

RESOLUTION NO. – 2023

WHEREAS, the County, by Resolution No. 223-2000, submitted a proposal to the New York State Commissioner of Agriculture and Markets to establish Westchester County Agricultural District No. 1, which was certified by the New York State Commissioner of Agriculture and Markets and became effective on July 19, 2001 with an eight-year review period; and

WHEREAS, the County, by Resolution No. 161-2010, after conducting a review of the district in accordance with Agricultural Districts Law, submitted a proposal to the New York State Commissioner of Agriculture and Markets to continue the Westchester County Agricultural District No. 1 with modifications including limiting the district to certain municipalities within the County and creating criteria for parcels to be located within the district, which was certified by the New York State Commissioner of Agriculture and Markets and became effective on September 19, 2011; and

WHEREAS, the County, by Resolution No. 70-2017, after conducting a review of the district in accordance with Agricultural Districts Law, submitted a proposal to the New York State Commissioner of Agriculture and Markets to continue the Westchester County Agricultural District No. 1 with the previous modifications including limiting the district to certain municipalities within the County and creating criteria for parcels to be located within the district, which was certified by the New York State Commissioner of Agriculture and Markets and became effective on August 17, 2017; and

WHEREAS, the County, by Act No. 55-2004 in accordance with Section 303-b of New York State Agriculture and Markets Law, established an annual 30-day period in which to receive applications for the inclusion of additional parcels of land within Westchester County Agricultural District No. 1, which was repealed and replaced by Act. No. 95-2017 establishing the 30-day period as the month of March; and

WHEREAS, Westchester County Agricultural District No. 1 is the only certified agricultural district within Westchester County; and

WHEREAS, the Westchester County Board of Legislators has received five applications for inclusion of parcels of land into Westchester County Agricultural District No. 1; and

WHEREAS, the Westchester County Board of Legislators has also received two applications to reinstate parcels of land back into Westchester County Agricultural District No. 1.; and

WHEREAS, the applications were forwarded to the Westchester County Agriculture and Farmland Protection Board (AFPB) for review and report, and the AFPB, after due deliberation and consideration of the conditions of each parcel and the agricultural operations on them or planned for them, determined: (1) whether the parcels consisted primarily of viable agricultural land as defined by New York State Agriculture and Markets Law; (2) whether the existing or proposed agricultural operation serves the public interest by assisting in maintaining a viable agricultural industry; and (3) whether the application met the eligibility requirements and satisfied the evaluation criteria associated with the district as modified during the recertification

process; and recommended approval of ~~four~~ all five of the applications as described in the AFPB report as well as reinstatement of the two farms previously included in the district; and

WHEREAS, agricultural land contributes significantly to the quality of life in Westchester County by providing open space, links to our cultural history, vegetative and wildlife habitat, and a local source of fresh food; and

WHEREAS, the protection and enhancement of agricultural land is in furtherance of the County's goals to protect natural and cultural resources, preserve open space and community character, and reduce the environmental impacts associated with development; and

WHEREAS, a duly noticed public hearing was held on _____, at which time local municipalities, the public, and other interested parties were given the opportunity to comment on the proposed addition of parcels to the Agricultural District;

NOW, THEREFORE, BE IT RESOLVED, that the Westchester County Board of Legislators approves the inclusion, subject to the limitations (if any) expressed in the report of the Westchester County Agriculture and Farmland Protection Board, of the following applications for additional parcels of land within the Westchester County Agricultural District No. 1: Application #2023-01, #2023-02, #2023-03, #2023-04, #2023-05, which applications are more fully described in the report of the Agriculture and Farmland Protection Board, as well as reinstatement of two farms previously included in the district, denoted as #2023-RE-01 and #2023-RE-02; and

BE IT FURTHER RESOLVED, that the Clerk of the Board is directed to forward a copy of this Resolution, along with the report of the Agriculture and Farmland Protection Board and other required information in support of the applications to the Commissioner of the New York State Department of Agriculture and Markets for review and certification.

Dated: 2023
White Plains, New York



Report of the
Westchester County Agriculture and Farmland Protection Board
for the Addition of New Parcels to
Westchester County Agricultural District No. 1
Calendar Year 2023

Adopted May 16, 2023

Revised via email vote July 14, 2023

Background:

Westchester County encourages the preservation of agricultural land and the promotion of the agricultural industry within the county in recognition of the important role it plays in protecting open space and the environment; preserving community, cultural, and scenic character; providing locally grown agricultural products; offering unique agricultural services and educational opportunities; and supporting the economy. The County has implemented a number of programs and initiatives to protect its remaining farmland and encourage a strong agricultural industry, including the creation of the County Agriculture and Farmland Protection Board and the Westchester County Agricultural District. Agricultural districts provide benefits that help make and keep farming as a viable economic activity, thereby maintaining land in active agricultural use. Agricultural districts encourage development pressure to focus on other areas of a community and provide farm owners protection under the state's Right to Farm laws.

Agricultural Districts must be recertified periodically (the review period for Westchester's Agricultural District is every eight years). The Westchester County Agricultural District was certified by the New York State Commissioner of Agriculture in 2001. The County began the evaluation and recertification process in 2008, culminating with the submission in 2010 of proposed modifications to the District. The District was recertified by the Commissioner of Agriculture in September 2011, incorporating those proposed modifications, which include limiting the District to the Towns of Cortlandt, Yorktown, Somers, North Salem, Bedford and Lewisboro; the Village of Sleepy Hollow and the portion of Mount Pleasant west of the Taconic State Parkway. The following criteria were also developed to be used in the evaluation of proposals to include additional land within the district. The District was recertified in 2017 with the same geographic limitations and evaluation criteria.

1. Farm operations must be of a minimum size or scale. For each farm operation (not each individual parcel), the total area of the farm parcels must be a minimum of seven acres and the farm must have a minimum of \$10,000 annual gross sales value, as defined in Ag and Markets Law. A farm operation that does not meet the seven-acre minimum may be eligible for inclusion if it has a minimum of \$50,000 annual gross sales value, as defined in Ag and Markets Law.
2. Individual parcels must function as a single farm. If parcels of land are not contiguous, the applicant must adequately demonstrate that the individual parcels function as a single farm operation.
3. The parcel(s) must be able to support the agricultural activity. The applicant must demonstrate that the land is capable of supporting the agricultural activity.
4. The agricultural operation must be the predominant commercial land use of the site. The agricultural activity on each parcel of land must constitute a minimum of 51% of the land area of the parcel, excluding fallow land, wooded portions of the property or portions of the property used as a residence.

The agricultural activity on each parcel of land must also constitute a minimum of 51% of the annual gross sales value generated on the parcel.

5. Sound agricultural practices must be employed to protect environmental resources. Applicants must demonstrate that the agricultural operation is operating under a Whole Farm Plan, nutrient management plan, integrated pest management plan or similar plan to ensure that excess nutrients, pesticides, herbicides and pathogen transfer off-site is avoided to the maximum extent practical through the implementation of agricultural best management practices.
6. Other information may be required. The Agriculture and Farmland Protection Board reserves the right to request additional information it determines necessary to fully evaluate the operation or land.

In 2003 New York State Agriculture and Markets Law (AML) was amended to allow property owners to petition to include their lands within an existing agricultural district. Prior to the 2003 amendment, property owners would have to wait until the district was renewed at the end of the recertification period. Lands to be included in the district must be determined to be predominantly viable agricultural land per AML §301.7 and also serve the public interest by assisting in maintaining a viable agricultural industry within the district. Applications are made to the Westchester County Board of Legislators, which refers the requests to the Westchester County Agriculture and Farmland Protection Board (AFPB) for review and recommendation back to the Board of Legislators. Final recommendations are sent to the State Commissioner of Agriculture for review and certification. The application period ends March 31 of each year. This report represents the results of the review of the AFPB for applications received for 2022.

2023 Applications and Recommendations:

For calendar year 2023, the Westchester County Agriculture and Farmland Protection Board received five (5) applications for the inclusion of additional land within Westchester County Agricultural District Number 1. The AFPB recommends inclusion of applications 2023-01 through 2023-05, with the proviso that an amended variance from the Town of North Salem be received for application 2023-01 prior to inclusion. More detailed information is included in the following section.

Application	Farm Name	SBL	Acres	Street Address	Municipality
2023-01	Harring Brook Farm	38.-1709-4	6.97	732 Titicus Rd	North Salem
2023-02	Cipriano Farm	77.11-2-5	16.14	371 Smith Ridge Rd	Lewisboro
		77.11-2-11	0.55	387 Smith Ridge Rd	Lewisboro
		77.04-3-61	3.13	469 Smith Ridge Rd	Lewisboro
		77.04-3-59	1.96	475 Smith Ridge Rd	Lewisboro
		77.04-3-58	0.71	5 East St	Lewisboro
2023-03	Boniello Farm	26.16-1-3.1	36.14	81 Mahopac Ave	Somers
2023-04	Capoccia/Pegues	48.17-1-7	7.93	78 Moseman Ave	Somers
		48.18-1-1	4.89	84 Moseman Ave	Somers
2023-05	Indian Hollow Farm	74.17-1-25	79.16	27 Jingle Rd	Bedford

Reinstatements of Farms Previously in the Agricultural District

The Agriculture and Farmland Protection Board has created an expedited process for the reinstatement of parcels that were previously in the agricultural district but not included in a subsequent recertification due to no fault of the property owner and where the nature and scale of the farm operation has not changed. Proposed reinstatements are subject to the following.

1. The BOL process to recommend parcels to the state has not concluded.
2. The County receives a completed application form, with information addressing the following issues.
 - a. The farm parcels were not intentionally removed from the ag district by the County or property owner for any reason.
 - b. The size and nature of the farm operation is essentially the same as when the farm was previously in the agricultural district.
 - c. The applicant intends to continue the operation in its current state and original type of agricultural operation, with only modest changes or increases in size or scale.
3. The County Agriculture and Farmland Protection Board votes affirmatively, either in person or by email, to reinstate the farm operation.

This process is intended to address instances where farms have, either as an oversight or miscommunication between the County and farm owner or other guileless error, been removed from the agricultural district during the recertification process and have not (and are not proposed to be) changed substantially in nature or scale since when they were originally in the agricultural district.

Application	Farm Name	SBL	Acres	Street Address	Municipality
2023-RE-01	Birdstone Farm	53.1-3-20	43.75	20 Boutonville Rd S	Lewisboro
		10526-4.9-2	18.14	20 Boutonville Rd S	Pound Ridge
2023-RE-02	Whipstick Farm	55.4-1-11	46.18	77 Elmwood Rd	Lewisboro
		55.4-1-12	18.34	77 Elmwood Rd	Lewisboro
		55.4-1-13	4.47	77 Elmwood Rd	Lewisboro
		55.4-1-14	8.15	77 Elmwood Rd	Lewisboro

Date of Report:

The Westchester County Agriculture and Farmland Protection Board (AFPB) adopted this report by a unanimous vote at its May 16, 2023 meeting, which was a continuation of the meeting commencing on May 9, 2023. The report was further revised on July 14, 2023 to include the two reinstatements listed above, approved by the AFPB via email between July 12 and July 14, 2023.

DETAILED REVIEW

Application Number: 2023-01

Applicant: Alison Estabrook and William Harrington

Farm Name: Harring Brook Farm

Farm Operation: Equine (commercial horse boarding)

Property Address: 732 Titicus Road, North Salem

Tax Parcel Identification (Section-Block-Lot): 38.-1709-4 **Acres:** 6.97

AFPB Site Visit Date: April 11, 2023

Description of Property and Operation:

The parcel has been in use as a commercial equine operation for many years, with established horse paddocks as well as an existing indoor riding ring. While just under seven acres in size, a portion of adjacent land under ownership of a utility company is also incorporated into the operation. The current operation supports the boarding of seven horses and related activities. The site is generally flat, with the Titicus River running through the center of the property. The applicant has submitted a copy of a special permit granted by the Town of North Salem. However, the special permit indicates that the operation is for personal use and not commercial use.

Agriculture and Farmland Protection Board Assessment and Recommendation:

The AFPB recommends inclusion of this parcel subject to the following proviso. The AFPB understands that the applicant is seeking an amendment to the special permit to allow for a commercial operation, but that the current variance only allows for personal use. The AFPB values the opinions of local Westchester municipalities and desires to ensure that such amendment has been obtained before recommending inclusion in the agricultural district. Therefore, the AFPB recommends inclusion of this parcel only upon receipt of an amended variance from the Town of North Salem permitting a commercial horse boarding operation.

DETAILED REVIEW

Application Number: 2023-02

Applicant: Peter and Jennifer Cipriano

Farm Name: Cipriano Farm

Farm Operation: Nursery (commercial horticulture) and Crops

Property Address: 371, 387, 469, 475 Smith Ridge Road and 5 East Street, Lewisboro

Tax Parcel Identification	(Section-Block-Lot):	Acres:
371 Smith Ridge Road	77.11-2-5	16.14
387 Smith Ridge Road	77.11-2-11	0.55
469 Smith Ridge Road	77.04-3-61	3.13
475 Smith Ridge Road	77.04-3-59	1.96
5 East Street	77.04-3-58	0.71

AFPB Site Visit Date: April 11, 2023

Description of Property and Assessment of Operation:

The parcel at 371 Smith Ridge Road was previously in the agricultural district but was not renewed during the last recertification. A large DEC-regulated wetland is located on this property. The applicant is aware of it and is taking precautions to minimize disturbance of the wetland. A large portion of this parcel has been developed for agricultural production. Currently the parcel is being utilized for the production of vegetables, eggs and commercial horticulture products. Two cattle are also on site as an ancillary component of the operation. The applicant intends to further develop the site, employing permaculture practices, for additional crops which may include mushrooms as well as introduce ornamental plants for sale and cuttings. The remaining parcels in the application are used primarily as part of a commercial horticulture operation involving the heeling of horticulture materials grown elsewhere but sold from the property. The parcel at 469 Smith Ridge Road is leased. The crops and other agricultural products produced on-site as well as an additional parcel at 24 East Street owned by the applicants and already included in the agricultural district will support the commercial horticulture operation.

Agriculture and Farmland Protection Board Recommendation:

Recommend inclusion of all parcels. The AFPB believes that the parcels are suitable for the proposed uses and that the applicant has demonstrated a commitment to manage the properties for the existing and proposed agricultural operations as described in the application, which also includes minimizing potential impacts to nearby wetlands and watercourses. The AFPB believes that the operation will support the Westchester agricultural industry and the agricultural district.

DETAILED REVIEW

Application Number: 2023-03

Applicant: Gus and Julia Boniello

Farm Name: Boniello Farm

Farm Operation: Equine (commercial horse boarding) and Hay

Property Address: 81 Mahopac Avenue, Somers

Tax Parcel Identification (Section-Block-Lot): 26.16-1-3.1 **Acres:** 36.14

AFPB Site Visit Date: April 11, 2023

Description of Property and Assessment of Operation:

The farm was in the original Agricultural District (2001), but the application wasn't renewed during the last recertification (2017). The property is a former equine operation but is currently in use for the production of hay. The property is gently sloping with two large ponds and remaining agricultural support buildings in good condition. The applicant intends to continue the hay operation in the short term while reintroducing the equine and other operations to the site over time.

Agriculture and Farmland Protection Board Recommendation:

Reinstate the parcel. The board believes that the existing hay operation is a viable agricultural operation and that the site is well suited to support continuation of that operation as well as additional agricultural operations such as equine, which was a previous use, and others that may be proposed. The AFPB believes that such an operation will support the Westchester agricultural industry and the agricultural district.

DETAILED REVIEW

Application Number: 2023-04

Applicant: Donald Capoccia and Tommie L. Pegues

Farm Name:

Farm Operation: Crops (apple and peach orchard)

Property Address: 78 and 84 Moseman Avenue, Somers

Tax Parcel Identification	(Section-Block-Lot):	Acres:
78 Moseman Ave	48.17-1-7	7.93
84 Moseman Ave	48.18-1-1	4.89

AFPB Site Visit Date: April 11, 2023

Description of Property and Operation:

The applicants have purchased two parcels of land. The parcel located at 84 Moseman Avenue is sloping with some woods and currently has a small fruit farm and vegetable operation with supporting buildings and infrastructure for cider and other processing operations. The parcel located at 78 Moseman Avenue is also sloping in topography with some woods and existing apple trees. The applicant is in the process of further apple orchard development as well as converting the existing residential structure to a processing facility with commercial kitchen for processing and future instruction and educational events.

Agriculture and Farmland Protection Board Assessment and Recommendation:

Include both parcels. The board believes that the existing operation is evidence of a start-up operation and the proposed expansion as documented in the applicant's business plans will be a viable commercial agricultural operation that will also provide a variety of community benefits. The AFPB believes that the operation will support the Westchester agricultural industry and the agricultural district.

DETAILED REVIEW

Application Number: 2023-05

Applicant: J-Hollow LLC

Farm Name: Indian Hollow Farm

Farm Operation: Nursery (native plants)

Property Address: 27 Jingle Road, Bedford

Tax Parcel Identification	(Section-Block-Lot):	Acres:
27 Jingle Rd	74.17-1-25	79.16

AFPB Site Visit Date: April 11, 2023

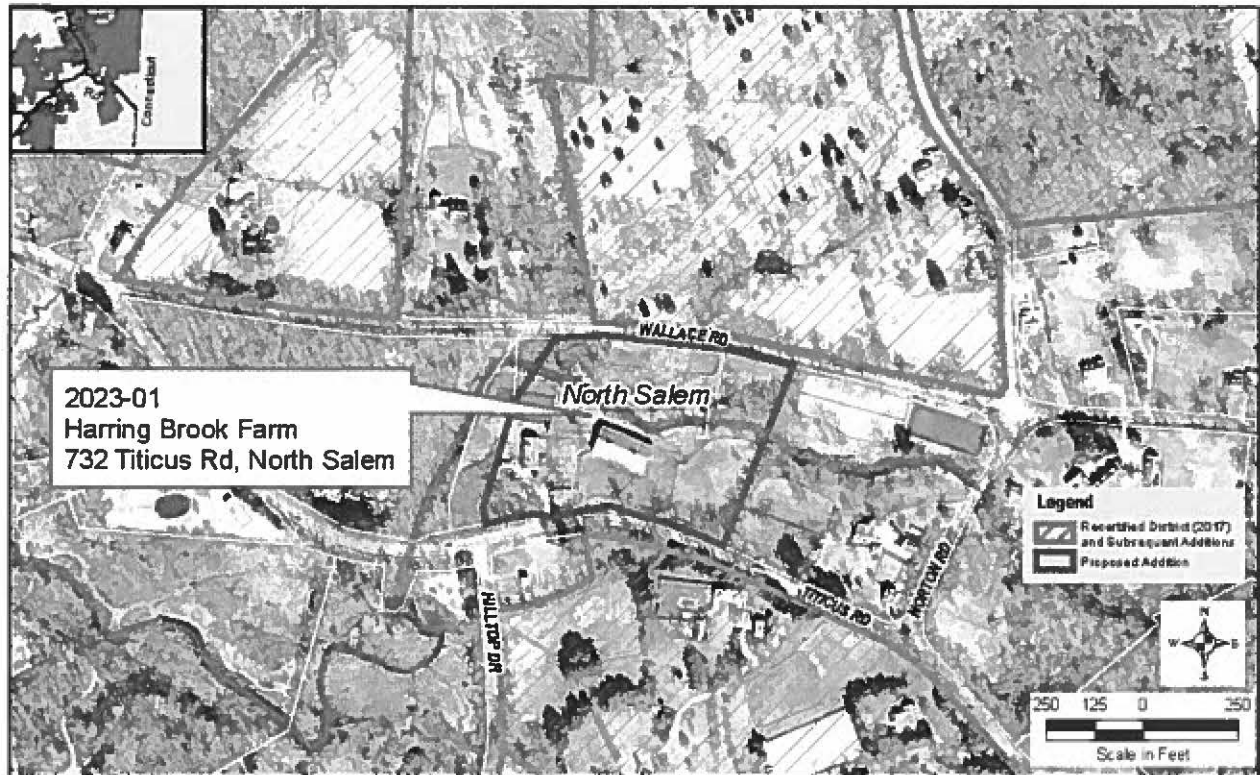
Description of Property and Operation:

The property is large, with rolling, rocky topography and largely wooded. A DEC-regulated wetland is located on the property, although the boundaries of such as shown on the available GIS data are likely inaccurate. The applicant proposes to utilize existing cleared areas of the property for the introduction of a variety of agricultural operations, including crops, sheep for wool production and native plants as a commercial nursery as well as for founders plots for native seed collection and sale.

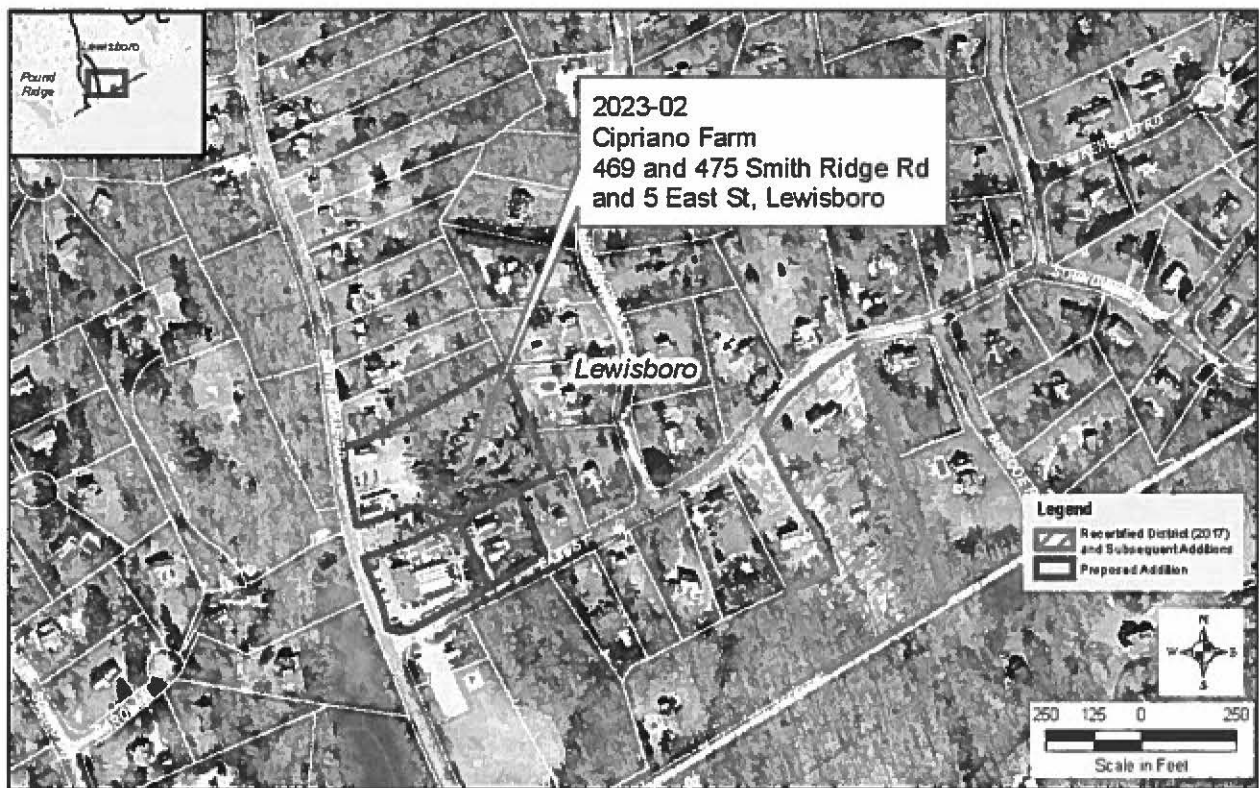
Agriculture and Farmland Protection Board Assessment and Recommendation:

Reinstate the parcel. The AFPB believes that the applicant has demonstrated a significant commitment to the establishment of the agricultural operation described in the application and supporting documentation. The AFPB also believes that the operation will support the Westchester agricultural industry and the agricultural district.

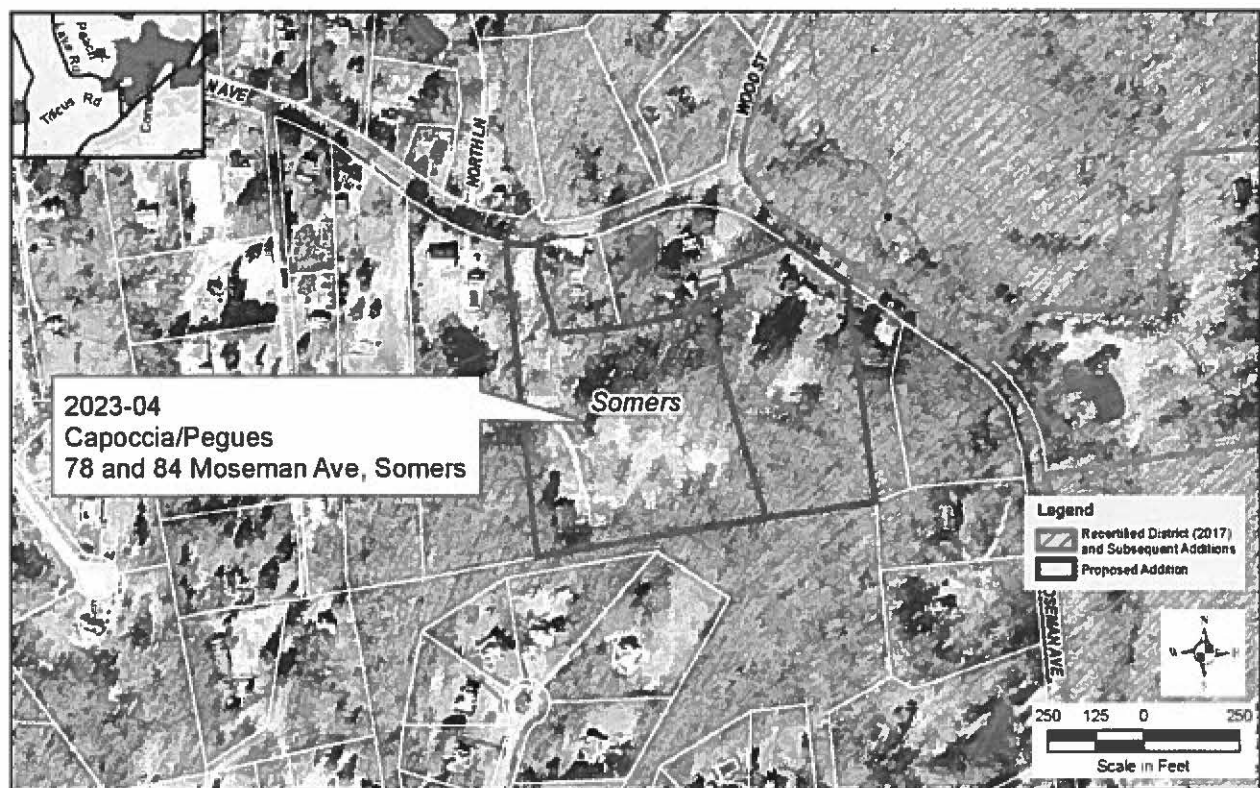
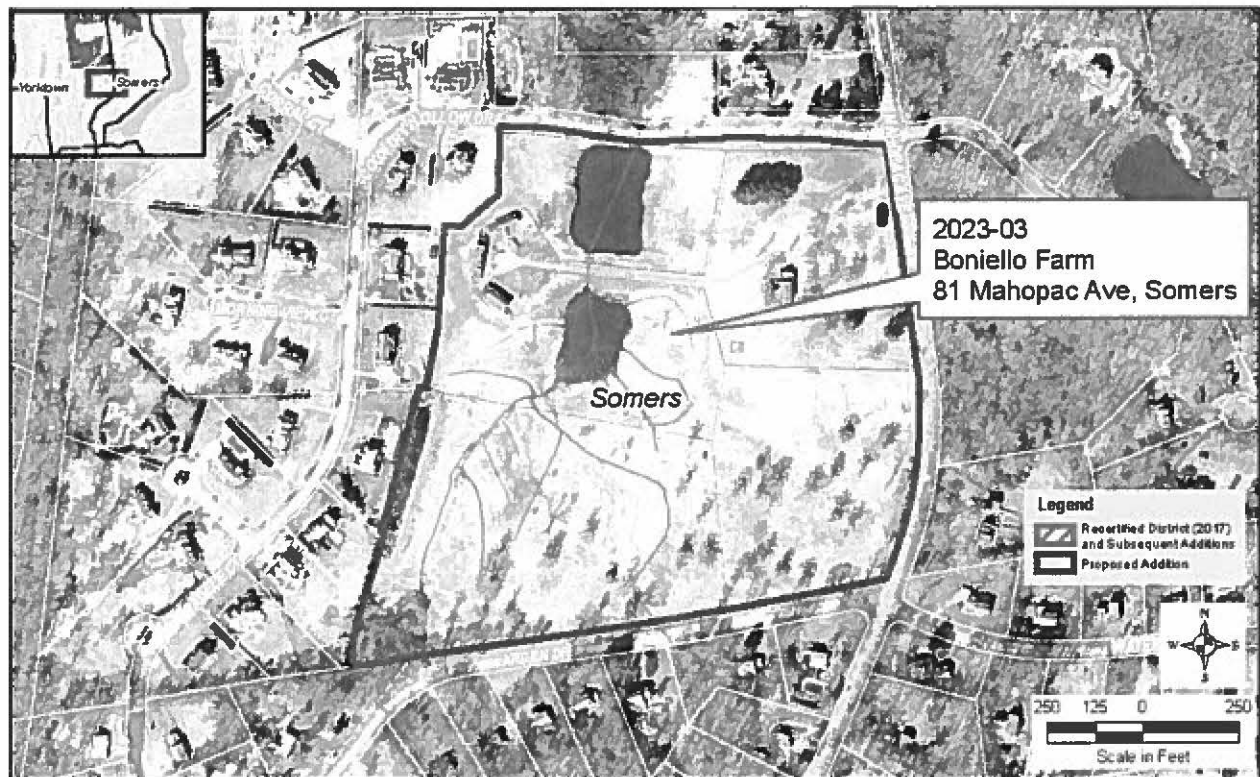
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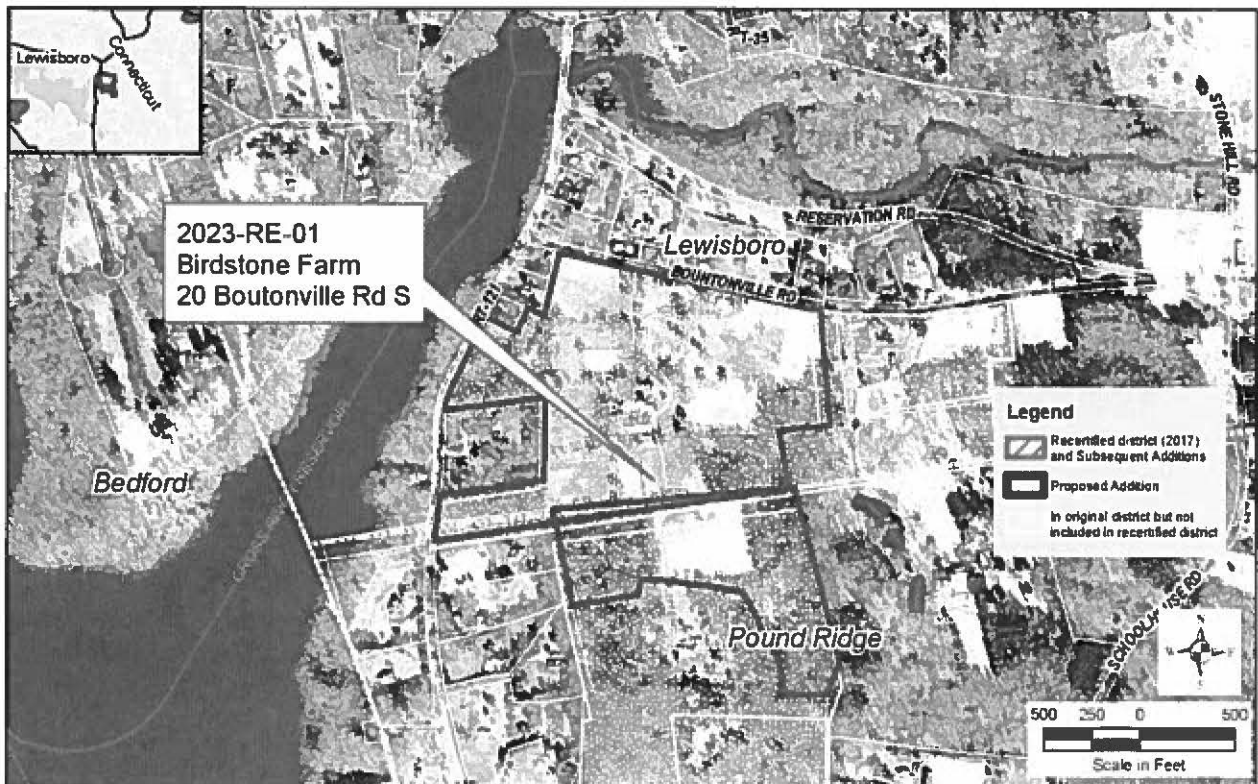
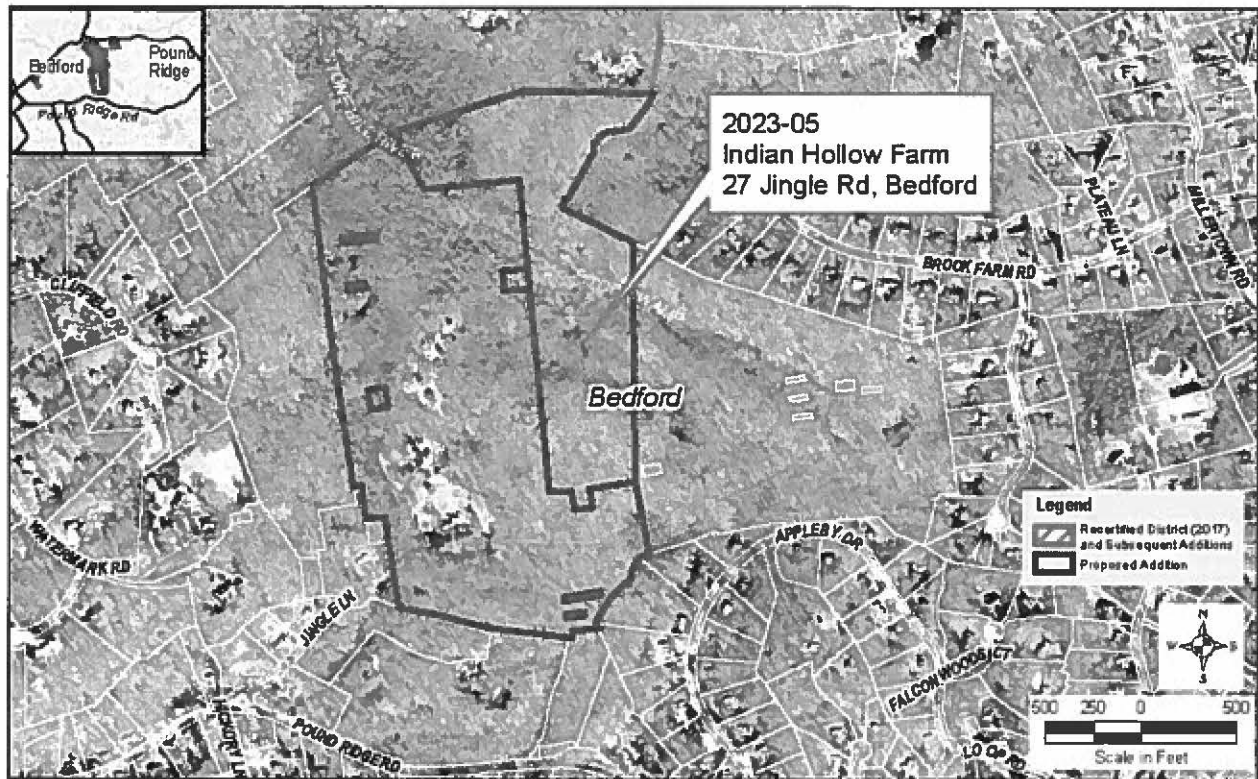
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