S T A T E O F N E W Y O R K

666

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I N S E N A T E

January 12, 2009

Introduced by Sens. LARKIN, DeFRANCISCO, LEIBELL, MORAHAN, SALAND, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the town law, the village law, the general municipal law, the real property law and the real property tax law, in relation to special open space zoning provisions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Sections 261 through 285 of article 16 of the town law are designated title 1 and a new title heading is added to read as follows:

GENERAL PROVISIONS

S 2. Article 16 of the town law is amended by adding a new title 2 to read as follows:

TITLE 2

SPECIAL OPEN SPACE PROVISIONS

SECTION 288. PURPOSE.
288-A. DEFINITIONS.
288-B. AUTHORIZATIONS.
288-C. APPLICABILITY OF PROVISIONS OF OTHER LAWS.
288-D. DISCLOSURE.

S 288. PURPOSE. 1. IN ACCORDANCE WITH PREVIOUS LEGISLATIVE FINDINGS, THE LEGISLATURE NOTES THE CONTINUING LOSS OF OPEN, SCENIC AND NATURAL SPACES AND AREAS AS THEY ARE CONVERTED TO VARIOUS USES, AMONG THE CHIEF CONCERNS BEING THE LOSS OF AGRICULTURAL LAND AND THE REDUCTION OF AGRICULTURAL PRODUCTIVITY AS AN IMPOVERISHMENT OF THE STATE'S ECONOMY.

2. IT IS THEREFORE THE PURPOSE OF THIS TITLE TO PERMIT TOWNS, ON A PURELY OPTIONAL BASIS, TO OFFER ADDITIONAL MEANS AND INCENTIVES FOR THE PRESERVATION OF AGRICULTURAL LANDS AND FARMS; OPEN, SCENIC AND NATURAL SPACES, AREAS, WOODLANDS AND WETLANDS. THE ACQUISITION OF INTERESTS OR RIGHTS IN REAL PROPERTY FOR THE PRESERVATION OF OPEN, SCENIC AND NATURAL SPACES, AREAS, WOODLANDS AND WETLANDS, INCLUDING AGRICULTURAL LAND AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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FARMS, CONSTITUTES A PUBLIC PURPOSE FOR WHICH PUBLIC FUNDS MAY BE EXPENDED OR ADVANCED.

3. THE PROVISIONS OF THIS TITLE ARE INTENDED TO BE SUPPLEMENTARY TO THE PROVISIONS OF TITLE ONE OF THIS ARTICLE AND ARE TO BE CONSTRUED AS SUPERSEDING SUCH TITLE OR ANY OTHER PROVISION OF ANY GENERAL, SPECIAL, OR LOCAL LAW OR CHARTER ONLY INSOFAR AS THE PROVISIONS OF THIS TITLE ARE INCONSISTENT THEREWITH.

S 288-A. DEFINITIONS. FOR THE PURPOSES OF THIS TITLE:

1. "AGRICULTURAL ASSESSMENT" MEANS AN ASSESSMENT AUTHORIZED BY SECTION THREE HUNDRED FIVE OR THREE HUNDRED SIX OF THE AGRICULTURE AND MARKETS LAW; OR AN ALTERNATIVE AGRICULTURAL ASSESSMENT PROGRAM ESTABLISHED BY A LOCAL LAW ENACTED BY A TOWN. SUCH ALTERNATIVE AGRICULTURAL ASSESSMENT PROGRAM MAY PROVIDE GREATER BENEFITS TO LANDOWNERS, PROVIDED THAT THE PROVISION OF SUCH BENEFITS SHALL NOT BE LESS RESTRICTIVE THAN THE REQUIREMENTS OF SECTION THREE HUNDRED FIVE OR THREE HUNDRED SIX OF THE AGRICULTURE AND MARKETS LAW.

2. "AGRICULTURAL ASSESSMENT VALUE" MEANS THE VALUE PER ACRE ASSIGNED TO LAND FOR ASSESSMENT PURPOSES DETERMINED PURSUANT TO THE CAPITALIZED VALUE OF PRODUCTION PROCEDURE PRESCRIBED BY SECTION THREE HUNDRED FOUR-A OF THE AGRICULTURE AND MARKETS LAW, WHETHER APPLICABLE PURSUANT TO SECTION THREE HUNDRED FIVE OR THREE HUNDRED SIX OF SUCH LAW. PROVIDED, HOWEVER, THAT SUCH TERM MAY HAVE A DIFFERENT DEFINITION AS SPECIFIED BY AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE TOWN BOARD.

3. "CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY SUBDIVISION TWO OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED TO SUCH OTHER AGRICULTURAL CROPS AS MAY BE SPECIFIED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE TOWN BOARD.

4. "FARM WOODLAND" OR "WOODLAND" MEANS LAND USED FOR THE PRODUCTION FOR SALE OF WOODLAND PRODUCTS AS PROVIDED IN SUBDIVISION THREE OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW. WOODLAND SHALL HAVE SUCH MEANING AS SHALL BE ESTABLISHED BY AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN ENACTED BY THE TOWN BOARD. ANY SUCH DEFINITION SHALL NOT ESTABLISH THE MINIMUM ACREAGE OF PARCELS, ANNUAL GROSS SALES VALUE, IF ANY, AND ANY OTHER CRITERIA DEEMED APPROPRIATE BY THE TOWN BOARD.

5. "LAND USED IN AGRICULTURAL PRODUCTION" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION FOUR OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED TO INCLUDE OTHER LANDS THAT ARE EITHER IN AGRICULTURAL PRODUCTION OR POTENTIALLY COULD BE IN AGRICULTURAL PRODUCTION WHICH MAY BE SPECIFIED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE TOWN BOARD. IN DEFINING "POTENTIALLY COULD BE IN AGRICULTURAL PRODUCTION", THE OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN SHALL ONLY CLASSIFY VIABLE AGRICULTURAL LAND, AS DEFINED IN SUBDIVISION SEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, AS UNIQUE OR IRREPLACEABLE AGRICULTURAL LAND, AS DEFINED IN SUBDIVISION SIX OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, THAT IF FARMED COULD SUSTAIN AN ECONOMICALLY VIABLE FARM OPERATION, AS DEFINED IN SUBDIVISION ELEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW.

6. "CONVERSION" MEANS AN OUTWARD OR AFFIRMATIVE ACT CHANGING THE USE OF AGRICULTURAL LAND AND SHALL NOT MEAN THE NONUSE OR IDLING OF SUCH LAND.

7. "GROSS SALES VALUE" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION NINE OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED TO INCLUDE OTHER SOURCES OF GROSS SALES VALUE AS SPECIFIED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE TOWN BOARD.

8. "FARM OPERATION" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION ELEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW.

9. "COMMERCIAL HORSE BOARDING OPERATION" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION THIRTEEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT THE DEFINITION OF SUCH TERM MAY BE EXPANDED TO INCLUDE OTHER ACTIVITIES RELATED TO SUCH AN OPERATION AS PROVIDED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE TOWN BOARD. UNDER NO CIRCUMSTANCES SHALL THIS SUBDIVISION BE CONSTRUED TO INCLUDE OPERATIONS WHOSE PRIMARY ON SITE FUNCTION IS HORSE RACING.

10. "TIMBER PROCESSING" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION FOURTEEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED AS PROVIDED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN ENACTED BY THE TOWN BOARD.

11. "OPEN, SCENIC AND NATURAL SPACES AND AREAS" MEANS ANY SPACE OR AREA CHARACTERIZED BY (1) NATURAL, SCENIC BEAUTY, OR (2) WHOSE EXISTING OPENNESS, NATURAL CONDITION OR PRESENT STATE OF USE, IF RETAINED, WOULD MAINTAIN OR ENHANCE THE CONSERVATION OF NATURAL OR SCENIC RESOURCES. NATURAL RESOURCES INCLUDES, BUT IS NOT LIMITED TO, LAND USED IN AGRICULTURAL PRODUCTION, FARM WOODLANDS, WOODLANDS OR WETLANDS.

12. "LAND USE REGULATION" SHALL MEAN AN ORDINANCE OR LOCAL LAW ENACTED BY A LOCAL GOVERNMENT FOR THE REGULATION OF ANY ASPECT OF LAND USE AND COMMUNITY RESOURCE PROTECTION AND INCLUDES ANY ZONING, SUBDIVISION, SPECIAL USE PERMIT OR SITE PLAN REGULATION OR ANY OTHER REGULATION WHICH PRESCRIBES THE APPROPRIATE USE OF PROPERTY OR THE SCALE, LOCATION AND INTENSITY OF DEVELOPMENT.

13. "PRESERVATION" SHALL MEAN MAINTAINING LANDS IN EXISTING USES, OR USES THAT ARE COMPATIBLE WITH EXISTING USES AND WHICH DO NOT INCREASE THE OVERALL DENSITY OF DEVELOPMENT IN AN AREA AND MAINTAIN SCENIC, OPEN SPACE, WATER QUALITY, WETLANDS, AGRICULTURAL LANDS AND WILDLIFE CONDITIONS IN AN AREA, OR RESTORING LANDS TO AN OPEN CONDITION.

S 288-B. AUTHORIZATIONS. IN FURTHERANCE OF THE PURPOSES OF THIS TITLE, A TOWN MAY:

1. ACQUIRE, BY PURCHASE, GIFT, GRANT, BEQUEST, DEVISE, LEASE OR OTHERWISE, THE FEE OR ANY LESSER INTEREST, DEVELOPMENT RIGHT, EASEMENT, COVENANT OR OTHER CONTRACTUAL RIGHT NECESSARY TO ACHIEVE THE PURPOSES OF THIS TITLE, TO OPEN, SCENIC OR NATURAL SPACES OR AREAS WITHIN ANY PART OF SUCH TOWN NOT INCLUDED WITHIN THE BOUNDARIES OF AN INCORPORATED VILLAGE; AND

2. GRANT TO OR TREAT ANY RIGHT, TITLE OR INTEREST SET FORTH IN SUBDIVISION ONE OF THIS SECTION, TREATING ALIKE ALL SUCH THINGS OF THE SAME CHARACTER:

A. IN THE CASE OF ANY RIGHT, TITLE OR INTEREST RECEIVING OR ELIGIBLE TO RECEIVE AN AGRICULTURAL ASSESSMENT, AN EXEMPTION FROM REAL PROPERTY TAXATION OF UP TO FIFTY PERCENT OF THE AGRICULTURAL ASSESSMENT VALUE; OR

B. IN THE CASE OF ANY RIGHT, TITLE OR INTEREST INELIGIBLE TO RECEIVE AN AGRICULTURAL ASSESSMENT, AN EXEMPTION FROM REAL PROPERTY TAXATION OF UP TO FIFTY PERCENT OF THE ASSESSED VALUATION THEREOF; AND

C. IN EITHER CASE, FULL OR PARTIAL EXEMPTION FROM SPECIAL AD VALOREM LEVIES AND SPECIAL ASSESSMENTS.

ANY EXEMPTION GRANTED PURSUANT TO THE PROVISIONS OF PARAGRAPHS A, B OR C OF THIS SUBDIVISION SHALL APPLY TO TAXES LEVIED BY A SCHOOL DISTRICT OR SPECIAL DISTRICT OR PORTION THEREOF LYING WITHIN THE WHOLE OR A PART OF THE TOWN.

3. TAKE SUCH MEASURES AS ARE AUTHORIZED BY SECTIONS TWO HUNDRED SIXTY-ONE-A AND TWO HUNDRED SIXTY-ONE-B OF THIS ARTICLE WITHOUT NEED OF OR REGARD FOR "DISTRICTS" WITHIN THE CONTEMPLATION OF SAID SECTIONS.

4. EXERCISE THE AUTHORIZATIONS PROVIDED BY SUBDIVISIONS ONE AND TWO OF THIS SECTION IN CONNECTION WITH THE ESTABLISHMENT OR MODIFICATION OF PLANNED UNIT DEVELOPMENT ZONING DISTRICTS AUTHORIZED BY SECTION TWO HUNDRED SIXTY-ONE-C OF THIS ARTICLE OR THE APPROVAL OF CLUSTER DEVELOPMENTS PURSUANT TO SECTION TWO HUNDRED SEVENTY-EIGHT OF THIS ARTICLE.

5. GRANT ANY OTHER BENEFIT THE TOWN BOARD DEEMS REASONABLE FOR THE ESTABLISHMENT AND MAINTENANCE OF OPEN, SCENIC OR NATURAL SPACE WITHIN THE TOWN.

6. IN CONSIDERATION OF AN EXERCISE OF A POWER AUTHORIZED BY THIS SECTION, A TOWN MAY REQUIRE THE AFFECTED PROPERTY TO BE MADE AVAILABLE FOR ENVIRONMENTALLY APPROPRIATE PUBLIC RECREATIONAL USE IN A MANNER THAT DOES NOT INTERFERE WITH THE PROPERTY RIGHTS, LAWFUL FARMING OPERATION, AGRICULTURAL PRODUCTION OR FARM WOODLAND ACTIVITIES OCCURRING ON SUCH PROPERTY OR WITH THE RIGHTS OF ADJACENT PROPERTY OWNERS.

S 288-C. APPLICABILITY OF PROVISIONS OF OTHER LAWS. 1. THE PROVISIONS OF SECTION TWO HUNDRED FORTY-SEVEN OF THE GENERAL MUNICIPAL LAW SHALL APPLY TO THE EXERCISE OF ANY AUTHORIZATION PURSUANT TO THE PROVISIONS OF SUBDIVISION ONE OR TWO OF SECTION TWO HUNDRED EIGHTY-EIGHT-B OF THIS TITLE, EXCEPT AS OTHERWISE QUALIFIED BY THIS TITLE.

2. THE PROVISIONS OF THIS TITLE SHALL APPLY TO AND AFFECT ONLY SUCH PART OF A TOWN AS IS OUTSIDE THE LIMITS OF ANY INCORPORATED VILLAGE; PROVIDED, FURTHER, THAT ALL CHARGES AND EXPENSES INCURRED UNDER THIS TITLE FOR THE EXERCISE OF THE AUTHORIZATIONS PROVIDED BY THIS TITLE SHALL BE A CHARGE UPON THE TAXABLE PROPERTY OF THAT PART OF THE TOWN OUTSIDE OF ANY INCORPORATED VILLAGE. THE TOWN BOARD IS HEREBY AUTHORIZED AND EMPOWERED TO MAKE SUCH APPROPRIATION AS IT MAY SEE FIT FOR SUCH CHARGES AND EXPENSES; PROVIDED, HOWEVER, THAT SUCH APPROPRIATION SHALL BE THE ESTIMATED CHARGES AND EXPENSES LESS FEES, IF ANY, COLLECTED, AND PROVIDED THAT THE AMOUNT SO APPROPRIATED SHALL BE ASSESSED, LEVIED AND COLLECTED FROM THE PROPERTY OUTSIDE OF ANY INCORPORATED VILLAGE.

3. THE PROVISIONS OF SECTIONS TWO HUNDRED EIGHTY-THREE-A AND TWO HUNDRED EIGHTY-FOUR OF THIS ARTICLE SHALL APPLY TO THE EXERCISE OF THE AUTHORIZATIONS PROVIDED BY SUBDIVISION ONE OF THIS SECTION AND SUBDIVISION ONE OR TWO OF SECTION TWO HUNDRED EIGHTY-EIGHT-B OF THIS TITLE, EXCEPT AS OTHERWISE QUALIFIED BY THIS TITLE.

4. THE EXERCISE OF ANY OF THE AUTHORIZATIONS PROVIDED BY SECTION TWO HUNDRED EIGHTY-EIGHT-B OF THIS TITLE SHALL NOT BE DEEMED TO REQUIRE AN AMENDMENT TO A TOWN COMPREHENSIVE PLAN, NOR SHALL IT REQUIRE FURTHER COMPLIANCE WITH THE PROVISIONS OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT UNDER ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND ITS IMPLEMENTING REGULATIONS FOR SUBSEQUENT SITE SPECIFIC ACTIONS THAT ARE IN CONFORMANCE WITH THE CONDITIONS AND THRESHOLDS ESTABLISHED FOR SUCH ACTIONS IN THE GENERIC ENVIRONMENTAL IMPACT STATEMENT AND ITS FINDINGS PREPARED IN CONNECTION WITH A TOWN COMPREHENSIVE PLAN OR AN AMENDMENT THERETO.

S 288-D. DISCLOSURE. 1. WHEN ANY PURCHASE AND SALE CONTRACT IS PRESENTED FOR THE SALE, PURCHASE OR EXCHANGE OF REAL PROPERTY WITH

RESPECT TO WHICH THERE HAS BEEN AN EXERCISE OF AN AUTHORIZATION PURSUANT TO SECTION TWO HUNDRED EIGHTY-EIGHT-B OF THIS TITLE, THE PROSPECTIVE GRANTOR SHALL PRESENT TO THE PROSPECTIVE GRANTEE A DISCLOSURE NOTICE WHICH STATES THE FOLLOWING:

"IT IS THE POLICY OF THIS STATE AND THIS COMMUNITY TO PRESERVE OPEN, SCENIC AND NATURAL SPACES, INCLUDING AGRICULTURAL LAND AND FARM WOODLAND. THIS DISCLOSURE NOTICE IS TO INFORM PROSPECTIVE RESIDENTS THAT THE PROPERTY THEY ARE ABOUT TO ACQUIRE HAS BEEN SUBJECT TO SUCH A PRESERVATION MEASURE THAT MAY LIMIT THE PROPERTY OWNERS' RIGHTS AND RESULT IN PUBLIC ACCESS."

2. SUCH DISCLOSURE NOTICE SHALL BE SIGNED BY THE PROSPECTIVE GRANTOR AND GRANTEE PRIOR TO THE SALE, PURCHASE OR EXCHANGE OF SUCH REAL PROPERTY, OR THE EXECUTION OF ANY CONTRACT THEREFOR IF A CONTRACT BE ENTERED INTO THEREFOR.

3. RECEIPT OF SUCH DISCLOSURE NOTICE SHALL BE RECORDED ON A PROPERTY TRANSFER REPORT FORM PRESCRIBED BY THE STATE BOARD OF REAL PROPERTY SERVICES AS PROVIDED FOR IN SECTION THREE HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW.

S 3. Subdivision 4 of section 261-b of the town law, as added by chapter 629 of the laws of 1991, is amended to read as follows:

4. Invalidations. Nothing in this section shall be construed to invalidate any provision for incentives or bonuses heretofore OR HEREAFTER adopted by any town board.

S 4. Sections 7-700 through 7-742 of article 7 of the village law are designated title 1 and a new title heading is added to read as follows:

GENERAL PROVISIONS

S 5. Article 7 of the village law is amended by adding a new title 2 to read as follows:

TITLE 2

SPECIAL OPEN SPACE PROVISIONS

SECTION 7-751 PURPOSE.
7-752 DEFINITIONS.
7-753 AUTHORIZATIONS.
7-754 APPLICABILITY OF PROVISIONS OF OTHER LAWS.
7-755 DISCLOSURE.

S 7-751 PURPOSE. 1. IN ACCORDANCE WITH PREVIOUS LEGISLATIVE FINDINGS, THE LEGISLATURE NOTES THE CONTINUING LOSS OF OPEN, SCENIC AND NATURAL SPACES AND AREAS AS THEY ARE CONVERTED TO VARIOUS USES, AMONG THE CHIEF CONCERNS BEING THE LOSS OF AGRICULTURAL LAND AND THE REDUCTION OF AGRICULTURAL PRODUCTIVITY AS AN IMPOVERISHMENT OF THE STATE'S ECONOMY.

2. IT IS THEREFORE THE PURPOSE OF THIS TITLE TO PERMIT VILLAGES, ON A PURELY OPTIONAL BASIS, TO OFFER ADDITIONAL MEANS AND INCENTIVES FOR THE PRESERVATION OF AGRICULTURAL LANDS AND FARMS; OPEN, SCENIC AND NATURAL SPACES, AREAS, WOODLANDS AND WETLANDS. THE ACQUISITION OF INTERESTS OR RIGHTS IN REAL PROPERTY FOR THE PRESERVATION OF OPEN, SCENIC AND NATURAL SPACES, AREAS, WOODLANDS AND WETLANDS, INCLUDING AGRICULTURAL LAND AND FARMS, CONSTITUTES A PUBLIC PURPOSE FOR WHICH PUBLIC FUNDS MAY BE EXPENDED OR ADVANCED.

3. THE PROVISIONS OF THIS TITLE ARE INTENDED TO BE SUPPLEMENTARY TO THE PROVISIONS OF TITLE ONE OF THIS ARTICLE AND ARE TO BE CONSTRUED AS SUPERSEDING SUCH TITLE OR ANY OTHER PROVISION OF ANY GENERAL, SPECIAL, OR LOCAL LAW OR CHARTER ONLY INSOFAR AS THE PROVISIONS OF THIS TITLE ARE INCONSISTENT THEREWITH.

S 7-752 DEFINITIONS. FOR THE PURPOSES OF THIS TITLE:

1. "AGRICULTURAL ASSESSMENT" MEANS AN ASSESSMENT AUTHORIZED BY SECTION THREE HUNDRED FIVE OR THREE HUNDRED SIX OF THE AGRICULTURE AND MARKETS

LAW; OR AN ALTERNATIVE AGRICULTURAL ASSESSMENT PROGRAM ESTABLISHED BY A LOCAL LAW ENACTED BY A TOWN. SUCH ALTERNATIVE AGRICULTURAL ASSESSMENT PROGRAM MAY PROVIDE GREATER BENEFITS TO LANDOWNERS, PROVIDED THAT THE PROVISION OF SUCH BENEFITS SHALL NOT BE LESS RESTRICTIVE THAN THE REQUIREMENTS OF SECTION THREE HUNDRED FIVE OR THREE HUNDRED SIX OF THE AGRICULTURE AND MARKETS LAW.

2. "AGRICULTURAL ASSESSMENT VALUE" MEANS THE VALUE PER ACRE ASSIGNED TO LAND FOR ASSESSMENT PURPOSES DETERMINED PURSUANT TO THE CAPITALIZED VALUE OF PRODUCTION PROCEDURE PRESCRIBED BY SECTION THREE HUNDRED FOUR-A OF THE AGRICULTURE AND MARKETS LAW, WHETHER APPLICABLE PURSUANT TO SECTION THREE HUNDRED FIVE OR THREE HUNDRED SIX OF SUCH LAW. PROVIDED, HOWEVER, THAT SUCH TERM MAY HAVE A DIFFERENT DEFINITION AS SPECIFIED BY AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE VILLAGE BOARD OF TRUSTEES.

3. "CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY SUBDIVISION TWO OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED TO SUCH OTHER AGRICULTURAL CROPS AS MAY BE SPECIFIED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE VILLAGE BOARD OF TRUSTEES.

4. "FARM WOODLAND" OR "WOODLAND" MEANS LAND USED FOR THE PRODUCTION FOR SALE OF WOODLAND PRODUCTS AS PROVIDED IN SUBDIVISION THREE OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW. WOODLAND SHALL HAVE SUCH MEANING AS SHALL BE ESTABLISHED BY AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN ENACTED BY THE VILLAGE BOARD OF TRUSTEES. ANY SUCH DEFINITION SHALL NOT ESTABLISH THE MINIMUM ACREAGE OF PARCELS, ANNUAL GROSS SALES VALUE, IF ANY, AND ANY OTHER CRITERIA DEEMED APPROPRIATE BY THE VILLAGE BOARD OF TRUSTEES.

5. "LAND USED IN AGRICULTURAL PRODUCTION" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION FOUR OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED TO INCLUDE OTHER LANDS THAT ARE EITHER IN AGRICULTURAL PRODUCTION OR POTENTIALLY COULD BE IN AGRICULTURAL PRODUCTION WHICH MAY BE SPECIFIED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE VILLAGE BOARD OF TRUSTEES. IN DEFINING "POTENTIALLY COULD BE IN AGRICULTURAL PRODUCTION", THE OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN SHALL ONLY CLASSIFY VIABLE AGRICULTURAL LAND, AS DEFINED IN SUBDIVISION SEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, AS UNIQUE OR IRREPLACEABLE AGRICULTURAL LAND, AS DEFINED IN SUBDIVISION SIX OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, THAT IF FARMED COULD SUSTAIN AN ECONOMICALLY VIABLE FARM OPERATION, AS DEFINED IN SUBDIVISION ELEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW.

6. "CONVERSION" MEANS AN OUTWARD OR AFFIRMATIVE ACT CHANGING THE USE OF AGRICULTURAL LAND AND SHALL NOT MEAN THE NONUSE OR IDLING OF SUCH LAND.

7. "GROSS SALES VALUE" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION NINE OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED TO INCLUDE OTHER SOURCES OF GROSS SALES VALUE AS SPECIFIED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE VILLAGE BOARD OF TRUSTEES.

8. "FARM OPERATION" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION ELEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW.

9. "COMMERCIAL HORSE BOARDING OPERATION" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION THIRTEEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT THE DEFINITION OF SUCH TERM MAY BE EXPANDED TO INCLUDE OTHER ACTIVITIES RELATED TO SUCH AN OPERATION AS PROVIDED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE VILLAGE BOARD OF TRUSTEES. UNDER NO CIRCUMSTANCES SHALL THIS SUBDIVISION BE CONSTRUED TO INCLUDE OPERATIONS WHOSE PRIMARY ON SITE FUNCTION IS HORSE RACING.

10. "TIMBER PROCESSING" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION FOURTEEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED AS PROVIDED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN ENACTED BY THE VILLAGE BOARD OF TRUSTEES.

11. "OPEN, SCENIC AND NATURAL SPACES AND AREAS" MEANS ANY SPACE OR AREA CHARACTERIZED BY (1) NATURAL, SCENIC BEAUTY, OR (2) WHOSE EXISTING OPENNESS, NATURAL CONDITION OR PRESENT STATE OF USE, IF RETAINED, WOULD MAINTAIN OR ENHANCE THE CONSERVATION OF NATURAL OR SCENIC RESOURCES. NATURAL RESOURCES INCLUDES, BUT IS NOT LIMITED TO, LAND USED IN AGRICULTURAL PRODUCTION, FARM WOODLAND, WOODLANDS OR WETLANDS.

12. "LAND USE REGULATION" SHALL MEAN AN ORDINANCE OR LOCAL LAW ENACTED BY A LOCAL GOVERNMENT FOR THE REGULATION OF ANY ASPECT OF LAND USE AND COMMUNITY RESOURCE PROTECTION AND INCLUDES ANY ZONING, SUBDIVISION, SPECIAL USE PERMIT OR SITE PLAN REGULATION OR ANY OTHER REGULATION WHICH PRESCRIBES THE APPROPRIATE USE OF PROPERTY OR THE SCALE, LOCATION AND INTENSITY OF DEVELOPMENT.

13. "PRESERVATION" SHALL MEAN MAINTAINING LANDS IN EXISTING USES, OR USES THAT ARE COMPATIBLE WITH EXISTING USES AND WHICH DO NOT INCREASE THE OVERALL DENSITY OF DEVELOPMENT IN AN AREA AND MAINTAIN SCENIC, OPEN SPACE, WATER QUALITY, WETLANDS, AGRICULTURAL LANDS AND WILDLIFE CONDITIONS IN AN AREA, OR RESTORING LANDS TO AN OPEN CONDITION.

S 7-753 AUTHORIZATIONS. IN FURTHERANCE OF THE PURPOSES OF THIS TITLE, A VILLAGE MAY:

1. ACQUIRE, BY PURCHASE, GIFT, GRANT, BEQUEST, DEVISE, LEASE OR OTHERWISE, THE FEE OR ANY LESSER INTEREST, DEVELOPMENT RIGHT, EASEMENT, COVENANT OR OTHER CONTRACTUAL RIGHT NECESSARY TO ACHIEVE THE PURPOSES OF THIS TITLE, TO OPEN, SCENIC OR NATURAL SPACES OR AREAS WITHIN SUCH VILLAGE; AND

2. GRANT TO OR TREAT ANY RIGHT, TITLE OR INTEREST SET FORTH IN SUBDIVISION ONE OF THIS SECTION, TREATING ALIKE ALL SUCH THINGS OF THE SAME CHARACTER:

A. IN THE CASE OF ANY RIGHT, TITLE OR INTEREST RECEIVING OR ELIGIBLE TO RECEIVE AN AGRICULTURAL ASSESSMENT, AN EXEMPTION FROM REAL PROPERTY TAXATION OF UP TO FIFTY PERCENT OF THE AGRICULTURAL ASSESSMENT VALUE; OR

B. IN THE CASE OF ANY RIGHT, TITLE OR INTEREST INELIGIBLE TO RECEIVE AN AGRICULTURAL ASSESSMENT, AN EXEMPTION FROM REAL PROPERTY TAXATION OF UP TO FIFTY PERCENT OF THE ASSESSED VALUATION THEREOF; AND

C. IN EITHER CASE, FULL OR PARTIAL EXEMPTION FROM SPECIAL AD VALOREM LEVIES AND SPECIAL ASSESSMENTS.

ANY EXEMPTION GRANTED PURSUANT TO THE PROVISIONS OF PARAGRAPHS A, B OR C OF THIS SUBDIVISION SHALL APPLY TO TAXES LEVIED BY ANY SCHOOL DISTRICT OR PORTION THEREOF LYING WITHIN THE WHOLE OR A PART OF THE VILLAGE.

3. TAKE SUCH MEASURES AS ARE AUTHORIZED BY SECTIONS 7-701 AND 7-703 OF THIS ARTICLE WITHOUT NEED OF OR REGARD FOR "DISTRICTS" WITHIN THE CONTEMPLATION OF SAID SECTIONS.

4. EXERCISE THE AUTHORIZATIONS PROVIDED BY SUBDIVISIONS ONE AND TWO OF THIS SECTION IN CONNECTION WITH THE ESTABLISHMENT OR MODIFICATION OF

PLANNED UNIT DEVELOPMENT ZONING DISTRICTS AUTHORIZED BY SECTION 7-703-A OF THIS ARTICLE OR THE APPROVAL OF CLUSTER DEVELOPMENTS PURSUANT TO SECTION 7-738 OF THIS ARTICLE.

5. GRANT ANY OTHER BENEFIT THE VILLAGE BOARD OF TRUSTEES DEEMS REASONABLE FOR THE ESTABLISHMENT AND MAINTENANCE OF OPEN, SCENIC OR NATURAL SPACE WITHIN THE VILLAGE.

6. IN CONSIDERATION OF AN EXERCISE OF A POWER AUTHORIZED BY THIS SECTION, A VILLAGE MAY REQUIRE THE AFFECTED PROPERTY TO BE MADE AVAILABLE FOR ENVIRONMENTALLY APPROPRIATE PUBLIC RECREATIONAL USE IN A MANNER THAT DOES NOT INTERFERE WITH THE PROPERTY RIGHTS, LAWFUL FARMING OPERATION, AGRICULTURAL PRODUCTION OR FARM WOODLAND ACTIVITIES OCCURRING ON SUCH PROPERTY OR WITH THE RIGHTS OF ADJACENT PROPERTY OWNERS.

S 7-754 APPLICABILITY OF PROVISIONS OF OTHER LAWS. 1. THE PROVISIONS OF SECTION TWO HUNDRED FORTY-SEVEN OF THE GENERAL MUNICIPAL LAW SHALL APPLY TO THE EXERCISE OF ANY AUTHORIZATION PURSUANT TO THE PROVISIONS OF SUBDIVISION ONE OR TWO OF SECTION 7-753 OF THIS TITLE, EXCEPT AS OTHERWISE QUALIFIED BY THIS TITLE.

2. THE COST OF SUCH ACQUISITION OF INTERESTS OR RIGHTS MAY BE INCURRED WHOLLY AT THE EXPENSE OF THE VILLAGE, AT THE EXPENSE OF THE OWNERS OF THE LANDS BENEFITED THEREBY, OR PARTLY AT THE EXPENSE OF SUCH OWNERS AND PARTLY AT THE EXPENSE OF THE VILLAGE AT LARGE AS A LOCAL IMPROVEMENT IN THE MANNER PROVIDED BY ARTICLE TWENTY-TWO OF THIS CHAPTER ENTITLED LOCAL IMPROVEMENTS. THE VILLAGE BOARD OF TRUSTEES IS HEREBY AUTHORIZED AND EMPOWERED TO MAKE SUCH APPROPRIATION AS IT MAY SEE FIT FOR SUCH CHARGES AND EXPENSES; PROVIDED, HOWEVER, THAT SUCH APPROPRIATION SHALL BE THE ESTIMATED CHARGES AND EXPENSES LESS FEES, IF ANY, COLLECTED, AND PROVIDED THAT THE AMOUNT SO APPROPRIATED SHALL BE ASSESSED, LEVIED AND COLLECTED AS DETERMINED PURSUANT TO THE PRECEDING SENTENCE OF THIS SUBDIVISION.

3. THE PROVISIONS OF SECTIONS 7-739 AND 7-741 OF THIS ARTICLE SHALL APPLY TO THE EXERCISE OF THE AUTHORIZATIONS PROVIDED BY SUBDIVISION ONE OF THIS SECTION AND SUBDIVISION ONE OR TWO OF SECTION 7-753 OF THIS TITLE, EXCEPT AS OTHERWISE QUALIFIED BY THIS TITLE.

4. THE EXERCISE OF ANY OF THE AUTHORIZATIONS PROVIDED BY SECTION 7-753 OF THIS TITLE SHALL NOT BE DEEMED TO REQUIRE AN AMENDMENT TO A VILLAGE COMPREHENSIVE PLAN, NOR SHALL IT REQUIRE FURTHER COMPLIANCE WITH THE PROVISIONS OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT UNDER ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND ITS IMPLEMENTING REGULATIONS FOR SUBSEQUENT SITE SPECIFIC ACTIONS THAT ARE IN CONFORMANCE WITH THE CONDITIONS AND THRESHOLDS ESTABLISHED FOR SUCH ACTIONS IN THE GENERIC ENVIRONMENTAL IMPACT STATEMENT AND ITS FINDINGS PREPARED IN CONNECTION WITH A VILLAGE COMPREHENSIVE PLAN OR AN AMENDMENT THERETO.

S 7-755 DISCLOSURE. 1. WHEN ANY PURCHASE AND SALE CONTRACT IS PRESENTED FOR THE SALE, PURCHASE OR EXCHANGE OF REAL PROPERTY WITH RESPECT TO WHICH THERE HAS BEEN AN EXERCISE OF AN AUTHORIZATION PURSUANT TO SECTION 7-753 OF THIS TITLE, THE PROSPECTIVE GRANTOR SHALL PRESENT TO THE PROSPECTIVE GRANTEE A DISCLOSURE NOTICE WHICH STATES THE FOLLOWING:

"IT IS THE POLICY OF THIS STATE AND THIS COMMUNITY TO PRESERVE OPEN, SCENIC AND NATURAL SPACES, INCLUDING AGRICULTURAL LAND AND FARM WOODLAND. THIS DISCLOSURE NOTICE IS TO INFORM PROSPECTIVE RESIDENTS THAT THE PROPERTY THEY ARE ABOUT TO ACQUIRE HAS BEEN SUBJECT TO SUCH A PRESERVATION MEASURE THAT MAY LIMIT THE PROPERTY OWNERS' RIGHTS AND RESULT IN PUBLIC ACCESS."

2. SUCH DISCLOSURE NOTICE SHALL BE SIGNED BY THE PROSPECTIVE GRANTOR AND GRANTEE PRIOR TO THE SALE, PURCHASE OR EXCHANGE OF SUCH REAL PROPER-

TY, OR THE EXECUTION OF ANY CONTRACT THEREFOR IF A CONTRACT BE ENTERED INTO THEREFOR.

3. RECEIPT OF SUCH DISCLOSURE NOTICE SHALL BE RECORDED ON A PROPERTY TRANSFER REPORT FORM PRESCRIBED BY THE STATE BOARD OF REAL PROPERTY SERVICES AS PROVIDED FOR IN SECTION THREE HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW.

S 6. The general municipal law is amended by adding a new article 13-E to read as follows:

ARTICLE 13-E
OPEN SPACE

SECTION 300. PURPOSE.
301. DEFINITIONS.
302. AUTHORIZATIONS.
303. APPLICABILITY OF PROVISIONS OF OTHER LAWS.
304. DISCLOSURE.

S 300. PURPOSE. 1. IN ACCORDANCE WITH PREVIOUS LEGISLATIVE FINDINGS, THE LEGISLATURE NOTES THE CONTINUING LOSS OF OPEN, SCENIC AND NATURAL SPACES AND AREAS AS THEY ARE CONVERTED TO VARIOUS USES, AMONG THE CHIEF CONCERNS BEING THE LOSS OF AGRICULTURAL LAND AND THE REDUCTION OF AGRICULTURAL PRODUCTIVITY AS AN IMPOVERISHMENT OF THE STATE'S ECONOMY.

2. IT IS THEREFORE THE PURPOSE OF THIS ARTICLE TO PERMIT TOWNS, ON A PURELY OPTIONAL BASIS, TO OFFER ADDITIONAL MEANS AND INCENTIVES FOR THE PRESERVATION OF OPEN AGRICULTURAL LANDS AND FARMS; SCENIC AND NATURAL SPACES, AREAS, WOODLANDS AND WETLANDS. THE ACQUISITION OF INTERESTS OR RIGHTS IN REAL PROPERTY FOR THE PRESERVATION OF OPEN, SCENIC AND NATURAL SPACES, AREAS, WOODLANDS AND WETLANDS, INCLUDING AGRICULTURAL LAND AND FARMS, CONSTITUTES A PUBLIC PURPOSE FOR WHICH PUBLIC FUNDS MAY BE EXPENDED OR ADVANCED.

3. THE PROVISIONS OF THIS ARTICLE ARE TO BE CONSTRUED AS SUPERSEDING ANY OTHER PROVISION OF ANY GENERAL, SPECIAL, OR LOCAL LAW OR CHARTER ONLY INSOFAR AS THE PROVISIONS OF THIS ARTICLE ARE INCONSISTENT THEREWITH.

S 301. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

1. "AGRICULTURAL ASSESSMENT" MEANS AN ASSESSMENT AUTHORIZED BY SECTION THREE HUNDRED FIVE OR THREE HUNDRED SIX OF THE AGRICULTURE AND MARKETS LAW; AN ALTERNATIVE AGRICULTURAL ASSESSMENT PROGRAM ESTABLISHED BY A LOCAL LAW ENACTED BY A COUNTY. SUCH ALTERNATIVE AGRICULTURAL ASSESSMENT PROGRAM MAY PROVIDE GREATER BENEFITS TO LANDOWNERS, PROVIDED THAT THE PROVISION OF SUCH BENEFITS SHALL NOT BE LESS RESTRICTIVE THAN THE REQUIREMENTS OF SECTION THREE HUNDRED FIVE OR THREE HUNDRED SIX OF THE AGRICULTURE AND MARKETS LAW.

2. "AGRICULTURAL ASSESSMENT VALUE" MEANS THE VALUE PER ACRE ASSIGNED TO LAND FOR ASSESSMENT PURPOSES DETERMINED PURSUANT TO THE CAPITALIZED VALUE OF PRODUCTION PROCEDURE PRESCRIBED BY SECTION THREE HUNDRED FOUR-A OF THE AGRICULTURE AND MARKETS LAW, WHETHER APPLICABLE PURSUANT TO SECTION THREE HUNDRED FIVE OR THREE HUNDRED SIX OF SUCH LAW. PROVIDED, HOWEVER, THAT SUCH TERM MAY HAVE A DIFFERENT DEFINITION AS SPECIFIED BY AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE COUNTY LEGISLATIVE BODY.

3. "CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS" SHALL HAVE THE SAME MEANING AS ASCRIBED TO SUCH TERM BY SUBDIVISION TWO OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED TO SUCH OTHER AGRICULTURAL CROPS AS MAY BE SPECIFIED IN

AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE COUNTY LEGISLATIVE BODY.

4. "FARM WOODLAND" OR "WOODLAND" MEANS LAND USED FOR THE PRODUCTION FOR SALE OF WOODLAND PRODUCTS AS PROVIDED IN SUBDIVISION THREE OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW. WOODLAND SHALL HAVE SUCH MEANING AS SHALL BE ESTABLISHED BY AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN ENACTED BY THE COUNTY LEGISLATIVE BODY. ANY SUCH DEFINITION SHALL NOT ESTABLISH THE MINIMUM ACREAGE OF PARCELS, ANNUAL GROSS SALES VALUE, IF ANY, AND ANY OTHER CRITERIA DEEMED APPROPRIATE BY THE COUNTY LEGISLATIVE BODY.

5. "LAND USED IN AGRICULTURAL PRODUCTION" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION FOUR OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED TO INCLUDE OTHER LANDS THAT ARE EITHER IN AGRICULTURAL PRODUCTION OR POTENTIALLY COULD BE IN AGRICULTURAL PRODUCTION WHICH MAY BE SPECIFIED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE COUNTY LEGISLATIVE BODY. IN DEFINING "POTENTIALLY COULD BE IN AGRICULTURAL PRODUCTION", THE OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN SHALL ONLY CLASSIFY VIABLE AGRICULTURAL LAND, AS DEFINED IN SUBDIVISION SEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, AS UNIQUE OR IRREPLACEABLE AGRICULTURAL LAND, AS DEFINED IN SUBDIVISION SIX OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, THAT IF FARMED COULD SUSTAIN AN ECONOMICALLY VIABLE FARM OPERATION, AS DEFINED IN SUBDIVISION ELEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW.

6. "CONVERSION" MEANS AN OUTWARD OR AFFIRMATIVE ACT CHANGING THE USE OF AGRICULTURAL LAND AND SHALL NOT MEAN THE NONUSE OR IDLING OF SUCH LAND.

7. "GROSS SALES VALUE" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION NINE OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED TO INCLUDE OTHER SOURCES OF GROSS SALES VALUE AS SPECIFIED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE COUNTY LEGISLATIVE BODY.

8. "FARM OPERATION" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION ELEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW.

9. "COMMERCIAL HORSE BOARDING OPERATION" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION THIRTEEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT THE DEFINITION OF SUCH TERM MAY BE EXPANDED TO INCLUDE OTHER ACTIVITIES RELATED TO SUCH AN OPERATION AS PROVIDED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN THAT IS ENACTED BY THE COUNTY LEGISLATIVE BODY. UNDER NO CIRCUMSTANCES SHALL THIS SUBDIVISION BE CONSTRUED TO INCLUDE OPERATIONS WHOSE PRIMARY ON SITE FUNCTION IS HORSE RACING.

10. "TIMBER PROCESSING" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION FOURTEEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH DEFINITION MAY BE EXPANDED AS PROVIDED IN AN OPEN SPACE LOCAL LAW OR LOCAL LAND USE PLAN ENACTED BY THE COUNTY LEGISLATIVE BODY.

11. "OPEN, SCENIC AND NATURAL SPACES AND AREAS" MEANS ANY SPACE OR AREA CHARACTERIZED BY (1) NATURAL, SCENIC BEAUTY, OR (2) WHOSE EXISTING OPENNESS, NATURAL CONDITION OR PRESENT STATE OF USE, IF RETAINED, WOULD MAINTAIN OR ENHANCE THE CONSERVATION OF NATURAL OR SCENIC RESOURCES. NATURAL RESOURCES INCLUDES, BUT IS NOT LIMITED TO, LAND USED IN AGRICULTURAL PRODUCTION, FARM WOODLANDS, WOODLANDS OR WETLANDS.

12. "LAND USE REGULATION" SHALL MEAN AN ORDINANCE OR LOCAL LAW ENACTED BY A LOCAL GOVERNMENT FOR THE REGULATION OF ANY ASPECT OF LAND USE AND COMMUNITY RESOURCE PROTECTION AND INCLUDES ANY ZONING, SUBDIVISION, SPECIAL USE PERMIT OR SITE PLAN REGULATION OR ANY OTHER REGULATION WHICH PRESCRIBES THE APPROPRIATE USE OF PROPERTY OR THE SCALE, LOCATION AND INTENSITY OF DEVELOPMENT.

13. "PRESERVATION" SHALL MEAN MAINTAINING LANDS IN EXISTING USES, OR USES THAT ARE COMPATIBLE WITH EXISTING USES AND WHICH DO NOT INCREASE THE OVERALL DENSITY OF DEVELOPMENT IN AN AREA AND MAINTAIN SCENIC, OPEN SPACE, WATER QUALITY, WETLANDS, AGRICULTURAL LANDS AND WILDLIFE CONDITIONS IN AN AREA, OR RESTORING LANDS TO AN OPEN CONDITION.

S 302. AUTHORIZATIONS. IN FURTHERANCE OF THE PURPOSES OF THIS ARTICLE, A COUNTY MAY:

1. ACQUIRE, BY PURCHASE, GIFT, GRANT, BEQUEST, DEVISE, LEASE OR OTHERWISE, THE FEE OR ANY LESSER INTEREST, DEVELOPMENT RIGHT, EASEMENT, COVENANT OR OTHER CONTRACTUAL RIGHT NECESSARY TO ACHIEVE THE PURPOSES OF THIS ARTICLE, TO OPEN, SCENIC OR NATURAL SPACES OR AREAS WITHIN ANY PART OF SUCH TOWN NOT INCLUDED WITHIN THE BOUNDARIES OF AN INCORPORATED VILLAGE; AND

2. GRANT TO OR TREAT ANY RIGHT, TITLE OR INTEREST SET FORTH IN SUBDIVISION ONE OF THIS SECTION, TREATING ALIKE ALL SUCH THINGS OF THE SAME CHARACTER:

A. IN THE CASE OF ANY RIGHT, TITLE OR INTEREST RECEIVING OR ELIGIBLE TO RECEIVE AN AGRICULTURAL ASSESSMENT, AN EXEMPTION FROM REAL PROPERTY TAXATION OF UP TO FIFTY PERCENT OF THE AGRICULTURAL ASSESSMENT VALUE; OR

B. IN THE CASE OF ANY RIGHT, TITLE OR INTEREST INELIGIBLE TO RECEIVE AN AGRICULTURAL ASSESSMENT, AN EXEMPTION FROM REAL PROPERTY TAXATION OF UP TO FIFTY PERCENT OF THE ASSESSED VALUATION THEREOF; AND

C. IN EITHER CASE, FULL OR PARTIAL EXEMPTION FROM SPECIAL AD VALOREM LEVIES AND SPECIAL ASSESSMENTS.

ANY EXEMPTION GRANTED PURSUANT TO THE PROVISIONS OF PARAGRAPHS A, B OR C OF THIS SUBDIVISION SHALL APPLY TO TAXES LEVIED BY A SCHOOL DISTRICT OR SPECIAL DISTRICT OR PORTION THEREOF LYING WITHIN THE WHOLE OR A PART OF THE TOWN.

3. TAKE SUCH MEASURES WITHOUT NEED OF OR REGARD FOR THE COUNTY COMPREHENSIVE PLAN.

4. EXERCISE THE AUTHORIZATIONS PROVIDED BY SUBDIVISIONS ONE AND TWO OF THIS SECTION IN CONNECTION WITH THE ESTABLISHMENT OR MODIFICATION OF TOWN OR VILLAGE PLANNED UNIT DEVELOPMENT ZONING DISTRICTS AUTHORIZED OR THE APPROVAL OF CLUSTER DEVELOPMENTS.

5. GRANT ANY OTHER BENEFIT THE COUNTY LEGISLATIVE BODY DEEMS REASONABLE FOR THE ESTABLISHMENT AND MAINTENANCE OF OPEN, SCENIC OR NATURAL SPACE WITHIN THE COUNTY.

6. IN CONSIDERATION OF AN EXERCISE OF A POWER AUTHORIZED BY THIS SECTION, A COUNTY MAY REQUIRE THE AFFECTED PROPERTY TO BE MADE AVAILABLE FOR ENVIRONMENTALLY APPROPRIATE PUBLIC RECREATIONAL USE IN A MANNER THAT DOES NOT INTERFERE WITH THE PROPERTY RIGHTS, LAWFUL FARMING OPERATION, AGRICULTURAL PRODUCTION OR FARM WOODLAND ACTIVITIES OCCURRING ON SUCH PROPERTY OR WITH THE RIGHTS OF ADJACENT PROPERTY OWNERS.

S 303. APPLICABILITY OF PROVISIONS OF OTHER LAWS. 1. THE PROVISIONS OF SECTION TWO HUNDRED FORTY-SEVEN OF THIS CHAPTER SHALL APPLY TO THE EXERCISE OF ANY AUTHORIZATION PURSUANT TO THE PROVISIONS OF SUBDIVISION ONE OR TWO OF SECTION THREE HUNDRED TWO OF THIS ARTICLE, EXCEPT AS OTHERWISE QUALIFIED BY THIS ARTICLE.

2. THE COUNTY LEGISLATIVE BODY IS HEREBY AUTHORIZED AND EMPOWERED TO MAKE SUCH APPROPRIATION AS IT MAY SEE FIT FOR SUCH CHARGES AND EXPENSES.

3. THE EXERCISE OF ANY OF THE AUTHORIZATIONS PROVIDED BY SECTION THREE HUNDRED TWO OF THIS ARTICLE SHALL NOT BE DEEMED TO REQUIRE AN AMENDMENT TO A COUNTY COMPREHENSIVE PLAN, NOR SHALL IT REQUIRE FURTHER COMPLIANCE WITH THE PROVISIONS OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT UNDER ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND ITS IMPLEMENTING REGULATIONS FOR SUBSEQUENT SITE SPECIFIC ACTIONS THAT ARE IN CONFORMANCE WITH THE CONDITIONS AND THRESHOLDS ESTABLISHED FOR SUCH ACTIONS IN THE GENERIC ENVIRONMENTAL IMPACT STATEMENT AND ITS FINDINGS PREPARED IN CONNECTION WITH A COUNTY COMPREHENSIVE PLAN OR AN AMENDMENT THERETO.

S 304. DISCLOSURE. 1. WHEN ANY PURCHASE AND SALE CONTRACT IS PRESENTED FOR THE SALE, PURCHASE, OR EXCHANGE OF REAL PROPERTY WITH RESPECT TO WHICH THERE HAS BEEN AN EXERCISE OF AN AUTHORIZATION PURSUANT TO SECTION THREE HUNDRED TWO OF THIS ARTICLE, THE PROSPECTIVE GRANTOR SHALL PRESENT TO THE PROSPECTIVE GRANTEE A DISCLOSURE NOTICE WHICH STATES THE FOLLOWING:

"IT IS THE POLICY OF THIS STATE AND THIS COMMUNITY TO PRESERVE OPEN, SCENIC AND NATURAL SPACES, INCLUDING AGRICULTURAL LAND AND FARM. THIS DISCLOSURE NOTICE IS TO INFORM PROSPECTIVE RESIDENTS THAT THE PROPERTY THEY ARE ABOUT TO ACQUIRE HAS BEEN SUBJECT TO SUCH A PRESERVATION MEASURE THAT MAY LIMIT THE PROPERTY OWNERS' RIGHTS AND RESULT IN PUBLIC ACCESS."

2. SUCH DISCLOSURE NOTICE SHALL BE SIGNED BY THE PROSPECTIVE GRANTOR AND GRANTEE PRIOR TO THE SALE, PURCHASE OR EXCHANGE OF SUCH REAL PROPERTY, OR THE EXECUTION OF ANY CONTRACT THEREFOR IF A CONTRACT BE ENTERED INTO THEREFOR.

3. RECEIPT OF SUCH DISCLOSURE NOTICE SHALL BE RECORDED ON A PROPERTY TRANSFER REPORT FORM PRESCRIBED BY THE STATE BOARD OF REAL PROPERTY SERVICES AS PROVIDED FOR IN SECTION THREE HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW.

S 7. Subparagraph 5 of paragraph ii of subdivision 1-e of section 333 of the real property law, as amended by section 1 of part B of chapter 57 of the laws of 2004, is amended to read as follows:

(5) (A) a statement indicating whether OR NOT the parcel is located in an agricultural district and, if so, whether OR NOT a disclosure notice has been provided pursuant to section three hundred thirty-three-c of this article and section three hundred ten of the agriculture and markets law; AND (B) A STATEMENT INDICATING WHETHER OR NOT THE PARCEL HAS BEEN SUBJECT TO AN EXERCISE OF AN AUTHORIZATION PROVIDED BY SECTION TWO HUNDRED EIGHTY-EIGHT-B OF THE TOWN LAW, SECTION 7-753 OF THE VILLAGE LAW OR SECTION THREE HUNDRED TWO OF THE GENERAL MUNICIPAL LAW, AS THE CASE MAY BE, AND, IF SO, WHETHER OR NOT A DISCLOSURE NOTICE HAS BEEN PROVIDED PURSUANT TO SECTION THREE HUNDRED THIRTY-THREE-D OF THIS ARTICLE AND SECTION TWO HUNDRED EIGHTY-EIGHT-B OF THE TOWN LAW, SECTION 7-753 OF THE VILLAGE LAW OR SECTION THREE HUNDRED TWO OF THE GENERAL MUNICIPAL LAW, AS THE CASE MAY BE;

S 8. The real property law is amended by adding a new section 333-d to read as follows:

S 333-D. LANDS SUBJECT TO AN EXERCISE OF AN AUTHORIZATION PROVIDED BY SECTION TWO HUNDRED EIGHTY-EIGHT-B OF THE TOWN LAW, SECTION 7-753 OF THE VILLAGE LAW OR SECTION THREE HUNDRED TWO OF THE GENERAL MUNICIPAL LAW; DISCLOSURE. 1. WHEN ANY PURCHASE AND SALES CONTRACT IS PRESENTED FOR THE SALE, PURCHASE OR EXCHANGE OF REAL PROPERTY THAT HAS BEEN SUBJECT TO AN EXERCISE OF AN AUTHORIZATION PROVIDED BY SECTION TWO HUNDRED EIGHTY-EIGHT-B OF THE TOWN LAW, SECTION 7-753 OF THE VILLAGE LAW OR SECTION THREE HUNDRED TWO OF THE GENERAL MUNICIPAL LAW, AS THE CASE MAY

BE, THE PROSPECTIVE GRANTOR SHALL PRESENT TO THE PROSPECTIVE GRANTEE A DISCLOSURE NOTICE WHICH STATES THE FOLLOWING:

"IT IS THE POLICY OF THIS STATE AND THIS COMMUNITY TO PRESERVE OPEN, SCENIC AND NATURAL SPACES, INCLUDING AGRICULTURAL LAND AND FARM. THIS DISCLOSURE NOTICE IS TO INFORM PROSPECTIVE RESIDENTS THAT THE PROPERTY THEY ARE ABOUT TO ACQUIRE HAS BEEN SUBJECT TO SUCH A PRESERVATION MEASURE THAT MAY LIMIT THE PROPERTY OWNERS' RIGHTS AND RESULT IN PUBLIC ACCESS."

2. SUCH DISCLOSURE NOTICE SHALL BE SIGNED BY THE PROSPECTIVE GRANTOR AND GRANTEE PRIOR TO THE SALE, PURCHASE OR EXCHANGE OF SUCH REAL PROPERTY, OR THE EXECUTION OF ANY CONTRACT THEREFOR IF A CONTRACT BE ENTERED INTO THEREFOR.

3. FAILURE OF THE SELLER TO PROVIDE SUCH INFORMATION TO THE BUYER SHALL NOT PREVENT THE RECORDING OFFICER FROM FILING SUCH DEED.

S 9. The real property tax law is amended by adding a new section 203 to read as follows:

S 203. OPEN SPACE ASSISTANCE. THE BOARD IS HEREBY AUTHORIZED TO PROVIDE TOWNS, VILLAGES AND COUNTIES WITH TECHNICAL, SCIENTIFIC AND FINANCIAL ASSISTANCE FOR THE ESTABLISHMENT AND MAINTENANCE OF OPEN SPACE PURSUANT TO TITLE TWO OF ARTICLE SIXTEEN OF THE TOWN LAW, TITLE TWO OF ARTICLE SEVEN OF THE VILLAGE LAW AND ARTICLE THIRTEEN-E OF THE GENERAL MUNICIPAL LAW.

S 10. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.