

PUBLIC HEARING – AGRICULTURAL DISTRICT #1
ADDITION OF ONE PARCEL

Monday, March 27, 2023 - 9:30 AM

Shaun Gilliland, Chairman
James Monty, Vice-Chairman

Chairman Gilliland called this Public Hearing to order at 9:30 am with the following Supervisors in attendance: Clayton Barber, Robin DeLoria, Stephanie DeZalia, Derek Doty, Shaun Gilliland, Charlie Harrington, Ken Hughes, Steve McNally, Noel Merrihew, James Monty, Tom Scozzafava, Matt Stanley, Ike Tyler, Davina Winemiller, Margaret Wood and Mark Wright. Joe Pete Wilson as absent. Roy Holzer was excused.

Department Heads present: James Dougan, Judy Garrison, Matt Watts and Michael Mascarenas.

Also present: Carly Summers

News media – Alana Penny, Sun News.

GILLILLAND: I will call this public hearing to order and ask of the reading of the public hearing notice.

GARRISON: *Notice of public hearing Essex County Agriculture and Farmland Protection Board Agricultural District #1*

Please take notice that the Essex County Board of Supervisors will hold and conduct a public hearing at the Supervisors' Chambers in the Essex County Government Center, 7551 Court Street, Elizabethtown, New York on Monday March 27th, 9:30am., on Agricultural District #1, upon the recommendations of the Essex County Agriculture and Farmland Protection Board regarding parcels to be added to the Agricultural District of Essex County.

Please take further notice that the Agriculture and Farmland Protection Board shares the Agricultural Districts in Essex County have been in existence since 1973 and the district has helped agriculture remain a viable industry in Essex County. The land to be included was evaluated on the basis of being primarily productive agricultural land located in an area compatible with agricultural operations.

Please take further notice Essex County has a New York State certified Agricultural District #1 of 62,341 acres. This addition is under Article 25-AA of the Agriculture and Markets Law.

Please take further notice that at said public hearing to be held at the time and place set forth above, the Essex County Board of Supervisors will hear all persons interested therein concerning the same.

Judith A. Garrison, Clerk.

Essex County Board of Supervisors

P.O. Box 217, 7551 Court Street, Elizabethtown, NY 12932

(518) 873-3353

Date: March 17, 2023

GILLILLAND: Thank you. I would just like to give the courtesy of the floor to Carly Summers for clarification on this.

SUMMERS: Are there any questions? The property is in the Town of Essex. It's about 63 acres, it's owned by Jeffrey Sherman. He's the person who is starting the new peony company if you've seen that big new building that's out a little bit south of the Whallonsburg grange it's gone up. They are going to be offering a lot of nursery plants, cut flowers and they're trying to do a lot of neat things with flowers but they also want to do beef and ham on this property. It's on the lake, pretty close to the lake on Albee Lane so I advised just checking to make sure that area is compatible with agriculture. There are residents nearby but Ben Breckenridge who is the Zoning Officer there in Essex said that is compatible with agriculture and the Farmland Protection Board voted unanimously that it was going to work. I would be happy to answer any questions.

GILLILLAND: Any questions from the board?

HUGHES: Good morning. The only question I would have, is I know the previous owner of this property Gary Heurich, he had a lot of deed restrictions on this property when it was sold and I just wanted to make sure none of those restrictions are prohibited on what is attempted here.

SUMMERS: I was not made aware by the property owner about any problems with the deed restrictions. I also should say it is possible the deed restrictions had something to do with environmental concerns with the lake and things like that. The new property owners also are aware they have a slope towards the lake, the soils are clay so they would be more problematic, more prone to erosion so they've already been in contact with the NRCS soil and water to make sure that they can get the best recommendations to prevent erosion and run off and sedimentation into the lake as they can so if that has anything to do with it they're probably really conscientious.

HUGHES: Yes, I would agree with you that probably those concerns were more environmental than they were agricultural and I think that it was a working farm a long time ago with the buildings that were there so I just wanted to put that out there for consideration.

SUMMERS: Yeah, thank you.

GILLILLAND: Any further questions or comments?

DOTY: Does agricultural status prohibit future home growth? So, I guess associated with your concerns on deed restrictions. I understand deed restrictions environmentally but does it change the zoning?

SUMMERS: It doesn't change the zoning and it wouldn't take away building lots. It's simply, the agricultural district for the State is basically a right to farm that's its primary function so there a protection on the land in terms of if the State suddenly wanted or if the area wanted to put a landfill or make it some kind of, maybe put a municipal water plant on that property they would say, no, this is agricultural and we're protecting it but it has no function in prohibiting development if that's what the town needed it for and you can remove properties from the Ag District every seven years so if there ever was something prohibited this isn't permanent.

DOTY: Okay thank you.

GILLILLAND: If you're doing standard agricultural practices as recognized by Ag and Markets then it protects the farmer so if the Ag District, he's a pig farmer, the neighbors complain about pig smells he is in the Ag District, he is protected, mud on the road things like that. I don't think a peony farm unless someone objects to flower smells.

SUMMERS: Right.

DELORIA: There's a minimum number of acreage in order to place a parcel into an Ag District what is that?

SUMMERS: Seven.

DELORIA: Oh seven?

SUMMERS: Yes, it's pretty low but once you reach a low number like seven they do want to see a higher income. They want to see an intensity to the Agriculture and make sure it is commercial. It isn't to protect the homestead for instance it's really to protect commercial farmland but it's also to protect residences near commercial farmland so ideally you're looking at both audiences and making sure it is a good fit for everybody.

DELORIA: Does the Ag District help to create prohibition on solar panels if someone was going to put that in or that still could be done in the future?

GILLILLAND: That's APA dependent in the park. You don't mind me jumping in?

SUMMERS: Sure.

GILLILLAND: That's APA dependent in the park. I will say that Cornell is pushing a big program which is solar grazing. Combining solar with sheep grazing and things like that they are pushing that hard in order to promote the developments of solar farms and things throughout the State but we have another layer of CCAPA here.

SCOZZAFAVA: We have a solar farm going in on property that has had an Ag exemption. What happens is once the farmer, the property owner leases that property to the solar company they lose that ag exemption obviously or a portion of it depending on how many acres they put there and the land owner continues to pay taxes and the solar company pays a PILOT to the town and School.

SUMMERS: Yes and the Ag exemption is different from the Ag District but because they are in the same realm they sound pretty similar.

SCOZZAFAVA: Correct. It wasn't a detriment, the point I'm making, to the development of the solar company.

HARRINGTON: Yes, I've driven by there frequently and it appears to me that this, the owners are very aggressive agriculturally and that they will be employing quite a number of persons in order to maintain what they have right now on top of what they plan on having and it all appears to me to be agriculturally based.

SUMMERS: I think so too.

GILLILLAND: Anything else from the board or members of the public? Alright, if nothing else we are adjourned. Thank you.

As there was no further discussion to come before this public hearing it was adjourned at 9:40 a.m.

Respectfully submitted,

Judith Garrison, Clerk
Board of Supervisors