

# FARMLAND AND AGRICULTURE



## GOALS

- Advocate on behalf of agricultural interests regarding the State purchase of land for wetlands and wildlife buffers.
- Encourage the permanent protection of high quality farmland.
- Avoid and/or mitigate conflicts between farmers and non-farm neighbors.
- Manage the extension of infrastructure as appropriate to support and protect agricultural operations.
- Educate the public about standard farming practices and the significance of agriculture to the community and the regional economy.
- Promote agriculture-related businesses.
- Encourage new residential development to be sited and designed in a “farm-friendly” manner.
- Encourage farmland owners to utilize available tax relief programs.
- Maintain partnerships with governmental and not-for-profit agricultural support agencies.

## OVERVIEW OF AGRICULTURAL RESOURCES

### AGRICULTURAL SOILS

Nearly one-half of the land in the Town of Butler consists of prime agricultural soils and other soils of statewide importance. (See Map 9: Agricultural Soils: page 59.) These soils have been identified by the USDA Natural Resources Conservation Service as highly suited for agricultural production. Table 2, below, summarizes the proportion of prime, important and other soils in the Town.

**TABLE 2: Agricultural Soils**

Prime agricultural soils	12,492	54.7%
Agricultural soils of statewide importance	3,078	13.5%
Other soils	7,015	30.7%
Not noted (includes water)	241	1.1%
	22,826	100.0%

SOURCE: Soils data provided by the USDA Natural Resources Conservation Service and Wayne County Planning Department; Acreages calculated from GIS shapefiles.

### ACTIVE FARMLAND

A majority of the Town’s land area is in cropland or pasture. Map 10: Active Farmland: page 61, depicts the active farmland and other open land, based on aerial photographs. Approximately 8, 617 acres are actively farmed. This represents 36% of the approximately 23,808 acres in the Town.

### FARM OPERATIONS

The types of farms operating in the Town of Butler are extraordinarily diverse. Existing farms include dairy, cash crops (primarily soybeans and corn; also wheat and hay), livestock (primarily cattle, hogs and horses), fruits and vegetables. Types of farms by tax parcel are depicted in Map 11: Agricultural Parcels: page 63.



The largest dairy farm in Wayne County – Merrell Farms - is based in the Town of Butler. Other dairy farms in the Town are operated by Bert Everhart, High, Warrick, Burghdurf, Clay and their families.

Most of the agricultural land in the Town is devoted to field crops. Crops are primarily corn and soybeans, with some wheat and hay. Harper Farms is among the larger operations.

Orchards in the Town of Butler produce apples, both for fresh market and processing, as well as apricots, peaches, and cherries. The larger fruit farms include those operated by the Norris, Wagner and Martin families.

Several livestock farms are located in the Town. These include a large hog farm operated by Delmar Rutt, a horse farm operated by the Robinson family, as well as several beef cattle operations. Many of the cattle operations are operated as part-time ventures.

Wayne Farms, based in Savannah, grows potatoes on a parcel of muckland in the Town.

Several of the farms in the Town of Butler are operated by Mennonite families. These farms typically utilize family labor and do not rely on large equipment.

### *TRENDS*

The latest Census of Agriculture for Wayne County reports that the number of farms and the amount of land in farms has remained stable during the last five years. While some large farms continue to expand, many small and part-time farms have become established.

### *RENTED LAND*

Most of the farms in Butler rely to some extent on rented land. The survey of farmland owners found that 61% of farmers use rented land. If the rented land were no longer available, 40% of survey respondents indicated that it would have a serious impact on the farm operation and 25% stated that it would have a moderate impact on the operation.

### *MARKETS*

Farms in Butler benefit from nearby markets. Butler's location, midway between Syracuse and Rochester and near the NYS Thruway and NYS Route 104, offers advantages in marketing farm products. A survey of farmers in Butler identified several of the markets used by Butler farmers.

Milk produced in Wayne County is sold to plants in Rochester, Batavia, Syracuse, Cohocton, Oneida and Campbell, mostly through dairy cooperatives such as Dairylea.

Grains, dry beans, soybeans and corn are typically sold through brokers, such as the Lansing Trade Group in Auburn, and sold to plants that cover a similar area. Ethanol plants have been a significant market for corn, although some area plants have closed and other planned plants will not be constructed. A major regional grain handling facility, Sheppard Grain, is located in Phelps. Wheat is sold to a mill in Churchville, NY. Dry bean processing plants are located in Geneva, Leroy, Churchville, and Seneca Falls. Some grains are sold directly to area livestock farms for use as feed.

The market for dry hay is stable due to the proximity of the Finger Lakes Racetrack in Farmington, Ontario County. A hay auction, located in Canandaigua, offers an additional market for hay and straw. Some farmers sell hay to area dairy farms.

Several farms sell fruits, berries, vegetables and sweet corn directly to customers at roadside stands or area farmers' markets.

Apples are sold for processing to Mott's in Williamson, which manufactures applesauce and apple juice, or Cahoon's in Wolcott, which processes apple slices and dried apples. Some fruit and berries are marketed through Mennonite retail networks throughout New York and Pennsylvania. Some organic produce is marketed through the Finger Lakes Organic Growers Coop, a member-owned wholesaler.

Map 12: Regional Markets: page 65, depicts the location of some of the key regional markets for agricultural products.

### *SUPPORT AND ANCILLARY BUSINESSES*

Many suppliers of farm products are located within 50 miles of Butler. Specific suppliers of equipment, seed, fertilizer and other supplies that were identified by Butler farmers include:

- Lakeland Equipment, a John Deere dealer in Savannah
- Main and Pinckney, an equipment dealer in Auburn
- CaroVail Fertilizer, a branch of Carolina Eastern-Vail, located in Auburn
- Monroe Tractor, an equipment dealer with a branch in Auburn
- Farmer Boy, a livestock equipment provider in Junius
- Stanton Ag Services, a fertilizer wholesaler in Marion
- Saroodis Ag Services in Port Byron, and
- Helena, a farm chemicals provider with an office in Geneva.

Financial, consulting, construction, veterinary and other services are also found within 50 miles of Butler.

Some farms obtain seeds, fertilizer and specialty supplies such as high tensile wire from suppliers located more than 50 miles from Butler.

Several farm-related businesses contribute to the regional economy and supplement farm income. The two sawmills in the Town of Butler offer a market for lumber taken from woodlots on farms. The sawmills also manufacture products used by farmers, such as crates.

## ISSUES AND OPPORTUNITIES

### *SUMMARY OF STRENGTHS / OPPORTUNITIES*

- Strong agricultural area – Community support for farming; Agricultural heritage/ character of the community; many farms in region are supported by suppliers and market outlets. Diversity of farm sizes and types contributes to strong agricultural community.
- Excellent location and highway access.
- Sparse population makes farming easier.
- Increasing demand for local farm products including Wayne County neighboring communities as well as Syracuse and Rochester markets.
- Support from Agricultural Experiment Station Food Ventures and research. Opportunities for value-added processing on farms.
- Potential future market for cellulosic ethanol and other specialized products.

### *SUMMARY OF CHALLENGES*

- Some neighbor complaints, especially for livestock and dairy operations. Concerns about groundwater quality, odor, and mud on the road from agricultural practices. The non-farming public is generally not aware of the extent to which farmers minimize impacts, such as by incorporating manure into the soil whenever possible, monitoring wind direction, and pre-treating waste effluent. These activities are costly but considered essential to conducting business.
- Potential impact on water quality from farm operations. Topography requires farming on slopes where runoff must be managed to avoid negative impacts on wetlands and ponds.

- An increase in residential development would make farming more difficult.
- Competition for land makes land more expensive and reduces the availability of rentable farmland. Rental prices are increasing such that it is more feasible to buy farmland than to rent it. Currently, most of the competition for land is among farmers, although the NYS DEC has purchased and has expressed intent to purchase additional farmland.
- Purchase of land by NYS DEC for wetlands / Montezuma complex reduces land available for agriculture. Land leased back to farmers is sometimes flooded.
- Ethanol plants cutting back or not being built affect market and demand for corn. Recent processor closings affect the market / prices for certain crops
- Drainage of stormwater is sometimes a problem in different areas of the community.

The Strengths, Weaknesses, Opportunities and Threats (SWOT) relating to agriculture in the Town are summarized below.

**TABLE 3: Strengths, Weaknesses, Opportunities and Threats (SWOT) Relating to Farmland and Agriculture**

<p><b><u>Strengths</u></b></p> <ul style="list-style-type: none"> <li>• Large number of farms</li> <li>• History/ tradition of farming in the community</li> <li>• Local/ regional demand for agricultural products</li> <li>• High quality soils</li> <li>• Fresh water supply – Lake Ontario</li> <li>• Several machinery dealers within 6-8 miles</li> <li>• Road system can accommodate heavy trucks</li> <li>• Low density population</li> </ul>	<p><b><u>Weaknesses</u></b></p> <ul style="list-style-type: none"> <li>• High taxes</li> <li>• Cost of utilities, broadband</li> <li>• Absence of local processors (e.g., Reckett leaving Wolcott; Comstock’s closing resulted in reduction in production of sweet cherries)</li> </ul>
<p><b><u>Opportunities</u></b></p> <ul style="list-style-type: none"> <li>• Ethanol – market for corn</li> <li>• Cellulosic fuel plans</li> <li>• Wind energy – potential income from leases</li> <li>• Value-added processing – i.e., artisan cheese (Yancey’s Fancy), salsa</li> <li>• Small-scale processors – help available at Agricultural Experiment Station’s Food Ventures Center. Encourage incubator to locate in Wayne County</li> <li>• Extension of public water service - attract processors; serve agricultural production (esp. livestock)</li> <li>• State funding for purchase of development rights</li> </ul>	<p><b><u>Threats</u></b></p> <ul style="list-style-type: none"> <li>• Future tax increases</li> <li>• Disappearing processors – processor closings eliminate local processing markets, resulting in increased transportation costs and change in the types of crops grown</li> <li>• Consolidation of agricultural industries – processing, distribution, production</li> <li>• Residential development – makes it more difficult to farm</li> <li>• Purchase of land by NYS DEC for wetlands preserve and buffers</li> <li>• Lack of market (e.g., ethanol)</li> </ul>

### *TAX RELIEF PROGRAMS*

Some landowners may not be aware of all of the tax relief programs that are available to them, such as agricultural use assessments; capital improvement exemptions, etc. Owners of land that is rented for farming, in particular, may not know that they are eligible for agricultural use assessments if their land is utilized by a qualifying farmer.

### *NYS DEC*

By purchasing wetlands and wildlife areas, The NYS Department of Environmental Conservation in essence, affects farm drainage and the availability of land for agricultural protection. The NYS DEC has purchased a significant amount of land in southeastern Wayne County, including approximately 125 acres in the Town of Butler, to serve as a buffer to the Montezuma Wetlands complex. In addition, NYS and federal wildlife managers have altered drainage controls, resulting in formerly productive agricultural lands becoming too wet to farm effectively.

### *PERMANENT PROTECTION OF FARMLAND*

Permanent protection of high quality farmland would ensure that land remains available for agricultural production. Significant areas in the Town of Butler consist of prime agricultural soils that are actively farmed. Areas determined to be most suitable for continued agricultural use consist of those lands that are outside areas designated for hamlet (mixed use), commercial, residential and public/ community service uses, excluding designated wetlands. (See Map 3: Future Land Use Map: page 23.)

Conservation easements may be donated privately or purchased by New York State or the Federal government. (See Tools & Techniques section.)

### *CONFLICTS MAY ARISE BETWEEN FARMERS AND NON-FARMING LANDOWNERS*

Conflicts between farmers and non-farming neighbors makes farming more difficult. A local right-to-farm law would clearly express the Town's policy of support for farming and establish a local grievance committee to provide locally-based mediation of neighbor disputes.

### *EDUCATING NON-FARMING RESIDENTS*

Non-farming residents may need better information about standard farming practices and the significance of agriculture to the community and the regional economy. Many non-farming residents of Butler, particularly those new to the area or country living, find certain farm practices to be a nuisance or perceive that they threaten the environment. These residents may benefit from additional information about the extent to which farmers manage resources to prevent runoff of manure or chemicals, for example, or minimize odor.

### *MAINTENANCE OF PUBLIC WATER SERVICE*

The extension of public water service into agricultural areas of the Town needs to be managed to minimize impacts on agriculture. Public water tends to encourage residential development, which can make farming more difficult. However, some farms may benefit from public water service.

### *“FARM-FRIENDLY” DEVELOPMENT*

New residential development needs to be sited and designed in a “farm-friendly” manner. When farm operations are in close proximity to residences, the potential for neighbor complaints increases. The Town has the ability to manage the design of new residential development so that it minimizes the potential for conflict. New house lots should be sited to ensure that they do not impede efficient farm operations, do not disturb drainage, and maintain buffers between farms and new house lots.

### *AGRICULTURE-RELATED BUSINESSES SUPPORT THE ECONOMY*

Agriculture-related businesses support farming and contribute to the regional economy. Farms in Butler benefit from the proximity of agricultural support and supply businesses. Such businesses should be encouraged to locate in the Town. New businesses may be supported by regional resources such as the Cornell Agricultural Experiment Station Food Ventures Center in Geneva and at the Morrisville facility. County and State agencies should be encouraged to continue to attract and retain processors and to explore new markets, such as for biofuel.

Sales of farm products directly to the public provide additional income to farm operations. Organizations such as Cooperative Extension and Wayne County Tourism are active in promoting farm markets and roadside stands.

Some farm operations may need financial assistance to support expansion. Grant funds are available to such expansions when they will result in the creation or retention of jobs.

### *RETAINING LAND FOR AGRICULTURE*

Support of conservation practices helps retain land for agricultural production. Wayne County Cooperative Extension, Wayne County Agricultural Development Board, and Wayne County Soil and Water Conservation District administer numerous programs to support Wayne County farmers and agricultural industry. The Town may be able to assist with local promotion of these programs.

## TOOLS AND TECHNIQUES

This section provides information about the tools and techniques available to local governments to support agricultural operations and encourage the retention of high quality farmland.

### *SUBDIVISION REGULATIONS AND SITE PLAN REVIEW*

NYS Town Law enables Towns to authorize the Town Planning Board to review and approve proposed subdivisions. The Town must determine what constitutes a “subdivision.” Some towns define “subdivision” as any lot split from a parent parcel, while others do not regulate lot splits unless five or more lots are involved.

Towns can authorize their Planning Boards to review Site Plans for new development. The Site Plan Review process can ensure that new development does not compromise existing drainage facilities or farm access lanes and incorporates sufficient buffers between farms and residences.

### *LOCAL RIGHT TO FARM LAW*

Local “right to farm” laws typically clearly state the town’s policy in support of farming, define “generally accepted agricultural practices,” and affirm a farmer’s right to employ such practices. The laws also include a statement that farm practices may include odors, noise and other activities.

Such a law often establishes a local “grievance” procedure to resolve complaints between farmers and non-farm neighbors. A local committee consisting of local farmers, as well as non-farming residents, may be formed to hear and resolve complaints. Such a committee includes. Municipalities may appoint an existing committee, such as the Farmland Protection Board, to act as the Grievance Committee.

A local law would supplement right to farm provisions in the NYS Agricultural Districts Law and in Wayne County’s recently amended right to farm law (See Relevant Plans and Programs section.)

### *PRIVATE, VOLUNTARY CONSERVATION EASEMENTS*

Landowners may place farmland under a permanent conservation easement to be held and monitored either by the Town or by a private land trust or other non-profit organization. The donation of easements may be helpful to some families in estate planning, as the value of the donated easement can be claimed as a tax deduction. Donation of easements provides permanent protection of farmland and open space at no cost to the town. The decision to donate an easement is made voluntarily by a private landowner.

The Genesee Land Trust, based in Rochester, is a private, non-profit land trust that accepts donations of property or development rights and works with individual landowners and community leaders to protect land resources. The Genesee Land Trust is active in Wayne County and is willing to discuss the possibility of donating conservation easements with interested landowners.

### *PUBLIC PURCHASE OF DEVELOPMENT RIGHTS*

Purchase of Development Rights is a public program which purchases the development rights from willing landowners and results in a conservation easement being placed on the land that prohibits future development. The value of development rights is calculated as the difference between the value of the land for agricultural purposes and its value for development. A permanent conservation easement typically restricts future development on the parcel to agricultural buildings only. Ownership of the parcel does not change. The easement holder, the Town, Wayne County or a private land trust, is responsible for ensuring that the property is not developed. The owner may continue to farm the parcel, and/or sell it.

When development of a property is limited due to a permanent conservation easement, the assessment on the property must take into consideration the impact of the easement on the value of the property. This may result in reduced property taxes for the owner. However, in practice, properties that are receiving an agricultural use value assessment would continue to be assessed based on the agricultural value rather than the market value of the property.

PDR programs are regarded as fair to landowners, who receive fair market value for the development rights. The property remains privately owned and is assessed at a value that reflects its limited use. Such programs achieve permanent protection of farmland and open space.

Some municipalities have established Town purchase of development rights programs that are funded by bond issues. State and federal grant funding is also available to support the purchase of development rights to farmland.

State funding for PDR provides up to 75% of the cost of purchasing development rights. The remaining 25% may be obtained through a combination of Federal grant funds, private foundation funds, local government funds, or by the landowner. Some landowners agree to sell

their development rights for less than the appraised amount (known as a “bargain sale”), thereby donating the difference and often claiming a tax deduction for the amount donated.

In order to allocate these funds in a manner that is fair to all interested landowners and focused on the priorities of the Town, the Town needs to establish a process to solicit, review and evaluate potential projects.

### INFRASTRUCTURE MANAGEMENT

Tools available to municipalities to minimize the impacts of sewer and water line extensions on agricultural land include the use of Agricultural Data Statements and lateral restrictions.

### NOTICE OF INTENT PROCESS

Section 305 of the Agricultural Districts law requires local governments, before extending a water or sewer line that would serve non-farm structures within an Agricultural District, to file a preliminary and a final Notice of Intent with the NYS Department of Agriculture and the County Agricultural & Farmland Protection Board. The law states:

*Any ... local government ... which intends to construct, or advance a grant, loan, interest subsidy or other funds within a district to construct, ... water or sewer facilities to serve non-farm structures, shall use all practicable means in undertaking such action to realize the policy and goals set forth in this article, and shall act and choose alternatives which, consistent with social, economic and other essential considerations, to the maximum extent practicable minimize or avoid adverse impacts on agriculture in order to sustain a viable farm enterprise or enterprises within the district.*

The Notice of Intent (NOI) must set forth:

- A description of the proposed action and its agricultural setting
- The agricultural impact of the proposed action, including short-term and long-term effects
- Any adverse impacts on agriculture that cannot be avoided
- Alternatives to the proposed action
- Any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed action
- Mitigation measures proposed to minimize the adverse impact of the proposed action on the continuing viability of farms within the district
- Any aspects of the proposed action which would encourage non-farm development

A preliminary notice must be filed before the municipality issues a determination of significance pursuant to the State Environmental Quality Review Act (SEQR). The final notice must be filed at least 65 days prior to the construction or advancement of public funds. The commissioner has 45 days from receipt of the final notice to determine whether the action may have an unreasonably adverse effect on farm viability, and may take an additional 60 days to review the proposed action and issue findings.

The commissioner of agriculture may propose reasonable or practical alternative actions that would minimize or avoid the adverse impact of the proposed action on agriculture. The municipality or funding agency may either accept the proposed alternative or certify that other actions have been taken to minimize impacts on agricultural operations.

### *LATERAL RESTRICTIONS*

Often, as an outcome of the Notice of Intent process, a municipality will adopt a resolution that restricts hookups for non-farm structures to a new water or sewer line that extends into an Agricultural District. The restriction on hookups would apply to non-agricultural structures for as long as the property is located within an Agricultural District.

### *PROMOTION OF LOCAL FARM PRODUCTS*

Several State and regional programs have been established to promote local products and raise public awareness of the contributions of the agricultural industry. These programs include:

- “Pride of New York” program, administered by the NYS Department of Agriculture and Markets, offers labeling and promotional materials to participating farmers and encourages consumers to purchase locally grown products.
- The “Farm to School” program, administered by the NYS Department of Agriculture and Markets, connects farmers who are interested in selling products to schools with schools who are interested in purchasing local products. The program also encourages schools to integrate food system concepts into the curricula and supports the development and marketing of healthy products targeted for children.

### *TAX RELIEF PROGRAMS*

- Agricultural Use Assessment
- Tax Credits and Exemptions

### *PUBLIC EDUCATION*

Some municipalities work with farmers and County or regional organizations to help raise public awareness of the importance of the agricultural industry to the region’s economy and to help residents understand farm practices.

## RECOMMENDED ACTIONS

### Encourage landowners to participate in tax relief programs.

1. Identify owners of land that is rented for agricultural production whose owners do not receive agricultural use assessments and mail them information about the program.
2. Ensure that information about various tax relief programs are available in the Assessor's Office and elsewhere at the Town Hall.
3. Encourage the Town Assessor to inform farmland landowners about tax relief programs that they may be eligible for, including information about deadlines for applying.

### Advocate on behalf of agricultural interests regarding the State purchase of land for wetlands and wildlife buffers.

4. With Farm Bureau, NYS Agriculture & Markets and other agencies to:
  - a. Ensure that the impacts on farmland and agriculture are considered in decisions to alter drainage patterns.
  - b. Encourage NYS DEC to continue to lease buffer lands to area farmers for agricultural production

### Encourage the permanent protection of high quality farmland.

5. Provide information to landowners who may choose to donate conservation easements to a land trust, potentially as part of estate planning
6. Sponsor applications to NYS for Purchase of Development Rights (PDR)/ Work with Wayne County to obtain funding to preserve farmland in Butler

### Avoid and/or mitigate conflicts between farmers and non-farm neighbors.

7. Adopt a local Right to Farm Law that incorporates a system to mediate conflicts that may arise between farmers and non-farming landowners

### Educate the public about standard farming practices and the significance of agriculture to the community and the regional economy.

8. Provide information to residents about farm practices.
9. Publicize environmental management activities of area farms.

**Manage the extension of infrastructure as appropriate to support and protect agricultural operations.**

10. Obtain funding to extend water infrastructure as needed to support agricultural operations.
11. Adopt lateral restrictions to limit residential hookups to productive agricultural land while the land is within a designated County Agricultural District.
12. Support drainage projects undertaken at the State, County, and local level that would benefit the farming industry and the quality of the environment.

**Encourage new residential development to be sited and designed in a “farm-friendly” manner.**

13. Adopt subdivision regulations and empower the Planning Board to review lot splits. Incorporate guidelines that help the Planning Board and the landowner/ developer to site new house lots in a way that minimizes the potential for conflict with farming.
14. Encourage farm-related businesses to locate in the Town
15. Promote sales of local farm products. Work with Cooperative Extension, Wayne County Tourism and other agencies to promote farm markets and roadside stands.
16. Work with Wayne County to facilitate grants and loans for expansion of agriculture-related businesses. Such grants must be tied to job creation. (Example: The Town of Huron received a Small Cities grant to extend public water lines to Marshall Farms.)
17. Encourage the development of agricultural-related businesses. Publicize the resources available at the Cornell Agricultural Experiment Station Food Ventures Center and at the Morrisville facility. Work with Wayne County to establish an agricultural ventures incubator.
18. Work with County and State agencies to encourage retain and/or attract processors. Seek new markets, such as for biofuel.

**Maintain partnerships with governmental and not-for-profit agricultural support agencies.**

19. Make information about programs administered by Wayne County agencies available at the Butler Town Hall.
20. Maintain communications with Wayne County agencies, Farm Bureau and other organizations about programs to assist and support farmers and farm-related businesses in the Town.