RESOLUTION NO. - 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

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for the inclusion of additional parcels of land within Westchester County Agricultural District No. 1, which was repealed and replaced by Act.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 ______, at which time local municipalities, the public, and other interested parties where 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: 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. <u>Individual parcels must function as a single farm</u>. 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.

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

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	271765-9	18.53	100-126 Wallace Rd	North Salem
2024-05	Invictus Stables	341370-3	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.

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.

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 I	Or 44.8-4-1	0.45
Hill and Dale Rd	44.8-4-10	0.92
Twilight Dr and Hill an	d 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	e 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.

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 resubmit an application after the actual equine operation is underway.

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) 38.10 50 Orchard Hill Rd 37.06-1-6.1 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.

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, 204

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 field
planted with pumpkins and other vegetables, an apiary, and other products including preparation of mulcl
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.

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)
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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 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.

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.





















