

8082

2015-2016 Regular Sessions

I N   A S S E M B L Y

June 5, 2015

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Introduced by M. of A. MAGEE, RUSSELL, SANTABARBARA, SKARTADOS, WOERNER  
-- (at request of the Department of Agriculture and Markets) -- read  
once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to agricultural districts law improvements; and the real property tax law, in relation to tax exemptions for certain structures on agricultural and horticultural lands; and to repeal certain provisions of the agriculture and markets law relating to agricultural districts

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

1     Section 1. Section 16 of the agriculture and markets law is amended by  
2     adding a new subdivision 2-e to read as follows:  
3     2-E. DEVELOP, AND UPDATE, GUIDANCE AND OTHER INFORMATION TO:  
4     (I) ASSIST COUNTY LEGISLATIVE BODIES, AGRICULTURAL AND FARMLAND  
5     PROTECTION BOARDS AND DEPARTMENTS IN CREATING AND REVIEWING AGRICULTURAL  
6     DISTRICTS PURSUANT TO SECTIONS THREE HUNDRED THREE, THREE HUNDRED  
7     THREE-A AND THREE HUNDRED THREE-B OF THIS CHAPTER; AND  
8     (II) ASSIST THE COMMISSIONER OF TAXATION AND FINANCE TO SUPPORT TRAIN-  
9     ING OF ASSESSORS AND ANY OTHER LOCAL GOVERNMENT OFFICIALS WHO HAVE  
10    RESPONSIBILITY FOR AGRICULTURAL ASSESSMENT AND TAXATION.  
11    S 2. Subdivision 3 of section 301 of the agriculture and markets law,  
12    as amended by chapter 797 of the laws of 1992, is amended to read as  
13    follows:  
14    3. "Farm woodland" means land used for the production [for sale] of  
15    woodland products INTENDED FOR SALE, including but not limited to logs,  
16    lumber, posts and firewood. Farm woodland shall not include land used to  
17    produce Christmas trees or land used for the processing or retail  
18    merchandising of woodland products.  
19    S 3. Subdivision 11 of section 301 of the agriculture and markets law,  
20    as amended by chapter 384 of the laws of 2011, is amended to read as  
21    follows:

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

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1 11. "Farm operation" means the land and on-farm buildings, equipment,  
2 manure processing and handling facilities, and practices which contrib-  
3 ute to the production, preparation and marketing of crops, livestock and  
4 livestock products as a commercial enterprise, including a "commercial  
5 horse boarding operation" as defined in subdivision thirteen of this  
6 section, a "timber operation" as defined in subdivision fourteen of this  
7 section, "compost, mulch or other biomass crops" as defined in subdivi-  
8 sion [sixteen] SEVENTEEN of this section and "commercial equine opera-  
9 tion" as defined in subdivision [seventeen] EIGHTEEN of this section.  
10 Such farm operation may consist of one or more parcels of owned or rent-  
11 ed land, which parcels may be contiguous or noncontiguous to each other.

12 S 4. Subdivision 12 of section 301 of the agriculture and markets law,  
13 as added by chapter 534 of the laws of 1992, is amended to read as  
14 follows:

15 12. "Agricultural data statement" means an identification of farm  
16 operations within an agricultural district located within five hundred  
17 feet of the boundary of property upon which an action requiring municipi-  
18 pal review and approval by the planning board, zoning board of appeals,  
19 town board, or village board of trustees pursuant to article sixteen of  
20 the town law or article seven of the village law is proposed, as  
21 provided in section three hundred [five-a] FIVE-B of this article.

22 S 5. Subdivisions 16 and 17 of section 301 of the agriculture and  
23 markets law, subdivision 16 as added by chapter 536 of the laws of 2008,  
24 are renumbered subdivisions 17 and 18.

25 S 6. Section 303 of the agriculture and markets law, as amended by  
26 chapter 797 of the laws of 1992, subdivision 1 as amended by chapter 463  
27 of the laws of 2014, subparagraph 1 of paragraph a of subdivision 2 as  
28 amended by chapter 213 of the laws of 2007, subparagraph 3 of paragraph  
29 e of subdivision 2, and subdivisions 5 and 6 as amended by chapter 102  
30 of the laws of 1998, subdivision 4 as amended by chapter 523 of the laws  
31 of 2003, paragraph a of subdivision 5 and paragraph a of subdivision 6  
32 as designated by chapter 687 of the laws of 2002 and subdivision 7 as  
33 amended by chapter 357 of the laws of 1997, is amended to read as  
34 follows:

35 S 303. Agricultural districts; creation. 1. Any owner or owners of  
36 land may submit a proposal to the county legislative body for the  
37 creation of an agricultural district within such county, provided that  
38 such owner or owners own at least two hundred fifty acres [or at least  
39 ten per cent] of the land proposed to be included in the district[,  
40 whichever is greater]. Such proposal shall be submitted in such manner  
41 and form as may be prescribed by the commissioner, shall include a  
42 description of the proposed district, including a map delineating the  
43 exterior boundaries of the district which shall conform to tax parcel  
44 boundaries, and the tax map identification numbers for every parcel in  
45 the proposed district. The proposal [may recommend an appropriate] SHALL  
46 INCLUDE A review period of [either] eight[, twelve or twenty] years.

47 2. Upon the receipt of such a proposal, the county legislative body:

48 a. shall thereupon provide notice of such proposal by publishing a  
49 notice in a newspaper having general circulation within the proposed  
50 district and by POSTING A NOTICE ON THE HOME PAGE OF THE COUNTY'S  
51 WEBSITE; posting such notice in five conspicuous places within the  
52 proposed district; AND PROVIDING SUCH NOTICE IN WRITING BY FIRST CLASS  
53 MAIL TO THOSE MUNICIPALITIES WHOSE TERRITORY ENCOMPASSES THE PROPOSED  
54 DISTRICT. The notice shall contain the following information:

55 (1) a statement that a proposal for an agricultural district has been  
56 filed with the county legislative body pursuant to this article;

1 (2) a statement that the proposal will be on file open to public  
2 inspection in the county clerk's office;

3 (3) a statement that any COUNTY LANDOWNER OR municipality whose terri-  
4 tory encompasses the proposed district [or any landowner who owns at  
5 least ten per cent of the land proposed to be included within the  
6 proposed modification of the proposed district] may propose a modifica-  
7 tion of the proposed district in such form and manner as may be  
8 prescribed by the commissioner [of agriculture and markets];

9 (4) a statement that the proposed modification must be filed with the  
10 county clerk and the clerk of the county legislature within thirty days  
11 [after] OF the publication AND POSTING AND MAILING of such notice; AND

12 (5) a statement that at the termination of the thirty day period, the  
13 proposal and proposed modifications will be submitted to the [county  
14 planning board and] county agricultural and farmland protection board  
15 and that thereafter a public hearing will be held on the proposal,  
16 proposed modifications, and recommendations of the [planning board and]  
17 county agricultural and farmland protection board;

18 b. shall receive any proposals for modifications of such proposal  
19 which may be submitted by [such landowners or] PROPONENTS OF THE  
20 DISTRICT, ANY COUNTY LANDOWNERS OR municipalities within thirty days  
21 [after] OF the publication AND POSTING AND MAILING of such notice;

22 c. shall, upon the termination of such thirty day period, refer such  
23 proposal and proposed modifications to the county [planning board, which  
24 shall, within forty-five days, report to the county legislative body the  
25 potential effect of such proposal and proposed modifications upon the  
26 county's planning policies and objectives;

27 d. shall simultaneously, upon the termination of such thirty day peri-  
28 od, refer such proposal and proposed modifications to the county] agri-  
29 cultural and farmland protection board, which shall, AFTER CONSULTATION  
30 WITH THE COUNTY PLANNING BOARD, within forty-five days report to the  
31 county legislative body its recommendations concerning the proposal and  
32 proposed modifications[, and]; AND

33 [e.] D. shall hold a public hearing in the following manner:

34 (1) The hearing shall be held at a place within the proposed district  
35 or otherwise readily accessible to the proposed district;

36 (2) The notice shall contain the following information:

37 (a) a statement of the time, date and place of the public hearing;

38 (b) a description of the proposed district, any proposed additions and  
39 any recommendations of the [county planning board or] county agricul-  
40 tural and farmland protection board; AND

41 (c) a statement that the public hearing will be held concerning:

42 (i) the original proposal;

43 (ii) any written amendments proposed during the thirty day review  
44 period; AND

45 (iii) any recommendations proposed by the county agricultural and  
46 farmland protection board [and/or the county planning board.];

47 (3) The notice shall be published in a newspaper having a general  
48 circulation within the proposed district AND POSTED ON THE HOME PAGE OF  
49 THE COUNTY'S WEBSITE and shall be given in writing BY FIRST CLASS MAIL  
50 to those municipalities whose territory encompasses the proposed  
51 district and any proposed modifications, owners of real property within  
52 such a proposed district or any proposed modifications who are listed on  
53 the most recent assessment roll, the commissioner[, the commissioner of  
54 environmental conservation] and the advisory council on agriculture.

1 3. The following factors shall be considered by the [county planning  
2 board, the] county agricultural and farmland protection board[,] and  
3 IDENTIFIED AS ISSUES FOR COMMENT at [any] THE public hearing:

4 [i.] A. the viability of active farming within the proposed district  
5 and in areas adjacent thereto;

6 [ii.] B. the presence of any viable farm lands within the proposed  
7 district and adjacent thereto that are not now in active farming;

8 [iii.] C. the nature and extent of land uses other than active farming  
9 within the proposed district and adjacent thereto;

10 [iv.] D. county developmental patterns and needs; and

11 [v.] E. any other matters which [may] THE COUNTY LEGISLATIVE BODY  
12 DEEMS TO be relevant.

13 In judging viability, any relevant agricultural viability maps  
14 prepared by the commissioner [of agriculture and markets] shall be  
15 considered, as well as soil, climate, topography, other natural factors,  
16 markets for farm products, the extent and nature of farm improvements,  
17 the present status of farming, anticipated trends in agricultural  
18 economic conditions and technology, and such other factors as may be  
19 relevant.

20 4. The county legislative body, after receiving the [reports of the  
21 county planning board and] REPORT AND RECOMMENDATIONS, INCLUDING ANY  
22 RECOMMENDATIONS OF THE COUNTY PLANNING BOARD, OF the county agricultural  
23 and farmland protection board and after such public hearing, may adopt  
24 as a plan the proposal or any modification of the proposal it deems  
25 appropriate[, and shall adopt as part of the plan an appropriate review  
26 period of either eight, twelve or twenty years. The plan as adopted  
27 shall, to the extent feasible, include adjacent viable farm lands, and  
28 exclude, to the extent feasible, nonviable farm land and non-farm land.  
29 The plan shall include only whole tax parcels in the proposed district.  
30 The county legislative body shall act to adopt or reject the proposal,  
31 or any modification of it, no later than one hundred eighty days from  
32 the date the proposal was submitted to this body. Upon the adoption of a  
33 plan, the county legislative body shall submit it to the commissioner.  
34 The commissioner may, upon application by the county legislative body  
35 and for good cause shown, extend the period for adoption and submission  
36 once for an additional thirty days. Where he or she does so, the county  
37 legislative body may extend the period for the report from the county  
38 planning board and/or the period for the report from the county agricul-  
39 tural and farmland protection board] OR MAY ACT TO REJECT THE PROPOSAL.

40 5. [a.] ALL PLANS THAT ARE ADOPTED SHALL INCLUDE: (A) A REVIEW PERIOD  
41 OF EIGHT YEARS; (B) ONLY WHOLE TAX PARCELS IN THE PROPOSED DISTRICT; AND  
42 (C) TO THE EXTENT FEASIBLE, INCLUDE ADJACENT VIABLE FARM LANDS, AND  
43 EXCLUDE, TO THE EXTENT FEASIBLE, NONVIABLE FARM LAND AND NON-FARM LAND.

44 6. UPON THE ADOPTION OF A PLAN, THE COUNTY LEGISLATIVE BODY SHALL  
45 SUBMIT IT TO THE COMMISSIONER. ADOPTED PLANS SHALL BE SUBMITTED WITHIN  
46 ONE YEAR AFTER RECEIPT OF A COMPLETE PROPOSAL AS DESCRIBED IN SUBDIVI-  
47 SION ONE OF THIS SECTION. THE COMMISSIONER MAY, UPON APPLICATION BY THE  
48 COUNTY LEGISLATIVE BODY AND FOR GOOD CAUSE SHOWN, EXTEND THE PERIOD FOR  
49 SUBMISSION ONCE FOR UP TO SIX ADDITIONAL MONTHS.

50 7. The commissioner shall have sixty days after receipt of the plan  
51 within which to certify to the county legislative body whether the  
52 [proposal, or a modification of the proposal,] PLAN is eligible for  
53 districting, whether the area to be districted consists predominantly of  
54 viable agricultural land, and whether the plan of the proposed district  
55 is feasible, and will serve the public interest by assisting in main-  
56 taining a viable agricultural industry within the district and the

1 state. The commissioner shall submit a copy of such plan to the [commis-  
2 sioner of environmental conservation, who shall have thirty days within  
3 which to report his or her determination to the commissioner. A copy of  
4 such plan shall also be provided to the] advisory council on agricul-  
5 ture. [The commissioner shall not certify the plan as eligible for  
6 districting unless the commissioner of environmental conservation has  
7 determined that the area to be districted is consistent with state envi-  
8 ronmental plans, policies and objectives.

9 6. a. Within sixty days after the certification by the commissioner  
10 that the proposed area is eligible for districting, and that districting  
11 would be consistent with state environmental plans, policies and objec-  
12 tives, the county legislative body may hold a public hearing on the  
13 plan, except that it shall hold a public hearing if the plan was modi-  
14 fied by the commissioner or was modified by the county legislative body  
15 after they held the public hearing required by paragraph e of subdivi-  
16 sion two of this section and such modification was not considered at the  
17 original hearing. Notice of any such hearing shall be in a newspaper  
18 having general circulation in the area of the proposed district and  
19 individual notice, in writing, to those municipalities whose territories  
20 encompass the proposed district modifications, the persons owning land  
21 directly affected by the proposed district modifications, the commis-  
22 sioner, the commissioner of environmental conservation and the advisory  
23 council on agriculture. The proposed district, if certified without  
24 modification by the commissioner, shall become effective thirty days  
25 after the termination of such public hearing or, if there is no public  
26 hearing, ninety days after such certification unless its creation is  
27 disapproved by the county legislative body within such period. Provided,  
28 however, that if, on a date within the thirty days after the termination  
29 of such public hearing or, if there is no public hearing, within the  
30 ninety days after such certification, the county legislative body  
31 approves creation of the district, such district shall become effective  
32 on such date. Provided further, that notwithstanding any other provision  
33 of this subdivision, if the commissioner modified the proposal, the  
34 district shall not become effective unless the county legislative body  
35 approves the modified district; such approval must be given on a date  
36 within the thirty days after the termination of the public hearing; and  
37 the district, if approved, shall become effective on such date. Before  
38 approving or disapproving any proposal modified by the commissioner, the  
39 county legislative body may request reports on such modified proposal,  
40 from the county planning board and the county agricultural and farmland  
41 protection board.

42 7.] 8. IF THE COMMISSIONER CERTIFIES THE PLAN OF THE PROPOSED DISTRICT  
43 PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION, THE DISTRICT SHALL BE  
44 CREATED IMMEDIATELY UPON CERTIFICATION.

45 9. Upon the creation of an agricultural district, the description  
46 thereof, which shall include tax map identification numbers for all  
47 parcels within the district, plus a map delineating the exterior bounda-  
48 ries of the district in relation to tax parcel boundaries, shall be  
49 filed by the county legislative body with the county clerk, the county  
50 director of real property tax services, and the commissioner. [For all  
51 existing agricultural districts, the county clerk shall also file with  
52 the commissioner upon request the tax map identification numbers for tax  
53 parcels within those districts.] The commissioner, on petition of the  
54 county legislative body, may, for good cause shown, approve the  
55 correction of any errors in materials filed pursuant to a district

1 creation at any time subsequent to the creation of any agricultural  
2 district.

3 S 7. Section 303-a of the agriculture and markets law, as added by  
4 chapter 357 of the laws of 1997, paragraph b of subdivision 2 as added,  
5 paragraph c of subdivision 2 as relettered, and clause (b) of subpara-  
6 graph 3 of paragraph c of subdivision 2 and subdivision 3 as amended by  
7 chapter 213 of the laws of 2007, subdivision 4 as added by chapter 290  
8 of the laws of 1999 and subdivision 5 as amended by chapter 120 of the  
9 laws of 2010, is amended to read as follows:

10 S 303-a. Agricultural districts; review. 1. The county legislative  
11 body shall review any district created under [this] section THREE  
12 HUNDRED THREE OF THIS ARTICLE eight[, twelve or twenty] years after the  
13 date of its creation[, consistent with the review period set forth in  
14 the plan creating such district] and at the end of every eight[, twelve  
15 or twenty] year period thereafter[, whichever may apply. In counties  
16 with multiple districts with review dates in any twelve month period,  
17 the commissioner, on petition of the county legislative body, may, for  
18 good cause shown, approve an extension of up to four years for a  
19 district review. Thereafter, the extended review date shall be deemed  
20 the creation date for purposes of subsequent reviews by the county  
21 legislative body in accordance with this section. The review date of a  
22 district may not be extended more than four years. The petition of the  
23 county legislative body for an extension shall be submitted to the  
24 commissioner at least six months prior to the review date].

25 2. In conducting a district review the county legislative body shall:

26 a. provide notice of such district review by publishing a notice in a  
27 newspaper having general circulation within the district and by POSTING  
28 A NOTICE ON THE HOME PAGE OF THE COUNTY'S WEBSITE; posting such notice  
29 in at least five conspicuous places within the district; AND PROVIDING  
30 SUCH NOTICE IN WRITING BY FIRST CLASS MAIL TO THOSE MUNICIPALITIES WHOSE  
31 TERRITORY ENCOMPASSES THE DISTRICT. The notice shall identify the muni-  
32 cipalities in which the district is found and the district's total area;  
33 indicate that a map of the district will be on file and open to public  
34 inspection in the office of the county clerk and such other places as  
35 the legislative body deems appropriate; and notify municipalities and  
36 land owners within the district that they may propose a modification of  
37 the district by filing such proposal with the [county] clerk of the  
38 county legislature within thirty days [after] OF the publication AND  
39 POSTING AND MAILING of such notice;

40 b. direct the county agricultural and farmland protection board to  
41 prepare a report WITHIN FORTY-FIVE DAYS concerning the following:

42 (1) the nature and status of farming and farm resources within such  
43 district, including the total number of acres of land and the total  
44 number of acres of land in farm operations in the district;

45 (2) the extent to which the district has achieved its original objec-  
46 tives;

47 (3) the extent to which county and local comprehensive plans, policies  
48 and objectives are consistent with and support the district;

49 (4) the degree of coordination between local laws, ordinances, rules  
50 and regulations that apply to farm operations in such district and their  
51 influence on farming; and

52 (5) recommendations to continue, terminate or modify such district.

53 c. hold a public hearing [at least one hundred twenty days prior to  
54 the district review date and not more than one hundred eighty days prior  
55 to such date,] in the following manner:

1 (1) the hearing shall be held at a place within the district or other-  
2 wise readily accessible to the proposed district;

3 (2) a notice of public hearing shall be published in a newspaper  
4 having a general circulation within the district AND POSTED ON THE HOME  
5 PAGE OF THE COUNTY'S WEBSITE and shall be given in writing BY FIRST  
6 CLASS MAIL to those municipalities whose territories encompass the  
7 district and any proposed modifications to the district; to persons, as  
8 listed on the most recent assessment roll, whose land is the subject of  
9 a proposed modification; and to the commissioner;

10 (3) the notice of hearing shall contain the following information:

11 (a) a statement of the time, date and place of the public hearing; and

12 (b) a description of the district, any proposed modifications and any  
13 recommendations of the county agricultural and farmland protection  
14 board.

15 3. A. The county legislative body, after receiving the report and  
16 recommendation of the county agricultural and farmland protection board,  
17 and after public hearing, shall make a finding whether the district  
18 should be continued, terminated or modified. If the county legislative  
19 body finds that the district should be terminated, it may do so at the  
20 end of such eight[, twelve or twenty] year period[, whichever may be  
21 applicable,] by filing a notice of termination with the county clerk and  
22 the commissioner.

23 B. THE COUNTY LEGISLATIVE BODY MAY ADOPT ANY MODIFICATION OF THE  
24 DISTRICT REVIEW PLAN IT DEEMS APPROPRIATE.

25 C. If the county legislative body finds that the district should be  
26 continued or modified, it shall submit [a] THE district review plan to  
27 the commissioner. The district review plan shall include a description  
28 of the district, including a map delineating the exterior boundaries of  
29 the district which shall conform to tax parcel boundaries; the tax map  
30 identification numbers for every parcel in the district; a copy of the  
31 report of the county agricultural and farmland protection board required  
32 by paragraph b of subdivision two of this section; and a copy of the  
33 testimony given at the public hearing required by paragraph c of subdivi-  
34 sion two of this section or a copy of the minutes of such hearing.

35 4. THE COUNTY LEGISLATIVE BODY SHALL COMPLETE THE REVIEW PROCESS  
36 DESCRIBED IN THIS SECTION BY EITHER TERMINATING, CONTINUING, OR MODIFY-  
37 ING THE DISTRICT ON OR BEFORE THE DISTRICT'S ANNIVERSARY DATE. THE  
38 COMMISSIONER MAY, UPON APPLICATION BY THE COUNTY LEGISLATIVE BODY AND  
39 FOR GOOD CAUSE SHOWN, EXTEND THE PERIOD FOR A DISTRICT REVIEW ONCE FOR  
40 UP TO SIX ADDITIONAL MONTHS. If the county legislative body does not  
41 act, or if a modification of a district is rejected by the county legis-  
42 lative body, the district shall continue as originally constituted,  
43 unless the commissioner, after consultation with the advisory council on  
44 agriculture, terminates such district, by filing a notice thereof with  
45 the county clerk, because[:

46 a.] the area in the district is no longer predominantly viable agri-  
47 cultural land[; or

48 b. the commissioner of environmental conservation has determined that  
49 the continuation of the district would not be consistent with state  
50 environmental plans, policies and objectives; provided, however, that if  
51 the commissioner certifies to the county legislative body that he or she  
52 will not approve the continuance of the district unless modified, the  
53 commissioner shall grant the county an extension as provided in subdivi-  
54 sion one of this section to allow the county to prepare a modification  
55 of the district in the manner provided in this section].

1 5. Plan review, certification, correction of any errors and filing  
2 shall be conducted in the same manner prescribed for district creation  
3 in [subdivisions five, six and seven of] section three hundred three of  
4 this article.

5 S 8. The agriculture and markets law is amended by adding a new  
6 section 303-c to read as follows:

7 S 303-C. CONSOLIDATION OF AGRICULTURAL DISTRICTS. EXISTING AGRICUL-  
8 TURAL DISTRICTS MAY BE CONSOLIDATED WITH AN EXISTING DISTRICT UNDERGOING  
9 REVIEW PURSUANT TO AND IN THE SAME MANNER PRESCRIBED FOR DISTRICT REVIEW  
10 IN SECTION THREE HUNDRED THREE-A OF THIS ARTICLE. THE NOTICE OF PUBLIC  
11 HEARING REQUIRED BY SUBDIVISION TWO OF SECTION THREE HUNDRED THREE-A OF  
12 THIS ARTICLE SHALL BE GIVEN IN WRITING BY FIRST CLASS MAIL TO THOSE  
13 MUNICIPALITIES WHOSE TERRITORIES ENCOMPASS THE DISTRICTS PROPOSED TO BE  
14 CONSOLIDATED; AND TO ALL PERSONS, AS LISTED ON THE MOST RECENT ASSESS-  
15 MENT ROLL, WHOSE LAND IS THE SUBJECT OF A PROPOSED CONSOLIDATION. IN  
16 ADDITION TO THE INFORMATION REQUIRED BY SUBDIVISION TWO OF SECTION THREE  
17 HUNDRED THREE-A OF THIS ARTICLE, THE NOTICE OF HEARING SHALL IDENTIFY  
18 THE DISTRICT INTO WHICH THE EXISTING DISTRICT OR DISTRICTS WILL BE  
19 CONSOLIDATED AND THE NEW ANNIVERSARY DATE FOR THE CONSOLIDATED DISTRICT.

20 S 9. Section 304 of the agriculture and markets law is REPEALED.

21 S 10. Subdivision 1 of section 304-b of the agriculture and markets  
22 law, as amended by chapter 213 of the laws of 2007, is amended to read  
23 as follows:

24 1. The commissioner shall file a written report with the governor and  
25 the legislature on January first, two thousand eight and biennially  
26 thereafter, covering each prior period of two years, concerning the  
27 status of the agricultural districts program. Such report shall include,  
28 but not be limited to, the total number of agricultural districts, the  
29 total number of acres in agricultural districts, a list of the counties  
30 that have established county agricultural and farmland protection plans,  
31 and a summary of the agricultural protection [planning] grants program.

32 S 11. Subparagraphs (ii) and (vi) of paragraph d of subdivision 1 of  
33 section 305 of the agriculture and markets law, as amended by chapter  
34 385 of the laws of 1994, are amended to read as follows:

35 (ii) Whenever a conversion occurs, the owner shall notify the assessor  
36 within ninety days of the date such conversion is commenced. If the  
37 landowner fails to make such notification within the ninety day period,  
38 the assessing unit, by majority vote of the governing body, may impose a  
39 penalty on behalf of the assessing unit of up to two times the total  
40 payments owed, but not to exceed a maximum total penalty of [five  
41 hundred] ONE THOUSAND dollars in addition to any payments owed.

42 (vi) The assessing unit, by majority vote of the governing body, may  
43 impose a minimum payment amount, not to exceed [one] FIVE hundred  
44 dollars.

45 S 12. Paragraph e of subdivision 1 of section 305 of the agriculture  
46 and markets law is REPEALED and paragraph f is relettered paragraph e.

47 S 13. Paragraph b of subdivision 4 of section 305 of the agriculture  
48 and markets law is REPEALED.

49 S 14. Paragraphs c, d, e and f of subdivision 4 of section 305 of the  
50 agriculture and markets law, paragraph c as amended by chapter 235 of  
51 the laws of 1995, paragraphs d and e as amended by chapter 797 of the  
52 laws of 1992 and paragraph f as amended by chapter 102 of the laws of  
53 1998, are amended to read as follows:

54 [c.] B. The agency, corporation or government proposing the action  
55 shall also, at least sixty-five days prior to such acquisition,  
56 construction or advance of public funds, file a [final] notice of intent



1 with the commissioner and the county agricultural and farmland  
2 protection board. Such [final] notice shall include a detailed agricul-  
3 tural impact statement setting forth the following:

4 (i) a detailed description of the proposed action and its agricultural  
5 setting;

6 (ii) the agricultural impact of the proposed action including short-  
7 term and long-term effects;

8 (iii) any adverse agricultural effects which cannot be avoided should  
9 the proposed action be implemented;

10 (iv) alternatives to the proposed action;

11 (v) any irreversible and irretrievable commitments of agricultural  
12 resources which would be involved in the proposed action should it be  
13 implemented;

14 (vi) mitigation measures proposed to minimize the adverse impact of  
15 the proposed action on the continuing viability of a farm enterprise or  
16 enterprises within the district;

17 (vii) any aspects of the proposed action which would encourage non-  
18 farm development, where applicable and appropriate; and

19 (viii) such other information as the commissioner may require.

20 The commissioner shall promptly determine whether the [final] notice  
21 is complete or incomplete. If the commissioner does not issue such  
22 determination within thirty days, the [final] notice shall be deemed  
23 complete. If the [final] notice is determined to be incomplete, the  
24 commissioner shall notify the party proposing the action in writing of  
25 the reasons for that determination. Any new submission shall commence a  
26 new period for department review for purposes of determining complete-  
27 ness.

28 [d.] C. The provisions of [paragraphs] PARAGRAPH b [and c] of this  
29 subdivision shall not apply and shall be deemed waived by the owner of  
30 the land to be acquired where such owner signs a document to such effect  
31 and provides a copy to the commissioner.

32 [e.] D. Upon notice from the commissioner that he or she has accepted  
33 a [final] notice as complete, the county agricultural and farmland  
34 protection board may, within thirty days, review the proposed action and  
35 its effects on farm operations and agricultural resources within the  
36 district, and report its findings and recommendations to the commission-  
37 er and to the party proposing the action in the case of actions proposed  
38 by a state agency or public benefit corporation, and additionally to the  
39 county legislature in the case of actions proposed by local government  
40 agencies.

41 [f.] E. Upon receipt and acceptance of a [final] notice, the commis-  
42 sioner shall thereupon forward a copy of such notice to the commissioner  
43 of environmental conservation and the advisory council on agriculture.  
44 The commissioner, in consultation with the commissioner of environmental  
45 conservation and the advisory council on agriculture, within forty-five  
46 days of the acceptance of a [final] notice, shall review the proposed  
47 action and make an initial determination whether such action would have  
48 an unreasonably adverse effect on the continuing viability of a farm  
49 enterprise or enterprises within the district, or state environmental  
50 plans, policies and objectives.

51 If the commissioner so determines, he or she may (i) issue an order  
52 within the forty-five day period directing the state agency, public  
53 benefit corporation or local government not to take such action for an  
54 additional period of sixty days immediately following such forty-five  
55 day period; and (ii) review the proposed action to determine whether any  
56 reasonable and practicable alternative or alternatives exist which would

1 minimize or avoid the adverse impact on agriculture in order to sustain  
2 a viable farm enterprise or enterprises within the district.

3 The commissioner may hold a public hearing concerning such proposed  
4 action at a place within the district or otherwise easily accessible to  
5 the district upon notice in a newspaper having a general circulation  
6 within the district AND POSTED ON THE HOME PAGE OF THE DEPARTMENT'S  
7 WEBSITE, and individual notice, in writing BY FIRST CLASS MAIL, to the  
8 municipalities whose territories encompass the district, the commission-  
9 er of environmental conservation, the advisory council on agriculture  
10 and the state agency, public benefit corporation or local government  
11 proposing to take such action. On or before the conclusion of such addi-  
12 tional sixty day period, the commissioner shall report his or her find-  
13 ings to the agency, corporation or government proposing to take such  
14 action, to any public agency having the power of review of or approval  
15 of such action, and, in a manner conducive to the wide dissemination of  
16 such findings, to the public. If the commissioner concludes that a  
17 reasonable and practicable alternative or alternatives exist which would  
18 minimize or avoid the adverse impact of the proposed action, he or she  
19 shall propose that such alternative or alternatives be accepted. If the  
20 agency, corporation or government proposing the action accepts the  
21 commissioner's proposal, then the requirements of the notice of intent  
22 filing shall be deemed fulfilled. If the agency, corporation or govern-  
23 ment rejects the commissioner's proposal, then it shall provide the  
24 commissioner with reasons for rejecting such proposal and a detailed  
25 comparison between its proposed action and the commissioner's alterna-  
26 tive or alternatives.

27 S 15. Paragraphs g, h and h-1 of subdivision 4 of section 305 of the  
28 agriculture and markets law are relettered paragraphs f, g and h.

29 S 16. Subdivisions 2, 3 and 4 of section 305-a of the agriculture and  
30 markets law are REPEALED.

31 S 17. Section 305-b of the agriculture and markets law is renumbered  
32 section 305-c and a new section 305-b is added to read as follows:

33 S 305-B. AGRICULTURAL DATA STATEMENT. 1. SUBMISSION, EVALUATION. ANY  
34 APPLICATION FOR A SPECIAL USE PERMIT, SITE PLAN APPROVAL, USE VARIANCE,  
35 OR SUBDIVISION APPROVAL REQUIRING MUNICIPAL REVIEW AND APPROVAL BY A  
36 PLANNING BOARD, ZONING BOARD OF APPEALS, TOWN BOARD, OR VILLAGE BOARD OF  
37 TRUSTEES PURSUANT TO ARTICLE SIXTEEN OF THE TOWN LAW OR ARTICLE SEVEN OF  
38 THE VILLAGE LAW, THAT WOULD OCCUR ON PROPERTY WITHIN AN AGRICULTURAL  
39 DISTRICT CONTAINING A FARM OPERATION OR ON PROPERTY WITH BOUNDARIES  
40 WITHIN FIVE HUNDRED FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL  
41 DISTRICT, SHALL INCLUDE AN AGRICULTURAL DATA STATEMENT. THE PLANNING  
42 BOARD, ZONING BOARD OF APPEALS, TOWN BOARD, OR VILLAGE BOARD OF TRUSTEES  
43 SHALL EVALUATE AND CONSIDER THE AGRICULTURAL DATA STATEMENT IN ITS  
44 REVIEW OF THE POSSIBLE IMPACTS OF THE PROPOSED PROJECT UPON THE FUNC-  
45 TIONING OF FARM OPERATIONS WITHIN SUCH AGRICULTURAL DISTRICT. THE INFOR-  
46 MATION REQUIRED BY AN AGRICULTURAL DATA STATEMENT MAY BE INCLUDED AS  
47 PART OF ANY OTHER APPLICATION FORM REQUIRED BY LOCAL LAW, ORDINANCE OR  
48 REGULATION.

49 2. NOTICE PROVISION. UPON THE RECEIPT OF SUCH APPLICATION BY THE PLAN-  
50 NING BOARD, ZONING BOARD OF APPEALS, TOWN BOARD, OR VILLAGE BOARD OF  
51 TRUSTEES, THE CLERK OF SUCH BOARD SHALL MAIL WRITTEN NOTICE OF SUCH  
52 APPLICATION TO THE OWNERS OF LAND AS IDENTIFIED BY THE APPLICANT IN THE  
53 AGRICULTURAL DATA STATEMENT. THE NOTICE SHALL INCLUDE A DESCRIPTION OF  
54 THE PROPOSED PROJECT AND ITS LOCATION, AND MAY BE SENT IN CONJUNCTION  
55 WITH ANY OTHER NOTICE REQUIRED BY STATE OR LOCAL LAW, ORDINANCE, RULE OR

REGULATION FOR THE PROJECT. THE COST OF MAILING THE NOTICE SHALL BE BORNE BY THE APPLICANT.

3. CONTENT. AN AGRICULTURAL DATA STATEMENT SHALL INCLUDE THE FOLLOWING INFORMATION: THE NAME AND ADDRESS OF THE APPLICANT; A DESCRIPTION OF THE PROPOSED PROJECT AND ITS LOCATION; THE NAME AND ADDRESS OF ANY OWNER OF LAND WITHIN THE AGRICULTURAL DISTRICT, WHICH LAND CONTAINS FARM OPERATIONS AND IS LOCATED WITHIN FIVE HUNDRED FEET OF THE BOUNDARY OF THE PROPERTY UPON WHICH THE PROJECT IS PROPOSED; AND A TAX MAP OR OTHER MAP SHOWING THE SITE OF THE PROPOSED PROJECT RELATIVE TO THE LOCATION OF FARM OPERATIONS IDENTIFIED IN THE AGRICULTURAL DATA STATEMENT.

S 18. Subparagraph (iii) of paragraph a and subparagraph (iv) of paragraph b of subdivision 2 of section 306 of the agriculture and markets law, as amended by chapter 680 of the laws of 1994, are amended to read as follows:

(iii) Whenever a conversion occurs, the owner shall notify the assessor within ninety days of the date such conversion is commenced. If the landowner fails to make such notification within the ninety day period, the assessing unit, by majority vote of the governing body, may impose a penalty on behalf of the assessing unit of up to two times the total payments owed, but not to exceed a maximum total penalty of [five hundred] ONE THOUSAND dollars in addition to any payments owed.

(iv) The assessing unit, by majority vote of the government body, may impose a minimum payment amount, not to exceed [one] FIVE hundred dollars.

S 19. Section 307 of the agriculture and markets law, as amended by chapter 235 of the laws of 1995 and as further amended by subdivision (d) of section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

S 307. Promulgation of rules and regulations. The commissioner of taxation and finance and the commissioner are each empowered to promulgate such rules and regulations and to prescribe such forms as each shall deem necessary to effectuate the purposes of this article [, and the commissioner is further empowered to promulgate such rules and regulations as are necessary to provide for the reasonable consolidation of existing agricultural districts with new agricultural districts or with other existing districts undergoing modification pursuant to section three hundred three of this article]. Where a document or any other paper or information is required, by such rules and regulations, or by any provision of this article, to be filed with, or by, a county clerk or any other local official, such clerk or other local official may file such document, paper, or information as he OR SHE deems proper, but [he] shall also file or record it in any manner directed by the commissioner of taxation and finance, by rule or regulation. In promulgating such a rule or regulation, such commissioner shall consider, among any other relevant factors, the need for security of land titles, the requirement that purchasers of land know of all potential tax and penalty liabilities, and the desirability that the searching of titles not be further complicated by the establishment of new sets of record books.

S 20. Subdivision 6 of section 309 of the agriculture and markets law, as added by chapter 79 of the laws of 1980, is amended to read as follows:

6. The advisory council on agriculture may ask other individuals to attend its meetings or work with it on an occasional or regular basis provided, however, that it shall invite participation by the chairman of the state soil and water conservation committee and the dean of the New York state college of agriculture and life sciences at Cornell universi-

ty. The advisory council on agriculture shall set the time and place of its meetings, and shall hold at least [four meetings] ONE MEETING per year.

S 21. Subdivision 2 of section 483 of the real property tax law, as amended by chapter 540 of the laws of 2007, is amended to read as follows:

2. The term "structures and buildings" shall include: (a) PERMANENT AND IMPERMANENT structures, INCLUDING TRELLISES AND PERGOLAS, MADE OF METAL, STRING OR WOOD, and buildings or portions thereof used directly and exclusively in the raising and production for sale of agricultural and horticultural commodities or necessary for the storage thereof, but not structures and buildings or portions thereof used for the processing of agricultural and horticultural commodities, or the retail merchandising of such commodities; (b) structures and buildings used to provide housing for regular and essential employees and their immediate families who are primarily employed in connection with the operation of lands actively devoted to agricultural and horticultural use, but not including structures and buildings occupied as a residence by the applicant and his immediate family; (c) structures and buildings used as indoor exercise arenas exclusively for training and exercising horses in connection with the raising and production for sale of agricultural and horticultural commodities or in connection with a commercial horse boarding operation as defined in section three hundred one of the agriculture and markets law. For purposes of this section, the term "indoor exercise arenas" shall not include riding academies or dude ranches; (d) structures and buildings used in the production of maple syrup; (e) structures and buildings used in the production of honey and beeswax including those structures and buildings used for the storage of bees. For purposes of this section, this shall not include those structures or buildings and portions thereof used for the sale of maple syrup or sale of honey and beeswax. The term "structures and buildings" shall not include silos, bulk milk tanks or coolers, or manure storage [and], handling AND TREATMENT facilities as such terms are used in section four hundred eighty-three-a of this title.

S 22. This act shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date; provided, however, that section five of this act shall only apply to the creation of any agricultural district pursuant to section 303 of the agriculture and markets law commenced after such effective date and section six of this act shall only apply to the review of any agricultural district pursuant to section 303-a of the agriculture and markets law commenced after such effective date.