

RESOLUTIONS 189,190 - 2024 Updated: July 30, 2024

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a report from the Westchester County Agriculture and Farmland Protection Board, dated July 8, 2024, stating its recommendations concerning five requests for the inclusion of viable agricultural land within Westchester County Agricultural District No. 1.

Your Committee has carefully reviewed the above-referenced report and is aware that this Honorable Board is charged with the duty, pursuant to Section 303-b of the New York State Agriculture and Markets Law and Westchester County Act No. 95-2017, of scheduling a Public Hearing concerning requests to add parcels to an existing Westchester County Agricultural District and the recommendations of the Westchester County Agriculture and Farmland Protection Board concerning those requests.

Your Committee recommends that this Honorable Board carry out the foregoing statutory duty by adopting a Resolution scheduling a Public Hearing upon the proposed additions to Westchester County Agricultural District No. 1 as soon as possible.

Your Committee would further advise, based upon its careful review of the report of the Westchester County Agriculture and Farmland Protection Board and barring the emergence of any adverse information during the course of the scheduled Public Hearing, that this Honorable Board, by Resolution, approve the inclusion in Westchester County Agricultural District No. 1 of so many of the pending requests as are consistent with the recommendation of the Westchester County Agriculture and Farmland Protection Board.

Additionally, and as you know, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). The Department of Planning has

advised that this proposed Resolution is classified as an Unlisted Action under SEQRA regulations that requires the adoption of the attached Negative Declaration. Your Committee concurs in this conclusion.

As this project is an “Unlisted” action under SEQRA, your Committee is also in receipt of an Environmental Assessment Form prepared by the Department of Planning to assist this Honorable Board in making a determination as required by SEQRA, which is necessary if this Honorable Board is to approve the attached Resolution.

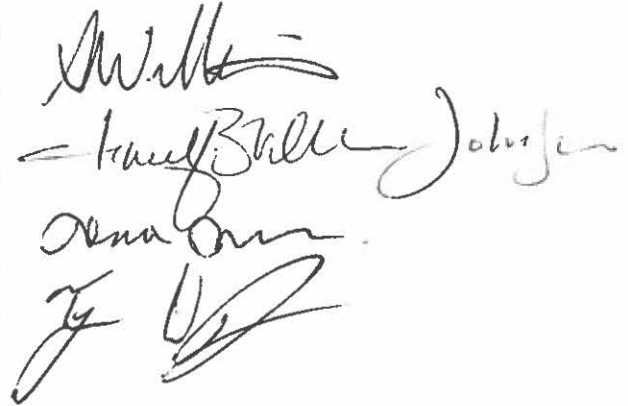
Your Committee has carefully considered the proposed legislation. It has reviewed the attached Environmental Assessment Form and the criteria contained in Section 617.7 of 6 NYCRR Part 617, the SEQRA regulations, to identify the relevant areas of environmental concern.

Your Committee has thoroughly analyzed the identified relevant areas of concern to determine if the proposed action may have a significant impact on the environment. For reasons set forth in the attached proposed Negative Declaration, your Committee believes that the proposed action will not have any significant impact on the environment and accordingly recommends passage of the annexed Resolution.

Your Committee has carefully considered the proposed legislation and recommends that your Honorable Board adopt a Resolution scheduling a public hearing concerning pending requests to add additional parcels to Westchester County Agricultural District No. 1 as well as a further Resolution, barring the emergence of any adverse information during the course of the scheduled Public Hearing, approving the inclusion in Westchester County Agricultural District No. 1 of so many of the pending requests as are consistent with the recommendation of the Westchester County Agriculture and Farmland Protection Board.

Your Committee requests that the Clerk of the Board notify each community in which the additional parcels are located of the date and time of the Public Hearing.

Dated: November 6th 2024
White Plains, New York



Parks & Environment

Housing & Planning

FISCAL IMPACT STATEMENT

SUBJECT: 2024 Additions to Ag District

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount 0

Describe: No impact.

Potential Related Operating Budget Revenues: Annual Amount 0

Describe: No impact.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: Processing of applications is performed by Planning Department staff.

Next Four Years: Annual application period is required by New York State Agricultural Districts

Law.

Prepared by: David Kvinge

Title: Assistant Commissioner

Department: Department of Planning

Date: July 19, 2024

Reviewed By: *Christina Raymont*
Budget Director

Date: 7/22/24

RESOLUTION NO. 189 – 2024

WHEREAS, there is pending before this Honorable Board a Resolution to approve the inclusion of additional parcels of land within the Westchester County Agricultural District; and

WHEREAS, as this project is an “Unlisted” action under the State Environmental Quality Review Act (“SEQRA”), an Environmental Assessment Form has been prepared by the Department of Planning to assist this Honorable Board in complying with its responsibilities under SEQRA; and

WHEREAS, this Honorable Board has carefully considered this proposed action and has reviewed the Environmental Assessment Form and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified the relevant areas of environmental concern, as are fully set forth in the attached “Negative Declaration,” to determine if this proposed action will have a significant impact on the environment;

NOW, THEREFORE, BE IT

RESOLVED, by the County Board of Legislators of the County of Westchester, State of New York, that based on this Honorable Board’s review of the Environmental Assessment Form and for the reasons set forth in the annexed “Negative Declaration,” it is determined that there will be no adverse impact on the environment from the inclusion of additional parcels of land within the Westchester County Agricultural District; and be it further

Updated: July 30, 2024

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign and date the Determination of Significance in the attached Environmental Assessment Form as Responsible Officer in Lead Agency; thereby executing and issuing a Negative Declaration on behalf of this Board pursuant to Article 8 of the Environmental Conservation Law; and to immediately file, publish and make available the Environmental Assessment Form pursuant to the requirements of Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Dated: December 11 2024
White Plains, New York

Short Environmental Assessment Form

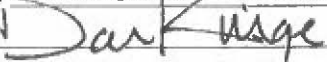
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Addition of land to Westchester County Agricultural District No. 1			
Project Location (describe, and attach a location map): Various parcels in the towns of Bedford, Lewisboro, North Salem and Somers (see attached list and map).			
Brief Description of Proposed Action: The Westchester County Agricultural District was created in 2001, recertified in 2011 and recertified again in 2017. Owners of farmland may apply to have their land included within the district annually, pursuant to Agricultural Districts Law. The annual 30-day window to receive applications in Westchester County is the month of March. Five applications to include additional land were received for calendar year 2024.			
Name of Applicant or Sponsor: Westchester County Board of Legislators, c/o Sunday Vanderberg, Clerk and CAO		Telephone: 914-995-4604 E-Mail: mav5@westchestergov.com	
Address: 800 Michaelian Office Building, 148 Martine Avenue, 8th Floor			
City/PO: White Plains		State: NY	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>David Kvinge, Assistant Commissioner (preparer)</u> Date: <u>July 19, 2024</u></p> <p>Signature: <u></u></p>		

Project: Westchester Ag District Additions

Date: July 2024

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Westchester Ag District Additions

Date: July 2024

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attachment

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

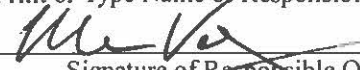
Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

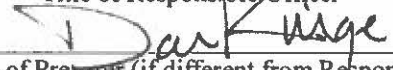
Westchester County Board of Legislators
Name of Lead Agency

December 11, 2024
Date

Sunday Vanderberg
Print or Type Name of Responsible Officer in Lead Agency

Clerk and Chief Administrative Officer
Title of Responsible Officer


Signature of Responsible Officer in Lead Agency


Signature of Preparer (if different from Responsible Officer)

David Kvinge, Director of Environmental Planning

PRINT FORM

STATE ENVIRONMENTAL QUALITY REVIEW

ADDENDUM TO EAF

The Proposed Action is the recommendation by the Westchester County Board of Legislators to the New York State Commissioner of Agriculture concerning the inclusion of additional parcels of land within the Westchester County Agricultural District, as provided for under Section 303-b of Article 25-AA of New York State Agriculture and Markets Law. Inclusion of parcels of land within an agricultural district does not, in and of itself, supersede or modify existing land use ordinances or regulations. Consequently, additions of land to an existing agricultural district will not result in the physical alteration of the environment or otherwise have a negative impact on the environment. Rather, the addition of land to an existing agricultural district promotes the preservation of viable agricultural land and has other environmental benefits as described below. The New York State Department of Agriculture and Markets has determined that modifications to an agricultural district are an Unlisted action with respect to SEQR. The County Board of Legislators is conducting uncoordinated review as permitted for Unlisted actions.

The applications received for 2024 are described in more detail in the 2024 report of the Westchester County Agriculture and Farmland Protection Board, including recommendations on whether to include each parcel. A map and list of the applications and individual parcels follows this narrative.

Agricultural land and the agricultural industry in Westchester County continue to be under considerable pressure to convert to other land uses, typically residential subdivision. Agricultural land contributes significantly to the quality of life in Westchester County by providing open space, links to cultural history, vegetative and wildlife habitat, and a local source of fresh food. The protection and enhancement of agricultural land is in furtherance of the County's goals, as described in the County Planning Board's long-range planning document, *Patterns for Westchester: the Land and the People*, and the County Agriculture and Farmland Protection Plan, to protect natural and cultural resources, preserve open space and community character, and reduce environmental impacts associated with development. The Westchester County Board of Legislators created the Agriculture and Farmland Protection Board and the Westchester County Agricultural District to protect agricultural land and enhance the agricultural industry in furtherance of these goals. New York State Agriculture and Markets Law requires that counties that have a certified agricultural district conduct an annual review of applications received for the inclusion of additional parcels of land within the agricultural district and submit recommendations, if warranted, to the New York State Commissioner of Agriculture.

Inclusion of additional agricultural parcels within the Agricultural District does not have a physical impact on the environment. Inclusion of land within the agricultural district furthers the goals and objectives of the County to:

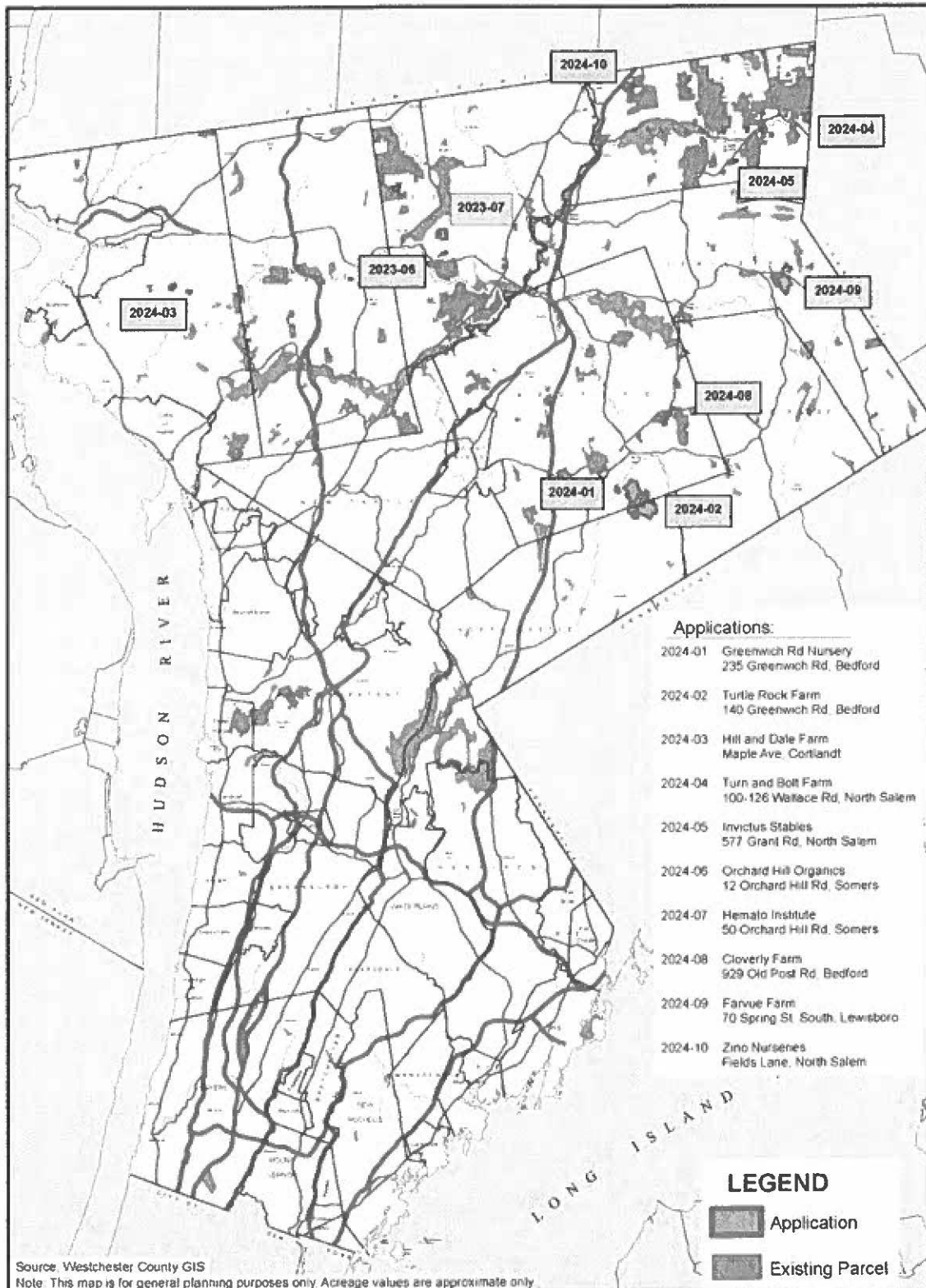
- Preserve and protect the county's natural resources, including the drinking water supply;
- Assure a diverse and interconnected system of open space, supporting a variety of flora and fauna and providing contrast in the texture of the landscape;
- Enhance a broad economic base and economic opportunity within the county; and
- Protect the county's educational, cultural, historic and aesthetic resources for future generations.

2024 APPLICATIONS TO INCLUDE ADDITIONAL PARCELS
 WITHIN THE WESTCHESTER COUNTY AGRICULTURAL DISTRICT

App #	Farm Name	SBL	Acres	Street Address	Municipality
2024-01	Greenwich Rd Nursery	84.18-1-24	9.00	235 Greenwich Road	Bedford
2024-02	Turtle Rock Farm	84.19-1-8	133.39	140 Greenwich Rd	Bedford
2024-02	Turtle Rock Farm	88.04-1-1	4.35	East Middle Patent Rd	North Castle
2024-02	Turtle Rock Farm	88.04-1-13	114.57	257 East Middle Patent Rd	North Castle
2024-02	Turtle Rock Farm	88.04-1-2	1.07	East Middle Patent Rd	North Castle
2024-02	Turtle Rock Farm	88.04-1-3	0.28	East Middle Patent Rd	North Castle
2024-02	Turtle Rock Farm	95.02-1-5	28.79	91 Hickory Pass	North Castle
2024-02	Turtle Rock Farm	95.02-2-1	12.93	93 Hickory Pass	North Castle
2024-02	Turtle Rock Farm	95.02-2-9	1.10	237 East Middle Patent Rd	North Castle
2024-02	Turtle Rock Farm	95.7-1-3	0.61	101 Brundage Ridge Rd	Bedford
2024-02	Turtle Rock Farm	95.7-2-1	23.80	143 Little Town Ln	Bedford
2024-02	Turtle Rock Farm	95.7-2-3	3.70	132 Little Town Ln	Bedford
2024-02	Turtle Rock Farm	95.8-1-2	3.80	114 Little Town Ln	Bedford
2024-03	Hill and Dale Farms	44.8-4-1	0.45	Wren Ct and Twilight Dr	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-10	0.92	Hill and Dale Rd	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-11	0.46	Twilight Dr and Hill and Dale Rd	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-12	0.46	Twilight Dr	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-16	0.45	Henry Pl	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-17	0.37	Henry Pl	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-19	0.55	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-2	0.46	Wren Ct	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-20	0.55	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-21	0.57	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-22	0.46	Wren Ct and Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-3	0.50	Twilight Dr	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-6	0.31	Twilight Dr	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-7	0.41	Twilight Dr	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-8	0.46	Twilight Dr	Cortlandt
2024-03	Hill and Dale Farms	45.5-2-26	0.46	Cobblers Way	Cortlandt
2024-03	Hill and Dale Farms	45.5-2-28	0.63	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	45.5-2-29	0.52	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	45.5-2-33	0.46	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	45.5-2-34	0.54	Maple Ave	Cortlandt

Inclusion of Additional Parcels within the Westchester County Agricultural District
 Addendum to Short EAF
 Page 3

App #	Farm Name	SBL	Acres	Street Address	Municipality
2024-04	Turn and Bolt Farm	27.-1765-9	18.53	100-126 Wallace Rd	North Salem
2024-05	Invictus Stables	34.-1370-3	10.10	577 Grant Rd	North Salem
2024-06	Orchard Hill Organics	37.14-1-2	3.85	12 Orchard Hill Road	Somers
2024-07	Hemato Institute	37.06-1-6.1	38.10	50 Orchard Hill Rd	Somers
2024-07	Hemato Institute	37.06-1-6.3	1.85	48 Orchard Hill Rd	Somers
2024-08	Cloverly Farm	74.13-1-1	8.00	929 Old Post Rd	Bedford
2024-08	Cloverly Farm	74.13-1-3	57.90	921 Old Post Rd	Bedford
2024-09	Farvue Farm	0030-10540-4	75.80	70 Spring Street South	Lewisboro
2024-09	Farvue Farm	0030-10540-3	9.62	Spring Street	Lewisboro
2024-09	Farvue Farm	0030-10540-2	23.52	Spring Street	Lewisboro
2024-10	Zino Nurseries	2-1735-59	24.55	Fields Ln	North Salem



Applications:

2024-01	Greenwich Rd Nursery 235 Greenwich Rd, Bedford
2024-02	Turtle Rock Farm 140 Greenwich Rd, Bedford
2024-03	Hill and Dale Farm Maple Ave, Cortlandt
2024-04	Turn and Bolt Farm 100-126 Wallace Rd, North Salem
2024-05	Invictus Stables 577 Grant Rd, North Salem
2024-06	Orchard Hill Organics 12 Orchard Hill Rd, Somers
2024-07	Hemalo Institute 50 Orchard Hill Rd, Somers
2024-08	Clovely Farm 929 Old Post Rd, Bedford
2024-09	Fanvue Farm 70 Spring St, South, Lewisboro
2024-10	Zino Nurseries Fields Lane, North Salem

LEGEND

-  Application
-  Existing Parcel

Source: Westchester County GIS
 Note: This map is for general planning purposes only. Acreage values are approximate only.

APPLICATIONS RECEIVED
 2024 Westchester County
 Agricultural District
 WESTCHESTER COUNTY
 DEPARTMENT OF PLANNING
 APRIL 2024




Scale in Miles: 0 1 2

RESOLUTION NO. 190 – 2024

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

Updated: July 30, 2024

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 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 of the applications as described in the AFPB report; 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 12/09/24 , 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 #2024-01, #2024-08, #2024-09, #2024-10, which applications are more fully described in the report of the Agriculture and Farmland Protection Board; 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.

Updated: July 30, 2024

Dated: *December 11,* 2024
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 2024
Adopted July 8, 2024

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.

2024 Report of the Westchester County Agriculture and Farmland Protection Board
for the Inclusion of Additional Land in the Westchester County Agricultural District

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.

2024 Applications and Recommendations:

For calendar year 2024, the Westchester County Agriculture and Farmland Protection Board received ten (10) applications for the inclusion of additional land within Westchester County Agricultural District Number 1. The AFPB recommends inclusion of applications 2024-01, 2024-08, 2024-09 and 2024-10. More detailed information is included in the following section. Applicants for remaining applications are encouraged to re-apply when more substantial agricultural activity is underway.

App #	Farm Name	SBL	Acres	Street Address	Municipality
2024-01	Greenwich Rd Nursery	84.18-1-24	9.00	235 Greenwich Road	Bedford
2024-02	Turtle Rock Farm	84.19-1-8	133.39	140 Greenwich Rd	Bedford
2024-02	Turtle Rock Farm	88.04-1-1	4.35	East Middle Patent Rd	North Castle
2024-02	Turtle Rock Farm	88.04-1-13	114.57	257 East Middle Patent Rd	North Castle
2024-02	Turtle Rock Farm	88.04-1-2	1.07	East Middle Patent Rd	North Castle
2024-02	Turtle Rock Farm	88.04-1-3	0.28	East Middle Patent Rd	North Castle
2024-02	Turtle Rock Farm	95.02-1-5	28.79	91 Hickory Pass	North Castle
2024-02	Turtle Rock Farm	95.02-2-1	12.93	93 Hickory Pass	North Castle
2024-02	Turtle Rock Farm	95.02-2-9	1.10	237 East Middle Patent Rd	North Castle
2024-02	Turtle Rock Farm	95.7-1-3	0.61	101 Brundage Ridge Rd	Bedford
2024-02	Turtle Rock Farm	95.7-2-1	23.80	143 Little Town Ln	Bedford
2024-02	Turtle Rock Farm	95.7-2-3	3.70	132 Little Town Ln	Bedford
2024-02	Turtle Rock Farm	95.8-1-2	3.80	114 Little Town Ln	Bedford
2024-03	Hill and Dale Farms	44.8-4-1	0.45	Wren Ct and Twilight Dr	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-10	0.92	Hill and Dale Rd	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-11	0.46	Twilight Dr and Hill and Dale Rd	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-12	0.46	Twilight Dr	Cortlandt

2024 Report of the Westchester County Agriculture and Farmland Protection Board
for the Inclusion of Additional Land in the Westchester County Agricultural District

App #	Farm Name	SBL	Acres	Street Address	Municipality
2024-03	Hill and Dale Farms	44.8-4-16	0.45	Henry Pl	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-17	0.37	Henry Pl	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-19	0.55	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-2	0.46	Wren Ct	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-20	0.55	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-21	0.57	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-22	0.46	Wren Ct and Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-3	0.50	Twilight Dr	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-6	0.31	Twilight Dr	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-7	0.41	Twilight Dr	Cortlandt
2024-03	Hill and Dale Farms	44.8-4-8	0.46	Twilight Dr	Cortlandt
2024-03	Hill and Dale Farms	45.5-2-26	0.46	Cobblers Way	Cortlandt
2024-03	Hill and Dale Farms	45.5-2-28	0.63	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	45.5-2-29	0.52	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	45.5-2-33	0.46	Maple Ave	Cortlandt
2024-03	Hill and Dale Farms	45.5-2-34	0.54	Maple Ave	Cortlandt
2024-04	Turn and Bolt Farm	27.-1765-9	18.53	100-126 Wallace Rd	North Salem
2024-05	Invictus Stables	34.-1370-3	10.10	577 Grant Rd	North Salem
2024-06	Orchard Hill Organics	37.14-1-2	3.85	12 Orchard Hill Road	Somers
2024-07	Hemato Institute	37.06-1-6.1	38.10	50 Orchard Hill Rd	Somers
2024-07	Hemato Institute	37.06-1-6.3	1.85	48 Orchard Hill Rd	Somers
2024-08	Cloverly Farm	74.13-1-1	8.00	929 Old Post Rd	Bedford
2024-08	Cloverly Farm	74.13-1-3	57.90	921 Old Post Rd	Bedford
2024-09	Farvue Farm	0030-10540-4	75.80	70 Spring Street South	Lewisboro
2024-09	Farvue Farm	0030-10540-3	9.62	Spring Street	Lewisboro
2024-09	Farvue Farm	0030-10540-2	23.52	Spring Street	Lewisboro
2024-10	Zino Nurseries	2-1735-59	24.55	Fields Ln	North Salem

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.

Date of Report:

Applicants were invited to the AFPB meetings on May 13 and June 10 to ask and answer questions about their applications. The Westchester County Agriculture and Farmland Protection Board (AFPB) drafted and adopted this report at its July 8, 2024 meeting by unanimous vote.

DETAILED REVIEW

Application Number: 2024-01

Applicant: Greenwich Road Holdings, LLC

Farm Name: Greenwich Road Nursery

Farm Operation: Nursery

Property Address: 235 Greenwich Road, Bedford

Tax Parcel Identification (Section-Block-Lot): 84.18-1-24 **Acres:** 9.0

AFPB Site Visit Date: May 20, 2024

Description of Property and Operation:

The property is partially wooded and fairly level. The Mianus River flows through the rear of the property, and a large DEC-regulated wetland system is also located in the rear half of the property. The property was previously used as a small agricultural operation, and the applicant proposes to revive much of the previous uses, using the property and buildings for commercial horticulture. The applicant currently grows annuals, perennials, vegetables and cut flowers for sale at the site. The applicant proposes to expand this use, including expanding the existing greenhouse and cultivated acreage. The applicant has submitted a business plan and a Whole Farm Plan describing agricultural best management practices that they prepared for the site.

Agriculture and Farmland Protection Board Assessment and Recommendation:

The AFPB recommends inclusion of the parcel in the agricultural district.

DETAILED REVIEW

Application Number: 2024-02

Applicant: ASGNW Properties, LLC

Farm Name: Turtle Rock Farm

Farm Operation: Crops (fruits trees, vegetables, livestock products)

Property Address: 140 Greenwich Road, Bedford

Tax Parcel Identification	(Section-Block-Lot):	Acres: (total 165.30)
140 Greenwich Rd	84.19-1-8	133.39
101 Brundage Ridge Rd	95.7-1-3	0.61
143 Little Town Ln	95.7-2-1	23.80
132 Little Town Ln	95.7-2-3	3.70
114 Little Town Ln	95.8-1-2	3.80

AFPB Site Visit Date: May 20, 2024

Description of Property and Assessment of Operation:

Seven additional parcels located in the Town of New Castle, totaling 163 acres, were included in the application but are not eligible for inclusion in the district in accordance with the district boundaries established during the last recertification. The entire farm, including the land within the Town of New Castle, was previously included in the Agricultural District. The applicant is in the process of reviving the previous agricultural operation and expanding it to focus agricultural operations on organic produce. The applicant has submitted a business plan describing a large scale operation with a variety of current and future uses, including an apiary and small livestock operation, and a professional farm manager and staff. The applicant has also submitted a business plan for the operation and has prepared a Whole Farm Plan that will be revised and supplemented with a Nutrient Management Plan once the operation is more fully established.

Agriculture and Farmland Protection Board Recommendation:

Only the parcels located in the Town of Bedford are eligible for inclusion because the Town of North Castle is not eligible for inclusion in the district in its current state (the district is due for recertification in 2025). With respect to the parcels located in the Town of Bedford, while the applicant has submitted a detailed plan describing an extensive agricultural operation, the operation is only just beginning to be implemented. The AFPB recommends that the applicant re-apply once the agricultural operation has expanded in scale.

DETAILED REVIEW

Application Number: 2024-03

Applicant: Igorwitz Inc

Farm Name: Hill and Dale Farms

Farm Operation: Crops (fruit trees, crops, aquaculture)

Property Address: Hill and Dale Road, Cortlandt

Tax Parcel Identification	(Section-Block-Lot):	Acres: (total 9.99)
Wren Ct and Twilight Dr	44.8-4-1	0.45
Hill and Dale Rd	44.8-4-10	0.92
Twilight Dr and Hill and Dale Rd	44.8-4-11	0.46
Twilight Dr	44.8-4-12	0.46
Henry Pl	44.8-4-16	0.45
Henry Pl	44.8-4-17	0.37
Maple Ave	44.8-4-19	0.55
Wren Ct	44.8-4-2	0.46
Maple Ave	44.8-4-20	0.55
Maple Ave	44.8-4-21	0.57
Wren Ct and Maple Ave	44.8-4-22	0.46
Twilight Dr	44.8-4-3	0.50
Twilight Dr	44.8-4-6	0.31
Twilight Dr	44.8-4-7	0.41
Twilight Dr	44.8-4-8	0.46
Cobblers Way	45.5-2-26	0.46
Maple Ave	45.5-2-28	0.63
Maple Ave	45.5-2-29	0.52
Maple Ave	45.5-2-33	0.46
Maple Ave	45.5-2-34	0.54

AFPB Site Visit Date: May 20, 2024

Description of Property and Assessment of Operation:

The proposed operation will be located on a variety of small residential parcels, located in groups in the general vicinity along Maple Avenue. The applicant has submitted a business plan describing a proposed operation that will include the production of heirloom fruits and vegetables as well as honey, farmed fish, and an herb and house plant nursery.

Agriculture and Farmland Protection Board Recommendation:

While the applicant has submitted a detailed plan describing an agricultural operation utilizing portions of the parcels noted, the operation is only just beginning to be implemented. The AFPB recommends that the applicant re-apply once the agricultural operation has expanded in scale.

DETAILED REVIEW

Application Number: 2024-04

Applicant: Turn and Bolt, LLC

Farm Name: Turn and Bolt Farm

Farm Operation: Equine (commercial horse boarding)

Property Address: 100-126 Wallace Street, North Salem

Tax Parcel Identification (Section-Block-Lot): 27.-1765-9 **Acres:** 18.53

AFPB Site Visit Date: April 15, 2024

Description of Property and Operation:

The applicant proposes a commercial horse boarding operation for up to twenty horses with ancillary buildings and site improvements. While currently wooded, the applicant has received a special permit for the use from the Town of North Salem and is in the process of clearing the parcel for construction. The property is located in proximity to existing riding trails. The applicant is also in the process of developing a Whole Farm Plan for the operation.

Agriculture and Farmland Protection Board Assessment and Recommendation:

While the AFPB recognizes that the applicant has submitted detailed development plans for the property and that clearing and preparation of the site is underway, the Board recommends that the applicant re-submit an application after the actual equine operation is underway.

DETAILED REVIEW

Application Number: 2024-05

Applicant: Wheelhouse Group, LLC

Farm Name: Invictus Stables

Farm Operation: Equine (commercial horse boarding)

Property Address: 577 Grant Road, North Salem

Tax Parcel Identification (Section-Block-Lot): 34.-1370-3 **Acres:** 10.10

AFPB Site Visit Date: April 15, 2024

Description of Property and Operation:

The site a proposed commercial horse boarding operation located on a relatively flat parcel of land with existing ancillary structures and access to existing riding trails. The owner has stated that approval for the operation has been granted by the Town. The applicant proposes to expand the operation to include indoor and outdoor riding rings and other related structures.

Agriculture and Farmland Protection Board Assessment and Recommendation:

While the applicant has submitted a detailed plan describing an agricultural operation, the AFPB recommends that the applicant re-apply once the agricultural operation has expanded in scale.

DETAILED REVIEW

Application Number: 2024-06

Applicant: David J. Rowe

Farm Name: Orchard Hill Organics

Farm Operation: Crops

Property Address: 12 Orchard Hill Road, Somers

Tax Parcel Identification (Section-Block-Lot): 37.14-1-2 **Acres:** 3.85

AFPB Site Visit Date: April 15, 2024

Description of Property and Operation:

The applicant proposes to expand the existing operation to a residential parcel of land located across the street from the existing operation. The subject parcel is a long parcel and is largely wooded and sloping to the rear. The applicant proposes to utilize the existing buildings on the site as growing rooms, propagation and for related agricultural uses. Existing lawn areas will be converted to agricultural uses as well (moving perennials over to 12 Orchard Hill parcel. Parcel at 10 Orchard Hill used for vegetable production. They will use 12 Orchard Hill for perennials, which do not generate a lot of daily noise.

Agriculture and Farmland Protection Board Assessment and Recommendation:

At the current time, the operation at the site appears to be more residential in nature and is not of significant scale to warrant inclusion in the district. The Board recommends that the applicant re-apply when more agricultural activity is occurring and information provided taking into consideration the close proximity to nearby residential properties.

DETAILED REVIEW

Application Number: 2024-07

Applicant: Hemato Institute

Farm Name: Hemato Institute

Farm Operation: Crops

Property Address: 50 Orchard Hill Road, Somers

Tax Parcel Identification	(Section-Block-Lot):	Acres: (total 39.95)
50 Orchard Hill Rd	37.06-1-6.1	38.10
48 Orchard Hill Rd	37.06-1-6.3	1.85

AFPB Site Visit Date: April 15, 2024

Description of Property and Operation:

The property, adjacent to Angle Fly Preserve to the east, is largely open land with some buildings and appears to be used primarily as a retreat and educational facility. The applicant has submitted a brief statement concerning the existing agricultural operation and plans to expand it.

Agriculture and Farmland Protection Board Assessment and Recommendation:

The agricultural operation is just starting and appears to be ancillary to the other uses of the site. The AFPB encourages the applicant to reapply when more agricultural activity is underway and it can be demonstrated that the agricultural operation is the predominant non-residential use of the site.

DETAILED REVIEW

Application Number: 2024-08

Applicant: Thomas Butkiewicz and Catherine Egan

Farm Name: Cloverly Farm

Farm Operation: Crops (vegetables, eggs)

Property Address: 929 Old Post Road, Bedford

Tax Parcel Identification	(Section-Block-Lot):	Acres: (total 65.90)
929 Old Post Rd	74.13-1-1	8.00
921 Old Post Rd	74.13-1-3	57.90

AFPB Site Visit Date: May 20, 2024

Description of Property and Operation:

The property is relatively flat, although much of it contains a DEC-regulated wetland. However, the farmed portion of the property is suitable for the agricultural activity. The operation includes fields planted with pumpkins and other vegetables, an apiary, and other products including preparation of mulch and the sale of firewood. The applicant has been donating some products to local food pantries and restaurants and plans on converting the existing residence on the property into a farm building.

Agriculture and Farmland Protection Board Assessment and Recommendation:

The AFPB believes that the large size of property and included buffers make the property suitable for the proposed operation, including the processing of mulch, which can create noise. The AFPB recommends including the two parcels in the agricultural district subject to receipt from the applicant of information demonstrating that the operation generates adequate value of products, whether sold or donated, in accordance with the AFPB evaluation criteria.

DETAILED REVIEW

Application Number: 2024-09

Applicant: Farvue Farm, LLC

Farm Name: Farvue Farm

Farm Operation: Crops (hay, timber, vegetables)

Property Address: 70 Spring Street South, Lewisboro

Tax Parcel Identification	(Section-Block-Lot):	Acres: (total 108.94)
70 Spring Street South	0030-10540-4	75.80
Spring Street	0030-10540-3	9.62
Spring Street	0030-10540-2	23.52

AFPB Site Visit Date: May 20, 2024

Description of Property and Operation:

The property was previously included in the agricultural district but not included in the recertification of the district. The property is relatively flat with a mix of wooded areas and open fields, with a stream and associated wetlands. The operation includes a commercial hay operation supplemented with the production and sale of vegetables, compost, topsoil and wood and timber products.

Agriculture and Farmland Protection Board Assessment and Recommendation:

The operation is in progress. The AFPB recommends inclusion of all the parcels.

DETAILED REVIEW

Application Number: 2024-10

Applicant: High Rocks Six, LLC

Farm Name: Zino Nurseries

Farm Operation: Nursery

Property Address: Fields Lane, North Salem

Tax Parcel Identification (Section-Block-Lot): 2-1735-59 **Acres:** 24.55

AFPB Site Visit Date: April 15, 2024

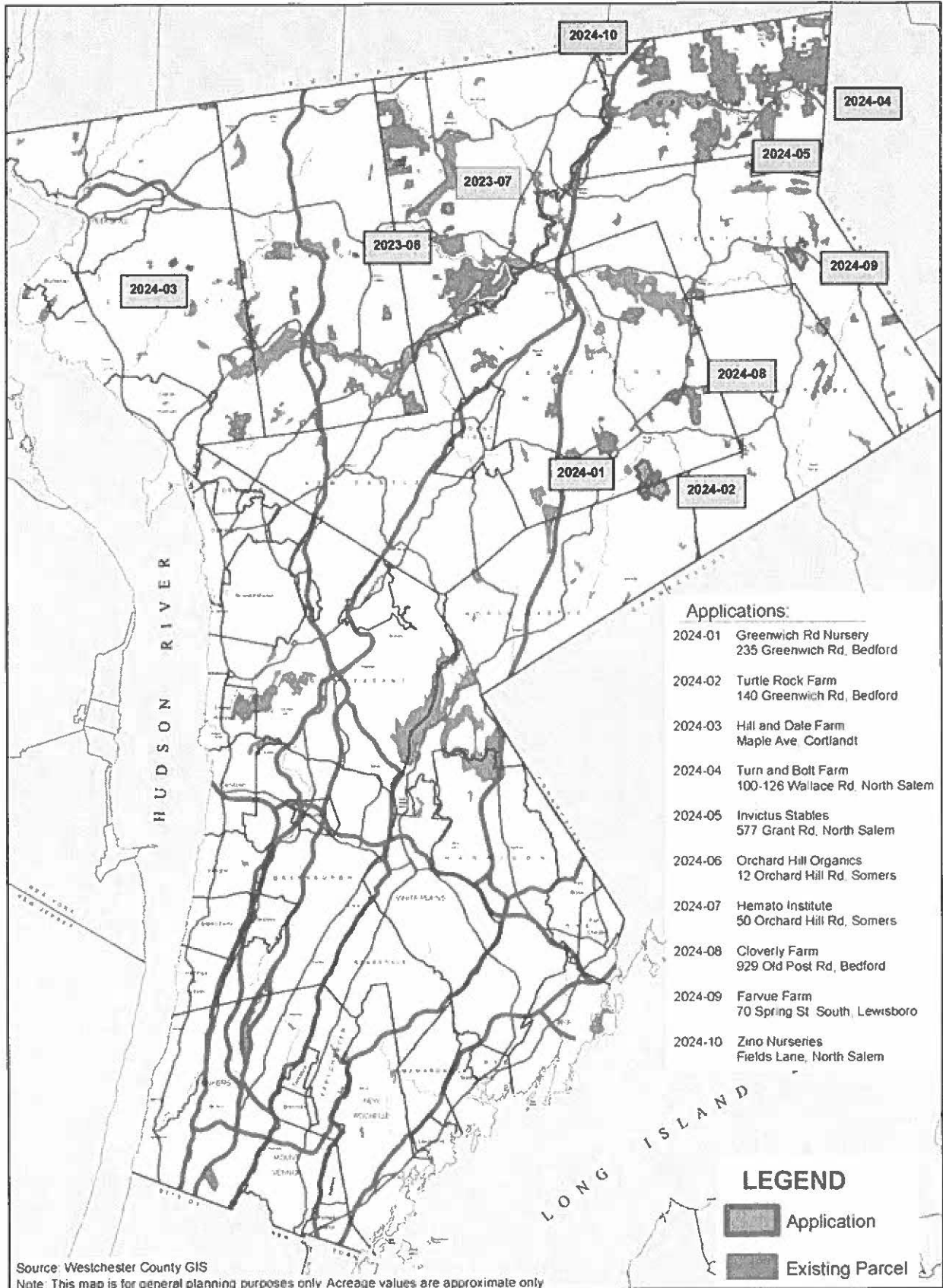
Description of Property and Operation:

The property is flat and currently planted as a nursery, with some wooded areas along the western boundary.

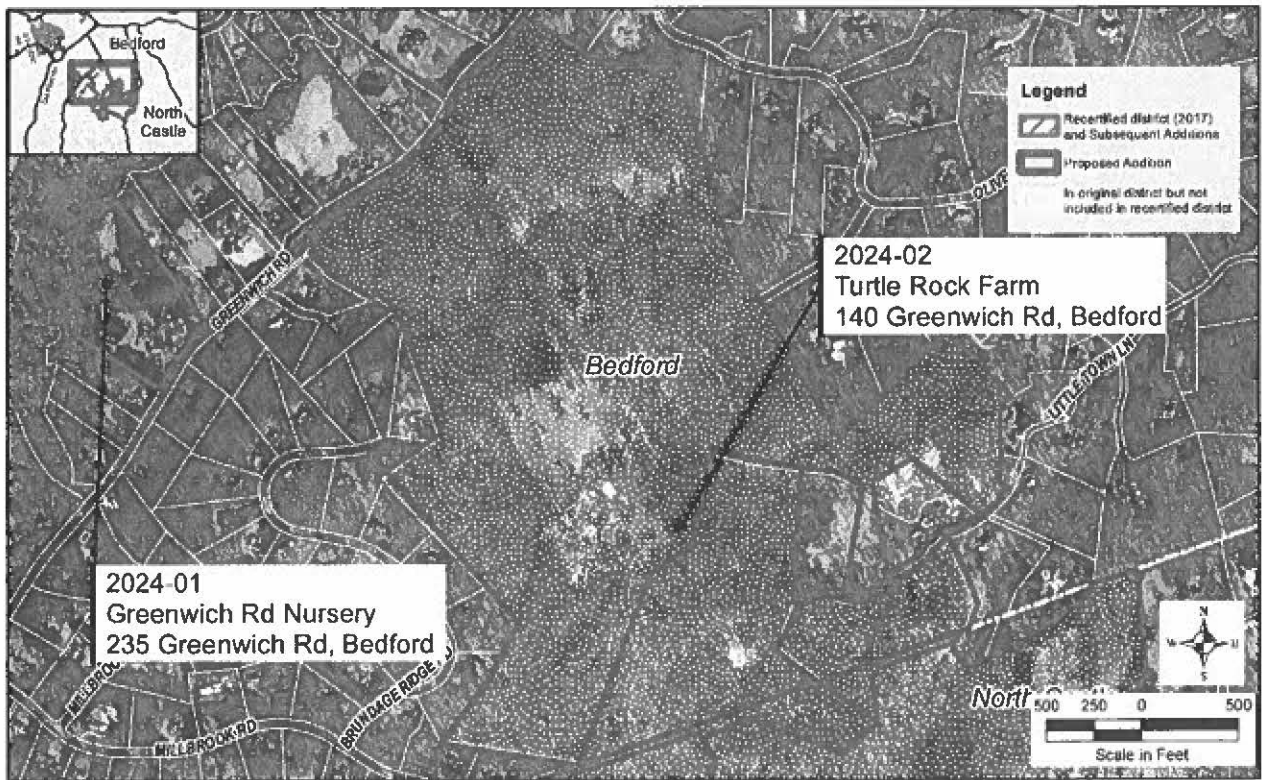
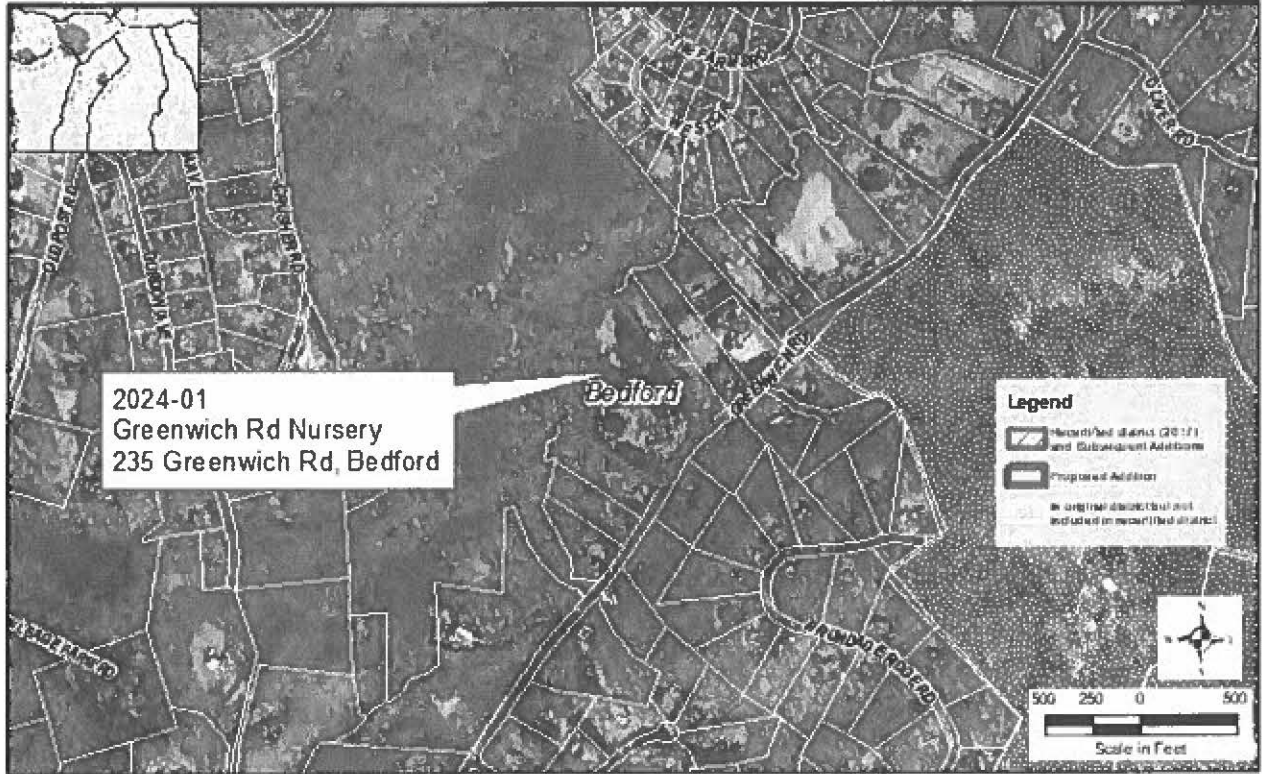
Agriculture and Farmland Protection Board Assessment and Recommendation:

The site is currently used for the agricultural operation, as described in the application. The AFPB recommends inclusion of the parcel in the agricultural district.

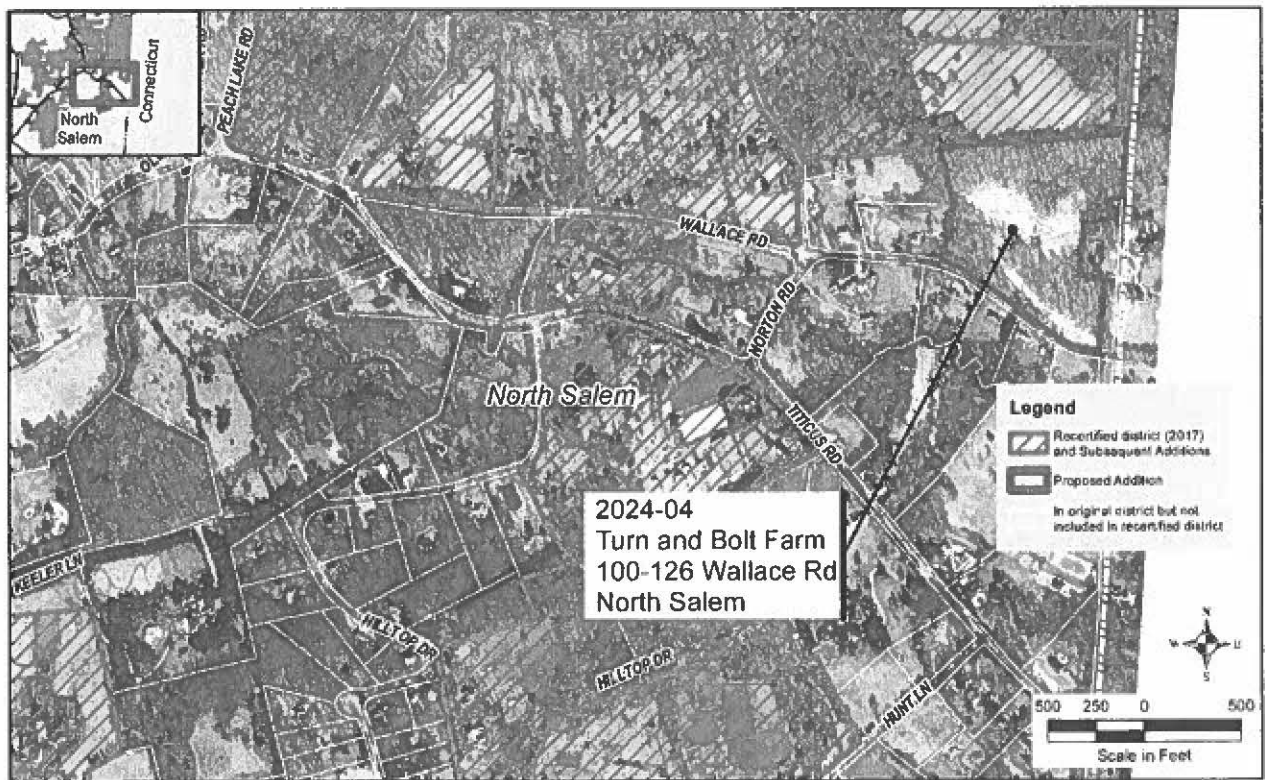
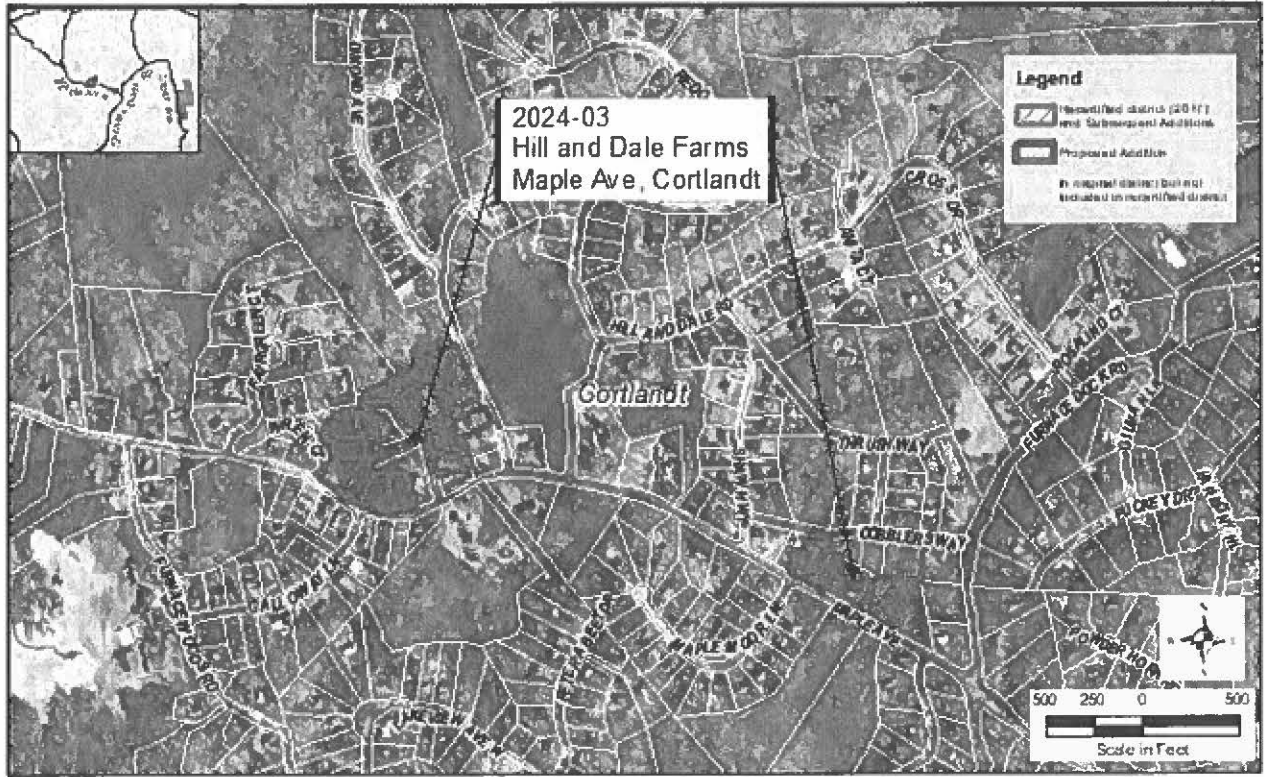
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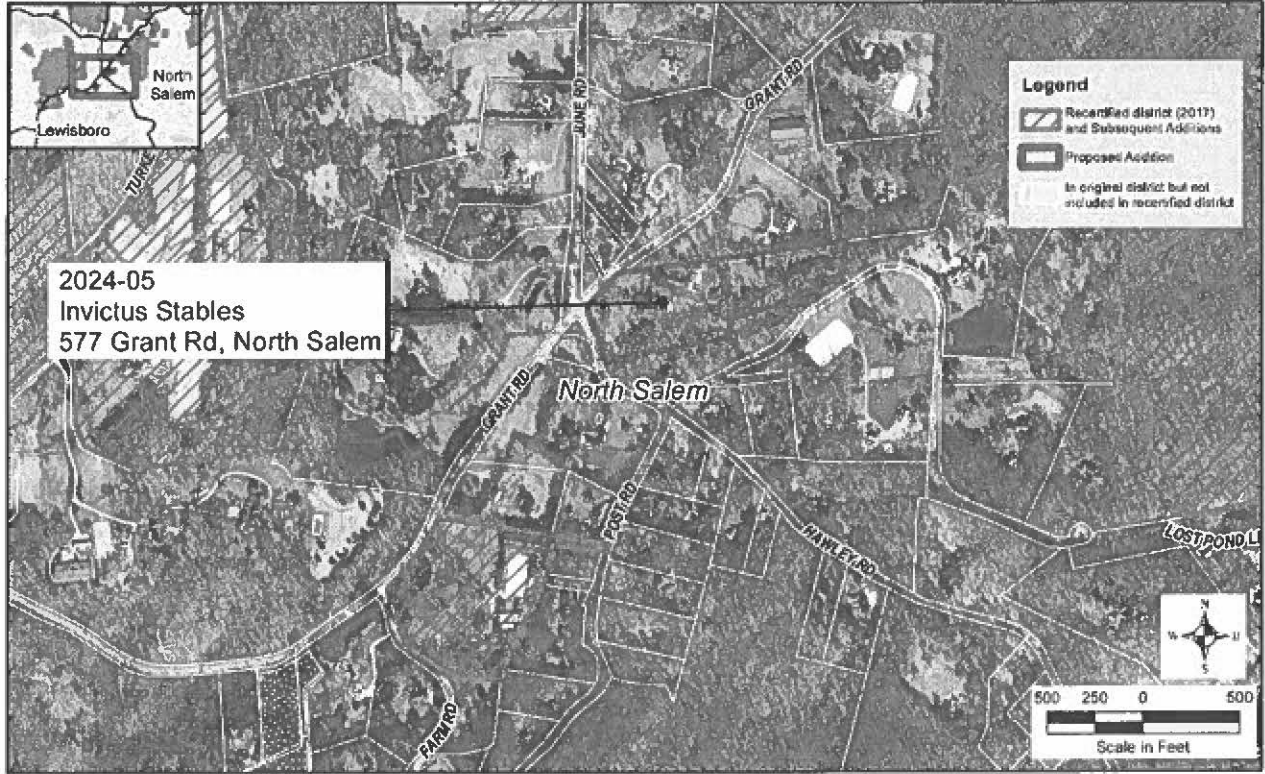
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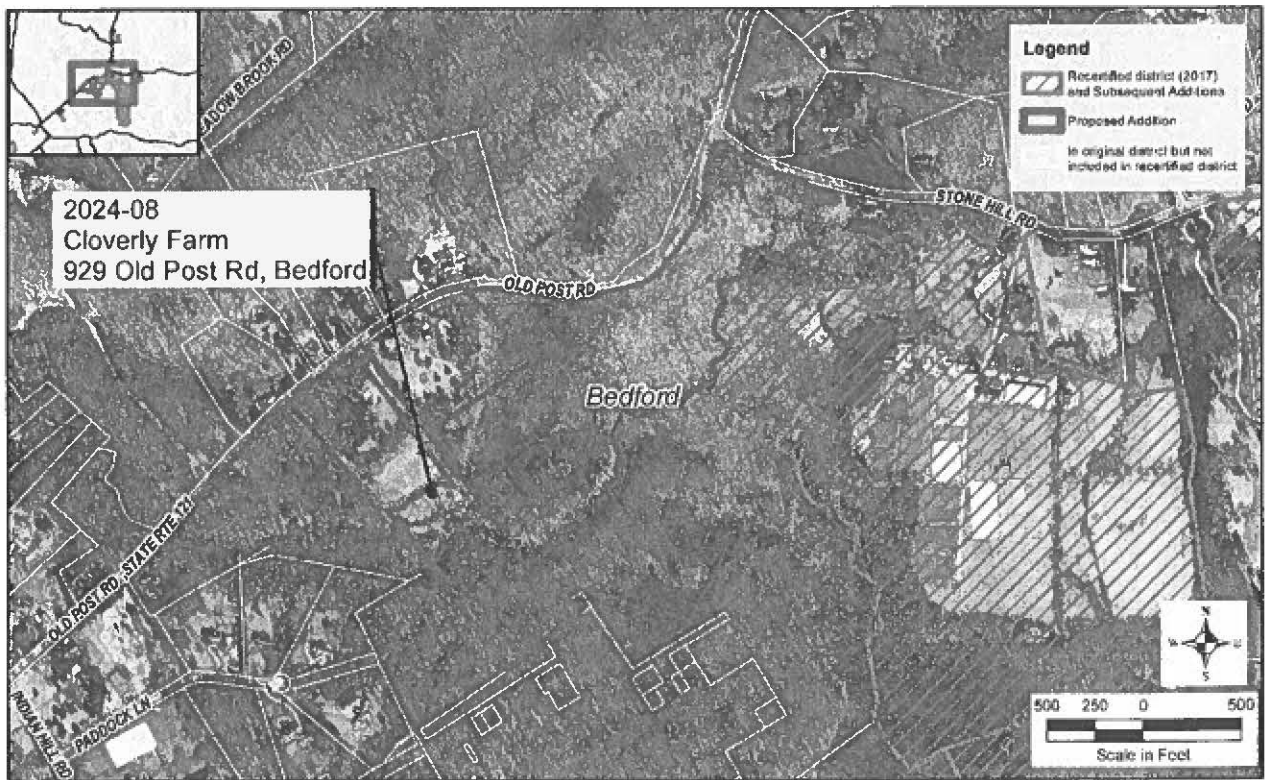
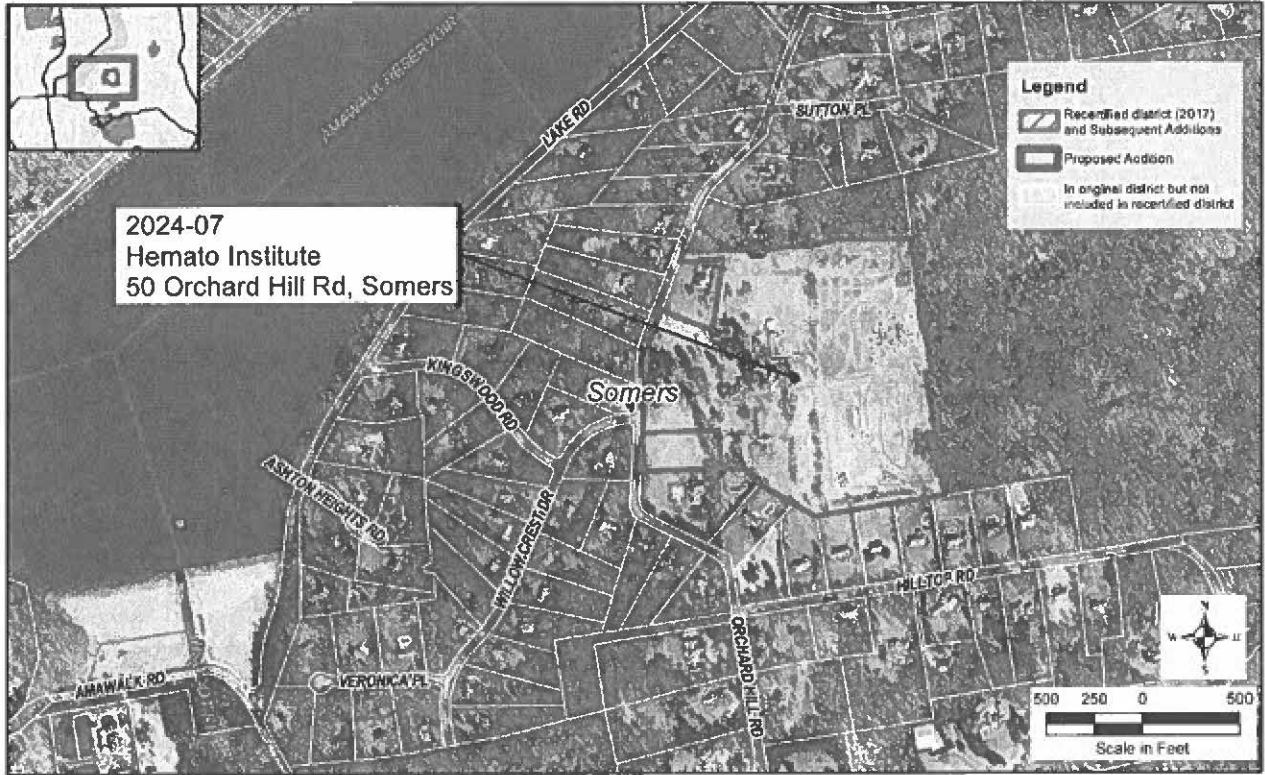
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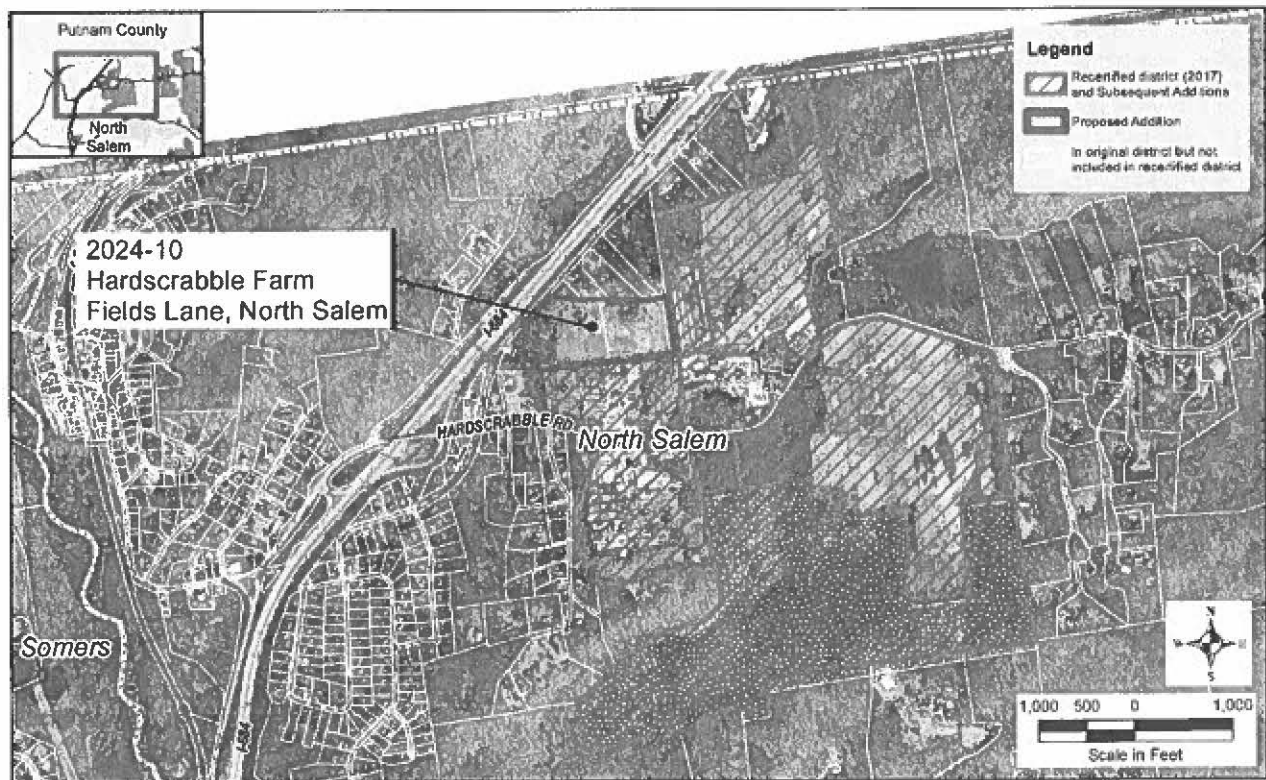
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STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Resolutions, Resolution No's. 189, 190 - 2024, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of said original Resolutions, which was duly adopted by the Westchester County Board of Legislators, of said County on December 9, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators on this 11th day of December, 2024.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

