise program for farming operations using NYS Office of Community Renewal funds 	Town Board; Saratoga County
Long Term	Conservation Subdivision	<ul style="list-style-type: none"> ▪ Prepare and adopt a conservation subdivision ordinance that allow for existing or future farming operation can be created 	Town Board; Agricultural Advisory Committee

ATTACHMENT A

AGRICULTURE STAKEHOLDERS MEETING SUMMARY

MEMORANDUM

To: Moreau Farmland Protection Plan Committee

From: Paul W. Cummings, AICP, LEED AP

Date: March 29, 2013

Re: Agricultural Stakeholders Meeting - Notes

Job #: 91247.00

Introduction

An Agricultural Stakeholders Meeting was held at the Town Hall on April 25th from 7-9 PM. Members from the agricultural community were invited to attend to discuss current trends, concerns, opportunities, and ways of improving agricultural operations within the Town. Approximately 15 people were in attendance including members from the agricultural community, the Moreau Farmland Protection Plan Committee, and the consultant team from The Chazen Companies.

Discussion Topics

- Agri-tourism – There is interest in breaking into the agri-tourism market as a way to expand agricultural operations and provide additional income on the farm. This might start with school groups visiting the farms or having activities oriented towards kids. The farming community's proximity to the City of Glens Falls should be an asset. Diversification of goods and farming operations also makes local agricultural more attractive when considering agri-tourism.
- Agricultural District – What percentage of the Town lives within the Agricultural District? How does assessment and tax revenue compare inside the district versus outside the district? There is some question if agriculture is considered to be important to the rest of the Town's residents.
- Saratoga County Sewer District – Some concern was expressed regarding a sewer line extension within the Agricultural District and the impact this may have on farmland, assessments, or the incentive to sell to develop. It was discussed that new sewer lines that pass through the Ag. District may not allow for new connections and only serve as transmission lines. The potential for a new sewer treatment plant in Northumberland was also discussed. NYS Ag and Markets will also provide some protection should there be future plans for sewer line extensions within the Agricultural District.

- Purchase of Development Rights – PDR programs are seen as a means to reinvest in the farm, preserve ag land, pass down farm, cash out, and retire. There is some concern whether the value or the purchase price of development rights is adequate and whether the reduction in the assessment is equitable.
- Right to Farm Law – The Town of Moreau has a Right to Farm Law. However, there are no signs as you enter the Town informing residents or visitors of this law. This has been brought up before; however, there has been no resolution. It was also noted that there are no Town of Moreau signs along I-87 as you enter the Town.
- Identity – There is a perceived lack of identity within the Town. Many people think all of the farms are in Gansevoort. There is also some confusion with Fort Edward. Some of this confusion results from the zip codes. The Town of Moreau shares zipcodes with the Village of South Glens Falls, Town of Fort Edward, and the Town of Gansevoort. The identity issue also results from the fact that the northern part of the town is more developed and populated, while the southern part of the town is more rural.
- Future of Farming – The general consensus from the farmers in attendance is that farming is something they would like to see remain in the Town of Moreau. Many expressed interest in passing farms down to future generations. It was brought up that the agricultural community is shrinking despite the fact that young people want to farm. However, their primary obstacle is the cost to purchase land. Leasing land is also a challenge because there is a high demand for rented cropland.
- Farmer Networking – There are currently few opportunities for farmers to gather to network and discuss farming issues within the community. The Saratoga County Fair is really the only event where they regularly see each other. There was some discussion of setting up an agricultural committee, ensuring there is agricultural representation on each of the Town Boards (including the Planning Board where NYS Law §271 allows for the appointment of one or more agricultural members), and setting up a bulletin or agricultural newsletter.
- Assessment of Ag. Land – There were questions raised regarding how agricultural land is assessed, especially as it relates to those agricultural properties containing a residential structure. Are proper reductions being applied? Consideration of agricultural assessment procedures/training was discussed.
- NYS Department of Agriculture and Markets Law – Ag. and Markets Law was discussed throughout the meeting in the context that it supersedes local law. This provides significant protection to local farmers as it relates to farm operations, land use, and conflict with neighboring residents within Agricultural Districts.
- Farming Awareness – There was a recommendation made to increase public education about local farming and goods through articles written for local papers. The articles could highlight specific farms throughout the year to promote events, the sale of local goods, or just inform local residents of what farms are in the area. The Post Star,

Saratogian, and the Chronicle were discussed as options. The title “Moreau Pride in Farms” was suggested.

- Community Supported Agriculture – There is strong market in the area for CSA goods, especially for certified organic crops. However the cost and availability of land are limiting factors. There is a lack of suitable cropland to meet the current demand for CSA goods. It was also discussed that many farmers markets have limited capacity as organizers limit the number of vendors providing certain goods.
- Croplands – There are a number of obstacles that prevent traditional livestock and cropland farms from diversifying their operations to include high labor, high value, produce, meat products (e.g. grass fed, etc) and agri-tourism. Dairy as an example requires a significant investment to maintain profit margins. The fluctuation in commodity prices is also a factor. A lot of farm land is also used to produce forage crops.
- Local Regulations – There was a discussion about the practical impacts existing zoning and regulations have on farming operation. For example, farm stands regulated by the Town may violate Ag. and Markets Law.
- Local Roads – Concern was expressed over increased traffic volumes and speeds on Selfridge Road, Clark Road, and at the four corners. This presents significant safety concerns as it relates to livestock crossings and moving farm equipment along local roads.
- Camping – Does local zoning allow for onsite camping on agricultural land? Interest was expressed in using part of agricultural land for camping, rv sites, fishing, etc. What does local law and Ag. and Markets Law say about such diversifying of operations.

Action Items

- Confirm proposed existing and proposed sewer routes.
- Consider providing examples/case studies of successful agri-tourism.
- Calculate population and land values within/outside the ag district.
- Give consideration to establishing a local PDR program.
- Research Ag. and Markets Law as it relates to farming operations within the Town.
- Research Ag and Markets Law and local law as it relates to diversifying farm operations.

Potential Recommendations

Based on input from the agricultural stakeholders meeting, the following items are identified as possible recommendations to be reviewed for future consideration.

- Advocate for improvements to the State/County PDR program and/or create a local PDR program. Consider partnering with Agricultural Stewardship Association (ASA) and/or Saratoga PLAN.
- Install Right-To-Farm signage along roadways that enter the Town. Consider installing attractive Town of Moreau Agricultural District Gateway signs in order to enhance awareness of the Town's farming operations/heritage.
- Consider creating a Town of Moreau Agricultural Advisory Committee. Such a committee could meet to discuss and address and advise the Town Board on a wider range of agricultural related concerns and opportunities. It could also prepare a newsletter that could be distributed to the residents of Moreau in order to promote local agricultural awareness. Finally, the Committee could host local agricultural events.
- Develop and/or promote/facilitate agri-tourism within the Town. This may include market research and planning (help identify appropriate/successful agri-tourism ventures), create a municipal branding and marketing initiatives that includes agri-tourism, host agri-tourism education opportunities for local farms.
- Revise Town zoning/ordinances to allow for flexible/diverse farming operations. This may include the support of on- and off-site sales, agri-tourism ventures, alternative income operations (e.g., camping, etc.), and streamlined permits for improvements/investments.
- Review farmland property assessment procedures for accuracy/best practices. If necessary, consider training for local assessors to ensure farming operations are valued and taxed appropriately. This effort may include revisions that lower the Town's agricultural assessment.
- Help facilitate/incentivizes the acquisition of farmlands by young/aspiring farmers. Consider partnering with the Agricultural Stewardship Association (ASA) and/or Saratoga PLAN.

ATTACHMENT B
MOREAU FARMERS SURVEY

1. What is your primary farming operation?

		Response Percent	Response Count
Dairy		20.0%	4
Beef		20.0%	4
Horse		15.0%	3
Other Livestock		5.0%	1
Cash Crops (custom crops)		10.0%	2
Vegetables		0.0%	0
Fruits		0.0%	0
Horticulture		5.0%	1
Christmas Trees		5.0%	1
Forestry		0.0%	0
Other		20.0%	4
	Other (please specify)		11
answered question			20
skipped question			1

2. If any, what secondary farm and non-farm activities are you engaged in to diversify your farm (For example, farmstands, lodging, agri-tourism, alternative energy, etc.)?

	Response Count
	8
answered question	8
skipped question	13

3. How much land (acres) do you farm in Moreau?

	Owned	Leased	Rating Count
0 to 49 acres	77.8% (7)	33.3% (3)	9
50 to 100 acres	66.7% (4)	33.3% (2)	6
101 to 150 acres	75.0% (3)	25.0% (1)	4
151 to 200 acres	100.0% (4)	0.0% (0)	4
201 to 350 acres	100.0% (1)	100.0% (1)	1
351 or more acres	0.0% (0)	0.0% (0)	0
		answered question	20
		skipped question	1

4. How many acres of your land are used for each of the following (please do not include land that you rent)?

	Response Average	Response Total	Response Count
Farmstead Complex (e.g., buildings, barns, etc.)	10.17	122	12
Actively Farmed (tillable acres)	81.71	1,389	17
Wooded	29.71	416	14
Open, idle land	21.89	197	9
Residential	2.50	25	10
	answered question		17
	skipped question		4

5. In order to assess farming's positive economic impact in Moreau, please provide your gross annual sales from last year

		Response Percent	Response Count
\$0 (personal use only)		21.4%	3
\$1-\$9,999		21.4%	3
\$10,000-\$24,999		14.3%	2
\$25,000-\$49,999		7.1%	1
\$50,000-\$99,999		21.4%	3
\$100,000-\$199,999		14.3%	2
\$200,000-\$499,999		0.0%	0
\$500,000		0.0%	0
	Other (please specify)		1
answered question			14
skipped question			7

6. Please indicate which of the following you plan to do, and within which timeframe?

	Within 1 Year	Within 5 Years	Within 10 Years	Rating Count
Increase farming operations	40.0% (4)	60.0% (6)	0.0% (0)	10
Decrease farming operations	50.0% (1)	50.0% (1)	0.0% (0)	2
Diversify farming operations	20.0% (1)	80.0% (4)	0.0% (0)	5
Stay the same	45.5% (5)	45.5% (5)	9.1% (1)	11
Sell a portion of your farming operations	0.0% (0)	0.0% (0)	0.0% (0)	0
Sell all of your farming operations	0.0% (0)	100.0% (1)	0.0% (0)	1
			Other (please specify)	3
answered question				17
skipped question				4

7. Please indicate your top five challenges facing you and the future success of your farm?

		Response Percent	Response Count
Availability of farm labor		25.0%	4
Property taxes		75.0%	12
Residential encroachment/nuisance complaints		25.0%	4
Loss of productive farmland		6.3%	1
Rental costs		0.0%	0
Availability of rental land		12.5%	2
Fuel cost		50.0%	8
Limited succession plans for the farm (few new farmers)		18.8%	3
Land prices		31.3%	5
Machinery costs		56.3%	9
Production costs		37.5%	6
Environmental regulations		37.5%	6
Land use regulations (zoning, permitting, etc.)		25.0%	4
Water availability (quality and/or quantity)		6.3%	1
Access to adequate financing		0.0%	0
Access to agri-services		0.0%	0
Access to marketing or business support		0.0%	0
Lack of local consumers/clients		0.0%	0
Lack of processing facilities		0.0%	0

Other (please specify) 2

answered question 16

skipped question 5

8. What trends do you see regarding agriculture in Moreau?

		Response Percent	Response Count
A smaller number of large farms		17.6%	3
A larger number of smaller farm operations		11.8%	2
Farm diversification		11.8%	2
Movement of farms out of Moreau		29.4%	5
No significant change		29.4%	5
	Other (please specify)		0

answered question 17

skipped question 4

9. How concerned are you about the loss of farmland in Moreau?

		Response Percent	Response Count
Very concerned		38.9%	7
Somewhat concerned		61.1%	11
Not very concerned		0.0%	0
Not concerned at all		0.0%	0
	Other (please specify)		0

answered question 18

skipped question 3

10. How would you characterize the relationship between farmers and non-farm neighbors over the last few years?

		Response Percent	Response Count
Positive		66.7%	12
Negative		11.1%	2
No opinion		22.2%	4
	Other (please specify)		0
		answered question	18
		skipped question	3

11. Please rate your level of support for the following farmland protection strategies on a scale of 1 to 4, with 1 being strongly support and 4 being strongly oppose. Please see below for additional information for each of the choices.

	1 (Strongly Support)	2 (Support)	3 (No Opinion)	4 (Oppose)	5 (Strongly Oppose)	Rating Count
Conservation Easements	36.8% (7)	31.6% (6)	26.3% (5)	0.0% (0)	5.3% (1)	19
Purchase of Development Rights	27.8% (5)	27.8% (5)	22.2% (4)	11.1% (2)	11.1% (2)	18
Transfer of Development Rights	22.2% (4)	27.8% (5)	27.8% (5)	16.7% (3)	5.6% (1)	18
Lease of Development Rights	11.1% (2)	44.4% (8)	33.3% (6)	5.6% (1)	5.6% (1)	18
Farm Friendly Zoning	63.2% (12)	36.8% (7)	0.0% (0)	0.0% (0)	0.0% (0)	19
Conservation Subdivision	16.7% (3)	33.3% (6)	27.8% (5)	11.1% (2)	11.1% (2)	18
Loan Programs	38.9% (7)	16.7% (3)	44.4% (8)	0.0% (0)	0.0% (0)	18
Differential Assessments	33.3% (6)	27.8% (5)	38.9% (7)	0.0% (0)	0.0% (0)	18
Growth New Farmers	50.0% (9)	22.2% (4)	27.8% (5)	0.0% (0)	0.0% (0)	18
Exclusive Agricultural Zones	35.3% (6)	17.6% (3)	23.5% (4)	5.9% (1)	17.6% (3)	17
				Other (please specify)		3
				answered question		19
				skipped question		2

ATTACHMENT C
AGRICULTURAL ZONING REVIEW

MEMORANDUM

To: Moreau Farmland Protection Plan Committee
From: Paul W. Cummings, AICP, LEED AP
Date: May 17, 2013
Re: Town of Moreau Farmland Protection Plan

This memorandum provides a summary of our review of the Town's Zoning regulations. This review identified language that could be problematic for agricultural operations, as well as opportunities to allow for a greater variety of farm-related uses within the Town. This memorandum also provides a summary of NYS Agricultural and Markets Law.

I. Problematic language that should be corrected or clarified: §149-5 Definitions

- A. The current definition of Agriculture is as follows:

"The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture, viticulture and animal and poultry husbandry, including the sale of products grown or raised directly on such land and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds and including the necessary accessory structures for parking, treating, storage or production, including any barn, stable or other building or structure directly and customarily associated with agricultural use."

The proposed 2009 Zoning Code revisions provided an updated definition that more accurately described the use. This definition should be used during future zoning revisions.

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

- B. The Moreau Town Code has several definitions related to farming that may be in conflict. §149-5 Zoning defines Farm as “Any parcel of land containing at least five acres which is used for gain in the raising of agricultural or aquacultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It includes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.”

However, §68-2 Farming defines Farm as “Includes livestock, dairy, poultry, fur-bearing animal, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations used primarily for the raising of agricultural or horticultural commodities.”

The difference between the two terms is not great; however they should be consistent to eliminate potential contradictory interpretations of the term. Consideration could be given to incorporate a reference regarding manure storage and processing as identified in the definition for Farm Operation, according to NYS Agriculture and Markets Law. Consider the following definition to be used during future zoning and code revisions.

“Any parcel of land containing at least five acres which is used for gain in the raising of livestock, dairy, poultry, fur-bearing animal, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations used primarily for the raising of agricultural or horticultural commodities including manure storage and processing. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It includes the riding academies, livery or boarding stables and dog kennels.”

- C. The Zoning Code does not contain a definition for **Farm Structure** – which is listed in the Schedule of Regulations for R-3, R-4, and R-5 (customary farm structure) as a Permitted/Accessory Use. Consider the following definition to be used during future zoning and code revisions.

“A building, structure, or fence directly and customarily associated with agricultural use.”

- D. The Zoning Code does not contain a definition for **Greenhouse, Private** – which is a permitted accessory use in R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-3, CC-1, RP, UR. Consider the following definition to be used during future zoning and code revisions.

“A structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for personal enjoyment. A single greenhouse under 300 square feet shall be considered accessory to a residential use. A greenhouse in excess of 300 square feet, or multiple greenhouses in excess of 300 square feet, shall be regulated as a commercial greenhouse and nursery.”

- E. The Town Code does not contain a definition for **Commercial Greenhouse and Nursery** – which is a Permitted Principal Use in C-1, and CC-1. Consider the following definition to be used during future zoning and code revisions.

“A structure in excess of 300 square feet, or multiple structures in excess of 300 square feet, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.”

- F. The current definition for **Roadside Stands** requires products to be sold are grown on premise. This can be interpreted in a way that restricts agricultural goods to be sold to only those produced on the piece of land that the roadside stand is located. Farmers will often own adjacent and nearby pieces of property and this restriction could prevent sale of their goods. In addition, roadside stands may need to be able to sell the produce from a number of farms to be profitable. Consider incorporating a reference to products grown/produced primarily on-farm. The proposed 2009 Zoning Code revision deletes this definition. Consider the following definition to be used during future zoning and code revisions.

“A structure or dedicated location for the display and sale of seasonal agricultural products primarily grown or produced on-farm”

- G. The Zoning Code does not contain a definition for **Agricultural Commerce**. Many farms sell agricultural products, however they may not be using roadside stands as defined in the Zoning Code. Adding this definition will allow for additional permitted enterprises to operate within an agricultural use. Agricultural Commerce could be listed as a use requiring additional site plan review or a special use permit. Consider the following definition to be used during future zoning and code revisions.

“A retail or wholesale enterprise providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations.”

- H. The Town Code does not contain a definition for **Agri-tourism**. Agritourism is an agriculturally based operation or activity that brings visitors to a farm. It can be a means of diversifying a farm's income through broadening its offerings and adding value to its products. This could include buying produce direct from a farm stand, navigating a corn maze, picking fruit, feeding animals, or staying at a Bed and Breakfast on a farm. It is a form of niche tourism that is considered a growth industry. Consider the definition below to be used during future zoning and code revisions.

"They operate during more than six (6) (consecutive or inconsecutive) days per year and provide agriculturally related, and in some instances, non-agriculturally related products and activities that attract members of the public to the farm for retail, educational, recreational, and/or general tourism purposes. These may include but are not limited to farm tours, farm/cooking/ecological classes, Community Supported Agriculture, bakeries, farm stores and restaurants, farm-stays, corn mazes, harvest festivals, U-pick operations, agriculturally related competitions, and other similar events."

II. Problematic language that should be corrected or clarified: Zoning Ordinance

- A. §149 Zoning, Schedule of Regulations – R-3, R-4, R-5. **Maximum Height Regulations**. Agriculture, as a permitted principal use, and Customary Farm Structures, as a permitted/accessory use have maximum height restrictions ranging from 30-38 feet within these districts. While the definition for maximum building height allows for exceptions which include silos, this standard may seem somewhat stringent to farmers. Consider removing maximum height restrictions for agricultural structures.
- B. §149 Zoning, Schedule of Regulations – R-3, R-4, R-5. Sale of farm produce grown on the premises. This is identified as a Permitted/Accessory Use. This term should be replaced with Roadside Stand.
- I. §149-47 **Off-street parking**. There are no parking standards prescribed for roadside stands. Given the location of roadside stands within close proximity to rural travel corridors, these stands often present safety concerns as it relates to vehicles parking within the roadway while accessing the roadside stand. Consider developing parking standards for roadside stands or authorize the zoning officer to determine needed parking spaces. The New York Direct Marketing Association – Model Zoning for Roadside Stands and Farm Markets provides the

following language in support of parking dedicated to roadside stands. Consider adding this language to §149-47 Off-street parking during future zoning and code revisions.

“To ensure public safety, farm markets will be required to have off-street parking with adequate ingress and egress with an area for turn-around. A minimum of one 10 x 20 parking area per 200 sq. ft. of selling and display area, with a minimum of two spaces, shall be required. For the purpose of calculating the required number of parking spaces, production facilities, garden plots, planting beds and outdoor storage area opened to the public are excluded. The above notwithstanding, adequate off street parking shall be provided. Parking spaces are exclusive of driveways and turnarounds. Entrances and exits onto roadways must have an all-weather surface. PYO operations will require a greater number of offroad parking spaces based on the expected number of cars per day. Overflow parking should be, minimally, grass covered.”

- C. §117-4 **Sign Regulations.** Allows for business signs for customary agricultural operations up to 32 SF in size in any agricultural and residential districts. However, the location of signs is restricted to be at least 10 feet to the nearest lot line or within five feet of any utility pole.

Off-premises roadside stand signs are often needed to give drivers adequate time to stop. Consider revising this provision to incorporate the locating of an additional business sign with identical size restrictions for customary agricultural operations on adjacent property owner’s land with necessary approvals.

- D. §70 **Fences.** A fence of any type requires a building permit and may not be higher than 4 feet. It also prohibits the use of electrically charged fences and poultry fences. There is no mention of deer fencing.

Agricultural operations should either be exempted from these standards or other fencing materials should be allowed on farms.

- E. Article VIII Cluster Development – This section allows to the Town to approve cluster subdivision as a means to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands. It provides discretion to the Planning Board to determine the type of dwelling unit allowed and the number of building lots based on the residential zone.

See comments below regarding 2009 Zoning Code revisions.

- F. General comment – Setbacks and other buffers create a physical separation between land uses that can help prevent land use conflicts and potential nuisance lawsuits. The setbacks for agricultural uses within R-3, R-4 and R-5 are generally 25 feet (front, side and rear). In general, this setback may be sufficient for most agricultural uses. However, increased setbacks for buildings used for livestock operations, feed storage, or manure storage may be necessary. Consider updating the Schedule of Regulations for R-3, R-4 and R-5 districts to extend the minimum setback to 50 or 100 feet from all property lines for these agricultural uses.
- G. General Comment - The Town Code does not contain any requirements for an Agricultural Data Statements. Per Town Law §283-a. and NYS Agriculture and Markets Law §305-a, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement. Consider the following:

In accordance with Article 16 Section 283-a of the NYS Town Law (Chapter 62), an Agricultural Data Statement is required for any application for Special Use Permit, Site Plan Approval, Use Variance, or Subdivision Approval requiring municipal review by the Town Board, Planning Board or Zoning Board of Appeals, pursuant to Article 16, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation, located in an agricultural district. The data contained within this statement will be used to evaluate the impacts of the proposed project on farm operations in or near Agricultural Use Districts.

- H. General Comment - The Town Code does not contain any requirements for county coordinated review for projects within 500 feet from a farm operation located within an Agricultural District. General Municipal Law §239 requires certain types of municipal planning, zoning and subdivision projects be referred to County Planning for review prior to local action being taken. The requirement seeks to promote coordination of land use decision-making and to enhance consideration of potential inter-municipal and county wide impacts. Consider the following:

In accordance with General Municipal Law of the State of New York §239, the Town Planning Board shall refer site plan approvals, special use permits, use variances, and area variances for projects within 500 feet of a boundary of a farm operation within an agricultural district.

- I. General Comment – Submission requirements for Site Plan and Subdivision do not require applicants to identify prime, statewide important or other productive agricultural soils on-site or adjacent to the project. Incorporating these requirements into Site Plan and Subdivision Submission will help the town identify potential impacts to agricultural resources as a result of the project. Knowing the location of these resources could also influence a project’s design as it relates to a cluster or conservation subdivision (see comments below).

III. 2009 Zoning Code Revisions

In 2009 the Town of Moreau drafted a revision to the Town’s Zoning Code. This draft included a number of provisions to enhance agricultural use and protect agricultural lands. They include the following:

- A. The proposed 2009 revision updated the naming conventions for a number of the districts within the town. Agriculture is Principal Permitted Use in Rural Residential (RR) and Agricultural Residential (AR). It is a Site Plan Review Use in Resource Protection (RP). Land that is zoned R-4 Agricultural and Residential would be incorporated into the Agricultural Residential (AR) District. The Schedule of Regulations within these districts list farm supply establishments as a Site Plan Review Use in RR and a Principal Permitted Use in AR. Sale of farm produce grown on premise and accessory agricultural uses are listed as a Permitted Accessory Use in both the RR and AR districts. Kennel/animal care is listed as a Special Permit Use in both the RR and AR districts.
- B. Article VII - Cluster and Conservation Development. The proposed revision to the Zoning Code incorporated cluster and conservation provisions to encourage flexibility in the design and development of land in order to promote its most environmentally sensitive use, preserve open space and agricultural land, to facilitate the adequate and economic provision of streets and utilities and to encourage compatibility with the goals and objectives of the Town of Moreau Comprehensive Land Use Plan and the Zoning Code. The provision requires all developments of five (5) or more lots in the AR and RR Districts and developments of five (5) or more lots in any district that is located on prime agricultural soils and/or soils of statewide importance to submit a clustered or conservation subdivision plan for consideration by the Planning Board.

The Planning Board has the authority to determine whether the clustered/conservation subdivision plan or the traditional subdivision plan constitutes the best development plan for the site. The resulting preservation of land within the clustered/conservation subdivision plan is intended for park, recreation, conservation, agricultural or other open space purposes. The provision further requires a perpetual conservation easement limiting the use of the land to be

granted to the Town, with the approval of the Town Board, or to an approved not-for-profit conservation organization acceptable to the Planning Board. The open space may be privately owned, owned in common by a homeowner's association, dedicated to the Town, or held by a qualified non-for profit organization.

Additional improvements to this draft section of the Town Zoning Code could incorporate an Open Space Management Plan. This management plan would allocate responsibility and identify guidelines for ongoing maintenance and operation of open space and any facilities that may be located there. It would estimate the costs and staffing requirements for maintenance, insurance requirements, and outline the means by which funding would be obtained. It would also require any changes to the management plan be approved by the Town Board or Planning Board. The management plan could further include corrective actions that could be taken should reasonable maintenance not be completed regularly. The cost of this maintenance could be charged to a homeowner's association or to individual property owners and may include administrative costs and penalties.

Consideration could also be given to reassessing the open space at a lower value to reflect its more limited use once the conservation easement has been put in place. If the open space is used purely for passive recreation purposes and the conservation easement prohibits any significant economic activity, then the assessment should be at a value of zero.

IV. Additional Suggestions

- A. **Zoning Considerations** – The following are zoning considerations, not recommendations. Collectively, they represent several zoning alternatives that can complement a community's overall farmland conservation effort. When nonfarm neighbors move into agricultural areas, many issues can arise. For example, the expansion of sewer and water services into farmlands can place extreme development pressure on farmland, and can be a catalyst for farmland conversion. Additionally, many farming practices require what most residential neighbors would consider nuisances (i.e. chemical sprays, dust, noise, etc). Nonfarm residents can often impede agricultural practices (i.e. trespassing, theft, litter, and vandalism). These zoning tools do not prohibit farmland conversion, but rather they provide a land use template that reduces the conflict between farmers and nonfarmers. Additionally, any agricultural zoning should accommodate certain family uses (i.e. construction of family housing on properties within and agricultural zoning district) and streamline the permit process for certain actions that are necessary for farming operations (e.g. barn repairs and/or construction).

- **Large Minimum Lot Size** zoning refers to a minimum area of land on which a new dwelling may be built. Size may vary, however, five (5) and ten (10) acre lots can encourage development that is “Too big to mow, too small to farm.” Therefore, lot sizes should be based on the minimum viable farm size. As an example, the Town of Plainfield, Illinois set a minimum lot size of 40 acres within its agricultural district.
- **Sliding Scale** zoning allows landowners to develop their property, however, the number of nonfarm houses per acre decreases as the size of the farm increases. Therefore, smaller parcels with less agricultural potential are developable at a higher density therefore potentially reducing the demand on more valuable, large-scale agricultural parcels/operations. The table below provides an example of sliding scale zoning. For sliding scale zoning to work, it needs to be accompanied by minimum and maximum lot-size standards (e.g., 1-2 acres) for nonfarm development/land uses. Such a zoning scheme is more conducive to maintaining larger agricultural parcels while affording all property owners with some level of development potential. This approach can further be improved by incorporating cluster/conservation subdivision requirements.

Sliding Scale (Example)	
Area of Lot of Record	Maximum Additional Lots Permitted
1 to 10 acres	1
10.1 to 20 acres	2
20.1 to 40 acres	3
40.1 to 80 acres	4
80.1 to 160 acres	5
160.1 to 320 acres	6
over 320.1 acres	7

As an example, if a landowner owns an 85 acre parcel with 3.5 acres of wetlands and 1.5 acres of stream corridor, and assuming there is a conservation subdivision ordinance that protects these resources, the resulting developable area is 80 acres. Based on the table above, this development scenario would allow up to four building lots. If the sliding scale provision has a minimum and maximum lot size requirement of 1-2 acres, respectively, along with cluster subdivision requirements, then the resulting 4 unit

subdivision would be clustered where it could be appropriately located on the parent parcel (e.g., away from the remaining activate farming operations).

Using these same assumptions, an 18 acre parcel (which represents nearly a 80% decrease from our 85 acre scenario), could subdivided into two lots, which represents 50% of what would be permitted in the 85 acre scenario.

- **Agricultural Buffers** are intended to provide "space" for typical farming practices to continue even when development occurs in or near farm operations. Buffers are intended to both protect farming operations from nuisance complaints and to protect the health and safety of the general public from farm operations noise, dust, odor, legal pesticide use and the other normal activities that are part of the art and business of farming. As an example, the Town of Malta is exploring the use of agricultural buffers within an agricultural overlay district between residential and agricultural uses. Provision of the buffers is the responsibility of the proponent of the non-agricultural uses, unless such use predates the agricultural uses. The buffers may consist of vegetative screening, woodlands, vegetated berms or natural topographic features. The buffers will range dependant on the size/scale or type of agricultural use.
- B. **Incentive Zoning** – Incentive Zoning is a provision that allows developers to create a higher density in return for providing some feature considered to be in the public interest. This density bonus can be awarded to a developer who provides affordable housing, additional open space, conservation of agricultural land, or some other desirable public amenity. As described in the section above, Cluster and Conservation Development, the preserved agricultural land would have a perpetual conservation easement limiting the use of the land which could be privately or publicly owned. In return, the developer would get additional building lot rights.
- C. **Diversification of Farm Operations** – As mentioned previously in this memo, agritourism is an agriculturally based operation or activity that brings visitors to a farm. Agritourism was discussed at the Agricultural Stakeholders Meeting as a way to expand agricultural operations and provide additional income on the farm. These could be regular events targeted towards families with children, school programs, or youth clubs (i.e., 4-H, Boy Scouts, Girl Scouts, etc.). Greater diversification could also come from the cooperative selling of agricultural goods and produce from farmers within the community. Other options could include: expanded use of agricultural land for recreational purposes or to host events. Developing definitions for farm accessory uses would allow for increased diversification.

- D. **Transfer of Development Rights Program** - Transfer of development rights (TDR) programs enable the transfer of development potential from one parcel of land to another. TDR programs are typically established by local zoning ordinances. NYS Town Law §261-A states that the purpose of TDR programs is “to protect the natural, scenic, or agricultural qualities of open lands, to enhance sites and areas of special character or special historical, cultural, aesthetic or economic interest or 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.”

In the context of farmland protection, TDR is often used to shift development from agricultural land to designated growth zones located closer to municipal services. TDR programs require the designation of “sending” and “receiving” areas in order to transfer development from one part of the community to another. Sending areas are the parts of a community that will be the focus of land conservation efforts. Receiving areas are the focus of more concentrated development. A TDR program defines the location of these areas and creates standards that will govern this density transfer.

TDR programs can be designed to accomplish multiple goals including farmland protection, conservation of environmentally sensitive areas and preservation of historic landmarks. In the context of farmland protection, TDR programs prevent non-agricultural development of farmland, help keep farmland affordable and provide farmland owners with liquid capital that can be used to enhance farm viability.

- E. **Lease of Development Rights Program** – A Lease of Development Rights (LDR) program reduces tax assessments for farmers that are willing to sign five (5) to 25 year deed restriction. A municipality establishes its own LDR program eligibility and minimum acreage requirements. In addition to these eligibility requirements, some communities have developed a “rolling” LDR program, whereby participating farmers’ length of term continues to “roll forward” until they decide to withdraw. Other programs require that the local municipality receive a “right of first refusal” on properties enrolled in its LDR program. However, because LDR programs do not provide permanent farmland protection, this should be understood as a temporary conservation solution.
- F. **Conservation Subdivision** - Conservation Subdivision Design is a type of clustering that addresses the form of development. In addition to the environmental and viewshed benefits of allowing homes to be situated in a creative manner, a network of conserved open lands can be

created in the process. These conserved lands, for example, might function as wildlife corridors or create buffers between residential areas and preserved agricultural lands. In addition, the conserved lands could provide benefits related to stormwater management.

The Conservation Subdivision Design approach begins with the identification of open space resources present on the site to be developed (environmentally constrained land, significant habitats, agricultural land, historic or scenic views, significant woodlots, etc.). The number of permitted dwelling units within the subdivision is determined by subtracting areas of constrained land (wetlands, wetland buffers, watercourses, steep slopes, floodplains, etc.) from the gross lot area and dividing that number by the allowable density for the zoning district. Homes (the number based on allowable density for the zoning district) are then designed into the development areas of the site in a creative fashion. Flexible lot sizes and area and bulk standards facilitate this creativity. Identifying road and trail alignments and lot lines are the final steps in the Conservation Subdivision Design process.

A required open space set aside should also be established. The minimum open space set aside would ensure meaningful open space conservation, and still allow creative subdivision design.

In all cases, a conservation easement will be the legally binding mechanism for ensuring that the open space set aside as part of a conservation subdivision cannot be further developed or subdivided in the future. In most cases it is recommended that a private landowner, or several landowners, in the new subdivision retain ownership of the land under easement. For larger subdivisions, a homeowner's association may sometimes retain ownership of the open lands. In rare cases, the town or a land trust may become the owner of the open lands.

V. New York State Agricultural and Markets Law – Article 25-AA Agricultural Districts Law

New York State Agricultural and Markets Law (AML) – Article 25-AA Agricultural Districts sets forth regulations to allow the creation of agricultural districts to conserve, protect, and encourage the development and improvements of its agricultural land for production of food and other agricultural products. The law allows for the establishment of a County agricultural and farmland protection board and agricultural districts. It also deals with agricultural assessment values, agricultural district data reporting, coordination of local planning and land use decision-making, and the right to farm law.

Farmers and rural landowners enrolled in state-certified agricultural districts, including Saratoga County Consolidated Agricultural District #1, receive important “right-to-farm” protections including: consistent agricultural definitions, protection against unreasonably prohibitive local laws restricting farm operations, filing of an agricultural data statement for a special use permit, site plan approval, use variance, or subdivision approval requiring local review, analysis of proposed public projects that may impact farms in an agricultural district, protection from private nuisance claims in the form of a determination from the New York State Agricultural and Markets (NYSDAM) commissioner as to whether the farmer is conducting sound agricultural practices, and disclosure notice requirements for all property buyers within an agricultural district.

The following sections provide a summary of specific AML sections.

A. Coordination of Local Planning and Land Use Decision-Making with the Agricultural Districts Program (§305-A)

Section 305-A allows the Commissioner of the New York State Department of Agriculture and Markets to review local laws to determine if they are unreasonably restrictive of farms operating in agricultural districts. This review provides protection for farms from local governments over-regulating agricultural activities. The review of local laws may consider: if the farm operator’s ability to manage the farm operation effectively and efficiently is adversely affected; the impact on production and viability; potential delay in the construction of new farm buildings or implementation of a farming practice; cost of compliance; or if the local law addresses a threat to public health or safety.

If a local law is deemed unreasonably restrictive, NYSDAM will try to negotiate a resolution with the local government. If no resolution is found, the Commissioner of NYSDAM can bring action or issue an order to enforce this provision of the AML.

This section also requires an agricultural data statement be filed for certain land use determinations (special use permit, site plan approval, use variance, or subdivision approval) within 500 feet of a farm operation within an agricultural district. The agricultural data statement should be submitted for municipal approval providing a summary of the proposed project and identifying landowners associated with neighboring farm operations. Notice will be made to identified landowners, and the local board will consider the statement in its review of potential impacts of the project on farm operations. Agricultural data statements give affected

farmers and towns notice of development proposals that impact agriculture before they're approved so that farmers' concerns can be addressed.

B. Right to Farm (§308)

This section includes provisions to provide limited protection from private nuisance claims through issued opinions from the Commissioner of NYSDAM as to whether a farm is conducting sound agricultural practices. This determination is made by considering if the practice legal, if it causes bodily harm or property damage off the farm, if it achieves the intended results reasonably, and if the practice is necessary. This opinion can be used as a defense against private nuisance actions.

C. Disclosure (§310)

This section provides protection for current landowners and potential buyers by requiring disclosure notices prior to signing purchase contracts. The notices are intended to make potential property buyers aware of the sights, sounds, smells and other aspects of modern agricultural practices in farming areas.

Agricultural districts are beneficial to farms and farming operation because they provide favorable operating environments, and help stabilize large blocks of land to keep farming viable. These protections ensure farmers have the right to operate in a productive and sound manner. The primary drawbacks of agricultural districts are that they do not prevent conversion of land, and that their support may erode as right-to-farm protections are exercised.