

666

2009-2010 Regular Sessions

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

3 GENERAL PROVISIONS

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

6 TITLE 2

7 SPECIAL OPEN SPACE PROVISIONS

8 SECTION 288. PURPOSE.

9 288-A. DEFINITIONS.

10 288-B. AUTHORIZATIONS.

11 288-C. APPLICABILITY OF PROVISIONS OF OTHER LAWS.

12 288-D. DISCLOSURE.

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

18 2. IT IS THEREFORE THE PURPOSE OF THIS TITLE TO PERMIT TOWNS, ON A
19 PURELY OPTIONAL BASIS, TO OFFER ADDITIONAL MEANS AND INCENTIVES FOR THE
20 PRESERVATION OF AGRICULTURAL LANDS AND FARMS; OPEN, SCENIC AND NATURAL
21 SPACES, AREAS, WOODLANDS AND WETLANDS. THE ACQUISITION OF INTERESTS OR
22 RIGHTS IN REAL PROPERTY FOR THE PRESERVATION OF OPEN, SCENIC AND NATURAL
23 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.

LBD05416-01-9

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 2. GRANT TO OR TREAT ANY RIGHT, TITLE OR INTEREST SET FORTH IN SUBDI-
49 VISION ONE OF THIS SECTION, TREATING ALIKE ALL SUCH THINGS OF THE SAME
50 CHARACTER:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 2. SUCH DISCLOSURE NOTICE SHALL BE SIGNED BY THE PROSPECTIVE GRANTOR
12 AND GRANTEE PRIOR TO THE SALE, PURCHASE OR EXCHANGE OF SUCH REAL PROPER-
13 TY, OR THE EXECUTION OF ANY CONTRACT THEREFOR IF A CONTRACT BE ENTERED
14 INTO THEREFOR.

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

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

21 4. Invalidations. Nothing in this section shall be construed to inval-
22 idate any provision for incentives or bonuses heretofore OR HEREFTER
23 adopted by any town board.

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

26 GENERAL PROVISIONS

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

29 TITLE 2

30 SPECIAL OPEN SPACE PROVISIONS

31 SECTION 7-751 PURPOSE.

32 7-752 DEFINITIONS.

33 7-753 AUTHORIZATIONS.

34 7-754 APPLICABILITY OF PROVISIONS OF OTHER LAWS.

35 7-755 DISCLOSURE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 2. GRANT TO OR TREAT ANY RIGHT, TITLE OR INTEREST SET FORTH IN SUBDI-
39 VISION ONE OF THIS SECTION, TREATING ALIKE ALL SUCH THINGS OF THE SAME
40 CHARACTER:

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

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

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

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

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

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

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

4 5. GRANT ANY OTHER BENEFIT THE VILLAGE BOARD OF TRUSTEES DEEMS REASON-
5 ABLE FOR THE ESTABLISHMENT AND MAINTENANCE OF OPEN, SCENIC OR NATURAL
6 SPACE WITHIN THE VILLAGE.

7 6. IN CONSIDERATION OF AN EXERCISE OF A POWER AUTHORIZED BY THIS
8 SECTION, A VILLAGE MAY REQUIRE THE AFFECTED PROPERTY TO BE MADE AVAIL-
9 ABLE FOR ENVIRONMENTALLY APPROPRIATE PUBLIC RECREATIONAL USE IN A MANNER
10 THAT DOES NOT INTERFERE WITH THE PROPERTY RIGHTS, LAWFUL FARMING OPERA-
11 TION, AGRICULTURAL PRODUCTION OR FARM WOODLAND ACTIVITIES OCCURRING ON
12 SUCH PROPERTY OR WITH THE RIGHTS OF ADJACENT PROPERTY OWNERS.

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

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

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

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

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

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

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

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

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

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

9 ARTICLE 13-E
10 OPEN SPACE

11 SECTION 300. PURPOSE.

12 301. DEFINITIONS.

13 302. AUTHORIZATIONS.

14 303. APPLICABILITY OF PROVISIONS OF OTHER LAWS.

15 304. DISCLOSURE.

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

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

29 3. THE PROVISIONS OF THIS ARTICLE ARE TO BE CONSTRUED AS SUPERSEDING
30 ANY OTHER PROVISION OF ANY GENERAL, SPECIAL, OR LOCAL LAW OR CHARTER
31 ONLY INsofar AS THE PROVISIONS OF THIS ARTICLE ARE INCONSISTENT THERE-
32 WITH.

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

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

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

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

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

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

11 5. "LAND USED IN AGRICULTURAL PRODUCTION" SHALL HAVE THE SAME MEANING
12 AS IS ASCRIBED TO SUCH TERM PURSUANT TO SUBDIVISION FOUR OF SECTION
13 THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, PROVIDED THAT SUCH
14 DEFINITION MAY BE EXPANDED TO INCLUDE OTHER LANDS THAT ARE EITHER IN
15 AGRICULTURAL PRODUCTION OR POTENTIALLY COULD BE IN AGRICULTURAL
16 PRODUCTION WHICH MAY BE SPECIFIED IN AN OPEN SPACE LOCAL LAW OR LOCAL
17 LAND USE PLAN THAT IS ENACTED BY THE COUNTY LEGISLATIVE BODY. IN DEFIN-
18 ING "POTENTIALLY COULD BE IN AGRICULTURAL PRODUCTION", THE OPEN SPACE
19 LOCAL LAW OR LOCAL LAND USE PLAN SHALL ONLY CLASSIFY VIABLE AGRICULTURAL
20 LAND, AS DEFINED IN SUBDIVISION SEVEN OF SECTION THREE HUNDRED ONE OF
21 THE AGRICULTURE AND MARKETS LAW, AS UNIQUE OR IRREPLACEABLE AGRICULTURAL
22 LAND, AS DEFINED IN SUBDIVISION SIX OF SECTION THREE HUNDRED ONE OF THE
23 AGRICULTURE AND MARKETS LAW, THAT IF FARMED COULD SUSTAIN AN ECONOM-
24 ICALLY VIABLE FARM OPERATION, AS DEFINED IN SUBDIVISION ELEVEN OF
25 SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW.

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

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

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

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

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

51 11. "OPEN, SCENIC AND NATURAL SPACES AND AREAS" MEANS ANY SPACE OR
52 AREA CHARACTERIZED BY (1) NATURAL, SCENIC BEAUTY, OR (2) WHOSE EXISTING
53 OPENNESS, NATURAL CONDITION OR PRESENT STATE OF USE, IF RETAINED, WOULD
54 MAINTAIN OR ENHANCE THE CONSERVATION OF NATURAL OR SCENIC RESOURCES.
55 NATURAL RESOURCES INCLUDES, BUT IS NOT LIMITED TO, LAND USED IN AGRICUL-
56 TURAL 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.

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

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

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

22 2. SUCH DISCLOSURE NOTICE SHALL BE SIGNED BY THE PROSPECTIVE GRANTOR
23 AND GRANTEE PRIOR TO THE SALE, PURCHASE OR EXCHANGE OF SUCH REAL PROPER-
24 TY, OR THE EXECUTION OF ANY CONTRACT THEREFOR IF A CONTRACT BE ENTERED
25 INTO THEREFOR.

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

30 S 7. Subparagraph 5 of paragraph ii of subdivision 1-e of section 333
31 of the real property law, as amended by section 1 of part B of chapter
32 57 of the laws of 2004, is amended to read as follows:

33 (5) (A) a statement indicating whether OR NOT the parcel is located in
34 an agricultural district and, if so, whether OR NOT a disclosure notice
35 has been provided pursuant to section three hundred thirty-three-c of
36 this article and section three hundred ten of the agriculture and
37 markets law; AND (B) A STATEMENT INDICATING WHETHER OR NOT THE PARCEL
38 HAS BEEN SUBJECT TO AN EXERCISE OF AN AUTHORIZATION PROVIDED BY SECTION
39 TWO HUNDRED EIGHTY-EIGHT-B OF THE TOWN LAW, SECTION 7-753 OF THE VILLAGE
40 LAW OR SECTION THREE HUNDRED TWO OF THE GENERAL MUNICIPAL LAW, AS THE
41 CASE MAY BE, AND, IF SO, WHETHER OR NOT A DISCLOSURE NOTICE HAS BEEN
42 PROVIDED PURSUANT TO SECTION THREE HUNDRED THIRTY-THREE-D OF THIS ARTI-
43 CLE AND SECTION TWO HUNDRED EIGHTY-EIGHT-B OF THE TOWN LAW, SECTION
44 7-753 OF THE VILLAGE LAW OR SECTION THREE HUNDRED TWO OF THE GENERAL
45 MUNICIPAL LAW, AS THE CASE MAY BE;

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

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

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

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

9 2. SUCH DISCLOSURE NOTICE SHALL BE SIGNED BY THE PROSPECTIVE GRANTOR
10 AND GRANTEE PRIOR TO THE SALE, PURCHASE OR EXCHANGE OF SUCH REAL PROPER-
11 TY, OR THE EXECUTION OF ANY CONTRACT THEREFOR IF A CONTRACT BE ENTERED
12 INTO THEREFOR.

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

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

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

23 S 10. This act shall take effect on the one hundred eightieth day
24 after it shall have become a law, provided that any rules and regu-
25 lations necessary to implement the provisions of this act on its effec-
26 tive date are authorized and directed to be completed on or before such
27 date.