



## ERIE COUNTY AGRICULTURAL & FARMLAND PROTECTION BOARD MEETING MINUTES

August 24, 2023 | 6:00 PM

Roycroft Power House | 39 South Grove Street | East Aurora, NY 14052

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Board Members in Attendance: Bryant Zilke, Len Janiga, Rachel Chrostowski, Dan Castle, Diane Held, Dan Henry, Brett Kreher, Earl Gingerich

Board Members Excused: Mark Gaston

Staff in Attendance: Sarah Gatti

Guests in Attendance: Wendy Salvati, Walt Kammer

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**1. Consideration of the June 2023 Meeting Minutes**

Bryant Zilke made a motion for APPROVAL, seconded by Diane Held, and carried by all voting members.

**2. Department of Environment and Planning Updates**

**A. Agricultural Districts – 303b**

Sarah Gatti reminded the Board that the 303b Agricultural Open Enrollment period would be starting on September 1. Ms. Gatti will provide a full report to the Board ahead of the October meeting.

**B. Agricultural Districts – 303a**

Ms. Gatti stated that the AFPB is an advisory board on agricultural issues to the County Legislature. In this capacity, the AFPB provides a recommendation to the County Legislature on agricultural districts pursuant to Agriculture and Markets Law Sections 303a and 303b. The Legislature is the body who votes to modify, continue, and/or consolidate agricultural districts. The County Legislature's public hearing is the agricultural district law's forum to provide public input to the County Legislature on this issue. Each applicant or member of the public will have the opportunity to provide comments at the public hearing, the date of which is to be determined.

Following the public hearings, the County Legislature will examine all the information provided, including the public comments provided at the public hearings and will formally vote on the proposed actions. The

resolutions are then sent to the Commissioner of Agriculture and Markets in Albany, who makes the final determination.

No members of the public attended the AFPB meeting and there was no public comment given.

Regarding the Agricultural District Eight-Year Review, Ms. Gatti provided a brief overview of each modification request, followed by a Board vote on each application.

- Application #1: The Board voted to **REMOVE** this parcel.
- Application #2: The Board voted to **REMOVE** this parcel.
- Application #3: The Board raised concerns regarding the removal of the land. Earl Gingerich made a motion to recommend **DENIAL** of the landowner's request for removal, seconded by Mr. Zilke and carried by all voting members.
- Application #4: The Board voted to **REMOVE** this parcel.

A detailed voting record is included as Appendix A of these minutes.

#### **C. Agriculture and Farmland Protection Plan**

Dan Castle provided an update on the Agriculture and Farmland Protection Plan, stating that a Request for Proposals had been released with responses due on September 19, 2023.

#### **D. November Storm Fund**

Mr. Castle provided an update on the November Storm Fund, noting that the Erie County Soil and Water Conservation District will be administering the \$2 million dollar fund. Logistics are still being discussed, but the program should be launched soon.

#### **E. Solar PILOT Policy**

Mr. Castle provided an update on the Solar PILOT Policy, explaining that the County has been having internal discussions on a policy for some time but would like to use the upcoming Agriculture and Farmland Protection Plan update process to garner stakeholder input on the topic.

### **3. Town of Colden Agriculture and Farmland Protection Plan**

Ms. Gatti explained the process involved for the certification of the Colden Draft Agricultural and Farmland Protection Plan (AFPP) and stated the AFPB would have to approve, deny, or table the AFPP at the meeting.

Wendy Salvati of WWS Planning and Walt Kammer of the Colden Planning Board were in attendance to answer questions and address concerns related to the Plan. The Board did not have any concerns regarding the Plan.

Mr. Gingerich made a motion to APPROVE the Colden Agriculture and Farmland Protection Plan, seconded by Mr. Zilke and carried by all voting members.

Ms. Gatti will send a copy of the motion to Ms. Salvati once signed by the Chair.

### **4. Notices of Intent Procedure**

Ms. Gatti presented a revised Notice of Intent procedure. The procedure is a result of the previous Board meeting and enables:

- Ms. Gatti to draft response letters using a series of approved comments.
- Chairperson Brett Kreher to sign off on response letters without full Board approval.

Mr. Zilke made a motion for APPROVAL of the amended procedure, seconded by Mr. Gingerich, and carried by all voting members.

#### 5. Sky Lanterns

Ms. Gatti provided an overview of the sky lantern memo and explained next steps. Mr. Castle reiterated that the AFPB is a Board of the Erie County Legislature and can send communications directly to them. The Board agreed to amend the memo to include language supporting a County-wide prohibition on sky lanterns and send the memo to the Legislature.

Mr. Gingerich made a motion to AMEND the Sky Lantern memo, seconded by Mr. Zilke and carried by all voting members.

Mr. Gingerich made a motion to SUBMIT THE MEMO AS AMENDED TO THE ERIE COUNTY LEGISLATURE, seconded by Mr. Zilke, and carried by all voting members.

#### 6. Other Business

Mr. Zilke noted that the recent Erie County/USDA rabies distribution was conducted by helicopter, the sound and proximity of which alarmed livestock. He further stated the helicopter flew close to farm structures. Mr. Castle stated he would alert the Erie County Department of Health of these concerns.

#### 7. Adjournment

Mr. Zilke made a motion to ADJOURN at 7:04PM, seconded by Mr. Gingerich, and carried by all voting members.

**NEXT MEETING OCTOBER 19, 2023**