

Agricultural Data Statement

Town of Throop

7471 Robinson Road
 Auburn, NY 13021
 (315) 252-7373

Instructions: This form must be completed in ink for any application for a special use permit, site plan approval, use variance, or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in the County Agricultural District.

OFFICE USE ONLY

Application No: _____
 Date Received: _____

Applicant

Name: _____

Address: _____

1. Type of Application (check all that apply)
- | | |
|---|---|
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Site Plan Approval |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Subdivision Approval |

2. Description of proposed project:

3. Location of project: Address: _____
 Tax Map Number: _____

4. Is this parcel within the County Agricultural District? Yes No
 (Check with the County Planning Department if you are unsure)

5. Is this parcel actively farmed? Yes No

6. List all farm operations within 500 feet of this parcel. Attach additional sheets if necessary.

Name: _____	Name: _____
Address: _____	Address: _____
Is this parcel actively farmed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is this parcel actively farmed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Name: _____	Name: _____
Address: _____	Address: _____
Is this parcel actively farmed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is this parcel actively farmed? <input type="checkbox"/> Yes <input type="checkbox"/> No

 APPLICANT SIGNATURE _____
 DATE

Reviewed by: _____ _____
 DATE
 MUNICIPAL OFFICIAL SIGNATURE & TITLE

NOTE TO REVIEWING BOARD: County GML §239-l, m & n Review is required. A copy of this Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

**PROCESSING AN AGRICULTURAL DATA STATEMENT
(Pursuant to Section 305-a of the Agriculture and Markets Law)**

- Any application requiring:
 - Special Use Permit
 - Site Plan Approval
 - Use Variance or
 - Subdivision Approval

- Which requires approval by:
 - Planning Board
 - Zoning Board of Appeals
 - Town Board or
 - Village Board of Trustees

Must submit an Agricultural Data Statement (ADS) if the proposed project occurs on property within a county agricultural district; or on property with boundaries within 500 feet of a farm operation located within a county agricultural district.

- Required content of an Agricultural Data Statement:
 1. Name and address of applicant
 2. Description of the proposed project and its location
 3. Name and address of any owner of land within the county agricultural district, which land contains farm operations and is located within 500 feet of the boundaries of the property upon which the project is proposed
 4. A tax map or other map showing the site of the proposed project relative to the location of the farm operations identified in the ADS.

- The Clerk of the appropriate governmental entity is required to mail a written notice containing a description of the proposed project and its location to owners of land as identified by the applicant in the ADS.

- The local reviewing board must evaluate and consider the ADS to determine the possible impacts of the proposed project may have on the functioning of farm operations within the subject county agricultural district.

Procedural Considerations

- A map of the county's agricultural district should be well displayed within the municipal office where land use applications are submitted. The map will benefit both the applicant and municipal review officer in determining the location of the subject parcel. An Agricultural District map¹ can be obtained from the County Planning Department.

- The local reviewing board should ascertain present and future farming conditions to ensure the proposed land use does not conflict with current or future farming activities. A farmer's knowledge of local agricultural conditions is fundamental for the local reviewing board's evaluation and determination of appropriate mitigation measures and whether the action proposed will conflict with farming practices.

- The County Agricultural and Farmland Protection Board may assist local reviewing boards in project evaluation.

- A copy of the completed ADS and action by the local reviewing board should be submitted to the County Agricultural and Farmland Protection Board for its records.

¹ Tax map identification numbers of all parcels within a county agricultural district are on file with the County Planning Department.

NYS Town Law

§ 283-a. Coordination with agricultural districts program.

1. Policy of local governments. Local governments shall exercise their powers to enact local laws, ordinances, rules or regulations that apply to farm operations in an agricultural district in a manner which does not unreasonably restrict or regulate farm structures or farming practices in contravention of the purposes of article twenty-five- AA of the agriculture and markets law, unless such restrictions or regulations bear a direct relationship to the maintenance of public health or safety.
2. Agricultural data statement; submission, evaluation. Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval by the town board, planning board, or zoning board of appeals pursuant to this article, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The town board, planning board, or zoning board of appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulation.
3. Agricultural data statement; notice provision. Upon the receipt of such application by the planning board, zoning board of appeals, or town board, the clerk of such board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant.
4. Agricultural data statement; 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.
5. Notice to county planning board or agency or regional planning council. The clerk of the town board, planning board, or zoning board of appeals shall refer all applications requiring an agricultural data statement to the county planning board or agency or regional planning council as required by sections two hundred thirty- nine- m and two hundred thirty-nine-n of the general municipal law.

Agriculture and Markets Law
Article 25 AA - Agricultural Districts

§305-a. Coordination of local planning and land use decision-making with the agricultural districts program

1. Policy of local governments.
 - a. Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article, and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened.
 - b. The commissioner, upon his or her own initiative or upon the receipt of a complaint from a person within an agricultural district, may bring an action to enforce the provisions of this subdivision.
2. Agricultural data statement; submission, evaluation. Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval by a planning board, zoning board of appeals, town board, or village board of trustees pursuant to article sixteen of the town law or article seven of the village law, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The planning board, zoning board of appeals, town board, or village board of trustees shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulation.
3. Agricultural data statement; notice provision. Upon the receipt of such application by the planning board, zoning board of appeals, town board or village board of trustees, the clerk of such board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant.
4. Agricultural data statement; 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.