



October 17, 2022

The Honorable Leroy Comrie  
New York State Senate  
Legislative Office Building, Room 612  
Albany, NY 12247

Re: NYS Senate Bill S8660

Dear Senator Comrie:

The Food Policy Council of Buffalo and Erie County (FPC) has reviewed the above-referenced document and recognizes the hard work involved in drafting Senate Bill S8660. We believe this is a great opportunity for the Senate Agriculture Committee to directly address issues related to community gardens within New York State's food systems.

The FPC champions community gardens in Erie County and has highlighted their importance throughout our [Local Food Action Plan](#). Like many of New York's communities, Erie County's urban and suburban centers have been impacted by disinvestment and population loss which has resulted in a significant amount of vacant lots. These lots, left untouched, decrease nearby property values and can become a blight on the community. The activation of these vacant lots by community groups has proved transformative by empowering citizens to make positive changes where they live. Gardens also create opportunities to grow culturally appropriate food (which became crucial during the COVID-19 pandemic), to foster a sense of community, to provide recreational greenspace in areas where it is lacking, and to steward and revitalize the land.

Despite the benefits of community gardens, they are at risk of conversion due to insufficient municipal policy, protections, and development pressure. To counteract these threats, the FPC is supportive of Senate Bill S8660 and the creation of a system allowing community gardens to be classified as Critical Environmental Areas (CEAs). Without protection, communities may lose access to these vital spaces that benefit human health, have unique social, historic, recreational and educational values, and provide unique and exceptional natural settings, especially in urban areas.

Regarding proposed bill Senate S8660, the FPC offers the following comments:

- Mandate stronger lease protections from municipalities on CEAs.
- Define the "additional procedural steps" that projects would have to go through if they threaten CEAs.
- When deciding if a community garden should be classified as a CEA, quantify the social and economic benefits that they provide (food access, neighborhood character, community investment, etc.), as well as the environmental impact that a proposed project could have on the garden (such as soil quality, traffic pollution, vandalism, etc.)
- By designating community gardens as CEAs, barriers should be eliminated for well established land trusts to attain these spaces for future protection. A legal toolkit for CEA gardens on public land for land trusts to use in conversations between land trusts and municipalities that own the land would be helpful. Currently, community gardens are leased from the City of Buffalo to Grassroots Gardens WNY. If a garden is purchased, the community has access to the space for the remainder of the growing season, but longer term protections should be provided to CEAs.

- The Buffalo and Erie County Food Policy Council supports the efforts of our local coalition advancing the [Public Land for Public Benefit campaign](#). This initiative centers public control over public vacant land in the City of Buffalo through creative placemaking (which includes community gardens).

Members of the Council would be happy to meet with you or your staff to offer further detail, as well as to review any parts of our *Local Food Action Plan* or our work to implement it, including how best to coordinate with your efforts. An electronic version of the entire Plan can be found at [erie.gov/foodactionplan](http://erie.gov/foodactionplan).

Thank you for your thoughtful consideration.

Sincerely,



Antonina Simeti  
Chair, Food Policy Council of Buffalo & Erie County

AS: djn/seg