



COUNTY OF ERIE

DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF PLANNING AND COMMUNITY DEVELOPMENT

DANIEL R. CASTLE, AICP, COMMISSIONER

THOMAS E. BAINES, ESQ., DEPUTY COMMISSIONER

January 30, 2024

Jeff Kehoe, Farmland Specialist
New York State Department of Agriculture & Markets
10B Airline Drive
Albany, NY 12235

Dear Mr. Kehoe,

Erie County is pleased to announce the completion of the 2023 annual request for additions to existing Agricultural Districts pursuant to Section 303b of Agriculture and Markets Law. The enclosed report details the 2023 applications and respectfully request that the Commissioner certify the recommended additions.

Should you have any questions, please feel free to contact me at (716) 858-6014 or by email at sarah.gatti@erie.gov.

Regards,

Sarah Gatti
Principal Planner

Enc: Report



ERIE COUNTY AGRICULTURAL DISTRICTS INCLUSION OF VIABLE AGRICULTURAL LAND

2023 REPORT

FROM: ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND
PLANNING ON BEHALF OF THE ERIE COUNTY
AGRICULTURAL & FARMLAND PROTECTION BOARD
AND THE ERIE COUNTY LEGISLATURE

TO: NEW YORK STATE DEPARTMENT OF AGRICULTURE
AND MARKETS

PURSUANT TO: SECTION 303-B OF THE AGRICULTURE AND
MARKETS LAW

OVERVIEW

Per section 303-b of New York Agriculture and Markets Law, the Erie County Legislature set the month of September as the annual 30-day period to consider property owner requests for predominately viable agricultural land to be added to an agricultural district. Section 303-b requires the Erie County Agricultural and Farmland Protection Board (AFPB) to report to the Erie County Legislature with its recommendations as to whether the land requested to be included in an agricultural district consists of viable agricultural land as defined in 301(7) of New York Agriculture and Markets Law and serves the public interest by assisting in maintaining a viable agricultural industry within the district. This report provides a summary of the 303-b process and includes recommendations from the Erie County Legislature.

PROPERTY OWNER REQUESTS

During the 2023 open enrollment period, the AFPB received applications for the inclusion of thirteen parcels into Erie County's existing Agricultural Districts. Two of these parcels were already enrolled in an existing Agricultural District. The AFPB considered the remaining eleven parcels and based their recommendations upon Agricultural District Law, which states that parcels to be included in agricultural districts must be "land highly suitable for agricultural production" and which will continue to be feasible for farming if conditions remain the same.

Each parcel requested for inclusion was analyzed in detail by the AFPB. Erie County staff identified soil types and suitability for agriculture, type of operation, whether the parcel is owner-operated or rented, gross sales, surrounding land use, eligibility for agricultural assessment, consistency with zoning, local and regional planning documents, proximity to existing agricultural districts, and eligibility for inclusion pursuant to Article 25AA of Agriculture & Markets Law. This data is provided in the matrix included as Attachment 9.

The following table lists each parcel, states the AFPB's recommendation, and states the action taken by the Erie County Legislature:

SBL	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT	AFPB REC.	LEG. ACTION
13.17-2-1	1.1	4410 East River Road	Grand Island	Bitikofer	North #1	Include	Include
12.00-2-10	8.7	4420 East River Road	Grand Island	Bitikofer	North #1	Include	Include
37.02-2-12	25.4	951 Whitehaven Road	Grand Island	Act III Broadcasting	North #1	Include	Exclude
37.02-2-13	20.5	0 Whitehaven Road	Grand Island	Act III Broadcasting	North #1	Include	Exclude
37.02-2-5.11	22.1	0 Whitehaven Road	Grand Island	Drexelius	North #1	Include	Include
37.02-2-4	8.2	0 Whitehaven Road	Grand Island	Drexelius	North #1	Include	Include
45.15-1-5.2	8.4	6155 Salt Road	Clarence	Corigliano	North #1	Include	Include
12.00-2-3.11	30.7	0 East River Road	Grand Island	Harper	North #1	Include	Include
12.15-2-65	2.3	0 East River Road	Grand Island	Harper	North #1	Include	Include
50.04-2-31	3.2	2507 Fix Road	Grand Island	Yanicki	North #1	Include	Include
213.00-1-19.2	4.4	8145 Burr Road	Colden	Khadiagala	Central #5	Include	Include

PUBLIC HEARING

The Erie County Legislature gave the required public notice and set a public hearing for November 1, 2023 at 2:15 PM.

STATE ENVIRONMENTAL QUALITY REVIEW

The modification of Agricultural Districts is within the scope of a Cooperative Agreement between the Erie County Legislature and the NYS Department of Agriculture and Markets. Pursuant to the Agreement, the Legislature acted as State Environmental Quality Review Act (SEQR) Lead Agency and conducted a coordinated review. It was determined that the modification of the Districts would not result in any significant adverse environmental impacts and a Negative Declaration was issued. The completed Short Environmental Assessment Form is included as Attachment XX.

LIST OF ATTACHMENTS

- 1) 30-Day Review Notice
- 2) Public Hearing Notice
- 3) Public Hearing Transcript
- 4) AFPB Report
- 5) SEQR
- 6) Adopting Resolution

1) 30-Day Review Notice

PUBLIC NOTICE

30-DAY PERIOD FOR INCLUSION OF PREDOMINANTLY VIABLE AGRICULTURAL LANDS INTO EXISTING AGRICULTURAL DISTRICTS

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerks, Assessors, and Chief Elected Officials for distribution to interested landowners. The application is also available online at www.erie.gov/agenrollment.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

CONTACT:

Sarah Gatti, Principal Planner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202
Phone: (716) 858-6014
Fax: (716) 858-7248
Email: agriculture@erie.gov

2) Public Hearing Notice

NOTICE OF PUBLIC HEARING

PROPOSED MODIFICATION TO AGRICULTURAL DISTRICTS

At the direction of Erie County Legislative Chair, April N.M. Baskin, Notice is hereby given that a public hearing will be held by the Legislature of the County of Erie, on the 1st of November 2023 at 2:15 PM at the Chambers of the Erie County Legislature, 4th Floor, Old County Hall, 92 Franklin St., Buffalo, NY 14202, to consider the following requests for the inclusion of predominantly viable agricultural lands within existing agricultural districts that have been submitted in accordance with sec. 303-b of NYS Agricultural and Markets Law.

1 parcel in the Town of Clarence totaling 8.4 acres

1 parcel in the Town of Colden totaling 4.4 acres

9 parcels in the Town of Grand Island totaling 122.2 acres

The hearing shall consider the requests and recommendations of the County Agricultural and Farmland Protection Board (AFPB). All applications submitted and the Erie County AFPB report to the Legislature on recommended parcel inclusions are available at: erie.gov/agriculture.

Questions may be directed to Sarah Gatti, Principal Planner at sarah.gatti@erie.gov.

Dated: Buffalo, New York, October 19 2023

BY ORDER OF THE COUNTY LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK

By Robert M. Graber
Clerk, Erie County Legislature

3) Public Hearing Transcript

PUBLIC HEARING ON PROPOSED MODIFICATION TO AGRICULTURAL DISTRICTS

92 Franklin St., 4th Floor - Buffalo, NY 14202

November 1, 2023 – 2:15 PM

MINUTES

The Public Hearing was called to order at 2:15 PM by Olivia Owens, Clerk of the Erie County Legislature.

The Clerk read the Notice of Public Hearing:

At the direction of Erie County Legislative Chair, April N.M. Baskin, Notice is hereby given that a public hearing will be held by the Legislature of the County of Erie, on the 1st of November 2023 at 2:15 PM at the Chambers of the Erie County Legislature, 4th Floor, Old County Hall, 92 Franklin St., Buffalo, NY 14202, to consider the following requests for the inclusion of predominantly viable agricultural lands within existing agricultural districts that have been submitted in accordance with sec. 303-b of NYS Agricultural and Markets Law.

1 parcel in the Town of Clarence totaling 8.4 acres

1 parcel in the Town of Colden totaling 4.4 acres

9 parcels in the Town of Grand Island totaling 122.2 acres

The hearing shall consider the requests and recommendations of the County Agricultural and Farmland Protection Board (AFPB). All applications submitted and the Erie County AFBP report to the Legislature on recommended parcel inclusions are available at: erie.gov/agriculture.

Questions may be directed to Sarah Gatti, Principal Planner at sarah.gatti@erie.gov.

Dated: Buffalo, New York, October 19 2023

BY ORDER OF THE COUNTY LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK

By Robert M. Graber
(Former) Clerk, Erie County Legislature

The Clerk then opened the floor to public comment.

Sarah Gatti, Principal Planner at the Erie County Department of Environment and Planning stated that seven applications were received requesting to add 11 parcels into an Erie County Agricultural District. The Agricultural and Farmland Protection Board recommends adding all parcels to the Districts. These recommendations were based upon Agricultural District Law, which states that parcels to be included in the Districts must be “land highly suitable for agricultural production” and which continue to be feasible for farming if conditions remain the same.

These recommendations were based upon Agricultural Districts Law, which states that parcels to be included in the Districts must be “land highly suitable for agricultural production” and which will continue to be feasible for farming if conditions remain the same.

A full copy of the report is available at erie.gov/agriculture.

With no others speakers wishing to speak, the public hearing was adjourned at 2:18 PM.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Sarah E. Gatti". The signature is written in a cursive, flowing style.

Sarah E. Gatti
Principal Planner

4) AFPB Report



ERIE COUNTY AGRICULTURAL DISTRICTS INCLUSION OF VIABLE AGRICULTURAL LAND

2023 REPORT

FROM: ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND
PLANNING
TO: ERIE COUNTY AGRICULTURAL & FARMLAND
PROTECTION BOARD
PURSUANT TO: SECTION 303-B OF THE AGRICULTURE AND
MARKETS LAW

OVERVIEW

Per section 303-b of New York Agriculture and Markets Law, the Erie County Legislature set the month of September as the annual 30-day period to consider property owner requests for predominately viable agricultural land to be added to an agricultural district.

Section 303-b requires the Erie County Agricultural and Farmland Protection Board (AFPB) to report to the Erie County Legislature with its recommendations as to whether the land requested to be included in an agricultural district:

- consists of viable agricultural land as defined in 301(7) of New York Agriculture and Markets Law; and
- would serve the public interest by assisting in maintaining a viable agricultural industry within the district.

PROPERTY OWNER REQUESTS

During the 2023 open enrollment period, applications were received for the inclusion of thirteen parcels into Erie County's existing Agricultural Districts. Two of these were already enrolled in an existing Agricultural District. The AFPB must consider the below requests and base recommendations upon Agricultural District Law, which states that parcels to be included in agricultural districts must be "land highly suitable for agricultural production" and which continue to be feasible for farming if conditions remain the same.

Each parcel requested for inclusion should be analyzed in detail by the AFPB. Erie County staff has identified soil types and suitability for agriculture, type of operation, whether the parcel is owner-operated or rented, gross sales, surrounding land use, eligibility for agricultural assessment, consistency with zoning, local and regional planning documents, proximity to existing agricultural districts, and eligibility for inclusion pursuant to Article 25AA of Agriculture & Markets Law. This data is provided in the matrix included as Attachment 9.

During the 2023 open enrollment period, the following applications for the potential inclusion of thirteen parcels were received:

#	SBL	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT
1	13.17-2-1	1.1	4410 East River Road	Grand Island	Bitikofer	North #1
1	12.00-2-10	8.7	4420 East River Road	Grand Island	Bitikofer	North #1
2	37.02-2-12	25.4	951 Whitehaven Road	Grand Island	Act III Broadcasting	North #1
2	37.02-2-13	20.5	0 Whitehaven Road	Grand Island	Act III Broadcasting	North #1
3	37.02-2-5.11	22.1	0 Whitehaven Road	Grand Island	Drexelius	North #1
3	37.02-2-4	8.2	0 Whitehaven Road	Grand Island	Drexelius	North #1
4	45.15-1-5.2	8.4	6155 Salt Road	Clarence	Corigliano	North #1
5*	12.00-2-1.1	111.9	0 East River Road	Grand Island	Harper	North #1
5	12.00-2-3.11	30.7	0 East River Road	Grand Island	Harper	North #1
5	12.15-2-65	2.3	0 East River Road	Grand Island	Harper	North #1
6	50.04-2-31	3.2	2507 Fix Road	Grand Island	Yanicki	North #1
7	213.00-1-19.2	4.4	8145 Burr Road	Colden	Khadiagala	Central #5
8*	97.00-2-26	47.1	3103 Peters Corners Road	Alden	LNL Peters Corners LLC	Southeast #15

**Parcel is already enrolled in an existing Agricultural District. No action required.*

LIST OF ATTACHMENTS

- 1) Bitikofer Applications & Maps
- 2) Act III Broadcasting Applications & Maps
- 3) Drexelius Applications & Maps
- 4) Corigliano Applications & Maps
- 5) Harper Applications & Maps
- 6) Yanicki Applications & Maps
- 7) Khadiagala Applications & Maps
- 8) LNL Peters Corners LLC
- 9) Matrix

1) Bitikofer Applications & Maps

Agricultural District Open Enrollment Form

www3.erie.gov/agriculture/admin/structure/webform/manage/agricultural_district_open_enrol/submission/2946/table

Are you requesting land be included into an existing Erie County Agricultural District? No

Owner Name Kevin and Dimitra Bitikofer

Address 4410 E River Rd
Grand Island, New York. 14072

Phone Number 7165723858

Email Address dime0717@hotmail.com

Renter Name

Renter Address

Phone Number

Email Address

Total Number of Acres Owned 9.7

Total Number of Acres Farmed/Cropped 5

Total Number of Acres Rented 0

Did you file a Schedule F - Form 1040 (Profit or Loss from Farming) with last year's Federal taxes? No

Annual gross income from agricultural operation

Capital investment in agricultural operation over past 5 years Greater than \$50,000

- **SBL (Tax Parcel ID):** 13.17-2-1
Street Address: 4410 E River Rd
Town: Grand Island
Acres: 1.14
Agricultural Assessment (Y/N): n
- **SBL (Tax Parcel ID):** 12.00-2-10
Street Address: 4420 E River Rd
Town: Grand Island
Acres: 8.72
Agricultural Assessment (Y/N): n

SBL

Describe the business that is operated or will be operated on the parcel(s) proposed to be added to the Agricultural District. Equine and Hay

Identify the operating status of the farm operation on the subject land Existing/Established

Dairy

Cash Crop (Grain) 2

Cash Crop (Vegetable)

Orchard/Vineyard

Livestock (other than dairy) 5

Poultry

Sugarbush/Maple

Horticultural Specialties/Christmas Tree

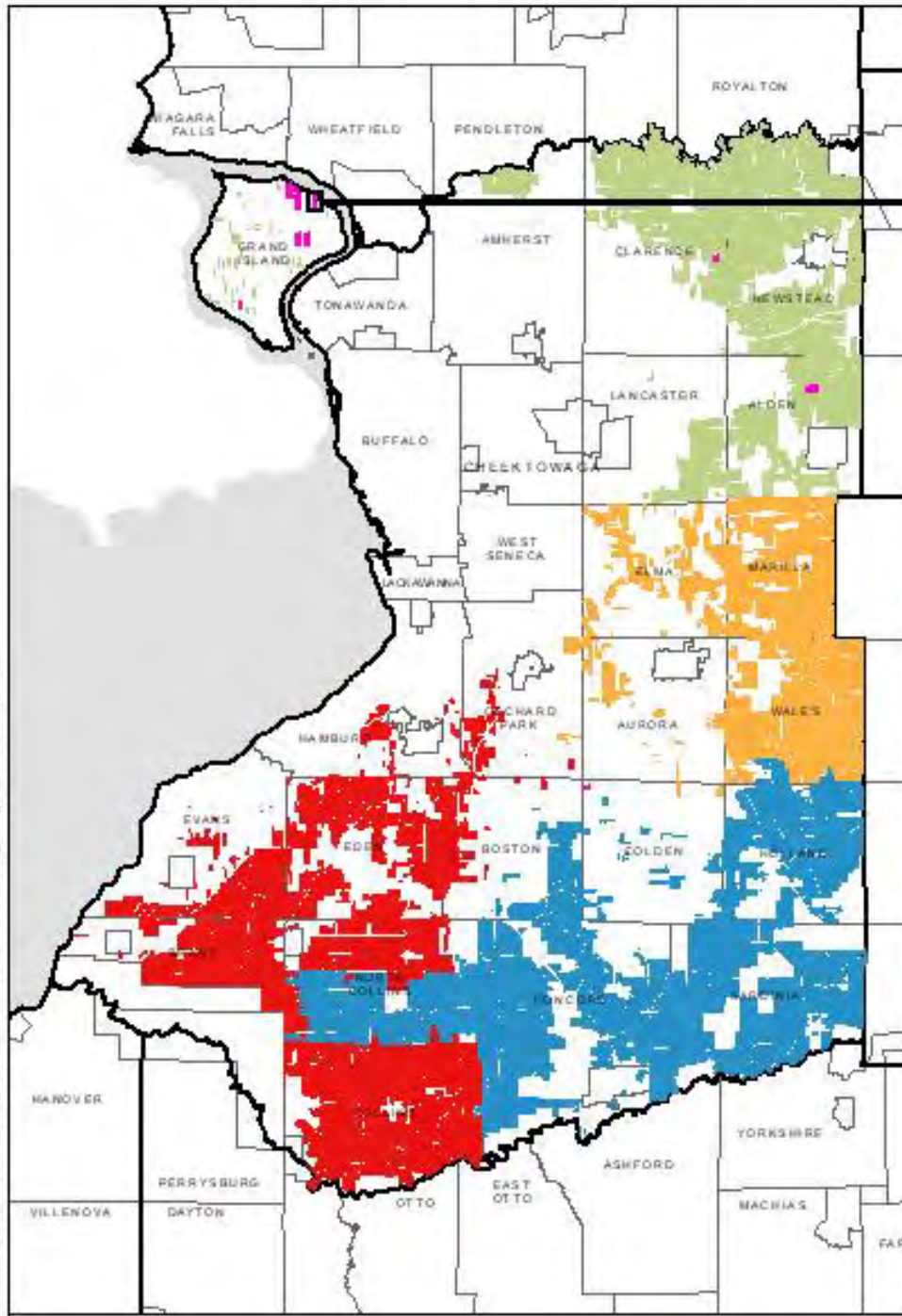
Aquaculture

Other



Property Owner Signature

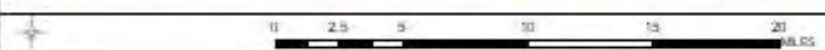
V:\PLANNING\GIS\AGRICULTURE\AQ-303-B\CT303-B\CH01\H2023\2023WATER\H2023_303B_DATA\ENROLLMENTS\MXD



Application 1: Bitikofer Grand Island

AGRICULTURAL DISTRICTS: 303-B PROPOSED ENROLLMENTS (2023)

Proposed Enrollment Central #5 North #1 Southeast #15 Southwest #8

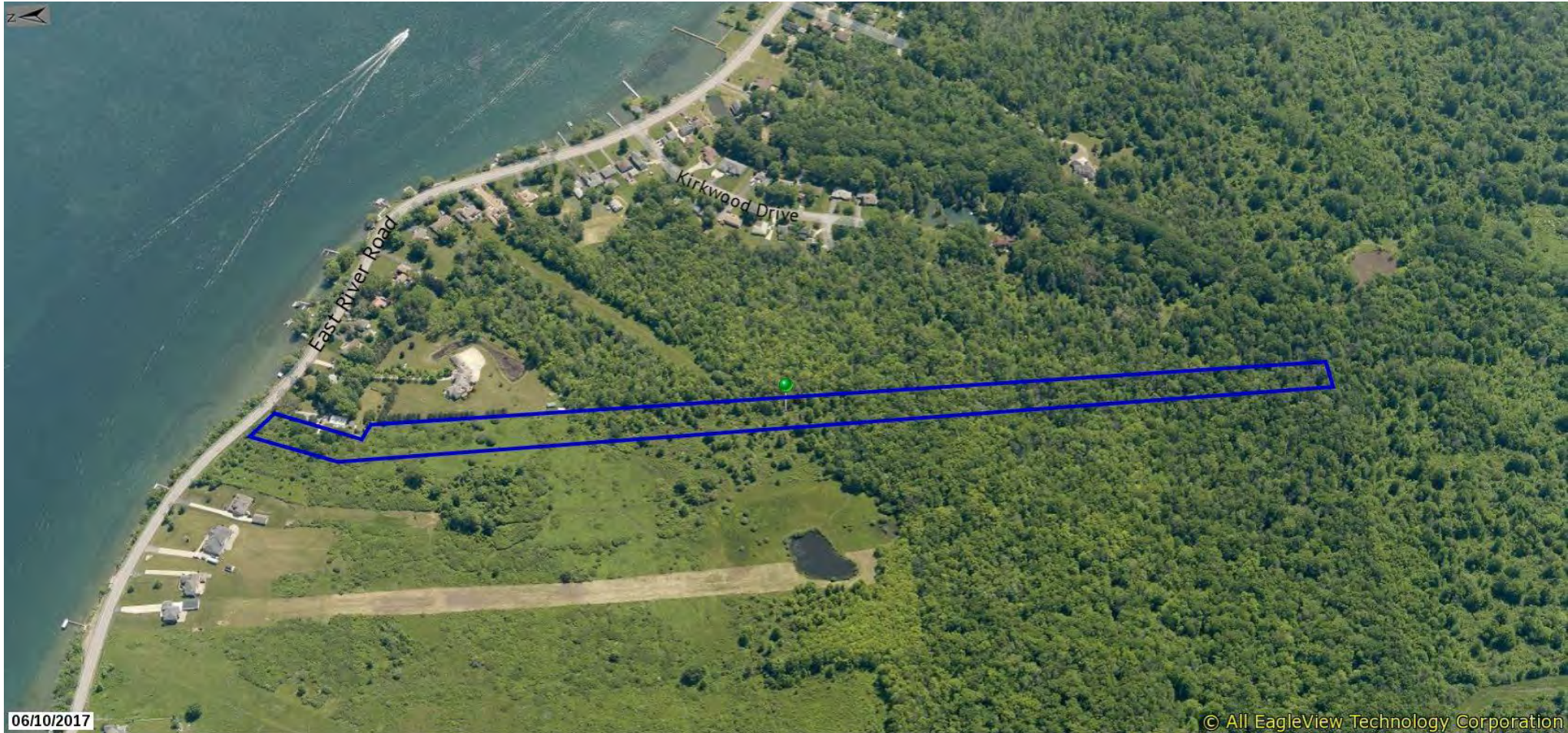


MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTI/SD, 10/2/2023

APPLICATION 1: KEVIN AND DIMITRA BITIKOFER (1/2)



APPLICATION 1: KEVIN AND DIMITRA BITIKOFER (2/2)



2) Act III Broadcasting Applications & Maps

AGRICULTURAL DISTRICT OPEN ENROLLMENT FORM

This form is to be completed by agricultural landowners who wish to request inclusion in an existing agricultural district. The information obtained from this form will be used by the County and State to determine the significance and viability of agriculture.
(NYS Agriculture and Markets Law 25AA, §303-b)

REQUESTS WILL BE ACCEPTED FROM SEPTEMBER 1 TO SEPTEMBER 30.

APPLICANTS MUST FILL OUT ALL APPLICABLE SECTIONS.

UNSIGNED APPLICATIONS WILL NOT BE CONSIDERED.

PART I: LANDOWNER INFORMATION	
OWNER NAME: <u>ACT III BROADCASTING OF BUFFALO</u>	PHONE: ()
ADDRESS: <u>10706 BEAVER DAM RD</u>	ALT. PHONE: ()
CITY, ST, ZIP: <u>HUNT VALLEY MD 21030</u>	EMAIL:
RENTER CONTACT INFORMATION (IF APPLICABLE)	
RENTER NAME: <u>Back Hills Farm Corp</u>	PHONE: <u>(716) 913-9152</u>
MAILING ADDRESS: <u>1879 WHITENAVEN RD</u>	ALT. PHONE: <u>(716) 907-7217</u>
CITY, ST, ZIP: <u>GRAND ISLAND, NY 14072</u>	EMAIL: <u>Back Hills Farm @ Gmail.com</u>

PART II: PROPERTY DESCRIPTION				
Please describe the property proposed to be added to the Agricultural District and list the SBL (tax identification) numbers and the Town in which they are located for all parcels that you wish to be included in the Agricultural District Program. If you are unsure of your SBL numbers or whether or not a parcel is currently receiving an Agricultural Assessment, please check with your local assessor.				
FARM DESCRIPTION				
Total number of acres owned				
Total number of acres farmed/cropped				<u>35</u>
Total number of acres rented (from another landowner as part of the subject farm)				<u>45</u>
Did you file a Schedule F - Form 1040 (Profit or Loss From Farming) with last year's Federal taxes?				<u>Y</u> / N
Annual gross income from agricultural operation				<u>+\$10,000</u>
Capital investment in agricultural operation over past 5 years: (please check one)				
<input type="checkbox"/> N/A (e.g. a proposed operation/start-up) <input type="checkbox"/> Below \$10,000 <input type="checkbox"/> \$10,000 - \$50,000 <input checked="" type="checkbox"/> Greater than \$50,000				
SBL Number (Tax ID)	Street Address	Town	Size (acres)	Agricultural Assessment (Y/N)
<u>37.02-2-12</u>	<u>951 WHITENAVEN RD</u>	<u>GRAND ISLAND</u>	<u>25.00</u>	<u>Y</u>
<u>37.02-2-13</u>	<u>WHITENAVEN RD</u>	<u>GRAND ISLAND</u>	<u>20.40</u>	<u>Y</u>

PART III:**AGRICULTURAL BUSINESS DESCRIPTION**

Describe the business that is operated or will be operated on the parcel(s) proposed to be added to the Agricultural District.

Back Hills Farm Corp is in the business of Agricultural production, including the raising of livestock such as and not limited to: Sheep, Goats, Chicken, etc., Cash Crops such as and not limited to: Hay, Winter Wheat, Buckwheat, Oats, Triticale, Rye, Corn, Soybean, Sunflower, etc. Vegetables such as and not limited to: Sweet Corn, Pumpkins, Tomatoes, Peppers, Squash, Green Beans. The Farm also produces Firewood for retail sale.

Identify the operating status of the farm operation on the subject land

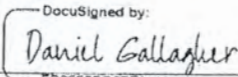
- ☐ Proposed/Start-up (If yes, please attach a "5-year business plan" and a "5-year financial projections plan")
- ☐ Existing/Established

CURRENT USE OF SUBJECT PARCEL(S) *Check all that apply*

AGRICULTURAL USE	ACRES (estimated)
<input type="checkbox"/> Dairy	
<input checked="" type="checkbox"/> Cash Crop (Grain)	UP TO 35 AC
<input checked="" type="checkbox"/> Cash Crop (Vegetable)	UP TO 35 AC
<input type="checkbox"/> Orchard/Vineyard	
<input checked="" type="checkbox"/> Livestock (other than dairy)	UP TO 35 AC
<input checked="" type="checkbox"/> Poultry	UP TO 35 AC
<input type="checkbox"/> Sugarbush/Maple	
<input type="checkbox"/> Horticultural Specialties/Christmas Tree	
<input type="checkbox"/> Aquaculture	
<input checked="" type="checkbox"/> Other FIREWOOD	UP TO 15 AC

PART IV:**SIGNATURE**

I attest that I am the legal owner of the above properties and that the above information is correct to the best of my knowledge and hereby officially request that my property, which is **predominantly viable agricultural land**, be included in the Agricultural District Program. I recognize that such land, once officially included in the Agricultural District Program, may not be removed from this program until the eight-year review period for the Agricultural District in which my land is placed. I understand that this is not an application for an agricultural tax assessment. I also acknowledge that this request is subject to a public hearing; review by the Erie County Agriculture and Farmland Protection Board; action by the Erie County Legislature; and certification by the NYS Department of Agriculture and Markets.

Property Owner 
DocuSigned by: Daniel Gallagher
FD2FF3DD97F0448

Date 5/17/2022

PLEASE SEND COMPLETED REQUEST FORM TO:

Sarah Gatti, Senior Planner
 Erie County Department of Environment & Planning
 95 Franklin Street, 10th Floor, Buffalo, NY 14202
 OR

agriculture@erie.gov

Questions? Contact Sarah Gatti at (716)858-6014 or sarah.gatti@erie.gov

APPLICATION 2: ACT III BROADCASTING OF BFLO (1/2)



APPLICATION 2: ACT III BROADCASTING OF BFLO (2/2)



06/10/2017

© All EagleView Technology Corporation

3) Drexelius Applications & Maps

AGRICULTURAL DISTRICT OPEN ENROLLMENT FORM

This form is to be completed by agricultural landowners who wish to request inclusion in an existing agricultural district. The information obtained from this form will be used by the County and State to determine the significance and viability of agriculture.
(NYS Agriculture and Markets Law 25AA, §303-b)

REQUESTS WILL BE ACCEPTED FROM SEPTEMBER 1 TO SEPTEMBER 30.

APPLICANTS MUST FILL OUT ALL APPLICABLE SECTIONS.

UNSIGNED APPLICATIONS WILL NOT BE CONSIDERED.

PART I: LANDOWNER INFORMATION	
OWNER NAME: DANIEL C DREXELIUS	PHONE: (716) 773-1642
ADDRESS: 1149 WHITEHAVEN RD	ALT. PHONE: (716) 481-5411
CITY, ST, ZIP: GRAND ISLAND NY 14072	EMAIL: Drexelius.Douglas@verizon.net
RENTER CONTACT INFORMATION (IF APPLICABLE)	
RENTER NAME: BACK HILLS FARM COOP	PHONE: (716) 913-9152
MAILING ADDRESS: 1879 WHITEHAVEN RD	ALT. PHONE: (716) 907-7217
CITY, ST, ZIP: GRAND ISLAND, NY 14072	EMAIL: BACKHILLSFARM@GMAIL.COM

PART II: PROPERTY DESCRIPTION				
Please describe the property proposed to be added to the Agricultural District and list the SBL (tax identification) numbers and the Town in which they are located for all parcels that you wish to be included in the Agricultural District Program. If you are unsure of your SBL numbers or whether or not a parcel is currently receiving an Agricultural Assessment, please check with your local assessor.				
FARM DESCRIPTION				
Total number of acres owned				
Total number of acres farmed/cropped	29ac			
Total number of acres rented (from another landowner as part of the subject farm)	29ac			
Did you file a Schedule F - Form 1040 (Profit or Loss From Farming) with last year's Federal taxes?	Y / N			
Annual gross income from agricultural operation	\$10,000			
Capital investment in agricultural operation over past 5 years: (please check one)				
<input type="checkbox"/> N/A (e.g. a proposed operation/start-up) <input type="checkbox"/> Below \$10,000 <input type="checkbox"/> \$10,000 - \$50,000 <input checked="" type="checkbox"/> Greater than \$50,000				
SBL Number (Tax ID)	Street Address	Town	Size (acres)	Agricultural Assessment (Y/N)
100.01-1-1.01	1 Sample Street	Anytown	10.2	No
37.02-2-5.11	1149 WHITEHAVEN RD	GRAND ISLAND	22.70	Y
37.02-2-4	1149 WHITEHAVEN RD	GRAND ISLAND	8.50	Y

PART III:**AGRICULTURAL BUSINESS DESCRIPTION**

Describe the business that is operated or will be operated on the parcel(s) proposed to be added to the Agricultural District.

Back Hills Farm Corp is in the business of Agricultural production, including the raising of livestock such as and not limited to: Sheep, Goats, Chicken, etc., Cash Crops such as and not limited to: Hay, Winter Wheat, Buckwheat, Oats, Triticale, Rye, Corn, Soybean, Sunflower, etc. Vegetables such as and not limited to: Sweet Corn, Pumpkins, Tomatoes, Peppers, Squash, Green Beans. The Farm also produces Firewood for retail sale.

Identify the operating status of the farm operation on the subject land

☐ Proposed/Start-up (If yes, please attach a "5-year business plan" and a "5-year financial projections plan")

☒ Existing/Established

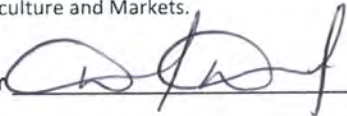
CURRENT USE OF SUBJECT PARCEL(S) *Check all that apply*

AGRICULTURAL USE	ACRES (estimated)
<input type="checkbox"/> Dairy	
<input checked="" type="checkbox"/> Cash Crop (Grain)	
<input checked="" type="checkbox"/> Cash Crop (Vegetable)	
<input type="checkbox"/> Orchard/Vineyard	
<input checked="" type="checkbox"/> Livestock (other than dairy)	
<input checked="" type="checkbox"/> Poultry	
<input type="checkbox"/> Sugarbush/Maple	
<input type="checkbox"/> Horticultural Specialties/Christmas Tree	
<input type="checkbox"/> Aquaculture	
<input checked="" type="checkbox"/> Other <u>FIREWOOD</u>	

PART IV:**SIGNATURE**

I attest that I am the legal owner of the above properties and that the above information is correct to the best of my knowledge and hereby officially request that my property, which is **predominantly viable agricultural land**, be included in the Agricultural District Program. I recognize that such land, once officially included in the Agricultural District Program, may not be removed from this program until the eight-year review period for the Agricultural District in which my land is placed. I understand that this is not an application for an agricultural tax assessment. I also acknowledge that this request is subject to a public hearing; review by the Erie County Agriculture and Farmland Protection Board; action by the Erie County Legislature; and certification by the NYS Department of Agriculture and Markets.

Property Owner



Date

9/10/2023

PLEASE SEND COMPLETED REQUEST FORM TO:

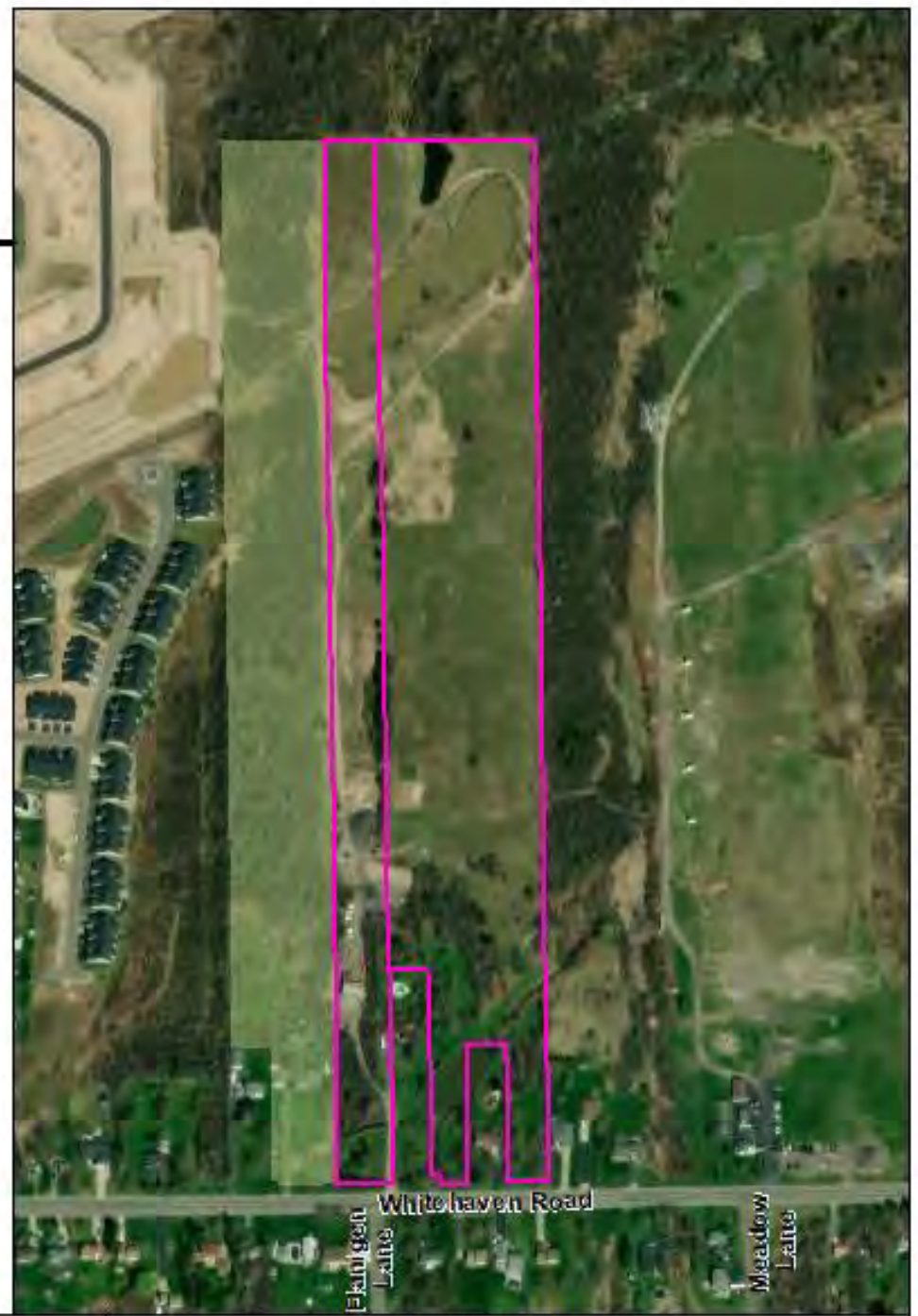
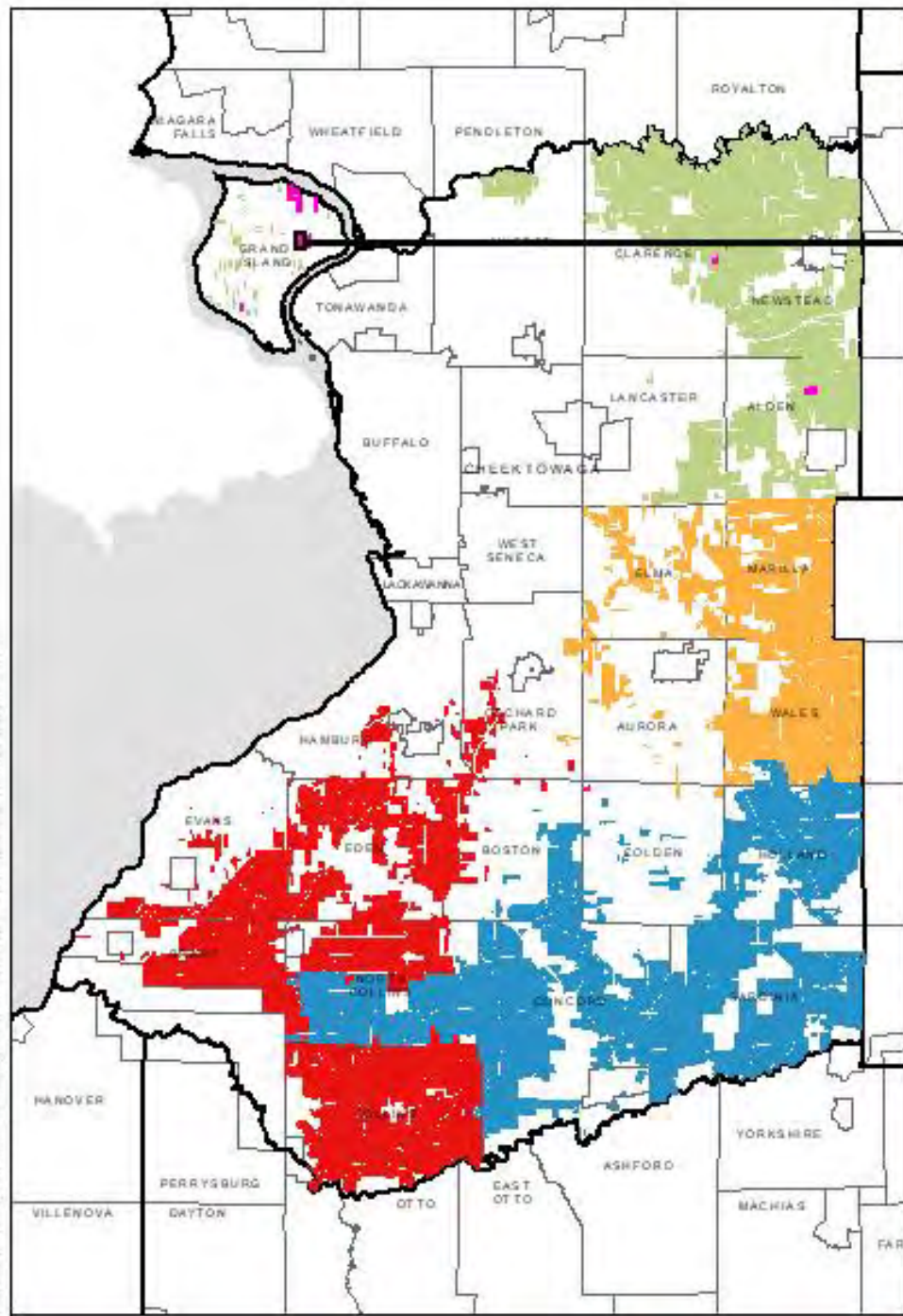
Sarah Gatti, Senior Planner
Erie County Department of Environment & Planning
95 Franklin Street, 10th Floor, Buffalo, NY 14202

OR

agriculture@erie.gov

Questions? Contact Sarah Gatti at (716)858-6014 or sarah.gatti@erie.gov

V:\PLANNING\2023\303-B PROPOSED ENROLLMENTS\303-B MAP\303-B MAP 4/23/2023 3:38 PM\303-B MAP 4/23/2023 3:38 PM



Proposed Enrollment Central#5 North#1 Southeast#15 Southwest#8

Application 3: Drexelius Grand Island

AGRICULTURAL DISTRICTS: 303-B PROPOSED ENROLLMENTS (2023)



MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTI/SZ, 10/2/2023

APPLICATION 3: DANIEL C. DREXELIUS (1/2)



APPLICATION 3: DANIEL C. DREXELIUS (2/2)



4) Corigliano Applications & Maps

AGRICULTURAL DISTRICT OPEN ENROLLMENT FORM

This form is to be completed by agricultural landowners who wish to request inclusion in an existing agricultural district. The information obtained from this form will be used by the County and State to determine the significance and viability of agriculture. (NYS Agriculture and Markets Law 25AA, §303-b)

REQUESTS WILL BE ACCEPTED FROM **SEPTEMBER 1 TO SEPTEMBER 30.**

APPLICANTS MUST FILL OUT ALL APPLICABLE SECTIONS.

UNSIGNED APPLICATIONS WILL NOT BE CONSIDERED.

PART I: LANDOWNER INFORMATION	
OWNER NAME: Joseph + Nancy Corigliano	PHONE: (761) 830-1490
ADDRESS: 6155 SALT RD	ALT. PHONE: ()
CITY, ST, ZIP: Clarence NY 14031	EMAIL: JFCNRC@icloud.com
RENTER CONTACT INFORMATION (IF APPLICABLE)	
RENTER NAME:	PHONE: ()
MAILING ADDRESS:	ALT. PHONE: ()
CITY, ST, ZIP:	EMAIL:

PART II: PROPERTY DESCRIPTION				
Please describe the property proposed to be added to the Agricultural District and list the SBL (tax identification) numbers and the Town in which they are located for all parcels that you wish to be included in the Agricultural District Program. If you are unsure of your SBL numbers or whether or not a parcel is currently receiving an Agricultural Assessment, please check with your local assessor.				
FARM DESCRIPTION				
Total number of acres owned	8.5			
Total number of acres farmed/cropped	1			
Total number of acres rented (from another landowner as part of the subject farm)	0			
Did you file a Schedule F - Form 1040 (Profit or Loss From Farming) with last year's Federal taxes?	Y / N			
Annual gross income from agricultural operation	\$15,764			
Capital investment in agricultural operation over past 5 years: (please check one)				
<input type="checkbox"/> N/A (e.g. a proposed operation/start-up) <input type="checkbox"/> Below \$10,000 <input checked="" type="checkbox"/> \$10,000 - \$50,000 <input type="checkbox"/> Greater than \$50,000				
SBL Number (Tax ID)	Street Address	Town	Size (acres)	Agricultural Assessment (Y/N)
45.15-1-5.2	6155 SALT RD	Clarence	8.5	No

PART III:**AGRICULTURAL BUSINESS DESCRIPTION**

Describe the business that is operated or will be operated on the parcel(s) proposed to be added to the Agricultural District.

Blooming Shrubs Nursery, owned by Nancy Corigliano
 selling Proven Winners starter shrubs, primarily
 20 varieties of hydranges in 2 gallon containers.
 I would like to expand to 3-4 acres.
 I have the potential to sell at the new
 Williamsville Co-Op.

Identify the operating status of the farm operation on the subject land

- ☐ Proposed/Start-up (If yes, please attach a "5-year business plan" and a "5-year financial projections plan")
- ☐ Existing/Established

CURRENT USE OF SUBJECT PARCEL(S) Check all that apply

AGRICULTURAL USE	ACRES (estimated)
<input type="checkbox"/> Dairy	
<input type="checkbox"/> Cash Crop (Grain)	
<input type="checkbox"/> Cash Crop (Vegetable)	
<input type="checkbox"/> Orchard/Vineyard	
<input type="checkbox"/> Livestock (other than dairy)	
<input type="checkbox"/> Poultry	
<input type="checkbox"/> Sugarbush/Maple	
<input checked="" type="checkbox"/> Horticultural Specialties/Christmas Tree	1 acre
<input type="checkbox"/> Aquaculture	
<input type="checkbox"/> Other	

PART IV:**SIGNATURE**

I attest that I am the legal owner of the above properties and that the above information is correct to the best of my knowledge and hereby officially request that my property, which is **predominantly viable agricultural land**, be included in the Agricultural District Program. I recognize that such land, once officially included in the Agricultural District Program, may not be removed from this program until the eight-year review period for the Agricultural District in which my land is placed. I understand that this is not an application for an agricultural tax assessment. I also acknowledge that this request is subject to a public hearing; review by the Erie County Agriculture and Farmland Protection Board; action by the Erie County Legislature; and certification by the NYS Department of Agriculture and Markets.

Property Owner

Nancy R Corigliano

Date

9-18-2023

PLEASE SEND COMPLETED REQUEST FORM TO:

Sarah Gatti, Principal Planner
 Erie County Department of Environment & Planning
 95 Franklin Street, 10th Floor, Buffalo, NY 14202

OR

agriculture@erie.gov

Questions? Contact Sarah Gatti at (716)858-6014 or sarah.gatti@erie.gov

APPLICATION 4: JOSEPH AND NANCY CORIGLIANO



5) Harper Applications & Maps

Agricultural District Open Enrollment Form

www3.erie.gov/agriculture/admin/structure/webform/manage/agricultural_district_open_enrol/submission/2956/table

Are you requesting land be included into an existing Erie County Agricultural District?	Yes
Owner Name	Christie Harper (Robert and Christie Harper Family Trust)
Address	4943 East River Road Grand Island, New York. 14072
Phone Number	<u>7169121093</u>
Email Address	<u>christeharper213@gmail.com</u>
Renter Name	
Renter Address	
Phone Number	
Email Address	
Total Number of Acres Owned	155
Total Number of Acres Farmed/Cropped	55
Total Number of Acres Rented	none
Did you file a Schedule F - Form 1040 (Profit or Loss from Farming) with last year's Federal taxes?	No
Annual gross income from agricultural operation	<\$5,000

Capital investment in agricultural operation over past 5 years	Greater than \$50,000
	<ul style="list-style-type: none"> • SBL (Tax Parcel ID): 12.00-2-1.1 Street Address: 4943 East River Road Town: Grand Island Acres: 40 Agricultural Assessment (Y/N): N <ul style="list-style-type: none"> • SBL (Tax Parcel ID): 12.00-2-3.11 Street Address: 4943 East River Road Town: Grand Island Acres: 112 ALREADY ENROLLED Agricultural Assessment (Y/N): Y <ul style="list-style-type: none"> • SBL (Tax Parcel ID): 12.15-2-65 Street Address: 4943 East River Road Town: Grand Island Acres: 3 Agricultural Assessment (Y/N): N
SBL	
	<p>SBL 12.00-2-3.11 is a current/existing and functioning farm. SBL 12.00-2-1.1 and SBL 12.15-2-65 are adjacent parcels that we would like to add to the existing farm/add to the farm district.</p> <p>My husband maintained the farm and grew clover, soybean and hay. My husband passed away a year ago, and myself and my sons have taken over the operation. Our goal is to build a barn, purchase new equipment, and add Christmas trees and apple trees to the items that we farm. Adding these parcels to our farm will allow for us start the Christmas tree/apple tree business as well as unify the farmland so that a barn can be built to house all of the necessary equipment needed to continuing running the operation. The current farm parcel will require a 1200ft driveway to get from the road to the barn, which is cost prohibitive and unrealistic in the winter.</p> <p>Specifically, for the 2 new parcels, SBL 12.00-2-1.1 and SBL 12.15-2-65, our goal is to plant a Christmas trees as well as apple trees. Our overall plan for the entire property is to maintain, preserve, and protect our farmland and provide for the community.</p> <p>Sincerely, Christie Harper</p>
Describe the business that is operated or will be operated on the parcel(s) proposed to be added to the Agricultural District.	
Identify the operating status of the farm operation on the subject land	Proposed/Start-up

Dairy	
Cash Crop (Grain)	0
Cash Crop (Vegetable)	0
Orchard/Vineyard	0
Livestock (other than dairy)	
Poultry	
Sugarbush/Maple	
Horticultural Specialties/Christmas Tree	20
Aquaculture	
Other	



**Property Owner
Signature**

APPLICATION 5: CHRISTIE HARPER (1/3)

ALREADY ENROLLED



APPLICATION 5: CHRISTIE HARPER (2/3)



APPLICATION 5: CHRISTIE HARPER (3/3)



6) Yanicki Applications & Maps

Agricultural District Open Enrollment Form

www3.erie.gov/agriculture/admin/structure/webform/manage/agricultural_district_open_enrol/submission/2961/table

Are you requesting land be included into an existing Erie County Agricultural District? Yes

Owner Name	Walter/Melissa Yanicki
Address	2507 Fix Rd Grand Island, New York. 14072
Phone Number	7168071531
Email Address	wyanicki@tutanota.com
Renter Name	
Renter Address	
Phone Number	
Email Address	
Total Number of Acres Owned	3.15
Total Number of Acres Farmed/Cropped	2.5
Total Number of Acres Rented	0
Did you file a Schedule F - Form 1040 (Profit or Loss from Farming) with last year's Federal taxes?	No
Annual gross income from agricultural operation	
Capital investment in agricultural operation over past 5 years	\$10,000 - \$50,000

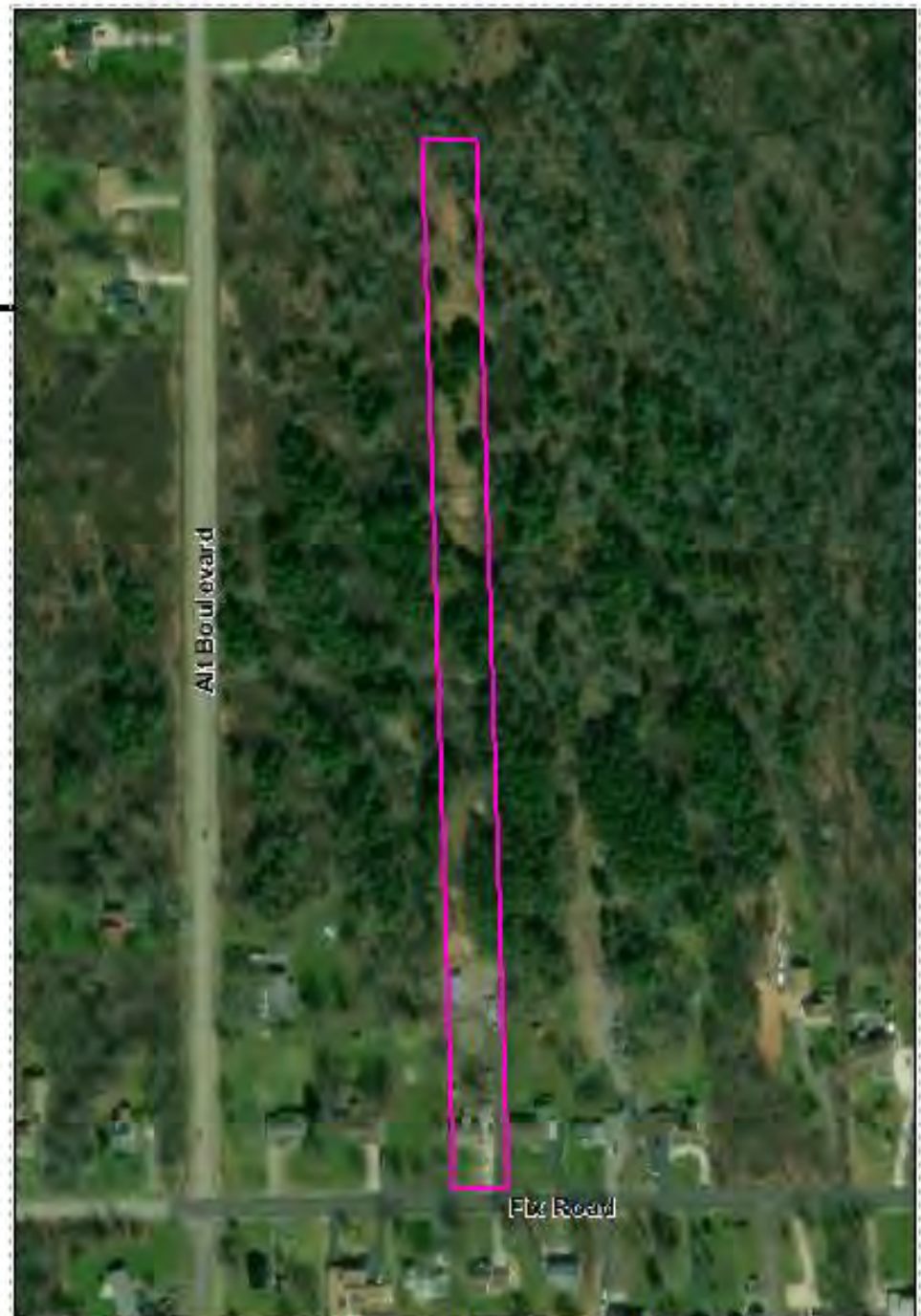
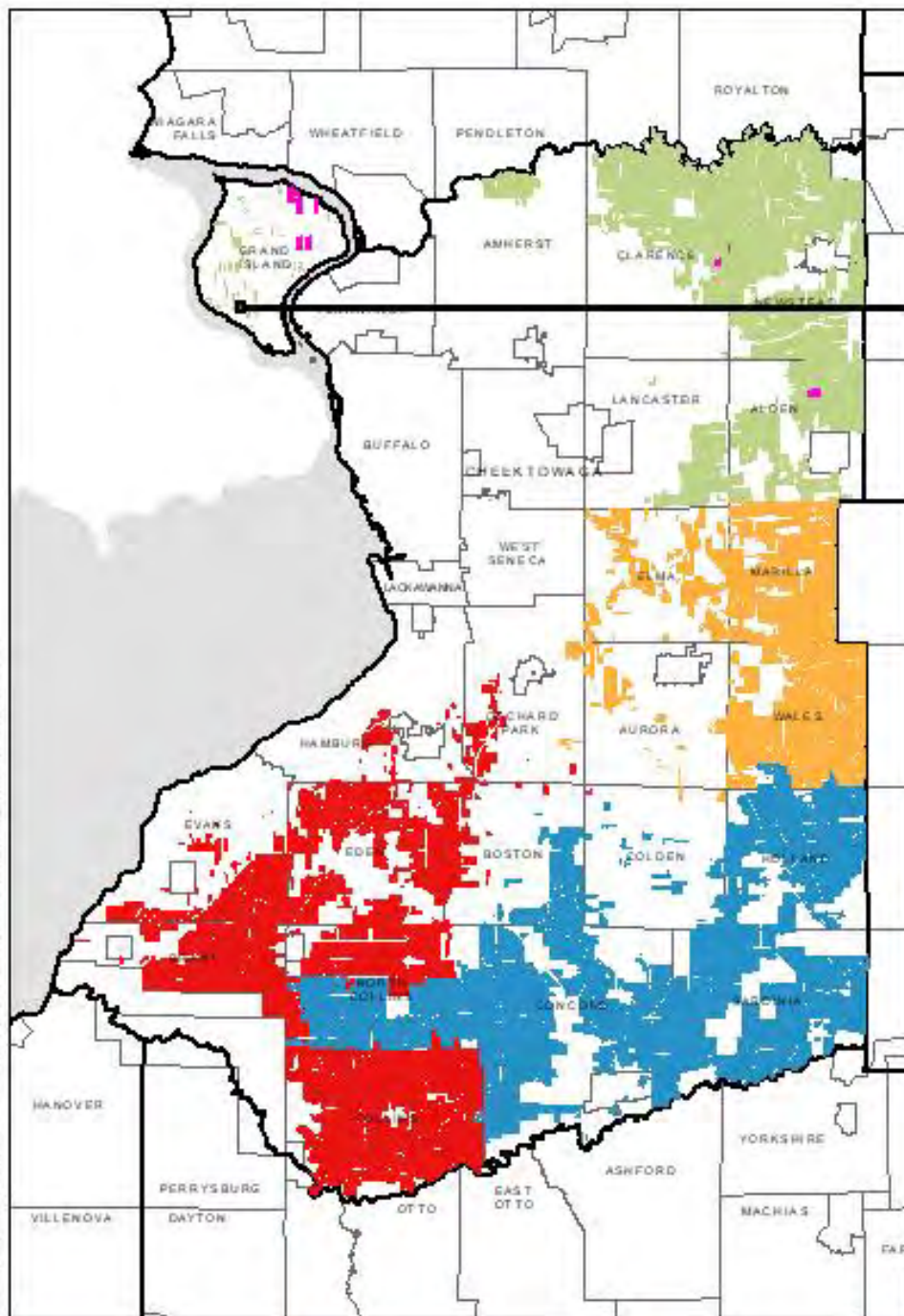
SBL

SBL (Tax Parcel ID): 50.04-2-31
 Street Address: 2507 Fix Rd
 Town: Grand Island
 Acres: 3.15
 Agricultural Assessment (Y/N): N

Describe the business that is operated or will be operated on the parcel(s) proposed to be added to the Agricultural District.	Horse Boarding, Chicken Farming (Eggs), Tree Farming (Christmas, Nut, Syrup), Produce Production, Chicken and Horse manure sales
Identify the operating status of the farm operation on the subject land	Proposed/Start-up
Dairy	
Cash Crop (Grain)	
Cash Crop (Vegetable)	
Orchard/Vineyard	
Livestock (other than dairy)	
Poultry	
Sugarbush/Maple	
Horticultural Specialties/Christmas Tree	
Aquaculture	
Other	




Property Owner Signature



Proposed Enrollment Central #5 North#1 Southeast #15 Southwest #8

Application 6: Yanicki Grand Island

AGRICULTURAL DISTRICTS: 303-B PROPOSED ENROLLMENTS (2023)



MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTI/SL, 10/2/2023

APPLICATION 6: WALTER AND MELISSA YANICKI



7) Khadiagala Applications & Maps

Agricultural District Open Enrollment Form

www3.erie.gov/agriculture/admin/structure/webform/manage/agricultural_district_open_enrol/submission/2966/table

Are you requesting land be included into an existing Erie County Agricultural District?

Yes

Owner Name

Lynn Khadiagala

Address

8145 Burr Road
West Falls, New York. 14170

Phone Number

571-277-2468

Email Address

lkhadiagala@gmail.com

Renter Name

Renter Address

Phone Number

Email Address

Total Number of Acres Owned

5.1

Total Number of Acres Farmed/Cropped

2

Total Number of Acres Rented

0

Did you file a Schedule F - Form 1040 (Profit or Loss from Farming) with last year's Federal taxes?

No

Annual gross income from agricultural operation

0

Capital investment in agricultural operation over past 5 years

N/A (proposed operation/start-up)

SBL (Tax Parcel ID): 213.000-1-19.200
Street Address: 8145 Burr Road
Town: West Falls (Colden)
Acres: 5.1
Agricultural Assessment (Y/N): N

SBL

Describe the business that is operated or will be operated on the parcel(s) proposed to be added to the Agricultural District.

I have alpacas, goats, and chickens. I use the alpaca fleece for my own use and share chicken eggs with friends who help with tasks that require machinery. The chickens also help keep the goats and alpacas healthy by eating insects.

Identify the operating status of the farm operation on the subject land

Existing/Established

Dairy

Cash Crop (Grain)

Cash Crop (Vegetable)

Orchard/Vineyard

Livestock (other than dairy) 2

Poultry 2

Sugarbush/Maple

**Horticultural
Specialties/Christmas Tree**

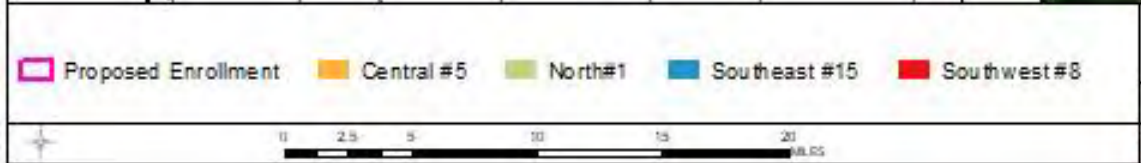
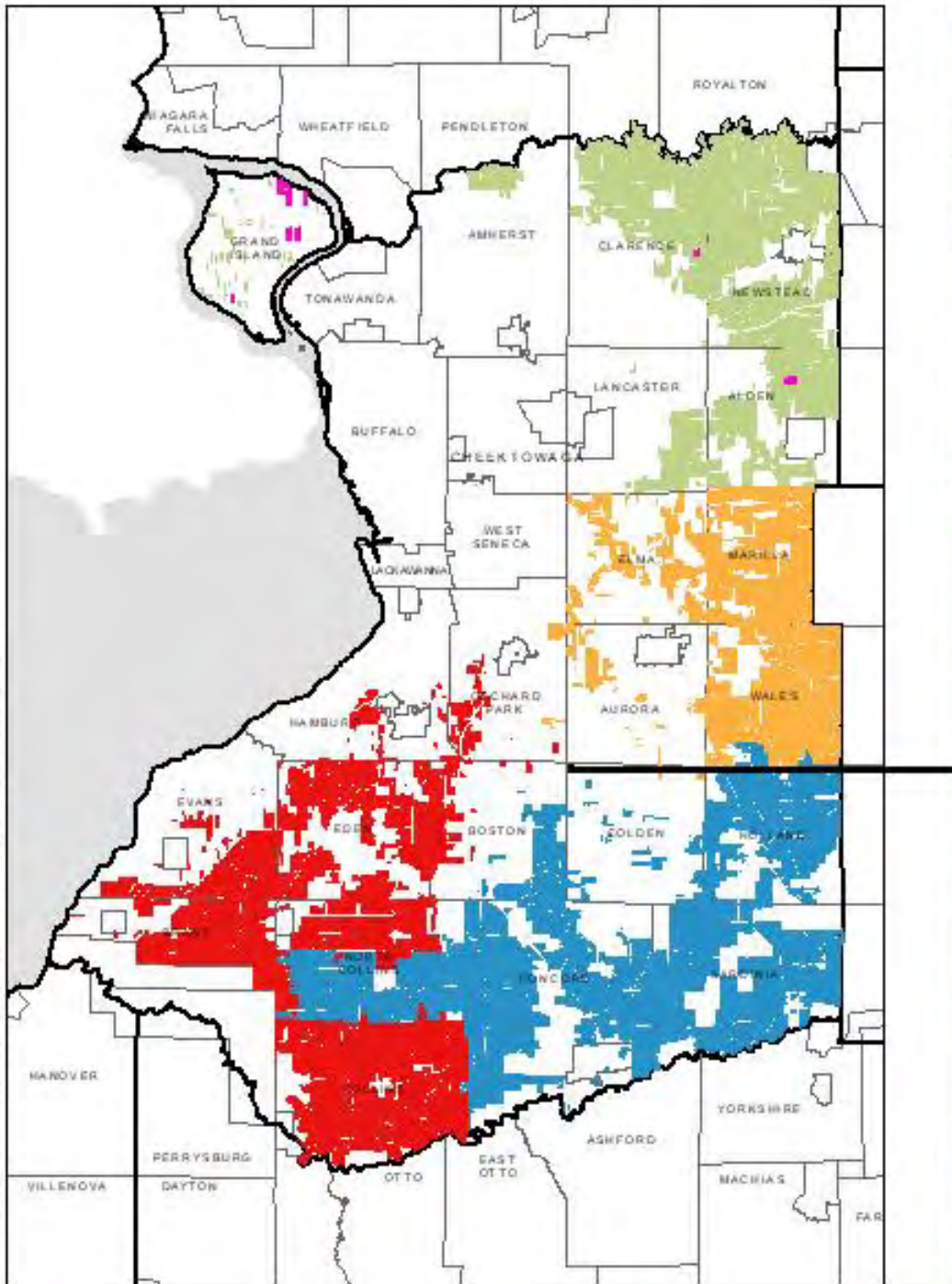
Aquaculture

Other

Lynn Khadigola

Property Owner Signature

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Application 7: Khadiagala Colden

AGRICULTURAL DISTRICTS: 303-B PROPOSED ENROLLMENTS (2023)

MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTI/20, 10/2/2023

APPLICATION 7: LYNN KHADIAGALA



8) LNL Peters Corners LLC Application & Maps

Agricultural District Open Enrollment Form

www3.erie.gov/agriculture/admin/structure/webform/manage/agricultural_district_open_enrol/submission/2971/table

Are you requesting land be included
into an existing Erie County
Agricultural District? Yes

Owner Name LNL PETERS CORNERS LLC

Address 3103 PETERS CORNERS RD.
Alden, New York. 14004

Phone Number 7163396858

Email Address jlattimer@lattimerinc.com

Renter Name Matt Fischer

Renter Address 3140 Crittenden Dr.
Alden, New York. 14004

Phone Number 7165481336

Email Address

Total Number of Acres Owned 47.12

Total Number of Acres
Farmed/Cropped 15

Total Number of Acres Rented 10

Did you file a Schedule F - Form
1040 (Profit or Loss from Farming)
with last year's Federal taxes?

Annual gross income from
agricultural operation

Capital investment in agricultural
operation over past 5 years Below \$10,000

SBL (Tax Parcel ID): 97.00-2-26

Street Address: 3103 PETERS
CORNERS RD.

Town: Alden

Acres: 47.12

Agricultural Assessment (Y/N): y

SBL

**Describe the business that is
operated or will be operated on the
parcel(s) proposed to be added to
the Agricultural District.**

farming for crops for animal feed
hay
timber
fish

**Identify the operating status of the
farm operation on the subject land**

Existing/Established

Dairy

0

Cash Crop (Grain)

5

Cash Crop (Vegetable)

10

Orchard/Vineyard

0

Livestock (other than dairy)

0

Poultry

0

Sugarbush/Maple

10

**Horticultural Specialties/Christmas
Tree**

0

Aquaculture

5

Other



Property Owner Signature

 Proposed Enrollment
  Central #5
  North#1
  Southeast #15
  Southwest #8



Application 8: LNL Peters Corners LLC
Alden

AGRICULTURAL DISTRICTS: 303-B PROPOSED ENROLLMENTS (2023)



APPLICATION 8: LNL PETERS CORNERS LLC



9) Matrix

ATTACHMENT #9: 2023 AGRICULTURAL DISTRICT OPEN ENROLLMENT MATRIX

Application #	1		2		3		4
Owner Name	Bitikofer		ACT III Broadcasting of BFLO		Drexelius		Corigliano
Operator	Owner		Owner		Owner		Owner
Renter Name	Not applicable		Back Hills Farm Corp		Back Hills Farm Corp		Not applicable
AGI from Farming	No response		\$10,000 +		\$10,000 +		\$15,764
Capital Investment - Past 5 years	Greater than \$50,000		Greater than \$50,000		Greater than \$50,000		\$10,000 - \$50,000
Type of Operation	Equine; Hay		Cash crop (Grain, Vegetable); Livestock; Poultry; Firewood		Cash crop (Grain, Vegetable); Livestock; Poultry; Firewood		Horticultural Specialties
Enrollment Address	4410 E River Rd	4420 E River Rd	951 Whitehaven Rd	0 Whitehaven Rd	0 Whitehaven Rd		6155 Salt Rd
Enrollment Town	Grand Island		Grand Island		Grand Island		Clarence
Enrollment SBL	13.17-2-1	12.00-2-10	37.02-2-12	37.02-2-13	37.02-2-4	37.02.2-5.11	45.15-1-5.2
Enrollment Acres	1.14	8.72	25	20.4	8.5	22.7	8.5
Ag Assessment	N	N	Y	Y	Y	Y	N
District	North #1		North #1		North #1		North #1
NYS Soil Suitability	Fair		Fair and Good		Good		Fair and Good
Surrounding Land Use	Single-family Residential; Low-density residential		Highway business; Medium-density residential		Medium-density residential; Planned development district;		Agricultural-Rural Residential
Municipal Zoning	Single-family residential		Highway business		Medium-density residential		Agricultural-Rural Residential
Zoning on Agriculture	Shall be conducted on a minimum three-acre lot; Shall not store any material or substance of any kind which causes or is likely to cause offensive or noxious odors less than 100 feet from any lot line or 200 feet from any neighboring residence, and; Shall not create a nuisance by reason of dust, fumes, smoke, odor, insects, rodents or otherwise adversely affect the public health or safety.		Shall be conducted on a minimum three-acre lot; Shall not store any material or substance of any kind which causes or is likely to cause offensive or noxious odors less than 100 feet from any lot line or 200 feet from any neighboring residence, and; Shall not create a nuisance by reason of dust, fumes, smoke, odor, insects, rodents or otherwise adversely affect the public health or safety.		Shall be conducted on a minimum three-acre lot; Shall not store any material or substance of any kind which causes or is likely to cause offensive or noxious odors less than 100 feet from any lot line or 200 feet from any neighboring residence, and; Shall not create a nuisance by reason of dust, fumes, smoke, odor, insects, rodents or otherwise adversely affect the public health or safety.		Agricultural operations, greenhouses, and nurseries permitted.
Comprehensive Plan	Recommendation: Where farming is encouraged, ensure zoning regulations that allow for flexibility in agricultural operations, in conjunction with NYS Dept. of Agriculture and Markets guidelines. The intent is to create an environment in which the community and agriculture can coexist.		Recommendation: Where farming is encouraged, ensure zoning regulations that allow for flexibility in agricultural operations, in conjunction with NYS Dept. of Agriculture and Markets guidelines. The intent is to create an environment in which the community and agriculture can coexist.		Recommendation: Where farming is encouraged, ensure zoning regulations that allow for flexibility in agricultural operations, in conjunction with NYS Dept. of Agriculture and Markets guidelines. The intent is to create an environment in which the community and agriculture can coexist.		The Town of Clarence has enacted a Right-to-Farm Law. The stated purpose of this law is to "reduce the loss to the Town of Clarence of its agricultural resources by limiting the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction." Agriculture & Open Space Goal Statement: "We will continue to support our agricultural community to ensure the long-term viability of local farms and farm operations. Protecting farmland and open space through the Greenprint Program and other land use measures will continue to be a priority for the Town in an effort to reduce development pressure on viable farmlands and soils."
Framework for Regional Growth	Developing Area: Align policies and investments to encourage the conversion of agricultural and rural lands; Channel growth to areas with existing sewer and water service; Support local planning that designates areas appropriate for development and conversion and avoid "leap frog" patterns of development; Minimize conversion of designated rural and agricultural lands.		Developing Area: Align policies and investments to encourage the conversion of agricultural and rural lands; Channel growth to areas with existing sewer and water service; Support local planning that designates areas appropriate for development and conversion and avoid "leap frog" patterns of development; Minimize conversion of designated rural and agricultural lands.		Developed Area: Agriculture is not mentioned; support local policy and planning provisions that channel growth to areas with existing sewer and water service		Rural Area: Discourage the conversion of rural and agricultural lands
EC AFPP	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state certified agricultural district with right-to-farm provisions.						

ATTACHMENT #9: 2023 AGRICULTURAL DISTRICT OPEN ENROLLMENT MATRIX				
Application #	5		6	7
Owner Name	Christie Harper		Walter and Melissa Yanicki	Lynn Khadiagala
Operator	Owner		Owner	Owner
Renter Name	Not applicable		Not applicable	Not applicable
AGI from Farming	<\$5,000		No response	0
Capital Investment - Past 5 years	Greater than \$50,000		\$10,000 - \$50,000	N/A (Proposed start up)
Type of Operation	Horticultural Specialties/ Christmas Tree		Livestock; Poultry; Horticultural Specialties/Christmas Tree; Cash crop (Vegetable)	Livestock; Poultry
Enrollment Address	0 East River Rd		2507 Fix Rd	8145 Burr Road
Enrollment Town	Grand Island		Grand Island	Colden
Enrollment SBL	12.00-2-1.1	12.15-2-65	50.04-2-31	213.00-1-19.2
Enrollment Acres	40	3	3.15	5.1
Ag Assessment (Y/N)	N	N	N	N
District	North #1		North #1	Southeast#15
NYS Soil Suitability	Fair		Fair	Very poor and poor
Surrounding Land Use	Single-family Residential; Low-density residential		Low-density residential	Agricultural; Commercial
Municipal Zoning	Single-family residential		Low-density residential	Agricultural
Zoning on Agriculture	Shall be conducted on a minimum three-acre lot; Shall not store any material or substance of any kind which causes or is likely to cause offensive or noxious odors less than 100 feet from any lot line or 200 feet from any neighboring residence, and; Shall not create a nuisance by reason of dust, fumes, smoke, odor, insects, rodents or otherwise adversely affect the public health or safety.		Shall be conducted on a minimum three-acre lot; Shall not store any material or substance of any kind which causes or is likely to cause offensive or noxious odors less than 100 feet from any lot line or 200 feet from any neighboring residence, and; Shall not create a nuisance by reason of dust, fumes, smoke, odor, insects, rodents or otherwise adversely affect the public health or safety.	Agricultural, floricultural and horticultural pursuits and forest farming permitted; No manure or other dust producing substances to be stored within 100 ft. of any lot line; Roadside stand or building permitted as accessory uses; Private wildlife reservations or conservation projects require a special use permit; 125,000 SF minimum lot size.
Comprehensive Plan	Recommendation: Where farming is encouraged, ensure zoning regulations that allow for flexibility in agricultural operations, in conjunction with NYS Dept. of Agriculture and Markets guidelines. The intent is to create an environment in which the community and agriculture can coexist.		Recommendation: Where farming is encouraged, ensure zoning regulations that allow for flexibility in agricultural operations, in conjunction with NYS Dept. of Agriculture and Markets guidelines. The intent is to create an environment in which the community and agriculture can coexist.	Colden considers itself more of a rural area than an agricultural area. Plan published in 1992. Update ongoing.
Framework for Regional Growth	Developed Area: Agriculture is not mentioned; support local policy and planning provisions that channel growth to areas with existing sewer and water service		Developing Area: Align policies and investments to encourage the conversion of agricultural and rural lands; Channel growth to areas with existing sewer and water service; Support local planning that designates areas appropriate for development and conversion and avoid "leap frog" patterns of development; Minimize conversion of designated rural and agricultural lands.	Rural Area: Discourage the conversion of rural and agricultural lands.
EC AFPP	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state certified agricultural district with right-to-farm provisions.			

Note: Parcels already included in an existing Agricultural District are not included on this matrix.

5) SEQR



**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 Erie and the Town(s) of Clarence, Colden, and Grand Island.

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

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

Robert Graber at robert.graber@erie.gov

92 Franklin Street, Buffalo, NY 14202

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.

North #1: 16,593.7
Southeast #15: 85,908.9

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

North #1: 93.5
Southeast #15: 4.4

- 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: Grand Island

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: 10/24/2012

If Yes, please cite the applicable language: _____

"Keep land in agricultural production by protecting farmland, helping a new generation to farm, and improving the viability of all farms in the County"

Page three

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: Daniel R. Castle, AICP

Date: 10/20/23

Signature: 

Title: Commissioner, Erie County Env. & Planning

PART 1 – Project and Sponsor Information, Question 4 Narrative

INTENT

The intent of this action is to modify existing Agricultural Districts in Erie County, NY pursuant to New York State Agriculture and Markets Law Section 303-b. Section 303-b requires an annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

DESCRIPTION OF ACTION

During the 2023 Open Enrollment Period, Erie County received eight applications. One of these applications pertained to land already in Central Agricultural District #5 and was withdrawn. The remaining seven applications requested the addition of 4.4 acres to the Southeast #15 District, and 130.6 acres to the North #1 District. This totals a request of 135 acres. The Erie County Legislature approved six of these applications resulting in an addition of 93.5 acres to North #1 District.

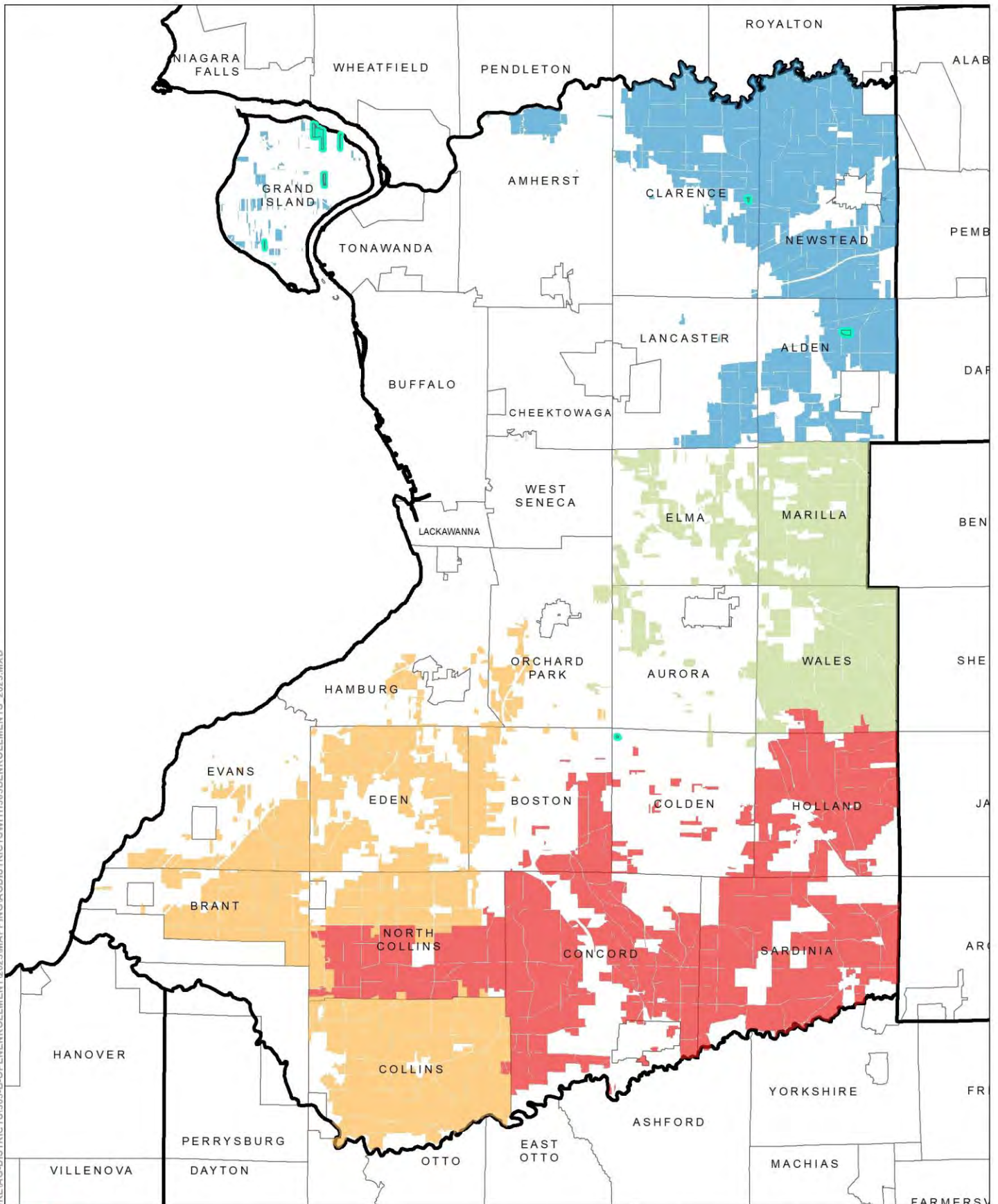
ENVIRONMENTAL RESOURCES

- *Land Use Plan or Zoning Regulations:* Each application was analyzed for consistency with local land use plans and zoning regulations. In most cases each application was found to be consistent with such documents and agriculture was identified in each community's comprehensive plan as an industry to support and protect, and some degree of agricultural uses were permitted in each community's zoning ordinance and in the zoning district of each proposed enrollment. Application 1 for the inclusion of a 1.14 parcel (SBL 13.17-2-1) on Grand Island conflicts with the underlying zoning district which requires that agricultural activities "be conducted on a minimum three-acre lot."
- *Intensity of Use of Land:* Proposed enrollments encompass land that is already being farmed and/or land that has been previously developed and will not result in a significant change in the use or intensity of the land.
- *Community Character:* Each application's surrounding land uses were analyzed to ensure consistency with existing community character. In each case, enrollment into an agricultural district was found to be consistent with the rural, agricultural, and forested nature of the surrounding community.
- *Critical Environmental Area:* No significant impact on Critical Environmental Areas will occur because of these enrollments in an agricultural district.
- *Transportation:* No significant impact on transportation infrastructure will occur because of these enrollments in an agricultural district.
- *Energy:* These parcels are currently being farmed and/or have been previously developed and no significant impact on energy resources will occur because of their inclusion in an agricultural district.
- *Water and Wastewater Supplies:* These parcels are currently being farmed and/or have been previously developed and no significant impact on public/private water supplies and/or wastewater treatment utilities will occur because of their inclusion in an agricultural district.
- *Historic, Archaeological, Architectural, or Aesthetic Resources:* These parcels are currently being farmed and/or have been previously developed and no significant impact

on historic, archaeological, architectural, or aesthetic resources of the community will occur as a result of their inclusion in an agricultural district.

- *Natural Resources:* These parcels are currently being farmed and/or have been previously developed and no significant impact on natural resources will occur as a result of their inclusion in an agricultural district.
- *Erosion, Flooding, or Drainage:* These parcels are currently being farmed and/or have been previously developed and no significant impact on erosion, flooding, or drainage will occur as a result of their inclusion in an agricultural district.
- *Environmental Resources and Human Health:* These parcels are currently being farmed and/or have been previously developed no significant impact on environmental resources and human health will occur as a result of their inclusion in an agricultural district.

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303-B Requests

North#1

Central #5

Southwest #8

Southeast #15

AGRICULTURAL DISTRICTS

ERIE COUNTY, NY

2023 303-B MODIFICATION REQUESTS



MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF
ENVIRONMENT & PLANNING BY GATTIS2, 10/2/2023



0 2.5 5 10 15 20
MILES

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.

☒ 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.

Erie County Legislature

Name of Lead Agency

April Baskin

Print or Type Name of Responsible Officer in Lead Agency

April Baskin

Signature of Responsible Officer in Lead Agency

11/25/24

Date

Chairperson

Title of Responsible Officer

Sarah E. Gatti

Signature of Preparer (if different from Responsible Officer)

6) Adopting Resolution

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK’S OFFICE

BUFFALO, N.Y., December 21, 2023

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, that at the **24th** Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the **21st** day of **December, 2023 A.D.**, a Resolution was adopted, of which the following is a true copy:

WHEREAS, pursuant to New York State Agriculture and Markets Law (“AML”) Section 303-b, the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which applicants may submit requests to include predominantly viable agricultural land into any existing certified agricultural district outside of the established eight-year review period; and

WHEREAS, during the 2023 thirty-day open enrollment period seven applicants requested that eleven parcels of land be included in existing Agricultural Districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in AML Section 301; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the Agricultural District; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the Erie County Legislature approve the inclusion of eleven parcels listed below in an existing Agricultural District; and

SBL	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT
13.17-2-1	1.1	4410 East River Rd	Grand Island	Bitikofer	North #1
12.00-2-10	8.7	4420 East River Rd	Grand Island	Bitikofer	North #1
37.02-2-12	25.4	951 Whitehaven Rd	Grand Island	Act III Broadcasting	North #1
37.02-2-13	20.5	0 Whitehaven Rd	Grand Island	Act III Broadcasting	North #1
37.02-2-5.11	22.1	0 Whitehaven Rd	Grand Island	Drexelius	North #1
37.02-2-4	8.2	0 Whitehaven Rd	Grand Island	Drexelius	North #1
45.15-1-5.2	8.4	6155 Salt Rd	Clarence	Corigliano	North #1
12.00-2-3.11	30.7	0 East River Rd	Grand Island	Harper	North #1
12.15-2-65	2.3	0 East River Rd	Grand Island	Harper	North #1
50.04-2-31	3.2	2507 Fix Rd	Grand Island	Yanicki	North #1
213.00-1-19.2	4.4	8145 Burr Rd	Colden	Khadiagala	Central #5

WHEREAS, pursuant to AML Section 303-b, the Erie County Legislature gave the required public notice and set a public hearing for November 1, 2023; and

WHEREAS, pursuant to AML Section 303-b, the Erie County Legislature published a public hearing notice in a newspaper having general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an Agricultural District; and

ATTEST



OLIVIA M. OWENS
Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK’S OFFICE

BUFFALO, N.Y., December 21, 2023

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, that at the *24th* Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the *21st* day of *December, 2023 A.D.*, a Resolution was adopted, of which the following is a true copy:

WHEREAS, a public hearing was held at 2:15 p.m. on November 1, 2023 a public hearing was held at the Erie County Legislative Chambers, 92 Franklin Street, Buffalo, New York to consider modification of the Districts; and

WHEREAS, the modification of the Districts is within the scope of a Cooperative Agreement between the Erie County Legislature and the New York State Department of Agriculture and Markets; and

WHEREAS, pursuant to the Cooperative Agreement, the Erie County Legislature is the State Environmental Quality Review Lead Agency and has conducted a coordinated review in accordance with 6 NYCRR Section 617.6 (b) (3); and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves the inclusion of the following nine parcels into an adjacent existing Agricultural District; and be it further

SBL	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT
13.17-2-1	1.1	4410 East River Rd	Grand Island	Bitikofer	North #1
12.00-2-10	8.7	4420 East River Rd	Grand Island	Bitikofer	North #1
37.02-2-5.11	22.1	0 Whitehaven Rd	Grand Island	Drexelius	North #1
37.02-2-4	8.2	0 Whitehaven Rd	Grand Island	Drexelius	North #1
45.15-1-5.2	8.4	6155 Salt Rd	Clarence	Corigliano	North #1
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12.15-2-65	2.3	0 East River Rd	Grand Island	Harper	North #1
50.04-2-31	3.2	2507 Fix Rd	Grand Island	Yanicki	North #1
213.00-1-19.2	4.4	8145 Burr Rd	Colden	Khadiagala	Central #5

RESOLVED, that the Erie County Legislature finds that the modification of the Districts will not result in any significant adverse environmental impacts and therefore issues a Negative Declaration under the State Environmental Quality Review Act; and be it further

RESOLVED, that the Chairperson of the Erie County Legislature is authorized to complete and sign Part 3 of the Short Environmental Assessment Form; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services, the Chair of the Erie County Agricultural and Farmland Protection Board, and the Supervisors of the Towns of Colden, Clarence, and Grand Island; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution to the Commissioner of New York State Department of Agriculture and Markets for certification.

REFERENCE: INTRO. 21-2 (2023)

ATTEST



OLIVIA M. OWENS
Clerk of the Legislature of Erie County