

2014 ANNUAL REPORT  
AGRICULTURE & FARMLAND PROTECTION PROGRAM  
&  
NEW YORK STATE  
ADVISORY COUNCIL ON AGRICULTURE



DEPARTMENT OF AGRICULTURE AND MARKETS  
RICHARD A. BALL, COMMISSIONER

APRIL 2015



## Agricultural and Farmland Protection

Under the Agricultural and Farmland Protection Unit, the Division administers the provisions of the Agriculture and Markets Law, which includes: Article 25-AA (Agricultural Districts) to maintain viable agricultural lands, farm operations and the production of crops, livestock and livestock products, Article 25-AAA (Agricultural Protection and Development) to maintain working landscapes and the irreplaceable land base associated with it, and as a statutory party under Article VII and Article X of the Public Service Law, for the mitigation of agricultural impacts resulting from the construction of major gas pipeline(s), industrial wind turbines and electric power line facilities.

## New York Advisory Council on Agriculture

The Advisory Council on Agriculture was established by Chapter 79 of the Laws of 1980 to advise and make recommendations to State agencies on state government plans, policies and programs affecting farming and the agricultural industry of the State.

Members are appointed by the Governor with the consent of the Senate. Members are selected for their expertise related to areas of Council responsibility.

*This Annual Report is prepared and submitted consistent with the requirements of Section 309(7) and Section 304-b of Article 25-AA of the Agriculture and Markets Law.*

## MEMBERS

**Neal Rea, Chair**

**Frank Beyrodt Jr., Vice Chair**

**Jim Bittner**

**Samuel Casella**

**David Haight**

**Amy Machamer**

**Daniel McGarr (2014)**

**Brian Reeves (2015)**

**Daniel W. Sievert**

**Lesa Sobolewski**

**Kimberly Ann Wagner**

## Introduction

The Advisory Council on Agriculture worked to maintain the viability of New York's agricultural industry in 2014-2015. The Council continued to perform its statutorily defined roles of assisting in the management of the Agricultural Districts Program and oversight responsibilities related to farmland protection grant applications, sound agricultural practice opinions, agricultural assessment values, right to farm, notice of intent cases, agricultural protection and occasional grant programs for food and fiber production.

## Responsibilities

The duties and responsibilities of the Council are articulated in the Sections 297, 303, 303-a, 304, 304-a, 305(4), 308, 309, 325, and 329 of the Agriculture and Markets Law (AML). They are as follows:

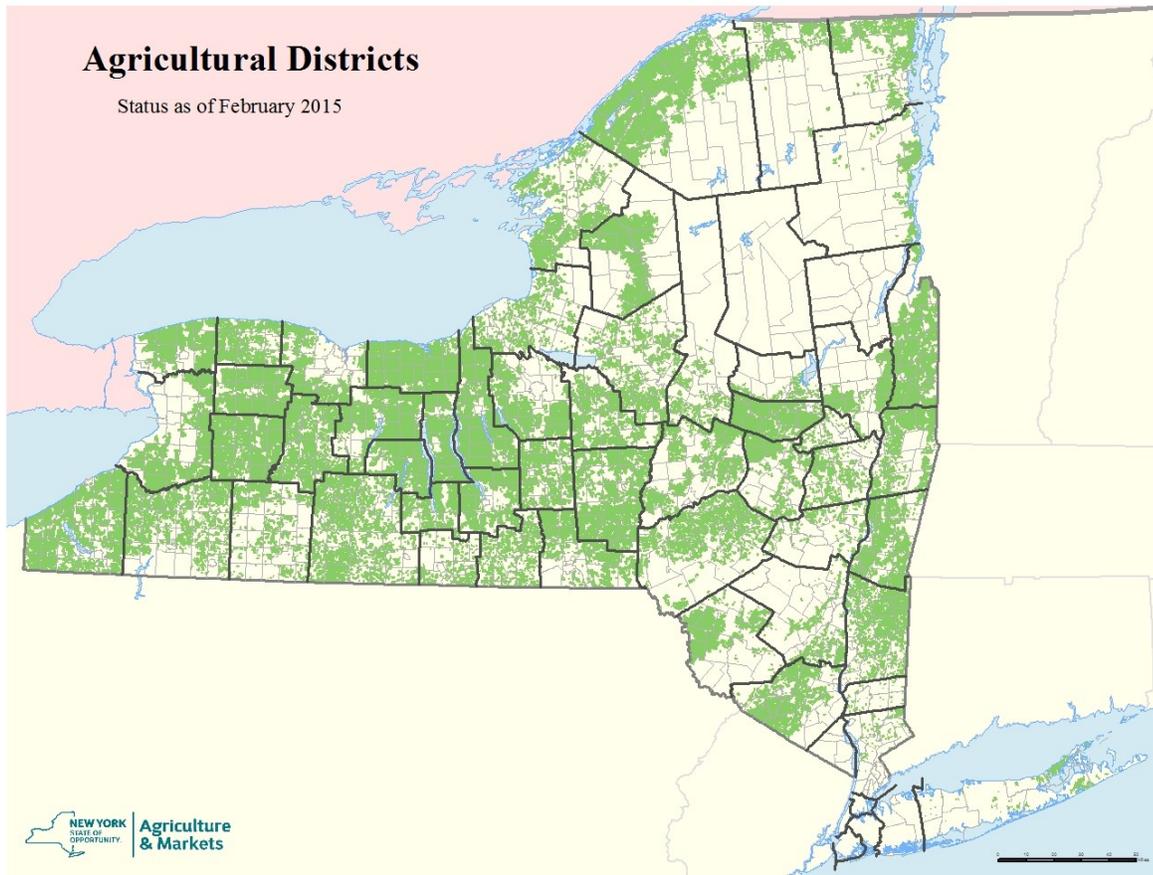
- provide advice, comments and recommendations to the Commissioner regarding the establishment and review of agricultural districts;
- provide advice, comments and recommendations to the State Board of Real Property Services regarding the establishment of agricultural assessment values and any revisions to the land classification system;
- provide advice to the Commissioner and other state agency heads on state plans, policies and programs affecting farming and the agricultural industry;
- assist the Commissioner in determining whether actions which are subject to the Notice on Intent requirements of AML will have an unreasonably adverse effect on the viability of a farm enterprise or enterprises located within an agricultural district;
- consult with the Commissioner on the issuance of sound agricultural practices opinions;
- advise the Commissioner regarding whether particular land uses are agricultural in nature;
- provide recommendations and advise the Commissioner on the operation of the Food and Agriculture Industry Development Program; and
- consult with the Commissioner on the identification and coordination of the resources available for the Farmland Protection Program.

## Activities

During the program year (January 1, 2014 –December 31, 2014) the Advisory Council met in formal session with Commissioner Richard A. Ball and Department staff. This meeting dealt with Agricultural Districts, Agricultural Assessment Program needs and opportunities, the Agricultural Planning and Implementation Programs, and Farmland Protection activities. Minutes from the meeting can be obtained [online](#).

## Agricultural District Reviews

Since 1971, the Agricultural Districts Law, Article 25-AA of the Agriculture and Markets Law, has been the centerpiece of state and county level efforts to preserve, protect and encourage the development and improvement of agricultural land for the production of food and other agricultural products.



The New York State Constitution directs the Legislature to provide for the protection of agricultural lands. The Agricultural Districts Law meets, in part, that constitutional mandate by providing a locally initiated mechanism for the protection and enhancement of farm lands as a viable segment of the local and state economies and as an economic and environmental resource of major importance.

Several benefits accrue to farm operations conducted within certified agricultural districts. Chief among these are:

- the limitation on the exercise of eminent domain and other public acquisitions, and on the advance of public funds for certain construction activities,
- the limitation on the siting of a solid waste management facility on land in agricultural production,
- the limitation on the power to impose benefit assessments, special ad valorem levies or other rates or fees in certain improvement districts or benefit areas,
- the requirement that local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations do so in a manner that realizes the intent of the Agricultural Districts Law and does not unreasonably restrict or regulate farm operations, and
- the requirement that applications for certain planning and zoning actions impacting a farm operation within an agricultural district or on lands within five hundred feet of a farm operation within an agricultural district include an agricultural data statement designed to allow the review agency to evaluate the possible impacts of the proposed action on the functioning of the farm operation.

Additionally, the Agricultural Districts Law establishes a land classification system used to assign agricultural assessment values to qualified properties both in and outside of a district, creates a process for the review of agricultural practices, discourages private nuisance lawsuits due to an agricultural practice which is determined to be sound, provides for advisory opinions as to whether particular land uses are agricultural in nature and requires disclosure to prospective grantees of real property that the property is in an agricultural district. The Agricultural Districts Law also defines the procedure for district creation.

Today, there are 217 state-certified agricultural districts in 53 counties in New York. These districts contain 8.75 million acres, about 25% of the total land mass of the state. There are 24,927 farms that are protected through their inclusion in agricultural districts. For a complete listing of the state's Agricultural Districts Profile and corresponding statistical data, visit the Division of Land and Water Resources on the [Department's website](#).

The Department is an active participant in the Governor's Open NY, a comprehensive data transparency website located at [Data.NY.Gov](#), which hosts hundreds of datasets, maps and charts from state agencies and authorities. Information about [Agricultural Districts](#) was added to the Department's available datasets.

The [Cornell Institute for Resource Information Systems](#) (IRIS) facilitates the [Agricultural District Mapping Program](#) (ADMP) on behalf of the [New York State Department of Agriculture and Markets](#). One of the responsibilities of IRIS is to support ADMP efforts by providing consulting services, and to review, distribute and archive maps to all of the participating units of local government and responsible state agencies.

[Cornell University Geospatial Information Repository](#) (CUGIR) is an active online repository in the [National Spatial Data Clearinghouse](#) program. CUGIR provides geospatial data and metadata for New York State, with special emphasis on those natural features relevant to agriculture, ecology, natural resources and human-environment interactions.

During the program year, the Advisory Council on Agriculture reviewed and made recommendations to the Commissioner on the statutory eight-year review of 18 agricultural districts. In addition, 37 counties provided annual inclusions to the Department to 93 agricultural districts. By law, agricultural districts are reviewed every eight, twelve or twenty years after creation. All 217 districts have an eight-year review cycle. In addition, counties must pick a 30-day period during the calendar year to solicit applications from landowners for the addition of land to an existing agricultural district.

## Comprehensive Land Use Plans, Local Laws, Ordinances, Rules & Regulations

The Agricultural Districts Law protects farmers against local laws which unreasonably restrict farm operations located within an agricultural district. Division staff, together with Department legal staff, review both existing and proposed laws to determine if they are compatible with farm operations. In cases where a local law is determined to be unreasonable, staff work with the involved local government to develop mutually accepted modifications. If a local government is unwilling to modify a restrictive law, the Department is authorized to take action to compel compliance with the Agricultural Districts Law. In a landmark decision, the State Court of Appeals ruled that the opinion of the Commissioner of Agriculture and Markets should be given deference in the interpretation and administration of this important right-to-farm protection.

During the past year, the Division made formal and informal responses to requests for review of local laws and ordinances. Over 125 reviews were conducted based upon requests from farmers (approximately 60% of the requests) and municipalities (approximately 40% of the requests). Requests from farmers involved compliance with local zoning laws, receipt of Notices of Violation, building permit fees, compliance with the state's building code, agricultural assessment issues, and neighbor relations. Municipal requests involved reviews of amendments to a municipal zoning codes and local laws, comprehensive plans and complaints against farm operations. Department staff worked with staff from the Department of State, Department of Health, Department of Environmental Conservation and the Department of Taxation and Finance to provide the appropriate technical assistance to both farmers and municipal staff. Department staff generally spent two evenings each month traveling around the state to speak with municipal boards and officials about the Agriculture and Markets Law, farm operations and protections afforded to farms under the agricultural districts law.

Formal requests for review must be provided to the Department in writing using the [Section 305-a Review Form](#). Section 305-a of Article 25-AA is the section of the Agriculture and Markets Law that provides the above-mentioned protections.

### Notice of Intent Reviews

Section 305(4) of the Agricultural Districts Law requires any state, public benefit corporation or government which intends to acquire certain land or an interest in certain land within an agricultural district, or which intends to advance public funds to assist the construction of residential, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures in an agricultural district, to use all practical means to minimize their impacts on agriculture. Local and State governmental entities and public benefit corporations must submit a Preliminary and Final Notice of Intent to the Commissioner and to the County Agricultural and Farmland Protection Board describing the project and offering mitigation measures to minimize impacts to farm operations located within an agricultural district.

Table 1-1 summarizes the Notice of Intent referrals that were reviewed during the program year.

## Agricultural in Nature Opinions

Section 308(4) of the Agricultural Districts Law states that the Commissioner, in consultation with the State Advisory Council on Agriculture, shall issue an opinion within 30 days upon request from any person as to whether particular land uses are agricultural in nature.

During this reporting period, the Commissioner issued one such opinion. This case involved the storage and land application of a byproduct produced in an anaerobic digester that was composed of food waste and biosolids. This byproduct is used as a soil amendment and fertilizer for the production of agricultural products.

Anaerobic digestion is a process that uses anaerobic bacteria to convert carbon and hydrogen in food waste and sludge to methane and carbon dioxide. The methane is used as fuel for the generation of electricity and as a heat source. The primary benefits of anaerobic digestion include nutrient recycling, waste treatment and odor control.

Based on the information provided and upon consultation with the Advisory Council on Agriculture, the Commissioner provided an opinion that the use of land for the storage and application of this byproduct for the production of crops as described was agricultural in nature.

## Right to Farm/Sound Agricultural Practices

Section 308(1) of the Agricultural Districts Law directs the Commissioner, in consultation with the Advisory Council on Agriculture, to issue opinions upon request as to whether particular agricultural practices are sound. Sound agricultural practices refer to those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of activities the commissioner may consider include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop protection methods, direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm, agricultural tourism, "timber operation," as defined in subdivision fourteen of section three hundred one of this article and construction and use of farm structures.

During this reporting period, there were no requests for right-to-farm opinions.

## Agriculture and Farmland Protection Program

New York State's Agricultural and Farmland Protection Program, authorized by Article 25-AAA of the Agriculture and Markets Law, was enacted in 1992. The program encourages counties and local governments to work with the agricultural community to preserve, conserve, manage and improve the state's farm economy and its land base. Fifty applications requesting \$40.8 million were reviewed and \$17.6 million was allocated in 2014 under Round 13 of the Farmland Protection Implementation Program to protect 6,440 acres of farmland. The following is a summary of the funded projects that were reviewed by the Advisory Council on Agriculture during the 2014-2015 program year. With the addition of these 21 projects in 12 counties across the state, the total acreage under the program is now approximately 59,000 acres.

## Farmland Protection Implementation Program Grant Awards

**Funding:** This year 21 recipients were awarded Round 13 funding through the Farmland Protection Implementation Program and are listed by economic development region below:

### Capital Region

**Agricultural Stewardship Association (Town of White Creek, Washington County; Town of Hoosick, Rensselaer) - \$904,246** - This land trust will permanently protect Landview Farms, a 611-acre dairy operation which helps to buffer Little White Creek.

**Agricultural Stewardship Association (Town of Brunswick, Rensselaer County) - \$340,651** - This land trust will permanently protect Homestead Farms, a 166-acre organically grown vegetable Community-Supported Agriculture (CSA) operation that also sells grass-fed beef, pastured poultry and cut flowers. Homestead Farms helps to buffer the Quacken Kill, a stream that supports a spawning native trout population.

**Agricultural Stewardship Association (Town of Hoosick, Rensselaer County) - \$42,215** - This land trust will lease the development rights for five years on the Berle Farm, a 604-acre farm operation featuring organic vegetables, beef, grains, popcorn, apples and dairy.

**Columbia Land Conservancy (Town of Ancram, Columbia County) - \$1,010,026** - This land trust will permanently protect Ronnybrook Farm, a 212-acre dairy operation with a milk processing facility.

**Saratoga PLAN (Town of Stillwater, Saratoga County) - \$844,613** - This land trust will permanently protect property as part of Welcome Stock Farm, a 556-acre dairy operation that borders the Saratoga National Historic Park and a portion of the Old Champlain Canal.

**Saratoga PLAN (Town of Ballston, Saratoga County) - \$968,471** - This land trust will permanently protect the Wm. H. Buckley Farm, a 260-acre livestock operation, which includes an onsite farm-store, café, and butcher shop.

**Town of Clifton Park (Saratoga County) - \$70,826** - The Town will lease the development rights for five years on Lindsey Orchard Farm, a 253-acre orchard.

**Town of Clifton Park (Saratoga County) - \$18,746** - The Town will lease the development rights for five years on the Miller Farm, an 82-acre field crop and orchard operation.

### Central NY

**Cazenovia Preservation Foundation (Towns of Cazenovia and Fenner, Madison County) - \$1,561,000** This land trust will permanently protect Pushlar Farms, a 569-acre dairy operation. The farm buffers Chittenango Creek, a stream that supports a spawning native trout population.

**Cortland County (Town of Homer) - \$2,000,000** - The County will permanently protect Peaceful Valley Farm, an 818-acre dairy, produce and timber operation. The farm helps to buffer the Cortland-Homer-Preble sole-source aquifer, which provides the majority of drinking water to county residents, and also buffers the Tioughnioga River and Cold Brook.

**Cortland County (Town of Preble) - \$936,260** - The County will permanently protect Gladtime Farms, a 145-acre property that is used to grow feed for a local dairy operation. This property helps to buffer the Cortland-Homer-Preble sole-source aquifer, which provides the majority of drinking water to county residents, and also buffers Tully Lake.

**New York Agricultural Land Trust (Town of Pompey, Onondaga County) - \$1,579,505** - This land trust will permanently protect a total of 616 acres comprised of several properties together operated as Palladino Farms, a cash crop operation. Continuous flowing natural springs on the properties, including one deed-protected spring dating back to the 1800s, help ensure a high quality base flow of water into two nearby creeks that support spawning native trout populations.

## **Finger Lakes**

**Finger Lakes Land Trust (Town of Canandaigua, Ontario County) - \$2,000,000** - This land trust will permanently protect Catalpa Farms, a 596-acre crop farm. The farms crop rotation consists of grain corn, soybeans, winter wheat, alfalfa hay and clover hay. Catalpa Farms includes onsite grain facilities capable of storing in excess of 100,000 bushels.

**Genesee Valley Conservancy (Town of Leicester, Livingston County) - \$552,545** - This land trust will permanently protect Moore Farms, a 475-acre cash crop operation. Moore Farms buffers Beards Creek and Little Beards Creek.

**Genesee Valley Conservancy (Town of Geneseo, Livingston County) - \$330,881** - This land trust will permanently protect Pleasant Hill Farm, a 221-acre dairy operation. Protection of Pleasant Hill Farm will add to the more than 5,600 acres already permanently protected by Genesee Valley Conservancy within the Town of Geneseo.

## **Long Island**

**Town of Southold (Suffolk County) - \$837,827** - The Town will permanently protect a 28-acre vineyard and winery. The farm is along the eastern edge of a 240-acre block of actively farmed and preserved agricultural land.

**Town of Southold (Suffolk County) - \$516,448** - The Town will permanently protect a 17-acre vineyard and winery. The farm adjoins a 110-acre block of actively farmed preserved agricultural land.

## **Mid-Hudson**

**Dutchess Land Conservancy (Town of Milan, Dutchess County) - \$347,850** - This land trust will permanently protect Great Song Farm, an 88-acre Community-Supported Agriculture (CSA) and farm store. The farm helps to buffer two tributaries and one sub-tributary to the Saw Kill.

**Dutchess Land Conservancy (Town of Pine Plains, Dutchess County) - \$1,278,338** - This land trust will permanently protect Schultz Hill Farms, a 183-acre dairy operation. Schultz Hill Farms helps to buffer one sub-tributary to Shekomeko Creek, a stream that supports a spawning native trout population. Scenic Hudson Land Trust will contribute \$405,162 and the Dutchess Land Conservancy will contribute \$5,000 toward this project.

**Orange County Land Trust (Town of Hamptonburgh, Orange County) - \$931,800** - This land trust will permanently protect a total of 142 acres of properties jointly operated as Windfall Farms, a vegetable operation. The farm helps to buffer Beaverdam Brook and lies within the Northern Wallkill Priority Area designated for farmland protection by this land trust.

**Scenic Hudson Land Trust (Town of Cornwall, Orange County) - \$531,900** - This land trust will permanently protect Jones Farm, an 86-acre fruit-vegetable-hay operation with onsite bakery, gift shop, cold storage and kitchen. Jones Farm helps to buffer the adjoining Hudson Highlands Nature Museum.

**Total Round 13 New York State Farmland Protection: \$17,604,148**

## **Farmland Protection Planning Program**

The Department provides state assistance payments to counties and municipalities to develop local agricultural and farmland protection plans. Agricultural and farmland protection plans should identify land or areas proposed to be protected and describe activities, programs and strategies intended to be used to promote continued agricultural use.

Counties are eligible for grants up to \$50,000 or 50% of the cost (whichever is less) and municipalities are eligible for grants up to \$25,000 or 75% of the cost (whichever is less) for developing a local farmland protection plan. The local share of funding must be provided in at least 20% cash (no more than 80% can be in-kind services).

## Municipal Applications - \$150,000

A total of six municipal applications have been received by the Department. All six applications have been reviewed by Department staff and deemed complete. Each application identifies work tasks that address the basic requirements set by the state in Agriculture and Markets Law's Municipal Agricultural and Farmland Protection Program (Circular 1500 section 324-a).

<u>Requested</u>	<u>Municipality</u>	
\$ 25,000	Town of Cortlandville	(Cortland County)
\$ 25,000	Town of Dryden	(Tompkins County)
\$ 25,000	Town of Alabama	(Genesee County)
\$ 25,000	Town of Oakfield	(Genesee County)
\$ 25,000	Town of Sparta	(Livingston County)
\$ 25,000	Town of Canandaigua	(Ontario County)

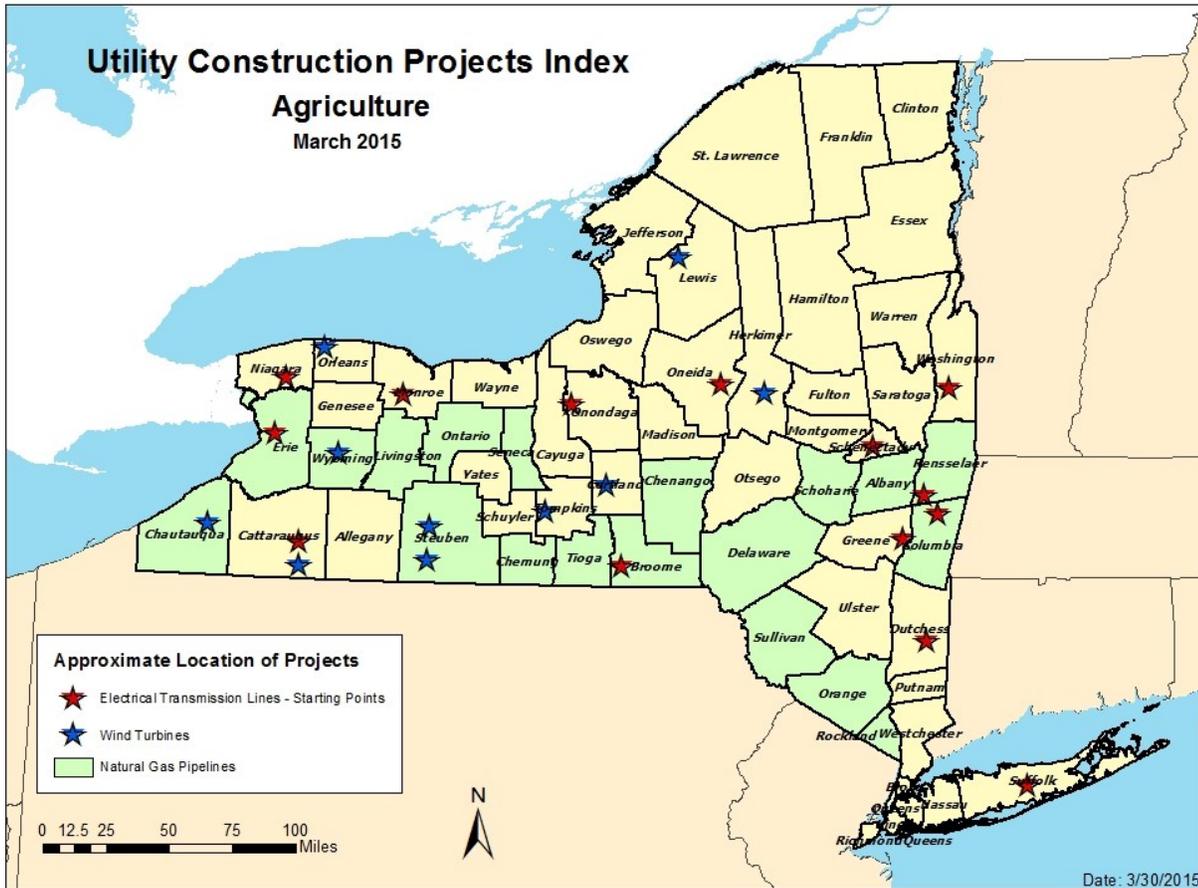
## County Applications - \$226,625

A total of seven county applications were received by the Department. All seven applications have been reviewed by the Department staff and deemed complete. Each application identifies work tasks that address the basic requirements set by the state in Agriculture and Markets Law's County Agricultural and Farmland Protection Program (Circular 1500 section 324).

<u>Requested</u>	<u>County</u>	<u>Requested</u>	<u>County</u>
\$ 50,000	Genesee County	\$ 35,000	Montgomery County
\$ 25,000	Schoharie County	\$ 50,000	Broome County
\$ 13,500	St. Lawrence County	\$ 15,000	Oneida County
\$ 38,125	Washington County		

## Construction Projects Affecting Farmland

The Department is involved in reviewing various construction projects affecting farmland. Department staff work with project sponsors from the early planning stages of a construction project through final restoration to ensure that impacts to agricultural resources are minimized and/or properly mitigated. The Department has been involved in a wide range of construction projects including natural gas pipelines, electric transmission lines, natural gas well drilling, highway projects, and industrial wind farms.



The Department is a statutory party to all proceedings related to natural gas pipelines, electric transmission lines and wind turbines certified pursuant to Article VII and Article X of the Public Service Law. Division staff responsibilities include reviewing project proposals to determine potential siting and construction impacts to agricultural resources on farms and recommending alternatives which would mitigate or minimize the potential for serious adverse agricultural effects.

The Department also participates as a “Cooperating Agency” in all Federal Energy Regulatory Commission proceedings involving gas pipelines in New York that impact agricultural land.

Similarly, the Department reviews other projects such as natural gas well drilling, highway construction, water and sewer line installations and wind farm construction for potential impacts to agricultural resources. Staff provide pre-application information to project sponsors on specific agricultural resources. Staff also conduct on-site reviews during construction and restoration to assess level of compliance with stipulations and permit conditions for construction involving agricultural land concerns in the project area. Currently, the Division is involved with projects that involve 685 miles of gas pipeline, 1011 miles of electrical transmission lines and 415 wind turbines (see above map).

More information and standards are available on the [Division’s website](#).

## Summary Comments

The Agricultural Districts Law continues to demonstrate its critical role with regard to maintaining a viable agricultural industry in New York State. This law serves as a foundational underpinning for farmers' ability to conduct their business within an environment that is actively supportive of production agriculture.

The State Constitution acknowledges that agricultural lands are a necessary and irreplaceable resource that must be protected to assure economic stability and growth within the agricultural industry. The Department of Agriculture and Markets and the Advisory Council on Agriculture, through programs they administer, offer opportunities and incentives to keep farmland in production. Since 1996, the Farmland Protection Program has awarded over \$145 million throughout the state, partnering with federal and local governments and private funds, to permanently protect viable, irreplaceable farmland.

New York's fertile lands, ample water and supportive economic climate create an overall environment that is favorable for agricultural growth and vitality. The Advisory Council on Agriculture, in concert with the Department of Agriculture and Markets, looks forward to assisting the Governor, the Commissioner of Agriculture and Markets, the State Legislature and the farm community in bringing focus to programs, policies and issues which impact upon the economic viability and growth of the agricultural industry.

TABLE 1-1: Notice of Intent Referral Summary

COUNTY	TOWN	Dist. #	NOI or WAIVER	ACTION TAKEN - DETERMINATION
Cattaraugus	Machias	5	Sewer District Improvements	The transmission main will be installed within the road right-of-way, and access to agricultural fields will be provided.
Cattaraugus	Village of Cattaraugus	4	Water System Improvements Project	Reviewed, no action required.
Cayuga	Brutus	5, WD #9	Construction of Potable Water System	The Town's adoption of the Department's construction standards and its adoption of a lateral restriction policy on land within the agricultural district.
Chautauqua	Vil. Of Sinclairville T. of Charlotte and Gerry	13	Water System Improvement Project	The minimal amount of farmland affected by the project and the Village's adoption of the Department's construction standards.
Clinton	Champlain	6, WD #6	Shared Water and Sewer System Improvements	Town's adoption of the Department's construction standards, the lack of non-agricultural growth within the area and the fact that a majority of the lines to be constructed will replace existing lines.
Delaware	N/A	2	Waiver NYC PDR—Willing seller	Reviewed, no action required.
Delaware	N/A	3	Waiver NYC PDR—Willing seller	Reviewed, no action required.
Delaware	N/A	3	Waiver NYC PDR—Willing seller	Reviewed, no action required.
Delaware	N/A	1	Waiver NYC PDR—Willing seller	Reviewed, no action required.
Delaware	N/A	4	Waiver NYC PDR—Willing seller	Reviewed, no action required.
Delaware	Walton	N/A	Waiver Watershed Ag Council PDR	Reviewed, no action required.
Delaware	N/A	3	Waiver NYC PDR—Willing seller	Reviewed, no action required.
Delaware	N/A	4	Waiver NYC PDR—Willing seller	Reviewed, no action required.
Delaware	N/A	2	Waiver NYC PDR—Willing seller	Reviewed, no action required.

<b>COUNTY</b>	<b>TOWN</b>	<b>Dist. #</b>	<b>NOI or WAIVER</b>	<b>ACTION TAKEN - DETERMINATION</b>
Delaware	N/A	2	Waiver NYC PDR—Willing seller	Reviewed, no action required.
Delaware	Andes & Middletown	N/A	Waiver NYC WAC PDR- Willing seller	Reviewed, no action required.
Delaware	Hamden	N/A	Waiver NYC WAC PDR- Willing seller	Reviewed, no action required.
Delaware	Delhi	N/A	Waiver NYC WAC PDR - Willing seller	Reviewed, no action required.
Delaware	Walton	2	Waiver, PDR - Willing seller	Reviewed, no action required.
Erie	Alden	16	Expansion of Water System	Town's adoption of the Department's construction standards and its commitment to adopt lateral restrictions for properties located within a county adopted, State certified agricultural district.
Genesee	Oakfield	2, WD #5	Construction of 4,400 ft. of water main (Xref: AP 12/032)	Town participation in Genesee County's Smart Growth Plan, its adoption of the Department's construction standards and its commitment to adopt a lateral restriction policy.
Genesee	Batavia	2	Construction of a Waterline	Town's commitment to adopt the Department's construction standards; the Town's participation in the Genesee County Smart Growth Plan; and the Town's commitment to adopt lateral restrictions.
Genesee	Batavia	2	Construction of a Waterline	The Town's participation in the Genesee County Smart Growth Plan; and the Town's commitment to adopt lateral restrictions.
Genesee	Elba	2, 4 WD #1	Construction of a Waterline	Reviewed, no action required.
Genesee	Oakfield	2, WD #7	Construction of Water Main, approx. 27,700 LF of 8 in water main	Town's participation in Genesee County's Smart Growth Plan; its adoption of the Department's construction standards; its commitment to adopt lateral restrictions for properties located within a county adopted, State certified agricultural district; and the placement of hydrants and valve boxes outside of agricultural fields.
Genesee	Byron	4, WD #6	Construction of a Waterline	Town's participation in Genesee County's Smart Growth Plan; its adoption of the Department's construction standards; and its commitment to adopt lateral restrictions for properties located within a county adopted, State certified agricultural district.

<b>COUNTY</b>	<b>TOWN</b>	<b>Dist. #</b>	<b>NOI or WAIVER</b>	<b>ACTION TAKEN - DETERMINATION</b>
Genesee	Stafford	4, WD #10	Construction of a Waterline	Town's commitment to adopt the Department's construction standards; the Town's participation in the Genesee County Smart Growth Plan; and the Town's commitment to adopt lateral restrictions.
Jefferson	Cape Vincent	2, WD #6	Construction of a water main	Town to adopt the Department's construction standards and the minimal amount of farmland affected by the proposed action.
Livingston	York	1	NYS Route 36 Water Main	The Town's adoption of the Department's construction standards and its commitment to adopt a lateral restriction policy.
Livingston	York	1	Water System Improvements	Reviewed, no action required.
Livingston	York	1	McVean Road Water Main Ext.	The Town's adoption of the Department's construction standards and its commitment to adopt lateral restrictions.
Monroe	Webster	NE	Waiver, water main	Reviewed, no action required.
Monroe	Webster	NE	Waiver, water main	Reviewed, no action required.
Niagara	Pendleton Lockport, Royalton, Alabama, Village of Middleport	6, 9	Construction of 16", 24" & 36" water transmission main	The Town's adoption of the Department's construction standards and the fact that the line to be installed is for transmission purposes only.
Ontario	Victor	1	Blazey Road Water main Replacement	The MCWA's adoption of the Department's construction standards, the fact that the project replaces existing water lines that have a high failure rate, and the statement by the MCWA that the new water main will increase its service area.
Orange	Warwick	2	Waiver	Reviewed, no action required.
Orange	Warwick	2	Waiver	Reviewed, no action required.
Orange	Warwick	2	Waiver	Reviewed, no action required.
Orange	Warwick	2	Waiver	Reviewed, no action required.
Orleans	Clarendon	2, WD #11	Construction of a Water Main	The Town's adoption of the Department's construction standards and its commitment to adopt a lateral restriction policy.

<b>COUNTY</b>	<b>TOWN</b>	<b>Dist. #</b>	<b>NOI or WAIVER</b>	<b>ACTION TAKEN - DETERMINATION</b>
Oswego	Mexico	11	Water Main Installation - Water Service Area #3	Reviewed, no action required.
Oswego	Volney	11	Const. of Water Main Installation	Reviewed, no action required.
Oswego	Schroepfel	11	Phase 1 Water District Project, County Routes 10/12 and Pennellville	Reviewed, no action required. *Also see File No. 13/023
St. Lawrence	Norfolk	2	Cook Street Water District Project	Reviewed, no action required.
Steuben	Erwin	6	Coopers Plains-Long Acres Wastewater Collection System	The Town's adoption of the Department's construction standards and its commitment to adopt a lateral restriction policy.
Suffolk	Southold	1	Waiver, PDR—Willing seller	Reviewed, no action required.
Suffolk	Southold	1	Waiver, PDR—Willing seller	Reviewed, no action required.
Ulster	Grahamsville	3	Waiver NYC WAC PDR- Willing seller	Reviewed, no action required.
Wayne	Wolcott	1	Water main Extension	Town's adoption of the Department's construction standards and the water main serves as a back-up water supply to Wayne County Eggs, the only landowner with agricultural property located within the affected agricultural district.
Wayne	Wolcott & Huron	1, Huron SD #1	Construction of a Sanitary Sewer System	Town's adoption of the Department's construction standards and the Town of Wolcott's commitment to adopt a lateral restriction policy for land located within Wayne County Agricultural District No.1.
Yates	Village of Dundee	1	Water System Improvements Project	Village to construct the water main within the highway ROW and/or strip easements; to repair farm access roads and surface/subsurface drainage; to adopt the Department's construction standards; to locate hydrants or other water main related improvements outside farm fields; and to notify the Department when construction begins so that an inspector can be present.