

Town of Saratoga Agriculture and Farmland Protection Plan



Town of Saratoga
Saratoga County, New York
December 2018



**Agriculture
and Markets**



The LA GROUP
Landscape Architecture & Engineering P.C.

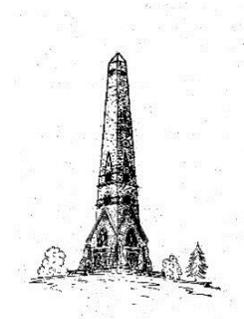
People. Purpose. Place.

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Executive Summary

Dramatic Changes in the Agricultural Landscape

The face of agriculture in the Town of Saratoga is changing and will continue to change in the future. The changes that we see in the Town of Saratoga are the same that we see in Saratoga County, the State of New York and the nation. The large dairy farms are becoming even larger, fewer in number, and more specialized. The equine industry is rapidly expanding has become a significant and important component of agriculture in the Town. There are several large and small Thoroughbred and Standardbred horse farms in operation today. In addition, there are numerous hunter-jumper and pleasure horse farms. In-town services have expanded to include an equine hospital and equine therapy.

At the same time, the Town is experiencing a rapid expansion and increase in the number of small farms that focus on unique products. New crops such as hemp and hops are emerging. Small specialized animal agriculture farms with goats, sheep, llamas, and emus are forming. There is an increase in the number of fruit and vegetable farms with many small enterprises selling crops such as pumpkins, strawberries, sweet corn, etc. Roadside markets are springing up. The market for sales of trees and shrubs as well as flower and vegetable bedding plants is expanding. Interest in organic animal and crop production is growing. Turf and lawn maintenance services are increasing. The forest industry is present with small sawmills now readily available for lumber production and specialized firewood cutting and splitting equipment. Agri-tourism is a rapidly growing part of the economic development landscape as a large part of the public desires to reconnect with their roots and the place where their food and fiber is grown. Pick your own enterprises and corn mazes are now common.

In summary, agriculture in the Town of Saratoga is thriving and expanding. However, if this is to continue, the community needs to be vigilant and forward-thinking in planning. To do this, the Town must carefully consider and implement appropriate



strategies and tools that will support and sustain agriculture well into the future.

The Capital District Regional Planning Commission projects the population of the Town to grow from 5,674 (2010) to 6,130 in 2030. This prediction indicates that the demand for additional housing will likely continue and result in the conversion of agricultural lands to residential uses in the Rural District unless there are more effective strategies in place to protect agriculture. Meanwhile the surrounding municipalities - Halfmoon, Ballston, Malta, Stillwater, Moreau, and City of Saratoga Springs - are among the top 25 communities for population growth in New York State since 2010. As these communities run out of buildable land, the pressure on the Town of Saratoga will very likely increase.

The most significant tool the Town has that controls development and expansion into the Rural District is its farmers. Their love of the land and passion to keep farming a viable business drives the effort to preserve lands for farming or other agricultural use, while limiting the conversion to residential use. The sheer bulk of land that remains actively used for agriculture is clearly the most effective tool to offset development pressure.



Agriculture provides a great benefit to the Town of Saratoga economically, environmentally, and socially. One of the strongest reasons to retain as much farmland in active production as possible is that it is good for the local tax base. Studies have repeatedly shown that farms pay more in taxes than they receive in services, keeping property taxes low for other property owners in the Town. There are a host of other community benefits as reported by the American Farmland Trust's *Planning for Agriculture in New York*:

- Economic: Farms provide jobs and support the local economy.
- Health/Nutrition: Farms produce fresh local foods.
- Scenic: Farms provide rural character and scenic landscapes.
- Tourism: Scenic working farms attract tourists and dollars to New York.
- Environmental: Well-managed farms help protect water quality and natural resources.
- Cultural: Farms connect us to our community heritage and historic places.
- Recreation: Some farms provide access for hunting, fishing and other outdoor recreational activities.

The Town Response

The Town of Saratoga leadership continues to be highly supportive of the agricultural community. This is evident in the strong and effective local Right-to-Farm Law, Zoning Code, and Subdivision Regulations. The commitment to sustaining agriculture in the community is also evident in the farmers and agribusiness owners who serve the public by participating on local boards and making sure that agriculture is considered in all town matters. In today's market conditions, these tools may no longer be enough to protect agricultural lands from falling into non-agricultural uses. Through this Farmland Protection Plan, the Town is supporting agriculture as a strong community priority. The Town is further interested in determining what lands should be preserved for agriculture and what land use and land preservation tools are available to most effectively preserve these lands.



Build Out Analysis

A town-wide build-out analysis conducted for the Town revealed that, based on current zoning density requirements, a total of 3,447 new residences could be constructed on the remaining agricultural and vacant land available for development. When the analysis is extended to include development on available agricultural and vacant lands the number of potential residences increases to 6,107. The analysis is intended to explore the question of what could happen if existing land development ordinances remain unchanged and what impact might that development have on the community? By providing a glimpse of a potential future, a build-out analysis shows how new development could expand far beyond existing infrastructure and raises important questions on how to truly preserve remaining farms in the Town of Saratoga.

Grant Opportunity

The Town of Saratoga was awarded a grant from the NYS Department of Agriculture and Markets under the Farmland Protection Implementation Grant program (Farmland Protection Program) to review the state of active agriculture and develop a municipal agriculture and farmland protection plan.

Through this plan, the Town intends is to gain an understanding of the effectiveness of current agricultural land protection strategies, investigate the value of updating some of the land use and zoning regulations, and consider adopting various strategies to help protect the future of agriculture in the Town. This plan presents a summary of potential land preservation tools and strategies available to the Town to most effectively preserve priority lands.

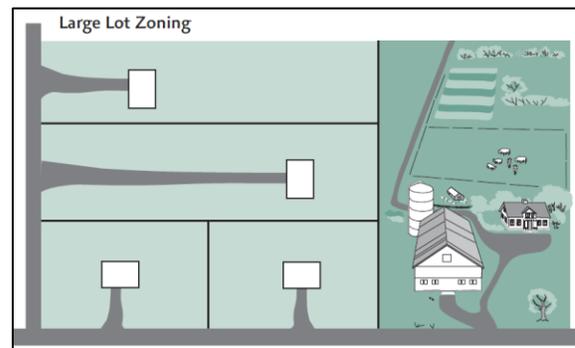
Vision for Agriculture

The vision for the future of agriculture in the Town of Saratoga is to provide a set of tools and strategies to assist in retaining as many farms as feasible in the active business of agriculture throughout the Town of Saratoga. Utilize a “Planning with Agriculture” approach that focuses future development in the growth corridors. These actions must be carefully balanced with maintaining the rights of the farmers and agricultural producers to leave their options open for future use of that land.

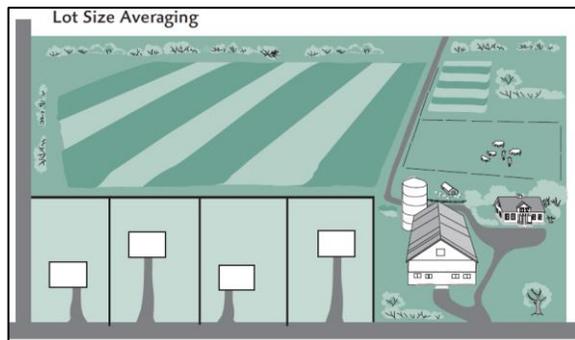
Recommended Actions for Planning and Zoning

1. Reduce the number of acres required for “agricultural pursuits” as defined in the Town of Saratoga Zoning Code in the Rural and Rural Residential Districts from 10 acres to 5 acres. This is intended to encourage a wider diversity of crop and animal farming operations that require less land.
2. Update *Town of Saratoga Right-to-Farm Law* to include detailed standards and procedures for the resolution of disputes between neighbors.
3. Revise the definition of “Farm” to “Farm Operation” and add other terms in the definitions in the Zoning Code to be more inclusive of contemporary farm life and agri-business. A full list is provided in the Zoning Audit in Appendix C.

4. Require physical or spatial buffers between residential uses and agricultural uses during the subdivision process to reduce potential land use conflicts. The burden of the buffer is on the developer, not the farmer. The width, length and type of the buffer is dependent on the nature of the border lands, with the need for the buffer based on the discretion of the Planning and Zoning Boards.



5. Expand the *Conservation Subdivision Development* Law by adding language that permits alternative designs that integrate residential and agricultural land uses with the intention of maintaining some level of active agriculture on the property.



6. Adopt average density provisions that permit a greater range of land use flexibility for minor and major subdivisions that are not considered under Conservation Subdivision

Development. This would offer strong benefits for farmers who want to sell off a few lots while keeping as much land in productive agriculture as possible.

7. Change the zoning district and revise the official Zoning Map to reflect a name change from “Rural District” to “Rural Agricultural District” for greater public acknowledgement that this district is primarily intended for agriculture.



8. Encourage the state to expand the definition of “Land included in agricultural assessment” to include lands that provide critical protection to adjacent farmland such as land that supports environmental, habitat, wildlife movement corridors, and riparian buffers.
9. Consider increasing the density requirements in Quaker Springs and Grangerville to encourage hamlet growth.
10. Apply for additional grant assistance through future NYS Agriculture and Market’s funding programs to incorporate the revisions from this plan into the Town of Saratoga Zoning Code.

Recommended Actions for Purchase of Development Rights and Transfer of Development Rights

1. Continue to actively participate in Saratoga County’s Purchase of Development Rights (PDR) Farmland Protection Program and coordinate with the Saratoga County Farmland/Open Space Preservation Program and Saratoga PLAN for funding assistance.
2. Conduct a study to determine the feasibility of a Transfer of Development Rights (TDR) program for the Town. This study would assess the implications of TDR on real property taxes and infrastructure. Apply for a grant through future NYS Agriculture and Market’s funding programs.
3. Support an expanded use of flexible conservation easements that provide farmers more options to hold on to their land and protect farmland affordability. These options include: Easement with pre-emptive purchase right; easement purchase; buy-protect-sell (with optional lease-to-own); and ground lease.

Recommended Actions for Agricultural Economic Development

1. Establish a permanent *Agricultural Advisory Committee* in the town that will provide the needed support to the agricultural community, resolve any Right-To-Farm law disputes, and assist in carrying out agricultural protection initiatives. Their work would include establishing

a mentoring network of local experienced agricultural professionals through the *Agricultural Advisory Committee* to provide one on one coaching and training to new farmers.

2. Develop a partnership between local agri-businesses and local schools to introduce students to regional and state programs that offer agricultural business programs. Consider the development of a *Farm Business Development Center* designed to encourage young residents to go into agricultural careers and grow the development of smaller niche farms.

3. Reach out to schools, churches, business community and other partners to develop a Pilot Food and Business Incubator Program to attract beginning farmers to innovative food system planning. Potentially utilize models from the *National Incubator Farm Training Initiative*.



4. Coordinate with local and regional chambers of commerce, Cooperative Extension, and others to develop an *Agritourism Plan* designed to identify and promote agritourism sites, services and events for visitors. The plan would include development of a marketing program to package the agri-businesses along the corridor and develop a set of driving tour itineraries that highlight farm businesses that wish to attract agri-tourists.

5. Seek partnership opportunities with the Town of Northumberland and other neighboring communities on mutually important farmland protection and business growth initiatives. This could potentially lead to a regional *Farmers Market Cooperative* like the Adirondack Farmers' Market Cooperative that sponsors six farmers' markets in the Adirondack region featuring "producer only" small, family operated farms or small home-based artisans producing hand-crafted items businesses with an allowance of 30 percent from other NYS local producers to round out product offerings. In addition to providing an economical market place for growers, bakers and craftspeople to sell their goods, it is an activity center in the market locations that stimulates other activities for the merchants in the market area and benefits the whole community.

6. Develop a distinctive agri-corridor along Route 29 between Grangerville and Schuylerville. The concept is to concentrate various agri-businesses that serve as a catalyst for economic development between Saratoga Springs and Schuylerville/Victory. This can be accomplished by the Town's implementation of a *Zoning Overlay District* for this portion of the corridor that incentivizes new agri-businesses while complementing existing businesses. This overlay district could be furthered strengthened by the development of a *Rural Corridor Form-Based Code* for that overlay district that would provide development standards to control the access and parking, landscaping, and configurations of buildings that define and shape the overall aesthetics of Route 29.



7. Support the establishment of an off-road *Fish Creek Hike-Bike Trail* that would give bicyclists a safe alternative away from rural roads where there is active agriculture. This initiative would help support agribusinesses along Route 29 and commerce in the villages of Schuylerville and Victory.

Recommended Actions to Support Agricultural Businesses

1. Encourage the state to support reducing the requirement to receive an agricultural assessment from \$50,000 to \$10,000 in annual gross sales of agricultural products on land parcels that are less than seven (7) acres.
2. Create a digital *Agricultural Bulletin Board* on the Town's website to include links to information for farmers to support all activities related to the business of agriculture. Create a section that permits farmers to advertise for crops or services that are needed. Also provide a comprehensive list of grant opportunities and financial assistance with direct links to services.



Moving Forward

The recommendations above provide the foundation for the Town to take the next steps in farmland preservation. To put the recommendations into action, the plan will have to be approved by the Town Board, Saratoga County Agricultural Protection Board, and the New York Commissioner of Agriculture. Public Hearings were held October 10, 2018 and November 8, 2018. Following approvals, the Town can begin setting in motion the recommendations, many of which do not require funding. The recommendations associated with zoning revisions can be referred to the existing committee that is actively overseeing an in-house effort to address zoning improvements throughout the town. Section 7 contains a complete implementation strategy for each of the recommendations. The two most effective ways to implement the Agriculture and Farmland Protection Plan is to make the Plan's implementation an agenda item and officially designate a person to represent agriculture for the Town and file a report to the Town Board on a regular basis.



SECTION 1 - INTRODUCTION

1.1 Project Description

This Plan assesses the condition of farming and other agricultural practices in the Town of Saratoga. The Town's intention is to gain an understanding of the effectiveness of current agricultural land protection strategies and investigate the value of updating some of the land use and zoning regulations, plus consider adopting new strategies to help sustain the future of agriculture in the Town. Section 6 presents a summary of potential land preservation tools and strategies available to the Town to most effectively preserve priority lands. Section 7 outlines the tools and strategies the Town is planning to employ to address the decline in the number of active farms.

The New York Department of Agriculture and Markets made funding available for the Town of Saratoga to develop a plan for agriculture under the Farmland Protection Implementation Grant program (Farmland Protection Program). This program assists counties and municipalities in developing agricultural and farmland protection plans and funding local initiatives that are intended to maintain the economic viability of the agricultural industry and its supporting land base, and to protect the environmental and landscape preservation values associated with agriculture. Under this program, to date the state has invested over \$145 million to protect more than 61,000 acres of viable agricultural land on over 240 farms.

Despite these exceptional efforts, New York continues to experience a historic number of farmlands conversions to nonagricultural uses. One of the reasons is that New York farmers who are age 65 and older own or manage nearly a third of the more than seven million acres of farmland in the state. Many of them do not have an identified successor to take over the farm, and as they farmers retire, roughly two million acres of farmland will shortly transition to new ownership and potentially new land uses. Many communities are battling this trend by incentivizing farming to entice new young farmers into the field.

Another reason for the steady decline of agriculture land in Saratoga County is the long-term and steady demand for new residential development in the rural areas. This is evident in the steady loss of agricultural land parcels indicating that farmland either converted to residential lots or subdivisions or were merged with other lands to make larger farms. Records from the NYS Office of Real Property Services indicate between 2008 and 2015 the Town of Saratoga experienced a loss of 11 agricultural parcels, and a gain of 75 residential parcels. The data show that while the actual number of farms has been reducing, the remaining farms have become much larger in the Town of Saratoga. This trend is common across the state and suggests that farmers are using this technique as strategy to simply remain in business.

The steady loss of active farmlands is reflective of the continuous strong demand in residential development in communities outside the City of Saratoga Springs. Through this project, the Town intends to gain an understanding of the effectiveness of their current agricultural land protection strategies which includes a Conservation Subdivision Development provision in the Zoning Code. Put into effect in 2003, this regulation is a guideline to the eligibility, design, review and approval process for developments that preserve open land, reduce sprawl, enhance visual character, and practice environmental conservation. It also is the preferred technique when requesting approval of a subdivision. The Town is interested in determining what lands should be preserved for agriculture and what land use and land preservation tools are available at this time to most effectively preserve these lands.

1.2 Planning for Agriculture

The Town of Saratoga has a strong history of participation of planning initiatives with its local, county, regional, state, and federal partners. In addition to having a close collaboration with neighboring villages of Victory and Schuylerville and the Town of Northumberland, the Town has been active in the planning of a public trail along the Old Champlain Canal. Consistent monthly participation in the Historic Hudson–Hoosic Rivers Partnership enables the Town to benefit from a continual exchange of information and provide mutual support for projects. Outreach for this plan has included members of the general public, farmers, representatives from the business community including agri-businesses, representatives from the local land trust and the following organizations and agencies:

- NY Department of Agriculture and Markets
- Saratoga County Planning Department
- Historic Hudson-Hoosic Rivers Partnership
- Saratoga County Agricultural and Farmland Protection Board
- Saratoga PLAN
- American Farmland Trust
- Lakes to Locks Passage
- Saratoga National Historical Park

The planning process for this project included a review of completed plans that seek to protect agriculture land and open spaces from the surrounding municipalities and non-profit groups. These plans included the following:

- Town of Saratoga Comprehensive Plan;
- Joint Open Space and Recreational Plan (Towns of Saratoga and Northumberland) ;
- Old Saratoga on the Hudson Waterfront Revitalization Plan (Towns of Saratoga, Northumberland, Greenwich and Villages of Schuylerville and Victory);
- The Stewardship Plan (Historic Hudson-Hoosic Rivers Partnership);
- Saratoga County Green Infrastructure Plan;
- Conserving Farmland in Saratoga County (Saratoga PLAN);
- New York Agricultural Landowner Guide (American Farmland Trust);
- Action Guide: Agricultural and Farmland Protection for New York (American Farmland Trust); and

- Planning for Agriculture in New York: A Toolkit for Towns and Communities_(American Farmland Trust).

1.3 Agricultural Benefits

Agriculture provides a great benefit to the Town of Saratoga economically, environmentally, and socially. Farmland is good for the local tax base. Fiscal impact studies repeatedly show that farms pay considerably more in taxes than they receive in services, keeping property taxes low for other land owners in the community. The Stillwater Farmland Protection and Green Infrastructure Plan cites that farmland in northeastern New York only requires \$0.21 in public services for every dollar it generates in property tax revenue. In comparison, residential development requires \$1.36 in services for each dollar generated. Additionally, there are many businesses that are supported by farming including tourism-based industries, banks, equipment and transportation companies. Farms also provide clean air and water, scenic landscapes, wildlife habitats, stabilize soil, reduce erosion and support biodiversity. Farms also provide the community and surrounding region with access to local, healthy food.

1.4 Vision for Agriculture

The vision for the future of agriculture in the Town of Saratoga is to maintain as much land as feasible in the active business of agriculture throughout the Town of Saratoga. This is possible through the outstanding and active farming community in the Town. Their love of the land and passion to keep farming a viable business drives the effort to preserve lands for farming or other agricultural use while limiting the conversion of the land to residential use. This includes providing direct assistance to farmers to remain viable and stay in business and protecting agricultural businesses and farmers from neighborhood complaints. The vision for agriculture also extends to building more interest with young residents to go into agricultural careers and prepare them for leadership roles in the field of farm and food systems. The Town also extends its vision to expanding agricultural economic development opportunities in the Town through the development of smaller niche farms and agricultural support businesses.



SECTION 2 - PUBLIC PARTICIPATION

Public participation was a robust component of the Plan. It consisted of a diverse Advisory Committee, several well-attended public meetings, and one on one interviews with key farmers in the community.

2.1 Advisory Committee

The Advisory Committee was appointed by the Saratoga Town Board and represented local farmers, agri-businessmen, national, local and county officials, elected officials, and a regional land trust. The group of participants represented a cross-section of the community with most people involved in agriculture in some way. A total of five committee meetings were held over the course of the project. Several special guests made presentations on topics deemed important by the Advisory Committee including agricultural assessments, transfer of development rights and agricultural soil science.

2.2 Public Meeting Summary

A public meeting was convened early in the process to determine the agricultural issues that are most important to the community. The March 29, 2017 meeting brought out a diverse group of participants including active and retired farmers, agri-business owners, land preservation specialists and residents. An interactive planning exercise known as a SWOT (Strengths, Weaknesses, Opportunities, and Threats) was conducted with the group following an introduction of the project, the planning process and a description of an expected outcome. The SWOT is a critical tool to help identify issues that place barriers and challenges on farms and farmers. The goal of this plan is to outline the steps needed to address all the identified issues. The goal of the plan is to build on the strengths, take advantage of the opportunities, address the weaknesses, and prevent the threats.

The SWOT produced a spirited conversation around a series of questions. The answers to these questions are outlined in the summary of the SWOT findings below. A complete summary is provided in Appendix A.

Agricultural Strengths

Strengths are community features and influences that have positive impacts on agriculture. *What community features and influences have positive impacts on agriculture? What distinguishes your agricultural economy from other agricultural communities?*

The public offered pointed to three strong reasons that the Town has an enduring relationship with agriculture. Strong Town Board leadership and support for agriculture, farmer dedication to

the practice of agriculture and farming, and strong active support from the Chamber of Commerce, Saratoga County Planning, and Saratoga PLAN.

Agricultural Weaknesses

Weaknesses are community features and influences that have negative impacts on agriculture. *What community features and influences have negative impacts on agriculture? What concerns you about the future of agriculture in this Town?*

For most farmers, the rising cost of farming has not been offset by rising prices associated with the sale of their products. The ability to remain sustainable is an ongoing challenge and has generally resulted in fewer, but larger farms operations. Strong development pressure to convert agricultural lands to non-agricultural uses is threatening the survival of existing farms. Rental lands held by non-farmers have no long-range security due to a lack of incentive to keep rental lands in farming. Often the goal is to lease land to farmers and later develop the land for residential purposes. The purchase price of land for residential purposes is considerably higher than that for agriculture uses often exceeding the amount a farmer can reasonably pay for the agricultural use of the land. In addition, the rising cost of school property taxes put a burden on farmers. Tax exemptions are often not high enough to offset this burden.

Most of the agricultural in the town is dedicated to dairy farming. The remaining is predominantly horse breeding and boarding. The ability of crop land to support the farms that are nearby is an important factor in controlling the cost of farming. Also, the ability for the town to attract young farmers who want to start out on 5-10 acres growing, raising and selling products that would support small agricultural related businesses is important in the retention and ultimate attraction of young people into the community. The town therefore desires to seek variability in the size and type of agricultural uses throughout the community.

The Town of Saratoga does not have access to any training programs for young residents and new farmers to encourage them to get into farming and help give them the skills and resources they need to succeed in the industry. The Town should look to state and regional organizations to form partnerships to create these programs. The following are existing tools that could be potential resources for the town

Conflicts can arise between farmers and residents when neighbors experience issues with agricultural practices and agricultural uses. The Town's intention is to minimize this potential by posting that a Right-To-Farm law is in force in the town.

Agricultural Opportunities

Opportunities are potential programs and projects that could improve agriculture. *What are potential programs and projects that could improve agriculture? What types of agricultural products and services are needed now?*

One of the strongest recommendations from the public was to promote agricultural businesses along Rt 29 and Rt 32 corridors. Conducting cross-marketing initiatives for agricultural products

and services linked with places and events. Another interest was continuing to explore the feasibility of developing and adopting a Transfer of Development Rights law as a preservation tool.

Agricultural Threats

Threats are influences on agriculture coming from outside the Town. *What are the negative influences on agriculture coming from outside the Town? What concerns you about the future of agriculture in this Town?*

Support agriculture and agritourism should be a priority economic development initiative in Saratoga County. The Town can grow and direct small agribusinesses through zoning methods and participation in special local and regional agri-events throughout the year. The potential is to drive customers into the Schuylerville and Victory business districts along the Route 29 corridor past a critical mass of specialty agri-businesses. Many of these businesses exist now and this can be greatly enhanced to become an economic development initiative. There is presently a gap in marketing of agritourism through the Saratoga County Chamber of Commerce, the main source for tourism development in the region. On the other hand, success itself can be considered a threat to agriculture.

Fewer young people are going into farming and no direct support exists for agriculture as a career from nearby schools and colleges.

Conflicts can arise between farmers and residents when neighbors experience issues with agricultural practices and agricultural uses. The Town's intention is to minimize this potential by improving the Right-To-Farm law that is already in force.

2.3 Farmer Interviews

One on one interviews with agricultural professionals were conducted in 2017. A summary of the interviews can be found in Appendix B. The common question that each person answered was: What are the top challenges facing you and the future success of your farm? The answers were varied but the following indicate a consistent set of responses:

- Property taxes (school taxes)
- Loss of productive farmland
- Availability of rental land
- Rising land prices
- Environmental regulations
- Access to agri-services

Other general comments received during the interviews helped the Advisory Committee understand the breadth of the problems encountered by active agricultural professionals. In some cases, it helped dispel some issues that are not significant to the agricultural community. Comments included the following:

- Fairness in use valuation should be evaluated.
- Agriculture is not considered the highest and best use of the land when appraising for taxes.
- Actions taken through zoning regulations or land trust actions could result in future land “takings”.
- Support is needed for farm improvement loans and grants.
- Compliance with labor laws is cumbersome.
- Farmers need to have access to information and tools that allow them to make the best decisions.
- Selling of land is a highly varied and very personal decision for farmers. Sometimes the decision is conflictive and not black and white.
- Keyhole parcels are practical uses for leasing farmland. They are at the highest risk for residential development and represent a significant loss for the farmer.
- Wetlands and other land cover represent important lands that support agriculture and should be subject to agricultural assessment.
- There is a need for a local food source business that addresses food security.
- Residential uses can be balanced with clustering homes with farmland.
- TDR should be pursued but with another neighboring community or on a regional or county-wide basis. A concern is the potential loss of tax base is end of “sending” development rights to another community in TDR.
- Identify short and long-term parcels in the town for conservation easements.
- Agricultural assessment and the 10-year exemption are working for farmers.
- Competition for land is an issue – developers and horse farmers can afford to pay considerably more than farmers.
- The present is a good time to address zoning issues since demand for residential seems lighter.
- Landlords are getting older and keeping farms viable is becoming an issue.
- Permits for Concentrated Animal Feeding Operation (CAFOs) for manure storage and other items continue to be burdensome and expensive.
- Reduce the number of acres for a farm in Rural District to receive agricultural assessment benefit. This impacts the town’s ability to attract new farmers with smaller acreage needs.
- Address the number of horses per acre requirements.
- Diversity in farming and small-scale farms are needed.
- Down to five or fewer dairy farms which use up most of the available land.
- Small scale development drives subdivisions in this town.
- Encourage marginal land to also preserve the rural character such as small livestock.
- Generate economic development through agritourism.
- Develop bike lanes to address conflicts with farm vehicles.
- Diversification is needed to address protection of the smaller farms from conversion.
- Big farms have issues too - including machinery they cannot sell plus loss or potential loss of milk contracts.
- Business dealers in the sale, repair and re-sale of farm machinery are too far away (Vermont).
- Large lot zoning should be avoided because it can result in spaghetti lots.

- New residents do not seem to contribute to the community services.
- Consider expanding agricultural assessment to viewsheds that need protection from development.

SECTION 3 - EXISTING CONDITIONS ANALYSIS

3.1 Community Profile

The face of agriculture in the Town of Saratoga is changing and will continue to change in the future. The changes that we see in the town of Saratoga are the same that we see in Saratoga County, the State of New York and the nation. The large dairy farms are becoming even larger, fewer in number, and more specialized. The equine industry is rapidly expanding has become a significant and important component of agriculture in the Town. There are several large and small Thoroughbred and Standardbred horse farms in operation today. In addition, there are numerous hunter-jumper and pleasure horse farms. In-town services have expanded to include an equine hospital and equine therapy.

At the same time, the Town is experiencing a rapid expansion and increase in the number of small farms that focus on unique products. New crops such as hemp and hops are emerging. Small specialized animal agriculture farms with goats, sheep, llamas, and emus are forming. There is an increase in the number of fruit and vegetable farms with many small enterprises selling crops such as pumpkins, strawberries, sweet corn, etc. Roadside markets are springing up. The market for sales of trees and shrubs as well as flower and vegetable bedding plants is expanding. Interest in organic animal and crop production is growing. Turf and lawn maintenance services are increasing. The forest industry is present with small sawmills now readily available for lumber production and specialized firewood cutting and splitting equipment. Agri-tourism is a rapidly growing part of the economic development landscape as a large part of the public desires to reconnect with their roots and the place where their food and fiber is grown. Pick your own enterprises and corn mazes are now common.

In summary, agriculture in the Town of Saratoga is thriving and expanding. However, if this is to continue, the community needs to be vigilant and forward-thinking in planning. To do this, the Town must carefully consider and implement appropriate strategies and tools that will support and sustain agriculture well into the future.

Population

The Town of Saratoga has an estimated population of 5,730 ranking eleventh of all municipalities in Saratoga County. According to the US Census population estimates, the Town's growth is virtually stagnant with a growth rate of less than 1% between 2010 and 2017. This stands in stark contrast to the population growth the town experienced between 1960 and 2010 when the population gained 2,519 (61% increase), likely due to the boomer birth bubble. The only loss in population occurred between 1880 and 1930. Even though the population in 1980 was approximately the same as it was in 1880 (Table 3-1), the population grew by nearly 24% or 1,079 individuals between 1980 and 2010.

The Town of Saratoga is experiencing a slow rate of growth compared to other towns in Saratoga County including the surrounding towns of Halfmoon, Ballston, Malta, Stillwater, Moreau, and City of Saratoga Springs who were among the top 25 communities for population growth in the state. The amount of land that continues to be in active agriculture is likely the primary factor holding back significant population gains in the Town of Saratoga. It should be noted that based on many factors, the Capital District Regional Planning Commission is projecting the population of the Town to grow from 5,674 (2010) to 6,130 in 2030 (20 years). This would seem to indicate that the demand for additional housing and the subsequent pressure to convert agricultural lands to residential will continue well into the future. However, based on the estimated population of 5,730 for 2017, the population is growing much slower than projections.

Table 3-1			
Town of Saratoga Population Changes and Projections 1820 - 2050			
Year	Population	Increase/Decrease	
		Number	Percent
1820	2,233	-	-
1830	2,461	228	10.2%
1840	2,624	163	6.6%
1850	3,492	868	33.1%
1860	3,843	351	10.1%
1870	4,052	209	5.4%
1880	4,539	487	12.0%
1890	3,855	-684	-15.1%
1900	3,999	144	3.7%
1910	3,942	-57	-1.4%
1920	3,680	-262	-6.6%
1930	3,027	-653	-17.7%
1940	3,212	185	6.1%
1950	3,225	13	0.4%
1960	3,515	290	9.0%
1970	4,206	691	19.7%
1980	4,595	389	9.2%
1990	5,069	474	10.3%
2000	5,141	72	1.4%
2010	5,674	533	10.4%
2017 estimated	5,730	56	1.0%

Source: 2020-2050 Forecasts developed by Capital District Regional Planning Commission

Zoning

The Town of Saratoga is divided into nine zoning districts: Rural, Rural Residential, Rural District 2, Village Extension, Hamlet, Conservancy, Lake Commercial, Lake Residential, and Industrial. While agriculture is listed as an allowed use within the Rural District, Rural Residential District, Hamlet District, and Conservancy District, it is the dominant land use in the Rural District. The stated purpose of this zoning district to preserve and enhance the agricultural assets of the Town. The zoning district boundary for the Rural District encompasses most of the designated Agricultural District established in accordance with the New York State Agricultural Districting Law. This zoning district is designed to limit the loss of irreplaceable viable agricultural lands to suburban growth and development and discourage land uses which do not compliment or conflict with agricultural pursuits (see Figure 1). It permits agricultural uses on lands of 10 acres or more and single-family residences on parcels of just under 2 acres (80,000sf).

The Town employed a thorough review of zoning density in relationship to protecting agriculture in the Rural District in 2002 when updating the Comprehensive Plan. The Town ultimately decided to maintain current density levels but added a provision for Conservation Subdivision Development (CSD). While CSD is not mandated it remains the preferred layout to traditional subdivision design in the Rural District. The Town has found that CSD is a powerful tool in not only retaining open space but also in providing a development pattern that balances agricultural interests with residential development.

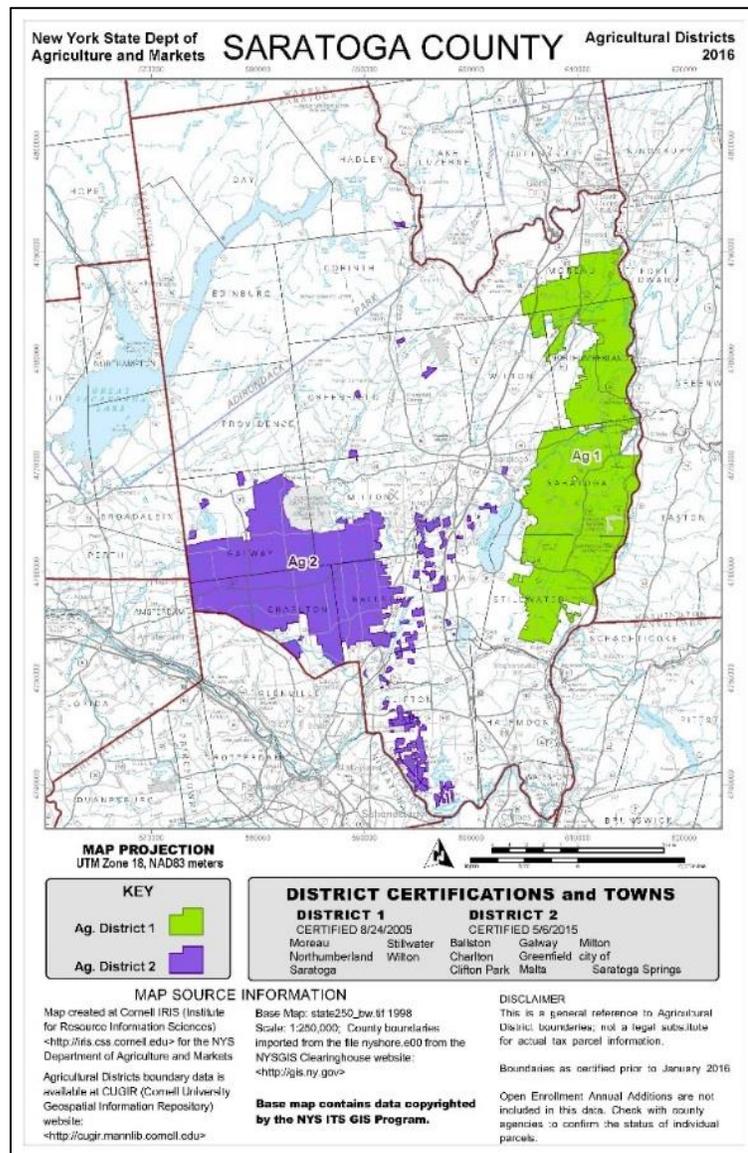
3.2 Agricultural Profile

Soils

The Town of Saratoga lies at the foothills of the Adirondacks in the Hudson River Lowlands. The soils consist largely of clay and sand deposits from Lake Albany, a glacial lake left at the end of the last ice age that spans across the entire Capital District along the west side of the Hudson River. This geologic activity created soils that are highly conducive for farming (see Figure 2). Prime soils are those rated best for farming, while soils of statewide importance are not rated as highly as prime soils but are still worth reserving for farming activities. Both are soil designations that work to preserve higher quality soil for agriculture (see Figure 3).

The Town of Saratoga is in *Agricultural District #1*, a geographic area which consists predominantly of viable agricultural land covering parts of the towns of Saratoga, Moreau, Wilton, Northumberland and Stillwater. Nearly the entire town is located within District 1. Agricultural operations within the district are the priority land use and afforded benefits and protections to promote the continuation of farming and the preservation of agricultural land. In practice, districts may include land that is actively farmed, idle, forested, as well as residential and commercial.

Agricultural districting does not restrict lands to farm purposes but encourages and promotes the continued use of farmland for agricultural production. The Program is based on a combination of landowner incentives and protections, all of which are designed to forestall the conversion of farmland to non-agricultural uses. Benefits that properties in state-certified Agricultural Districts receive include partial real property tax relief (agricultural assessment and special benefit assessments), protections against overly restrictive local laws, government funded acquisition or construction projects, and private nuisance suits involving agricultural practices.



Land Use

Statistics provided by NYS Office of Real Property Services indicate that the Town is slowly losing lands that were used for agriculture or were vacant to residential uses. Table 3-2 shows that between 2008 and 2017 agricultural parcels declined by 14 and vacant parcels declined by 24 while the number of residential parcels rose by 55. This steady decline is reflective of the continuous strong demand in residential development in communities outside the Saratoga Springs.

Through this project, the Town intends to gain an understanding of the effectiveness of their current agricultural land protection strategies which presently includes a clustering provision in the Zoning Code. Put into effect in 2003, this regulation is the primary guideline that drives the eligibility, design, review and approval process for developments that preserve open land, reduce sprawl, enhance visual character, and practice environmental conservation. It also is the preferred technique when requesting approval of a subdivision. The Town wants to encourage the use of Conservation Subdivision Development and broaden the flexibility in the provision to allow the retention of a farmstead within a new subdivision as well as other innovative ways of providing small farmers options for selling part of their land without losing the entire farm.

Table 3-2 History of Land Parcels in Agricultural Use						
Use Category	Town of Saratoga			Saratoga County		
	2008	2017	08-17 Change	2008	2017	08-17 Change
100 Agricultural Totals	94	80	-14	611	598	-13
200 Residential Totals	2,061	2,116	55	69,672	74,680	5,008
300 Vacant Totals	679	655	-24	16,259	15,784	-475
400 Commercial Totals	101	104	3	3,846	4,143	297
500 Recreation & Entertainment	10	12	2	422	492	70
600 Community Service Totals	59	59	-	1,295	1,250	-45
700 Industrial Totals	3	3	-	189	190	1
800 Public Service Totals	43	47	4	1,305	1,342	37
900 Public Parks, Wild, Forested & Conservation Totals	12	13	1	980	842	-138
TOTAL	3,062	3,089	27	94,579	99,321	4,742

Development Trends

Development in the Town of Saratoga trends towards large lot residential development. The vistas and open spaces plus its proximity to Saratoga Springs are a magnet for people who want to be “near” but not “in” Saratoga Springs. At the same time, the Town has become a destination for hobby farms and thoroughbred horse farms. In addition, the new *Canal Region Gateway*

Visitor Center is under construction in the Village of Schuylerville. This facility is designed to be the point of orientation for heritage visitors to the Hudson River/Champlain Canalway corridor.

In anticipation of more visitors along Route 29 between Saratoga Springs and Schuylerville, the Town is interested in concentrating more commercial development in this corridor in a way that also protects the adjacent agricultural lands. The Town understands that its charm and character are primarily derived by the farms, greenhouses, and agriculturally-based businesses that are an integral part of the landscape. Retaining that character will be a goal in the development of this plan. The Town is considering a *Zoning Overlay District* and/or a *Rural Corridor Form-Based Code* along part or all of the Route 29 corridor to encourage a concentration of agri-development and other supportive uses.

The Capital District Regional Planning Commission reported Housing unit numbers for the Town of Saratoga in the Community Growth Profile prepared in 2016. The period between 1990 and 2010 represent the highest years for building in this 35-year window (497 new housing units). Table 3-3 indicates that between 2010 and 2015 it appears that number of new housing units (67) declined dramatically in comparison to the 20-year period between 1990-2010. The average annual number of building permits issued for new construction of single-family units in the last 10 years is 19.

Table 3-3 Housing Units 1980- 2015 Town of Saratoga					
	1980	1990	2000	2010	2015
Total Units	2,049	2,135	2,286	2,632	2,699

Source: CDRPC

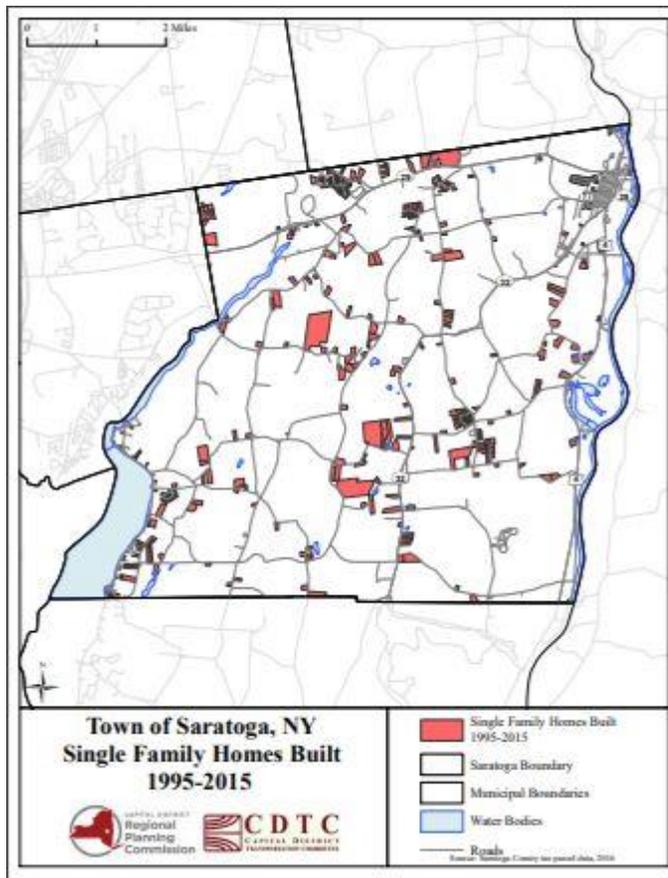
According to CDRPC, the top 10 communities in the Capital Region for single-family house construction permits from 2013 to 2017 include: Halfmoon - 744; Colonie - 722; Guilderland- 356; Ballston -351; Bethlehem -310; Malta -288; Wilton -287; Clifton Park 2-85; Saratoga Springs -284; Stillwater -166; and Moreau -162.

These figures appear to indicate that significant development pressure virtually surrounds the Town of Saratoga. It is a high probability that the large expanses of lands used for active agricultural in the Town is controlling the potential demand for single-family residences. The graphic provided by CDRPC illustrates the distribution of single family permits throughout the Town of Saratoga. The largest lots are in the center of the municipality where the largest commercial farms are located.

The steady loss of agricultural land parcels is an indicator of the conversion of land to primarily residential uses. The fact that during the period between 2008 and 2017 there was a loss of 24 vacant parcels indicates that farmland either converted to residential subdivisions or were merged with other lands to make larger farms. This means that while the actual number of farms has reduced, the remaining farms have become much larger. This trend is an economic strategy to stay in business and is common across the entire state.

Agriculture Trends

Agriculture has always been the centerpiece of economic development in the Town of Saratoga. To protect those resources, the Town has enacted the following tools: Agricultural District #1, a Right to Farm law, agricultural assessment incentives, farm building exemptions, and an active Purchase of Development Rights Program through the partnership of Saratoga County and Saratoga PLAN.



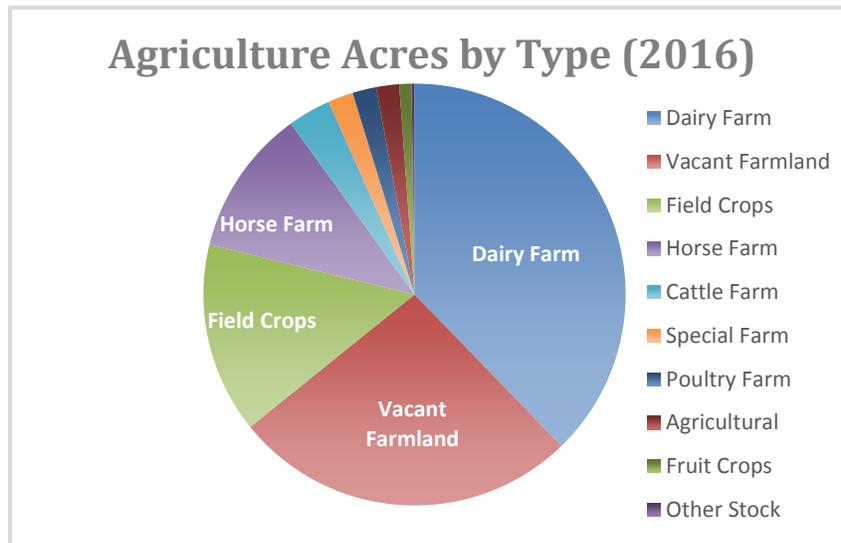
Source: CDRPC

The Town has a total of 6 properties that are currently protected under a PDR program and continually looks for new partnerships to maintain agriculture as its most sustainable industry. Another indicator of importance to the Town is the preparation of the Joint Open Space and Recreation Plan (Towns of Saratoga and Northumberland) in 2007 that reviewed growth and development patterns and conducted a build out analysis of vulnerable lands. That plan will be utilized as a base for future agricultural protection.

Agricultural Types

The graphic below illustrates the general distribution of acreage by types of agriculture in the Town of Saratoga. Clearly dairy is the dominant land use type and together with field crops occupies more than half the acreage. Vacant farmland is the second highest acreage type and indicates lands that are at risk for conversion to other uses.

Table 3-4 breaks down the details of land use by parcels and shows the change in parcel numbers in 2008 and 2017 for both the Town of Saratoga and Saratoga County. The trends indicate similarities between the Town and the County with both experiencing overall losses in agricultural parcels with the most significant losses in dairy (see Figures 4 and 5).



Source: NYS ORPTS Municipal Profile

Table 3-4 Detailed Agricultural Parcel Comparison						
Use Category	Town of Saratoga			Saratoga County		
	2008	2017	08-17 Change	2008	2017	08-17 Change
100 Agricultural Totals	94	83	-11	611	576	-35
105 Productive Vac Land	29	26	-3	187	213	26
110 Livestock & Products	0	0	-	14	9	-5
111 Poultry	4	3	-1	7	4	-3
112 Dairy Products	28	22	-6	110	84	-26
113 Cattle, calves, hogs	3	1	-2	19	21	2
114 Sheep & Wool	0	0	-	3	4	1
115 Honey & Beeswax	0	0	-	1	0	-1
116 Other Livestock	3	1	-2	20	5	-15
117 Horse Farms	11	11	-	53	75	22
120 Field Crops	14	13	-1	156	134	-22
129 Acquired Dev Rights	0	0	-	8	10	2
140 Truck Crops	1	0	-1	7	4	-3
150 Orchard Crops	0	0	-	6	5	-1
151 Apples, Pears, Peaches +	1	1	-	9	9	-
160 Other Fruits	0	0	-	0	1	1
170 Nursery & Greenhouses	0	0	-	7	10	3
180 Specialty Farms	0	1	1	1	2	1
182 Pheasant, etc.	0	0	-	0	1	1
184 Livestock: llamas, etc.	0	0	-	0	2	2
190 Fish, Game, Preserves	0	0	-	3	3	-

3.3 Environmental Considerations for Agriculture

Farmland as Beneficial Habitat

Farmland and other open spaces serve as habitat connectors between forests. These travel corridors and habitats prevent ecosystems from becoming isolated and encroached upon due to increased development in these areas. The Town of Saratoga is also within the boundaries of the Atlantic Flyway, a bird migratory “highway” across the western hemisphere. Leaving land undeveloped as farmland helps birds by providing them safe landing areas along their routes.

Farmland also provides support for biodiversity. High biodiversity leads to higher ecosystem stability, a measure of a system’s resilience to environmental change through its regulation of ecosystem processes and services. Leaving margins of fields out of production increases food and habitat opportunities for organisms that are helpful to farming. These and other wildlife-friendly farming strategies can support pollinators and encourage predators of crop pests. Studies have also found that increased biodiversity makes land more productive.

Invasive Species

In agriculture, invasive species is a very broad term that typically applies to any non-indigenous pests, weeds, plants, insects, fungi, bacteria, viruses, and other disease-causing agents that can interrupt the production of livestock, crops, ornamentals, and rangeland. According to the Cornell Cooperative Invasive Species Program, not all invasive species are harmful, and some have been deliberately introduced for economic gain. In fact, most of crops grown by U.S. farmers today are not indigenous to the U.S., yet they define U.S. agriculture and they have had a large positive economic impact. Harmful invasive species, most of which have been accidentally introduced, impact agriculture and agribusiness through commodity production, harvesting impacts, price and market effects, production sustainability, food security and nutrition, and human and livestock health.

Cornell University Cooperative Extension reports the following invasive agricultural plants in New York State:

- Wild Chervil, *Anthriscus sylvestri*
- Chinese Lespedeza, *Lespedeza cuneata*
- Kudzu, *Pueraria montana*
- Mile-a-Minute, *Persicaria perfoliata*
- Japanese Stiltgrass, *Microstegium vimineum*
- Japanese Barberry, *Berberis thunbergii*
- Oriental Bittersweet, *Celastrus orbiculatus*
- Canada Thistle, *Cirsium arvense*
- Leafy Spurge, *Euphorbia esula*
- Spotted Knapweed, *Centaurea stoebe*
- Giant Hogweed, *Heracleum mantegazzianum*
- Wild Parsnip, *Pastinaca sativa*
- Hemp Dogbane, *Apocynum cannabinum*
- Pale Swallow-wort, *Vincetoxicum rossicum*

- Black Swallow-wort, *Vincetoxicum nigrum*
- Multiflora Rose, *Rosa multiflora*
- Japanese Knotweed, *Fallopia japonica*

Climate Change and Farming

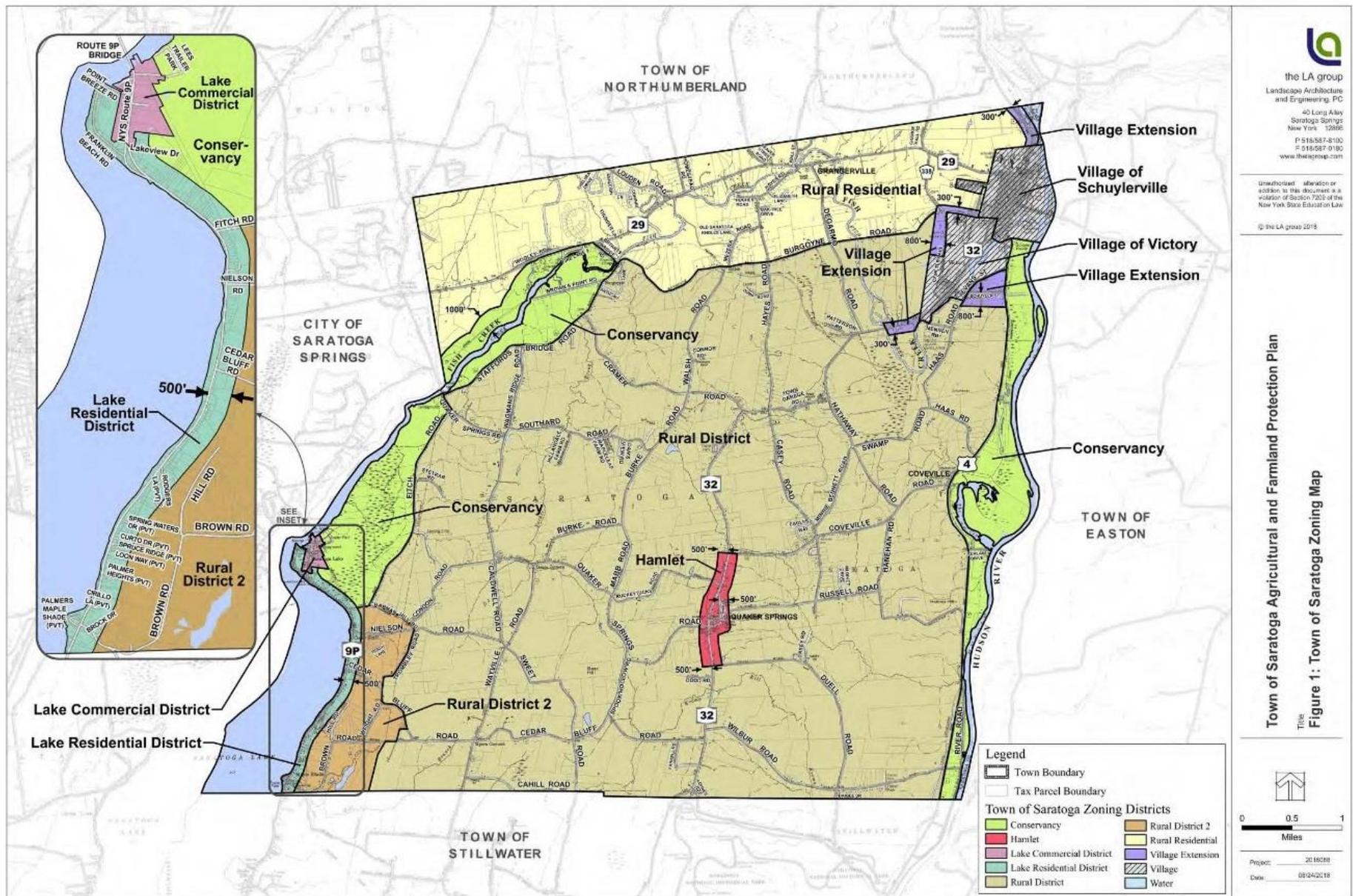
Agriculture is highly dependent on the climate. While increases in temperature and carbon dioxide can increase some crop yields in some places, nutrient levels, soil moisture, water availability, and other conditions must also be present to meet this condition. According to the EPA, changes in the frequency and severity of droughts and floods could pose challenges for farmers and threaten food safety. The following elements as outlined by the EPA may have or are already having an impact on agriculture in the Town of Saratoga.

While climate change is not an issue that the Town of Saratoga can resolve, local farmers should continue to be aware of the issue and consider factors that may impact their businesses as indicated in Table 3-5.

Table 3-5 Climate Change Impacts to Agriculture	
▪	More extreme temperature and precipitation can prevent crops from growing. Extreme events, especially floods and droughts, can harm crops and reduce yields.
▪	Dealing with drought could become a challenge in areas where rising summer temperatures cause soils to become drier. Although increased irrigation might be possible in some places, in other places water supplies may also be reduced, leaving less water available for irrigation when more is needed.
▪	Many weeds, pests, and fungi thrive under warmer temperatures, wetter climates, and increased CO ₂ levels. The ranges and distribution of weeds and pests are likely to increase with climate change. This could cause new problems for farmers' crops previously unexposed to these species.
▪	Rising CO ₂ can stimulate plant growth, but it also reduces the nutritional value of most food crops by reducing the concentrations of protein and essential minerals in most plant species, including wheat, soybeans, and rice.
▪	Heat waves, which are projected to increase under climate change, could directly threaten livestock. Over time, heat stress can increase vulnerability to disease, reduce fertility, and reduce milk production.
▪	Drought may threaten pasture and feed supplies by reducing the amount of quality forage available to grazing livestock.
▪	Increased the prevalence of parasites and diseases that affect livestock. The earlier onset of spring and warmer winters could allow some parasites and pathogens to survive more easily. In areas with increased rainfall, moisture-reliant pathogens could thrive.
▪	Potential changes in veterinary practices, including an increase in the use of parasiticides and other animal health treatments, are likely to be adopted to maintain livestock health in response to climate-induced changes in pests, parasites, and microbes.
▪	Increases in carbon dioxide may increase the productivity of pastures but may also decrease their quality. As a result, cattle would need to eat more to get the same nutritional benefits.

Source: EPA: https://19january2017snapshot.epa.gov/climate-impacts/climate-impacts-agriculture-and-food-supply_.html

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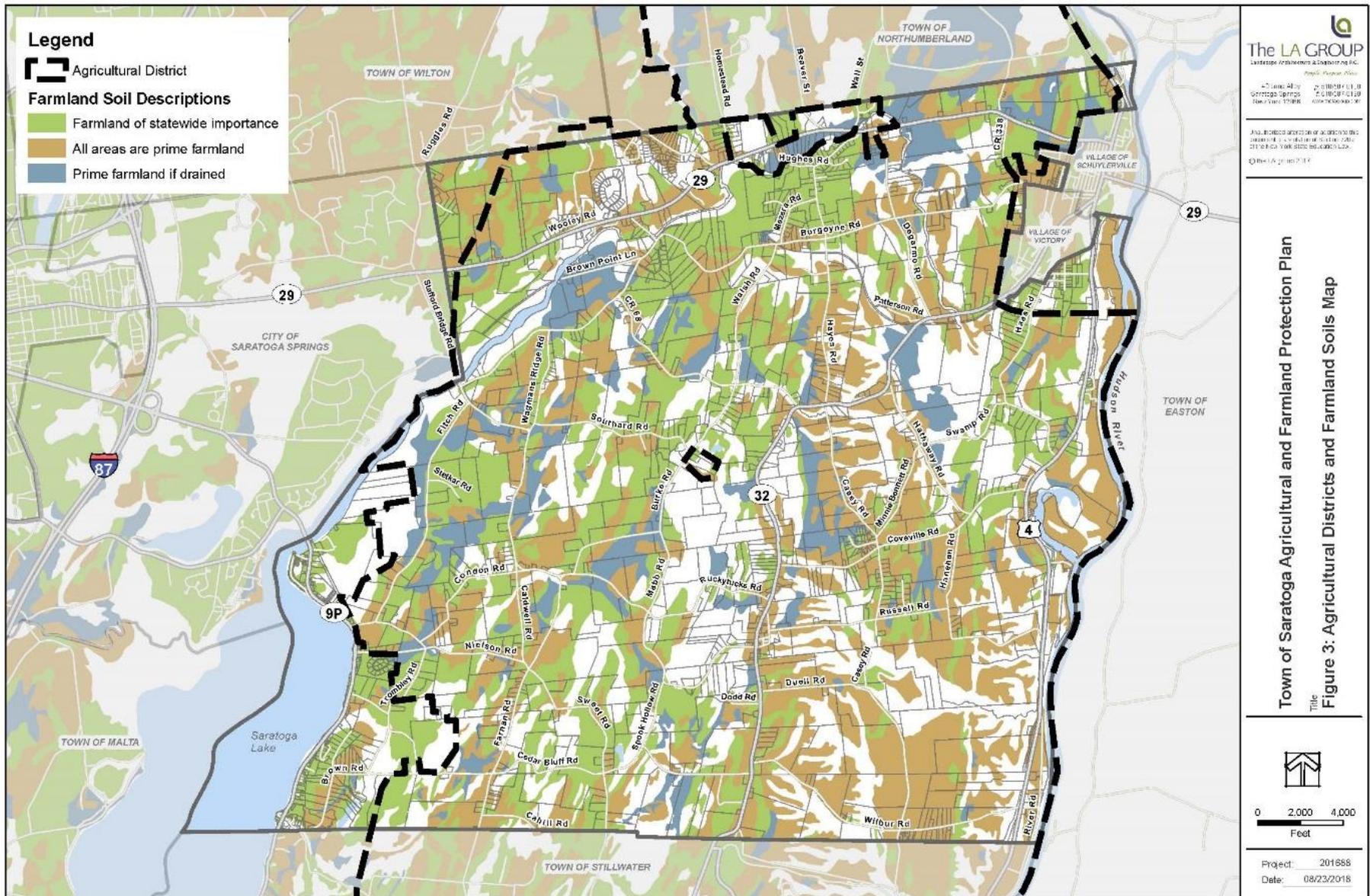


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Town of Saratoga Agricultural and Farmland Protection Plan
 Title
 Figure 1: Town of Saratoga Zoning Map



SECTION 4 - BUILD-OUT ANALYSIS

4.1 Build-out Process

A build-out analysis was generated for the Town of Saratoga to assist in predicting future residential growth patterns and to be able to identify at-risk lands for conversion from agriculture to residential or other use. Geographic Information Systems (GIS) was used to generate the maximum number of single-family homes under existing zoning densities for lands that are assessed as agricultural and vacant and a second map illustrating the build out of all lands with available density for subdivision are considered.

The first part of the analysis identifies lands that are agriculture-based and lands that are known to be vacant as classified by land use data provided by the Saratoga County Real Property Tax Agency utilizing official NYS real property codes. These lands are depicted in the Existing Agricultural and Vacant Lands Map (Figure 6). The next part of the build-out process requires removing lands from the calculation that are permanently protected or environmentally constrained. Approximately 971 additional acres are filtered that are protected through the purchase of development rights. These lands are primarily located in the southern boundary of the Town. Environmentally constrained areas include wetlands, flood zones, and slopes greater than 15 percent. It is assumed that approximately 4,057 acres of land containing these features are not developable. The analysis is then applied to the remaining 7,182 acres that are theoretically available for development. (see Figures 7). The second build out analysis added in all lands in the town that have development potential. The amount of constrained lands more than doubled leaving the amount of remaining lands for potential development to 13,858 (see Figure 8).

4.2 Findings

Table 4-1 reports the results of the build-out analysis showing existing residences and the potential new residences under current zoning density requirements. The analysis shows that a total of 3,447 potential new homes could be built should only agricultural and vacant lands be considered. Under the scenario considering all lands potentially available for development this number increases to 6,107 single-family homes (44%). The Rural District is where most of the prime agricultural land is located and is therefore at the highest risk.

Table 4-1		
Town of Saratoga Residential Unit Build Out Totals		
	Ag/Vacant Lands Only	All Available Lands
Protected Agricultural Lands	971 acres	971 acres
Environmentally Constrained Areas	4,057 acres	8,461 acres
Remaining Lands Available for Development	7,182	13,858
Potential Number of New Residences	3,447	6,107

4.3 Analysis

When compared with the build-out analysis developed in the 2007 Joint Open Space and Recreation Plan for the Towns of Saratoga and Northumberland, development has been considerably slower than projected. Approximately 44 of the 99 projected built locations have been filled from the 5-year build-out map, and 285 of the 568 projected built locations have been filled from the 20-year build-out map.

The build-out for the 2018 plan shows the potential for an additional 6,107 new single-family homes. Based upon the current rate of building permits issued annually for the last 20 years (18.7), the Town will reach the potential full build-out in 326 years. This analysis includes a projection for parcels that are already built upon but have potential unutilized density.

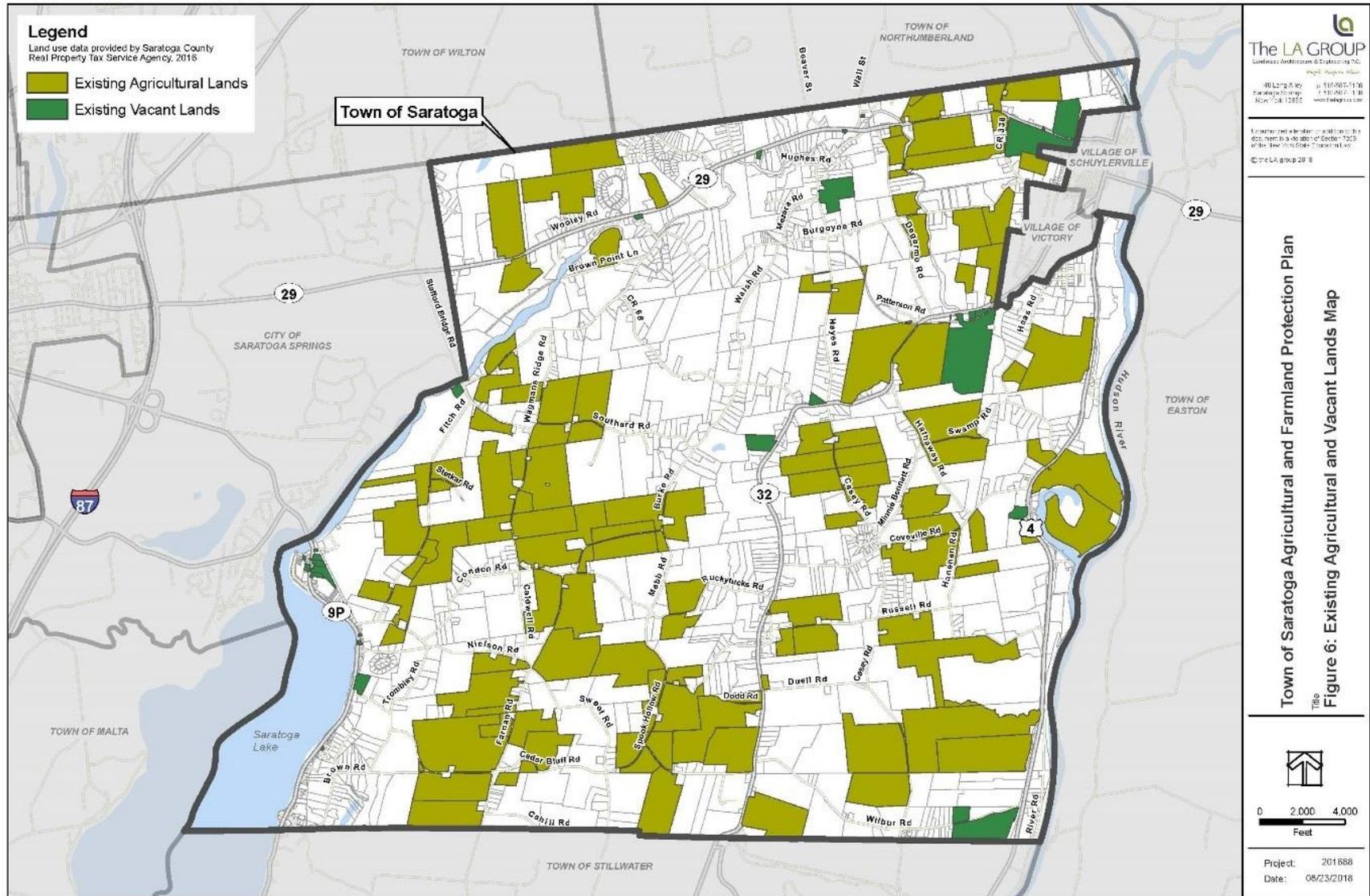
Perhaps the most significant observation of Figures 7 and 8 is the pattern of future development in the center of the town where the road network is scarce and there is a complete lack of community services. The cost of providing services to rural residents would escalate likely beyond the ability of residents to pay in real property taxes. In addition, the entire upper ridge of Saratoga Lake and Fish Creek would be at high risk of development which would increase the likelihood of stormwater and other pollution in the watershed.



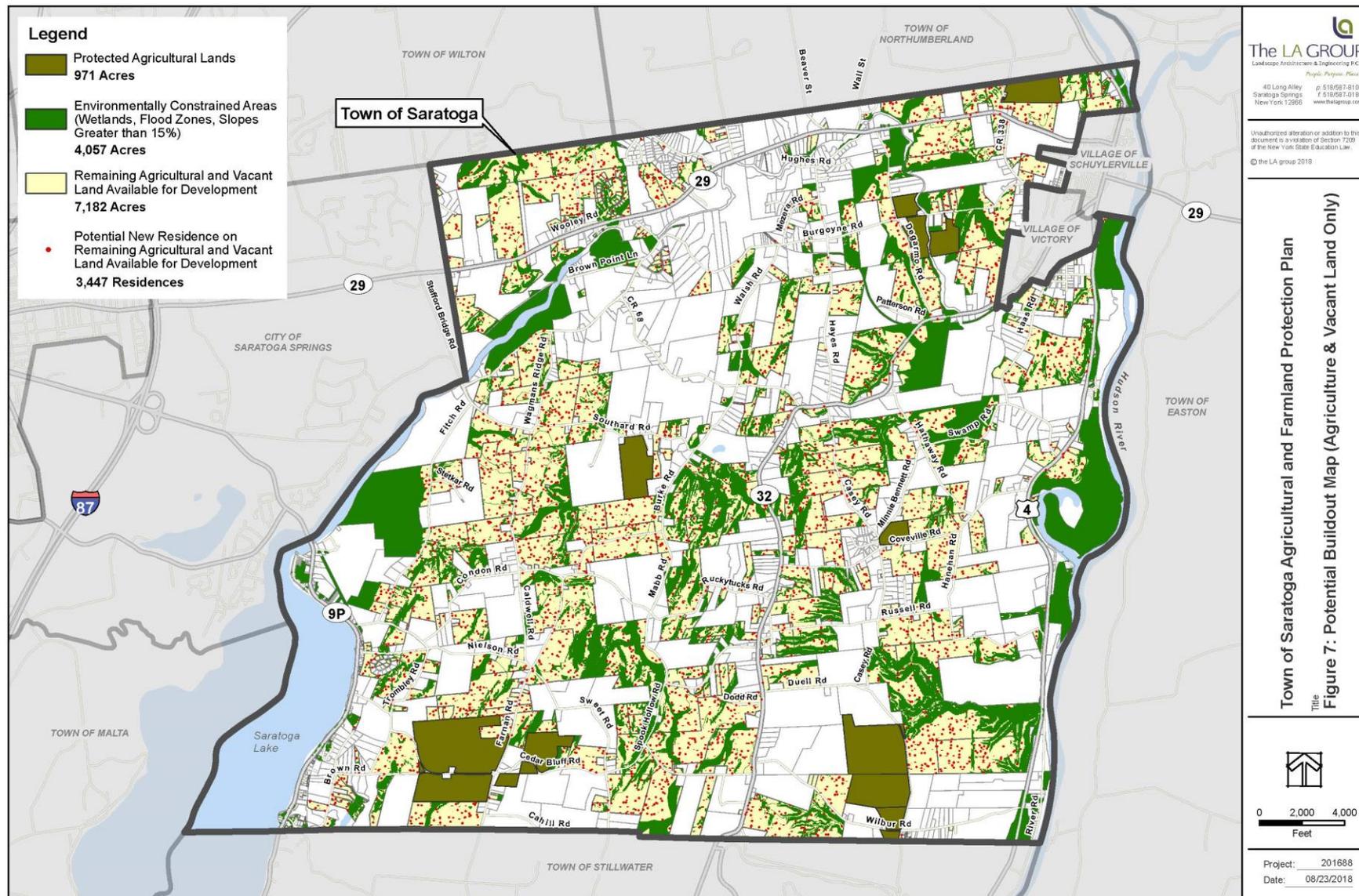
4.4 Priority Areas for Farmland Protection

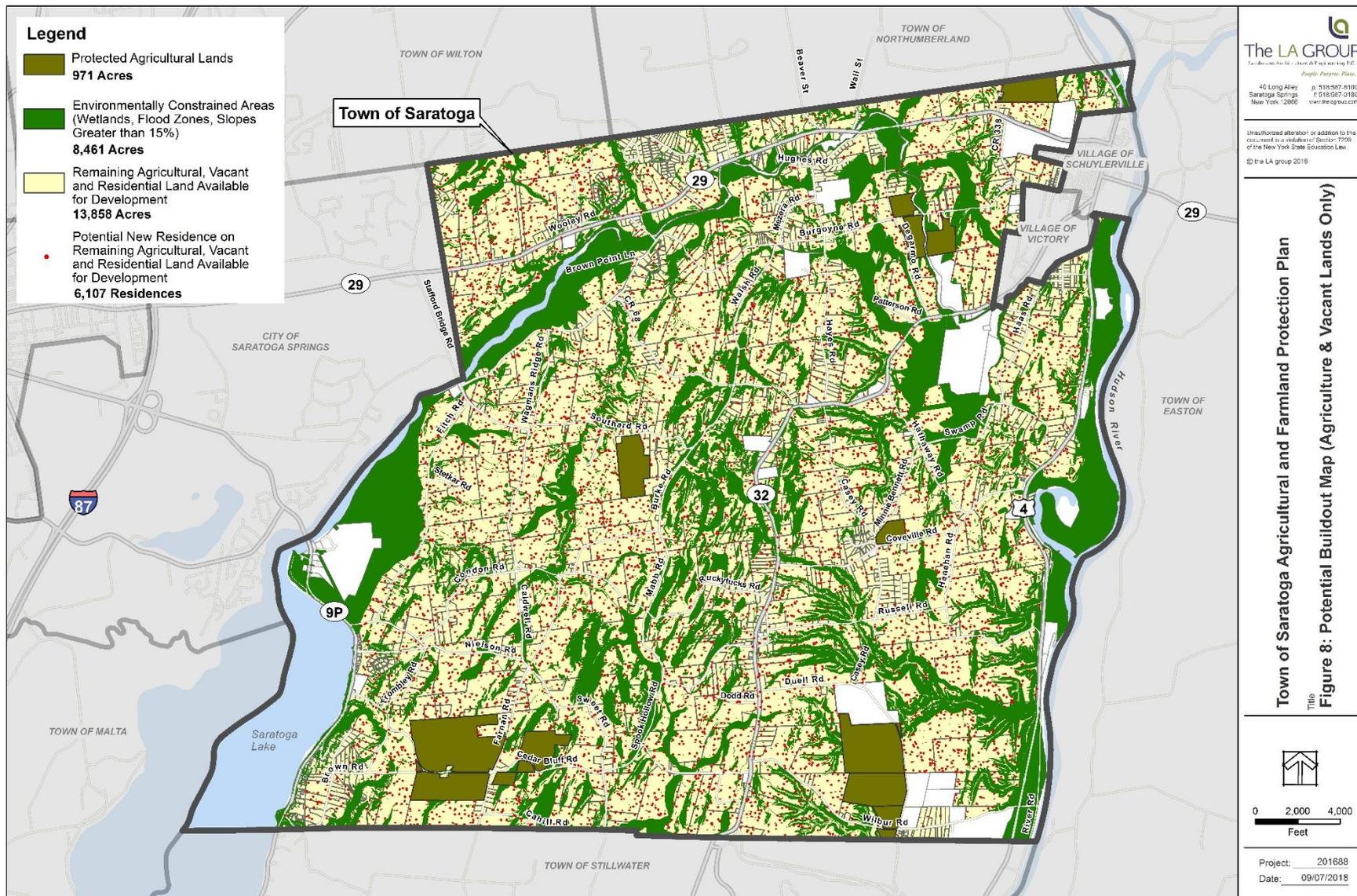
The Town of Saratoga considers the entire zoning district known as the Rural District to be a priority area for farmland protection (see Figure 1). The Rural District is all part of Agriculture District #1 and contains the best soils for growing crops. Protection of agricultural land uses throughout the Rural District is a primary goal for the Town. The Town will focus on utilizing the tools and strategies outlined in Section 6 - Farmland Protection Tools and Section 7 – Recommendations and Implementation Strategies to sustain agriculture in this to the greatest extent possible.

Town of Saratoga Agricultural and Farmland Protection Draft Plan - September 2018



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SECTION 5 - AGRICULTURAL ZONING AUDIT

5.1 Zoning Audit

The NYS Agricultural District Law protects farmers in Agricultural Districts from regulations that “unreasonably restrict or regulate farm operations within agricultural districts...unless it can be shown that the public health or safety is threatened.” To accomplish this, Agriculture & Markets reviews regulations upon complaints from farmers and issues determinations as to whether the regulation is reasonable and/or necessary to protect public health and has issued guidance documents that identify specific zoning provisions that have been found to be unreasonable. A review or audit of the Town of Saratoga Zoning Code identified several provisions that may unreasonably restrict standard farm practices in some situations, according to the guidance issued by the NYS Department of Agriculture. The following narrative identifies these provisions and recommends revisions. Since the Town of Saratoga desires to avoid these conflicts to the greatest extent possible, it is suggesting specific pro farm language to better accommodate the changing needs of the farming community. Specific zoning regulation revisions are provided in Appendix C.

5.2 Zoning Analysis

Table 5-1 provides an analysis of the “farm-friendliness” of the Town’s regulations and potential ways the language could be improved. By developing this analysis, the Town will have the opportunity to take a hard look at how the Zoning Code either supports enthusiastically, supports somewhat, or contradicts agricultural practices and businesses.

Table 5-1 Town of Saratoga Pro Farm Zoning Analysis			
QUESTION	YES	NO	NOTES
Does the Zoning Code purpose statement include a discussion of preserving agriculture specifically?	X		
Does zoning allow agriculture as a permitted use by right in any district?	X		Not in Rural D2, Vill Ext, Lake Com, Lake Res, Ind
Does zoning prohibit agriculture in any district?	X		Res Dev 2; Lake Res; Vill Ext; Lake Comm
Does zoning require special use permits for agriculture or ag-related uses in any district?	X		Agribusiness requires special use permit in all but above
Does the zoning encourage higher density or commercial growth in core farm areas or where a NYS Agricultural District exists?		X	
Does the zoning establish a local agricultural zoning district, agricultural overlay district, or special use district for agriculture?		X	
Does the zoning allow farms to have more than one business or offer flexibility to accommodate the needs of agricultural businesses?	X		Agribusinesses require special permit.
Are buffer zones between farmland and residential uses required for new construction or subdivision?	X		Buffers required for CSD
Are innovative development patterns that preserve farmland encouraged, allowed, or mandated (conservation subdivision, clustering, TOR)?	X		
Are off-site or on-site signs allowed to attract and direct people to farm stands?		X	Farm stands not mentioned in zoning; advertisement on vacant land allowed in Rural District
Are farm stands, farm retail markets, agri-tourist businesses, breweries, etc. allowed?		X	No definitions available
Are farm processing facilities such as community kitchens, slaughterhouse, etc. allowed?		X	Accessory uses are not specified
Are farm stands limited to selling just products from that one farm? Do they need a site plan review or special use permit?	X		Only roadside stands as accessories to res uses

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Does zoning allow for accessory uses such as greenhouses, barns, garages, equipment storage etc. permitted as of right?	X		Expansion of new com agricultural uses needed
Do application requirements include asking for submittal of information or maps about farming that might be taking place on or near the project parcel? Whether it is in an agricultural district? What farming activities take place on or near the site? Whether prime farmland soils are present?	X		Required to identify farmland only in CSD or as part of the SEQR process
Do standards exist that require the PB or ZBA to evaluate impacts of a project on agriculture?		X	No. Limited mention in CSD
Do any design standards exist to direct building envelopes to areas on a parcel that would still allow farming to occur on remaining open spaces?	X		Only in CSD which is not mandated
Does the regulation define agriculture, agricultural structure, farm worker housing, agri-tourism, agribusiness?	X		Only agribusiness is defined
Are farm-related definitions broad and flexible and not confined to a certain number of acres or income earned?		X	Minimum acres required, limited ag definitions
Are non-traditional or retail-based farm businesses allowed in a district or agricultural zoned district. For example, can a farmer set up a brewery on site and sell products onsite?		X	No definitions provided for these uses
Does the community have a farmer sitting on their Planning Board?	X		
Is an agricultural data statement as per AML25-aa required as part of an application for site plan, subdivision, special use or other zoning?		X	No mention in zoning of agricultural data statement
Does the community require placement of an agricultural disclosure statement on plans or plats when development takes place in an Ag District?	X		Not required when property is sold
Are any ag-related uses required to get a special use permit or go through site plan review?	X		Permit required for agribusinesses
Does the regulation define and allow for farm worker housing? Are mobile homes allowed as farm worker housing?		X	These terms are not defined
Are silos and other farm structures exempt from height requirements?	X		No height limits mentioned
Are personal wind mills and solar panels allowed for farms? With permits or permitted by right?		X	

5.3 Zoning Definitions

The Town of Saratoga's zoning definitions related to agriculture were reviewed in terms of their usefulness in addressing contemporary situations. The review found that the Zoning Code could use an update on the definition of agriculture and the types of uses that are related to farming and support businesses to the agricultural community. The following list are the definitions relating to agriculture in the current Zoning Code:

AGRICULTURAL PURSUITS — Any parcel of land containing at least 10 acres which is used primarily for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes any accessory buildings and uses normally associated with the conduct of commercial agricultural activity. It excludes stable and riding academies, kennels and the raising of fur-bearing animals.

AGRIBUSINESS — A commercial facility selling products and services normally associated with agriculture, including, but not limited to, farm equipment and its repair, agriculture production supplies and fuel for agricultural use. Agribusiness shall also include commercial greenhouses, garden shops and other business normally associated with the care of lawns and gardens.

AGRICULTURAL PRACTICES - Includes all activities on a farm necessary to the operation of a farm.

AGRICULTURAL PURSUITS — Any parcel of land containing at least 10 acres which is used primarily for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes any accessory buildings and uses normally associated with the conduct of commercial agricultural activity. It excludes stable and riding academies, kennels and the raising of fur-bearing animals.

FARM - Includes livestock, dairy, poultry, fur-bearing animal, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses, or other similar operations used primarily for the raising of agricultural or horticultural commodities.

FOOD PRODUCTS, MANUFACTURING OF — An establishment manufacturing foods and beverages and related products for human consumption and prepared feeds for animals and fowls.

GARDEN SHOP — An establishment principally engaged in the sale of domestic lawn and garden equipment, plant materials and associated supplies and materials).

ROADSIDE STAND — Any area and/or facility, temporary or otherwise, used for the roadside sale of produce and agricultural goods.

The Town recognizes that farming and agribusiness has changed substantially since the Zoning Ordinance was last reviewed. The definitions above represent standard definitions that need to be updated to reflect current agricultural land use and business conditions.

Definitions that could be added would follow with NYS Agriculture and Markets Law definitions as well as the NYS Alcoholic Beverage Control Law definitions to allow for on farm breweries, wineries, and distilleries. New definitions proposed to be added to the Zoning Code are presented in Table 5-2. Full definitions of these terms are found in Appendix F.

Table 5-2 Proposed New Definitions	
Agricultural assessment value	Farm operation
Agricultural data statement	Farm woodland
Agricultural Tourism	Farmers’ market
Apiary products operation	Gross sales value
Brewery	Land used in agricultural production
Cider	Neighborhood Farms
Commercial equine operation	Oil, gas or wind exploration, development or extraction activities
Commercial horse boarding operation	Rectifier
Compost, mulch or other organic biomass crops	Specialty Farms
Conversion	Timber operation
Crops, livestock, and livestock products	Unique and irreplaceable agricultural land
Custom beermakers’ center	Viable agricultural land
Custom cidermakers’ center	Warehouse – Cold Storage
Custom winemaker’s center	Winery
Distillery	

5.4 Existing Regulatory Protections

The Town of Saratoga has had regulatory protections in place for many years. One significant new regulation enacted because of the Comprehensive Plan Update recommendations was the Conservation Subdivision Development law which seeks to protect the beautiful open spaces and exceptional agricultural lands. This regulation is a guideline to the eligibility, design, review and approval process for developments that preserve open land, reduce sprawl, enhance visual character, and practice environmental conservation. Although it is not mandatory, this is the preferred technique when requesting approval of a subdivision.

Another important regulation is frequently used in the site plan review process. The zoning ordinance addresses a special use permit application process for many uses that could be incompatible with existing agricultural uses. A sketch plan review process gives the Town the opportunity to review plans before they are even drawn to make sure all alternatives are considered, and that undue pressure is not placed on nearby agricultural land uses. The other line of defense for agriculture in the Town of Saratoga is their active Right-to-Farm law. The Town

of Saratoga intends to update the law to include detailed standards and procedures for settling disputes between neighbors. The updated law would also require notification of real estate buyers.

5.5 Agricultural Support Programs

New York State

As reported on the NYS Ag & Market website, the Agricultural and Farmland Protection Program was formed to encourage further development of agriculture and farmland as part of the NYS Legislature's constitutional mandate to provide for the protection of agricultural lands. These programs are intended to assist counties and municipalities plan for the future of agriculture in their communities. In later stages, it funds programs to implement those plans to keep agriculture strong and farmland in production. The following three grant programs focus on farmland protection; they are presently suspended due to being folded into the NYS Consolidated Funding Application:

- The Farmland Protection Planning Grants Program (FPPG), assists county and municipal (i.e., town, village, city) governments in developing agricultural and farmland protection plans which recommend policies and projects aimed at maintaining the economic viability of the State's agricultural industry and its supporting land base. This plan for the Town of Saratoga is funded under this program.
- The Farmland Implementation Grants Program (FPIG), assists counties, municipalities, soil and water conservation districts, and not-for-profit conservation organizations ("land trusts") in implementing farmland protection plans, including those created through FPPG.
- The Land Trust Grants Program awards state assistance to land trusts for activities that will assist counties and municipalities with their agricultural and farmland protection efforts.

Saratoga County

Saratoga County has been managing its Farmland/Open Space Preservation Program since 2003. One of only a few such programs in the entire state, Saratoga County budgets \$333,000 towards a matching grant program intended to preserve viable farmland and important open space parcels within the county. The program's intent is to use county funds to attract federal, state, local and private matching funds to achieve the goal of protecting as much of high-quality open space as possible. Working with a board appointed committee the planning staff prepared an application package and reviewed criteria for the program. The interest in the grant program has steadily increased and, with the adoption of the Green Infrastructure Plan in 2006, the County has assisted municipalities work toward preservation of farmland and open space on the local level. Planning staff is also responsible for updating the county's two consolidated agricultural districts that comprise of approximately 111,000 acres of viable agricultural land.

Saratoga PLAN

Saratoga PLAN is a land trust that operates in Saratoga County. It not only offers comprehensive land conservation services to governments, organizations, and individuals, but also plays a significant role in initiating and following through with regional coordination and cooperation in

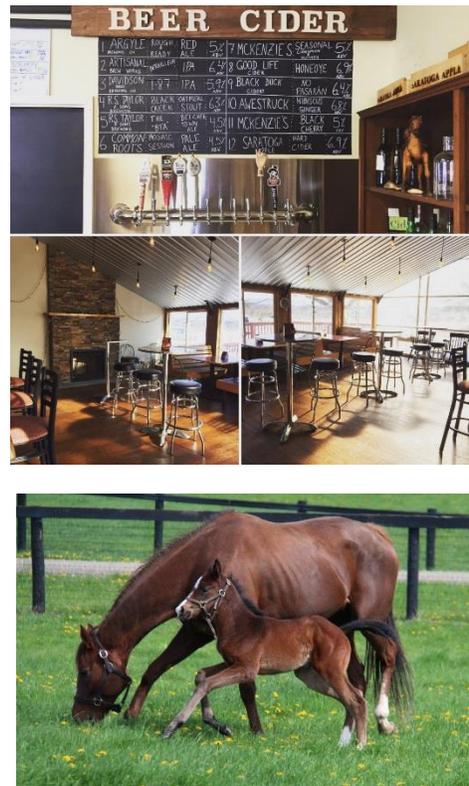
land use, open space and recreational trail planning. Saratoga PLAN has conserved over 4,985 acres of farms, woods, meadows, and historic places throughout the Saratoga County by holding 36 conservation easements and owning 27 protected properties, 10 of which contain over 22 miles of trails open to the public year-round. PLAN is a strong partner to the Town of Saratoga and has provided technical support and funding for the numerous land protection transactions in the Town. Table 5-3 below summarizes the lands preserved to date by type. Details about these properties are found in Appendix E.

Table 5-3 Summary of Protected Lands		
Fee Owner	Number of Parcels	Acres
Federal Parcels	13	2,708.89
State Parcels	6	93.98
Municipal Parcels	6	47.69
Private For-Profit Parcels	1	160.39
Private Land Owner Parcels	15	1,051.71
Private Non-Profit Parcels	2	97.80
TOTAL	43	4,097.02

SECTION 6 - FARMLAND PROTECTION TOOLS

There are an expanding number of strategies that can be implemented for the overall protection of agricultural lands and farms. Some of these strategies are applied by statewide law through the legislative process and some are county authorized. Most however are municipal provisions by way of tax exemptions and zoning regulations, and others are voluntary agreements between landowners arranged through land trusts. Together these land protection strategies result in making agricultural activities less onerous and more profitable for the farmers and agribusinesses. Land protection is complicated and to be most successful it takes a customized blend of the tools and partnerships. The following list in Table 6-1 reflects the primary tools and strategies currently available in the Town of Saratoga. These tools are individually defined below with an explanation of how they are utilized in the Town of Saratoga.

Table 6-1 Farmland Protection Tools
Agricultural District
Agricultural Overlay District
Agricultural Protection Zoning
Buffers
Community Preservation Fund
Conservation Subdivision Regulation (Cluster Zoning)
Disclosure Notices
Farmland Protection Plan
Lease of Development Rights
Legislation
LLC-Based Farm Transfer
Option to Purchase at Agricultural Value
Purchase of Development Rights
Right-to-Farm Law
Sliding Scale Zoning
Transfer of Development Rights



6.1 Agricultural District

Description: New York’s Agriculture and Markets Law 25-AA allows landowners owning at least 500 acres to submit a proposal to their county requesting formation of an agriculture district. Farmers and rural landowners within these districts receive “right-to-farm” protections.

Town of Saratoga Existing Condition: The Town is protected under New York State’s Agriculture Districts Law. Most of the Town lies within Saratoga County’s Ag District #1.

The Town supports the current district boundary area.

6.2 Agricultural Overlay District

Description: An agriculture overlay zone is intended to support and enhance family farms, unique crops, or historic ways of farming by maintaining viable small-scale/historic agricultural operations and their essential rural setting in Rural Residential areas. The overlay zone accommodates a variety of uses developed at a scale that is complementary and accessory to unique agricultural pursuits.

Town of Saratoga Existing Condition: The Town does not support an agricultural overlay district. It intends to address this issue by updating the Zoning Code. It will expand its existing set of definitions to include uses that are desired but not defined nor are standards for their operation provided.

6.3 Agricultural Protection Zoning (APZ)

Description: APZ ordinances designate areas where farming is the primary land use. They discourage development that could impair the land's use for commercial agriculture and restrict the density of residential development in agricultural zones. This is usually accomplished by requiring building on small lots as opposed to dividing tracts into large, equally sized lots.

Town of Saratoga Existing Condition: The Town does not want to implement more restrictive zoning but would rather address the issue by sending the message to land speculators that these lands are primarily used for agricultural purposes. The Town will revise the district name "Rural District" to "Rural Agricultural District".

In addition, the Town intends to revise the zoning density required for farms in the Rural District from 10 acres (existing) down to 5 acres. This is intended to have the effect to encourage smaller crop and animal farms and discourage residential subdivision. It will also revise the definition of agriculture to be more inclusive towards a diversity of farming styles.

6.4 Buffers

Description: Based on the concept "good fences make good neighbors", buffers create physical barriers between potentially incompatible land uses. Buffers may be created by strips of land (from 50 to 500 feet wide) or by vegetation such as existing hedgerows, planted trees, and shrubs. To be effective, the type and size of buffers should be designed on a flexible site-specific basis and adapted to address different types of agricultural operations.

Town of Saratoga Existing Condition: The Town does not presently require any buffer between land uses and is recommending a flexible guideline for buffers of 100-300 feet between new residential uses and existing agricultural uses be included in a Zoning Code update.

6.5 Community Preservation Fund

Description: A Community Preservation Fund is created through property transfer tax revenues. This money is allocated toward land acquisition, consolidation, and purchase of development rights to preserve open space, agricultural land, parks and nature preserves, public access to waterways, and unique or threatened ecological areas.

Town of Saratoga Existing Condition: The Town has no provision for a community preservation fund.

6.6 Conservation Subdivision Regulation (Cluster Zoning)

Description: The clustering of new residential subdivisions encourages the concentration of new residences in a portion of a property while keeping a piece or pieces of a property undeveloped for open space and farmland preservation. This often prioritizes the protection of active farmland, wetlands and waterways, historic areas, and wildlife habitat rather than planning for roads and house placement first.

Town of Saratoga Existing Condition: The Town has had a Conservation Subdivision Development law as part of the Zoning Code (400-14). It is the intent of this regulation to provide residential developments that respect, conserve and enhance current topography, natural habitats, forests, hydrological, archeological, historical and visual features of the Town. In the implementation of this regulation, primary consideration will be focused on the preservation of forest lands, open space and viable farmland. Conservation subdivision development is the preferred technique when requesting approval of a subdivision. Local subdivision applicants are encouraged to provide alternative design layouts that integrate residential and agricultural land uses in innovative ways. The Town is expanding the law to more effectively encourage subdivisions of less than 5 lots to utilize density averaging to optimize open space and farmland.

6.7 Conversion of New York Farmland Under Agricultural Assessment to Non-Farm Use

Description: The Agricultural Districts Law requires imposition of sanctions whenever land benefiting from an agricultural assessment is converted to a non-agricultural use within a statutory period. These sanctions were enacted to discourage such conversions from taking place, and to partially compensate the local taxing jurisdictions which have experienced reductions in their property tax bases during the period the converted lands benefited from exemption.

Town of Saratoga Existing Condition: None known.

6.8 Density Averaging

Description: This type of zoning is a flexible density averaging approach used to promote the retention of farm parcels while allowing for limited residential development. This approach permits lots to be developed at a lower and varied density than the minimum lot size of the underlying zoning district while respecting the overall density requirements. This enables the remaining open space to be retained or leased by the farmer and actively farmed.

Town of Saratoga - Existing Strategies: The Town utilizes this approach within subdivisions that are part of Conservation Subdivision Developments. It could be extended to traditional subdivision development to ensure the best fit for residential lots in agricultural neighborhoods.

6.9 Disclosure Notices

Description: Requires an owner of land in an agricultural district to provide a prospective buyer with a disclosure notice prior to signing a purchase contract detailing that farming is a protected use in the area and may involve added noise, dust, and odors in the area. This warning is an attempt to minimize future farmer-neighbor conflicts.

Town of Saratoga - Existing Strategies: The Town has an existing Right-to-Farm law but realizes there is often a disconnect between realtors and the agricultural community. The Town therefore intends to develop a policy to require notification to the real estate community and potential real estate buyers that there is an active Right-to-Farm Law in the Town.

6.10 Farmland Protection Plan

Description: Farmland Protection Plans assist communities to create a long-term vision for agriculture. outline strategies for local governments to support agriculture and protect farmland and provide a benchmark for measuring success in supporting agriculture.

Town of Saratoga - Existing Condition: With this plan, the Town of Saratoga will have a Farmland Protection Plan as well as the neighboring Town of Stillwater. However, there still is not a Plan for Saratoga County.

6.11 Lease of Development Rights

Description: LDR programs reduce property tax assessments in exchange for term deed restrictions on development. Some towns use a “rolling” rather than fixed time frame, where a term will continue to roll forward each year until the property owner wishes to withdraw from the program. From that point, they will have the length of their term until they are released from the commitment. While long-term, these agreements are not permanent.

Town of Saratoga - Existing Condition: This tool is presently not in widespread use in Saratoga County, however, Saratoga PLAN will utilize it under the right circumstances.

6.12 Legislation

Description: NYS Assembly Bill A10301A is an amendment to the agriculture and markets law that passed the State Legislature on July 31, 2018. Language has been added to define "agricultural use value" as fair market value of the property based on its productive commercial agricultural use value rather than its highest and best potential use value for residential or other non-agricultural purposes. The purpose of this bill is to enhance the existing farmland protection grant program through the authorization of provisions that will increase the likelihood of keeping farmland in active farm use by a farmer after its sale to a new owner.

Town of Saratoga - Existing Strategies: The Town will post the law on its local bulletin board and on the website.

6.13 LLC-Based Farm Transfer

Description: LLCs allow transitioning, senior farmers to maintain a level of control of their farm operation while conducting a gradual transfer of farm ownership to new, junior farmers. They also help new farmers by allowing flexibility in terms of the amount and type of financing required to transition into farm ownership. This transfer almost always needs the assistance of a lawyer due to the formal legal agreements and paperwork during the transfer.

Town of Saratoga - Existing Strategies: This tool is presently not in widespread use in Saratoga County, however, Saratoga PLAN will utilize it under the right circumstances.

6.14 Option to Purchase at Agricultural Value (OPAV)

Description: A legal agreement that restricts the sale of land to only certain farmers or family members and restricts the sale price to agricultural value (versus the higher fair market value). This happens when the landowner sells or donates an OPAV to a land trust, municipality or government agency. Once the property no longer has its developing rights, the property value usually goes down making it more affordable for buyers, including farmers who may want to use the land.

Town of Saratoga - Existing Strategies: This tool is presently not in widespread use in Saratoga County, however, Saratoga PLAN will educate landowners as to the option under the right circumstances.

6.15 Purchase of Development Rights

Description: A legal agreement that restricts the development of land to fulfill conservation values. A landowner will sell or donate the conservation easement to a land trust or government agency. PDR programs place permanent deed restrictions on the property to keep it prevent non-farm development or activities that could interfere with present or future agricultural use on the property. The value of a permanent conservation easement equals the fair market value minus

its restricted value. This payment is intended to result in the landowner's ability to continue actively farming.

Town of Saratoga - Existing Strategies: The Town participates in Saratoga County's Purchase of Development Rights (PDRs) program and often assists in coordinating with the Saratoga County Farmland/Open Space Preservation Program and Saratoga PLAN for funding assistance for specific properties. The Town is considering increasing its involvement by developing a formal procedure for nominating farms for the Saratoga County program. At a minimum it will continue to support and encourage Saratoga PLAN's use of flexible conservation easement projects that keep land in the hands of farmers and protect farmland affordability.

6.16 Right-to-Farm Law

Description: Right-to-farm Law is a type of nuisance protection law aimed to strengthen the ability of farmers to defend themselves in a nuisance suit brought by a neighbor or local government. It also protects farmers from excessively restrictive local laws or ward off intrusive and unwanted public infrastructure.

Town of Saratoga - Existing Strategies: The Town of Saratoga has an active Right-to-Farm law and intends to update the law to include detailed standards and procedures for settling disputes between neighbors. The updated law would also require notification of real estate buyers.

6.17 Sliding Scale Zoning

Description: This type of zoning is a flexible density averaging approach used to promote the retention of larger farm parcels while allowing for limited residential development.

Sliding-scale zoning is now the most commonly used version of area-based allocation. The number of residential lots permitted is based on the size of the farm. As the size of a parcel increases, the number of dwellings allowed in relation to the total farm area decreases (e.g., a 40-acre parcel might be allowed three dwelling units, while a 200-acre farm might be allowed eight dwelling units and a 300-acre farm allowed ten dwelling units). In this approach, a maximum residential lot size such as two acres is specified to maximize the area available for agricultural production and minimize the area devoted to residential purposes. Many ordinances require residential units to be located on the least productive soils and located to minimize interference with agricultural production.

Town of Saratoga - Existing Strategies: The Town of Saratoga does not utilize this zoning tool.

6.18 Transfer of Development Rights

Description: Transfer of Development Rights or TDR programs require the designation of "sending" and "receiving" areas to transfer development from one part of the community to the other. This restricts development in areas the community wants protected and allows for increased density in other areas that are already developed and have infrastructure.

Town of Saratoga - Existing Strategies: The Town does not support a local TDR program because it is thought to be too expensive and too onerous for the Town to manage. However, the Town does support a county application for a grant through the NYSAG&M grant program to conduct a feasibility study for a county-wide or regional Transfer of Development Rights (TDRs) program. This study would identify those communities that would be good candidates to participate and assess the implications of TDR on real property taxes in those communities.

SECTION 7 - RECOMMENDATIONS AND IMPLEMENTATION

The recommended actions below are organized by the individual goals that were outlined by the Advisory Committee for this plan.

7.1 Recommended Actions for Planning and Zoning

- a. Reduce the zoning density required for “agricultural pursuits” as defined in the Town of Saratoga Zoning Code in the Rural and Rural Residential Districts from 10 acres to 5 acres to encourage a wider diversity of crop and animal farming operations that require less land.

Implementation	Requires Planning Board review, public hearing, Town Board approval
Project Leader:	Town Board
Cost:	Minor cost related to changing the code
Funding:	NY Ag & Markets Implementation Grant

- b. Update *Town of Saratoga Right-to-Farm Law* to include detailed standards and procedures for the resolution of disputes between neighbors.

Implementation	Town Board attorney review for consistency with Town laws; Town Board approval.
Project Leader:	Town Board
Cost:	Minor cost related to changing the code
Funding:	None required

- c. Revise the definition of “Farm” to “Farm Operation” and add other terms in the definitions in the Zoning Code to be more inclusive of contemporary farm life and agri-business.

Include new definitions for the following terms: Agriculture, Agricultural Assessment Value; Agricultural Tourism; Apiary Products Operation; Commercial Horse Boarding Operation; Compost, Mulch or Other Organic Biomass Crops; Conversion; Cooperative Farming; Crops, Livestock and Livestock Products (Include Hops and Hemp); Farm Family; Farm Operation; Farm Woodland; Gross Sales Value; Indoor gardening; Land Used In Agricultural Production; Novelty Farms; Oil, Gas Or Wind Exploration, Development or Extraction Activities; Timber Processing; Unique and Irreplaceable Agricultural Land; Viable Agricultural Land; Farmland; Farm Operation; Land Used in Agricultural Production; Farmers market; Alcohol production/sales; Farmworker housing; Accessory Agricultural

Uses. Utilize the definitions in the NYS Agricultural and Markets Law (AML 25-AA) where practical and supported. A full list is provided in the Zoning Audit in Appendix C.

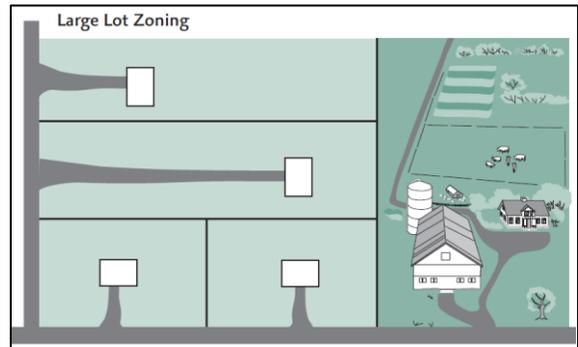
Implementation	Requires Planning Board review, public hearing, Town Board approval
Project Leader:	Town Board
Cost:	Cost to planning consultant related to changing the code
Funding:	NY Ag & Markets Implementation Grant

- d. Require physical or spatial buffers between residential uses and agricultural uses during the subdivision process to reduce potential land use conflicts. The burden of the buffer is on the developer, not the farmer. The width, length and type of the buffer is dependent on the nature of the border lands, with the need for the buffer based on the discretion of the Planning and Zoning Boards.

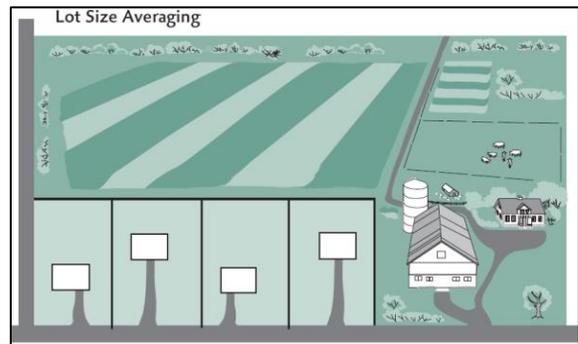
Implementation	Requires Planning Board review, public hearing, Town Board approval
Project Leader:	Town Board
Cost:	Cost to planning consultant related to changing the code
Funding:	NY Ag & Markets Implementation Grant

- e. Expand the *Conservation Subdivision Development* Law by adding language that permits alternative designs that integrate residential and agricultural land uses with the intention of maintaining some level of active agriculture on the property. Include the following concepts:

Include option to subdivide an existing farm by clustering lots for residential use while retaining the farmstead with agricultural land that the farmer can keep in active production for crops or grazing, or lease to another farmer. This arrangement eliminates the need for a homeowner’s association.



Include option to permit subdivisions of less than 5 lots the option to utilize density averaging to optimize open space and farmland. This allows the lots within the subdivision to be of varying sizes if the total does not exceed the total density requirement in the underlying zoning district.



Implementation	Requires Planning Board review, public hearing, Town Board approval
Project Leader:	Town Board
Cost:	Cost to planning consultant related to changing the code
Funding:	NY Ag & Markets Implementation Grant

- f. Adopt average density provisions that permit a greater range of land use flexibility for minor and major subdivisions that are not considered under Conservation Subdivision Development. This would offer strong benefits for farmers who want to sell off a few lots while keeping as much land in productive agriculture as possible.

Implementation	Requires Planning Board review, public hearing, Town Board approval
Project Leader:	Town Board
Cost:	Cost to planning consultant related to changing the code
Funding:	NY Ag & Markets Implementation Grant

- g. Change the zoning district and revise the official Zoning Map to reflect a name change from “Rural District” to “Rural Agricultural District” for greater public acknowledgement that this district is primarily intended for agriculture.

Implementation	Requires Planning Board review, public hearing, Town Board approval
Project Leader:	Town Board
Cost:	Cost to planning consultant related to changing the code
Funding:	NY Ag & Markets Implementation Grant

- h. Encourage the state to expand the definition of “Land included in agricultural assessment” to include lands that provide critical protection to adjacent farmland such as land that supports environmental, habitat, wildlife movement corridors, and riparian buffers.

Implementation	Agricultural Advisory Committee will need to consult with Saratoga PLAN and partners on a regional implementation strategy
Project Leader:	Town Board, Agricultural Advisory Committee, Saratoga PLAN, Saratoga County Farm Bureau, Cornell Cooperative Extension, Saratoga County Soil & Water Conservation District
Cost:	None
Funding:	None Required

- i. Consider increasing the density requirements in Quaker Springs and Grangerville to encourage hamlet growth.

Implementation	Requires Planning Board review, public hearing, Town Board approval
Project Leader:	Town Board
Cost:	Cost to planning consultant related to changing the code
Funding:	NY Ag & Markets Implementation Grant

- j. Apply for additional grant assistance through future NYS Agriculture and Market’s funding programs to incorporate the revisions from this plan into the Town of Saratoga Zoning Code.

Implementation	Requires Town Board approval
Project Leader:	Town Board
Cost:	Cost to planning consultant related to write grant
Funding:	NY Ag & Markets Implementation Grant

7.2 Recommended Actions for Purchase of Development Rights and Transfer of Development Rights

- a. Continue to actively participate in Saratoga County’s Purchase of Development Rights (PDR) Farmland Protection Program and coordinate with the Saratoga County Farmland/Open Space Preservation Program and Saratoga PLAN for funding assistance.

Implementation	Agricultural Advisory Committee can help determine priorities for lands where there is an established interest
Project Leader:	Town Board, Agricultural Advisory Committee, Saratoga PLAN, Saratoga County, Cornell Cooperative Extension
Cost:	No cost
Funding:	None Required

- b. Conduct a study to determine the feasibility of a Transfer of Development Rights (TDR) program for the Town. This study would assess the implications of TDR on real property taxes and infrastructure. Apply for a grant through future NYS Agriculture and Market’s funding programs.

Implementation	Requires Town Board approval
Project Leader:	Town Board
Cost:	Minor cost to planning consultant related to write grant
Funding:	NY Ag & Markets Implementation Grant

- c. Support an expanded use of flexible conservation easements that provide farmers more options to hold on to their land and protect farmland affordability. These options include: Easement with pre-emptive purchase right; easement purchase; buy-protect-sell (with optional lease-to-own); and ground lease.
- *Easement with preemptive purchase right:* Provide a voluntary option to all farmers to strengthen conservation easements by adding a preemptive purchase right provision, which encourages protected farmland to stay in the hands of farmers and affordable at agricultural value. This provision is not currently funded through the state program.
 - *Easement purchase:* Farmer sells easement to land trust to facilitate farm transition, pay off debts, or reinvest in farm business. This can happen simultaneously with purchase, after the fact, or at the time of farm transition.
 - *Buy-Protect-Sell (with optional lease-to-own):* Land trust or other conservation entity purchases land, then buys an easement to reduce purchase price for farmer. This can be combined with a long-term lease with option-to-purchase to facilitate transition into ownership.
 - *Ground lease:* Land trust or other conservation entity purchases farm property and provides farmers with long-term lease on the land while the farmer owns the infrastructure.

Implementation	Requires Town Board approval
Project Leader:	Town Board
Cost:	Minor cost to planning consultant related to update Conservation Subdivision Development Law
Funding:	NY Ag & Markets Implementation Grant

7.3 Recommended Actions for Agricultural Economic Development

- a. Establish a permanent *Agricultural Advisory Committee* in the town that will provide the needed support to the agricultural community, resolve any Right-To-Farm law disputes, and assist in carrying out agricultural protection initiatives. Their work would include establishing a mentoring network of local experienced agricultural professionals through the *Agricultural Advisory Committee* to provide one on one coaching and training to new farmers.

Implementation	Agricultural Advisory Committee with Saratoga County Chamber of Commerce could establish the connection between the schools and businesses
Project Leader:	Agricultural Advisory Committee
Cost:	None
Funding:	None required

- b. Develop a partnership between local agri-businesses and local schools to introduce students to regional and state programs that offer agricultural business programs. Consider the development of a *Farm Business Development Center* designed to encourage young residents to go into agricultural careers and grow the development of smaller niche farms.

Implementation	Agricultural Advisory Committee with Saratoga County Chamber of Commerce could establish the connection between the schools and businesses.
Project Leader:	Agricultural Advisory Committee
Cost:	None
Funding:	None required

- c. Reach out to schools, churches, business community and other partners to develop a Pilot Food and Business Incubator Program to attract beginning farmers to innovative food system planning. Potentially utilize models from the *National Incubator Farm Training Initiative*.

Implementation	Agricultural Advisory Committee with Saratoga County Chamber of Commerce could establish the connection between the schools and businesses.
Project Leader:	Agricultural Advisory Committee
Cost:	None
Funding:	None required

- d. Coordinate with local and regional chambers of commerce, Cooperative Extension, and others to develop an *Agritourism Plan* designed to identify and promote agritourism sites, services and events for visitors. The plan would include developing a marketing program to package the agri-businesses along the corridor, conducting cross-marketing initiatives for agricultural products and services linked with places and events, and developing a set of driving tour itineraries that highlight farm businesses that wish to attract agri-tourists.

Implementation	Communicate with the Chambers on how to best move tourism spending dollars to agritourism events and initiatives
Project Leader:	Town Board and Agricultural Advisory Committee
Cost:	Moderate depending on the scope of services
Funding:	Hudson River Valley Greenway Communities Grant

- e. Seek partnership opportunities with the Town of Northumberland and other neighboring communities on mutually important farmland protection and business growth initiatives. This could potentially lead to a regional *Farmers Market Cooperative* like the Adirondack Farmers' Market Cooperative that sponsors six farmers' markets in the Adirondack region featuring "producer only" small, family operated farms or small home-based artisans

producing hand-crafted items businesses with an allowance of 30% from other NYS local producers to round out our product offerings. In addition to providing an economical market place for growers, bakers and craftspeople to sell their goods, it is an activity center in the market locations that stimulates other activities for the merchants in the market area and benefits the whole community.

Implementation	Town Board attorney review for consistency with Town laws
Project Leader:	Agricultural Advisory Committee
Cost:	None
Funding:	None required

- f. Develop a distinctive agri-corridor along Route 29 between Grangerville and Schuylerville. The concept is to concentrate various agri-businesses that serve as a catalyst for economic development between Saratoga Springs and Schuylerville/Victory. This can be accomplished by the Town’s implementation of a *Zoning Overlay District* for this portion of the corridor that incentivizes new agri-businesses while complementing existing businesses. This overlay district could be furthered strengthened by the development of a *Rural Corridor Form-Based Code* for that overlay district that would provide development standards to control the access and parking, landscaping, and configurations of buildings that define and shape the overall aesthetics of Route 29.

Implementation	Planning & Zoning Committee and Agricultural Advisory Committee with Saratoga County Chamber of Commerce
Project Leader:	Planning & Zoning Committee
Cost:	Moderate cost to planning consultant
Funding:	Hudson River Valley Greenway Communities Grant

- g. Support the establishment of an off-road *Fish Creek Hike-Bike Trail* that would give bicyclists a safe alternative away from rural roads where there is active agriculture. This initiative would help support agribusinesses along Route 29 and commerce in the villages of Schuylerville and Victory.

Implementation	Work with Saratoga PLAN and Agricultural Advisory Committee
Project Leader:	Planning & Zoning Committee
Cost:	None
Funding:	Hudson River Valley Greenway Communities Grant

7.4 Recommended Actions for Support to Agricultural Businesses

- a. Encourage the state to support reducing the requirement to receive an agricultural assessment from \$50,000 to \$10,000 in annual gross sales of agricultural products on land parcels that are less than seven (7) acres.

Implementation	Agricultural Advisory Committee will need to consult with Saratoga PLAN and partners on a regional implementation strategy
Project Leader:	Town Board, Agricultural Advisory Committee, Saratoga PLAN, Saratoga County Farm Bureau, Cornell Cooperative Extension
Cost:	None
Funding:	None required

- b. Create a digital *Agricultural Bulletin Board* on the Town’s website to include links to information for farmers to support all activities related to the business of agriculture. Create a section that permits farmers to advertise for crops or services that are needed. Also provide a comprehensive list of grant opportunities and financial assistance with direct links to services.

For Visitors

- Announcements of regional agritourism events
- Farm stand locations
- Farm tours and related businesses

For Farmers

- Comprehensive list of grant opportunities and financial assistance
- Existing and potential new laws and regulations that impact farming
- *Registry* to connect local farmers with land available for lease
- *Farmland Finder* and *NY FarmLink*
- NYS Grown and Certified Agricultural Producer’s Grant Program
- Conservation Loan and Loan Guarantee Program
- Environmental Farm Assistance and Resource Management Program
- *New Farmers Manual* by Cornell Cooperative Extension
- “Finding Farmland: a farmer’s guide to working with land trusts” [NYFC]
- Farm Answers (www.farmanswers.org/Library)
- Farm Building Exemptions
- Agricultural Assessment Program
- Farm Building Exemption Program
- Sales Tax Exemption Program
- NY Conservation Easement Tax Credit and Federal Conservation Easement Tax Incentive
- Farmer’s School Tax Credit
- Agricultural Penalty Law

Implementation	Town Board and website manager
Project Leader:	Town Board and Website Manager
Cost:	Could be variable depending on maintenance needs of the website
Funding:	None required

SECTION 8 - CONCLUSION

The recommendations in Section 7 provide the foundation for the Town to take the next steps in farmland preservation. To put the recommendations into action, the plan will have to be approved by the Town Board, Saratoga County Agricultural Protection Board, and the Commissioner of Agriculture at NY Ag & Markets. Public Hearings on the Plan were held on October 10, 2018 and November 8, 2018 by the Town of Saratoga.

Following approvals, the Town can begin setting in motion the recommendations, many of which do not require funding. Section 7 also suggests a complete implementation strategy for each of the recommendations. The recommendations associated with zoning revisions can be referred to the existing Planning and Zoning Committee that is actively overseeing an in-house effort to address zoning improvements throughout the town. There are two immediate and most effective ways to implement the Agriculture and Farmland Protection Plan. The first is to make the implementation of the *Town of Saratoga Agricultural and Farmland Protection Plan* an agenda item at the Town Board's monthly meetings. The second is to officially designate a person to represent agriculture for the Town who will report on the status of the recommendations to the Town Board on a regular basis.



LIST OF APPENDICES

Appendix A	SWOT Analysis
Appendix B	Interview Summary
Appendix C	Zoning Audit and Agriculture Definitions (Existing and Recommended)
Appendix D	Town of Saratoga Proposed Right to Farm Law

Appendix A
SWOT Analysis

Town of Saratoga MAFPP Public Meeting Comment Summary 3.29.17

SWOT Analysis

STRENGTHS: Community features and influences that have positive impacts on agriculture.

- Beauty of agricultural landscape
- Diversity of farms
- Proximity to markets that provide services and support farmer needs
- Diversified markets that appeal to different public visitors
- Agritourism such as *Sundae on the Farm* events
- Saratoga National Historical Park and Gerald B.H. Solomon Saratoga National Cemetery
- Bike touring throughout
- Dedication to agriculture and farming
- Strong leadership
- Strong Town Board support for agriculture
- Active Chamber of Commerce
- Close proximity to lands that support farmer needs
- Two primary corridors for transportation to promote agriculture
- New available technology
- Good and strong services to support PDR (County Planning, ASA, Saratoga PLAN)
- Healthiest county in New York State
- Workforce need is both positive and negative

WEAKNESSES: Community features and influences that have negative impacts on agriculture.

- Rental lands held by non-farmers have no long-range security; goal is to lease to farmers and then develop land for residential
- Tax incentives are not high enough
- Strong development pressure to convert to non-agriculture
- Lack of incentives to keep rental lands in farming
- High school taxes
- PDRs are cumbersome to put together and monitor

OPPORTUNITIES: Potential programs and projects that could improve agriculture.

- Hosting bike tour groups
- Promoting agricultural businesses along Rt 29 and Rt 32 corridors
- New tools to use conservation easements in new & innovative ways
- Tools for future land ownership transfer to agriculture
- Utilize Battlefield visitors to come into town and village
- Adjust conservation subdivision law to be more effective
- Training programs to train students and new potential farmers: internships
- Steady marketing of agricultural needs to local legislators
- Expand utilization of PDRs

- Consider adopting a TDR law as a preservation tool
- Commercial kitchen as incubator to process local specialty food products
- Revitalization of villages to retain and grow population
- Encourage Community Supported Agriculture (CSAs)
- Local specialty foods could be marketed
- Cross marketing agricultural products & services with places & events
- Heritage tourism

THREATS: Influences on agriculture coming from outside the Town.

- Government regulation
- Rising property taxes
- Cyclists conflict with farm vehicles
- Success in itself as a threat
- Too much traffic on local back roads
- Too much residential development
- Labor pool too small – must rely on off-shore resources
- Competition from foreign products
- Immigration policies
- Compliance with regulations
- No direct support for agriculture as a career from schools
- Trend towards unionized workers
- Smaller lot zoning

Appendix B
Interview Summary

Saratoga Agriculture and Farmland Protection Plan

Farmer Interview Questions - JULY 2017

1. What are the top challenges facing you and the future success of your farm?			
Availability of farm labor		Property taxes	
Residential encroachment/nuisance Complaints		Loss of productive farmland	
Rental costs		Availability of rental land	
Fuel cost		Lack of local processing facilities	
Land prices		Machinery costs	
Production costs		Environmental regulations	
Municipal land use regulations		Water availability	
Access to adequate financing		Access to agri-services	
Access to marketing or business support		Lack of local consumers/clients	
Limited succession plans for the farm		Sales prices of your farm products	
Other (please specify)			
2. Do you think farmland loss is a problem in the town?			
3. Is farmland availability an issue in the town?			
4. Are current land use practices impacting your ability to farm?			
5. Is residential development threatening conservation?			
6. Are the town's regulations flexible enough to accommodate the unusual needs of agricultural businesses?			

Town of Saratoga Agricultural and Farmland Protection Plan - November 2018 Draft

7. Can you identify areas of roadway improvements or signage that would help make local roads safer for farm vehicles?
8. Are you finding it difficult to work within the regulatory structure at this time?
9. What regulations are creating significant issues for farmers?
10. Do you feel that the tax structure for agriculture land is fair and equitable? If not, how would you change it?
11. What specific actions can the town take to offset your taxes?
12. Do you currently use/ have any interest in local farm to market opportunities?
13. How far do you have to go to find services/supplies?
14. Are you engaged in secondary farm or non-farm activities to diversify your farm? (farm stands, alternative energy, agritourism, etc.)?
15. Would you support establishing agricultural advisory committee in the Town?
16. Do you have any interest in expanding your farm in the future?
17. What are your ideas to attract new farmers to the area?
18. What are your ideas for retaining and/or attracting farm workers?

19. Do you have any other concerns about agriculture in Saratoga or have any ideas that might improve and strengthen the future of farming here?
Thank you!

**Saratoga Agriculture and Farmland Protection Plan:
Interview Summary – August 24, 2017**



Interviews with agricultural professionals are ongoing. To date the following individuals were interviewed: Charlie Hanehan, Steve Bodnar, Joe McMahon, Chris Koval, and Nate Darrow. The following represents a summary of their opinions.

What are the top challenges facing you and the future success of your farm?

- Property taxes (school taxes)
- Loss of productive farmland
- Availability of rental land
- Rising Land prices
- Environmental regulations
- Access to agri-services

Comments to Date:

- Fairness in use valuation should be evaluated.
- Agriculture is not considered the highest and best use of the land when appraising for taxes.
- Actions taken through zoning regulations or land trust actions could result in future land “takings”.
- Support is needed for farm improvement loans and grants.
- Compliance with labor laws is cumbersome.
- Provide farmers with information and tools that allow them to make the best decisions.
- Highly varied and very personal decisions for farmers when it comes down to selling. Sometimes conflictive and not black and white.
- Keyhole parcels are practical uses for leasing farmland. At highest risk for residential development and loss for the farmer.
- Wetlands and other land cover represent important lands that support agriculture and should be subject to agricultural assessment.
- Need for a local food source business that addresses food security.
- Residential uses can be balanced with clustering homes with farmland.
- TDR should be pursued but with another neighboring community or on a regional or county-wide basis.

Town of Saratoga Agricultural and Farmland Protection Plan - November 2018 Draft

- Must be careful of potential loss of tax base is end of “sending” development rights to another community in TDR.
- Identify short- and long-term parcels in the town for conservation easements.
- Agricultural assessment and 10-year exemption is working for farmers.
- Competition for land is an issue – developers and horse farmers can afford to pay considerably more than farmers.
- This is a good time to address zoning issues since demand for residential seems lighter.
- Landlords are getting older and keeping farms viable is becoming an issue.
- Permits for Concentrated Animal Feeding Operation (CAFOs) for manure storage and other items continue to be burdensome and expensive.
- Reduce the number of acres a farm has to be in Rural District to receive ag assessment benefit. This impacts the town’s ability to attract new farmers with smaller acreage needs.
- Address the number of horses per acre requirements.
- Diversity in farming is needed in the Town.
- Down to five or fewer dairy farms which use up most of the available land.
- Small scale development drives subdivisions in this town.
- Small scale farms need to be encouraged.
- Encourage marginal land to also preserve the rural character. This could include more in the way of small animal livestock such as: sheep, rabbits, chickens, goats, pigs and honeybees.
- Generate economic development through agritourism. Potential develop a driving loop or itineraries for people to enjoy all resources in the town and region.
- Develop bike lanes that attempt to address conflicts with farm vehicles.
- It is all about dairy farms in the town and diversification is needed to address protection of the smaller farms from conversion.
- Big farms have issues too including machinery they cannot sell plus loss or potential loss of milk contracts.
- Business dealers in the sale, repair and re-sale of farm machinery are far away in Vermont.
- Large lot zoning should be avoided because it can result in spaghetti lots.
- New residents do not seem to contribute to the community services.
- Consider expanding agricultural assessment to viewsheds that need protection from development.

Appendix C
Zoning Audit
Agriculture Definitions (Existing and Recommended)

Existing and Proposed Town of Saratoga Definitions Relating to Agriculture

§ 301. Definitions.

**Existing Definitions in the Town of Saratoga Zoning Code appear in bold.*

"AGRICULTURAL ASSESSMENT VALUE" means the value per acre assigned to land for assessment purposes determined pursuant to the capitalized value of production procedure prescribed by section three hundred four-a of this article.

AGRIBUSINESS — A commercial facility selling products and services normally associated with agriculture, including, but not limited to, farm equipment and its repair, agriculture production supplies and fuel for agricultural use. Agribusiness shall also include commercial greenhouses, garden shops and other business normally associated with the care of lawns and gardens.

"AGRICULTURAL DATA STATEMENT" means an identification of farm operations within an agricultural district located within five hundred feet of the boundary of property upon which an action requiring municipal review and approval by the 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 is proposed, as provided in section three hundred five-a of this article.

AGRICULTURAL PRACTICES - Includes all activities on a farm necessary to the operation of a farm.

AGRICULTURAL PURSUITS — Any parcel of land containing at least 10 acres which is used primarily for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes any accessory buildings and uses normally associated with the conduct of commercial agricultural activity. It excludes stable and riding academies, kennels and the raising of fur-bearing animals.

"AGRICULTURAL TOURISM" means activities conducted by a farmer on-farm for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of farming and farm life.

"APIARY PRODUCTS OPERATION" means an agricultural enterprise, consisting of land owned by the operation, upon which bee hives are located and maintained for the purpose of producing, harvesting and storing apiary products for sale.

"COMMERCIAL HORSE BOARDING OPERATION" means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on-site function is horse racing. Notwithstanding any other provision of this subdivision, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise,

consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation.

"COMPOST, MULCH OR OTHER ORGANIC BIOMASS CROPS" means the on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this section, "compost" shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

"CONVERSION" means an outward or affirmative act changing the use of agricultural land and shall not mean the nonuse or idling of such land.

"CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS" shall include but not be limited to the following:

- a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- b. Fruits, including apples, peaches, grapes, cherries and berries.
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.
- f. Maple sap.
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
- h. Aquaculture products, including fish, fish products, water plants and shellfish.
- i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.
- j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.

FARM - Includes livestock, dairy, poultry, fur-bearing animal, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses, or other similar operations used primarily for the raising of agricultural or horticultural commodities.

"FARM OPERATION" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this section, "timber processing" as defined in subdivision fourteen of this section and "compost, mulch or other biomass crops" as defined in subdivision sixteen of this section. For purposes of this section, such farm operation shall also include the production, management and harvesting of "farm woodland", as defined in subdivision three of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

"FARM WOODLAND" means land used for the production for sale of woodland products, including but not limited to logs, lumber, posts and firewood. Farm woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products.

FOOD PRODUCTS, MANUFACTURING OF — An establishment manufacturing foods and beverages and related products for human consumption and prepared feeds for animals and fowls.

GARDEN SHOP — An establishment principally engaged in the sale of domestic lawn and garden equipment, plant materials and associated supplies and materials).

"GROSS SALES VALUE" means the proceeds from the sale of:

- Crops, livestock and livestock products produced on land used in agricultural production provided, however, that whenever a crop is processed before sale, the proceeds shall be based upon the market value of such crop in its unprocessed state;
- Woodland products from farm woodland eligible to receive an agricultural assessment, not to exceed two thousand dollars annually;
- Honey and beeswax produced by bees in hives located on an otherwise qualified farm operation, but which does not independently satisfy the gross sales requirement;
- Maple syrup processed from maple sap produced on land used in agricultural production in conjunction with the same or an otherwise qualified farm operation;
- Or payments received by reason of land set aside pursuant to paragraph of subdivision four of this section;
- Or payments received by thoroughbred breeders pursuant to section two hundred fifty-four of the racing, pari-mutuel wagering and breeding law; and
- Compost, mulch or other organic biomass crops as defined in subdivision sixteen of this section produced on land used in agricultural production, not to exceed five thousand dollars annually.

"LAND USED IN AGRICULTURAL PRODUCTION" means not less than seven acres of land used as a

single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more; or, not less than seven acres of land used in the preceding two years to support a commercial horse boarding operation with annual gross receipts of ten thousand dollars or more. Land used in agricultural production shall not include land or portions thereof used for processing or retail merchandising of such crops, livestock or livestock products. Land used in agricultural production shall also include:

- Rented land which otherwise satisfies the requirements for eligibility for an agricultural assessment. Land used by a not-for-profit institution for the purposes of agricultural research that is intended to improve the quality or quantity of crops, livestock or livestock products. Such land shall qualify for an agricultural assessment upon application made pursuant to paragraph (a) of subdivision one of section three hundred five of this article, except that no minimum gross sales value shall be required.
- Land of not less than seven acres used as a single operation for the production for sale of crops, livestock or livestock products, exclusive of woodland products, which does not independently satisfy the gross sales value requirement, where such land was used in such production for the preceding two years and currently is being so used under a written rental arrangement of five or more years in conjunction with land which is eligible for an agricultural assessment.
- Land used in support of a farm operation or land used in agricultural production, constituting a portion of a parcel, as identified on the assessment roll, which also contains land qualified or an agricultural assessment.
- Farm woodland which is part of land which is qualified for an agricultural assessment, provided, however, that such farm woodland attributable to any separately described and assessed parcel shall not exceed fifty acres.
- Land set aside through participation in a federal conservation program pursuant to title one of the federal food security act of nineteen hundred eighty-five or any subsequent federal programs established for the purposes of replenishing highly erodible land which has been depleted by continuous tilling or reducing national surpluses of agricultural commodities and such land shall qualify for agricultural assessment upon application made pursuant to paragraph a of subdivision one of section three hundred five of this article, except that no minimum gross sales value shall be required.
- Land of not less than seven acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more, or land of less than seven acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of fifty thousand dollars or more.
- Land under a structure within which crops, livestock or livestock products are produced, provided that the sales of such crops, livestock or livestock products meet the gross sales requirements of paragraph f of this subdivision.
- Land that is owned or rented by a farm operation in its first or second year of agricultural production, or, in the case of a commercial horse boarding operation in its first or second year of operation, that consists of (1) not less than seven acres used as a single operation for the production for sale of crops, livestock or livestock products of an annual gross sales

value of ten thousand dollars or more; or (2) less than seven acres used as a single operation for the production for sale of crops, livestock or livestock products of an annual gross sales value of fifty thousand dollars or more; or (3) land situated under a structure within which crops, livestock or livestock products are produced, provided that such crops, livestock or livestock products have an annual gross sales value of (i) ten thousand dollars or more, if the farm operation uses seven or more acres in agricultural production, or (ii) fifty thousand dollars or more, if the farm operation uses less than seven acres in agricultural production; or (4) not less than seven acres used as a single operation to support a commercial horse boarding operation with annual gross receipts of ten thousand dollars or more.

- Land of not less than seven acres used as a single operation for the production for sale of orchard or vineyard crops when such and is used solely for the purpose of planting a new orchard or vineyard and when such land is also owned or rented by a newly established farm operation in its first, second, third or fourth year of agricultural production.
- Land of not less than seven acres used as a single operation for the production and sale of Christmas trees when such land is used solely for the purpose of planting Christmas trees that will be made available for sale, whether dug for transplanting or cut from the stump and when such land is owned or rented by a newly established farm operation in its first, second, third, fourth or fifth year of agricultural production.
- Land used to support an apiary products operation which is owned by the operation and consists of (i) not less than seven acres nor more than ten acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more or (ii) less than seven acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of fifty thousand dollars or more. The land used to support an apiary products operation shall include, but not be limited to, the land under a structure within which apiary products are produced, harvested and stored for sale; and a buffer area maintained by the operation between the operation and adjacent landowners. Notwithstanding any other provision of this subdivision, rented land associated with an apiary products operation is not eligible for an agricultural assessment based on this paragraph.

"OIL, GAS OR WIND EXPLORATION, DEVELOPMENT OR EXTRACTION ACTIVITIES" means the installation and use of fixtures and equipment which are necessary for the exploration, development or extraction of oil, natural gas or wind energy, including access roads, drilling apparatus, pumping facilities, pipelines, and wind turbines.

ROADSIDE STAND — Any area and/or facility, temporary or otherwise, used for the roadside sale of produce and agricultural goods.

"TIMBER PROCESSING" means the on-farm processing of timber grown on a farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, through the use of a readily moveable, nonpermanent saw mill, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross

sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

"UNIQUE AND IRREPLACEABLE AGRICULTURAL LAND" means land which is uniquely suited for the production of high value crops, including, but not limited to fruits, vegetables and horticultural specialties.

"VIABLE AGRICULTURAL LAND" means land highly suitable for agricultural production and which will continue to be economically feasible for such use if real property taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of non-agricultural development.

Other Definitions to Consider:

AGRICULTURAL AND FARMLAND PROTECTION – shall mean the preservation, conservation, management or improvement of lands which are part of farming operations, for the purpose of encouraging such lands to remain in agricultural production.

AGRICULTURAL PRACTICES – activities conducted by a farmer on land, that is either owned or rented, to produce agricultural products and which are inherent and necessary to the operation of a farm and the on-farm production, processing, and marketing of agricultural products, including, but not limited to, the collection, transportation, distribution, storage, and land application of animal wastes; storage, transportation, and use of equipment for tillage, planting, harvesting, irrigation, fertilization, and pesticide application; storage and use of legally permitted fertilizers, limes, and pesticides all in accordance with local, state and federal law and regulations and in accordance with manufacturers' instructions and warnings; storage, use, and application of animal feed and foodstuffs, construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products, and livestock, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations, including the construction and maintenances of fences.

FARMER – shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in agricultural practices, whether for profit or otherwise.

FARMING - shall mean the act of engaging in agricultural practices on farmland as defined herein.

FARMLAND – shall mean land used in agricultural production, as defined in subdivision four of §301, of Article 25AA of the New York State Agriculture and Markets Law.

FARM OPERATION – shall mean any person, organization, entity, association, partnership or corporation engaged in farming whether for profit or otherwise.

GENERAL AGRICULTURAL OPERATIONS – shall mean those practices which are feasible, lawful, inherent, customary, necessary, reasonable, normal, safe, and typical to the industry or unique to

the commodity as they pertain to the practices listed in the definition of “agricultural practices” herein.

LAND USED IN AGRICULTURAL PRODUCTION – shall include land which is first defined in §301. Of Article 25 AA of the New York State Agriculture and Markets Law, as may be amended, from time to time.

Appendix D
Town of Saratoga Proposed Right to Farm Law

TOWN OF SARATOGA AGRICULTURE AND FARMLAND PROTECTION PLAN

Existing Town of Saratoga Farming Law

Article I: Right to Farm [Adopted 6-8-1992 by L.L. No. 1-1992]

A. The Town Board of the Town of Saratoga finds that farming is an essential activity within the Town of Saratoga.

B. Farming, as defined herein, reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Town of Saratoga emphasizes to newcomers that this Town encourages its agriculture and requests newcomers to be understanding of the necessary day-to-day operations.

C. It is the general purpose and intent of this article to maintain and preserve the rural tradition and character of the Town of Saratoga, to permit the continuation of agricultural practices, to protect the existence and operation of farms, and to encourage the initiation and expansion of farms and agricultural businesses.

D. For the purpose of reducing future conflicts between farmers and non-farmers, it is necessary for notice to be given to future neighbors about the nature of agricultural practices.

§ 231-3 Right to undertake agricultural practices.

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may engage in farming practices within the Town of Saratoga at any and all such times and all such locations as are reasonably necessary to conduct the business of farming, as long as such farming practices do not violate any existing federal, state or local laws. For any activity or operation, in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

§ 231-4 Notice to prospective neighbors. [1]

The following notice shall be included in building permits and on plats of subdivisions submitted for approval pursuant to Town Law § 276:

"This property may border a farm, as defined in Town Law No. 1 of the year 1992. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise, and vibration."

Proposed New Right to Farm Law for the Town of Saratoga:

Model Language from: Town of Farmington Right to Farm Law

§265-1. Legislative Intent, Purpose and Objectives.

Intent. The Farmingtown Town Board finds and hereby declares and determines that agriculture is vital to the quality of life in the Town of Farmingtown, New York. Agriculture serves as a livelihood to our farmers, provides employment for our residents, and provides economic benefits to landowners from the renting or leasing of their farmland, while it contributes to the social and economic base of the community. In addition, agricultural operations provide fresh quality produce, while limiting the demand for services provided by local governments when compared to other land uses. In order to maintain a viable agricultural economy in the Town, it is the intent of these regulations to afford farmers and landowners renting to farmers protection allowing them the right to conduct agricultural practices and to operate upon farmland located within the established agricultural areas in the Town with minimal controversy from nonagricultural landowners and neighboring nonagricultural land uses. When nonagricultural land uses extend into established agricultural areas, agricultural operations often become the subject of nuisance law suits. As a result of such law suits, agricultural operations are sometimes forced to cease, or local farmers and landowners are discouraged from making investments in the agricultural sector.

Purpose. It is hereby the declared purpose of this Chapter to advance the vision, goals and policies articulated in the adopted Town of Farmingtown Agriculture and Farmland Protection Plan, which is a part of the adopted Town of Farmingtown 2030 Comprehensive Plan.

Objectives. It is hereby declared that the following objectives are intended by the enactment of this Chapter:

- To maintain and preserve, to the extent practical, the established agricultural areas of the town;
- To permit the continuation of agricultural practices upon farmland within the established agricultural areas of the town;
- To protect the Town's natural resource base, and agricultural soils to the greatest extent practical;
- To protect the existence and promote the operation of farms within established agricultural areas of the community;
- To encourage the expansion of farming and land used in agricultural production. Including uses attendant to agricultural uses in accordance with New York State Agriculture & Markets Law.
- To promote resolution of issues between landowner(s) and operators concerning agricultural practices and farm operations;
- To promote agriculture among town residents about the importance of agricultural resources; and
- To promote the economic and social contributions of this sector of our community.

§265-3. Declaration of Right-To-Farm.

- A. Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may engage in agricultural practices within established agricultural areas in the Town of Farmingtown at all such times as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and/or improved technologies.
- B. Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:
 - 1. reasonable to the particular farm or farm operation;
 - 2. conducted in a manner which is not negligent or reckless;
 - 3. conducted in conformity with sound agricultural practices;
 - 4. conducted in conformity with all local state, and federal laws and regulations;
 - 5. conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person.
- C. Nothing in this Chapter shall be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to a failure to follow sound agricultural practices, as outlined in this section.

§265-4. Resolution of Disputes.

- A. Should any controversy arise regarding any inconvenience or discomfort occasioned by agricultural operations which cannot be settled by direct negotiations between the parties involved, either party shall submit, in writing the controversy and any documentation in support of the issue to the Ag. Resolution Committee or their designee.
- B. Any controversy between the parties shall be submitted to the Ag. Resolution Committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.
- C. The controversy shall be presented to the Ag. Resolution Committee or Their designee by written request of one of the parties within the time limits specified. Thereafter, the Building Department Manager may investigate the facts of the controversy but must, within thirty (30) days render a written decision to the parties.
- D. The decision by the Ag. Resolution Committee shall be based upon the objectives set forth in Section 265-1 of this Chapter and provide a documented rationale as to how such decision is made.

- E. All decisions shall be filed with the Town Clerk's Office and made available for public review upon demand.

§265-5. Notification of Real Estate Buyers and Prospective Neighbors.

- A. In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with § 310 of Article 25 AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: *"It is the policy of the State of New York and the Town of Farmingtown to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that farming activities occur within the Town. Such farming activities may include, but not be limited to, activities that cause noise, dust, smoke and odor."*
- B. A copy of this notice shall be included as an addendum to the purchase and sale contract, of any parcel of land located within the established Kings County Agricultural Use District and/or land located within the delineated Strategic Farmland Protection Area, at the time an offer to purchase is made.
- C. In addition, this notice shall be included in building permits and on plats of subdivision submitted for approval pursuant to New York State Town Law, §276.

Section 6:

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 7:

This local law shall take effect immediately upon filing with the Secretary of State.

Appendix E
Town of Saratoga Preserved Lands

Town of Saratoga Preserved Lands

Fee Owner	Protection Type	Site Name	Municipality	Interim Property Holder	Acres
Federal	Fee Simple	None Listed	Saratoga	None	19.29
Federal	Fee Simple	Saratoga National Cemetery	Saratoga	None	27.06
Federal	Fee Simple	Saratoga National Cemetery	Saratoga	None	235.38
Federal	Fee Simple	Saratoga National Cemetery	Saratoga	None	7.75
Federal	Fee Simple	None Listed	Saratoga	None	0.53
Federal	Fee Simple	None Listed	Saratoga	None	0.04
Federal	Fee Simple	Saratoga National Historic Park	Victory	None	0.33
Federal	Fee Simple	Saratoga National Historical Park	Victory	None	1.37
Federal	Fee Simple	None Listed	Victory	None	1.95
Federal	Fee Simple	Saratoga National Cemetery	Saratoga	None	23.80
Federal	Fee Simple	Saratoga National Cemetery	Saratoga	None	34.84
Federal	Fee Simple	Saratoga National Cemetery	Saratoga	None	18.92
Federal	Fee Simple	Saratoga National Historical Park	Stillwater	None	2,337.63
Municipal	Fee Simple	None Listed	Saratoga	None	1.88
Municipal	Fee Simple	None Listed	Saratoga	None	7.91
Municipal	Fee Simple	Champlain Canalway Trail	Saratoga	None	6.00
Municipal	Fee Simple	Champlain Canalway Trail	Saratoga	None	2.00
Municipal	Fee Simple	Champlain Canalway Trail	Saratoga	None	2.75
Municipal	Unlisted	Schuyler Park	Saratoga	None	27.15
Private For-Profit	Fee Simple	None Listed	Saratoga	None	160.39
Private Land Owner	Fee Simple	None Listed	Saratoga	None	71.27
Private Land Owner	Fee Simple	None Listed	Saratoga	None	1.78
Private Land Owner	Fee Simple	None Listed	Saratoga	None	11.09

Town of Saratoga Agricultural and Farmland Protection Plan - November 2018 Draft

Fee Owner	Protection Type	Site Name	Municipality	Interim Property Holder	Acres
Private Land Owner	Fee Simple	None Listed	Saratoga	None	3.57
Private Land Owner	Fee Simple	None Listed	Saratoga	None	1.83
Private Land Owner	Fee Simple	None Listed	Saratoga	None	16.69
Private Land Owner	Fee Simple	None Listed	Schuylerville	None	2.21
Private Land Owner	Fee Simple	None Listed	Saratoga	None	7.69
Private Land Owner	Erosion/Sediment Control	Ritson Farm	Saratoga	Saratoga PLAN	34.35
Private Land Owner	Erosion/Sediment Control	Ritson Farm	Saratoga	Saratoga PLAN	34.35
Private Land Owner	Erosion/Sediment Control	Van Arnum Farm	Saratoga	Saratoga PLAN	83.98
Private Land Owner	Erosion/Sediment Control	Hoogeveen Farm	Saratoga	Town of Saratoga	84.74
Private Land Owner	Erosion/Sediment Control	Hoogeveen Farm	Saratoga	Town of Saratoga	319.85
Private Land Owner	Erosion/Sediment Control	Galcik Farm	Saratoga	Town of Saratoga	63.82
Private Land Owner	Erosion/Sediment Control	Hanehan Farm	Saratoga	Open Space Institute	97.35
Private Land Owner	Erosion/Sediment Control	Hall Farm	Saratoga	Open Space Institute	153.69
Private Non-Profit	Fee Simple	The Nature Conservancy	Saratoga	None	57.73
Private Non-Profit	Erosion/Sediment Control	Larmon	Saratoga	Saratoga PLAN	40.07
State	Fee Simple	None Listed	Saratoga	None	18.14
State	Fee Simple	None Listed	Saratoga	None	6.28
State	Fee Simple	None Listed	Schuylerville	None	20.27
State	Fee Simple	None Listed	Saratoga	None	2.02
State	Fee Simple	None Listed	Saratoga	None	33.39
State	Fee Simple	None Listed	Saratoga	None	13.88
				TOTAL	4,097.02