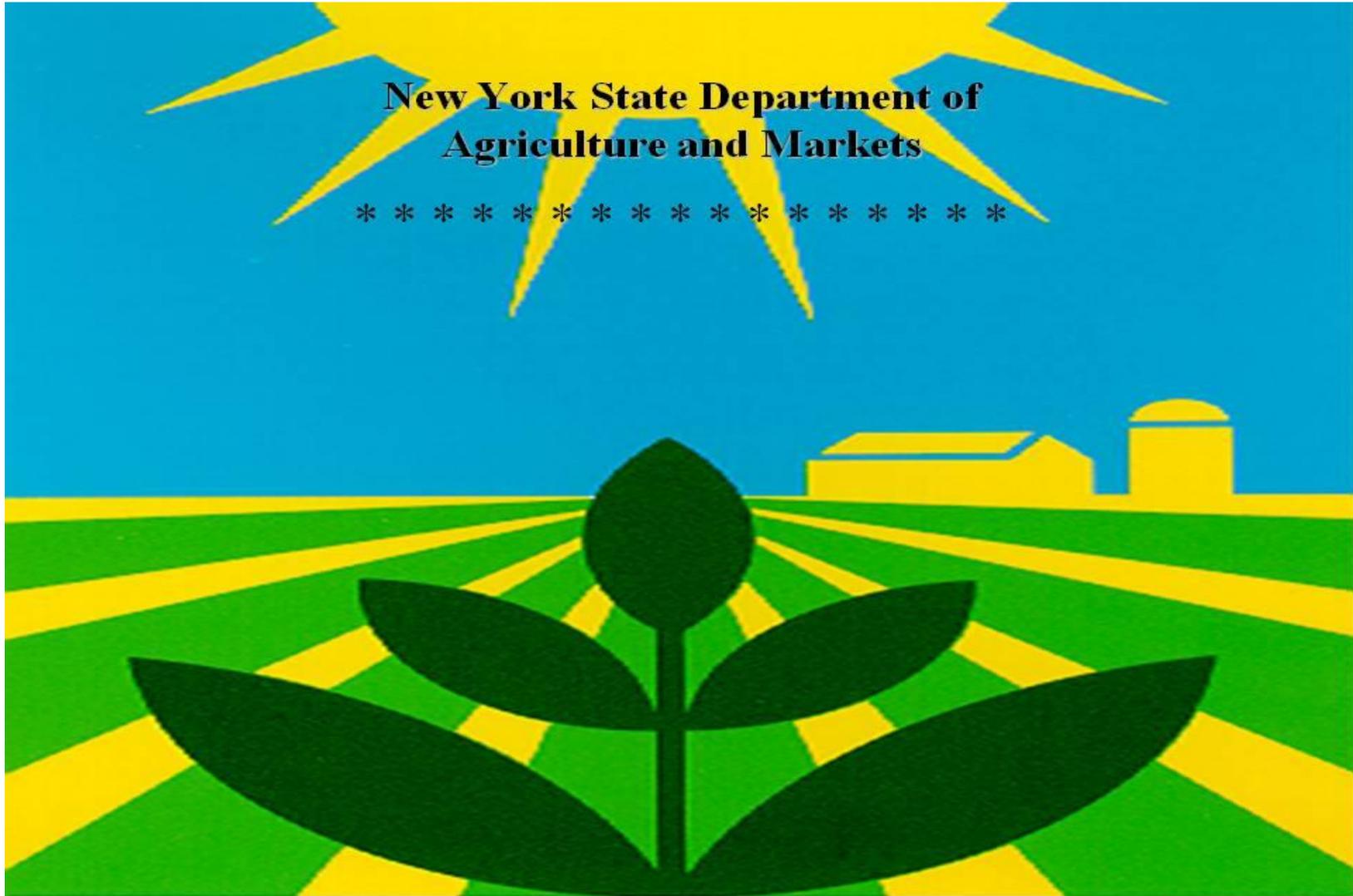


**Applicant Webinar
ROUND 13
Farmland Protection Implementation Grants (FPIG)
REQUEST FOR APPLICATIONS (RFA)**



Applicant Webinar
ROUND 13
Farmland Protection Implementation Grants (FPIG)
REQUEST FOR APPLICATIONS (RFA)

AGENDA

- 9:00AM **WELCOME & ROLL CALL**



**Applicant Webinar
ROUND 13
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REQUEST FOR APPLICATIONS (RFA)**

AGENDA

- 9:00AM **WELCOME & ROLL CALL**
- 9:05 - 9:15AM **Eligible Applicants for this RFA**
- 9:15 – 10:00AM **Eligible Projects for this RFA:**
Removing Unreasonable Restrictions from Local Laws
Establishing an Implementation-Ready Transfer of Development Rights Program
- 10:00 – 10:30AM **Eligible Costs ~ Awards ~ Local Match Contribution**
- 10:30 – 10:45AM **BREAK**
- 10:45 – 11:15AM **Project Deliverables ~ Disbursements**
- 11:15AM – NOON **Overview of FPIG-RFA Application Materials**
- NOON – 12:30PM **Open Forum – Questions & Answers**
NOTE: All questions must be submitted in writing via email to:
david.behm@agriculture.ny.gov

ADJOURN



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Eligible Applicants for this RFA

- Only municipalities may respond to this grant opportunity –
 - Towns
 - Cities
 - Villages

NOTE:

- (i) *Furthermore, only New York State **municipalities that are located within a county which has established an agricultural and farmland protection board** are eligible to submit applications for funding under this grant opportunity.*
- (ii) *Although otherwise eligible under FPIG, all counties, not-for-profit conservation organizations **and** soil & water conservation districts are **not eligible to respond to this grant opportunity.***
- (iii) *Each municipality must submit a copy of a resolution that authorizes the submission of the application to the state.*

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S A M P L E – Resolution authorizing submission of grant application

Sample

Town of
County of
State of New York

Resolution #

A Resolution authorizing the appointment of _____ to develop a
Grant proposal for a _____

Introduced by: Councilmar _____

Seconded by: Councilman _____

WHEREAS, the New York State Department of Agriculture and Markets invites
applications for financial assistance in _____
, and which applications need to conform to the format and content specified
in a department created request for applications (RFA), and

WHEREAS, it is in the best interest of the municipalities having an interest in processing
an RFA to hire a consultant to develop such _____, and

WHEREAS, the Town has been in communication with _____
located in _____, New York, who has the necessary expertise and experience to
prepare and file an RFA on behalf of the Town of _____, and

WHEREAS, _____ is willing to complete the RFA in order to
determine the possible funding for the Town of _____ to be used to develop
_____ for said Town of _____, which services will be at no cost to the
Town of _____, but with the understanding that should the Town of _____ receive a grant
from the New York State Department of Agriculture and Markets, the Town Board will retain
the services of _____ to complete the _____ on behalf of the Town of _____
and be paid from the funds received through this grant program.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to
contact _____ and advise the company that they are authorized to
complete the aforementioned RFA, on behalf of the Town at no cost to the Town, and in order
to determine if the Town is eligible and will receive funding from the New York State
Department of Agriculture and Markets for the development of _____
, and

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S A M P L E – Resolution authorizing submission of grant application

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to sign any grant application (RFA) that may be prepared by _____ pursuant to this resolution.

By order of the Town Board of the Town of _____ by the following vote thereon:

	Yes	No
Supervisor	X	
Councilman	X	
Councilman	X	
Councilman	Absent	
Councilwoman	X	

_____, Town Clerk

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of _____

Dated: _____


Town Clerk

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Eligible Projects for this RFA

- Under this grant opportunity, projects eligible for funding are specifically limited to those that –
 1. remove unreasonable restrictions from municipal land use and subdivision regulations, zoning, and site plan requirements pertaining to agricultural land and farm operations

OR

 2. establish an implementation-ready Transfer of Development Rights (TDR) program for farmland protection

NOTE:

- (i) *Each proposed project **must be endorsed for funding by the agricultural and farmland protection board** for the county in which the municipality is located.*
- (ii) *Projects regarding incentive zoning or land use moratoria are **not eligible for funding under this grant opportunity.***
- (iii) *Although otherwise eligible under FPIG, **no conservation easement projects are eligible for funding under this grant opportunity** – a separate grant opportunity will be forthcoming yet this State Fiscal Year (by 3/31/2014).*

**Applicant Webinar
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 REQUEST FOR APPLICATIONS (RFA)**

S A M P L E – County AFPB letter endorsing project for funding



County Agricultural and Farmland Protection Board
 Main Street, NY Fax

Board Members
 Farmer, Chair
 Farmer, Vice Chair
 Planning Commissioner
 Farmer
 Cornell Cooperative Extension
 Director, Real Property Tax Service
 Chairman, Soil & Water Conservation District; County Legislator
 County Legislator
 Farmer
 Farmland Preservation
 Agri-business

November 23,
 , Chairman
 County Agricultural & Farmland Protection Board
 Main Street
 NY

Commissioner
 County Planning Department
 Main Street
 NY

Dear

The County Agricultural and Farmland Protection Board understands that the is applying for the Agricultural and Farmland Protection Grant through the New York State Department of Agriculture and Markets to . Our Board has endorsed the application for grant money to . supports the in , and is willing to participate in the processes.

Sincerely,

, Chairman

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REQUEST FOR APPLICATIONS (RFA)

Eligible Projects for this RFA (continued)

- For projects to remove unreasonable restrictions, please be advised of these stipulations:
 - Such projects may only be submitted by a single municipality

NOTE:

- (i) *Joint applications of two municipalities for these specific projects **are not eligible for funding under this grant opportunity.***

- Any applicant may submit one application to remove unreasonable restrictions **and** that same applicant may also submit an additional application to establish a TDR program.

NOTE:

- (i) *No applicant shall submit more than two applications in response to this grant opportunity.*

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Eligible Projects for this RFA (continued)

- For projects to establish an implementation-ready TDR program, please be advise of these stipulations:
 - Such projects may be proposed in any of the following arrangements:
 - (i.) sole participation of the applicant municipality (i.e., a town or a village or a city),
 - (ii.) collaboration of two municipalities (e.g., a town and a village or two towns or a town and a city) through an inter-municipal agreement where the two municipalities apply jointly, or
 - (iii.) collaboration of two municipalities (e.g., two towns or a village and a town or a city and a town) through an inter-municipal agreement where only one of these municipalities is the applicant.
 - Any applicant may submit one application to establish a TDR program ***and*** that same applicant may also submit an additional application to remove unreasonable restrictions from municipal laws.

NOTE:

- (i) *No applicant shall submit more than two applications in response to this grant opportunity.*

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Eligible Costs

- Funds awarded may be used for any of the following purposes directly related to amendments to municipal laws affecting agricultural lands, farm operations or farmland protection:
 1. personal services, including fringe benefits, for professional, secretarial, and legal services related directly to the amendment of municipal laws affecting agricultural lands, farm operations or farmland protection
 2. consultant services
 3. travel (at State government rates)
 4. conducting public hearings
 5. expendable supplies
 6. printing
 7. communication

NOTE:

- (i) *Costs incurred prior to the start date of the funding agreement shall not be eligible for reimbursement.*

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Awards

- Maximum of \$15,000 may be awarded to a single municipal applicant
- Maximum of \$30,000 may be awarded to two municipalities applying jointly

NOTE:

- (i) When two municipalities apply jointly, one municipality must be designated as the lead municipality for contractual purposes.*

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ROUND 13
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REQUEST FOR APPLICATIONS (RFA)

Local Match Contribution

- Municipality must provide a twenty-five percent (25%) match of cash or in-kind services
- Minimum of twenty percent (20%) of local match contribution must be cash

NOTE:

- (i) Each municipality must submit a copy of a resolution or letter from an authorized municipal official obligating the applicant cash match.*
- (ii) Cash and in-kind match must be for items that are eligible costs and may be provided by the applicant or other supporters of the project. In-kind services match may include any of the eligible cost items listed in the RFA.*
- (iii) The following items may not be considered as local match: (a) cost of preparing applications, (b) project costs incurred prior to the start date of the funding agreement, (c) indirect and overhead costs, and (d) other New York State Funds.*

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S A M P L E – Applicant letter obligating local cash match

Town of _____ SUPERVISOR _____
New York
Office _____
Fax _____
Email: _____

Sample

RE: Farmland Protection

Dear _____

This letter is to serve as acknowledgement and authorization that the Town of _____ is submitting a _____ to the New York State Department of Agriculture and Markets (*the Department*). The Town of _____ is seeking \$: _____ from the Department. In return the town is committing the equivalent of \$ _____ in in-kind services, as well \$: _____ in cash for printing and postage for a town-wide postcard mailing, printing of meeting materials, printing of _____ and consultant fees. The cash contribution will be taken from the 2013 town budget. The sum of the town's contribution is \$ _____, which is 25% of the total project cost. Submission of this grant application was also authorized by a Town Board resolution on _____. The Town of _____ appreciates your consideration of our application.

Sincerely,

_____, Supervisor

Applicant Webinar
ROUND 13
Farmland Protection Implementation Grants (FPIG)
REQUEST FOR APPLICATIONS (RFA)

Project Deliverables

- All proposed amendments to municipal laws for projects awarded through this RFA should be submitted to the Department within 24 months of state approval of the awarded contract.
- Required deliverables for awarded projects that –
 - remove unreasonable restrictions from municipal land use and subdivision regulations, zoning, and site plan requirements pertaining to agricultural land and farm operations:
 1. Each proposed local law shall address all of the unreasonable restrictions identified in that municipal applicant's audit of its local laws.
 2. Each municipality shall file the resulting local law with the New York State Department of State. A copy of the filed local law must be submitted as part of the successful applicant's final report to the Department.

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Project Deliverables (continued)

- Required deliverables for awarded projects that – (continued)
 - establish an implementation-ready Transfer of Development Rights (TDR) program for farmland protection:
 1. Each proposed law shall contain –
 - (i.) map(s) of sending area(s) and receiving area(s), including designation of all Prime Soils and all Soils of Statewide Importance within each such area;
 - (ii.) the determination of the number of transferable development rights (or credits) available per sending area;
 - (iii.) the determination of the number of transferable development rights (or credits) authorized for use per receiving area; and
 - (iv.) the draft conservation easement document to be used for each TDR transaction.
 2. Each municipality shall file the resulting local law with the New York State Department of State. A copy of the filed local law must be submitted as part of the successful applicant's final report to the Department.

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Disbursements

MILESTONE	TIMING	DESCRIPTION	SCHEDULED PAYMENT (State Contribution)
Agreement start date		Date of funding Agreement	None
State approval of Agreement	0 Months	Date Agreement is Approved by the Department.	25% Advance
Proposed Amendments to Local Law	0-24 Months	Municipality submits draft local law change.	None
Draft Amended Law Review	24-28 Months	Department reviews, comments, and approves amendments.	65% Interim
Law Filing	28-32 Months	Local law is filed with NYS Secretary of State	None
Final Report	32-36 Months	Municipality submits final report for Department approval.	10% Final
Agreement expiration		Three (3) years after Agreement start date	None

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Application Materials

- Applicants must use the sections as provided in Attachments #1 through #6 of this RFA to create each application to be submitted to the Department.

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REQUEST FOR APPLICATIONS (RFA)

New York State Department of Agriculture and Markets

**Application for State Assistance Payments for Amendments to
Municipal Laws Affecting Agricultural Lands, Farm Operations or Farmland Protection**

ATTACHMENT #1
APPLICATION COVER SHEET

Instructions: ► Please complete this page and attach it as the first page of your application.
For joint applications, please complete this page for each applicant and attach both as the "first page" of your joint application.
► Staple each copy in the upper left hand corner of the application.
► Submit one (1) original, signed application and two (2) additional copies of the signed application

Vendor Identification Number

Municipality in County of

Mailing Address

City State Zip Code

Amount of State funding requested Percent of total project costs

Specify Project Type

Amendment(s) to Municipal Laws to:

- Remove unreasonable restrictions affecting agricultural lands and farm operations
NOTE: Joint applications for this type of project will be rejected
- Establish implementation-ready Transfer of Development Rights program

NOTE: If joint application, Lead Applicant

Applicant Approval and Contact Information

Full Name of Supervisor/Mayor

Phone Number of Supervisor/Mayor

Email of Supervisor/Mayor

Please complete if the municipality intends for this person to be someone other than Supervisor/Mayor.

Full Name of Principal Contact for applicant

Phone Number of Principal Contact

Fax Number of Principal Contact

Email of Principal Contact

Signature of Supervisor/Mayor

Signature of Principal Contact for Applicant

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REQUEST FOR APPLICATIONS (RFA)

New York State Department of Agriculture and Markets

Application for State Assistance Payments for Amendments to
Municipal Laws Affecting Agricultural Lands, Farm Operations or Farmland Protection

ATTACHMENT #2
APPLICATION TABLE OF CONTENTS

Specify Project Type

Amendment(s) to Municipal Laws to:

- Remove unreasonable restrictions affecting agricultural lands and farm operations
- Establish implementation-ready Transfer of Development Rights program

	Page Number
Application Cover Sheet(s)	1
Table of Contents	2
Checklist for Application Completeness	3-4
Letter of Project Endorsement by County Agricultural & Farmland Protection Board	5
Overall Goal of Proposed Project	6
Anticipated Outcome of Proposed Project	6
Key Project Personnel	
Work Plan (Scope of Work)	
Project Budget	

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REQUEST FOR APPLICATIONS (RFA)

New York State Department of Agriculture and Markets
Application for State Assistance Payments for Amendments to
Municipal Laws Affecting Agricultural Lands, Farm Operations or Farmland Protection

ATTACHMENT #3
CHECKLIST FOR APPLICATION COMPLETENESS

- ▶ Please fill out this checklist and submit it with your application and budget forms.
- ▶ Please fill in all information requested and **be sure to attach all documents as noted on this checklist**. Failure to provide all requested information shall result in rejection of your application.

Specify Project Type

Amendment(s) to Municipal Laws to:

- Remove unreasonable restrictions affecting agricultural lands and farm operations

NOTE: Attach a copy of the audit of your municipal laws (i.e., written summary of the identification and analysis of all unreasonable restrictions contained in the municipality's existing land use and subdivision regulations, existing zoning, and existing site plan requirements) that your municipality completed prior to the submission of this application.

- Establish implementation-ready Transfer of Development Rights program

NOTE: Attach a map-like document (i.e., tax parcel maps, aerial photographs, or similar imagery created by a Geographic Information System (GIS)) that illustrates the preliminary location of "sending area(s)" within the jurisdictional boundaries of the participating municipality(ies), and, if applicable, a copy of the fully executed inter-municipal agreement between the participating municipalities.

MUNICIPALITY

Lead Applicant (if joint application)

Application Content

- One (1) original, signed application and **two (2) additional copies** of the signed application must be submitted to the Department
- All information requested on Attachment #1 is provided
- All page numbers have been entered on Attachment #2
- All items listed on Attachment #3 have been included in this application
- All information requested on Attachment #4 is provided, **including any attachment (if needed)** regarding "Key Project Personnel"
- Letter of project endorsement from County Agricultural & Farmland Protection Board is included in this application
- All information requested on Attachment #5 is provided, including the attachment of a copy of a signed resolution authorizing the submission of this application to the State

- OVER -

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New York State Department of Agriculture and Markets

**Application for State Assistance Payments for Amendments to
Municipal Laws Affecting Agricultural Lands, Farm Operations or Farmland Protection**

- All information requested on Attachment #6 is provided, including the attachment of documentation regarding local cash match. Furthermore, please ensure that this application reflects the following:
 - Your request for State funding does not exceed \$15,000 (for single applicant) or \$30,000 (for joint application)
 - Local match contribution equals or exceeds 25% of the TOTAL project costs: at least 20% of that match amount must be cash
 - No work or project expense occurred or will occur prior to the announcement of an award associated with this RFA
 - No other source of New York State funds shall be used on this project
 - Indirect and overhead costs are not included in the sum contribution of in-kind services

Signature of Principal Contact for Applicant
(or of Principal Contact for Lead Applicant, if joint application)

Date

Applicant Webinar ROUND 13 Farmland Protection Implementation Grants (FPIG) REQUEST FOR APPLICATIONS (RFA)

New York State Department of Agriculture and Markets

**Application for State Assistance Payments for Amendments to
Municipal Laws Affecting Agricultural Lands, Farm Operations or Farmland Protection**

ATTACHMENT #4 GOAL AND OUTCOME OF PROPOSED PROJECT; KEY PROJECT PERSONNEL

Specify Project Type

Amendment(s) to Municipal Laws to:

- Remove unreasonable restrictions affecting agricultural lands and farm operations
- Establish implementation-ready Transfer of Development Rights program

Overall Goal of Proposed Project

1. Please briefly summarize the municipality's overall goal for this proposed farmland protection implementation activity.

Anticipated Outcome of Proposed Project

2. Please briefly summarize the municipality's anticipated outcome for this proposed farmland protection implementation activity.

Key Project Personnel

3. Please list the individuals who will be directly responsible for developing the proposed amendments to municipal laws affecting agricultural lands, farm operations or farmland protection. For each person listed, specify only education and actual prior experience in the development, administration or enforcement of such municipal laws; do not include any other education or experience. If any person listed has no such prior experience, simply indicate "no such prior experience." Please limit your response to one page of additional information. Do not attach resumes.

	Name	Education	Experience
+ -			

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New York State Department of Agriculture and Markets

Application for State Assistance Payments for Amendments to
Municipal Laws Affecting Agricultural Lands, Farm Operations or Farmland Protection

ATTACHMENT #5
WORK PLAN (SCOPE OF WORK)

Specify Project Type

Amendment(s) to Municipal Laws to:

- Remove unreasonable restrictions affecting agricultural lands and farm operations
- Establish implementation-ready Transfer of Development Rights program

1. Anticipated time frame for completing all tasks resulting in the revision of municipal laws affecting agricultural lands, farm operations, or farmland protection:

Anticipated Start Date Anticipated End Date

2. In the space provided, please summarize (in either outline or tabular form) the steps/activities, including at least one public hearing to solicit citizen views and recommendations, that you will conduct to complete all of the necessary tasks to result in the amendment of your municipal law.

3. Please attach a resolution, which is signed by the chair of the municipal legislative body, that authorized the submission of this application to the state.

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New York State Department of Agriculture and Markets

**Application for State Assistance Payments for Amendments to
Municipal Laws Affecting Agricultural Lands, Farm Operations or Farmland Protection**

ATTACHMENT #6
PROJECT BUDGET

Specify Project Type

Amendment(s) to Municipal Laws to:

- Remove unreasonable restrictions affecting agricultural lands and farm operations
- Establish implementation-ready Transfer of Development Rights program

Municipality

Project Budget

Expenditure Category	Grant Funds	Applicant Cash Match	Applicant In-Kind Match	TOTAL
Salaries and Wages (Personal Services)				
Fringe Benefits				
Consultant Services				
Travel				
Public Hearings				
Supplies and Materials				
Communications				
Printing				
TOTAL				

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New York State Department of Agriculture and Markets

**Application for State Assistance Payments for Amendments to
Municipal Laws Affecting Agricultural Lands, Farm Operations or Farmland Protection**

Budget Summary

Total State Funds Requested		
a.) Applicant Cash Match		
b.) Applicant In-Kind Match		
Total Cost of Project		

Applicant Match

1. Please provide a brief description of in-kind services to be used for up to 80% of the required match:

2. List sources (name and sector) and amount of Applicant Match:

	Source of Match	Sector	Amount
+ -		<input type="radio"/> Public <input type="radio"/> Private	

3. Please attach documentation such as resolution or letter from an authorized municipal official obligating the cash match.

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Application Materials (continued)

- An application must also include the following supplemental information, as applicable, as described in (1) **OR** (2) below –
 1. For projects to remove unreasonable restrictions from municipal land use and subdivision regulations, zoning, and site plan requirements pertaining to agricultural land and farm operations:
 - Copy of the audit of your municipal laws that was completed prior to the submission of the application in response to this RFA.

NOTE:

- (i) *The audit is a written summary of the identification and analysis of all unreasonable restrictions contained in the municipality's existing land use and subdivision regulations, existing zoning, and existing site plan requirements.*

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S A M P L E – Audit of local laws

DISCLAIMER

The following four pages is an example of an actual self audit that was conducted by a municipality regarding its municipal laws affecting agricultural lands and farm operations. This audit was done to ascertain if the municipality's laws were "farm friendly."

Please consider this sample as an agriculture-centric audit whose purpose is to identify unreasonable restrictions regarding agricultural lands and farm operations.

The Department is NOT endorsing the actual content (evaluation OR the specific recommendations) of this audit. Rather, the Department is merely offering the following pages as an illustration of the breadth and depth of analysis that is expected in an audit that must accompany a municipality's application for funding under this Request For Applications.

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S A M P L E – Audit of local laws

Agricultural Zoning Audit

The *Zoning Law and Subdivision Regulations* were audited with respect to their implications for agricultural development and farmland protection. The following are observations and recommendations regarding these laws (numbers refer to relevant section numbers. Recommended revisions can be found in [Appendix D](#).

Zoning Law

4.21 Planned Development District

This section, which provides a valuable tool for agricultural development and protection as open space within planned developments, includes an unnecessarily complicated procedure that treats each new project as a zoning law amendment, discouraging the use of the technique. It also fails to cover SEQRA requirements and does not adequately define open space so as to ensure working landscapes such as farms can be included.

It is recommended this provision be amended to allow for simple Town Board approval as part of a Special Use process particular to this use with other revisions to address the deficiencies identified.

4.3 Special Conditions and Special Permits

This section, and several others related to it, use different terminology little of which is in accord with *New York State Town Law*. This makes the whole discretionary permit process very confusing. Moreover, the designation of roles for both the Planning Board and Zoning Board of Appeals adds to that confusion. Because a rural community zoning law must allow for flexibility to deal with new uses in its large undeveloped areas, the handling of these uses often demands such a discretionary review process. It can, therefore, have major impacts on agricultural activities if not constructed properly.

It is recommended this section be revised, along with others, to consolidate all such permit procedures in one place, using consistent terms from the *Town Law* and providing for site plan review as part of the Special Use process.

4.41 General Provisions - Farm Labor Housing

The second paragraph of Sub-section 3 allows for the placement of up to two mobile homes on a R-R District lot for housing of agricultural employees, provided the lot is at least 10 acres in size. This provision may conflict with Section 305-a of the *Agriculture and Markets Law*.

The Department of Agriculture and Markets [Guidelines for Review of Local Laws Affecting Farm Worker Housing](#) indicate:

“... requiring a minimum lot size exceeding 10,000 to 15,000 square feet may be unreasonably restrictive. ... Presumably, minimum lot size requirements are adopted to prevent over concentration of residences and to assure an adequate area to install a properly engineered well and waste disposal system. Farm worker housing should be allowed to be sited on the same lot as other agricultural use structures subject to the provision of adequate water and sewage disposal facilities and meeting minimum setbacks between structures. ... the Department has not considered the need to

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S A M P L E – Audit of local laws

Agricultural Zoning Audit

undergo site plan review, where more than two mobile homes are sited on the same farm complex, unreasonable. However, conditions placed upon the issuance of a permit and/or the cost and time involved to complete site plan review requirements may be unreasonable.”

It is recommended this paragraph be revised to simply require site plan review of farm labor housing, where more than two dwelling units of such housing are to be provided, regardless of the zoning district, provided there is a minimum of 10,000 square feet of lot area per dwelling unit.

4.41 General Provisions - Height Exceptions

Sub-section 6 dealing with height exceptions should be made broader with respect to agricultural uses and reworded slightly to read better.

It is recommended this paragraph be revised to make it clear commercial horse facilities and other commercial but nonconventional agricultural structures are exempted from height restrictions.

4.41 General Provisions - Temporary Vendors

Sub-section 10.a dealing with temporary vendors appears to prevent the location of farm stands in parking lots and yards, which are obvious places to locate them.

It is recommended this paragraph be revised to allow the location of temporary farm stands in both parking and yards.

4.41 General Provisions - Activity Standards

Sub-section 11 dealing with “activity standards for noisome and injurious substances, conditions and operations” is awkwardly introduced and titled with insufficient protections for agricultural uses.

It is recommended the title and introductory paragraph be revised to clarify agricultural protections and cross-reference right-to-farm statutes.

4.431 General Provisions - Signs

Sub-section 2 indicates freestanding signs larger than eight (8) square feet require site development plan approval, which conflicts with a 24 square feet permit exemption for farm product signs in Section 4.433. Sub-section 16 establishes requirements for “non-compliance signs” which are, by ordinary definition, not permitted.

It is recommended a cross-reference to Section 4.433 be added in Sub-section 2 to eliminate any confusion and Sub-section 16 be deleted, as it has no obvious purpose and most signs already require a site plan. Moreover, Sub-section 1.c of Section 4.432 prohibits off-premises signs this Sub-section is supposed to permit. The Town may also want to delete that sub-section if it does intend to permit such signs, as is probably the case.

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S A M P L E – Audit of local laws

Agricultural Zoning Audit

4.432 District Provisions - Signs

Sub-section 2.d refers to a sub-section that would be deleted under these recommendations. Therefore, it, too, should be deleted.

Table 1 *Size Standards For Signs By District*, establishes a maximum of 20 square feet in sign area (10 square feet or a mere 2' X 5' per sign) for free standing pole signs in RR Districts. This is inadequate for many agricultural enterprises that might locate in RR Districts. A winery, riding stable or farm lodging facility, all appropriate in a RR District, could each easily demand larger signs than this. A 48 square feet standard (24 square feet per side), which is half the commercial standard, is appropriate.

Likewise, the limitation on wall signs in the RR District is too restrictive and would effectively prohibit classic barn signs. It is recommended the wall sign area standard be revised to a simple 10%, as the existing formula is incomprehensible.

Finally, the table is difficult to use. It is not clear, for example, whether the standards for the number of signs applies to all signs or just wall signs. There is also an asterisk for which there is no explanation.

4.462 Quarries, Stripping of Topsoil and Sand and/or Gravel Pits

Sub-sections 2 and 3 do not appear to comply with the pre-emption provisions of New York State law regarding mining. It is recommended these sections be replaced by new sub-sections addressing those mines outside New York State DEC jurisdiction and allowing these activities subject to Site Plan Review.

4.481 Mobile Homes

Sub-section 3 conflicts with Section 305-a of the *Agriculture and Markets Law*, as noted earlier with respect to Section 4.41. The revisions proposed for that Section make Sub-section 3 of Section 4.481 redundant. They should be deleted.

4.55 Temporary Storage Units

Sub-sections 8, 9 and 10 are redundant with other enforcement provisions of the Zoning Law and do not belong here. They should be deleted.

5.1 Non-conforming Uses, Buildings and Structures

Sub-section 3 limiting changes of non-conforming uses to conforming uses is unrealistic and should be revised to allow other non-conforming uses, provided they are of no greater intensity of use.

5.2 Temporary Uses and Structures

The second and third paragraphs of this section are redundant with Section 4.41 (10) and should be deleted, as they also do not relate to the general purpose of this section.

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S A M P L E – Audit of local laws

Agricultural Zoning Audit

6.4 Planning Board

Section 271 (11) of the New York State Town Law provides that “a town board may, if an agricultural district ... exists wholly or partly within the boundaries of such town, include on the planning board one or more members each of whom derives ten thousand dollars or more annual gross income from agricultural pursuits in said town.” The Town should provide for such an agricultural member by adding language to Section 6.4 for this purpose.

6.52 General Procedures

Sub-section 4.b of Section 6.52 relating to special exceptions is improper, as the Planning Board administers Special Uses in the . It should be deleted.

6.54 Special Exceptions

Section 6.54 Special Exceptions is improper, as the Planning Board administers Special Uses in the . It should be deleted.

7 Amendments

This article is unnecessary, as it duplicates the Town Law, which, if and when, changed would have to be followed regardless of these provisions. This Article 7 Amendments can only cause conflict and confusion and, therefore, should be deleted. However, Section 7.7 Lots in Different Districts, which doesn't deal with amendments should be preserved as a new Sub-section 6 of Section 3 Interpretation of District Boundaries.

APPENDIX A - DEFINITIONS

The definition of AGRICULTURE/FARM/FARMING is not in line with that of the New York State Department of Agriculture and Markets. It should be revised to reference the State definition.

Definitions of AGRICULTURAL PROCESSING, AGRICULTURAL RETAIL SALES and AGRICULTURAL TOURISM ENTERPRISES are needed to more accurately specify the scope of agricultural activities that are permitted.

A definition of OPEN SPACE is needed as the term is used several times in the zoning ordinance. This definition needs to specifically include agricultural land.

APPENDIX B - SITE DEVELOPMENT PLANS

APPENDIX B is redundant with the proposed revised version of Section 4.3 and should be revised to make it clear Section 4.3 controls and APPENDIX B merely serves to provide additional guidance. Also, sub-sections 4, 5 and 6 should be deleted.

APPENDIX C - SUMMARY OF ZONING DISTRICT REQUIREMENTS

APPENDIX C is difficult to follow and needs streamlining as well as more attention to agricultural uses. A revised and updated format that addresses these issues is recommended.

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Application Materials (continued)

- An application must also include the following supplemental information, as applicable, as described in (1) **OR** (2) below – (continued)

2. For projects to establish an implementation-ready TDR program for farmland protection:

- Attach a map-like document that illustrates the preliminary location of “sending area(s)” within the jurisdictional boundaries of the participating municipality(ies).

NOTE:

- (i) *An acceptable “map-like document” may be one of the following: (1) a tax parcel map, (2) aerial photograph, or (3) similar imagery created by a Geographic Information System, onto which the preliminary location of “sending area(s)” is illustrated.*
- If two municipalities are applying jointly, attach a copy of the fully executed inter-municipal agreement between those participating municipalities.

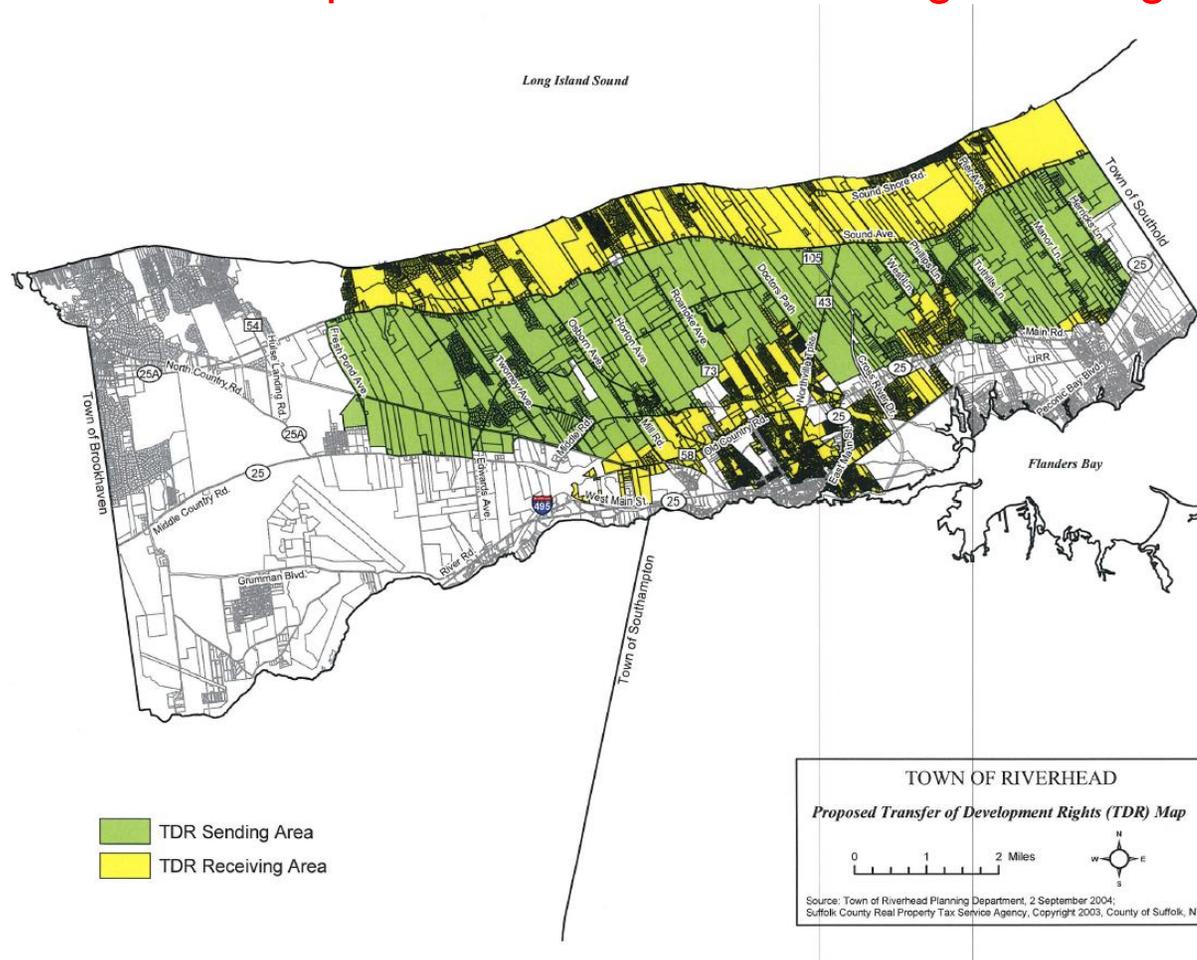
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S A M P L E – “Map-like” document illustrating “sending area(s)”



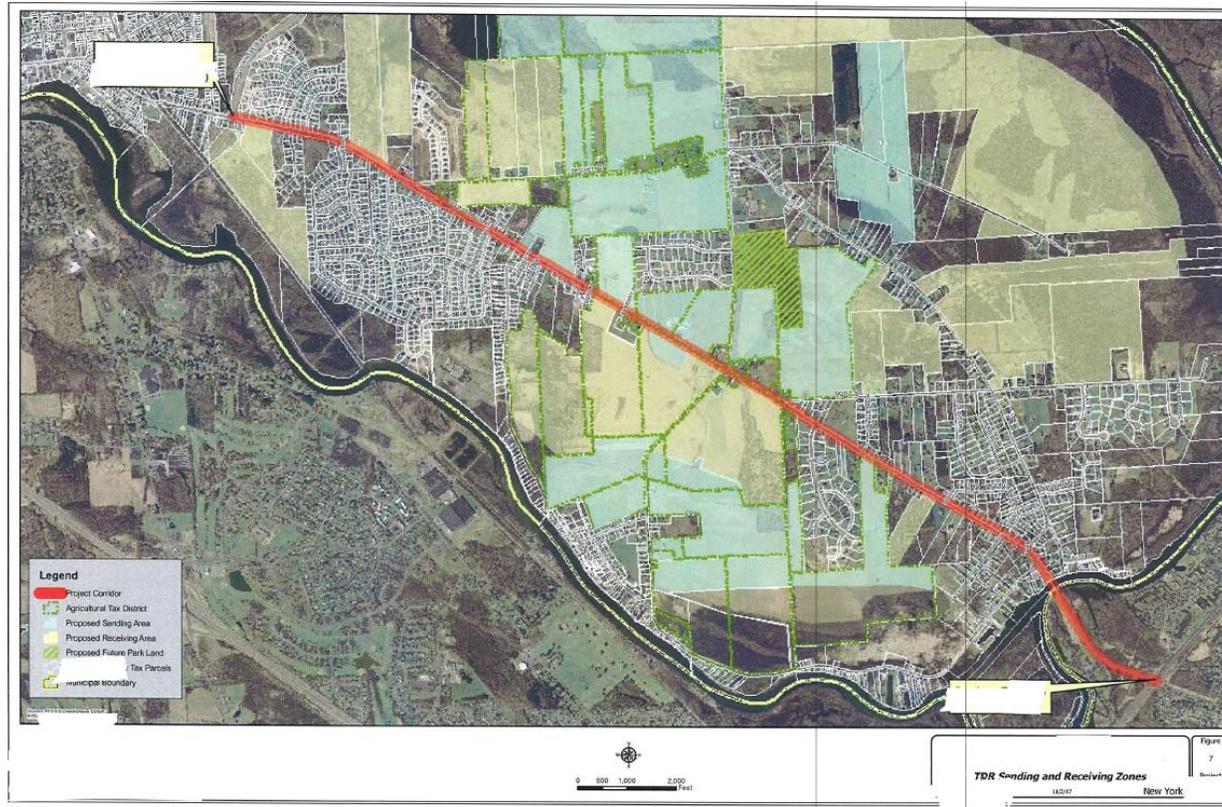
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S A M P L E – “Map-like” document illustrating “sending area(s)”



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- NOON – 12:30PM

Open Forum – Questions & Answers

NOTE: Please submit all questions in writing via email to:

david.behm@agriculture.ny.gov

Thank you!



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For more information, contact Dave Behm, Farmland Protection Program Manager:
david.behm@agriculture.ny.gov OR 518-485-7729

