

## NYS Town Law

### § 283-a. Coordination with agricultural districts program.

1. Policy of local governments. Local governments shall exercise their powers to enact local laws, ordinances, rules or regulations that apply to farm operations in an agricultural district in a manner which does not unreasonably restrict or regulate farm structures or farming practices in contravention of the purposes of article twenty-five-AA of the agriculture and markets law, unless such restrictions or regulations bear a direct relationship to the maintenance of public health or safety.
2. Agricultural data statement; submission, evaluation. Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval by the town board, planning board, or zoning board of appeals pursuant to this article, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The town board, planning board, or zoning board of appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulation.
3. Agricultural data statement; notice provision. Upon the receipt of such application by the planning board, zoning board of appeals, or town board, the clerk of such board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant.
4. Agricultural data statement; content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.
5. Notice to county planning board or agency or regional planning council. The clerk of the town board, planning board, or zoning board of appeals shall refer all applications requiring an agricultural data statement to the county planning board or agency or regional planning council as required by sections two hundred thirty-nine-m and two hundred thirty-nine-n of the general municipal law.



AGRICULTURAL DATA STATEMENT

1. Name and address of applicant:

Marty Mosley (Agent)  
449 Seefield Rd  
Groton NY 13073

2. Location of the proposed action:

2207 Dryden Rd. Freeville NY 13068

3. Description of the proposed action to include: (1) Size of parcel or acreage to be acquired and tax map identification number of tax parcel(s) involved; (2) The type of action proposed (e.g., single-family dwelling or subdivision, multi-family development, apartment complex, commercial or industrial facility, school, community or public service facility, airport, etc.) and (3) project density.  
**[Please provide this information on the reverse side of this application and attach additional description as necessary.]**

4. Name, address, telephone number and type of farm of owner(s) of land within the agricultural district which land contains farm operation(s) and upon which the project is proposed or which is located within 500 feet of the boundary of the property upon which the project is proposed:

A. Name: \_\_\_\_\_  
Address & Telephone #: 36 South Street Dryden NY 13068  
Type of farm: Field/crops

B. Name: \_\_\_\_\_  
Address & Telephone #: 2265 Dryden Rd, Dryden NY 13053  
Type of farm: Dairy Farm

C. Name: \_\_\_\_\_  
Address & Telephone #: 2242 Dryden Rd, Dryden NY 13053  
Type of farm: Dairy Farm

D. Name: \_\_\_\_\_  
Address & Telephone #: \_\_\_\_\_  
Type of farm: \_\_\_\_\_

5. Tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the ADS.

**PROCESSING AN AGRICULTURAL DATA STATEMENT**  
**(Pursuant to Section 305-a of the Agriculture and Markets Law)**

- Any application requiring:
  - Special use permit
  - Site plan approval
  - Use variance or
  - Subdivision approval
- Which requires approval by:
  - A Planning Board
  - Zoning Board of Appeals
  - Town Board or
  - Village Board of Trustees

Must submit an Agricultural Data Statement (ADS) if the proposed project occurs on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located within an agricultural district.

- Content of an Agricultural Data Statement requires:
  - Name and address of applicant,
  - Description of the proposed project and its location,
  - Name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundaries of the property upon which the project is proposed
  - A tax map or other map showing the site of the proposed project relative to the location of the farm operations identified in the ADS.
- The Clerk of the appropriate governmental entity is required to mail a written notice containing a description of the proposed project and its location to owners of land as identified by the applicant in the ADS.
- The local reviewing board must evaluate and consider the ADS to determine the possible impacts of the proposed project may have on the functioning of farm operations within the subject agricultural district.

**Procedural Considerations**

- A map of the town's agricultural district(s) should be well displayed within the municipal office where land use applications are submitted. The map will benefit both the applicant and municipal review officer in determining the



location of the subject parcel. An Agricultural District map<sup>1</sup> can be obtained from either the County Planning Department or Clerk of the County Legislative Body.

- The local reviewing board should ascertain present and future farming conditions to ensure the proposed land use does not conflict with current or future farming activities. A farmer's knowledge of local agricultural conditions is fundamental for the local reviewing board's evaluation and determination of appropriate mitigation measures and whether the action proposed will conflict with farming practices.
- The County Agricultural and Farmland Protection Board may assist local reviewing boards in project evaluation. Members of the Board include the County Planning Directors, a County Cooperative Extension Agent and the Chair of the County Soil and Water Conservation District's Board of Directors.
- A copy of the completed ADS and action by the local reviewing board should be submitted to the County Agricultural and Farmland Protection Board for its records.

*(Faint, mirrored text from the reverse side of the page, including phrases like "Name and address of applicant", "Location of the proposed project and its location", "A tax map or other map showing the site of the proposed project relative to the location of the farm operations identified in the ADS", and "The local reviewing board must evaluate and consider the ADS in determining the possible impact of the proposed project may have on the functioning of farm operations within the subject agricultural district.")*

Prescribed Considerations

*(Faint, mirrored text from the reverse side of the page, including phrases like "A map of the town's agricultural district(s) should be well displayed within the municipal office where land use applications are submitted. The map will benefit both the applicant and municipal officials.")*

<sup>1</sup> Tax map identification numbers of all parcels within a district are listed and are on file at either the County Real Property Tax Office or the County Clerk's Office.

**Agriculture and Markets Law**  
**Article 25 AA – Agricultural Districts**

**305-a. Coordination of local planning and land use decision-making with the agricultural districts program**

**1. Policy of local governments.**

- a. Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article, and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened.
- b. The commissioner, upon his or her own initiative or upon the receipt of a complaint from a person within an agricultural district, may bring an action to enforce the provisions of this subdivision.

**2. Agricultural data statement; submission, evaluation. Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval by a planning board, zoning board of appeals, town board, or village board of trustees pursuant to article sixteen of the town law or article seven of the village law, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The planning board, zoning board of appeals, town board, or village board of trustees shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulation.**

**3. Agricultural data statement; notice provision. Upon the receipt of such application by the planning board, zoning board of appeals, town board or village board of trustees, the clerk of such board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant.**

**4. Agricultural data statement; content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.**





TOWN VILLAGE CITY OF Dryden

Application # \_\_\_\_\_

# Agricultural Data Statement

Date 8/10/23

**Instructions:** This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: <u>Marty Wozney (Agent)</u> Address: <u>449 Schofield Rd</u> <u>Greton NY 13073</u>	Name: <u>Michael Morusky</u> Address: <u>411 N. Tioga St.</u> <u>Ithaca NY 14850</u>

- Type of Application:  Special Use Permit;  Site Plan Approval;  Use Variance;  
(circle one or more)  Subdivision Approval
- Description of proposed project: proposed retail business to be located in previously established retail business
- Location of project: Address: 2207 Dryden Rd. Freeville NY 13069  
Tax Map Number (TMP) 47.-1.-1.39
- Is this parcel within an Agricultural District?  NO.  YES (Check with your local assessor if
- If YES, Agricultural District Number # 1 you do not know)
- Is this parcel actively farmed?  NO  YES
- List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: _____ Address: <u>36 South Street</u> <u>Dryden NY 13053</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	Name: _____ Address: <u>2205 Dryden Rd.</u> <u>Dryden NY 13053</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
Name: _____ Address: <u>2242 Dryden Rd</u> <u>Dryden Rd. 13053</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

[Signature]  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by: \_\_\_\_\_ Date \_\_\_\_\_  
Signature of Municipal Official

**NOTE TO REFERRAL AGENCY:** County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.