



MEETING AGENDA

TIOGA COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

Thursday, February 16th, 2023 at 1:00 PM

Ronald E. Dougherty County Office Building

Legislative Conference Room – Main Floor

56 Main Street, Owego, NY

- I. CALL TO ORDER
 - A. Introductions

- II. ATTENDANCE
 - A. Members:
 - B. Local Officials:
 - C. Guests:

- III. APPROVAL OF AGENDA

- IV. APPROVAL OF MINUTES
 - A. February 21, 2021

- V. 2023 ANNUAL AGRICULTURAL DISTRICT INCLUSIONS
 - A. Resolution #1-2023 Recommendation to County Legislature

- VI. ANNUAL POLICY REVIEW ATTESTATION FORM & 2023 FINANCIAL DISCLOSURE FORM

- VII. AGRICULTURAL RESOURCE GROUP ACTIVITY

- VIII. OTHER BUSINESS FROM THE FLOOR

- IX. ADJOURNMENT

**Agricultural and Farmland
Protection Board Meeting
February 25, 2021
DRAFT**

I. CALL TO ORDER – Chairman Lawton called the meeting to order at 1:06 PM.

II. ATTENDANCE

A. Members: Elaine Jardine, Tim Lawton, Howard Visscher, Ed Hollenbeck, Lisa Bloodnick, Dale Weston, Pam Moore, John Lacey

B. Excused: Terie Huseby

C. Absent: T Hanson, Ben Whitemore

D. Staff: Megan Griffiths

E. Guests: Wendy Walsh of TCSWCD, Barb Neal of CCE Tioga

III. APPROVAL OF AGENDA – Chair Lawton asked for a motion to approve the agenda. Legislator Dale Weston made the motion to approve the agenda; Elaine Jardine seconded the motion. All were in favor.

IV. APPROVAL OF MINUTES – Chair Lawton allowed a few minutes for everybody to look over the minutes, then asked for a motion to approve the following minutes:

A. September 9, 2020 – Pam Moore pointed out that in Item 5, there is a blank where the new total acreage for Spencer Agricultural District #1 is supposed to be. Megan Griffiths said she would complete that. Howard Visscher made the motion to approve the minutes; Legislator Dale Weston seconded the motion. All were in favor.

V. 2021 ANNUAL AGRICULTURAL DISTRICT INCLUSIONS – Megan Griffiths reported the following:

This year's solicitation for requested inclusions resulted in the addition of 146.11 new acres added to the county's Agricultural Districts; 143 acres on two properties were added to Spencer Ag District #1, as well as a parcel split of 20.5 existing acres, and 2.11 acres on one property added to the North Tioga Ag District #3. The SEQR EAF has been completed accordingly.

Chair Lawton asked for a motion to approve Resolution #1 of 2021 to Recommend Adoption of the modification to the Spencer Agricultural District #1 and North Tioga Agricultural District #3. Pam Moore made the motion to approve the resolution; Legislator Ed Hollenbeck seconded the motion. All were in favor. Tim Lawton, Chair, signed the resolution.

VI. RIGHT TO FARM MODEL LAW

John Lacey updated the Board members on activity regarding this model law since last September's Board meeting. The Farm Bureau Board

reviewed the model law and removed the entire section establishing the local committee and procedure for resolving disputes, leaving all disputes to be remediated by NYS Department of Agriculture & Markets. Cub Frisbee, Farm Bureau Board President, has begun promoting the model law this way to Town Boards. He started with the Town of Barton Board.

Elaine Jardine brought up the issue that if the model law is being presented to Town Boards this way, Town Boards do not even know that there is a local option to resolving disputes. Both EDP and the Farm Bureau had contacted Ag & Markets during these past few months to ask if sound agricultural practices opinions could be provided for farmland involved that is NOT enrolled in the NYS Agricultural Districts Program. While they got two different versions, the answer was yes, this is done for all requests. Although, EDP was told it could take months to get a response from Ag & Markets to any given nuisance case. Elaine Jardine would simply like to see that local dispute resolution section be included back in the RTF model law as an option before the Farm Bureau continues to promote it to town boards. Cub Frisbee was supposed to call her regarding this at the end of last year, and she did not receive a call from him to discuss. She would have appreciated this discussion before he went to the Town of Barton.

VII. SOLAR PROJECTS ON AGRICULTURAL LAND

Elaine Jardine started this discussion by informing the Board the solar projects vs. farmland attributes map application has been completed and the link has been emailed to Board members. This map will be continually updated as more solar project proposals are received and go through local approvals. As it stands right now, there are minimal projects that have been located on mostly marginal farmland. Pam Moore said from her point of view, any farmland in the county that is taken up by solar projects is a loss of farmland no matter what type of farmland is impacted.

John Lacey stated that Ag & Markets has reclassified agricultural soils for this purpose, which includes the USDA prime farmland, classes 1-4, as food producing soils, but also adds classes 5 and 6 as pasture land, to be protected.

Chair Lawton brought up the issue that for farmers who are working (renting) land from non-farm land owners, that land is now in jeopardy because the land owner now have the opportunity to get solar lease payments that are higher than the farmer can afford to pay.

John Lacey brought up the NYS ORES (Office of Renewable Energy Siting) which now has jurisdiction over solar projects 25MW and greater. Elaine Jardine said that our experience to date is that solar developers are keeping their project to under that 25MW size to avoid the state process.

John also stated that the Article VII (?) process can allow a public utility to use eminent domain to acquire property.

Elaine Jardine then pointed out that our EDP Office is still not receiving Notice Of Intents for solar projects for AFPB review and comment, even after requesting this of Ag & Markets. She will look into this further.

Barb Neal reminded Board members about the CALS study of the impacts of solar projects on land in agricultural production. The intern will start in June and complete the study at the end of August. She also informed the Board of upcoming training conference for CCE Educators on solar projects. She will ask if County AFPB members can attend as well.

VIII. AGRICULTURAL RESOURCE GROUP ACTIVITY

Megan Griffiths reported the following activity:

- Updating the 2006 Ag Resource Directory in a digital format that will contain ag service providers, technical assistance and financial resources
- Now that spring is coming, will work on another media awareness campaign regarding farm equipment on the road
- Promoting NYSERDA's Farm Energy Audits to local farmers

Chair Lawton inquired about the status of Sundaes at the Farm for 2021. Megan said no decision has been made.

IX. OTHER BUSINESS OFFERED FROM THE FLOOR

Legislator Dale Weston continued discussion regarding the safety of Amish buggies on the road. He asked if anyone knew what the highway or traffic safety regulations or requirements were in order for them to travel on roads. Many members said they had to have reflective items on them. Pam Moore asked about signal indicators. No one knew that answer. Mr. Weston said he would check with Sheriff Gary Howard. Pam Moore said she would follow up with her neighboring Amish family.

X. ADJOURNMENT

With no further discussion, Chair Lawton motioned to adjourn. Legislator Hollenbeck seconded the motion. All were in favor. Meeting was adjourned at 2:18 PM.

Respectfully submitted,
Elaine Jardine
County Planning Director, Economic Development & Planning

Agricultural & Farmland Protection Board



RESOLUTION #1 of 2023
TO RECOMMEND ADOPTION OF THE PLAN TO REVISE THE EXISTING
SPENCER AGRICULTURAL DISTRICT #1

WHEREAS: The Tioga County Legislature, as per resolution 296-03 designated January 2nd through January 31st as the official annual enrollment period for inclusion of viable agricultural properties in agricultural districts as required by §303-B of the NYS Agricultural and Markets Law 25-AA; and

WHEREAS: New York State law requires that the County Legislature ask for the recommendations from the County Agricultural and Farmland Protection Board regarding this enrollment; as to whether requests for inclusions consists of predominantly “viable agricultural land” and that inclusion of such land will serve the public interest by assisting in maintaining a viable agricultural industry with in the district; and

WHEREAS: Tioga County Planning staff has performed research on lands requested for inclusion, created a database of parcels to be included and mapped said parcels according to the requirements of NYS Department Agriculture and Markets; and

WHEREAS: Based on said survey results and related mapping, recommended modification is the inclusion of 397.72 acres additional viable farmland, in the Spencer Agricultural District #1

WHEREAS: Tioga County Planning Staff has completed the Short Environmental Assessment Form according to SEQRA which revealed no adverse environmental impacts; therefore be it

RESOLVED: That the Tioga County Agricultural & Farmland Protection Board does hereby recommend to Tioga County Legislature to make a negative SEQR declaration, and adopt said 2023 Agricultural District Enrollment requests to the Spencer Agricultural District #1.

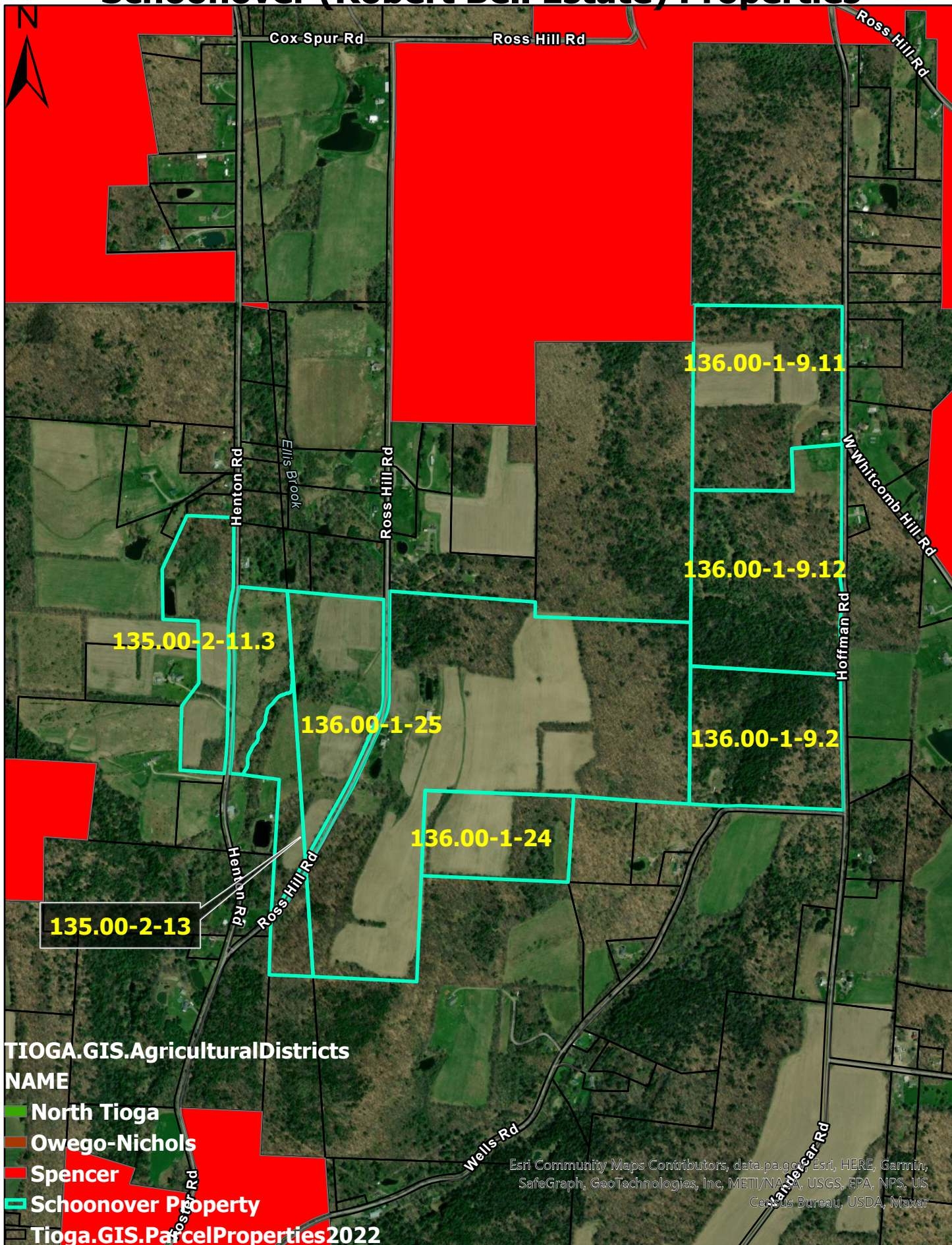
Date: February 16, 2023

I authorize that everything stated in this resolution is a true and correct record of actual events and that a majority of the appointed Agricultural and Farmland Protection Board members voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

Signed:

Timothy Lawton, Chair, Tioga County Agricultural and Farmland Protection Board

Tioga County 2023 Annual Ag District Inclusion Schoonover (Robert Bell Estate) Properties



**TIOGA COUNTY, NEW YORK
 AGRICULTURAL DISTRICT ENROLLMENT
 2023 Annual Inclusion
 DATA COLLECTION FORM**

Land Owner: Tammy and Nick Schoonover (Robert Bell Estate)

Address: 967 Ross Hill Road, Barton, NY 13734 Municipality: Towns of Tioga and Barton

Contact Info: Phone (home) _____ (cell) 215-896-1757 (email) tbsnjs@verizon.net

Property Description - Please provide the following information for land (each property) you *own* and want to include in the Agricultural District:

PARCEL DATA

ID # <small>(office use only)</small>	Tax Map Number	Acreage
	136.00-1-9.11	45.90
	136.00-1-9.12	53.56
	136.00-1-9.20	38.23
	136.00-1-24	21.93
	136.00-1-25	180.00
	135.00-2-13	16.10
	135.00-2-11.30	42.00
TOTALS property(ies)		397.72

Farm Description-Type (You must check one or more types to be eligible for the annual inclusion):

<input type="checkbox"/>	Dairy	
<input checked="" type="checkbox"/>	Cash Crop (Grain)	<u>Oats</u>
<input type="checkbox"/>	Cash Crop (Vegetable)	_____
<input checked="" type="checkbox"/>	Hay	
<input type="checkbox"/>	Fruit/Orchard	_____
<input type="checkbox"/>	Vegetables	_____
<input checked="" type="checkbox"/>	Livestock (other than dairy)	<u>Hogs</u>
<input checked="" type="checkbox"/>	Poultry	
<input type="checkbox"/>	Horticultural Specialties	_____
<input type="checkbox"/>	Maple	
<input type="checkbox"/>	Honey	
<input type="checkbox"/>	Silviculture	
<input type="checkbox"/>	Other	Specify: _____

If you have any questions please contact Megan Schnabl at 607-687-8263 or schnabl@tiogacountyny.gov by e-mail.

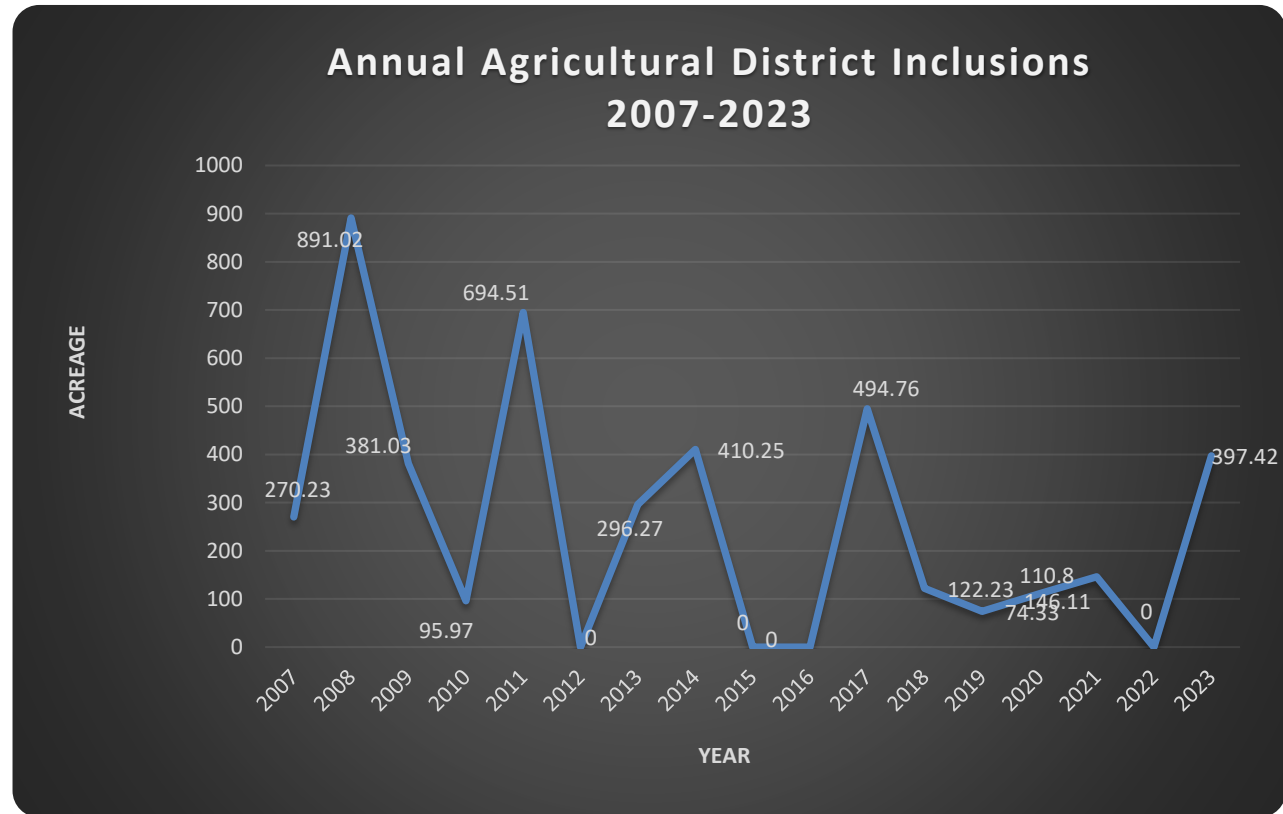
Please submit completed form to the EDP office in person, via e-mail address above or return by mail to 56 Main Street, Owego NY 13827 no later than January 31st.

2023 Tioga County Agricultural District Inclusions Annual Enrollment Data

Municipality	Land Owner	Address	Tax Map Number	Acreage	Farm Type
Town of Tioga	Tammy & Nick Schoonover	967 Ross Hill Rd, Barton	136.00-1-9.11	45.90	
Town of Tioga	Tammy & Nick Schoonover	967 Ross Hill Rd, Barton	136.00-1-9.12	53.56	
Town of Tioga	Tammy & Nick Schoonover	967 Ross Hill Rd, Barton	136.00-1-9.20	38.23	
Town of Tioga	Tammy & Nick Schoonover	967 Ross Hill Rd, Barton	136.00-1-24	21.93	
Town of Tioga	Tammy & Nick Schoonover	967 Ross Hill Rd, Barton	136.00-1-25	180.00	
Town of Barton	Tammy & Nick Schoonover	967 Ross Hill Rd, Barton	135.00-2-13	16.10	
Town of Barton	Tammy & Nick Schoonover	967 Ross Hill Rd, Barton	135.00-2-11.30	42.00	

Total New Acres 397.72

Year	Acreage
2004	846.2
2005	256.65
2006	425.48
2007	270.23
2008	891.02
2009	381.03
2010	95.97
2011	694.51
2012	0
2013	296.27
2014	410.25
2015	0
2016	0
2017	494.76
2018	122.23
2019	74.33
2020	110.8
2021	146.11
2022	0
2023	397.42





**STATE ENVIRONMENTAL QUALITY REVIEW
SHORT ENVIRONMENTAL ASSESSMENT FORM
FOR AGRICULTURAL DISTRICTS**

UNLISTED ACTIONS ONLY

Please indicate lead agency status by checking the appropriate box below:

The proposed action is within the scope of a cooperative agreement between the undersigned County Legislative Body (“CLB”) and the Department of Agriculture and Markets (“Department”), the only other agency required to undertake an action in this case. Therefore, the undersigned CLB will serve as lead agency for the proposed action to ensure compliance with the requirements of the State Environmental Quality Review Act, and is undertaking a coordinated review of the proposed action with the Department pursuant to 6 NYCRR §617.6(b)(3).

The proposed action is not within the scope of a cooperative agreement between an applicable CLB and the Department. The agency that will serve as Lead Agency is the undersigned CLB, and is undertaking a coordinated review of the proposed action with the Department pursuant to 6 NYCRR §617.6(b)(3).

Part 1 – Project and Sponsor Information

1. The proposed action is located in the County of _____ and the Town(s) of _____.

2. The agency responsible for preparing this Short Environmental Assessment Form and determining environmental significance is the CLB of _____ County.

3. The name, address, and e-mail address for the Clerk of the above named CLB is:

_____.

4. Does the proposed action only involve the modification, consolidation or termination of a county-adopted, State-certified agricultural district by the CLB pursuant to Agriculture and Markets Law (AML) §§303-a, 303-b or 303-c? Yes No

If Yes, attach a narrative description (including a location map) of the intent of the proposed action and the environmental resources that may be affected in the County. If No, this form should not be used to evaluate the potential environmental impacts of the proposed action.

5. Is this an action proposed to modify an existing agricultural district? Yes No

If Yes, total number of acres comprising the agricultural district as it exists prior to modification: _____ acres.

**Short Environmental Assessment Form
New York State Department of Agriculture and Markets**

6. If this proposed action involves a modification, will such modification result in a change in the size of the agricultural district? Yes No
- If yes, how many acres are involved in the change? _____ acres
 - Does this represent an increase or a decrease?

7. Check all present land uses that occur on, adjoining, and near the proposed action?

Residential Industrial Commercial Agriculture Park/Forest/Open Space Other

If Other, please describe: _____

8. Information on Coastal Resources. Is the action located within, or have a significant effect on:

- A Coastal Area, or the waterfront area of a Designated Inland Waterway? Yes No
- A Coastal Erosion Hazard Area? Yes No
- A community with an approved Local Waterfront Revitalization Program? Yes No

If Yes, please identify the affected community or communities: _____

9. Information on Local Agricultural and Farmland Protection Plans

- Is the action compatible with the County's Agricultural & Farmland Protection Plan? Yes No

If Yes, date of Plan approval: _____

If Yes, please cite the applicable language: _____

10. Comments from Municipalities within the County

- Did the CLB receive any comments from municipalities about the addition or removal of land from the agricultural district? Yes No

If Yes, please briefly summarize the comments: _____

11. Attach any additional information as may be needed to clarify the proposed action.

I AFFIRM AND CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE
BEST OF MY KNOWLEDGE

**Name of Person
Authorized to Sign:** _____ **Date:** _____

Signature: _____ **Title:** _____

**Short Environmental Assessment Form
New York State Department of Agriculture and Markets**

Part 2: Impact Assessment

Part 2 is to be completed by the County Legislative Body (“CLB”) as Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted to the CLB for the proposed modification, consolidation or termination of a county-adopted, State-certified agricultural district or otherwise available to the reviewer.

In providing responses to each of the questions, the reviewer should keep in mind that the action proposed is the modification, consolidation or termination of an agricultural district(s). The action is not the land use or activity which will, or may, take place in the district(s). For example, it is not appropriate to consider the effects of management actions that may be taken by individual operators in conducting farming. Agricultural farm management practices, including construction, maintenance and repair of farm buildings, and land use changes consistent with generally accepted principles of farming are listed as Type II actions in 6 NYCRR §617.5(c)(3), and these actions have been determined not to have a significant impact on the environment.

	None to small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and fail to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Short Environmental Assessment Form
New York State Department of Agriculture and Markets**

Part 3: Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur,” or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short term, long-term and cumulative impacts.

The requested inclusions to Tioga County's Spencer Agricultural District #1 will not cause any adverse environmental impacts. The resulting increase of 397.72 acres enrolled in the NYS Agricultural Districts Program will ensure that those lands will be protected in agricultural use until the next full eight-year district review anniversary date for the above stated Districts, making it more difficult to convert them to a non-agricultural use. Neighboring proposed development projects will also have to consider impacts to agriculture during the local approval process. This in turn results the affect of having little to no change in the environmental aspects of these enrolled lands.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

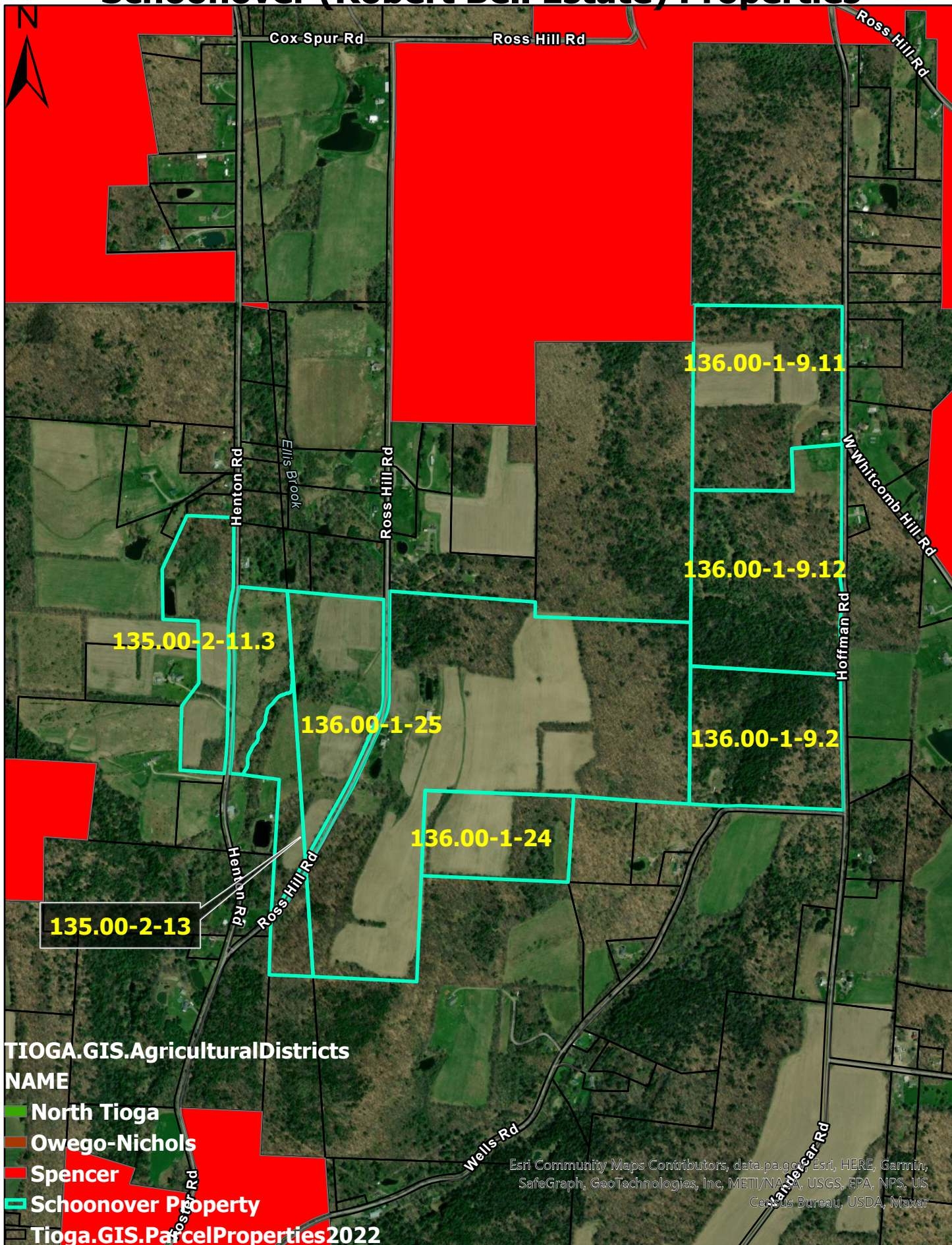
Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

Tioga County 2023 Annual Ag District Inclusion Schoonover (Robert Bell Estate) Properties



TEAM TIOGA

we work for you

ECONOMIC DEVELOPMENT & PLANNING

INDUSTRIAL DEVELOPMENT AGENCY

LOCAL DEVELOPMENT CORPORATION

The proposed inclusions total 397.42 acres of land, with 5 parcels in the Town of Tioga, and 2 parcels in the Town of Barton, all owned by the same property owner, as can be seen on the map on the previous page. The current use of the land is agriculture, and the property owner intends to keep the land in agricultural production, resulting little to no environmental impacts of the proposed action.

