

# Town of Colden

## Agricultural and Farmland Protection Plan



## Final Report

July 2023

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**Town of Colden**  
**Agriculture and Farmland Protection Plan**

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***Agricultural and Farming Planning Committee***

Walt Kammer, Chairperson	Jaqueline May
Robert J. Walker	Cheryl Schenne
Andrew Gow	Dakota Forgione
George Reinhardt	Peter Newsom

***Colden Town Board***

James DePasquale, Supervisor  
Dennis Robinson  
Patricia Zurbrick  
Gerald Pietraszek  
Jesse Hrycik

***Other Contributors***

Frank Hrycik, former Planning Board Member  
Richard Sheldon, former Planning Board Member  
Linda Kotlarz, former Planning Board Member  
David Arcara, former Town Board Member  
Rachel Chrostowski, Western New York Land Conservancy  
Sarah Gatti, Erie County Department of Environment and Planning  
Timothy German, Erie County Department of Environment and Planning  
Diane Held, Erie County Cornell Cooperative Extension  
Mark Gaston, Erie County Soil and Water Conservation District  
David Denk, New York State Department of Environmental Conservation  
New York State GIS Clearinghouse  
USDA Natural Resources Conservation Service

***Project Consultant***

Wendy E. Weber Salvati, AICP, WWS Planning  
Justin Steinbach, CPL

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# Executive Summary







# *Town of Colden*

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### **EXECUTIVE SUMMARY**

Farming in the Town of Colden has been practiced since the early settlement of the community. Today, farming continues as a way of life and economic driver in the Town; although the extent of agricultural land and farming activity has declined. The 1992 Town of Colden Comprehensive Plan assessed the availability of developable land in the Town, finding that the community was expected to remain rural in nature. It further established that agriculture was not expected to expand in the future. Since that time, while agricultural activities may not have grown considerably as a means of employment, farming and agriculture have diversified more broadly, with smaller farms or hobby-type activities becoming more prevalent.

The Town's recent Comprehensive Plan Update supports the protection and growth of farming and agriculture in Colden. This updated Plan includes core values/goals and a vision for managing future growth and development in the community, which support protecting the rural, small-town character of the Town and encouraging the long-term sustainability and versatility of agriculture. The Comprehensive Plan Update recognizes that the community continues to value agricultural pursuits and there is a desire to support local farmers and agricultural businesses. That Plan provides a strong foundation that supports this Agricultural and Farmland Protection Plan.



The preparation of the Agricultural and Farmland Protection Plan (AFPP) for Colden provides a means for implementing the land use goals of the Comprehensive Plan to ensure:

- that existing agricultural activities remain active and viable in the Town;
- that the expansion of smaller-scale, non-commercial agricultural activities are encouraged; and
- that productive farmland is protected to ensure the continuation of existing and sustainable farming activities in the future.



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The AFPP is also intended to bring about any necessary local farm-friendly regulatory changes to further strengthen protections and provide even greater flexibility for agricultural use. The goal is to maintain the agricultural culture in Colden as self-sufficient and self-supporting of the existing agricultural environment. At present, while development pressure is not a significant threat to farming and agricultural land uses, this Plan will enable the Town to be pro-active and pre-emptive with planning efforts to support farming and agriculture in the community.



The Town of Colden Agricultural and Farmland Protection Plan serves two functions for the Town – providing a framework for future actions and policies to protect farming and agriculture in the community and providing resources and guidance for new and existing farmers, such as financial, educational, and technical support and other useful information.

### *Key Issues*

As part of the development of this AFPP, several key strengths and weaknesses were identified that pertain to the current state of farming and agriculture and its future in Colden:

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#### ***Strengths and Opportunities:***

- The extent of potentially productive farmland, the existence of good, productive farm soils, soil/drainage conditions that support certain crops and activities, and few conflicts between farmers and neighbors/non-farmers.
- Strong farm traditions, local commitment and public support, a strong base of pro-active and knowledgeable farmers, acreage devoted to horses and horse breeding, strong desire to purchase locally grown products, and the increasing diversity of agricultural activities and number of hobby/small scale activities in the Town.
- Appreciation for the value of agricultural land, open space, and the protection of rural, community character.
- A local Right to Farm law and flexible local regulations that support farming and agriculture.
- The lack of public sanitary sewer infrastructure that mitigates pressure for residential development and farmland conversion.
- Availability of regional, state, and federal support and programs and services to help new and existing farmers and agricultural interests.
- Growing interest in emerging markets and “farm-to-table,” alternative/niche crops and products, sustainable farming practices, and sources of energy generation, increasing demand for organic produce, a growing interest from outside the Town to undertake farming in Colden, and increased emphasis on conducting agricultural activities in concert with environmental stewardship.
- Smaller farming enterprises have different requirements for greenhouses, services, and equipment sales and services, creating an opportunity to locate supply businesses in Town.
- 4-H Youth Program or similar programs offered in the area.
- Potential for cannabis / hemp production and potential to grow other sectors of local economies
- Erie County’s Erie Grown and Erie Grown Passport increases awareness of the availability of local farm products.
- Changing State laws and potential for new market crops, and changes in regulations for on-site consumption of wine products, breweries, and similar operations that use farm grown ingredients
- Growing potential for farm collectives, coops, and CSAs
- Availability of support for Agricultural Conservation Easements (land conservancy and other assistance)



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#### *Weaknesses and Threats:*

- Limited extent of land in actual production in the Town.
- Topographic constraints and limited areas with prime farm soils, and an unpredictable climate.
- Lack of understanding of the freedom to farm in Colden, and the flexibility of Town regulations and provisions.
- A growing number of new farmers with limited experience and expanding interest in growing organic produce without a solid understanding of associated costs.
- Retiring farmers with limited potential for transitioning their farmland or agricultural activities to other family members, and a younger generation that has a decreasing interest in farming and agriculture.
- Lack of awareness and understanding of farming and agriculture by the non-farm public.
- Limited availability of locally grown products and agricultural tourism opportunities in Town, and farmer's markets, agricultural tourism, and crop availability in nearby communities.
- Increasing land prices are making farming and agricultural activities more challenging, and competition for limited resources.
- Lack and availability of local businesses that sell agricultural supplies.
- Lack of understanding of where agricultural products can be sold in Town and in the region.
- Price volatility and changing market trends.
- Growing pressure to convert agricultural lands to non-farm uses, including alternative energy generation and energy storage facilities, as well as the New York State green energy goals.
- Limited coordination and effort to share information resources, shopping opportunities, or agricultural-related activities with residents and businesses in the region.



## ***Town of Colden Agricultural and Farmland Protection Plan***

### ***Vision for Farming in Colden***

The information outlined in Sections III and IV of this Plan provides an overview of the natural characteristics and agricultural resources that exist in the Town. This information was evaluated in combination with the information that was gathered through comments offered at public meetings, and through the Town-wide public survey, to provide a better understanding of the farming and agriculture in Colden, and to help identify areas to be designated for agricultural protection. This evaluation was further enhanced by using the data that was collected through the online mapping tool that was linked with the public survey to pinpoint the location of local farming and agricultural activities in the community. The agricultural assets and resources data that was gathered through the online map was combined with other mapping data to provide a clearer picture of the extent and types of farming and agricultural activities undertaken in the Town.

While this exercise offers an illustration of where and what types of agricultural activities occur in the Town, it does not effectively identify areas to be designated for agricultural protection. Therefore, corresponding data from other maps in this Plan were examined to recognize areas with environmental constraints that preclude farming and agricultural activity (creek valleys/excessively steep slopes, regulated floodways and wetlands, lands zoned for business activity). This revealed that most of the Town is suitable for a variety of agricultural uses and activities. While the higher plateaus offer better land and soils for raising crops, steeper hillsides provide areas for timber harvesting or similar agricultural uses. In other words, when the valley areas are removed, the majority of the Town can be considered suitable for agricultural use and designated for protection, including upland areas where topography is relatively flat or less steep, locations where numerous parcels are being farmed or used for agriculture in some manner, areas with soils that support the raising of crops, parcels that are included in Erie County Agricultural Districts #5 and #15, and properties that have agricultural tax exemptions. When local farming resources, which were identified using the online mapping tool and other public input, are added to this map it further illustrates the extent of agricultural activity throughout the Town.

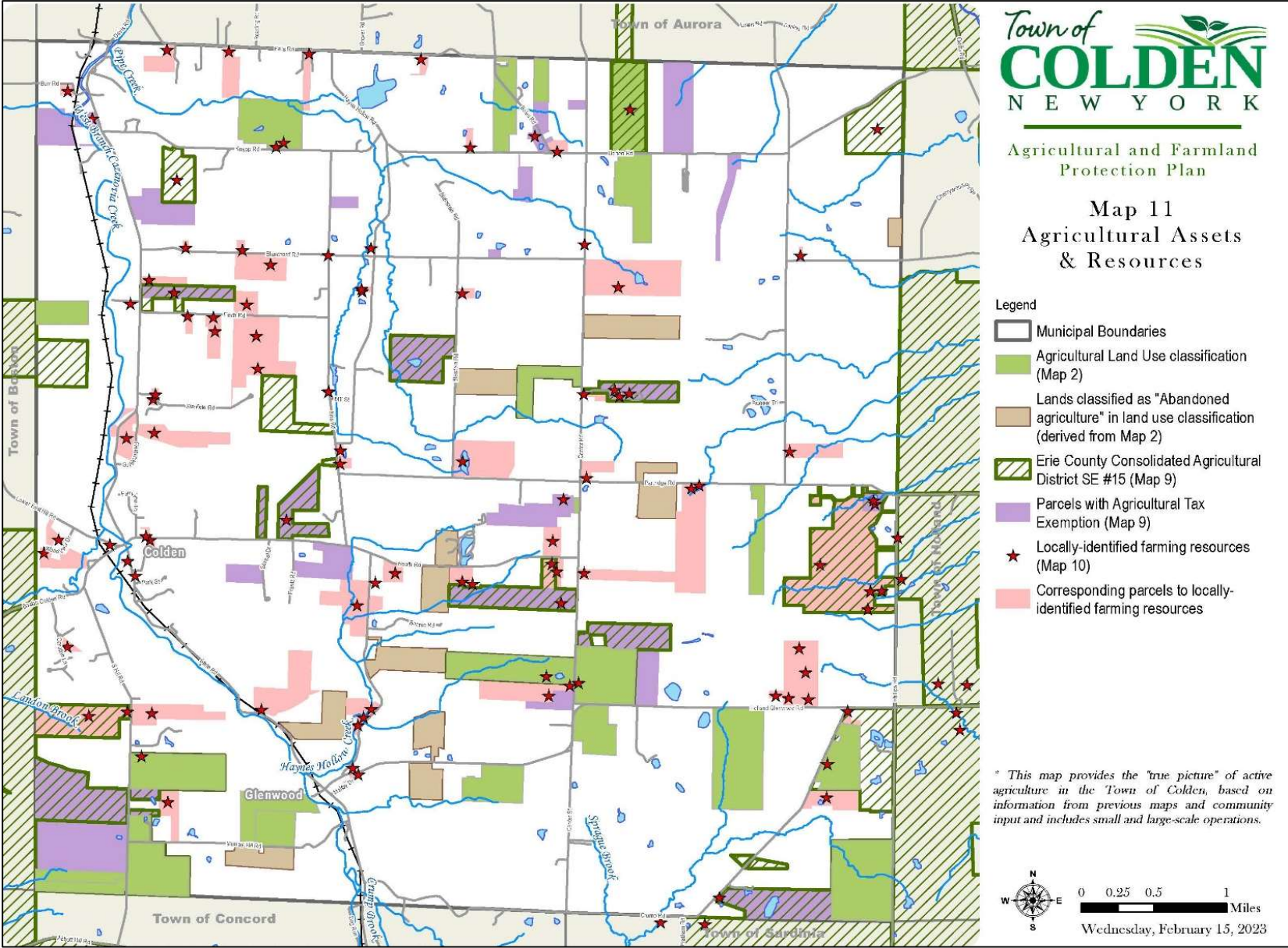


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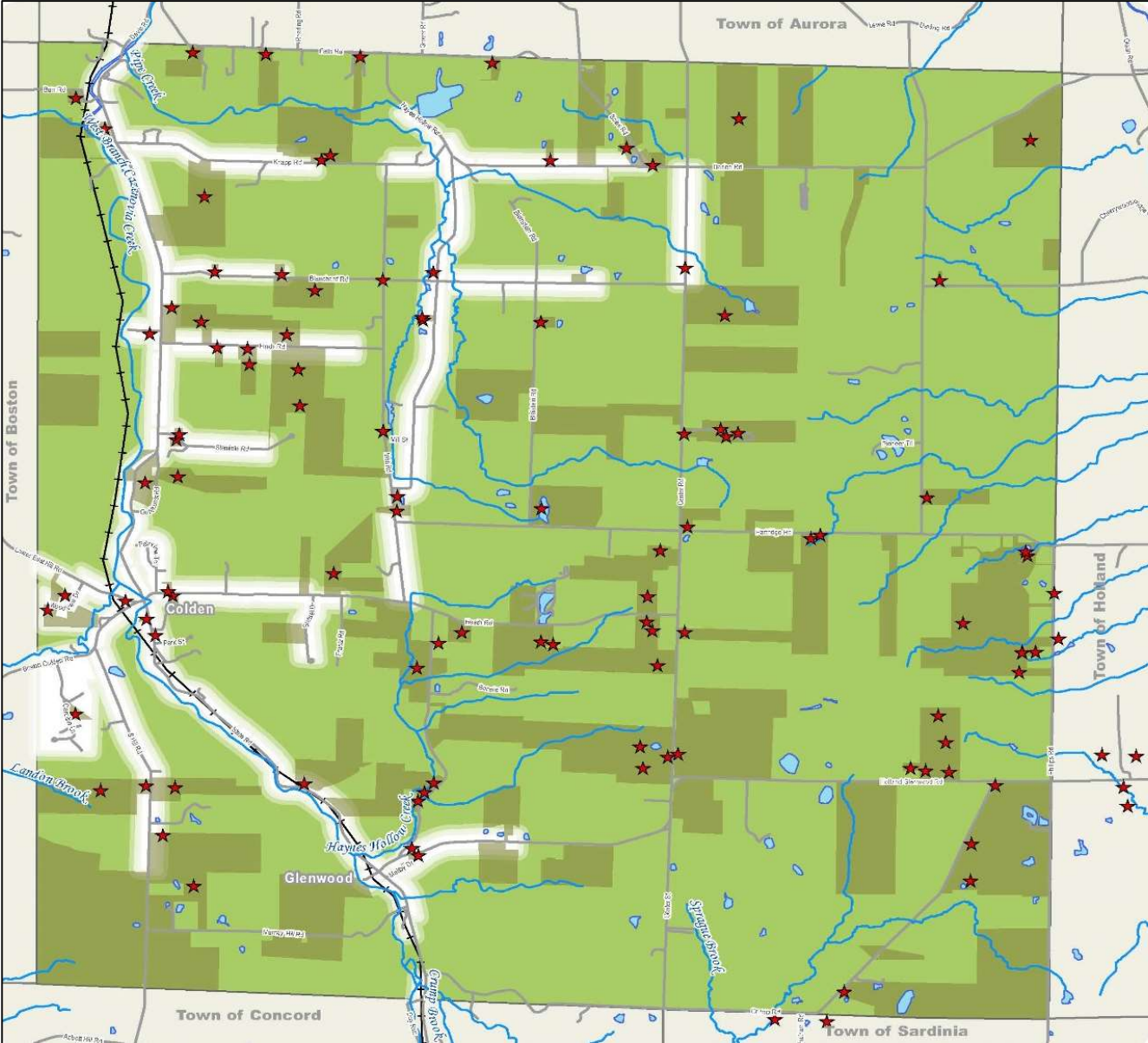
Protection of farmland in Colden is in keeping with the goals of this AFPP, as well as the core value goals of the Comprehensive Plan Update. The premise is to preserve areas with farming and agricultural uses, important agricultural resources and soils, and agricultural districts from unwanted growth and development in the future, e.g., dense residential development or large alternative energy projects. The Vision for the future of farming and agriculture in the Town, as supported by this Plan and public input, is to protect and promote agriculture and farming activities of any size or scale in Colden, and to strengthen and diversify farming enterprises for long-term sustainability and success. Promotion of existing agricultural businesses and farming uses is as important as protection of these resources, with the goal of making Colden self-sufficient, self-supporting, and a more diverse and unique agricultural environment.



# Town of Colden Agricultural and Farmland Protection Plan



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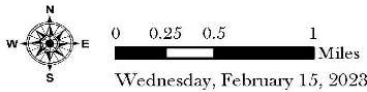


Agricultural and Farmland  
Protection Plan

Map 12B  
Colden Agricultural  
Vision Map  
with Active Farms\*

- Legend**
- Municipal Boundaries
  - Agricultural Protection
  - Active agricultural pursuits/operations
  - Locally-identified farming resources\*

(\*based on community input  
input as of September 27, 2022)





## ***Town of Colden Agricultural and Farmland Protection Plan***

### ***Goals and Objectives***

The Town's primary purpose for developing this *Town of Colden Agricultural and Farmland Protection Plan* is to recognize, better understand, and establish a strategy for protecting the agricultural and the rural character of the community, as well as promoting the expansion of agricultural activities in Colden where possible. Section II of the AFPP identifies three goals and associated objectives that provide guidance for continuing and enhancing the future of agriculture and farming in the Town. The three goals, which are shaped around key issues and concerns expressed by farmers, residents, Town officials, and other interested parties in the community, are as follows.

- ***GOAL 1: Increase awareness of the changing diversity of farming and agriculture by the non-farm community to support agricultural activity and help ensure the long-term sustainability of farming activities in Colden***

Farming in Colden has transitioned to be more than just raising field crops or keeping animals. Public outreach conducted as part of the preparation of this Plan identified a wide number of agricultural activities that are undertaken in the Town. Strengthening and increasing public awareness and understanding of what "farming" is in Colden, and the positive impact that agricultural activities, at any size or scale, can provide to the community is essential for the continuation and prosperity of these activities.

- ***GOAL 2: Protect Lands and Resources Critical to the Long-Term Success, Viability and Resiliency of Agriculture, and the Protection of Community Character***

By its nature, farming, and agricultural activities, regardless of the size or scale, preserve open space, maintain the rural character of a community, and preserve local heritage. These activities provide a number of benefits, including: the production of local food, employment, and other economic benefits to the community at large and the region; preservation of scenic vistas and rural community character; potential for secondary income for farmers and residents; and a more balanced tax base. Protecting these resources is essential for the long-term success and sustainability of agriculture and farming in Colden.



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- ***GOAL 3: Leverage the Town’s Natural Resources and Agricultural Assets to Enhance and Expand the Agricultural Economy of the Community and its Capacity to Respond to Economic and Climate Trends and Changes***

Although the agricultural industry has declined in the Town, Colden continues to maintain productive lands and resources that keep agricultural activities alive in the community. Additionally, farming and agricultural practices are getting more diverse as new trends emerge. Utilizing existing assets is essential for strengthening the local agricultural industry and increasing public support for farming. Farming provides benefits, including the production of local agricultural products and creation of jobs, and although it is changing in size, scale, and nature, agriculture remains an important component of the character and economy of the Town. Agriculture related businesses support farming and contribute to the local and regional economy. Additionally, agri-tourism activities provide an additional source of income to help keep farming viable and increase appreciation of agriculture in Colden. By maintaining and expanding the existing economic base of farming and agriculture in the community and the viability of existing businesses, the Town has the potential to create and strengthen a successful, diverse, and resilient farming industry that is good for farmers, the Town, and the region.

#### ***Moving Forward***

Section VI of this Agricultural and Farmland Protection Plan includes recommended implementation strategies that comprise a toolbox of options that can be employed, as needed, to address issues and concerns, capitalize on opportunities, and ensure a sustainable presence and future for farming and agricultural activities. These strategies provide guidance and establish a foundation to enable the Town of Colden to preserve, strengthen, and promote farming and agriculture into the future. To put the recommendations into action, the AFPP must be approved by the Erie County Agriculture and Farmland Protection Board, adopted by the Colden Town Board, and approved by the Commissioner of the New York State Department of Agriculture and Markets. Thereafter, the Town can begin implementing the recommendations, many of which do not require funding. Section VII of this Plan contains an implementation strategy for putting the recommendations to action. The two most important and effective ways to implement the strategies and recommendations contained in this AFPP are to formalize an entity to represent agricultural interests in the Town and assist with implementation of the AFPP, and to maintain a favorable and supportive environment for the future of farming and agriculture in the community.



# Section I

## Introduction





# *Town of Colden*

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### **SECTION I – INTRODUCTION**

#### **A. Background**

The Town of Colden, in Erie County, New York, has prepared an update to the Comprehensive Plan, as a means of better managing future growth and development in the community. In concert with that effort, the Town has prepared this Agricultural and Farmland Protection Plan to establish specific goals and recommendations for the protection of farming and agriculture in the Town. In 2020, the Town secured funding through the New York State Department of Agriculture and Markets to prepare this Plan to implement the recommendations of the Comprehensive Plan, protect farmland, and enhance farming in the Town.

The State’s Agricultural and Farmland Protection Program was formed under Article 25-AAA of the Agriculture and Markets Law to encourage further development of agriculture and farmland in New York State. The Statement of Legislative Findings and Intent of Article 25-AAA reads:

*“It is hereby found and declared that agricultural lands are irreplaceable state assets. To maintain the economic viability and environmental and landscape preservation values associated with agriculture, the State must explore ways to sustain the State’s valuable farm economy and the land use base associated with it. It is therefore declared the policy of the State to promote local initiatives for agricultural and farmland protection.”*

The New York State Department of Agriculture and Markets defines farmland and agricultural protection as *“the preservation, conservation, management, or improvement of lands that are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production.”* Agricultural and Farmland Protection Plans help municipalities develop strategies for the future of agriculture in their communities.



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In accordance with the State’s requirements, municipalities that develop Agricultural and Farmland Protection Plans must include, among other things:

- the location of farmland or other areas proposed to be protected;
- an analysis of the factors concerning the areas and lands proposed to be protected, such as the value to the agricultural economy, the value of open space to the community, the consequences of possible conversion of farmland to other land uses, and the level of conversion pressure on the lands or areas proposed to be protected; and
- a description of activities, programs and strategies intended to be used to promote continued agricultural use.

Preparation of an agricultural and farmland protection plan must include public input and, thereafter, be submitted to the Colden Town Board and the Erie County Agricultural & Farmland Protection Board for their review and approval. Upon Town and County approval, the plan must be submitted by the Town to the Commissioner of the New York State Department of Agricultural and Markets for final approval. The Town of Colden Agricultural and Farmland Protection Plan was developed to comply with State requirements.

### **B. Existing Plans and Programs**

The following is an overview of existing land use plans that have been developed by other entities, including Erie County and the Town of Colden, which promote the protection and enhancement of agriculture. The information presented below includes the policies, goals and recommendations related to agricultural and farmland protection, as set forth in each individual plan. These plans are all supportive of the Colden Agricultural and Farmland Protection Plan and the Town’s desire to maintain farming as an important industry in the community.



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### Erie County Agricultural and Farmland Protection Plan

The Erie County Agricultural and Farmland Protection Plan was developed by the Erie County Agricultural and Farmland Protection Board in 1998; an update to this plan was developed by the American Farmland Trust in 2012. The preparation of the County's plan was made possible through grant funding from the New York State Farmland Protection Planning Grants Program, which is administered by the State Department of Agriculture and Markets.

The goal of the Erie County Agricultural and Farmland Protection Plan strategy is to maintain a productive, open landscape that is viable for future generations and that does not preclude more intensive activity when the demand exists; and to promote and expand markets for agricultural products. The findings in the plan indicate that Erie County has diverse, productive, vital farms that are located near a sizable population. The County benefits from prime farm soils, a climate that is moderated by Lake Erie, and farmers with years of experience, as well as new farmers who are eager to take on the challenge of agriculture. Additionally, a growing interest in local farms and farm products has boosted agriculture as a visible economic driver that is creating new opportunities for farming in both urban and rural areas of Erie County.

The Plan is intended to direct agricultural planning in Erie County for the next decade and provides a picture of agricultural activity as it presently exists and outlines the loss of farmland that has occurred over the past few decades. The Plan also documented strong public support for agriculture and demonstrates how agriculture has been a significant contributor to the County economy, although much of the farmland is now located in the outer ring of land, adjacent to neighboring farm counties. Focusing on agricultural economic development holds significant promise for Erie County farms, particularly with regard to direct marketing opportunities and opportunities to improve farm viability and profitability through coordinated economic development efforts.



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The two major strategies and associated goals and recommendations set forth in the Erie County Agricultural and Farmland Protection Plan include the following.

1. Keep land in agricultural production by protecting farmland, helping a new generation to farm, and improving the viability of all farms in the County.

### *Summary Actions for Erie County Major Strategy 1:*

- Protect farmland and stabilize the farm base.
- Determine the feasibility of developing a County-wide purchase of development rights program.
- Support the State-certified agricultural district program with right-to-farm provisions.
- Collect agricultural assessment data by town in order to inform agricultural planning efforts.
- Assist towns that wish to adopt term and/or permanent easement programs.
- Develop a ditch maintenance program that supports preservation of prime agricultural land.
- Help the next generation become established on new and existing farms through training programs, promotion of farming and local training programs, as well as other education initiatives and incentives.
- Determine the feasibility of developing a community college agricultural training program for workforce development or establishing County-wide apprenticeship and internship programs.
- Research the institution of a farm workforce development program that could benefit new immigrant populations and farms.
- Encourage BOCES, and local school districts (City, suburban and rural) to include agricultural workforce training.
- Support City and suburban community zoning regulations in order to expand urban farming opportunities.
- Determine the feasibility of establishing a property tax abatement program for new farmers.
- Improve farm viability and increase investment in agricultural development projects, such as agritourism.
- Establish a shovel-ready agricultural business park to attract food and agricultural processing businesses.
- Develop a program to help farmers market their agricultural products and to assist in identifying new market opportunities.





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2. Inform the public, local leaders, and elected officials about the benefits that agriculture provides and support policy and legislative changes that will improve farm viability

*Summary Actions for Erie County Major Strategy 2:*

- Educate local leaders and elected officials about the benefits that farms provide to local economies and to the quality of life for County residents.
- Calculate the value of agriculture to the local and regional economy as part of a complete economic analysis of agriculture and its multiplier effects.
- Offer regular training for local leaders and volunteers.
- Periodically host farm tours for local leaders and officials.
- Support policies that will help farms to provide affordable, local food to County residents.
- Develop a County Food Policy Council that includes a formal role for the Erie County Agriculture and Farmland Protection Board.
- Promote locally grown food purchasing by school districts in the region and work with the Erie County Agricultural Society to promote the Farm2Table school program.
- Promote/support farmers markets in the cities, towns, and villages to attract more people to existing markets.
- Educate and inform the public about farms and food production through the establishment of an annual County-wide agricultural event.
- Support the Erie County Farm Bureau's efforts to encourage Agriculture in the Classroom.
- Support partner agricultural organizations, such as Farm Bureau, American Farmland Trust, the Soil and Water Conservation District and Cornell Cooperative Extension, through advocacy efforts to increase penalties for terminating agricultural assessments and enact revisions to County, State and Federal agricultural policy and legislative changes.
- Establish stronger regional planning, especially between Erie and Niagara Counties.



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#### Erie Niagara Framework for Regional Growth

The Erie Niagara Framework for Regional Growth, adopted in 2006, was prepared and supported by Erie and Niagara Counties. It sets forth a blueprint to support the actions of county and regional agencies as they relate to the area's physical development. It is to be used to inform state and local governments, private developers, and non-profit organizations about the process and actions County government could undertake when making decisions affecting the region's development. The Framework establishes basic policies and principles to guide the future growth and development of the region, and provides:

- a vision for how the region should grow and redevelop over the next 15 years;
- direction on growth and redevelopment to County decision makers and other regional organizations that are linked to the two counties via funding, membership, and other relationships;
- information on the ways local government, private sector and non-profit actions and initiatives can reinforce the overall regional vision; and
- mechanisms to ensure that the goals, concepts, and recommendations of the Framework for Regional Growth are implemented in an efficient and accountable manner.

The Framework examines the regional context and challenges and establishes guidance for growth and investment in a number of areas. One area in particular is the loss of rural, agricultural, and environmentally sensitive lands. The report recognizes that the loss of agricultural lands and the associated effects on rural economies and landscapes warrants attention for several reasons. Agriculture plays a significant role in the region's and the State's economies, contributing directly through sales, job creation, support services and businesses, and secondarily through markets for processing and agricultural and heritage tourism.

Agriculture also generates low levels of demand for public services and infrastructure. Studies across the State have shown that agricultural lands have a positive fiscal impact. Well-managed, privately held agricultural land also has environmental and social benefits by providing food and cover for wildlife, conserving environmentally sensitive lands, and maintaining scenic, cultural, and historic landscapes.



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The Framework's core policies and strategies offer guidance regarding the type and pattern of development for three broad geographic areas – *Developed*, *Developing*, and *Rural*. *Developed* areas include the cities and large, contiguous areas of urban and suburban development that are served by public sewer, water, and transportation infrastructure. *Developing* areas include both recently developed and sparsely settled areas experiencing development pressure and increasing demand for the extension of public sewer, water, and transportation infrastructure. *Rural* areas include the region's least intensely development areas, with large, contiguous blocks of farmland and/or forested land, as well as compact commercial, public and residential uses clustered in hamlets or incorporated villages.

For each of these three areas, the Framework offers:

- high level policy direction for regional decision-makers;
- guidance for municipal officials and community stakeholders regarding regional preferences for future development and conservation, and
- a baseline to compare future conditions with existing conditions and Framework growth targets.

The entire Town of Colden lies within the designated *Rural* area, wherein specific policy guidance applies. Colden hamlet (Colden Center) is identified in the Framework as a *Rural Center*. Rural centers include incorporated villages located in rural areas and unincorporated hamlets that serve as the social, cultural, economic, and often historic heart of the region's rural communities. These centers provide varying combinations of essential commercial and public services, including post offices, branch banks, libraries, schools, government offices, some level of public infrastructure, and clusters of historic sites and buildings.



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The Framework policies and strategies for the *Rural Areas* and *Rural Centers* in Erie and Niagara Counties include aligning County policies and investments by:

- Encouraging limited development in rural areas and reinvestment in rural centers.
- Discouraging the conversion of rural, agricultural, and forested lands.
- Supporting zoning and other land use regulations that reduce permitted development densities in unsewered areas, require cluster development to maintain rural character and protect resources, and discourage continued subdivision of road frontages.
- Encourage the limited, seamless extension of development in rural centers, where appropriate, to avoid isolated projects with poor connections to surrounding development.
- Identify planning barriers to infill development and preservation and adaptive reuse of older and historic structures.
- Restrict “strip” commercial and industrial development along arterials and highways in rural areas.
- On County-owned roads in rural areas, consider revising access management, bridge maintenance, and road design standards, and assess the feasibility of decommissioning facilities in areas with little development potential.
- Support efforts to improve mobility within rural centers.
- Consider reducing sewer district boundaries where such boundaries extend into areas designated for conservation and agricultural use.
- In areas where the extension of public water or sewer is recommended to address public health issues associated with failing wells or septic systems, restrict tap-ins for new development in areas designated for conservations and agriculture.
- Continue to support intermunicipal agreements that increase cost savings in the delivery of public services.



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### Western New York Regional Economic Development Strategic Plan – A Strategy for Prosperity

The Western New York Regional Economic Development Strategic Plan is a comprehensive plan to create a more dynamic and sustainable economy for the region. The Plan reflects the values, perspectives, and aspirations of the people in the region. The Plan is aimed at making fundamental improvements in the economy to ensure sustainable and long-term growth in jobs and income in the five-county area, and to contribute to the resurgence of the broader economy of New York State.

The Strategy for Prosperity focuses on three fundamental issues that, if addressed properly, can create the right environment for achievement. These issues include job readiness, smart growth, and entrepreneurship. The Strategy also puts forward ways to capitalize on opportunities in eight industry sectors where Western New York is the strongest. Among these eight sectors is agriculture.

The Strategy for Prosperity recognizes that the production of food and agricultural products is a leading industry in the region, as well as New York State. Agriculture capitalizes on geographic or natural resources that are unique to the region. However, the full potential remains unrealized and concern about local food systems and other economic needs provides new opportunities. The Plan calls for programs to spur innovation in products, processes, and market links through applied research; to improve marketing and communicate the value of local food; and to join in efforts to reform regulatory processes for more effective and efficient regulation.

The Plan identifies that farms account for one in every seven businesses in Western New York, which has a strong strategic location, natural resources, critical mass, and human capital to sustain the industry. Western New York has a reputation for the highest quality fruit, vegetable, and dairy products, and produces significant quantities of other products, including grains. In Erie County, agricultural activity is split fairly evenly between the raising of crops and livestock. However, there is a need to leverage market opportunities and improve consumer education. There is also a need to overcome urban sprawl to protect agricultural lands. With better access to markets, new products and processes and a less burdensome regulatory scheme, this industry could be improved. Because the agricultural sector is large, even modest increases in sales or reductions in costs can translate into new jobs, and more income and opportunity.



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The Plan indicates that Western New York can position agriculture as an economic driver, cultivate next-generation farms, and sustain local food systems by diversifying products and markets, creating a supporting policy environment and pursuing applied research. Region-wide, the industry is primed for diversification and expansion in food processing, value-added products, agri-tourism, and untapped local and external markets. These opportunities are particularly important with growing concerns over local food system sustainability and community health. Additionally, rising costs, outdated and cumbersome state regulatory policies and global competition challenge farm sustainability, inhibit growth and threaten next generation farming. Innovative programs can overcome these barriers and seize growth opportunities. New investment models are needed to support often risky agricultural ventures. Applied research can improve awareness of sustainable practices and new market or product opportunities. And marketing and advocacy efforts can build public awareness, develop an agricultural workforce, correct misperceptions of the industry, and push policy change.

The Strategy for Prosperity calls for the creation of a new marketing strategy that is focused on promoting the value of local food, with the goal of increasing sales across the sector. Innovation in agriculture is also key. The Plan proposes a broad-based program to connect farmers with researchers to improve techniques for growing, processing, packaging, and distribution, and to introduce new products and create new market linkages to increase competitiveness within the sector. As set forth in the Plan, the agenda for making the agricultural industry sector in Western New York more competitive is as follows:

- Collaborate to create and promote a regional brand for local food and agricultural products – Collaboration is necessary to create program to educate the public on the value and availability of locally produced food and agricultural products with the goals of increasing sales for local producers.
- Increase innovation to improve products, processes, and market links – Organize an innovation council to promote connections among farm businesses and research institutions to develop and promote innovative practices to lower costs and increase the value of farm products.
- Undertake actions that promote regional assets and protect and enhance resources, and institute policy reforms that allow businesses to thrive.



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#### Western New York Regional Sustainability Plan

The Western New York Regional Sustainability Plan was developed to create a future where social and environmental issues in the five-county region are addressed within the framework of a sustainable regional economy. The Plan promotes the creation and maintenance of conditions under which Western New York communities utilize the resources they have in the most effective ways to permit social and economic growth, while preserving natural resources. The Plan focuses on six areas that are critical to attaining sustainability in the region, including agriculture and forestry. The Plan considers agriculture and forestry as two important industries that provide tremendous economic value and environmental benefits to local communities. The need to incorporate sustainable practices, protect agricultural land and increase the availability of value-added products are recognized in the Plan, as well as the fact agriculture in the region is important in supporting the entire food system from farmers to processors and restaurants to grocers. Land that remains in farming also provides scenic, employment and tourism benefits while avoiding the costs of urban sprawl.

The Plan establishes regional sustainability goals for agriculture, which include the following:

- Strengthening the economic viability of agriculture and forestry enterprises by establishing a WNY Food Hub or agricultural processing facility; connecting farmers with markets in new or more effective ways that increase profit margins, value-added products, specialty products in demand by consumers, meeting demands in food deserts, etc.
- Achieving more efficient uses for energy inputs and maximizing use of agriculture and forestry by-products for energy production by working with farmers to develop and implement farm energy audits that enable farmers to maintain production while saving energy and money through efficiency; and promoting energy generation projects that use agricultural or forestry by-products as fuel sources.
- Increasing support from government officials and the public for the protection of farmland, continued use of farmland for agricultural purposes, and strengthening the business climate for agriculture and forestry in the region by coordinating policies and program to minimize conflicts between infrastructure planning and continuing farming by expanding the number of right-to-farm communities; updating agricultural protection plans at the county level, encouraging plan development at the local level and supporting implementation of farmland protection plans.



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- Promoting environmentally sustainable management systems for the agriculture and forestry sectors by promoting and preserving enterprises through farmer recruitment programs and innovation and entrepreneurship programs for small farms.

The Western New York Regional Sustainability Plan also establishes targets for selected indicators to measure achievement of goals. For agriculture, the target is the number of acres of harvested cropland that are kept in production, keeping the acreage constant through 2017 (from a 2007 baseline).

#### Town of Colden Master Plan 2002 (1993)

The Town of Colden adopted an update to the Town's 1970-90 Master Plan in 1993. The 1993 Plan includes a series of special studies that updated existing land use and land use mapping, proposed a few land use changes, and resulted in updates to the zoning ordinance. While this plan included an analysis of factors influencing growth and development in the Town, it did not include specific goals and recommendations for farmland and agricultural protection in the Town. Additionally, this plan had a planning horizon of 2002, which at the time was 20 years ago, so the policy recommendations are outdated.

#### **C. Approvals**

In accordance with the requirements of the New York State Department of Agriculture, the draft Agricultural and Farmland Protection Plan must be approved by the Erie County Agricultural and Farmland Protection Board and the Colden Town Board before it receives final approval from the State. The Erie County Agricultural and Farmland Protection Board reviewed a draft plan and approved it on August 24, 2023. In addition, the Town Board must conduct a public hearing on the final draft Plan, which was held on January 4, 2024. The Town Board approved the Plan on January 4, 2024 and, thereafter, the Plan was submitted to the New York State Department of Agriculture and Markets for final approval.





## Section II

### Community Input and Goals





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**SECTION II – COMMUNITY INPUT AND GOALS**

**A. Public Participation**

Farming in the Town of Colden has been practiced since the early settlement of the community. While larger-scale farming activity has been diminished over the years, farming and agricultural activity continues as a way of life and as a pastime in the Town. The preparation of this *Agricultural and Farmland Protection Plan* is a means of ensuring that existing agricultural activities remain active and viable in the Town, that the expansion of small-scale and non-commercial agricultural activities are encouraged, and that productive farmland is protected to ensure the continuation of existing and future farming activities. As a part of the preparation of this Plan, the Town undertook the following efforts to ensure that public involvement was an ongoing part of the overall planning process.

As noted in Section I, the Town of Colden prepared a Comprehensive Plan in 1993, with a planning horizon of 2002. While that Plan included goals and recommendations for managing future growth and development in the community, its vision for the future is long past. The Town prepared and adopted an update to the Comprehensive Plan, and this Agricultural and Farmland Protection Plan as a companion document to that plan, in 2022. Understanding that farmland protection was an issue of growing importance in the Town, the Town designated the Planning Board to evaluate and address farmland preservation issues and oversee the development of the *Town of Colden Agricultural and Farmland Protection Plan*, as well as the update to the Comprehensive Plan.

As the Town of Colden is committed to the idea that a critical and necessary element of the planning process is continuous and effective public participation, an ongoing public outreach program was established as part of the development of the Agricultural and Farmland Protection Plan. This effort included regular meetings of the Planning Board and recognition of issues important to local stakeholders, acknowledgement of public concerns, and the identification of potential issues and opportunities for farmland protection in the Town. The public participation program for the Agricultural and Farmland Protection Plan consisted of public meetings and stakeholder outreach,



## ***Town of Colden Agricultural and Farmland Protection Plan***

survey questionnaires, public comment forms, and continued postings on the Town’s website. Meeting summaries and other supporting public outreach materials are found in Appendix A of this report.

- ***Agriculture and Farmland Planning Committee***

As noted above, the Town of Colden Planning Board was charged with providing guidance and oversight for the development of the *Town of Colden Agricultural and Farmland Protection Plan (AFPP)*, and with the implementation of the goals set forth in that Plan. The Planning Board included representation from Town government and the agricultural community. This Committee met on a regular basis to oversee the development of the *AFPP*, provide insight into the planning process, and ensure that the concerns of stakeholders and local citizens were taken into consideration.

### **Meetings with the Public**

- ***Meeting #1 – A Public Information Meeting*** was held on December 1, 2021, to gather Input from residents and others on issues and opportunities related to farming activities in the community, to establish a foundation for preliminary goals, and to discuss the vision for the future of farming and overall growth management in Colden. This meeting, which was a tandem effort with the Comprehensive Plan Update, included a brief presentation to help attendees understand the purpose of both plans, and the parties involved, followed by an interactive session where residents and others could view maps and actively discuss various aspects of agriculture and land use management in the Town. This Public Information Meeting was attended by approximately 50 residents, farmers, and farming interests. The results of this meeting were used to prepare draft goals and objectives and establish an overall vision for the *Town of Colden Agricultural and Farmland Protection Plan*, and to direct the preliminary development of recommendations for future action.



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- ***Meeting #2*** – A second ***Public Focus Workshop*** was conducted for the residents and farming stakeholders on September 27, 2022. The purpose of this workshop was to ensure support for the *Town of Colden Agricultural and Farmland Protection Plan* and to discuss any remaining opportunities, concerns and needs with residents and others. This meeting included a brief presentation and discussion of the draft goals and preliminary findings from the data collection, as outlined in Sections II, III and IV of the preliminary draft Plan. The comments gathered at this meeting were used to finalize these draft sections and provide guidance for the preparation of the recommendations and implementation strategy.
  
- ***Meeting #3*** – A third ***Public Focus Meeting*** was held with the public and local stakeholders to present findings and gather comments on the preliminary draft *Town of Colden Agricultural and Farmland Protection Plan* on April 25, 2023. This meeting included a brief presentation and discussion of the summary findings and recommendations outlined in Sections IV and V of the draft Plan. The comments gathered at this meeting were used to finalize the preliminary draft *Plan* in preparation for presentation to the Town Board, the NYS Department of Agricultural and Markets, and commencement of the New York State Environmental Quality Review (SEQR) process.
  
- ***Meeting #4*** – After the draft *Town of Colden Agricultural and Farmland Protection Plan* was finalized and presented to the Town Board, a ***Public Hearing*** was conducted on January 4, 2024, as part of the SEQR process, to gather any final comments from the public. Comments gathered at this hearing were used to finalize the *Plan* prior to adoption by the Town Board, and approval by the New York State Department of Agriculture and Markets.



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**B. Other Public Outreach Efforts**

In an effort to gather as much background information on the type and scale of agricultural activities in the Town, and where they occur, a survey questionnaire was implemented. This questionnaire was posted on the project website and advertised to Town residents through a mass mailing and postings on the Town’s website and in local papers. The premise was to help the project team define what farming is in the Town; how do residents view farming and what activities do they undertake or are aware of in the community. This questionnaire was linked to an interactive online map that allowed participants to pinpoint locations where agricultural activity occurs in the Town and include additional comments about such activity. The survey and map were activated for use in early April 2022. Additional information on this survey and online mapping tool, and a summary of the results is included in Section V of this Plan.

On March 28, 2023, a *Stakeholders’ Meeting* was held with local citizens and landowners who undertake or have an interest in agricultural activities in Colden. The purpose of this meeting was to gather additional insights, confirm data, and ensure accuracy of the information in the AFPP.

**C. Goals and Objectives**

The Town’s primary purpose for developing this *Town of Colden Agricultural and Farmland Protection Plan* is to recognize, better understand, and establish a strategy for protecting the agricultural and the rural character of the community, as well as promoting the expansion of agricultural activities in Colden where possible. These goals and objectives were developed with input from the Planning Board and were shaped around the key issues and concerns expressed by farmers, residents, Town officials, and other interested parties at the public information meeting. They are aimed at protecting and enhancing important agricultural resources; protecting rural community character, ensuring the long-term viability of farming in the Town; and protecting, enhancing, and expanding the agricultural economy, and give more substance to Chapter 46 (Right-to-Farm Law) of the Town Code.



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***GOAL 1: Increase awareness of the changing diversity of farming and agriculture by the non-farm community to support agricultural activity and help ensure the long-term sustainability of farming activities in Colden***

Farming in Colden has transitioned to be more than just raising field crops or keeping animals. Public outreach conducted as part of the preparation of this Plan identified a wide number of agricultural activities that are undertaken in the Town. Strengthening and increasing public awareness and understanding of what “farming” is in Colden, and the positive impact that agricultural activities, at any size or scale, can provide to the community is essential for the continuation and prosperity of these activities.

- In an effort to further promote the Town’s commitment to agricultural and farmland protection, post the adopted *Agricultural and Farmland Protection Plan*, along with maps of local agricultural districts, a copy of the Right-to-Farm Law, and any other information pertinent to agricultural protection in the community, in the Town of Colden website for public use and review.
- Inform and facilitate access to the information on agricultural and farmland protection, including the AFPP, for local real estate brokers, realtors, lawyers, and others in the Town, as well as farmers, who are involved in land sales and transfers. Having an educated real estate industry in the community is important for protecting right to farm policies and provisions.
- Work with Erie County and neighboring communities to identify mutually beneficial ways to carry out the goals and objectives of the Colden Agricultural and Farmland Protection Plan and to promote farming activities in the Town.
- Identify and promote local farm stands on the Town’s website, through local mailings and in local media, as a means of supporting local farmers and introducing residents and others to the benefits and availability of local agriculture and farm products.



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- Create a “Farming in Colden” brochure or packet and make it available to new and existing non-farming residents. This resource should identify the benefits of farming and the resources and services, such as fresh food and other products, available in the community, as well as the agricultural activities that farmers have the right to undertake per the local Right-to-Farm law.
- Work with Erie County and other agencies and organizations to identify and expand markets for locally grown products.
- Promote and encourage use of the Erie County *Erie Grown* program to support the availability of local agricultural products in the Town.
- Continue to support local farm stands and the farmer’s market in Colden to benefit local farms, particularly small farms and non-commercial operations, and expand the availability of local agricultural products.
- Establish a “wayfinding” system that provides directions to local farm stands and the Farmer’s Market to increase patronage by residents and visitors to the community.





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***GOAL 2: Protect Lands and Resources Critical to the Long-Term Success, Viability and Resiliency of Agriculture, and the Protection of Community Character***

By its nature, farming, and agricultural activities, regardless of the size or scale, preserve open space, maintain the rural character of a community, and preserve local heritage. These activities provide a number of benefits, including: the production of local food, employment, and other economic benefits to the community at large and the region; preservation of scenic vistas and rural community character; potential for secondary income for farmers and residents; and a more balanced tax base. Protecting these resources is essential for the long-term success and sustainability of agriculture and farming in Colden.

- Adopt the *Agricultural and Farmland Protection Plan* as a demonstration of commitment to maintaining farming as an important part of the Colden community.
- Post the adopted Town of Colden Agricultural and Farmland Protection Plan to the Town’s website and develop a webpage specific to agriculture and farming in the community. Ensure that the existence of this webpage is prominently displayed on the website homepage and kept up to date.
- Maintain and better utilize the Planning Board or establish a stand-alone *Agriculture and Farming Planning Committee* as a means of implementing the Agricultural and Farmland Protection Plan, advocating for continued agricultural protection, assisting the Town Board with land use decisions that may affect agricultural lands, mediating potential conflicts and, in general, advocating for the rights of farmers in the Town.
- Continue to work with local farmers and Erie County to maintain, and increase, the number of properties that are included in the existing New York State Agricultural Districts in the Town of Colden.



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- Ensure that farmers are advised on the various tax relief programs that are available to help reduce their tax burden, as well as viable environmental management programs that could result in tax saving benefits.
- Revise the Zoning Law and other local regulations, as needed and as specified in this Plan, to better protect farming and farming operations, particularly farms located in agricultural districts, but not excluding hobby farms in residential areas.
- Update definitions and other appropriate sections of the Zoning Law to recognize existing agricultural activities, properly define such uses in accordance with State requirements, and make zoning regulations even more farm friendly, where needed, in support of agricultural activities in the community.
- Develop effective regulations for stormwater management and erosion control to protect important farm soils and water quality and protect agricultural activities in areas with steeper topography.
- Ensure that notice requirements under the NYS Agricultural District Law are being followed (use of Agricultural Data Statements).
- Support programs offered by the Cornell University Small Farm Program and Erie County Cornell Cooperative Extension, which provide business planning and financial management assistance to farmers, to keep farmland in the Town in active use and production, to expand farming practices and activities, and to help new farmers build their businesses and be successful.
- Support the American Farmland Trust “*Farmland for a New Generation New York*” program that assists local farmers and/or startup operations who are seeking land to connect with existing farmers and landowners who want to sell their land and keep it in farming.
- Prohibit the siting of utility-scale solar energy conversion systems in areas with prime agricultural soils and lend careful consideration for projects proposed in areas with soils of statewide importance to protect larger concentrations of agricultural uses.



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- Encourage farmers to utilize services and resources offered by the USDA Natural Resources Conservation Service, the Erie County Soil and Water Conservation Service, Erie County Cornell Cooperative Extension, Western New York Land Conservancy, and Cornell University for issues related to climate change and climate resiliency farming.
- Utilize local boards and committees, the Town’s website, town-wide mailings, local citizens’ groups and organizations, support agencies, and the local media to promote the *Cornell University Small Farms* and *Farmland for a New Generation New York* programs to residents and local farmers to help educate and strengthen the farming community in Colden.
- In the same manner, promote the availability of existing information that is posted on the Erie County Department of Environment and Planning, the Soil and Water Conservation District, and the Erie County Cornell Cooperative Extension websites that pertains to local farming, farm stands and markets, and other local farm resources in the Town and region.
- Promote the establishment of community-supported agriculture (CSA) cooperatives in Colden to provide fresh, local produce to residents and establish a more direct relationship between local farmers and the community.
- Encourage Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, and the Erie County Soil and Water Conservation District to create a clearinghouse of information (“one-stop shopping”) or to better promote information for farmers and others in support of farming and agricultural business in the community (e.g., website links, training opportunities, seminars on state and federal programs of benefit to farmers, funding opportunities, etc.).
- Encourage retired farmers and non-farm property owners of vacant land to rent/continue to rent their properties to other farmers (both inside and outside of the Town) to maintain and expand the amount of land in agricultural use in Colden.



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***GOAL 3: Leverage the Town’s Natural Resources and Agricultural Assets to Enhance and Expand the Agricultural Economy of the Town and its Capacity to Respond to Economic and Climate Trends and Changes***

Although the agricultural industry has declined in the Town, Colden continues to maintain productive lands and resources that keep agricultural activities alive in the community. Additionally, farming, and agricultural practices are getting more diverse as new trends emerge. Utilizing existing assets is essential for strengthening the local agricultural industry and increasing public support for farming. Farming provides benefits, including the production of local agricultural products and creation of jobs, and although it is changing in size, scale, and nature, agriculture remains an important component of the character and economy of the Town. Agriculture related businesses support farming and contribute to the local and regional economy. Additionally, agri-tourism activities provide an additional source of income to help keep farming viable and increase appreciation of agriculture in Colden. By maintaining and expanding the existing economic base of farming and agriculture in the community and the viability of existing businesses, the Town has the potential to create and strengthen a successful, diverse, and resilient farming industry that is good for farmers, the Town, and the region.

- Utilize local boards and committees, the Town’s website, town-wide mailings, local citizens’ groups and organizations, support agencies, and the local media to promote the availability and importance of programs, organizations, and agencies that assist farmers and agricultural property owners. These include the Erie County Cornell Cooperative Extension, the Erie County Soil and Water Conservation District, Erie County Department of Environment and Planning, Cornell University Small Farms Program, Western New York Land Conservancy, American Farmland Trust, and the USDA Natural Resources Conservation Service (NRCS), among others. Furthermore, advocate for the continued funding of these programs at appropriate levels.
  
- In the same manner, promote the educational programs and training offered by the Cornell University Small Farms Program and other entities in the region, as well as guidance offered from the New York State Department of Agriculture and Markets, to help existing farmers and those interested in farming careers to gain a greater understanding of agricultural practices, financial planning, and small business management.



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- Encourage Erie County and other local agencies and organizations to offer/expand training in basic business management techniques for new and existing farmers.
- Promote programs offered by federal, state and county agencies to expand available knowledge on climate resilient farming, permaculture, environmental stewardship, and sustainable agricultural practices.
- Encourage Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, and the Erie County Soil and Water Conservation District to create a clearinghouse of information (“one-stop shopping”) or better promote this information for farmers and others in support of farming and agricultural business in the community (e.g., website links, training opportunities, seminars on state and federal programs of benefit to farmers, funding opportunities, etc.).
- Promote the use of the American Farmland Trust *Farmland for a New Generation New York* program by local farmers and/or startup operations who are seeking land and existing farmers/landowners who want to keep their land in farming.
- Encourage farmers to work with the New York State Department of Agriculture and Markets and local agencies to explore new markets and market opportunities to maintain viability, expand product diversity, better manage market/economic downturns, and increase the potential for success.
- Promote the use of small-scale, renewable energy solutions and efficiency improvements or climate resiliency measures to help farmers conserve resources, reduce costs, and stay up to date with sustainable farming practices and technology.
- Work with Erie County to improve broadband communication service, as needed, in the Town to further assist local farmers and agricultural businesses in accessing essential information that could improve their operations and activities.



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- Encourage farmers to explore and take advantage of federal and State programs that assist with the transition to organic farming or other new/ongoing farm technologies that could be of benefit.
- Explore the potential for establishing a Farm to School program to encourage the School Districts that serve the Town of Colden to purchase locally grown produce and other farm products to serve in local schools, as well as include curriculum on the importance of agriculture and healthy food and nutrition. Also, through the collective wisdom of the community, help farmers develop a stronger connection with the school district through field trips, lectures, and other events.
- Encourage farmers to utilize the Climate Resiliency Farming Program offered by the Erie County Soil and Water Conservation Service to assist with climate change related issues and opportunities.
- Promote the establishment of community-supported agriculture (CSA) cooperatives in Colden to provide fresh, local produce to residents and establish a more direct relationship between local farmers and the community.



## Section III

### Community Overview







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**SECTION III – COMMUNITY OVERVIEW**

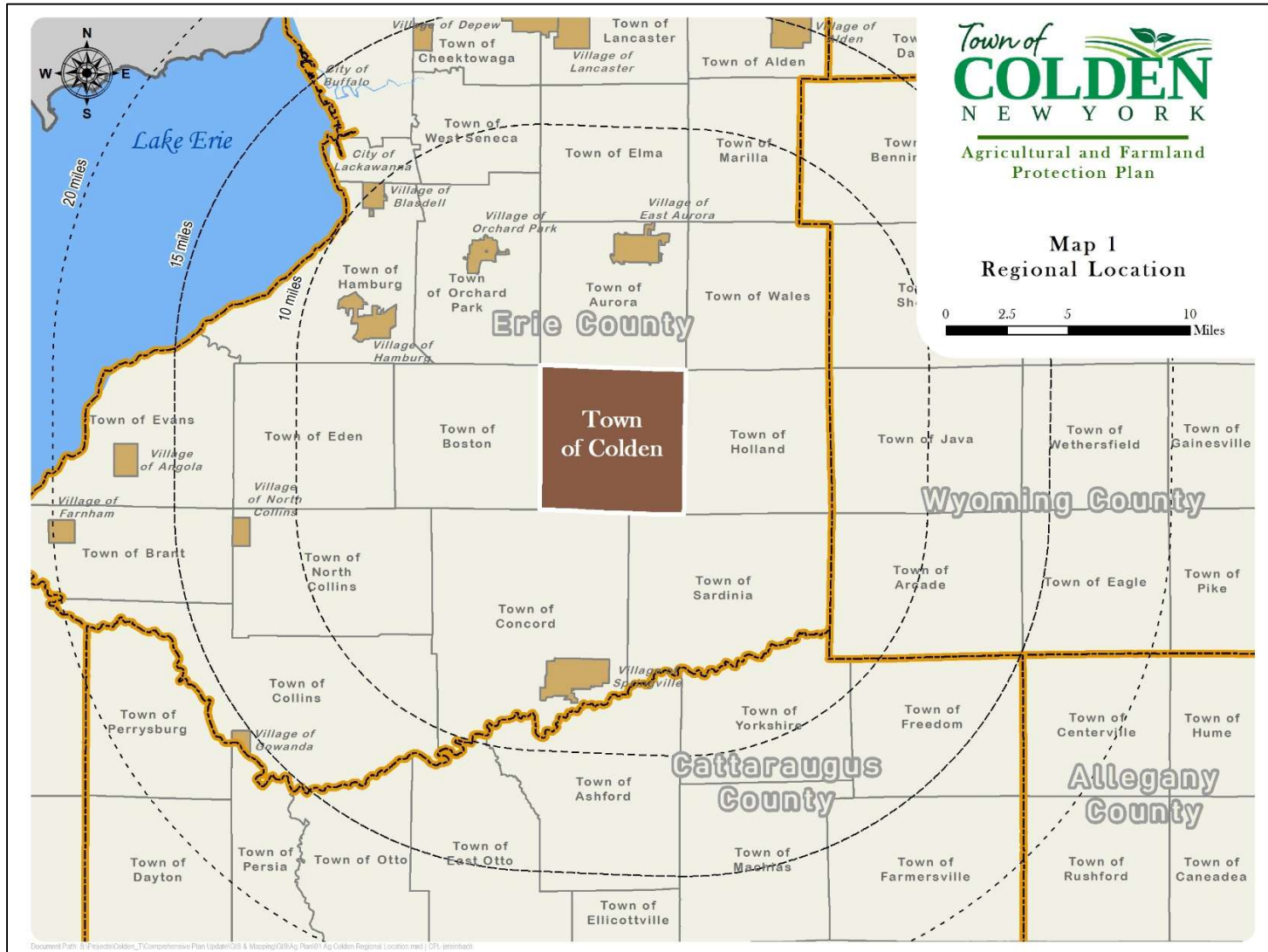
**A. Regional Setting/Location**

The Town of Colden is located in the south-central portion of Erie County, New York (see Map 1). The Town is located approximately 15 miles southeast of the City of Buffalo. This rural community measures approximately 36 square miles in land area and is identified by hilly terrain, vast areas of woodlands, and the valleys and tributaries of Cazenovia Creek.

Settlement in the Town of Colden occurred in the early 1800's, when Richard Buffum purchased 2,000 acres of land from the Holland Land Company and constructed the first grist mill on Cazenovia Creek in the area that is now known as Buffum Mill's in the present-day hamlet of Colden. The Town derived its name from Cadwallader D. Colden, who was a State Senator. The Town of Colden was incorporated in 1828 as settlement expanded. Following incorporation, early development included the first post office, general store, and a hotel, followed by churches, a school, a tannery, and additional mill operations and residential dwellings.



# Town of Colden Agricultural and Farmland Protection Plan



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#### **B. Demographics and Housing**

##### **Demographics**

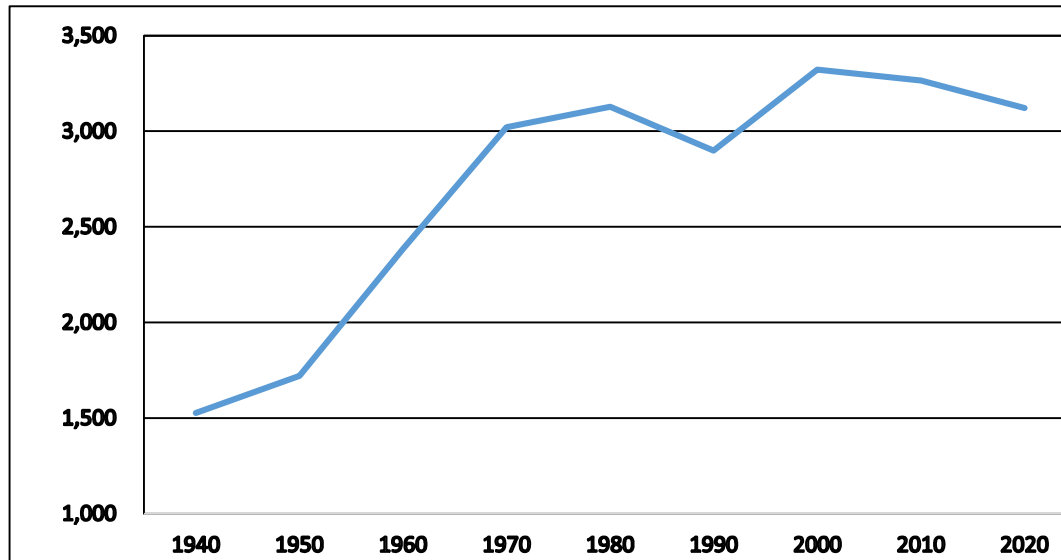
Town population was estimated at 3,121 people in 2020, highlighting a 4% decrease from 2010 (3,265). Similar decreases can be seen in surrounding municipalities, with the exception of the Town of Aurora that had a 1% increase in population during the decade. The largest population increase occurred in Colden between 1940 and 1980, when the population more than doubled, growing by approximately 1,600 people (typical post-World War II growth). On the larger scale, for the most part, the region has been steadily growing since 2010. While the population showed steady declines between 1980 and 1990, numbers increased by about 15% between 1990 and 2000. The population remained stable between 2000 and 2010, with a slight 1% decrease during this time period. Population projections for the Town out to 2050, as prepared by the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC), indicate stability, with a projected increase to 3,318 persons by 2050, an approximate 6% increase.

The total number of family households number of families within the Town also increased during this time period, from 986 to 1,026. The population in Colden is aging, with the median age increasing from 39.9 years old in 2000 to 47.8 years old in 2019 (which is higher than regional and national trends), with people over the age of 55 is increasing from 29% in 2000 to 35% in 2019. The majority of the population in the Town is comprised of middle-aged adults and seniors (persons aged 45 years old and above).



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**Figure 1: Town Population Trends**



*Source: U.S. Census, American community Survey – 5-year Estimates, 2020.*

**Figure 2: Population Estimates – 2010 to 2020 for Town of Colden and Erie County**

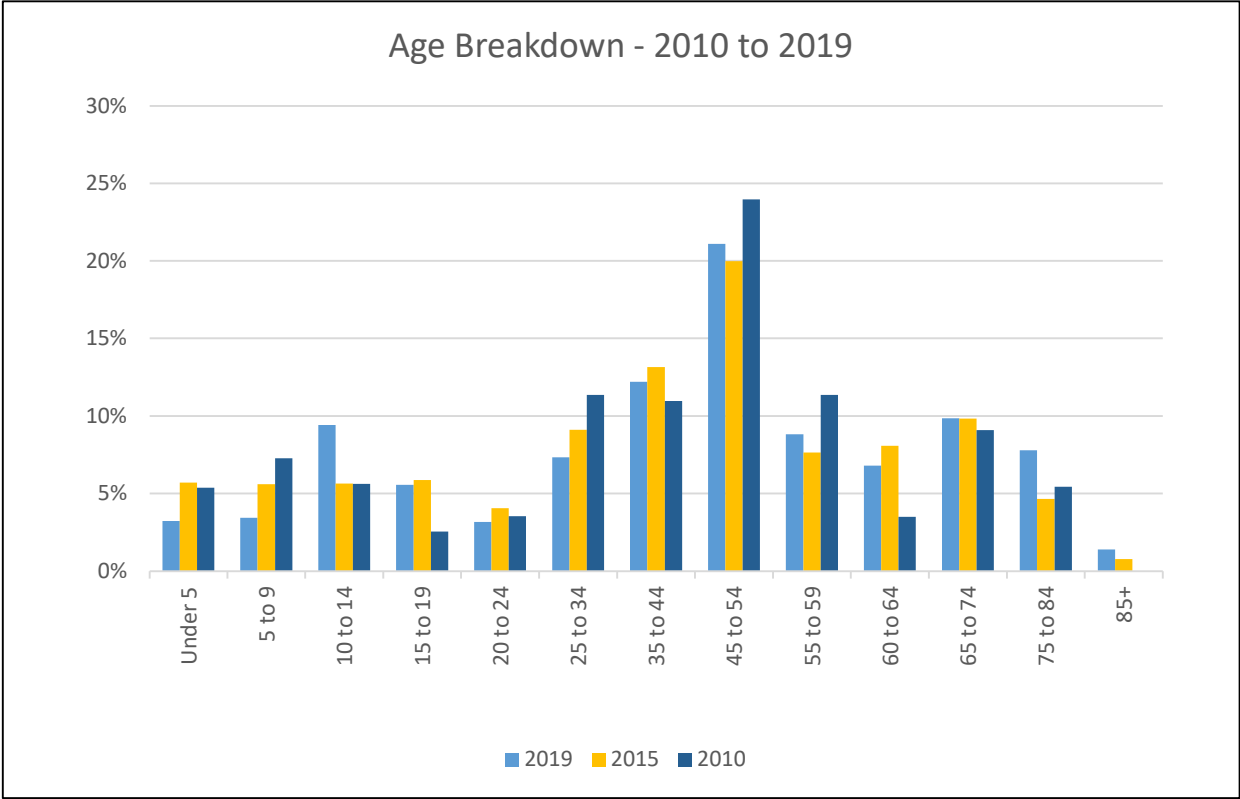
YEAR	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
<b>TOWN</b>	3,265	3,262	3,252	3,267	3,268	3,270	3,294	3,310	3,306	3,328	3,121
<b>COUNTY</b>	919,040	919,714	919,542	919,230	920,694	921,584	922,129	923,995	919,866	919,355	954,236

*Source: U.S. Census, American community Survey – 5-year Estimates, 2020*



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**Figure 3: Town of Colden Age Distribution**



*Source: U.S. Census, American community Survey – 5-year Estimates, 2020*



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#### **Housing**

According to 2019 Census data, the estimated number of housing units reported in the Town was 1,491, representing a 6% increase in the number of units since 2010, and a 4% increase since 2015. Most of the housing stock (92%) within the Town is comprised of single-family detached homes, with 1% of the structures reported as single-family attached dwellings, 6% as having two or more dwelling units, and less than 1% as mobile homes. Approximately 92% of the housing stock was occupied, leaving 117 units (8%) vacant. Of those occupied units, 1,135 units (83%) were owner-occupied while 239 (17%) were rental units.

The age of the housing stock is mixed, with approximately 63% of the homes having been built prior to 1970, and another 15% built between 1970 and 1990, and an additional 21% built between 1990 and 2010. Housing construction has slowed since 2010, with only about seven units constructed through 2019. Housing values have been on the rise in the past few decades with a median value of \$176,600 in 2010 and increasing to \$203,800 in 2019. Finally, according to 2019 Census data estimates, approximately 66% of residents in the Town allocate 20% or less of their annual income for housing costs. Nearly 20% allocate 30% or more of their income for housing.



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**C. Land Use, Zoning and Other Policies and Regulations**

**Land Use (MAP 2)**

Land uses within the Town of Colden are predominantly residential in nature, consisting of larger tracts of land due to the development constraints presented by topography; smaller lots are typically found in the vicinity of the hamlet of Colden and in the Glenwood area along Route 240, as well as along other State or County roadways. Agricultural uses are scattered throughout the Town and typically found where grades are more level. In general, there has been little change in land use since the completion of the previous Comprehensive Plan in 1993, with development primarily located around the hamlets and State Route 240, from north to south.

Along with Map 2, the land use table shown below (Figure 4) provides a breakdown of the various land classifications throughout the town; the codes are based on local assessment of properties for their primary use and utilize the NYS Real Property Service system. As noted, the largest use in the town is residential in terms of number of parcels, acreage, and assessed value, highlighting the fact that Colden is a bedroom community similar to other towns in southern Erie County. Vacant lands represent the next significant use in terms of parcels, acreage and assessed value, likely due to the topography and the natural limitation that it puts on development potential. Commercial and agricultural uses consist of just over one percent of the total number of parcels, while remaining uses are each less than one percent. Outside of the residential and vacant land uses, agricultural lands are the third highest in terms of acreage in the Town. Some of the largest land holdings in Colden are recreation and entertainment uses, e.g., the Buffalo Ski Club, Colden Tubing Center (associated with Kissing Bridge), and Holland Hills Country Club. The four percent of parcels (76) that do not have a classification represent an opportunity to classify these lands accordingly to ensure that they are accounted for appropriately in the Town assessment.



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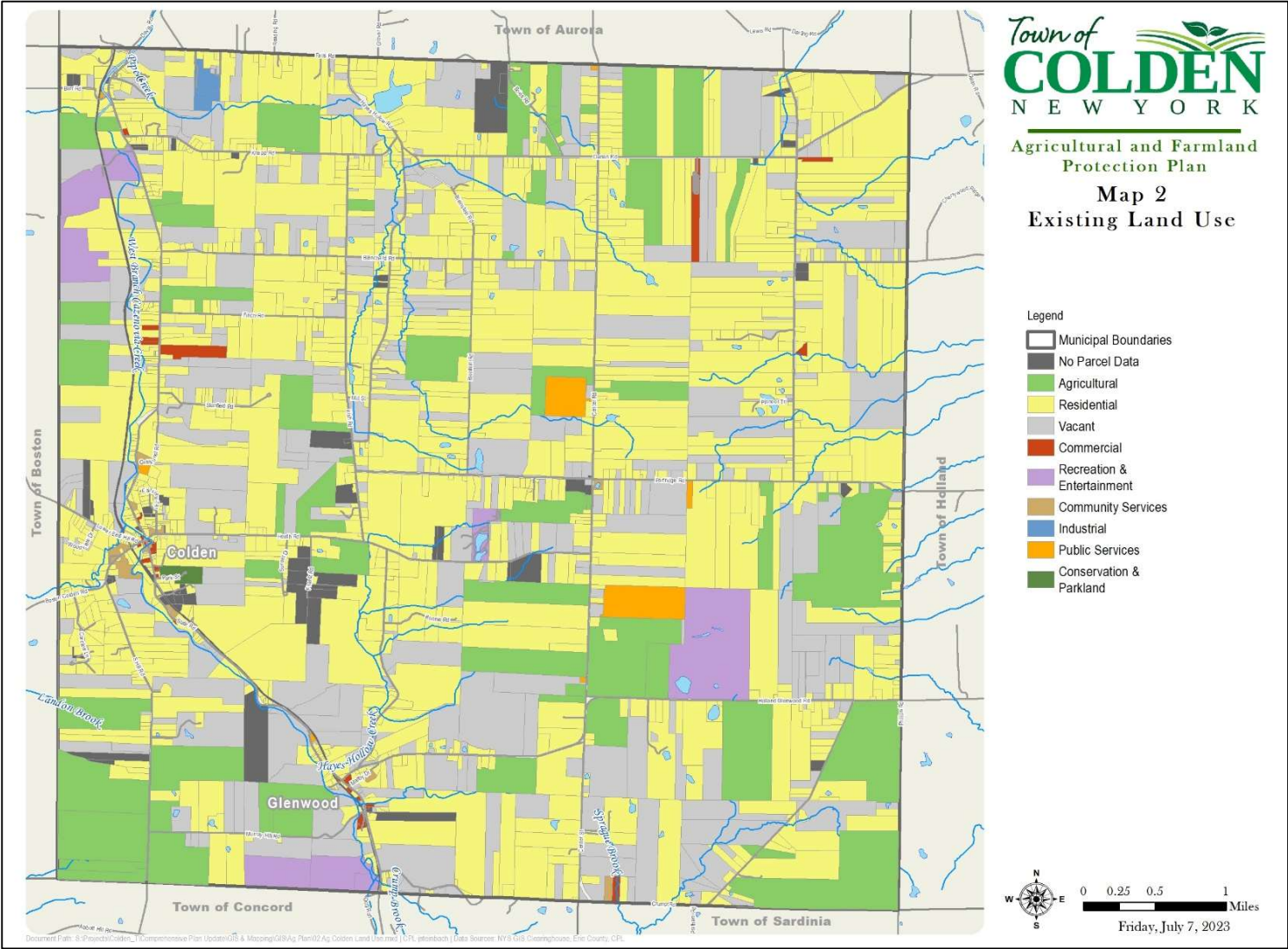
**Figure 4: Land Use Breakdown**

Code	Property Class	No. of Parcels	% Total	Acreage	% Total	Assessed Land Value	% Total	Assessed Total Value	% Total
100	Agricultural	22	1.2%	1,535.14	6.9%	\$905,400.00	3.9%	\$2,224,200.00	1.8%
200	Residential	1,284	68.3%	12,791.32	57.3%	\$16,108,851.00	69.3%	\$107,878,899.00	85.8%
300	Vacant	432	23.0%	6,575.69	29.4%	\$4,999,760.00	21.5%	\$5,502,860.00	4.4%
400	Commercial	29	1.5%	88.79	0.4%	\$358,200.00	1.5%	\$2,021,950.00	1.6%
500	Recreation & Entertainment	8	0.4%	594.58	2.7%	\$365,198.00	1.6%	\$934,263.00	0.7%
600	Community Service	17	0.9%	43.86	0.2%	\$325,500.00	1.4%	\$3,032,300.00	2.4%
700	Industrial	2	0.1%	34.31	0.2%	\$23,100.00	0.1%	\$35,200.00	0.0%
800	Public Services	10	0.5%	150.82	0.7%	\$128,839.00	0.6%	\$4,029,739.00	3.2%
900	Forest, Parks & Conservation	1	0.1%	20.91	0.1%	\$24,700.00	0.1%	\$52,900.00	0.0%
0	No Data available	76	4.0%	495.60	2.2%	\$0.00	0.0%	\$0.00	0.0%
	<b>TOTAL</b>	<b>1,881</b>	<b>100.0%</b>	<b>22,331.02</b>	<b>100.0%</b>	<b>\$23,239,548.00</b>	<b>100.0%</b>	<b>\$125,712,311.00</b>	<b>100.0%</b>





# Town of Colden Agricultural and Farmland Protection Plan



## ***Town of Colden***

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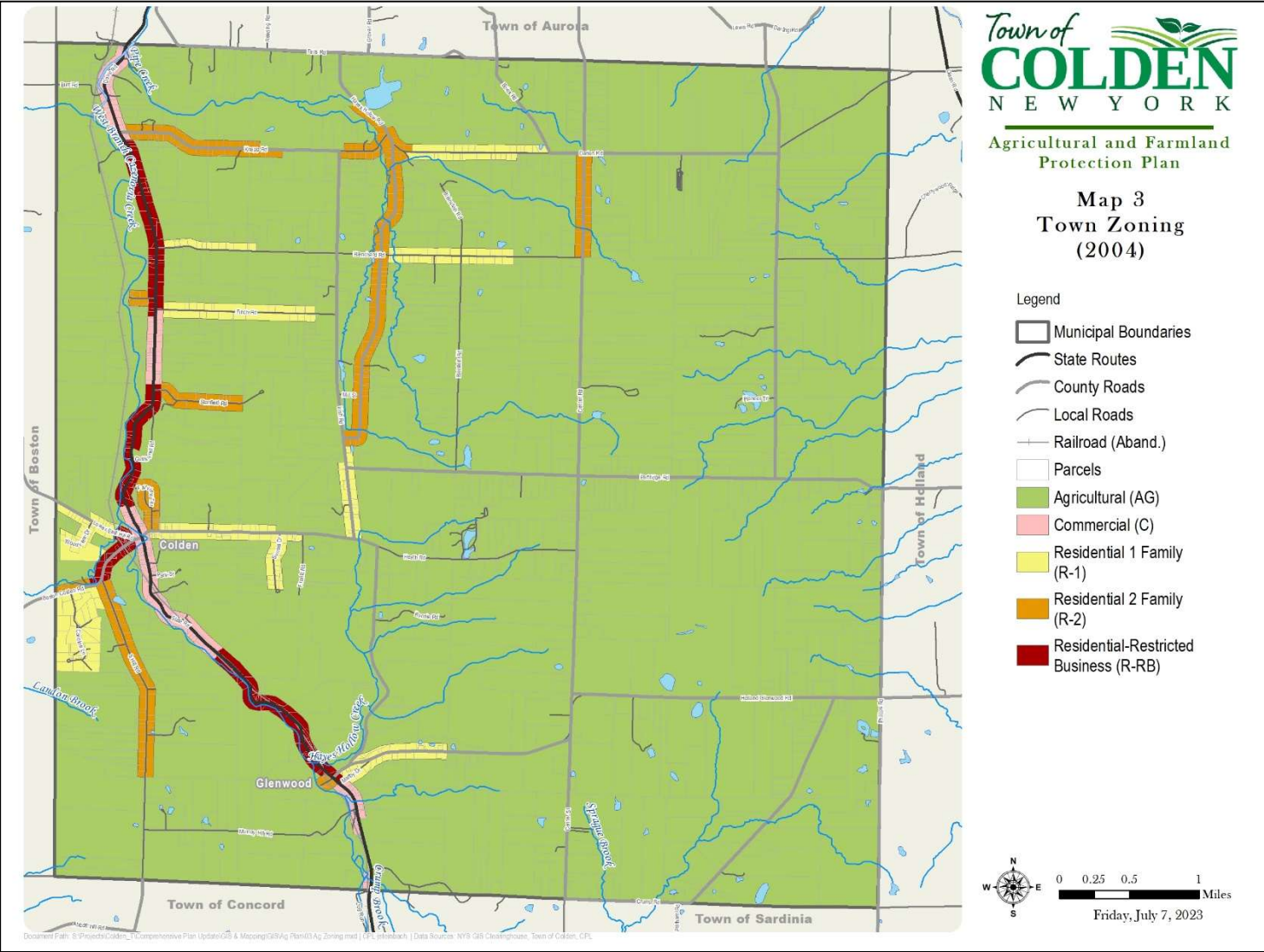
#### **Zoning (MAP 3)**

Zoning in the Town of Colden is Euclidean-based and made up of only five districts – two residential, one commercial, one split residential/commercial, and one agricultural. With the exception of the agricultural district, which encompasses the majority of the town, most of the districts line the Route 240 corridor extending 300 feet beyond the right of way; zoning districts outside of Route 240 exhibit a similar pattern. The Town’s zoning was enacted in 1980 and amended in its entirety in 1997; subsequent minor amendments have been made over time with the last zoning map change noted as 2004. Generally, the districts entail the following:

- *Agricultural (AG)*: The agricultural district allows for a variety of agricultural uses as well as single-family, two-family, institutional uses, community services, recreational, and limited business uses. Lot sizes in the AG district are a minimum of 3 and 6 acres depending on use.
- *Commercial (C)*: A variety of commercial uses are permitted in this district along with residential, institutional, community services, and recreational uses; some permitted commercial uses require fencing or operations within an enclosed building. Uses require between 1-3 acres (minimum) with two and multi-family uses requiring more depending on the number of dwelling units proposed.
- *Residential 1-Family (R-1)*: Single family homes, community service, and other low intensity uses on lots on a minimum of three acres, depending on availability of utilities.
- *Residential - Family (R-2)*: Similar to the R-1 district, this district also includes two-family and other multi-family dwellings as well as other institutional uses. Lot sizes require a minimum of three acres, depending on utilities with two and multi-family dwellings requiring larger lots depending on density.
- *Residential-Restricted Business (R-RB)*: Building off the uses in the R-1 and R-2 districts, this district also allows a variety of commercial uses primarily associated with professional offices.



# Town of Colden Agricultural and Farmland Protection Plan



## ***Town of Colden*** ***Agricultural and Farmland Protection Plan***

### **Town Land Use Planning Documents and Regulations**

- ***Town of Colden Comprehensive Plan***

The Town prepared the Comprehensive Plan in 1993, which had a planning time frame or horizon of 2002. The 1993 Comprehensive Plan indicated that approximately 4.5% of the town's population was employed in the agriculture, forestry, and fisheries sectors, with no real prospects for future growth. This determination was based on the uncertainty of continued interest in family farming by younger generations, poor soil conditions for crop farming, continued escalation of costs for farm establishment and operation, and uncertain levels of price supports for any form of agriculture. This plan did recognize the central area of the Town with diminished grades where land was available for agricultural activity but considered that area more for rural development than farming, although the area lacks the amenities normally required for expansive growth.

- ***Farming (Chapter 46 of the Town Code)***

This law outlines the "Right to Farm" within the Colden community provides the following protection for agricultural practices:

- Enables farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, to lawfully engage in agricultural practices within the Town at all such times and in all such locations as are reasonably necessary to conduct the business of agriculture.
- Prohibits any agricultural practice from becoming a public or private nuisance, requiring that such practices be reasonable and necessary to the particular farm or farm operation; be conducted in a manner that is not negligent or reckless; be conducted in conformity with all local, state and federal laws and regulations; be conducted in a manner that does not constitute a threat to public health or safety or cause injury to health and safety of any person; and be conducted in a manner that does not unreasonably obstruct the free passage or use of navigable water or public roadways.



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- Requires that a real estate disclosure notice, pursuant to the Agricultural Districts Law, be attached to the purchase and sale contract at the time an offer for the purchase of property is made, or shall be provided prior to the sale or exchange of real property if no purchase and sale agreement exists, or prior to the acquisition of a leasehold interest or other interest in real property located in the Town; and
  - Establishes a policy for handling grievances that may arise between farm and non-farm property owners through the Colden Environmental Board.
- ***Flood Damage Control (Chapter 52 of the Town Code)***
- This law recognizes that the potential and/or actual damages from flooding and erosion may be a problem for the residents of the Town and that such damages may include destruction or loss of private and public housing damage to public facilities, both publicly and privately owned, and injury to and loss of human life. The objectives of this chapter are to:
- protect human life and health;
  - to minimize expenditure of public money for costly flood control projects;
  - to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;
  - to minimize prolonged business interruptions; to minimize damage to public facilities and utilities located in areas of special flood hazard;
  - to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard;
  - to ensure that developers are notified if property is located in an area of special flood hazard; and
  - to ensure that those who occupy areas of special flood hazard assume responsibility for their actions.

Chapter 52 establishes criteria for development in certain flood plain areas, designates the Code Enforcement Officer as the Local Floodplain Administrator, and establishes a process for the issuance of a Floodplain Development Permit.



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- ***Land Subdivision Regulations***

Chapter 92 of the Town Code authorizes the Town Board to review and approve the subdivision of properties, for the creation of two or more individual lots, through the issuance of a Special Use Permit. The Planning Board is the recommending body for such action, prior to approval by the Town Board. Lands to be subdivided shall be used safely for building purposes, without danger to health or peril from fire, flood, or other hazards. Provisions are to be made for drainage, water supply, septic, roadways, and other required land improvements. All lots are to be laid out and sized to conform to Town zoning requirements, in harmony with existing and desired development patterns. Subdivisions of a certain size and extent may be required to include provisions for recreation.

- ***Wind Energy Conversion Systems***

Chapter 106 of the Town Code regulates the use of commercial and non-commercial wind energy conversion systems in the Town of Colden. Article I of this law declares that any proposed windmill will provide power for the principal and private use of the property where it is located and shall not be for the generation of power for commercial purposes, although this provision does not prohibit the sale of excess power generated from time to time to meet the energy needs of private use. Article II of Chapter 106 regulates utility-scale wind energy conversion systems to ensure that development of these facilities will have a minimal impact on adjacent properties and to protect the health, safety, and welfare of residents of the Town.

Both articles of this law recognize that wind energy is an abundant, renewable, and nonpolluting resource of the Town and that its conversion to electricity will reduce our dependence on nonrenewable energy sources and decrease the air and water pollution that results from use of conventional energy resources. This law establishes criteria for the review and Town Board approval of such systems, including system decommissioning and site restoration for commercial systems. Use and operation of wind energy conversion systems requires the issuance of a Special Use Permit from the Town Board and a Building Permit, after site plan review.



## ***Town of Colden*** ***Agricultural and Farmland Protection Plan***

### ▪ ***Solar Energy Conversion Systems***

Chapter 107 of the Town Code establishes restrictions and regulations for the use of land within the Town for utility-scale solar power projects or private solar power projects to ensure that such projects are appropriate to address community concerns, impacts, and issues in a manner that is meaningful and consistent with the Comprehensive Plan of the Town. This law classifies solar power systems, outlines permitting authority and procedures for the issuance of special use permits, establishes processes and procedures for maintenance and decommissioning, and establishes appropriate fees.

## **D. Natural Resources**

The Town of Colden's natural resources comprise a large part of the appeal of the community, featuring various natural assets, including but not limited to, waterbodies, forests, wetlands, floodplains, and state parks. These various resources have played important roles in the development of the Town from shaping the way people interact with the Town to its development patterns and potential.

### **Topography**

As previously noted, the Town of Colden is characterized by its topography, with significant hills and steep slopes framing valleys that were cut by major creeks and streams. A high plateau forms the central and eastern part of the Town, which transitions back to hillsides that extend east into the Town of Holland (see Map 4). Numerous gullies and steep slopes extend along the hillsides, predominantly in the western portion of the Town, particularly along State Route 240. The hillsides typically have slopes that exceed 10% in grade (in some areas slopes exceed 25%) and drain into two significant creek corridors. These include the West Branch of Cazenovia Creek, which flows through the western portion of the Town; and Pipe Creek and its tributaries, which drain the northern and west-central sections of Colden. Tributary streams that drain to the Town of Holland, to the east, also exhibit steeper slopes.



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Within the hamlet of Colden, in addition to Cazenovia Creek, Colden Falls is a well-known local feature that consists of a 15-foot cascade that flows year-round, with seasonal fluctuations. The falls is easily seen from the roadside. Blanchard Hill is the prominent hill in the northern part of the Town (peak height of 1,579 feet), with South Hill located in the southern portion of the Town, where Kissing Bridge Snow Sports is located. East Hill, located in the Town of Boston, frames the western edge of Colden. The eastern portion of the Town, while steep in select areas, tends to increase in elevation more gradually before dropping down to meet the East Branch of Cazenovia Creek in the Town of Holland.

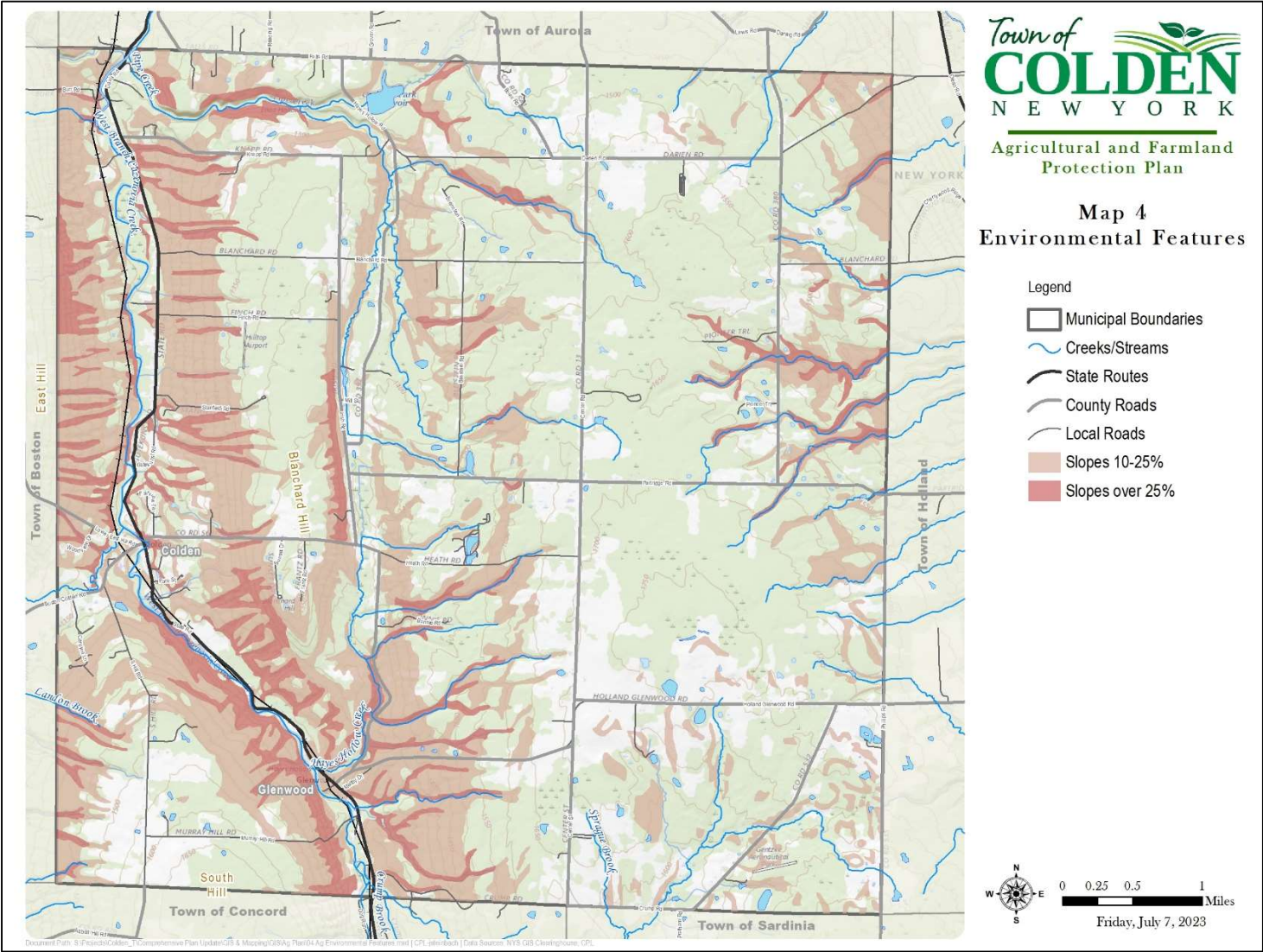
#### **Forest and Vegetation**

As shown in Figure 5 below, much of the Town of Colden is covered with large, forested areas, consisting of older growth woodlands with less mature understory vegetation and ground cover that is usually left undisturbed. Generally, both sides of State Route 240 contain these conditions, with larger areas of mature woodland juxtaposed against areas that have been cleared for agriculture or other purposes, particularly along Holland Glenwood Road and South Hill Road, as well as portion of Darien Road, Irish Road, Center Road, and Lewis Road. These are areas where more level grades are found to support agricultural uses more easily. The forested lands in the Town provide scenic viewing pleasure and add to the rural character and charm of the community.



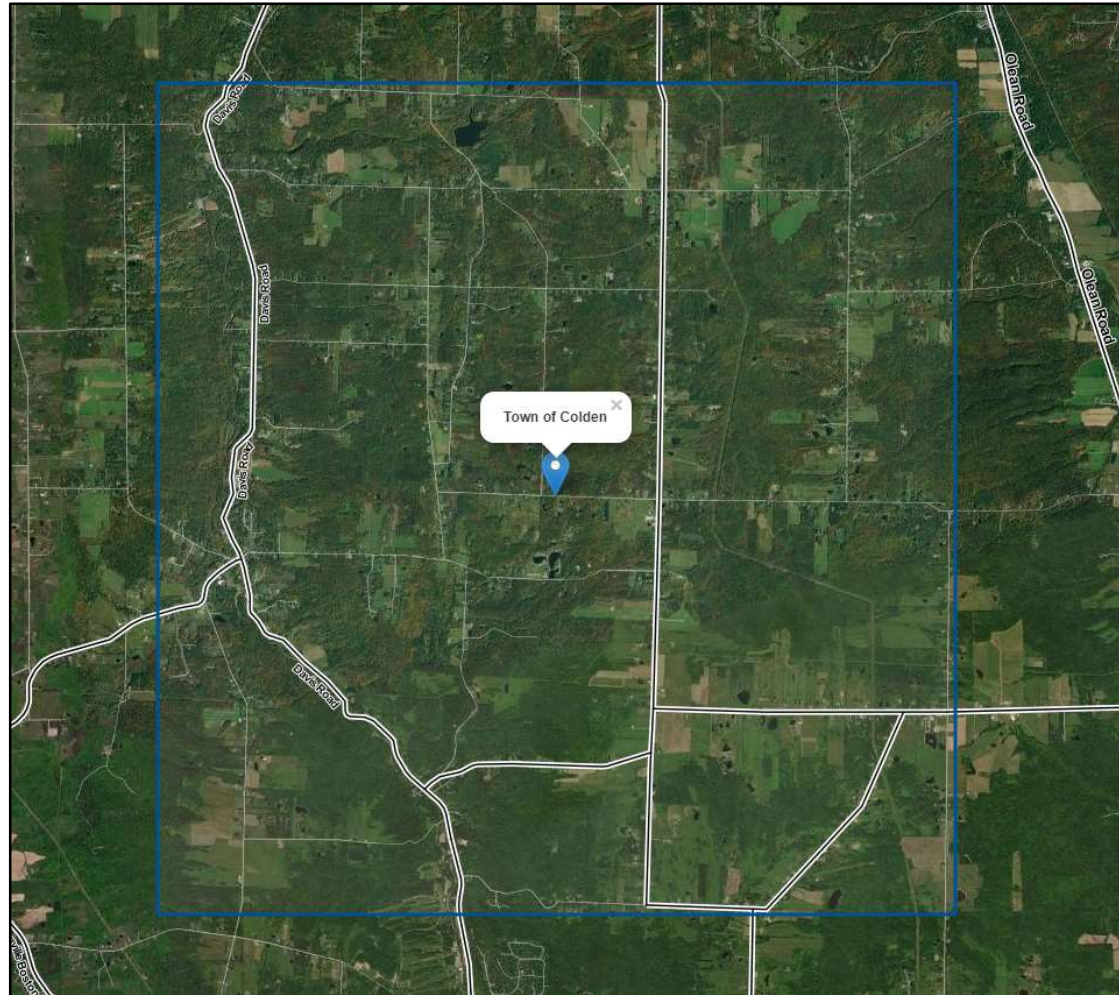


# Town of Colden Agricultural and Farmland Protection Plan



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**Figure 5: Aerial View of Colden showing Forested Areas**



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#### **Water Resources**

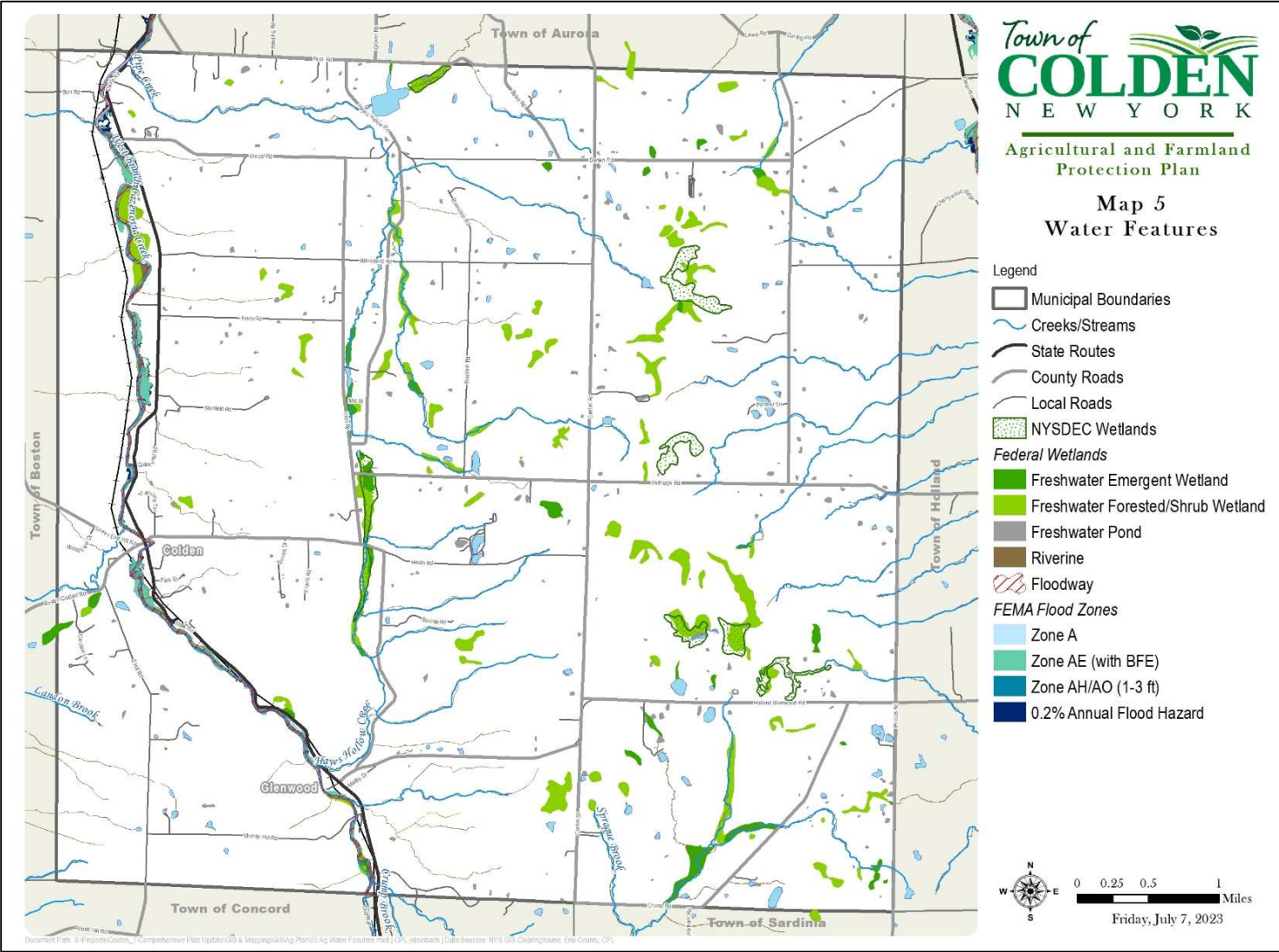
The West Branch of Cazenovia Creek is the main waterway that extends through the Town of Colden, forming a natural valley corridor for State Route 240 and the hamlets of Colden and Glenwood. The creek is part of the Buffalo River watershed, and connects with the East Branch of Cazenovia Creek in the Town of Aurora, which is tributary to the Buffalo River in Buffalo, and empties into Lake Erie. There are several tributary creeks in the Town that flow from the hills to the West Branch of Cazenovia Creek and its surrounding watershed, including Pipe Creek in the northeast corner of Colden, Hayes Hollow Creek in Glenwood hamlet, Crump Brook at the south end of State Route 240, and Sprague Brook in the southern portion of Town. There are many other small streams that flow to Hayes Hollow Creek and west into the Town of Holland. Other waterbodies, including ponds and small lakes, are much smaller and limited in their extent, with the largest being the Orchard Park reservoir, an impoundment along Pipe Creek in the northern portion of Colden.

Floodplains and floodways are located within or adjacent to the larger creeks (see Map 5) and are subject to periodic inundation from storm events due to hydric (water bearing) soils and topography. Floodplains in the Town are limited to select areas along Cazenovia Creek. These areas are categorized as 100- and 500-year (1% and 0.2% annual chance of flooding, respectively); the 100-year flood zones are noted as A, AE, or AH/AO on Map 5. Regulatory floodways encompass the creek channel and adjacent area and must remain undisturbed in order to effectively manage base flood waters without cumulatively increasing the surface water elevation of the creek more than the designated height. As shown on Map 5, the regulated floodway forms the center of the Cazenovia Creek corridor.

Freshwater wetlands are another environmental feature found throughout the Town. Depending on the regulatory jurisdiction, there may be development restrictions. For State-regulated wetlands of 12.4 acres or larger, development within 100 feet of the wetland area is prohibited. Wetlands provide valuable habitat for plants and animals and also act as “natural sponges” for stormwater, helping to abate flooding conditions. As shown on Map 5, State-designated freshwater wetlands are found north of Holland-Glenwood Road and Partridge Road. Federally regulated freshwater wetlands are primarily found in the flatter areas of terrain (center of Town) and along portions of Sprague Brook, Hayes Hollow Creek (formerly known as Haynes Hollow Creek), and Pike Creek.



# Town of Colden Agricultural and Farmland Protection Plan



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**E. Infrastructure Services (MAP 6)**

**Transportation Network**

New York State Route 240 (SR 240), which is under the jurisdiction of the NYS Department of Transportation (NYSDOT), is the primary thoroughfare in the Town, connecting Colden to points north and south. Route 240 runs all the way north to Sheridan Drive (SR 324) in the Town of Amherst, and south to State SR 242, just outside of the Village of Ellicottville. Several NYSDOT bridges are located in the Town, with most found in the hamlet of Colden where several County roads converge with Route 240 and cross over the West Branch of Cazenovia Creek or other tributaries.

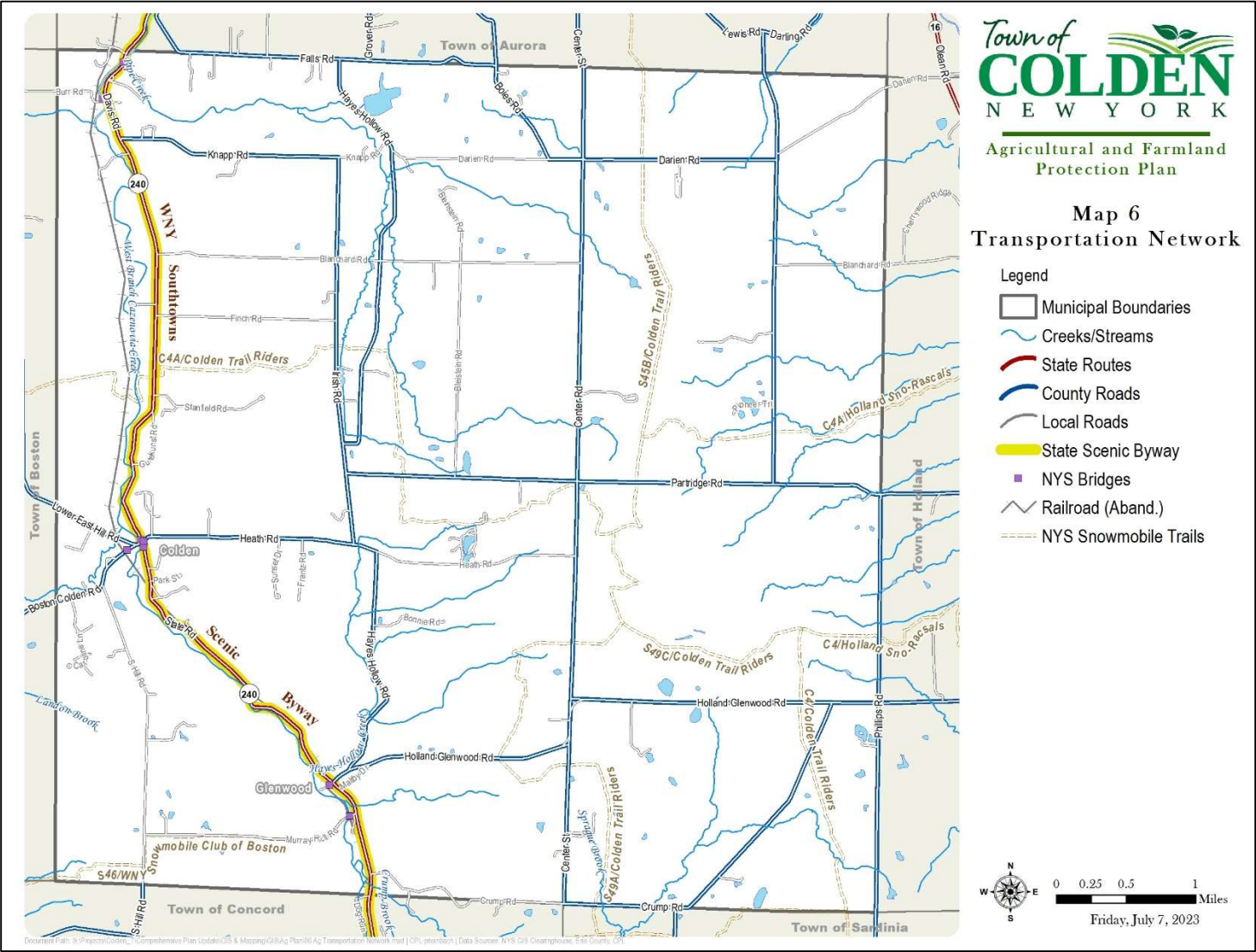
Route 240 is also part of the WNY Southtowns Scenic Byway, a multi-roadway scenic corridor that includes portions of US Route 219, and State Routes 20A, 47, 242, and 277, running through several towns and villages in both Erie and Cattaraugus Counties. County roads make up the majority of the other roadways in Colden, with local roads making up the remainder. \*

In addition to the local roadway described above, several NYS snowmobile trails extend through the Town (see Map 6), which are maintained by local organizations, including the Colden Trail Riders, the Snowmobile Club of Boston, and the Holland Sno-Rascals, and are part of a larger regional and statewide system of snowmobile trails.

Also, the former Buffalo & Pittsburgh Railroad rail line runs parallel to Cazenovia Creek; the rails have been removed and only the track bed remains. Erie Cattaraugus Rail Trail, which is a 27-mile section of the larger 80-mile recreational Southern Tier Trail, is proposed for this former railbed, with sections under development or already open for public use. The two-mile section in the Town of Orchard Park (northwest of Colden) opened most recently.



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#### **Local Gas/Electric Utilities**

The majority of the Town of Colden is serviced by private water (on-site well) and sewer (on-site septic) systems. The only water district in the Town is located in the hamlet of Colden and extends north to Finch Road. The neighboring Towns of Aurora and Boston dedicated water districts through Erie County Water Authority (ECWA), with the Boston district providing the connection to the Colden hamlet.

Two major electrical transmission corridors extend through the Town, which are operated by New York State Electric and Gas. One extends from north to south, through the eastern portion of the Town, continuing into the Town of Sardinia. This corridor supports large towers that carry three sets of lines, with two lines per set. The second corridor runs from west to east through southern part of the Town, with a substation located near Hayes Hollow Creek in South Colden, just north of Glenwood hamlet (see Map 7). This corridor supports poles that currently carry three lines. The presence of these active electrical transmission corridors, coupled with the extent of vacant acreage in the Town, increases the potential for the development of utility-scale solar energy generating facilities that can tie into these lines. At present, a large project of this nature exists just south of Colden, where approximately 4,000 acres of land was converted for solar power, including the development of a large storage facility.

In addition, a gas transmission corridor is found in the northwestern portion of Colden, running north and west into the Towns of Boston and Aurora. In conjunction with this gas line, there are several active gas storage wells in the northern portion of the Town, with additional storage wells located along Heath Road and Lower East Hill Road, near Colden hamlet. Few active gas-producing wells are found in Colden.



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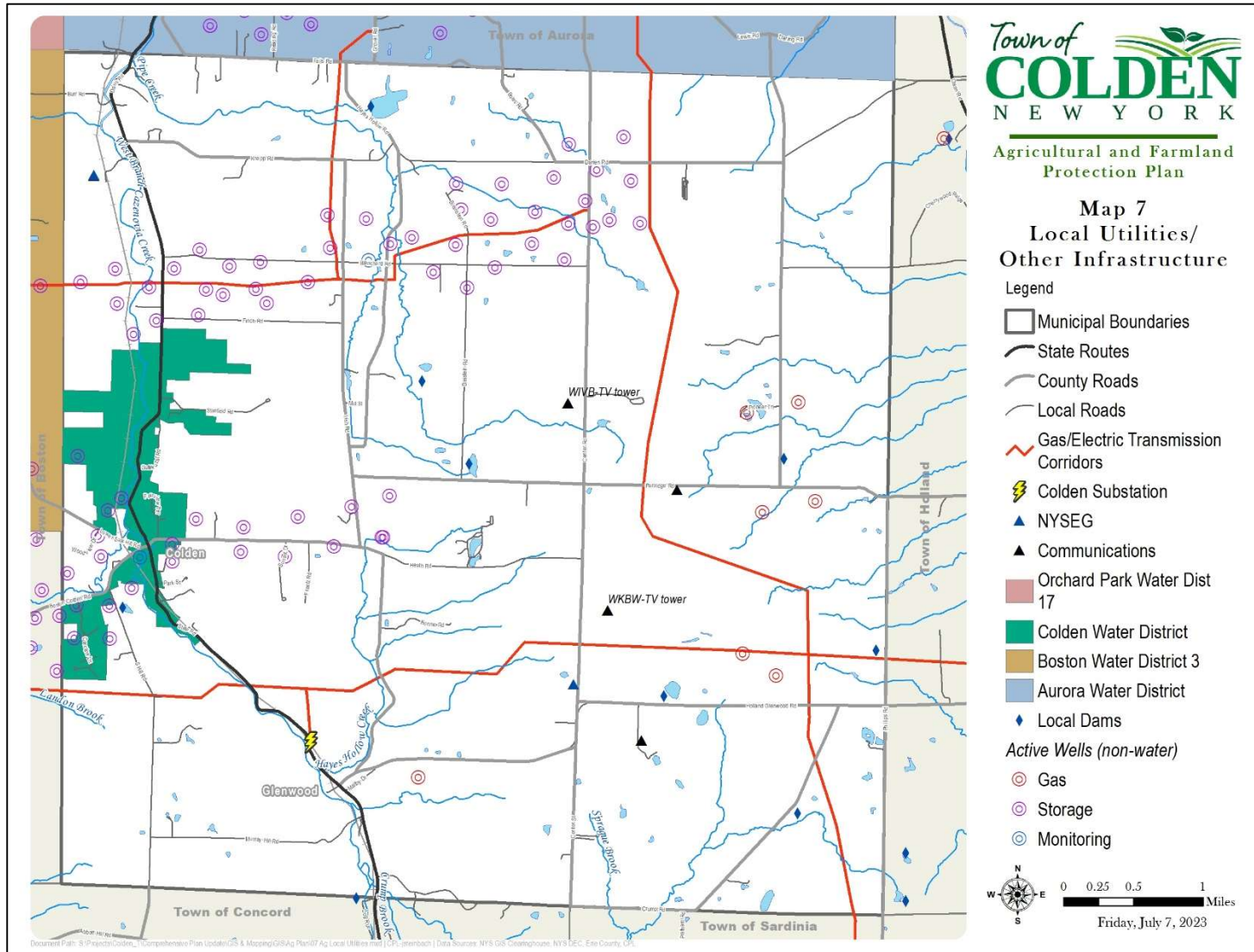
Although not considered a utility, several small dams are located throughout the Town, all of which are classified by the State as Class “A” or low hazard. This indicates that any failure is unlikely to result in damage other than to isolated or unoccupied buildings, undeveloped lands, and minor roads, with unlikely interruption to utility service. The dams are associated with impounded waters near the Holland Hills Country Club, north of Holland-Glenwood Road; Colden Lakes Resort, north of Heath Road; and the Orchard Park reservoir, along Pipe Creek, in north Colden.

Two telecommunications towers are also found in Colden – WIVB-TV and WKBW-TV. These towers, which are approximately 320 feet tall, provide television and FM broadcasts throughout the southern tier region.





# Town of Colden Agricultural and Farmland Protection Plan





## Section IV Agricultural Lands and Resources





## *Town of Colden*

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#### **SECTION IV – AGRICULTURAL LANDS AND RESOURCES**

The Town of Colden is a community where rural residential uses are predominant, comprising approximately 68% of total land uses in the community. Vacant lands make up the second highest land use category (23% - as noted in Figure 4 in Section III). By the numbers, agriculture does not appear to comprise a significant amount land coverage in the Town; however, a cursory review of the data does not tell the full story of farming in Colden. The land percentages in Figure 4 are based on NYS Real Property Tax Service data and do not necessarily reflect the actual use of the land. In many cases, parcels are classified as residential but are not fully used in this regard. In many places, residential dwellings are situated on lands that are primarily utilized for agriculture. Additionally, like many other rural communities, a lot of the vacant land is used for agriculture (field operations), although classified as vacant, and forested areas serve double duty as timber harvesting operations, and larger residential property owners rent out vacant lands to local farmers for field crops. Other factors, such as properties that are included in the Erie County Agricultural District and properties that have agricultural tax exemptions need to be considered. Taking these elements into account, farming operations in the Town account for far more land area than what the data show, as discussed further on in this section.

The Town is within USDA hardiness zone 5A, with an average growing season of about 140 days (early May through early October) and an average precipitation level of approximately 38.5 inches. The growing season can be extended using high tunnels and greenhouses.



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#### **A. Agricultural Soils (MAP 8)**

According to the Erie County Soil Survey (USDA, 1986), much of the soil in the Town is dominated by deep soils that were formed in glacial till deposits. The valleys along the northern reach of the Cazenovia Creek corridor in Colden are dominated by deep soils formed in gravely or shaly glacial outwash deposits (predominantly Blasdell-Farnham-Alton soils map units). The landscape consists of stream terraces, beach ridges, outwash fans, and benches or pockets of lacustrine sediments mantled in the outwash deposits. These soils are nearly level to sloping, with slopes that range from 0 to 15% grade, with isolated areas where slopes can exceed 25%. The soils are moderately-well to somewhat excessively drained, and medium textured. The depth to seasonally high-water table is typically over six feet.

The valley floor and lower walls along the southern reach of Cazenovia Creek have deep soils that were formed in a well dissected lacustrine plain of glacial till sediment deposits that contain silt and clay, with some sandstone, siltstone, and shale (predominantly Hudson-Varysburg-Valois soils map units). These soils are nearly level to moderately steep, with medium texture. Slopes range between 0 and 25%, with some areas where slopes can exceed 40%. These soils are moderately-well to well drained, with a water table located at a depth of six feet or more.

The remainder of the Town has deep soils (Volusia-Mardin-Erie soils map units) that are predominately gently sloping to sloping and comprised of medium textured loamy glacial till. These soils were derived mainly from siltstone, sandstone, and shale, with some limestone in the Erie soils, which formed on broad, smooth hilltops and hillsides on the upland plateau. Slopes range from 0 to 15% grade with isolated areas where slopes can exceed 25%. These moderately to poorly drained soils have a fragipan layer (a substrate that restricts water flow and root penetration) that varies between one foot to one and a half feet below the surface. There is also a perched seasonal high-water table in late winter to early spring.



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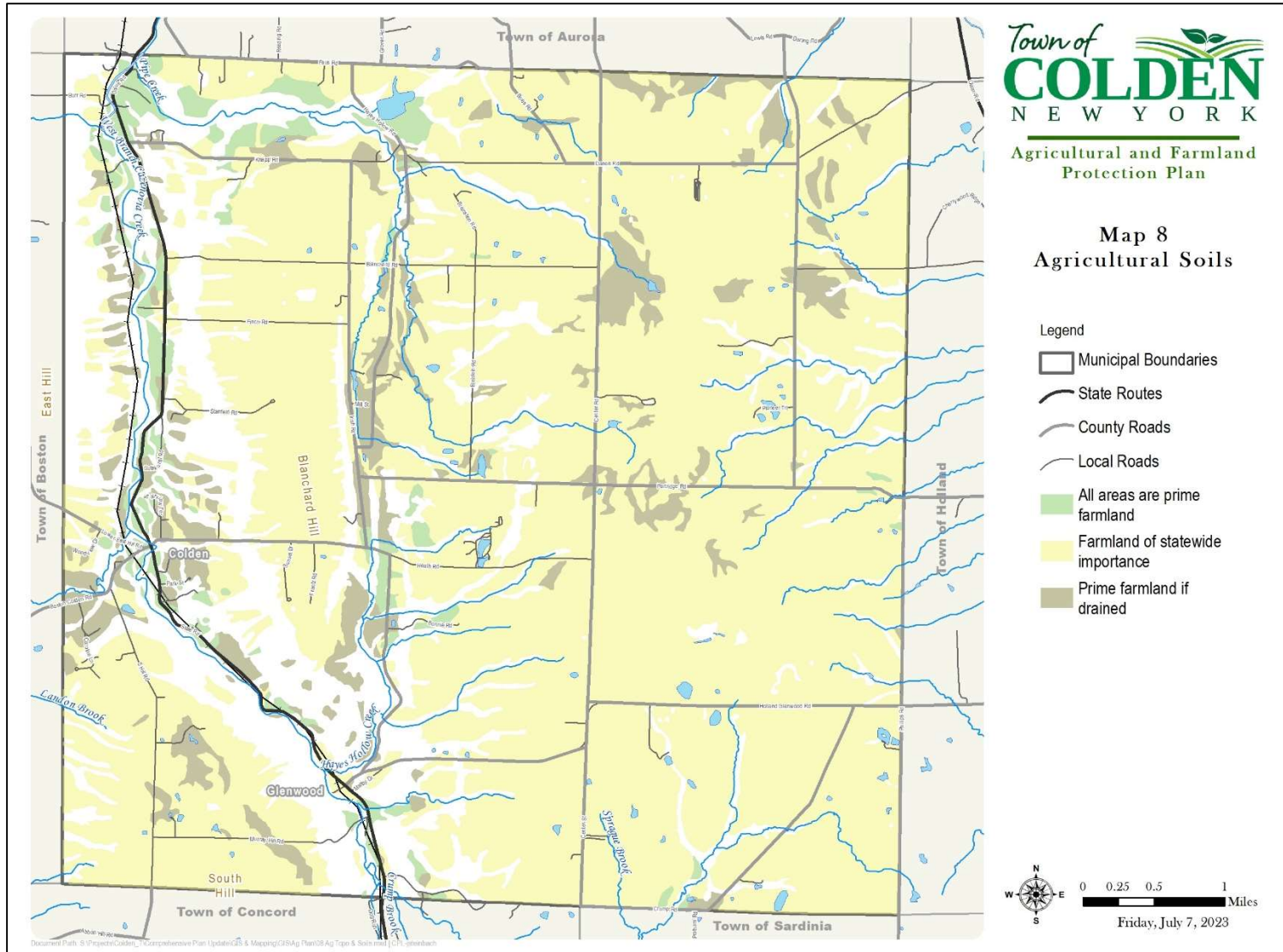
The lands in the vicinity of the creek corridors and tributary streams contain recognized prime farm soils and areas of usable prime soils if drained (see Map 8). These are areas where nutrient-rich deposits are found, which tend to improve soil quality. The soils in much of the Town are considered as farm soils of Statewide importance.

*Prime farmland, as defined by the USDA Natural Resources Conservation Service (NRCS), consists of “land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. Prime farmlands generally have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt, and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.”*

Soils of statewide importance are generally considered to be nearly prime farmland quality that economically produce high yields of crops when managed in accordance with acceptable farming practices. Although important to agricultural activity in the State, these soils exhibit certain characteristics, such as seasonal wetness or erodibility, and do not meet all the criteria to qualify as prime farm soils. These soils are found most everywhere in the Town, with the exception of the Cazenovia Creek corridor.



# Town of Colden Agriculture and Farmland Protection Plan





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**B. Agricultural Districts (MAP 9)**

The Town of Colden contains properties that are included in Erie County Agricultural District No. 15 (Southeast). At present, 22 parcels encompassing 1,543+/- acres of land are located within this district (see Map 9). These parcels are scattered throughout the Town, but primarily found in the southwestern portion (west NYS Route 240), the central portion of the Town, and the southeast corner. New York State Agricultural Districts Law mandates that governmental agencies must avoid or minimize potential adverse impacts to farming operations when undertaking or acting upon any project within an Agricultural District that involves the acquisition of land or the use of public funds for construction purposes.

The benefits of being in a County Agricultural District include:

- Local laws may not unreasonably restrict farm operations within the District and existing and proposed laws are subject to review by the State Department of Agriculture and Markets to ensure that they comply with the law and are not overly restrictive; Real estate agents are required to disclose to potential buyers that the property they are about to acquire is located in an Agricultural District or within 500 feet of any farm operation and/or farmland; and
- Any application for development of lands located within an Agricultural District, or land located within 500 feet of any farm operation and/or farmland must submit an agricultural data statement to the Town as a part of the land development application.

**Agricultural Data Statement**

Pursuant to Section 283-a.2. of Article 16 of NYS Town Law and Section 305 of Chapter 96, Article 25-AA of New York State Agriculture and Markets Law:

- any application for a special use permit, site plan approval, use variance, or subdivision approval requiring review and approval by a Town board or agency, involving an action occurring on property located in an agricultural district, containing a farm operation; or



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- any action that is located on property situated within 500 feet of a farm operation that is located in an agricultural district,

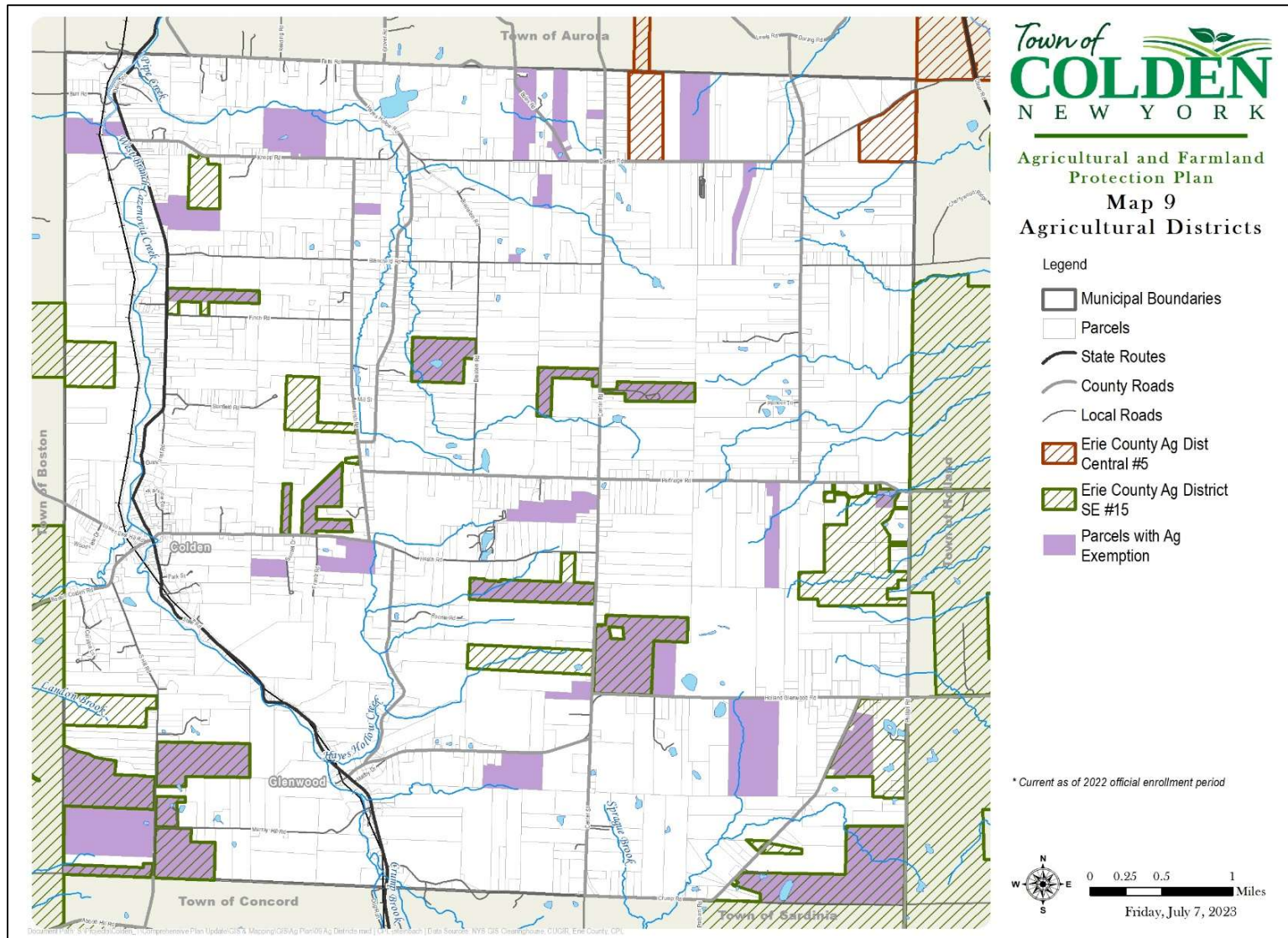
requires the preparation of an Agricultural Data Statement as part of the application. The information required for an agricultural data statement may also be included as part of any other application required by local law, ordinance, or regulation. It should be noted that this is a summary of the State requirements as of this date; the law should be referenced to identify any pertinent changes that may have been adopted after the preparation of this AFPP.

The Town Clerk or other representative for the Board reviewing the application request must mail a notice to all owners of land as identified in the Agricultural Data Statement (Appendix D). This notice shall include a description of the proposed project and its location and may be sent in conjunction with any other notice required by state or local law, ordinance, rule, or regulation for the project. The cost of this mailing can be borne by the applicant. Also, the Town must refer all applications that require an agricultural data statement to the Erie County Department of Environment and Planning, as required per Section 239-m of the NYS General Municipal Law.

The local reviewing board must evaluate and consider the Agricultural Data Statement as a part of its overall review of the proposed action to determine the potential impacts that the action may have on the farm operations. This board should also determine present and future farming conditions to ensure the proposed land use does not conflict with current or future farming activities on the land. A farmer's knowledge of local agricultural conditions is fundamental for the local review board's evaluation and determination of appropriate mitigation measures and whether the action proposed could conflict with ongoing and future farming practices.



# Town of Colden Agriculture and Farmland Protection Plan



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**C. Farm Operations, Farm Statistics and Economic Contributions of Farming (MAP 10)**

Agriculture in Colden is not as prominent as it once was, but it continues to remain an important and diverse enterprise in the Town, and it continues to experience a resurgence with a variety of businesses and operations operating throughout the community. Farms range in size and intensity of activities from backyard gardens and beehives to greenhouses and field crops, to wineries. Real property data available from Erie County, in conjunction with Town Colden Assessor's office, indicates that some properties are classified as agricultural, with a few dedicated to field crops and others operating as horse farms or other agricultural pursuits. Additional parcels are classified as residential with leased land for field crops. However, the real property agricultural land data only shows a small part of the true picture of agriculture in the community, as noted in the Introduction. Additionally, 47 properties, which account for 2,352 +/- acres of land, have agricultural tax exemptions. These properties must be considered as being in agricultural use, even though they may be assessed as residential land. This is another factor that helps to provide a fuller understanding of agriculture in the Town.

During the development of this Agricultural and Farmland Protection Plan, residents, property owners, and business owners in Colden were invited to identify parcels being used for agricultural activity through the public participation process. Maps were annotated at the Public Information Meeting held in December 2021 in an effort to identify properties known to be used for some form of agriculture in the Town. Additionally, comments were gathered from the public and local stakeholders through a survey questionnaire that was mailed to all Town residents and property owners to further support this information gathering effort. Recipients were asked to help better define what "farming" was in Colden by assisting with the identification of the location(s) and type(s) of agricultural activities they were aware of in the community. This could include raising crops; keeping animals of any type (including horses); growing herbs, vegetables, flowers, or similar things in gardens on your property; keeping bees; raising chickens for eggs; timber harvesting or tree farms; or other similar activities of any size or scale. This survey was linked to an interactive online map, allowing respondents to pinpoint properties being used for agriculture. Based on public input gathered at the Public Information Meeting and through the online survey and mapping tool, as well as discussions with local farmers and the Agriculture and Farmland Planning Committee, the following agricultural activities, products, or crops were identified in Colden (Map 10 illustrates these findings):

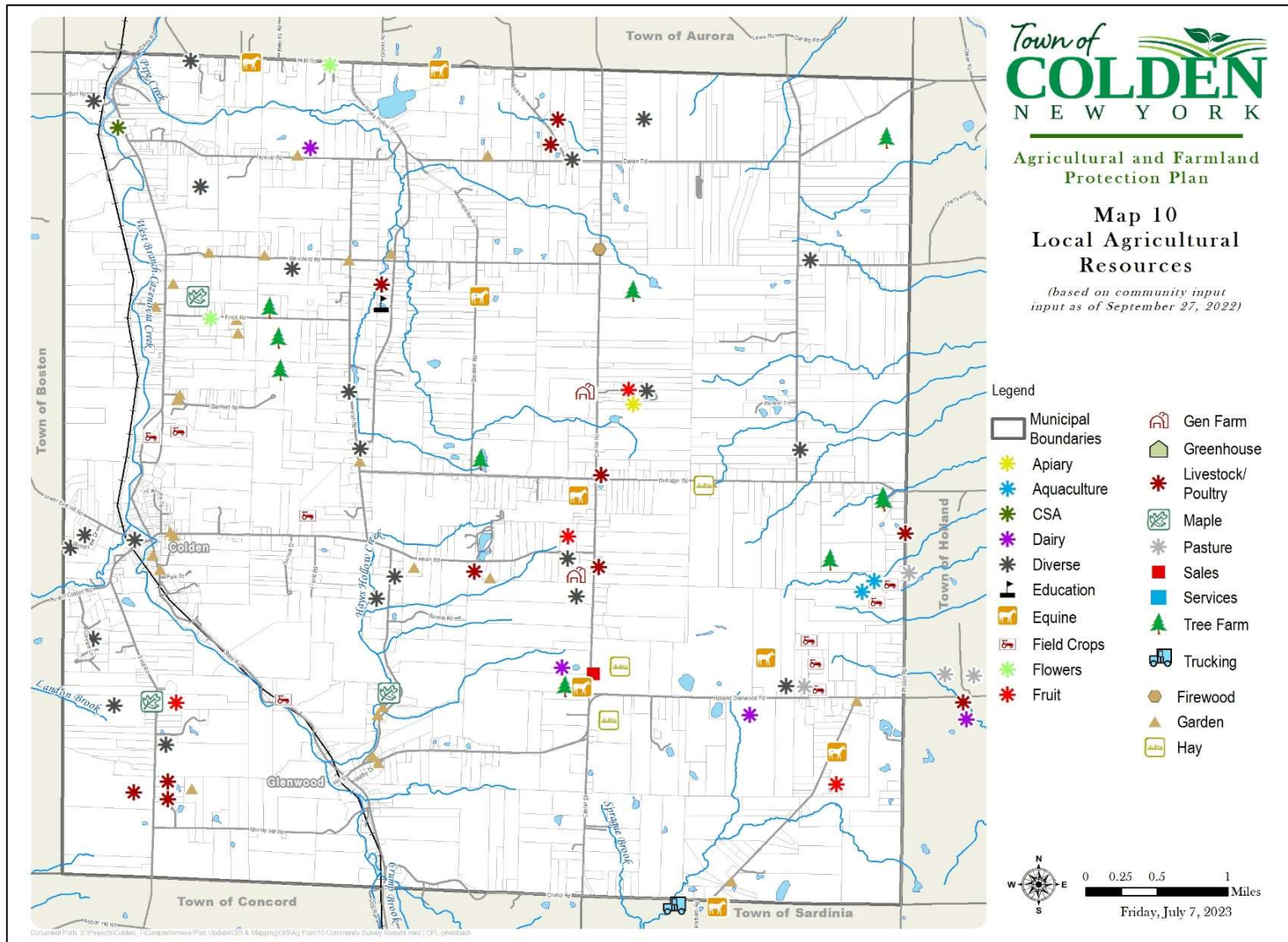


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- Hardwood forest /timber harvesting
- Tree farming / nurseries / maple syrup
- Field crops / hops
- Horse stables / horse boarding
- Cattle / dairy Cows
- Llamas/Alpacas
- Poultry (chickens and turkey – meat and eggs)
- Perennials / flowers
- Herbs /medicinal flowers and plants
- Vegetable crops and pumpkins
- Small-scale produce
- Berries
- Apiary/Beehives



# Town of Colden Agriculture and Farmland Protection Plan



## *Town of Colden Agriculture and Farmland Protection Plan*

### *Overview of Colden Agricultural Sector*

As noted in earlier sections of this Plan, there are several farming operations that exist in the Town of Colden ranging in size from less than a half-acre up to over 50 acres, cultivating and managing a variety of agricultural goods (animal and crop), including non-commercial hobby farming activities. It is worth noting that multiple operations may be contained on a single farm as diversification of farm operations is one of the more economically important business practices that farmers today can, and should, undertake. The US Census of Agriculture conducts an agricultural survey every five (5) years that, much like the centennial US Census, collects data on agricultural operations (farms and ranches), down to the zip code level, throughout the United States. By comparison, larger communities with a more robust agricultural sector will have a greater depth of information than Colden, but a review of local zip codes does yield some statistical data on local operations (see Figure 5). The problem that arises with the Town of Colden is that it contains portions of six zip code areas (14025, 14033, 14069, 14080, 14139, and 14170). Therefore, the data gathered through these agricultural surveys does not present an accurate picture for the Town, as some of the information may apply to other surrounding communities that fall within these zip codes. The most recent survey data was collected as part of the 2017 Census of Agriculture, and is presented by zip code area, as follows in Figure 6. While not specific to the Town, it does lend some idea of the types of agricultural activity that is occurring in the vicinity. Additionally, not all the local farmers take part in the US Census of Agriculture, so the data presented in Figure 6 does not provide a full snapshot of agriculture in the Town. Therefore, the Town focused on gathering more specific and useful information through public outreach efforts to help provide a more representative picture of what farming and agriculture is, and where it is located, in the community.



# Town of Colden Agriculture and Farmland Protection Plan

**Figure 6: US Census 2017 Survey of Agriculture Data in Colden and Surrounding Areas by Zip Code**

**14025 – There are 24 farm operations recorded in zip code 14025; 8 are less than 50 acres**

- 5 cattle operations with sales
- 11 equine, horses, and ponies
- 1 poultry operation
- 1 hog operations and sales
- 3 sheep and lamb
- 1 maple syrup operation
- 9 field crops, including hay and haylage
- 2 vegetables

**14033 – There are 22 farm operations recorded in zip code 14033; 15 are less than 50 acres**

- 3 cattle operations with sales
- 5 cattle operations with inventory
- 6 poultry operations
- 3 equine, horses, and ponies
- 1 hog operations and sales
- 2 orchard
- 1 berry crops
- 2 fruit and tree nut operations with sales
- 1 cut Christmas trees and short-term woody crops
- 1 horticulture sales
- 11 field crops including hay and haylage

**14069 – There are 4 farm operations recorded in zip code 14069; one is less than 50 acres**

- 2 field crops, including hay and haylage

**14080 – There are 54 farm operations recorded in zip code 14080; 27 are less than 50 acres**

- 2 milk operations
- 3 orchards
- 1 berry crops
- 1 fruit and tree nut operations with sales
- 3 cut Christmas trees and short-term woody crops
- 11 grain operations with sales
- 20 field crops including hay and haylage
- 4 soybeans
- 3 vegetables

**14080 – Recorded farm operations - Continued**

- 17 cattle operations with inventory
- 14 cattle operations with sales
- 11 equine, horses and ponies
- 6 sheep and lambs
- 5 hog operations and sales
- 2 poultry operations

**14139 – There are 33 farm operations recorded in zip code 14139; 11 are less than 50 acres**

- 16 cattle operations with sales
- 2 milk operations
- 7 equine, horses and ponies
- 3 poultry operations
- 4 sheep and lambs
- 1 maple syrup operations
- 1 hog operations and sales
- 2 cut Christmas trees and short-term woody crops
- 1 horticulture sales
- 12 field crops, including hay and haylage
- 13 grain operations with sales
- 2 soybeans
- 2 vegetables

**14170 – There are 33 farm operations recorded in zip code 14170; 11 are less than 50 acres**

- 6 poultry operations
- 1 orchard
- 1 sheep and lambs
- 2 berry crops
- 2 fruit and tree nut operations with sales
- 2 maple syrup operations
- 3 cut Christmas trees and short-term woody crops
- 1 horticulture sales
- 5 field crops, including hay and haylage
- 1 grain operations with sales
- 1 soybeans
- 1 vegetables





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**D. Agricultural Markets and Support Businesses (Map 10A)**

Unlike other communities with a more prominent agricultural presence or capacity, the Town of Colden has few existing agricultural markets available. Other markets noted by local farmers, including existing or potential, include on-farm or at-home sales direct to consumers, restaurants, and stores throughout the region and New York State.

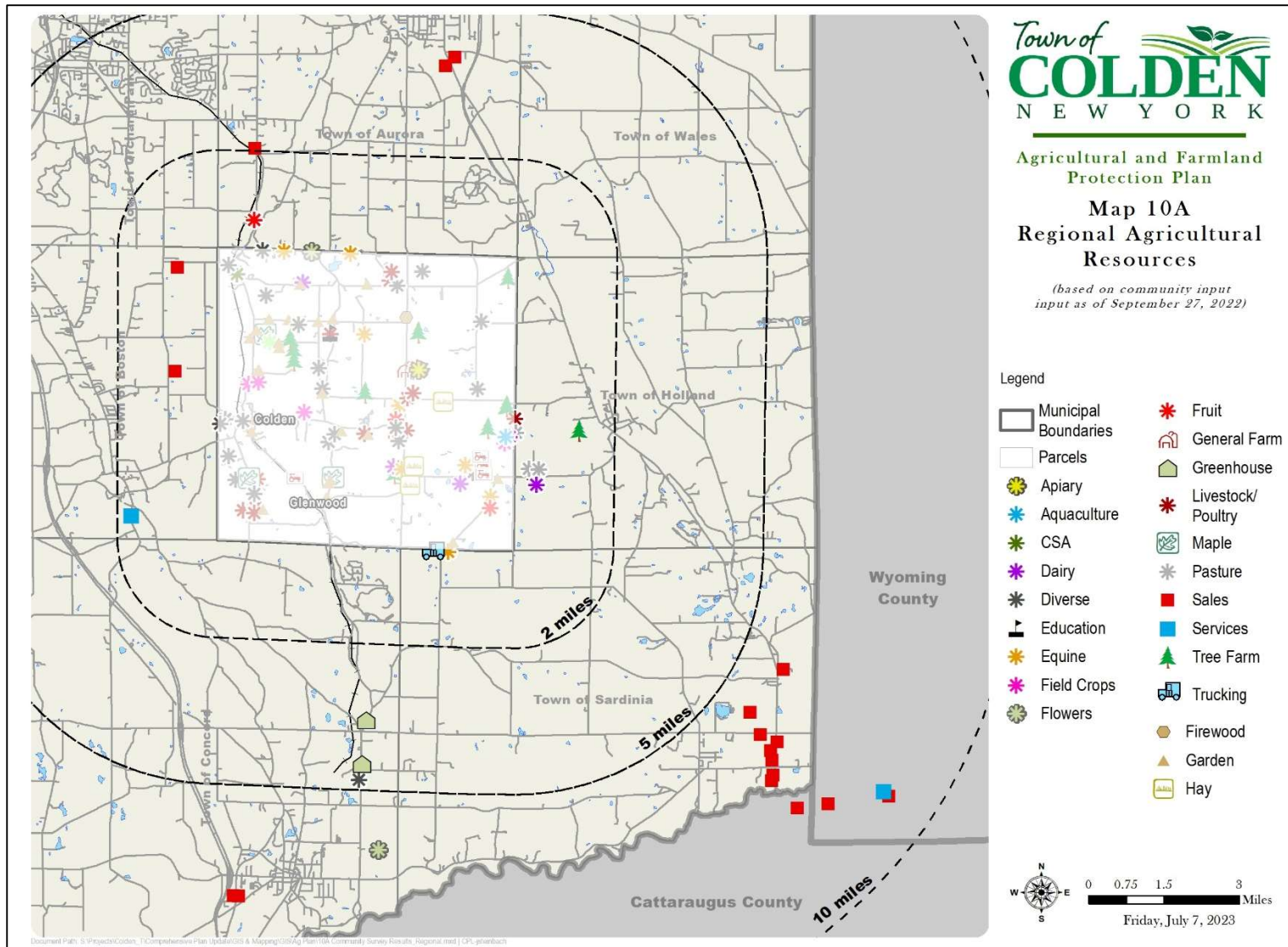
**Support Services**

There are few if any support businesses available to local farmers directly in Colden for equipment, supplies/materials, and repairs – most facilities are found outside of the Town in Springville, Concord, Arcade, or other nearby communities. The following support businesses that were identified in the regional vicinity are available to local farmers (see Map 10A):

- Ace Hardware (East Aurora and Holland)
- Boston Hill Nursery (Colden)
- Clyde’s Feed and Animal Center (Hamburg)
- Drake MC & CM, Inc. (Arcade)
- Gramco (Springville) – seed and feed
- International Harvester dealer/Lamb & Webster, Inc. (Springville)
- Jake’s Greenhouse (East Concord)
- Java Farm Supply (Yorkshire)
- John Deere dealership (Springville)
- Lamb & Webster (Springville)
- LandPro Equipment (Springville)
- Larry Romance and Son, Inc. (Arcade)
- Ortel Supply, Inc. (Arcade)
- Reisdorf Brothers, Inc. (North Java)
- Shamel Milling (East Concord)
- Southtowns Feeds and Needs (Hamburg)
- Tractor Supply (Eden, Hamburg, Concord, Arcade, Springville)
- Tri-County Supply (Chaffee)
- Waterman’s Greenhouse (East Concord)
- Weber’s Garden Center (West Falls)
- Wendel’s Maple and More (East Concord)



# Town of Colden Agriculture and Farmland Protection Plan



**Section IV – Agricultural Lands and Resources**



## ***Town of Colden Agriculture and Farmland Protection Plan***

In addition to equipment and material support, various agencies are available within the region that provide assistance to local farming interests including, but not limited to:

- **New York State Department of Agriculture and Markets** – The primary intent of the New York State Department of Agriculture and Markets is to provide State-level regulation and protection of farms within State-certified, County-adopted Agricultural Districts. Local right-to-farm laws are typically derived from and relate to the State’s section 305 regulations. The Department also promotes New York agriculture within the State and throughout the country and lists a wealth of information on their website <http://agriculture.ny.gov>.
  
- **USDA Farm Service Agency** – The USDA Farm Service Agency (FSA) provides assistance and support to farmers through five key mission areas: programs, loans, commodity operations, management, and State operations. The predominant programs and services revolve around commodity protection and conservation, the latter through the Conservation Reserve Enhancement Program (CREP). FSA programs are funded through the Federal Farm Bill and subject to reauthorization every five years or so. Each State has its own office and individual contacts within each County. Visit their website at [www.fsa.usda.gov](http://www.fsa.usda.gov).
  
- **Western New York Land Conservancy** – The Western New York Land Conservancy (WNYLC) is a private, not-for-profit organization that works to permanently conserve land for future generations. The WNYLC helps landowners voluntarily protect properties, such as forests, meadows, wetlands, or working agricultural lands. They hold conservation easements that permanently limit uses of land in order to protect it. The WNYLC works with towns, counties, other agencies, and not-for-profit organizations to protect land, either by helping them become the new landowner or by helping them hold a conservation easement on the land. They also help communities plan for conservation through open space mapping and planning. Founded in 1991, the WNYLC serves eight counties in western New York and is a valuable resource for land conservation in the region. Visit their website at <https://www.wnylc.org>.



## ***Town of Colden Agriculture and Farmland Protection Plan***

- **Erie County Farm Bureau** - The Farm Bureau is a membership organization that offers several benefits to members, including insurance and banking, automotive, business and family and health, among other things. The Farm Bureau also monitors state and national legislative priorities and provides information of this nature to members in support of agricultural protection and prosperity. Visit their website at [www.ecfarm.com](http://www.ecfarm.com).
  
- **Erie County Cornell Cooperative Extension** – Using the knowledge network and strength of Cornell University, Cornell Cooperative Extension of Erie County (CCE Erie) provides a wide variety of programming and education for existing and new farmers, including business development, marketing, farming practices, technology, resource protection AG Energy NY, Farm to School, Farmland for a New Generation, and many other programs. Erie County CCE offers the 4-H program for youth, providing hand-on learning activities in four areas: science, technology, engineering, and math; as well as civic engagement, healthy living, and agriculture and food systems. CCE is a valuable resource for farmers and others involved in agriculture in the region. Visit their website at [erie.cce.cornell.edu](http://erie.cce.cornell.edu).
  
- **Erie County Soil and Water Conservation District** – The County Soil and Water Conservation District (ECSWCD) is a local government organization that focuses on programs for the conservation of soil, water, and related resources in conjunction with other state and federal agencies. More specifically, *“Districts work with landowners, land managers, local government agencies, and other local interests in addressing a broad spectrum of resource concerns: erosion control, flood prevention, water conservation and use, wetlands, ground water, water quality and quantity, nonpoint source pollution, forestland protection, wildlife, recreation, wastewater management and community development.”* The Erie County SWCD works with local farmers on establishing Agricultural Environmental Management (AEM) plans, streambank stabilization, environmental education, agricultural assessment, and agricultural conservation assistance, among other programs. On a much larger scale, the SWCD can work with municipalities on watershed planning and other conservation assistance. Visit their website at [www.ecswcd.org](http://www.ecswcd.org).



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- **Erie County Office of Agriculture** – Erie County created the Office of Agriculture to address the loss of farmland, improve the viability of farming, and assist rural communities with planning for agriculture [www3.erie.gov/agriculture](http://www3.erie.gov/agriculture). This office provides information on various agricultural resources, some of which include:
  - Agricultural Planning Grants
  - Erie County Agricultural and Farmland Protection Plan
  - Erie County Agricultural District program
  - Erie County Agricultural and Farmland Protection Board
  - Land use coordination
  - Online agricultural maps
  - Solar PILOT agreements
  - Food Policy Council of Buffalo and Erie County
  - Fresh Local NY and Produce Peddlers
  - Erie Grown (and Erie Grown Passport)

Erie Grown is one of the major objectives of this office. This is a program that promotes the purchase of local and regional farm products in Erie County and encourages all county residents to “buy local” fruits, vegetables, meat, eggs, flowers, etc. Erie Grown also provides links for other agricultural resources for agricultural businesses, such as Produce Peddlers ([Produce Peddlers – An online marketplace for produce. Buy produce, anytime, anywhere](#)) and the Buffalo and Erie County Food Policy Council ([Home | Food Policy Council \(FPC\) of Buffalo & Erie County](#)).



## **Town of Colden**

### **Agriculture and Farmland Protection Plan**

#### **E. Agricultural Protection Issues in Colden**

##### **Development Pressure/Conversion**

Competition for land is a typical issue that farmers contend with, especially in high demand areas where residential development is on the rise. Projections for the Town of Colden continue to show growth over the next decade, albeit not as robust as other Erie County communities such as Hamburg, West Seneca, Elma, or Lancaster. But development pressure and conversion of land is always an aspect at the forefront. In the American Farmland Trust report *Farms Under Threat: The State of America's Farmland* (2018), research notes that *"between 1992 and 2012, almost 31 million acres of agricultural land were irreversibly lost to development. That is nearly double the amount of conversion previously documented and is equivalent to losing most of Iowa or New York. As alarming, this loss included almost 11 million acres of the best land for intensive food and crop production."*

The landscape of New York itself has constantly been changing just as well. According to the United States Department of Agriculture, New York State lost the equivalent of 9,000 acres of farmland a year between 2002 and 2010 – the equivalent of one farm every three days. Typically, development pressure is found on lands that are on the border of areas that have public sewer and water available, although in New York lateral restrictions in Agricultural Districts can put limits on development without oversight and review by a local and/or County agricultural board.

In the case of Colden, however, there is no public sanitary sewer service in the community to drive development pressure and make land more attractive to development and density increase. As developed lands in the Town utilize private septic systems and are not experiencing extensive residential development pressure, other natural constraints exist that impact farmland operations, including topography, lack of public water supply, and drainage. Additionally, growing pressure for the development of renewable energy generation facilities and storage systems threatens productive farmland, particularly on the upland plateau.



## ***Town of Colden Agriculture and Farmland Protection Plan***

The American Farmland Trust (AFT) conducts Cost of Community Services (COCS) studies nationwide, which provide a snapshot in time of current revenues and expenditures on a land use basis. COCS studies analyze the demands on public services (e.g., schools, fire protection, recreational amenities, and road maintenance) and show how much it costs to provide public services to each land use in a community (e.g., residential, commercial, and agricultural). Unlike typical fiscal impact studies, COCS studies evaluate working land on equal ground with other types of development. These studies show that due to the high cost of residential services, housing developments result in net loss of property tax revenue. In comparison, farm and forest lands that require fewer public services actually provide a community with higher property tax revenue. A Cost of Services Study Fact Sheet is included in the Appendix.

### **Climate Resilient Farming and Agriculture**

It is important to highlight the relationship that agriculture has with the natural environment. Farmers and agricultural interests own a considerable amount of land in the Colden community and in that capacity, they influence the natural environment. From dairy operators to field crops, or nurseries and diverse vegetable farms, farmers can implement holistic management practices for climate resiliency or “regenerative agriculture” to make farming more sustainable and address the increasing impacts of climate change. These actions can help provide a clear pathway for a future with cleaner air, water, and native pollinator habitat, and for farming in Colden that is more resilient and adaptable to a changing climate (See Appendix J).

Climate resilient farming practices align with *permaculture* practices, which integrate land, resources, people, and the environment through mutually beneficial interaction – imitating the no waste, closed loop systems seen in diverse natural systems. Permaculture upholds a philosophy of working with, rather than against nature, through the application of holistic solutions and multidisciplinary approaches including agriculture, water harvesting and hydrology, energy, natural building, forestry, waste management, animal systems, aquaculture, appropriate technology, economics, and community development. Permaculture is the conscious design and maintenance of agriculturally productive ecosystems that have the diversity, stability, and resilience of natural ecosystems.



## ***Town of Colden Agriculture and Farmland Protection Plan***

Similarly, the simultaneous use of areas of land for both solar photovoltaic power generation and agriculture (known as agrivoltaics) is a practice that is taking hold in the northeastern US, as well as in other places in the US and around the world. Certain crops can be grown in the shade of solar panels, which results in less evaporation and reduced water usage, reduced stress, and impacts to plants from heavy precipitation, and resultant cooling of solar panels from evaporation and water released by the plants. Grazing presents another way to lower the costs of maintaining a solar field, as sheep can do all the work required for field maintenance. Where it can be effectively undertaken, agrivoltaics can enable farmers to diversify crops, increase overall yields, and is more beneficial to the environment than just having solar panels alone. It also allows for the conversion of agricultural land to renewable energy fields, which to some is more socially acceptable, as the land does not lose its fertile properties.



Integrating best management practices for climate resiliency on farms and conscious design and maintenance of agriculturally productive ecosystems can:

- reduce fertilizer usage,
- improve water quality and efficient water usage,
- increase farm diversity,
- reduce farm waste, and
- reduce greenhouse gas emissions.



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These practices can also result in improved yields and increased income and the ability to respond to change over the long term. This is accomplished by:

- maintaining, planting, or enhancing natural perimeter vegetation and woodlots to provide food, cover, and nesting sites for wildlife;
- rotating crops, optimizing plant placement, and resting fields to improve the nutrient value of the soil; composting wastes and instituting proper manure management; and
- managing surface water runoff to protect water quality and reduce sedimentation of creeks, streams, and tributaries to these corridors. Integrating the relationship between agriculture and the environment into this Agricultural and Farmland Protection Plan allows for the implementation, as well as the continued practice of improved land use, ecosystem and water management, and the responsible use and protection of natural resources in support of sustainable farming and agriculture in the Town.

Additionally, water quality concerns related to livestock feed lot management should also be mentioned. Any concentration of large groups of livestock in small, penned areas results in concentrations of animal waste. The nutrient laden waste is easily mobilized in stormwater runoff that finds its way into creeks and streams that feed into the larger watershed. This issue should be addressed through coordination with the various agencies that are available to assist farmers, as well as through the implementation of best management practices that address point and nonpoint source pollution and water quality.





## Section V

# Tools and Techniques for Farmland Protection





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**SECTION V – TOOLS AND TECHNIQUES FOR AGRICULTURAL AND FARMLAND PROTECTION**

There are several techniques, programs, activities, and strategies that can be used to protect farming and promote the continuation and increase of agricultural activities in a community. The choice of which mechanisms to utilize can be based on the extent of agricultural activities in a community, as well as the amount of development pressure that exists. The following is an overview of programs and techniques that may be helpful for protecting and promoting farming in Colden.

**A. Farmland Protection**

▪ ***Agricultural Zoning and other Land Use Regulations***

The main purpose of zoning is to separate land uses that might result in threats to public health, safety, or welfare, or reduce a landowner's enjoyment of their land. Zoning also promotes orderly growth of a community, which can help control the cost of public services and maintain a pleasing visual quality in the community. Zoning should strike a balance between the right of a property owner to use their land and the right of the public to a healthy, safe, and orderly living environment.

Agricultural zoning is aimed at enabling farmers and others to conduct agricultural activities without undue restrictions and reducing conflicts between farmers and non-farmers. Many normal farming practices can generate irritants, such as dust or odors for neighboring residents. Similarly, non-farm neighbors often do not respect private property, and farmers report problems with dirt bikes or all-terrain vehicles in fields or litter and vandalism.

Agricultural zoning can provide some protection for farmers by limiting the number of non-farm dwellings that can be built in the area. Agricultural zoning is used to protect valuable and productive farm soils and other resources that have value to the public, such as open space, wetlands, and wildlife habitat. Therefore, zoning is one of the best mechanisms to support, promote, and protect agricultural pursuits in the Town.



## ***Town of Colden Agricultural and Farmland Protection Plan***

Agricultural zoning involves the creation of a zoning district that typically designates farming and other agricultural activities as the primary, preferred land uses. This type of zoning district generally targets the most productive soils and large contiguous areas of active farms. The minimum lot size may vary from a minimum lot size of three acres to over 40 acres, depending on the average size of farm properties in the area. Agricultural zoning districts can incorporate “density averaging” or “sliding scale” provisions to limit the number of dwellings permitted. The regulations may also specify maximum (as well as minimum) lot sizes for non-farm development. Regulations for this type of zoning district usually allow farm-related businesses and home-based businesses and limit non-agricultural uses. Agricultural protection zoning may be combined with purchase of development rights (discussed below) or incentive zoning to achieve greater success. Agricultural zoning provisions intended to support farms and protect farmland should be designed to:

- Support a farm-friendly business environment;
- Protect a critical mass of agricultural land to encourage the continuation of crop production and other activities;
- Discourage land uses that would cause nuisance conflicts with farming operations;
- Allow farm-related businesses that generate extra income for the property owners, but are secondary to the farm operation;
- Establish setbacks for farm buildings from property lines to limit the spillover of odors, chemical sprays, dust, and noise that could cause conflicts with neighbors;
- Prevent the conversion of the Town’s most productive farmland or the division of the land into tracts that are too small to farm profitably;
- Provide some assurance that the public investment in farm property tax breaks and in the potential purchase of conservation easements on farmland will be protected;
- Help to keep land more affordable for farmers to purchase; and
- Allow farmers to raise crops or livestock without undue restriction.



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Additionally, zoning provisions should support and promote smaller-scale, non-traditional farm activities that are becoming more prominent in many Erie County communities, including Colden. Regulations should be more flexible with minimum lot sizes (e.g., farming activities permitted on lots less than one or more acres) and should allow for the pursuit of a variety of agricultural activities on the smaller lots. Uses such as beekeeping, raising of seasonal flowers and herbs, hydroponics, and other smaller-scale, hobby-type activities are examples of this, which should be clarified in revised zoning definitions.

- ***Purchase of Development Rights (PDR)/Agricultural Conservation Easements***

It is a common misconception that planning and zoning, which are necessary components of establishing and regulating land use in local communities, will take care of the protection of farmland and open space. In many cases, this is typically what is built into comprehensive plans and zoning codes as a means for agricultural and farmland protection. Conservation easements offer a permanency to land protection that cannot be replicated through community planning. Purchase of Development Rights (PDR) and agricultural conservation easements provide a complementary method for saving important farmland and natural resources.

Purchase of Development Rights programs agricultural conservation easements are a voluntary and beneficial approach for farmland protection that compensates landowners for permanently protecting their land for continued agricultural use. In general, landowners possess a variety of rights to their property, including the right to use water resources, harvest timber or develop their property consistent with local regulations. Some or all these rights can be transferred or sold. PDR programs pay landowners to extinguish their rights to develop their land. Landowners retain other ownership rights to the property, the property remains on the tax rolls, and its taxable value is based on these remaining rights. Following its protection, the land can still be used for agricultural purposes.

A PDR program places a deed restriction, commonly known as a conservation easement, on the property that is being preserved. In most cases, conservation easements are permanent agreements that are tied to the land and apply to all future owners. These binding agreements provide certain government agencies and/or qualified private, nonprofit organizations (such as Land Trusts), the right to prevent non-farm development or activities that could interfere with the existing or future agricultural use on the property.



## ***Town of Colden Agricultural and Farmland Protection Plan***

The goal of permanent farmland protection through PDR and conservation easements is to protect land and help support and continue the business of farming, and conserve productive soils and other natural resources for future generations of farmers. Land that is subject to an agricultural conservation easement can still be farmed or used for forestry and other uses compatible with agricultural activities. Since agriculture is constantly evolving, agricultural conservation easements typically provide opportunities for farmers to construct new farm buildings and farm worker housing or allow for change or diversification of commodities and crops that are grown or farm practices conducted on the land. In most cases where a Land Trust is involved, a conservation plan will be developed that follows the State's Agricultural Environmental Management (AEM) program's five-tier approach, which includes:

- an inventory and analysis of environmental resources and practices on the farm;
- identification of current environmental stewardship practices and areas of concern;
- an outline of conservation strategies for addressing concerns and opportunities tailored to farm goals;
- an implementation strategy that uses available educational, technical, and financial assistance; and
- an evaluation of practices and techniques for conservation and farm vitality.

PDR programs and conservation easements offer several advantages for permanently protecting farmland. They allow for protected lands to be kept in private ownership, keeping them on the municipal tax rolls. They allow farmers to transform their land assets into liquid assets that can be used for other purposes, such as paying down debts, updating infrastructure, securing more land, saving for retirement, and more. The landowner is allowed to continue their agricultural activities on the property, particularly in relation to the production of food, fuel and fiber products that support community health and welfare. In addition, the landowner can leave the property to their heirs or sell the property, use the land as loan security, and/or install limited agriculture-related buildings, as the development restrictions and land protections stay in place on the land in perpetuity. These programs are incentive based and totally voluntary and enable landowners to protect a variety of agricultural and natural resources.





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Some counties or municipalities create their own purchase of development rights programs and fund them through bond resolutions or property taxes. However, this can be a cumbersome and expensive undertaking for smaller municipalities like Colden. Fortunately, local, and regional land trusts are available to take the lead on new purchase of development rights projects. These non-profit entities are experts in handling all aspects of a conservation easement project, including easement drafting, site planning and mapping, securing state or federal farmland protection grants, and administering grant contracts. Once the land is protected, the land trust ensures long term stewardship and easement enforcement.

Agricultural conservation easements are not a one-size fits all solution to development pressure. In some places and situations, the outright sale of land to a developer may be more lucrative for a landowner, but the land is then converted to a non-farm use forever. PDR programs offer a financial incentive while allowing family farms to secure their legacy into the future.

State and federal farmland protection grant funding is available to help land trusts and farmers conserve farmland in New York State, as follows:

- *New York State Department of Agriculture and Markets (AGM) Farmland Protection Implementation Grant Program (FPIG)*  
The FPIG provides funding to counties, municipalities, soil and water conservation districts, and land trusts to implement farmland protection activities consistent with local agricultural and farmland protection plans. The most frequently funded activity is purchase of development rights or conservation easements on individual farm properties. These projects cover all the easement transaction costs, including stewardship funding, and can pay a participating farmer up to 87.5% of the value of their development rights. This funding is usually available every two years and is in high demand across the state and region. FPIG funding may also be available for agricultural planning efforts, including funding for local governments to prepare farmland protection plans, and amend local laws affecting agricultural. For more information on this program go to: <https://agriculture.ny.gov/land-and-water/farmland-protection-implementation-grants-program>



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- *United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Agricultural Conservation Easement Program (ACEP)*

The ACEP Program can help private landowners, land trusts, and state or local governments, to protect agricultural land with conservation easements. Funding from this grant may contribute up to 50% of the fair market value of the agricultural land easement. Additional funding is needed to cover transaction and stewardship costs. For more information about this program go to: <https://www.nrcs.usda.gov/agricultural-conservation-easement-program>

Appendix F includes information on some local PDR programs in Western New York and additional information on funding programs.

- ***Transfer of Development Rights***

Another land conservation program that has proved useful for farmland conservation is Transfer of Development Rights (TDR). This type of program is most effective in communities that are under significant pressure for development and that have lands available to enable the actual transfer of development rights from agricultural lands to be preserved to areas approved for denser development. While this program is not recommended for implementation in the Town of Colden, a time may come where it might warrant further consideration. Therefore, information on TDR has been included in Appendix G.

- ***Estate and Transition Planning***

For many farm families, passing the farm on to the next generation can be a major challenge. Transferring a farm involves more than just passing on land. A will is an important part of an estate plan, but a will alone cannot guarantee a secure future for a farm family's land and business. Estate planning is needed to address inheritance tax and settlement issues that may arise because land is not a liquid asset.



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Estate planning can accommodate the needs of all family members, even those who leave the farm operation. A good estate plan can accomplish at least four goals:

- Transfer ownership and management of the agricultural operation, land, and other assets.
- Avoid unnecessary income, gift, and estate taxes.
- Ensure financial security and peace of mind for all generations, and
- Develop the next generation's management capacity.

Frequent changes in tax laws highlight the need for estate planning that is tailored to individual circumstances and addresses the uncertainty about future tax legislation. There are many sources of information on estate and transition planning, including attorneys, accountants, and other financial advisors.

- *NY FarmNet*, which is affiliated with Cornell University and coordinated with Cornell Cooperative Extension, is a commonly used resource that offers no cost and confidential consulting services to any farm located in New York State <https://nyfarmnet.org>. They offer financial analysis, business planning, retirement and estate planning, business transfers, family farming skills, and personal well-being support. FarmNet services are available to all farms in New York State, large and small, with a diversity of commodities including dairy, crops, livestock, maple, fruit, vegetables, honey, nursery stock, and more. This organization also serves agribusiness professionals, such as nutritionists, veterinarians, truck drivers, custom operators, etc., who work directly with farmers through family or personal consulting. FarmNet has no political or financial agenda so farmers can feel comfortable using this service. They help farmers with any personal and financial issues and have a network of professional consultants available who work one-on-one with farmers and farm families to help resolve problems and concerns.



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- *American Farmland Trust* (AFT) has published “Your Land Is Your Legacy: A Guide to Planning for the Future of Your Farm,” which is a useful tool for farmland ownership transition. AFT also coordinates the “Farmland for a New Generation New York” program. This program helps farmers seeking land and landowners who want to keep their land in farming. Their website – <https://nyfarmlandfinder.org>, offers links for finding a farm, finding a farmer, local and statewide events and other resources that offer direction and assistance to farmers at any stage in their career.

### **B. Learning to Farm and Developing Farm Plans**

With the expansion of smaller farming activities in Colden, problems and conflicts can arise where residents and hobby farmers lack the experience required to undertake the farming activities they are pursuing. Whether it involves cultivation crops, beekeeping, livestock, or other farming pursuits, having the knowledge and experience to manage a farm and/or properly conduct an agricultural activity is important. Helping residents and farmers understand agricultural practices and what is required to successfully operate small farming activities in the Town will help to promote and expand the agricultural industry and economy in the community. Furthermore, helping residents and farmers understand and capitalize on opportunities for new practices, crops and/or markets can help sustain their operations, particularly during downturns in the farm economy, and provide greater potential for success. The following programs and information can help farmers with a wide number of agricultural issues and opportunities. Additional information can be found in Appendix H.

- ***Cornell Small Farms Program***

Cornell University offers the Cornell Small Farms Program helps farmers get expert assistance to facilitate all phases of small farm business development, from initial growth to optimization to maturity <https://smallfarms.cornell.edu>. This program envisions a future where diverse and vibrant urban and rural farms build human capacity, revitalize communities, supply regional food systems, and foster ecological resilience in a changing world.



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The Small Farms Program offers a wealth of information, expertise, and resources. This includes online tutorials and training courses for all skill levels; plans and other training programs; and resource guides. This information covers initial farm planning, business, and market considerations; and general resource guides and publications. Of note, is the *NY Small Dairy Innovators: Successful Strategies for Small Dairies*, which provides highlights on how seven small dairies in New York State found methods for increasing profit and leisure time, even in the face of a very challenging time for the dairy industry. Information about the Small Farms Program is included in Appendix H.

- ***Erie County Cornell Cooperative Extension***

Cornell Cooperative Extension of Erie County (CCE Erie – <https://erie.cce.cornell.edu>) offers a wealth of information and educational programs to Erie County residents on farming in the region, such as beginner farmer resources, field crop resources, growing hemp, and malting barley; agriculture and food systems, and nutrition; 4-H Youth Development; invasive species; and consumer horticulture, among many other things. CCE Erie uses local experience and research-supported solutions to build stronger communities. Currently educators work throughout the County on projects as diverse as connecting farms to schools in Buffalo and elsewhere in the County, providing technical assistance to an agricultural development project in partnership with Journey’s End Refugee Services, and connecting farmers to consumers at the Taste NY Market sites.

CCE Erie educates farmers about business and production best practices, including helping new farmers to map their path to starting a farm. As a regional navigator, CCE Erie will support new farmers with resources specific to finding farmland, help an aging generation of farmers understand their options for transferring their land, and facilitate the connection between the two with one-on-one assistance, workshops, and training. Connection a new generation of farmers with available land can stem the loss of farmland in urban-edge communities in Erie County and continue to growth of a vibrant local farming industry. Additionally, CCE Erie promotes the previously mentioned “Farmland for a New Generation New York program,” which is coordinated by American Farmland Trust.



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- ***Erie County Soil and Water Conservation District***

The Erie County Soil and Water Conservation Service (ECSWCD) is a resource management agency that was established by law to carry out a program for the conservation, use and development of soil, water, and related resources ([www.ecswcd.org](http://www.ecswcd.org)). The ECSWCD coordinates and implements resource and environmental programs at a local level in cooperation with federal and state agencies. The district works with landowners and others to address a broad spectrum of concerns, including erosion control, flood prevention, water use and conservation, wetlands, groundwater, water quality and quantity, nonpoint source pollution, forestland protection, wildlife, recreation, wastewater management and community development. Its primary focus is on soil conservation and water quality, providing information, technical and financial assistance to agricultural, urban, and suburban constituents.

The ECSWCD can provide technical assistance to farmers for the implementation of best management practices that are aimed at decreasing the transfer of soil and nutrients to local waterways. They can also oversee several agricultural programs (e.g., Agricultural Environmental Management and Nonpoint Source Pollution Abatement and Control) and provide information and assistance on a host of other items, such as agricultural tax relief, integrated pest management, agritourism, organic farming, stream management, energy conservation, biofuels, wetland conservation, wildlife habitat improvement and nuisance wildlife control.

- ***Other National Programs***

- *Farm Answers* - There are several other sources of guidance and information where farmers and others interested in agriculture and farming can learn more. Farm Answers (<https://farmanswers.org>) is sponsored by the University of Minnesota Center for Farm Financial Management and the USDA National Institute of Food and Agriculture. They consider themselves the largest source of information for beginning farmers. This service provides materials and toolboxes on several things, including direct marketing and local foods, organic farming, farm financial management, farmland access, business planning, farm transition planning, urban farming, food safety and commodity marketing. The urban farming toolbox offers useful information for new farmers and small operators in suburban and urban areas. The toolbox is designed to help those who want to be a farmer in their own neighborhood.



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- *National Young Farmers Coalition*

The National Young Farmers Coalition ([www.youngfarmers.org](http://www.youngfarmers.org)) is an advocacy network of young farmers fighting for the future of agriculture. They have chapters around the country, including New York State (the closest chapter is in Ithaca, NY). This organization is focused on changing policy, building networks, supporting sustainable farm practices, and providing business services to young, independent, and prosperous farmers to enable them to succeed.

The goals of the Coalition are to:

- ensure that farming remains a desirable and profitable career and livelihood;
- encourage farming practices that sustain resources and protect the climate for the next generation of farmers and consumers;
- help ensure a supply of high-quality farmland that is affordable for fulltime farmers to purchase and farmland ownership;
- advocate for fair labor practices;
- support an apprenticeship model of farmer education and farmer-to-farmer learning opportunities;
- support inclusiveness and diversity in the farming professions to maintain a strong and vibrant agricultural sector; and\
- encourage cooperation and friendship among farmers to ensure that land, skills, and place-based knowledge is transferred from generation to generation.

- *New Farmers* – The US Department of Agriculture (USDA) provides information for farmers and others interested in farming activities. The New Farmers website <https://newfarmers.usda.gov> has links for new farmers, new ranchers, women in farming, young farmers, and veterans. It also provides information for farmers looking for land and those who wish to keep their land in farming. The USDA National Institute of Food and Agriculture (<https://nifa.usda.gov>) also offers extensive information on all aspects of food and food science, nutrition, natural resources and the environment, animals and plants and farming and ranching for new and beginning farmers. This includes information on organic farming, small and family farming and sustainable agriculture.



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- *Beginning Farmers* – This organization hosts a website ([www.beginningfarmers.org](http://www.beginningfarmers.org)) that provides a wealth of information on starting a farm, types of farming, farm resources and farm jobs and internships. It includes links to workshops and other learning opportunities, funding, business planning, “AG Daily” agricultural news and more.
  
- *Alternative Farming Systems* – The USDA established the Alternative Farming Systems Information Center (AFSIC) to focus on sustainable, urban, and organic agriculture ([www.nal.usda.gov/afsic](http://www.nal.usda.gov/afsic)). This Center provides information related to sustainable and alternative agricultural systems, urban agriculture, crops, and livestock. The Center specializes in library services, locating, accessing, organizing, and distributing information and guidance on various topics, including:
  - Sustainable and regenerative crops (vegetables, fruits, nuts, grains, legumes, viticulture, specialty crops) and livestock (grazing and pasture management, aquaculture, beekeeping, organics, specialty livestock) farming systems and diversification;
  - Production practices (sustainable, organic, biodynamic, permaculture, hydroponics, aquaponics, certification, and marketing);
  - Small farm guidance and management (beginner, women, and minority farmer issues; business planning, farm preservation and transitioning, funding);
  - Urban agriculture (backyard, rooftop, community gardening and other small-scale activities);
  - Marketing practices and local food systems (direct marketing, added value, farm to institutions, community supported agriculture, cooperatives/food hubs, agritourism, farm markets, farm certification);
  - Natural resource management (pests, soils, water, and whole farm systems);
  - Renewable energy options for farms (wind, solar, bioenergy, geothermal, hydropower, energy policy, funding);
  - Local food and community (community gardens, urban agriculture, local food systems, food security); and
  - Education and research.





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### **C. Agricultural Education Opportunities**

There are a small number of colleges and universities in the western and central New York regions that offer degree programs in farming and agriculture programs.

- ***Alfred State College of Technology***

[www.catalog.alfredstate.edu/current/department/agriculture-veterinary-technology](http://www.catalog.alfredstate.edu/current/department/agriculture-veterinary-technology)

The Alfred State College of Technology has a department of Agriculture and Veterinary Technology that offers associate degrees in agriculture Automation and Robotics, Agricultural Business, Agricultural Technology and Veterinary Technology, as well as a degree in Agricultural The mission of this department is to facilitate learning and engage communities in the practices of sustainable food production and animal welfare. Entrepreneurship. Students participate in hands-on experience with crops, plants, animals, facilities, and equipment. The college has an 800-acre farm that serves as a field laboratory to provide practical instruction in production agriculture and to produce feed for the college’s livestock. The college also operates a Center for Organic and Sustainable Agriculture.

- ***Niagara County Community College*** [www.niagaracc.suny.edu/programs](http://www.niagaracc.suny.edu/programs)

The Hospitality, Tourism and Culinary Arts Program at Niagara Community College offers Associates of Applied Science degrees in Brewery Operations and Winery Operations; they also offer a Certificate in Wine and Beverage Management. The brewery program offers students the opportunity to learn management of a labor-intensive industry that incorporates the science of growing hops and making beer. This program is designed to give students hands-on preparation and knowledge necessary to be successful in the field of beer making and brewery management. Under the winery operations program students will learn and perform the necessary skills for seasonal vineyard operations and management. This program incorporates the science of wine making with knowledge on marketing cool-climate wines.



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- ***Cornell College of Agriculture and Life Sciences*** <https://cals.cornell.edu/>

The Cornell University College of Agriculture and Life Sciences offers several degree programs, both major and minor. Bachelor of Science degrees are offered in Agricultural Sciences, Plant Sciences, Viticulture and Enology, Entomology and Animal Science. Students can also minor in agricultural business management, crop management, plant sciences, viticulture and ecology, animal science, horticulture, plant breeding, soil science and entomology to enhance their major degree program and career studies.

#### **D. Tax Relief Programs**

Tax relief is an important issue for farmers. Farms need land to operate, and property taxes on farmland often are a considerable expense. Not only do property taxes add significantly to business costs for farmers, but farms also tend to pay more in property taxes than they require in public services. As farmers often say, “Cows don’t go to school and corn doesn’t dial 911.” Increasingly, state and local governments are recognizing that keeping farmland in production may help control the cost of providing expensive community services. In response, New York State has established programs to reduce property taxes on farmland that meets certain eligibility requirements. Certain of these programs are utilized in the Town of Colden, others are lesser known, and farmers should be made aware of their potential value for tax relief (See Appendix I).

- ***Agricultural Use Assessments***

Agricultural assessment provides “use value” assessment for eligible farmland. This allows farmland to be taxed for its agricultural value, rather than its market (i.e., non-farm development) value. Any owner of land that is used for agricultural production may qualify if the land meets the requirements or is rented to an eligible farm operation. Landowners must file for this agricultural tax exemption annually with the Town Tax Assessor’s office. Land placed under agricultural assessment and then converted to nonagricultural use is subject to conversion fees. It should be noted that agricultural assessments and agricultural districts are mutually exclusive.



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The NYS Department of Agriculture and Markets has established a formula to determine the Agricultural Use value of property based on soil types and projected crop yields. In areas where the land is valuable for development purposes, the agricultural use value will be much lower than the market value, resulting in significantly lower property taxes. However, in areas where farming is the “highest and best use” of the property – where a farmer is likely to pay as much for the land as anyone else - the agricultural use value is the same as the market value. While agricultural use assessments are applied automatically to property taxes levied by municipalities and school districts, fire districts must “opt in.” To do so, the governing body needs to pass a resolution agreeing to utilize agricultural use assessments.

To qualify for an agricultural assessment:

- Enrolled land must generally be a minimum of seven acres and farmed by a single operation.
- Land must have been used in the preceding two years for crop production, commercial boarding of horses or livestock production.
- Farm operation must gross an average of \$10,000 or more in sales per year.
- Land of fewer than seven acres may qualify if the operation has an average gross sales value of \$50,000 or more per year.
- Support land, land set aside in federal conservation programs or farm woodland (up to 50 acres per eligible tax parcel) may qualify.

Non-farmers who rent land to farmers are eligible to receive an agricultural assessment if the rented land satisfies the basic eligibility requirements described above. If the rented land does not satisfy the average gross sales requirement, but does satisfy the other requirements, it may still be eligible if it is farmed under a written rental agreement of at least five years, with other farmland that satisfies the eligibility requirements.



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The agricultural assessment program may not be widely known among non-farmers and is something that the Town of Colden should promote as another means of preserving farmland and assisting farmers. Farmers interested in applying for an agricultural assessment should contact the Erie County Soil and Water Conservation District to fill out all necessary forms and paperwork, as well as contacting the local tax assessor for additional guidance.

- ***Farmers' School Tax Credit***

This Property Tax Credit program enables farmers to receive a tax credit against their State personal income tax or the corporation franchise tax to reimburse some or all the school district property taxes paid by the farmer. An eligible farmer or corporation must own qualified agricultural property, must pay eligible school taxes during the year, and their income must be below the income limitation amount of \$250,000. Eligible farmers must receive at least two-thirds of their excess federal gross income from farming. Excess federal gross income is federal gross income, reduced by up to \$30,000. In other words, take gross income and subtract \$30,000. If two-thirds of the remaining amount is from the farm, you generally will qualify. Farming is defined as an individual or corporation that cultivates, operates, or manages a farm for gain or profit, even though the operation may not produce a profit each year. Many commodities are included in the definition of farming, as well as commercial horse farms and Christmas tree farms. Also included in the definition of farming are members of a limited liability company, a shareholder of an S or C corporation, and the beneficiary of an estate or trust that is engaged in the business of farming.

This program allows eligible farmers to receive credit refunds of up to 100 percent of the school taxes paid on agricultural property up to 350 acres in size, and 50 percent of school taxes paid on acreage in excess of 350 acres. The school property tax credit should be claimed annually on the farmer's personal NYS tax return (complete Form IT-217-I, *Claim for Farmers' School Tax Credit*). Additional information on this program is included in Appendix I and at the following website [www.tax.ny.gov/pit/credits/farmers\\_school\\_tax.htm](http://www.tax.ny.gov/pit/credits/farmers_school_tax.htm).



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▪ **Farm Building Exemptions**

Several provisions in New York’s Real Property Tax Law exempt farm buildings or structures from property taxes. Section 483 exempts new or reconstructed agricultural buildings, such as barns or farm worker housing, from any increase in assessed value that results from the improvement. Farm worker housing is exempt provided that the facility meets all safety and health standards set by the State building code and the NYS Department of Labor. An application for a tax exemption for newly constructed or reconstructed farm buildings must be made within a year following the completion of construction work. The exemption continues automatically for 10 years, as long as the building continues to be used for farming. Sections 483-a, 483-c and 483-d permanently exempt certain agricultural structures from taxation. Some of the structures that qualify for the exemption include silos, bulk tanks, manure facilities and temporary greenhouses [https://www.tax.ny.gov/pubs\\_and\\_bulls/orpts/farmbld.htm](https://www.tax.ny.gov/pubs_and_bulls/orpts/farmbld.htm).

Structures must be located on parcels of at least five acres and used for profitable agricultural production. Structures used for processing, retail merchandising, personal use or residences of applicants and their immediate families do not qualify for the exemption. The owner of the building or structure for which an exemption is sought must file application form RP-483, which is available from the Town Tax Assessor or the Erie County Office of Real Property Services, with the Town of Colden or Erie County. For more information on this program see Appendix I.

▪ **Historic Barn Rehabilitation Tax Credit**

Owners of barns in New York State may qualify for the New York State Historic Barn Rehabilitation Tax Credit, which is a stat income tax credit equal to 25% of quality rehabilitation expenditures. This program can help farmers save a considerable portion of the costs required for the restoration of historic barns. Program information and criteria that apply to determine eligibility is provided in the Appendix. The New York State Farmer’s Protection and Farm Preservation Act, re-enacted by New York State in 2021, which revives a federal program that was eliminated in 2018 as a result of changes to the federal tax code, places it in New York State Tax Law and expands eligibility so that more historic barns throughout the State may qualify. Property owners can apply for the 25% tax credit to restore barns constructed before 1946, or a barn that contributes to a property listed on the State or National Register of Historic Places.



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The purpose of the Historic Barn Rehabilitation Tax Credit program is to preserve and restore historic barns and put them back to productive use or into small businesses such as craft breweries, event spaces, and the like, to foster economic growth. Rehabilitation expenditures must amount to more than \$5,000 and the project must not change or alter the historic appearance of the structure. More information on this program is included in the Appendix, or contact the New York State Office of Parks, Recreation and Historic Preservation (518-237-8643) or visit their website at <https://parks.ny.gov/shpo/tax-credit-programs/>. For more information on this program see Appendix I.

▪ ***Sales Tax Exemptions for Farmers and Commercial Horse Boarding Operators***

New York tax law exempts certain items or services used in farm production and commercial horse boarding operations, such as machinery, equipment, and supplies, from State and local sales and use taxes. This program applies to commercial horse boarding operations that operate on at least seven acres of land; board at least ten horses, regardless of ownership; and received \$10,000 or more in gross receipts annually from fees generated from horse boarding, the production for sale of crops, livestock, and livestock products, or both these activities. The items must be used “predominantly” (more than 50 percent) for farm business and production in order to qualify. Some of the exempt items include personal property used for production/operation; building materials used for farm buildings or structures; services to install, maintain or repair farm buildings or structures; motor vehicles used predominantly for production/operation; and fuel, gas, electricity, refrigeration, or steam used for production /operation. Farmers seeking a sales tax exemption must utilize form ST-125 (more information on this tax exemption can be found in the Appendix or go to the website at [https://www.tax.ny.gov/pubs\\_and\\_bulls/tg\\_bulletins/st/farmers\\_exemption\\_cert.htm](https://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/st/farmers_exemption_cert.htm)). For more information on this program see Appendix I.



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▪ ***Forest Land Exemption***

To encourage the long-term ownership of woodlands, Section 480-a of the Real Property Tax Law allows eligible owners of forest land to lower their taxes by exempting up to 80% of the assessed value of enrolled acreage from property taxes. Landowners must own a minimum of 50 acres of contiguous forestland and be willing to commit the land to forest crop production for 10 years; participation in this program is voluntary. In addition, landowners must follow forest management plans that have been prepared by qualified foresters and approved by the New York State Department of Environmental Conservation (NYSDEC). Owners of tracts certified by NYSDEC must apply annually to their local assessors for the exemption <http://www.dec.ny.gov/lands/5236.html>. Landowners must comply with the program for nine years following the last year of commitment. Penalties may be imposed if a landowner fails to follow the approved management program or converts the land to a use that prevents continued forest crop production. For more information on this program see Appendix I.



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#### **E. Environmental Management Programs**

Farmers have played an important role in the stewardship of New York’s natural resources for generations. There are several voluntary programs aimed at helping farmers keep land in active agricultural use while protecting water, soil and air quality and achieving other natural resource goals. An example of some of the programs that could be helpful to farmers in Colden include the following (See Appendices H and J).

- ***Agricultural Management Assistance***

The USDA’s Natural Resources Conservation Service (NRCS) offers voluntary Farm Bill programs that benefit both agricultural producers and the environment <https://www.nrcs.usda.gov>. One such program is the Agricultural Management Assistance (AMA) program.

The USDA Natural Resources Conservation Service oversees the Agricultural Management Assistance (AMA) program, which provides Farm Bill funding to 16 states (including New York) where participation in the Federal Crop Insurance Program has typically been low. The AMA program offers cost-share assistance to agricultural producers to address issues such as water management, water quality and erosion control, and to manage financial risk through crop diversification or transition to organic farming. Program priorities may vary from year to year. The AMA program funds up to 75 percent of the cost for producers to install and maintain eligible conservation practices.

AMA assistance helps agricultural producers manage financial risk through diversification, marketing, or natural resource conservation practices. The NRCS works with farmers to develop an AMA plan of operations for the construction of water management structures to improve water quality, plant trees for windbreaks or to mitigate risk through crop diversification or resources conservation practices (e.g., integrated pest management, erosion control or transition to organic farming). The local USDA Natural Resources Conservation Service (affiliated with the Erie County Soil and Water Conservation District) and the NYS Department of Agriculture and Markets can be contacted for more information on this program.





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- ***Environmental Quality Incentive Program***

The Environmental Quality Incentives Program (EQIP) is another program offered by the NRCS under the Farm Bill that provides technical and financial assistance to farmers to address natural resource concerns and deliver environmental benefits, such as improved water quality, water conservation, and reduced soil erosion <https://www.nrcs.usda.gov>. Through the EQIP, the NRCS offers one-on-one help and financial assistance to plan and implement structural and management improvements (conservation practices). EQIP funding may also establish conservation practices, such as nutrient management, integrated pest management, forest management, manure management and wildlife habitat management. Other EQIP initiatives include funding and/or technical assistance for high tunnel (hoop house) systems, organic farming, on-farm energy efficiency and conservation innovation. The 2018 Farm Bill increased funding available for EQIP cost-share and the incentive payments and extended eligibility to conservation practices directly related to organic production or transition. The local USDA Natural Resources Conservation Service (affiliated with the Erie County Soil and Water Conservation District) and the NYS Department of Agriculture and Markets can be contacted for more information on this program. For more information on this program see Appendix H.

- ***Agricultural Environmental Management***

Agricultural Environmental Management (AEM) is a voluntary State program offered to help improve management of local farmland, water supply and environmental conditions. The program is run by the Erie County Soil and Water Conservation District [www.ecswcd.org](http://www.ecswcd.org) and offers technical, educational, and financial resources. This assistance provides response to essential environmental needs, while providing farms and communities with cost effective improvements. AEM is implemented to achieve the best sustainable farming practices for each individual farm and increase profitability, while improving the condition of the surrounding environment.



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- ***New York State Agricultural Nonpoint Source Pollution Abatement and Control Grant Program***

This grant program was established by New York State in 1994 to assist farmers in preventing water pollution from agricultural activities by providing technical assistance and financial incentives. The Erie County Soil and Water Conservation District (ECSWCD) applies for competitive grants on behalf of farmers and coordinates funded activities. Grants can cover up to 75% of project costs or more if farm owners contribute to the environmental planning and implementation (construction or application of management practices). For more information contact the ECSWCD or visit their website at [www.ecswcd.org](http://www.ecswcd.org).

- ***Organic Farming***

The 2018 Farm Bill continues and expands opportunities for organic agricultural operations that were established under the 2014 Farm Bill. The EQIP Organic Initiative provides financial assistance to organic producers looking to address resource concerns by implementing and installing conservation practices tailored to organic crop production. Examples of activities for funding include the development of conservation plans, establishment of buffer zones, planning and installing pollinator habitat, improving irrigation efficiency, and enhancing crop rotations and nutrient management, among other things. Organic, transitioning-to-organic, and producers that are exempt from National Organic Program certification requirements are eligible to contract with the USDA National Resources Conservation Service to install and implement organic-specific conservation activities that are consistent with an organic system plan. The EQIP Organic Initiative allows eligible agricultural producers to apply for \$20,000 annually, and \$80,000 over a maximum of six years. Additionally, the funding allocated for the National Organic Certification Cost-Share Program offsets the costs of annual certification for organic farmers and handlers. This program provides assistance to producers, handlers and processors who are applying for National Organic Certification for eligible agricultural products. Producers may be reimbursed for up to 75 percent of their organic certification costs, not to exceed \$750. The 2018 Farm Bill renews funding for the Organic Agriculture Research and Extension Initiative at the previous \$20 million per year level, and funding for the Organic Production and Market Date Initiatives at \$5 million over five years. The National Organic Program also receives \$5 million for technology upgrades. The USDA Natural Resources Conservation Service (<https://nrcs.usda.gov>) or the NYS Department of Agriculture and Markets (<https://agriculture.ny.gov>) can be contacted for more information on these opportunities (see Appendix H).



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- ***Biomass Crop Assistance Program***

The 2014 Farm Bill continues a program established in 2008 that provides incentives to farmers, ranchers, and forest landowners to establish, cultivate and harvest eligible biomass crops for heat, power, bio-based products, research, and advanced biofuels (see Appendix H). Individual farmers or farmers working as a group can propose a project for funding assistance. There is no minimum acreage requirement. Landowners must enter into five-year contracts for annual and perennial crops, and 15-year contracts for woody biomass. Program participants receive cost-share payments to support production, and funding to assist with the collection, harvest, storage, and transport of materials. See the Appendix for more information on this program or visit the USDA Natural Resources Conservation Service (<https://nrcs.usda.gov>) and the USDA Farm Service Agency at <https://www.fsa.usda.gov/programs-and-services/energy-programs/BCAP/>

- ***Climate Resilient Farming***

The goal of Climate Resilient Farming is to reduce the impact of agriculture on climate change (mitigation) and to increase resiliency of farms and their ability to adapt to change (see Appendix J). The New York State program for Climate Resilient Farming (CRF) is administered by the State's Soil and Water Conservation Committee, in coordination with the NYSAGM. The CRF program provides cost-share grant assistance to farmers to increase farm resiliency. While climate change trends present challenges, there are also solutions that can be implemented to mitigate adverse impacts. Farmers can get guidance and assistance from the Cornell University College of Agriculture and Life Sciences (see Appendix I), the New York State Soil and Water Conservation Committee Climate Farming Resiliency Program and the USDA Natural Resources Conservation Services. More information on climate change can be found at [www.nrcs.usda.gov/wps/portal/nrcs/main/national/climatechange/](http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/climatechange/) or at the NYSDEC website [www.dec.ny.gov/emergu/44992.html](http://www.dec.ny.gov/emergu/44992.html).



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- **Ag Energy NY**

The Cornell Cooperative Extension *Ag Energy* program offers a resource guide on agricultural practices to improve energy efficiency and productivity. Improving farm energy efficiency can reduce costs and improve reliability on farms, especially as sources of energy become more costly and limited. Energy efficiency measures can have both economic and environmental benefits. Energy efficiency is the difference between actual energy used versus how much energy is needed to achieve the same results. A more energy efficient farm can produce more than a less efficient farm using the same amount of energy. Using less energy for the same level of production can make the transition to renewable energy easier. Additionally, many efficiency measures will improve the performance of equipment used on farms. The website offers information on key energy efficiency concepts, access to relevant resources, and connects farmers with free energy assessments and expert assistance to improve energy savings and productivity <https://agenergyny.org>.

#### **F. Farm Viability Assistance**

There are several programs available to help farms and farmers to be economically viable and sustainable over the long term. There are several programs offered at the federal and state level to assist farmers. These include the following:

- **New York State New Farmer Grant Program** – provides grants to help beginning farmers improve profitability by expanding or diversifying agricultural production, expanding the agricultural season and advancing innovative agricultural techniques that increase sustainable practices <https://esd.ny.gov/new-farmers-grant-fund-program>.
- **New York Farm Viability Institute Grants** – funding for farm-based projects, including applied research and education <https://nyfvi.org>;



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- **The New York State Young Farmers Loan Forgiveness Incentive Program** – This program is offered to encourage recent college graduates to pursue careers in farming in New York State. It provides loan forgiveness awards to individuals who obtain an undergraduate degree from an approved college or university in New York State and who agree to operate a farm in the State on a fulltime basis for five years (<https://www.hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/new-york-state-young-farmers-loan-forgiveness-incentive-program.html>);
- **Northeast Sustainable Agriculture Research and Education (SARE)** – grants funding assistance for innovative approaches and projects that advance good land stewardship, improve farm profitability, and strengthen rural communities (<https://northeastersare.org>);
- **Farm to School** – facilitates connections between New York State farmers and food service managers in educational facilities across the state ([www.agriculture.ny.gov/farming/farm-school](http://www.agriculture.ny.gov/farming/farm-school));
- **USDA Farm Service Agency** – offers direct and guaranteed loans and microloans to help start, improve, expand, transition, or strengthen family farming operations; help beginning, minority and women farmers; support value-added, direct sale, organic and specialty crop operations; support urban farmers and roof-top producers; and fund operations using alternative farming methods such as hydroponics, vertical farming, aeroponics and freight container farming ([www.fsa.usda.gov/programs-and-services/far-loan-programs/index](http://www.fsa.usda.gov/programs-and-services/far-loan-programs/index));
- **Rural Development Grants and Loans (USDA)** – offers farm labor housing loans and grants, value-added producer grants and rural microentrepreneur loans for farming interests (<https://www.rd.usda.gov/programs-services>);
- **Small Business MicroLoans** – the Small Business Administration offers several financial assistance programs ([www.sba.gov/funding-programs/loans](http://www.sba.gov/funding-programs/loans));



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- **Climate Resilient Farming Program** – As previously noted, this program is offered by the Soil and Water Conservation Service to help farmers reduce the impacts of agriculture on climate change/mitigation and to increase the resiliency of farms in New York State in the face of a changing climate/adaptation (<https://www.nys-soilandwater.org/programs/crf.html>); and
- **Dairy Checkoff Program** – Under the *dairy checkoff program*, dairy farmers pay 15 cents (and dairy importers pay 7.5 cents) for every 100 pounds of milk they sell (or the equivalent thereof), which goes into a generic dairy product promotion fund. With USDA oversight, that money is used to fund research, education, and innovation programs aimed at promoting dairy product consumption and protecting the good image of dairy farmers, dairy products, and the dairy industry to increase demand. For more information go to the following websites: Dairy Management, Inc. [www.usdairy.com/about-us/dmi](http://www.usdairy.com/about-us/dmi) and the American Dairy Association Northeast ([www.americandairy.com/dairy-farms/for-farmers/](http://www.americandairy.com/dairy-farms/for-farmers/)).



## Section VI

### Findings, Recommendations, and Implementation Strategies







# *Town of Colden*

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### **SECTION VI – FINDINGS, RECOMMENDATIONS, AND IMPLEMENTATION STRATEGIES**

#### **A. Overview of Farming, Farmland, and Agricultural Protection**

Farming in the Town of Colden has been practiced since the early settlement of the community. Today, farming continues as a way of life and economic driver in the Town; although the extent of agricultural land and farming activity has declined. Agricultural activity in Colden has also diversified over the years. As noted in Section I, the Town of Colden updated the Comprehensive Plan in 1992. This plan, which is currently being updated, assessed the availability of developable land in the community, finding that the community was expected to remain rural in nature. It further established that agriculture was not expected to expand in the future. Based on 1990 US Census data, only 4.5% of the Town’s population was employed in the agriculture, forestry, or fisheries sector. Since that time, while agricultural activities may not have grown considerable as a means of employment, farming and agricultural activities have diversified and down-sized, with smaller farms or hobby-type activities more prevalent, as discussed in Section IV.



The Town’s recent update to the 1993 Comprehensive Plan supports the protection and growth of farming and agriculture in Colden. The updated Comprehensive Plan includes core values/goals and a vision for managing future growth and development in the community, which support protecting the rural, small-town character of the Town and encouraging the long-term sustainability and versatility of agriculture. The Comprehensive Plan update recognizes that the community continues to value agricultural pursuits and desires to support local farmers and agricultural businesses. The Comprehensive Plan update provides a strong foundation that supports the preparation of this Agricultural and Farmland Protection Plan.



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The preparation of this Agricultural and Farmland Protection Plan (AFPP) for Colden provides a means for implementing the land use goals of the Comprehensive Plan to ensure:

- that existing agricultural activities remain active and viable in the Town;
- that the expansion of smaller-scale, non-commercial agricultural activities are encouraged; and
- that productive farmland is protected to ensure the continuation of existing and sustainable farming activities in the future.

This AFPP is also intended to bring about any necessary local farm-friendly regulatory changes to further strengthen protections and provide even greater flexibility for agricultural use. The goal is to maintain the agricultural culture in Colden as self-sufficient and self-supporting of the existing agricultural environment. At present, while development pressure is not a significant threat to farming and agricultural land uses, this Agricultural and Farmland Protection Plan enables the Town to be pro-active and pre-emptive with planning efforts to support the agricultural industry in the community.

### **B. Analysis of Strengths, Weaknesses, Opportunities and Threats (SWOT)**

The following analysis of strengths, weaknesses, opportunities, and threats (SWOT) was prepared using the comments and other input gathered from discussions with the Agriculture Protection Steering Committee and the public, as well as the findings from the analysis of existing conditions and agricultural resources. This SWOT analysis identified real and perceived strengths and weaknesses that affect farming and agriculture (internal factors over which the Town generally have some measure of control) within the Town of Colden, and the opportunities and threats that come from outside the community (external factors over which the Town has little or no control). This analysis is useful for the identification of strategies to help the Town of Colden achieve its goals and objectives for the future of farming and agriculture in the community.



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**Figure 7: SWOT Analysis**

<u>Strengths</u>	<u>Weaknesses</u>
<ul style="list-style-type: none"> <li>▪ Extent of potentially productive farmland</li> <li>▪ Adopted Right to Farm Law</li> <li>▪ Good / productive farm soils</li> <li>▪ Growing diversity of farming activities</li> <li>▪ Strong farm traditions and commitment</li> <li>▪ Farmers (proactive, knowledgeable, adaptable)</li> <li>▪ Extensive acreage devoted to horses/horse breeding</li> <li>▪ Increasing interest in hobby/small-scale farming</li> <li>▪ Increasing public support for farming</li> <li>▪ Increasing interest coming from outside of the Town to start a farm in Colden</li> <li>▪ County and regional support/programs</li> <li>▪ Availability of support services in vicinity</li> <li>▪ Recognition of the value of agricultural land</li> <li>▪ Few conflicts between farmers and neighbors</li> <li>▪ Interest in utilizing alternative farming techniques and energy sources.</li> <li>▪ Emerging interest in markets for alternative /niche products</li> <li>▪ Residents appreciate agricultural land and greenspace</li> <li>▪ Residents engage regularly in outdoor activities</li> <li>▪ Growing interest in buying local produce</li> <li>▪ Emerging efforts for cannabis farming</li> <li>▪ Drainage/soil conditions can support the production of certain crops</li> <li>▪ No public sanitary sewer; limited water service that constrains development potential/farmland conversion</li> </ul>	<ul style="list-style-type: none"> <li>▪ Extent of farmland in actual production</li> <li>▪ Topographic constraints</li> <li>▪ Limited extent of prime farm soils</li> <li>▪ New farmers with limited experience</li> <li>▪ Lack of awareness of Town regulations and provisions</li> <li>▪ Lack of understanding of the freedom to farm in the Town of Colden</li> <li>▪ Lack of understanding of where agricultural products can be sold inside and outside the Town</li> <li>▪ Lack and availability of local businesses that sell farming supplies</li> <li>▪ Land prices make farming more economically challenging</li> <li>▪ Retiring farmers with limited potential for transition to other family members</li> <li>▪ Land characteristics and conditions that increase the potential for developing large-scale alternative energy projects in the Town</li> </ul>



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**Figure 7: SWOT Analysis**

<u>Opportunities</u>	<u>Threats</u>
<ul style="list-style-type: none"> <li>▪ Increasing demand for organic produce creates a need for businesses that meet government certification and designation requirements</li> <li>▪ Smaller farming enterprises have different requirements for greenhouses, services, and equipment sales and services, creating an opportunity to locate supply businesses in Town</li> <li>▪ County, regional and state programs, and support</li> <li>▪ Increasing interest in buying local produce</li> <li>▪ Growing agritourism industry</li> <li>▪ New crops/crop varieties driven by climate change</li> <li>▪ Increasing emphasis on the importance of conducting agricultural and farming activities in concert with environmental stewardship</li> <li>▪ 4-H Youth Program or similar programs offered in the area</li> <li>▪ Growing interest in non-commercial, small scale farming activities (hobby farming/personal use)</li> <li>▪ Potential for cannabis / hemp production and potential to grow other sectors of local economies</li> <li>▪ Erie County’s Erie Grown and Erie Grown Passport increases awareness of the availability of local farm products</li> <li>▪ Growth of Farm-to-Table</li> <li>▪ Changing State laws and potential for new market crops</li> <li>▪ Changes in regulations for on-site consumption of wine products, breweries, and similar operations that use farm grown ingredients</li> <li>▪ Growing potential for farm collectives, coops, and CSAs</li> <li>▪ Availability of support for Agricultural Conservation Easement (land conservancy and other assistance)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Price volatility</li> <li>▪ Market trends</li> <li>▪ Increasing land costs</li> <li>▪ Competition for limited resources</li> <li>▪ Lack of awareness and understanding of farming by the non-farm public</li> <li>▪ Limits in the coordinated effort to share information, resources, shopping, or activities around agriculture with residents and businesses in the region</li> <li>▪ Climate change</li> <li>▪ Farmer’s Markets, agritourism, crop availability in nearby communities that are easy for Town residents to access</li> <li>▪ Expanded interest in organic produce is overshadowed by the fact that it is more costly</li> <li>▪ Younger generation(s) are not showing as much interest in becoming part of the farming industry.</li> <li>▪ New York State green energy goals</li> <li>▪ Growing pressure to convert agricultural land for non-farm uses, including alternative energy generation and energy storage</li> </ul>



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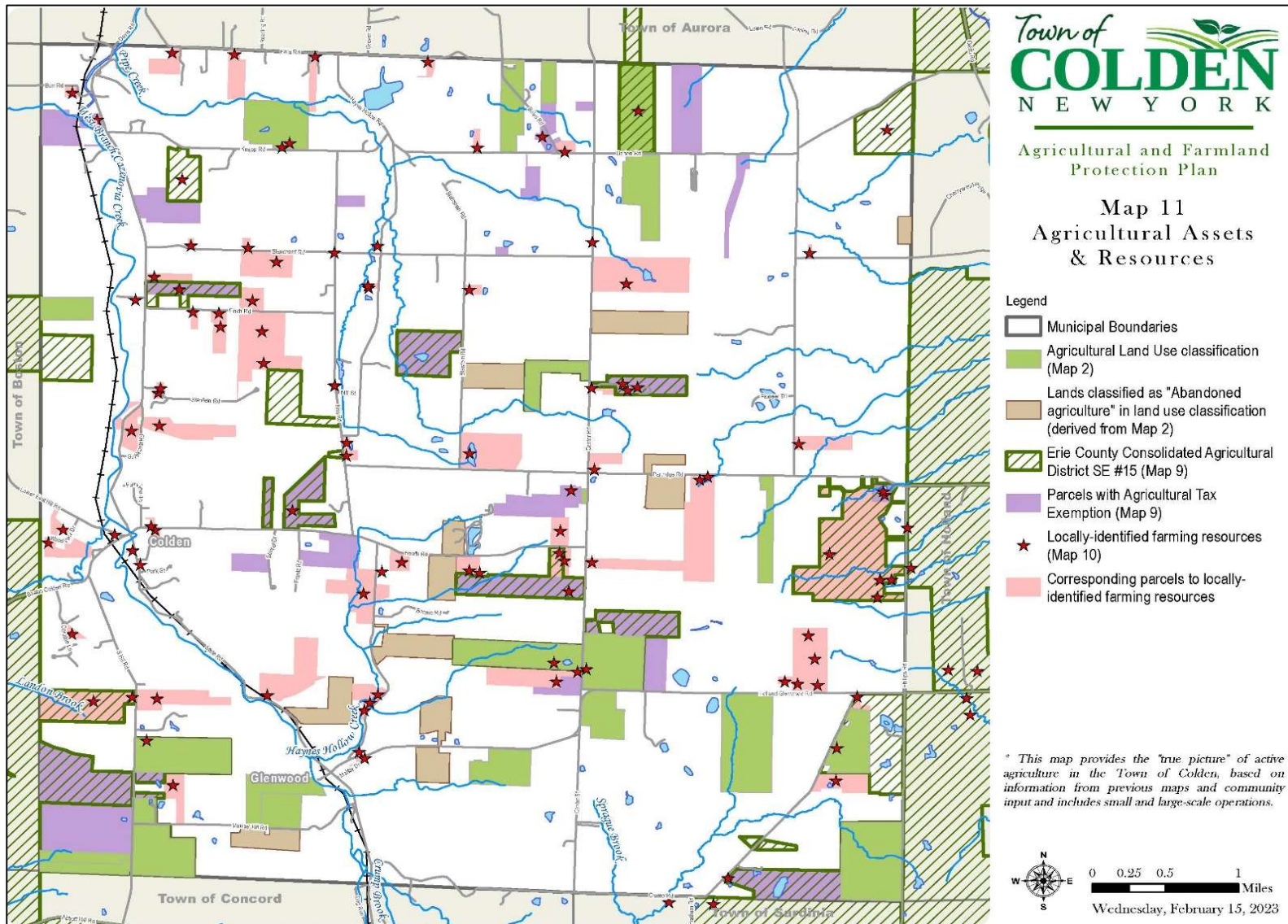
**C. Agricultural Protection Vision for the Future (Maps 11 and 12)**

As previously noted, the recent Town of Colden Comprehensive Plan Update specified core value goals and recommendations for land use management and agricultural protection. The primary goal for agricultural protection in that Plan identified the need to encourage the long-term sustainability and versatility of agriculture in the Town. This core value goal in the Comprehensive Plan supports the goals and objectives identified for this Agricultural and Farmland Protection Plan. These goals and objectives provide a foundation for the future vision of farming in the Colden community. This is further supported by the public’s desire for agricultural protection and growth of this industry.

The information outlined in Sections III and IV of this Plan provides an overview of the natural characteristics and agricultural resources that exist in the Town. This information was evaluated in combination with the information that was gathered through comments offered at public meetings, and through the Town-wide public survey, to provide a better understanding of the farming and agriculture in Colden, and to help identify areas to be designated for agricultural protection. This evaluation was further enhanced by using the data that was collected through the online mapping tool that was linked with the public survey, as previously discussed in Section IV, to pinpoint the location of local farming and agricultural activities in the community. The data gathered through the online map, as shown on Map 10, was combined with the mapping data that illustrates the location of lands classified by the Erie County Real Property Tax Service as “agricultural” or “abandoned agricultural” (from Map 2 in Section III), and properties included in Erie County Agricultural District #15 and/or that have agricultural tax exemptions (from Map 9). It should be noted that there are two parcels in the northeastern corner of the Town that are included in Erie County Agricultural District #5. Combining this mapping data provides a clearer picture of the extent and types of farming and agricultural activities undertaken in the Town, as shown on Map 11. While this exercise offers an illustration of where and what types of agricultural activities occur in the Town, it does not effectively identify areas to be designated for agricultural protection. Therefore, corresponding data from other maps in this Plan were examined.



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Colden has creek valleys that contain regulated floodways and wetlands (Map 5 in Section III), and extensive areas of Soils of Statewide Importance and steep topography (Map 8 in Section III). Additionally, almost the entire Town is zoned Ag-Agricultural, with only frontage areas along certain roadway corridors zoned for business and/or residential development (Map 3 in Section III). This information was incorporated into the analysis to help clarify where lands or areas exist that were not well suited for farming or agricultural use, and to identify areas more clearly for agricultural and farmland protection. When all combined, the review of the existing mapping and data revealed that, aside from the areas zoned for uses other than agriculture, and areas with environmental constraints that preclude farming and agricultural activities (such as creek corridors and steep slopes over 25%), most of the Town is suitable for a variety of agricultural uses and activities. While the higher plateaus offer better land and soils for raising crops, steeper hillsides provide areas for timber harvesting or similar agricultural uses. The Town contains three valley area, which include:

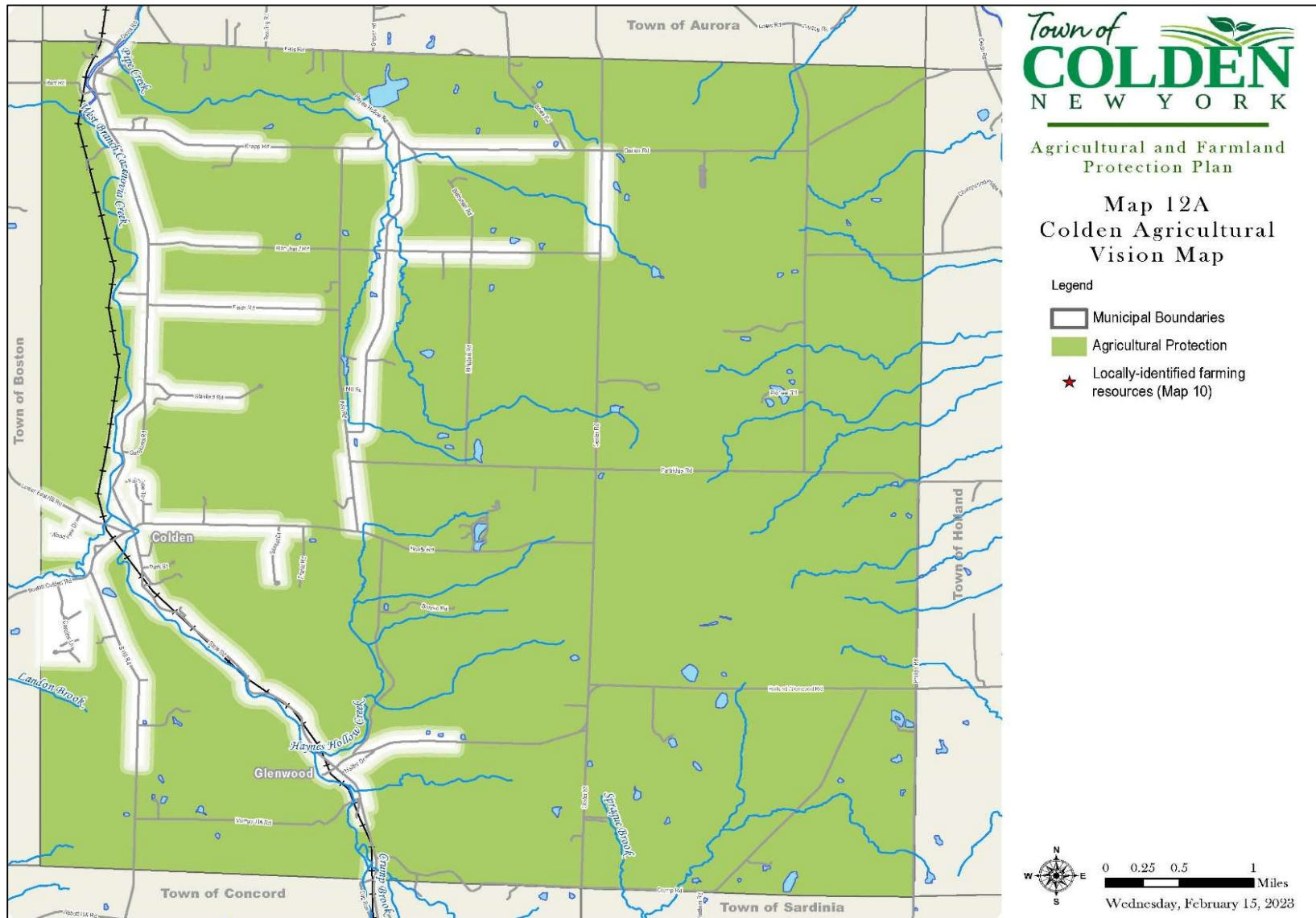
- Areas in the northeast near the west branch of Cazenovia Creek and Pipe Creek, as well as the tributaries to these creeks;
- Hayes Hollow Creek (formerly known as Haynes) and tributary streams and the tributary streams that flow east to the eastern branch of Cazenovia Creek in the Town of Holland, and
- Areas that are environmentally sensitive and/or have very steep slopes that limit farming and agricultural use),

When the valley areas are removed, the majority of the Town can be considered suitable for agricultural use and designated for protection, as shown on Map 12A (Vision Map). This includes:

- upland areas where topography is relatively flat or less steep,
- locations where numerous parcels are being farmed or used for agriculture in some manner,
- areas with soils that support the raising of crops,
- parcels that are included in Erie County Agricultural Districts #5 and #15, and
- properties that have agricultural tax exemptions.



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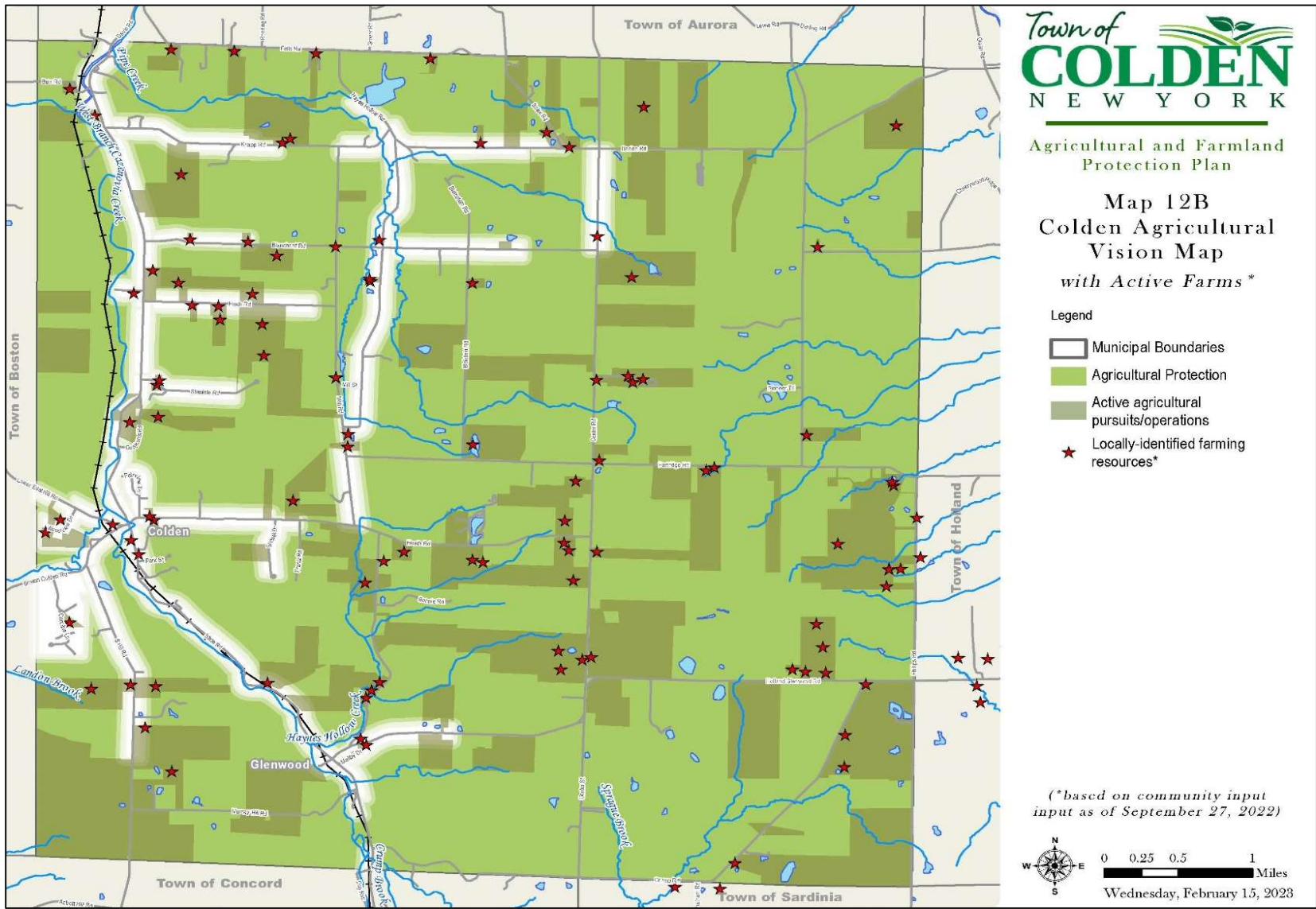
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Additionally, when local farming resources, which were identified using the online mapping tool and other public input, are added to Map 12A, it further illustrates the extent of agricultural activity throughout the Town (see Map 12B). The aforementioned analysis outlines the comprehensive approach that the Town of Colden carried out to gain a thorough understanding of the local agricultural community. Although these findings are based on data that was collected in 2022, may not include all the agricultural activity occurring in the Town, and are subject to change in the future, they demonstrate the fact that farming and agricultural activity are being pursued and have diversified in the community. This supports the need to undertake efforts to support and enhance protection of this industry. Such protection must be provided from extensive land development, as well as utility-scale alternative energy facilities. While the agricultural zoning district and the lack of public water and sewer service constrain large-scale land development, the presence of active electrical transmission corridors could enable the development of utility-scale solar energy generating facilities. Therefore, it is important that areas containing mineral groups 1-4 and prime agricultural soils are recognized as inappropriate locations for siting such facilities, and that Chapter 107 of the Town Code, which regulates solar energy conversion systems effectively controls their use.

Protection of farmland in Colden is in keeping with the goals of this Plan, as well as the core value goals of the Comprehensive Plan Update. The premise is to preserve areas with farming and agricultural uses, important agricultural resources and soils, and agricultural districts from unwanted growth and development in the future. The Vision for the future of farming and agriculture in the Town, as supported by this Plan and public input, is to protect and promote agriculture and farming activities of any size or scale in Colden, and to strengthen and diversify farming enterprises for long-term sustainability and success.



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#### **D. Code Review**

The preparation of an Agricultural and Farmland Protection Plan requires a “farm-friendly” evaluation of existing land use regulations to ascertain their effectiveness for agricultural and farmland protection, and consistency with identified goals, policies, and priorities for the Town. Potential regulatory improvements and needed revisions to local review and approval processes should be identified as part of this review, which may require amendments to the existing zoning law or other Town regulations. A review of the Town of Colden regulations that affect agriculture and farming in the community was conducted, and the following findings were determined. Per discussion with the Planning Board Chairman, there is a list of several items to be corrected in the Town Code for which the Town Board must take action. The following actions may already be on this list or will be added to ensure that future legislative action by the Town Board will address existing issues. It should also be noted that this analysis is not a legal interpretation of the law, but an assessment to determine how existing Town regulations support agriculture in Colden. Additionally, it is suggested that each of the following laws and zoning provisions be reviewed after the adoption of this plan in the event future amendments have been approved that may strengthen or in any other way change said context of the law.

- *Chapter 46 – Farming*

Poorly planned residential development can fragment large areas of farmland into smaller configurations that can promote conflict between farmers and residential neighbors. Typically, farm-neighbor conflicts are likely to occur when new residential development is constructed adjacent to active farmland. Conflicts can also occur as smaller, non-commercial hobby farm activities become more prevalent in existing residential areas. Residents need to be educated about a farmer’s “right-to-farm,” and the fact that the Town has an adopted Right to Farm Law (Chapter 46 of the Town Code). The Town’s law closely follows and references the NYS Department of Agriculture and Markets (NYSAGM) Right to Farm Law.



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Chapter 46 supports the right of farmers and others who conduct agricultural pursuits in the Town and to engage in these practices at all such times and in all such locations as reasonable and necessary to undertake the business of agriculture. This law is consistent with the New York State Right-to-Farm law and appears to include all necessary information and provisions to protect the rights of farmers. The only noted change required is a revision of the structure for conflict resolution. It is suggested that the Town Board remove the Environmental Board as the entity for this action and replace it with a more appropriate body that has the necessary decision-making authority. Future

- ***Chapter 92 – Subdivision of Land***

This law defines subdivision as “The division of any parcel of land, including adjacent or contiguous parcels conveyed by separate deed to the applicant, into two or more lots, plots, sites or other division of land for immediate or future sale ...” This Chapter does not differentiate between minor or major subdivision. All subdivision actions are handled the same way, with discretion rendered by the Town Board, who ultimately issues subdivision approval through the issuance of a Special Use Permit.

While Chapter 92 clearly states that subdivision is a division of one parcel into two or more lots, the Town considers the division of one parcel into two parcels (the parent parcel and a newly created lot) an action that does not require full Town Board review. Review and approval by the Town Board is only initiated for the division of lots into three or more parcels (including the parent parcel). This can be confusing, and it is suggested that the definition of subdivision be revised to recognize subdivision as *the division of any parcel of land into three or more lots, plans, sites, or other division of land for immediate or future sale*, thereby recognizing how the Town actually renders subdivision decisions.

- ***Chapter 106 – Wind Energy Conversion Systems (WECS)***

This law regulates the use of private, small, and large-scale commercial wind energy conservation systems that generate electricity. The use of small-scale systems can be beneficial to farmers and result in overall cost savings. The basic tenets of this law are good, but there are some structural and consistency issues that need to be addressed, as follows:



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- While this law contains all the requirements for permitting and approving private and non-private WECS systems, it might be useful to have a general Legislative Intent section and a full definitions section up front.
  
- Section 106-10 references “land use tables”, but they do not appear to exist or are not properly referenced, and their purpose is unclear. Section 106-10 specifically states that “Land Use Tables referenced herein shall include utility-scale wind energy conversion systems in the AG District requiring a Special Use Permit” but Section 108-36.C. of the AG Agriculture zoning district does NOT include any language that recognizes these systems as a use requiring a Special Use Permit from the Town Board. This section only lists:
  - (1) Private wind energy conversion systems
  - (2) Solar energy conversion systems greater than 25kW
  - (3) Solar energy conversion systems 25kW or less

Section 108-36.C. needs to be amended to also include utility-scale systems as a use requiring a special use permit in the AG district.

- Article I of Chapter 106 uses the term “windmill” to describe private-use, small-scale WECS systems. This can be confusing as the traditional definition of windmill recognizes a system or machine that uses a pump to move/utilize water for system operation. The definitions listing under Article II in Chapter 106 This is includes a definition for “small-scale (non-commercial) wind energy conversion system”; there is no mention of windmills to define this definition for a private system. While these are one and the same, it is not consistent and does not differentiate these systems from the traditional use of windmills. It would be helpful to have all the definitions upfront, prior to the Article I and II regulations, and to use terminology that clearly describes what a private, small-scale system is considered to be. If the term “windmill” is used, it must differentiate between a system that uses pumped water to move the blade and one that is operated directly by the wind.



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- *Chapter 107 – Solar Energy Conversion Systems*

While the Town of Colden recognizes that solar energy is a clean, readily available, and renewable source of energy, Chapter 107 establishes regulations for the proper siting of solar energy systems to:

- protect residential, business areas, and other land uses in the Town;
- to preserve the overall beauty, nature, and character of the Town;
- to promote the effective and efficient use of solar energy resources; and
- to protect the health, safety, and general welfare of the citizens of Colden.

Chapter 107 classifies solar energy conversion systems as private or utility-scale and establishes permitting requirements, through either the issuance of a Unified Solar Permit or a Special Use Permit, for each type of system. These systems are permitted for use in the AG Agricultural zoning district. While this law is straightforward in its governance of these systems and appears to include the necessary requirements for properly regulating and decommissioning their use, it does not prohibit the installation of utility-scale solar projects in areas with mineral groups 1-4 and prime agricultural soils. This law should be amended to specifically include this prohibition to protect areas containing these important natural resources. Large solar projects that are proposed in areas that contain soils of statewide significance, which extend more widely throughout the Town, should be more heavily scrutinized to protect surrounding concentrations of agricultural uses.

- *Chapter 108 – Zoning*

Review of the Zoning Law in the Town of Colden finds this law to be quite farm friendly. It contains provisions that allow a wide variety of agricultural and farming practices in the AG Agricultural district, which covers most of the Town, as well as certain practices outside of this district.



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#### *R-1 Single-Family Residential District:*

- Section 108-12.B. Accessory Uses and structures allows the keeping of 1-2 horses on a minimum of four acres, roadside farm stands, professional-residential offices within a dwelling, and home occupations as permitted accessory uses.
- These permitted accessory uses are carried over to the R-2, R-RB, and AG districts through hierarchy.
- The allowance of home occupations and home offices as a permitted accessory use provides an outlet for farmers who do not conduct agricultural activities during the winter season or other times of the year, depending on what they do.

#### *AG Agricultural District:*

A review of the AG Agricultural zoning district did not reveal any significant issues of concern; this district is very supportive of agricultural and farming practices.

- It is suggested that the Definitions section (108-32) in Article XXVI (Terminology) of Chapter 108 be updated to include definitions for Agriculture uses or practices and Farm (definitions contained in Farming Law could be added). Section 108-32 should also include a definition for “windmill”, as it is used in the in the zoning text (outside Chapter 106). Again, this term needs to be properly defined to differentiate between a system that uses pumped water to move the blade and one that is operated directly by the wind.
- Section 108-84: Height Exceptions and Limitations – add agricultural building and structures. While farm buildings are noted as having no height limit in the AG district (108-38), it would be helpful to reinforce this in 108—84, as this section of the law specifically addresses exceptions and limits.



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- Cluster housing and townhouses are included as permitted principal uses in the AG Agricultural district. Section 108-93.C. – Cluster Housing Minimum lot size requires a minimum lot area of 10 acres for cluster housing. However, the permitted reduction of lot size to 6,000 is not feasible as there are no public sewers in Colden and the ECDOH requires a minimum of  $\frac{3}{4}$  acre for lots with septic systems. The same applies for the minimum lot size for townhouse developments (108-94.C), which require a minimum lot area of five acres and must be served by public sewers (108-94.G.). While the DEC does permit larger communal septic systems, Section 108-93.B. states that all cluster housing shall be served by a system of public utilities. Septic systems are privately owned, even if communal (managed by a homeowners’ association). Hence, some language should be added to acknowledge these limitations and lend some flexibility for private communal septic systems under both.
- In Article XXII (Special Use Permits), Section 108-24.G. (Conditions), which references windmills, should cross reference the WECS law (Chapter 106).
- The Supplemental Regulations in the Zoning Law (108-82.B.) state that trees, brooks, drainage channels, and views shall be retained to the maximum extent as part of site development. This is useful for preserving scenic resources.
- Commercial horseback riding stables with trails are permitted in the AG Agricultural district, with a minimum of 30 acres, upon the issuance of Site Plan Approval from the Town Board.
- Shops for custom work are included as a permitted principal use in the AG Agricultural district, which enables farmers the ability to undertake “home occupation” type activities in the off season, depending on the type of agricultural activity is conducted on site.
- Roadside farm stands, home occupations and professional home offices located within a dwelling unit are included as permitted accessory uses through hierarchy.





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**E. Recommendations and Implementation Strategies**

The following recommendations and implementation strategies provide a variety of options that can be utilized by the Town to protect and grow farming and agricultural activities in the community. These recommendations and strategies are outlined under each of the three goals, which are aimed at:

- protecting and enhancing important agricultural resources and the long-term viability of farming in the Town;
- increasing public awareness of agriculture in Colden; and
- protecting, enhancing, and expanding the agricultural economy.

The options that follow provide a toolbox of strategies that can be employed by the Town, as needed, to address issues and concerns, capitalize on opportunities and ensure the continued and increasing presence of farming activities in Colden.

***GOAL 1: Increase awareness of the changing diversity of farming and agriculture by the non-farm community to support agricultural activity and help ensure the long-term sustainability of farming activities in Colden***

Farming in Colden has transitioned to be more than just raising field crops or keeping animals. Public outreach conducted as part of the preparation of this Plan identified a wide number of agricultural activities that are undertaken in the Town. Strengthening and increasing public awareness and understanding of what “farming” is in Colden, and the positive impact that agricultural activities, at any size or scale, can provide to the community is essential for the continuation and prosperity of these activities.

1. In an effort to further promote the Town’s commitment to agricultural and farmland protection, post the adopted *Agricultural and Farmland Protection Plan*, along with maps of local agricultural districts, a copy of the Right-to-Farm Law, and any other information pertinent to agricultural protection in the community, in the Town of Colden website for public use and review.



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2. Inform and facilitate access to the information on agricultural and farmland protection, including the AFPP, for local real estate brokers, realtors, lawyers, and others in the Town, as well as farmers, who are involved in land sales and transfers. Having an educated real estate industry in the community is important for protecting right to farm policies and provisions.
4. Work with Erie County and neighboring communities to identify mutually beneficial ways to carry out the goals and objectives of the Colden Agricultural and Farmland Protection Plan and to promote farming activities in the Town.
5. Identify and promote local farm stands on the Town’s website, through local mailings and in local media, as a means of supporting local farmers and introducing residents and others to the benefits and availability of local agriculture and farm products.
6. Create a “Farming in Colden” brochure or packet and make it available to new and existing non-farming residents. This resource should identify the benefits of farming and the resources and services, such as fresh food and other products, available in the community, as well as the agricultural activities that farmers have the right to undertake per the local Right-to-Farm law.
7. Work with Erie County and other agencies and organizations to identify and expand markets for locally grown products.
8. Promote and encourage use of the Erie County *Erie Grown* program to support the availability of local agricultural products in the Town.
9. Continue to support local farm stands and the farmer’s market in Colden to benefit local farms, particularly small farms and non-commercial operations, and expand the availability of local agricultural products.
10. Establish a “wayfinding” system that provides directions to local farm stands and the Farmer’s Market to increase patronage by residents and visitors to the community.



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### *GOAL 2: Protect Lands and Resources Critical to the Long-Term Success, Viability and Resiliency of Agriculture, and the Protection of Community Character*

By its nature, farming, and agricultural activities, regardless of the size or scale, preserve open space, maintain the rural character of a community, and preserve local heritage. These activities provide a number of benefits, including: the production of local food, employment, and other economic benefits to the community at large and the region; preservation of scenic vistas and rural community character; potential for secondary income for farmers and residents; and a more balanced tax base. Protecting these resources is essential for the long-term success and sustainability of agriculture and farming in Colden.

1. Adopt the *Agricultural and Farmland Protection Plan* as a demonstration of commitment to maintaining farming as an important part of the Colden community.
2. Post the adopted Town of Colden Agricultural and Farmland Protection Plan to the Town’s website and develop a webpage specific to agriculture and farming in the community. Ensure that the existence of this webpage is prominently displayed on the website homepage and kept up to date.
3. Maintain and better utilize the Planning Board or establish a stand-alone *Agriculture and Farming Planning Committee* to implement the Agricultural and Farmland Protection Plan, advocate for continued agricultural protection, assist the Town Board with land use decisions that may affect agricultural lands, mediate potential conflicts and, in general, advocate for the rights of local farmers.
4. Continue to work with local farmers and Erie County to maintain, and increase, the number of properties that are included in the existing New York State Agricultural Districts in the Town of Colden.
5. Support the protection of agricultural lands through conservation easements and other legal and administrative tools outlined herein.



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6. Ensure that local farmers are aware of climate resilient farming and permaculture practices and promote the use of such practices to foster a farming industry that is sustainable and adaptable to the potential impacts of a changing climate.
7. Ensure that farmers are advised on the various tax relief programs that are available to help reduce their tax burden, as well as viable environmental management programs that could result in tax saving benefits.
8. Revise the Zoning Law and other local regulations, as needed and as specified in this Plan, to better protect farming and farming operations, particularly farms located in agricultural districts, but not excluding hobby farms in residential areas.
9. Update definitions and other appropriate sections of the Zoning Law to recognize existing agricultural activities, properly define such uses in accordance with State requirements, and make zoning regulations even more farm friendly, where needed.
10. Develop effective regulations for stormwater management and erosion control to protect important farm soils and water quality and protect agricultural activities in areas with steeper topography.
11. Support programs offered by the Cornell University Small Farm Program and Erie County Cornell Cooperative Extension, which provide business planning and financial management assistance to farmers, to keep farmland in the Town in active use and production, to expand farming practices and activities, and to help new farmers build their businesses and be successful.
12. Support the American Farmland Trust “*Farmland for a New Generation New York*” program that assists local farmers and/or startup operations who are seeking land to connect with existing farmers and landowners who want to sell their land and keep it in farming.
13. Encourage retired farmers and non-farm property owners of vacant land to rent/continue to rent their properties to other farmers (both inside and outside of the Town) to maintain and expand the amount of land in agricultural use in Colden.



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14. Encourage farmers to utilize services and resources offered by the USDA Natural Resources Conservation Service, the Erie County Soil and Water Conservation Service, Erie County Cornell Cooperative Extension, Western New York Land Conservancy, and Cornell University for issues related to climate change and climate resiliency farming.
15. Utilize local boards and committees, the Town’s website, town-wide mailings, local citizens’ groups and organizations, support agencies, and the local media to promote the *Cornell University Small Farms and Farmland for a New Generation New York Programs* to residents and local farmers to help educate and strengthen the farming community in Colden.
16. In the same manner, promote the availability of existing information that is posted on the Erie County Department of Environment and Planning, the Soil and Water Conservation District, and the Erie County Cornell Cooperative Extension websites that pertains to local farming, farm stands and markets, and other local farm resources in the Town and region.
17. Promote the establishment of community-supported agriculture (CSA) cooperatives in Colden to provide fresh, local produce to residents and establish a more direct relationship between local farmers and the community.
18. Encourage Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, and the Erie County Soil and Water Conservation District to create a clearinghouse of information (“one-stop shopping”) or to better promote information for farmers and others in support of farming and agricultural business in the community (e.g., website links, training opportunities, seminars on state and federal programs of benefit to farmers, funding opportunities, etc.).
19. Prohibit the development of utility-scale solar energy conversion systems in areas that contain mineral groups 1-4 and prime agricultural soils and carefully consider such projects in areas with soils of statewide importance, which extend more broadly throughout the Town.
20. Ensure that notice requirements under the NYS Agricultural District Law are being followed (use of Agricultural Data Statements).



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#### ***GOAL 3: Leverage the Town's Natural Resources and Agricultural Assets to Enhance and Expand the Agricultural Economy of the Community, and its Capacity to Respond to Economic and Climate Trends and Changes***

Although the agricultural industry has declined in the Town, Colden continues to maintain productive lands and resources that keep agricultural activities alive in the community. Additionally, farming and agricultural practices are getting more diverse as new trends emerge. Utilizing existing assets is essential for strengthening the local agricultural industry and increasing public support for farming. Farming provides benefits, including the production of local agricultural products and creation of jobs, and although it is changing in size, scale, and nature, agriculture remains an important component of the character and economy of the Town. Agriculture related businesses support farming and contribute to the local and regional economy. Additionally, agri-tourism activities provide an additional source of income to help keep farming viable and increase appreciation of agriculture in Colden. By maintaining and expanding the existing economic base of farming and agriculture in the community and the viability of existing businesses, the Town has the potential to create and strengthen a successful, diverse, and resilient farming industry that is good for farmers, the Town, and the region.

1. Utilize local boards and committees, the Town's website, town-wide mailings, local citizens' groups and organizations, support agencies, and the local media to promote the availability and importance of programs, organizations, and agencies that assist farmers and agricultural property owners. These include the Erie County Cornell Cooperative Extension, the Erie County Soil and Water Conservation District, Erie County Department of Environment and Planning, Cornell University Small Farms Program, Western New York Land Conservancy, American Farmland Trust, and the USDA Natural Resources Conservation Service (NRCS), among others. Furthermore, advocate for the continued funding of these programs at appropriate levels.
  
2. In the same manner, promote the educational programs and training offered by the Cornell University Small Farms Program and other entities in the region, as well as guidance offered from the New York State Department of Agriculture and Markets, to help existing farmers and those interested in farming careers to gain a greater understanding of agricultural practices, financial planning, and small business management.



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3. Encourage Erie County and other local agencies and organizations to offer/expand training in basic business management techniques for new and existing farmers.
4. Promote programs offered by all the aforementioned entities to expand available knowledge on climate resilient farming, environmental stewardship, and sustainable agricultural practices.
5. Encourage Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, and the Erie County Soil and Water Conservation District to create a clearinghouse of information (“one-stop shopping”) or better promote this information for farmers and others in support of farming and agricultural business in the community (e.g., website links, training opportunities, seminars on state and federal programs of benefit to farmers, funding opportunities, etc.).
6. Promote the use of the American Farmland Trust “*Farmland for a New Generation New York*” program by local farmers and/or startup operations who are seeking land and existing farmers/landowners who want to keep their land in farming.
7. Encourage farmers to work with the New York State Department of Agriculture and Markets and local agencies to explore new markets and market opportunities to maintain viability, expand product diversity, better manage market/economic downturns, and increase the potential for success.
8. Promote the use of small-scale, on-farm solar technology, wind turbines, and other energy efficient or climate resiliency measures to help farmers conserve resources, reduce costs, and stay up to date with sustainable farming practices and technology.
9. Work with Erie County to improve broadband communication service, as needed, in the Town to further assist local farmers and agricultural businesses in accessing essential information that could improve their operations and activities.



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10. Encourage farmers to explore and take advantage of federal and State programs that assist with the transition to organic farming or other new/ongoing farm technologies that could be of benefit.
11. Explore the potential for establishing a “Farm to School” program to encourage the School Districts that serve the Town of Colden to purchase locally grown produce and other farm products to serve in local schools, as well as include curriculum on the importance of agriculture and healthy food and nutrition. Also, through the collective wisdom of the community, help farmers develop a stronger connection with the school district through field trips, lectures, and other events.
12. Encourage farmers to utilize the Climate Resiliency Farming Program offered by the Erie County Soil and Water Conservation Service to assist with climate change related issues and opportunities.
13. Promote the establishment of community-supported agriculture (CSA) cooperatives in Colden to provide fresh, local produce to residents and establish a more direct relationship between local farmers and the community.





## Section VII

### Implementation Strategy Matrix





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**SECTION VII - IMPLEMENTATION MATRIX**

This section outlines the action plan to achieve the goals and implement the various recommendations outlined in the Colden Agricultural and Farmland Protection Plan (AFPP). The matrix shown on the following pages does not cover each and every possible action nor the exact method for carrying it out; it is intended to lend direction and insight into the level of effort, the parties that can lead or help carry out the action, and the level of importance/priority assigned to each action

The AFPP is intended to be a working document that lays out the recommendations to protect and promote agriculture and farming in Colden in the following manner:

- **Goal** – Ties the recommendations back to the original goal outlined in earlier sections of the AFPP and provides background.
- **Recommendation** – The specific recommendation that was developed to help achieve the noted goal.
- **Action Type** – The AFPP identifies several recommendations that involve policy decisions, initiation of programs and committees, regulatory changes, communication and coordination with agencies, and/or securing funding for future undertakings. Each recommendation is categorized by various action types, including:
  - **Funding or Capital Improvement:** An action that requires the need for an investment on behalf of the Town, whether through a Capital Improvement Program, budget line item, grant funding, or a combination thereof.
  - **Policy:** Actions that result in the establishment of a specific policy enacted by the Town Board to govern future decision-making regarding agriculture and farming in the community.
  - **Program:** A plan, activity, committee, proposal or similar action.



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- **Regulation:** An action that consists of the development of a new or amended local regulation in the Town Code to further the protection and promotion of agriculture and farming in Colden.
  
- **Time Frame** – The level of importance of the action or the priority; some actions can be achieved right away while others may be multi-year efforts. An annual review of the AFPP can help to identify actions to be undertaken based on their assigned priority, as well as on available funding and/or other initiatives. The time frame is based on the following scale and is subject to change as the priorities of the Town change:
  - **Near-Term:** To be implemented immediately following adoption (within the first year);
  
  - **Short-Term:** An action to be implemented within 24 to 36 months after adoption;
  
  - **Long-Term:** A longer-term action that would likely follow the implementation of other actions and/or take over three years to carry out; and
  
  - **Ongoing:** An action that may be a continuing process, extending over a longer or ongoing period of time.
  
- **Estimated Costs** – The estimated level cost for implementing the recommendation ranging from \$ (low) to \$\$\$\$ (high)
  
- **Participants & Partners** – This includes the local boards, committees, groups, or agencies who have a stake in or have the potential to influence an action through funding, review, permitting, technical assistance, etc. This may not include all the parties that could be involved, but at the very least provides an idea to who should be “at the table” to coordinate the efforts.



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<b>Goal 1: Increase Awareness of the Changing Diversity of Farming and Agriculture by the Non-Farm Community to Support Agricultural Activity and Help Ensure the Long-Term Sustainability of Farming Activities in Colden</b>				
Recommendation	Action Type	Time Frame	Est. Cost	Participants & Partners
Post the adopted AFPP, along with maps of local agricultural districts, a copy of the Right-to-Farm Law, and any other information pertinent to agricultural protection, in the Town of Colden website for public use and review	Program	Near-Term/ Ongoing	\$	Colden Town Board, Town Clerk, Planning Board, Agricultural and Farming Planning Committee
Inform and facilitate access to the information on agricultural and farmland protection, including the AFPP, for local real estate brokers, realtors, lawyers, and others, as well as farmers, who are involved in land sales and transfers	Program	Near-Term/ Ongoing	\$	Colden Town Board, Planning Board, Agricultural and Farming Planning Committee
Work with Erie County and neighboring communities to identify mutually beneficial ways to carry out the goals and objectives of the Colden Agricultural and Farmland Protection Plan and to promote farming activities in the Town	Policy	Near-Term/ Ongoing	\$	Colden Town Board, Planning Board, Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Towns of Aurora, Boston, Holland, and
Identify and promote local farm stands on the Town's website, through local mailings and in local media	Program	Near-Term/ Ongoing	\$	Colden Town Board, Town Agricultural and Farming Planning Committee, Colden Farms, Inc., Erie County Department of Environment and Planning, New York State Department of Agriculture and Markets
Create a "Farming in Colden" brochure or packet and make it available to new and existing non-farming residents.	Program	Near-Term	\$\$	Colden Town Board, Planning Board, Agricultural and Farming Planning Committee
Work with Erie County and other agencies and organizations to identify and expand markets for locally grown products	Program	Near-Term/ Ongoing	\$	Colden Town Board, Planning Board, Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning



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**Goal 1: Increase Awareness of the Changing Diversity of Farming and Agriculture by the Non-Farm Community to Support Agricultural Activity and Help Ensure the Long-Term Sustainability of Farming Activities in Colden**

Recommendation	Action Type	Time Frame	Est. Cost	Participants & Partners
Promote and encourage use of the Erie County <i>Erie Grown</i> program to support the availability of local agricultural products in the Town	Program	Near-Term/ Ongoing	\$	Colden Town Board, Planning Board, Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning
Continue to support local farm stands and the farmer’s market in Colden to benefit farms, particularly small farms and non-commercial operations, and expand the availability of local agricultural products	Program	Near-Term/ Ongoing	\$	Colden Town Board, Planning Board, Agricultural and Farming Planning Committee. Erie County Department of Environment and Planning
Establish a “wayfinding” system, which includes signage or mapping, that provides directions to local farm stands and the Farmer’s Market in to increase patronage by residents and visitors to the community	Program	Near-Term/ Ongoing	\$	Town Board, Planning Board, Agricultural and Farming Planning Committee
If needed in the future, explore the feasibility of establishing a local tax abatement program for conservation easements	Program	Long-term	\$\$\$	Colden Town Board, Town Agricultural and Farming Planning Committee, Town Tax Assessor, Erie County Department of Environment and Planning, Erie County Agricultural and Farmland Protection Board, Erie County Cornell Cooperative Extension, Western New York Land Conservancy



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<b>GOAL 2: Protect Lands and Resources Critical to the Long-Term Viability and Resiliency of Agriculture, and the Protection of Community Character</b>				
Recommendation	Action Type	Time Frame	Est. Cost	Participants & Partners
Adopt the <i>Agricultural and Farmland Protection Plan</i> as a demonstration of commitment to maintaining farming as an important part of the Colden community	Regulatory /Policy	Near-Term	\$	Planning Board, Town Board, Town Clerk, Erie County Department of Planning and Environment, New York State Department of Agriculture and Markets
Post the adopted Town of Colden AFPP on the Town’s website; develop a webpage specific to agriculture and farming in the community and kept up to date	Program	Immediate	\$	Agricultural and Farming Planning Committee Assistance
Maintain and better utilize the Planning Board or establish a stand-alone <i>Agriculture and Farming Planning Committee</i> as a means of implementing the Agricultural and Farmland Protection Plan, advocating for continued agricultural protection, assisting the Town Board with land use decisions that may affect agricultural lands, mediating potential conflicts and, in general, advocating for the rights of farmers in the Town	Policy	Near-Term/ Ongoing	\$	Colden Town Board
Continue to work with local farmers and Erie County to maintain and increase the number of properties that are included in the existing New York State Agricultural Districts in the Town	Policy	Near-Term/ Ongoing	\$	Planning Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning
Ensure that farmers are advised on the various tax relief programs available to help reduce their tax burden, as well as viable environmental management programs that could result in cost savings	Program	Near-Term/ Ongoing	\$	Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension



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**GOAL 2: Protect Lands and Resources Critical to the Long-Term Viability and Resiliency of Agriculture, and the Protection of Community Character**

Recommendation	Action Type	Time Frame	Est. Cost	Participants & Partners
Revise the Zoning Law and other local regulations to better protect farming and farming operations, particularly farms located in agricultural districts, but not excluding hobby farms in residential areas	Regulatory	Short-Term	\$	Town Board, Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning
Update definitions and other appropriate sections of the Zoning Law to recognize existing agricultural activities, properly define such uses in accordance with State requirements, and make zoning regulations even more farm friendly	Regulatory	Short-Term	\$\$	Town Board, Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning
Develop effective regulations for stormwater management and erosion control to protect important farm soils and water quality, and protect agricultural activities in areas with steeper topography	Regulatory	Short-Term	\$\$	Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Colden Central School District, Chamber of Commerce
Ensure that notice requirements under the NYS Agricultural District Law are being followed (use of Agricultural Data Statements) in the Town	Policy	Ongoing	\$	Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning
Support programs offered by the <i>Cornell University Small Farm Program</i> and Erie County Cornell Cooperative Extension, which provide business planning and financial management assistance to farmers, to keep farmland in the Town in active use and production, to expand farming practices and activities, and to help new farmers build their businesses	Policy/ Program	Near-Term/ Ongoing	\$	Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, Cornell University, Cornell Cooperative Extension





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**GOAL 2: Protect Lands and Resources Critical to the Long-Term Viability and Resiliency of Agriculture, and the Protection of Community Character**

Recommendation	Action Type	Time Frame	Est. Cost	Participants & Partners
Support the American Farmland Trust “ <i>Farmland for a New Generation New York</i> ” program that connects farmers and startup operations seeking land with existing farmers and landowners who want to keep their land in farming	Policy/ Program	Near-Term/ Ongoing	\$	Planning Board, Town Agricultural and Farming Planning Committee, American Farmland Trust
Encourage farmers to utilize services and resources offered by the USDA Natural Resources Conservation Service (NRCS), the Erie County Soil and Water Conservation Service and Cornell Cooperative Extension, Western New York Land Conservancy, and Cornell University climate change and climate resiliency farming	Program	Near-Term/ Ongoing	\$	Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, NRCS, Erie County Soil and Water Conservation Service, Erie County Cornell Cooperative Extension, Western New York Land Conservancy, and Cornell University
Utilize local boards and committees, the Town website, town-wide mailings, local citizens’ groups and organizations, support agencies, and the local media to promote the <i>Cornell University Small Farms and Farmland for a New Generation New York Programs</i> to residents and local farmers to help educate and strengthen the farming community	Program	Near-Term\ Ongoing	\$	Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, Cornell University, American Farmland Trust
Promote existing information that is posted on the Erie County Department of Environment and Planning, Soil and Water Conservation Service, and Cornell Cooperative Extension websites that pertains to local farming, farm stands and markets, and other local farm resources	Program	Near-Term\ Ongoing	\$	Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, Erie County Soil and Water Conservation Service



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**GOAL 2: Protect Lands and Resources Critical to the Long-Term Viability and Resiliency of Agriculture, and the Protection of Community Character**

Recommendation	Action Type	Time Frame	Est. Cost	Participants & Partners
Promote the establishment of community-supported agriculture (CSA) cooperatives in Colden to provide fresh, local produce to residents and establish a more direct relationship between local farmers and the community	Program	Near-Term/ Ongoing	\$	Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, Cornell University
Encourage the Erie County Department of Environment and Planning, Cornell Cooperative Extension, and Soil and Water Conservation Service to create a clearinghouse of information or to better promote information for farmers and others in support of farming and agricultural business in the community	Program	Near-Term/ Ongoing	\$	Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, Erie County Soil and Water Conservation Service
Encourage retired farmers and non-farm property owners of vacant land to rent/continue to rent their properties to other farmers (both inside and outside of the Town) to maintain and expand the amount of land in agricultural use	Program	Near-Term/ Ongoing	\$	Town Board, Planning Board, Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Western New York Land Conservancy, American Farmland Trust
Support the preservation of agricultural lands through conservation easements and other legal and administrative mechanisms	Program	Near-Term/ Ongoing	\$ - \$\$	Town Board, Planning Board, Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Western New York Land Conservancy, American
Prohibit the development of utility-scale solar energy conversion systems in areas containing prime farm soils and mineral groups 1-4, and carefully consider such projects in areas with soils of statewide importance and in areas where concentrations of agricultural uses exist	Policy	Ongoing	\$	Town Board, Planning Board, Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning,



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**GOAL 2: Protect Lands and Resources Critical to the Long-Term Viability and Resiliency of Agriculture, and the Protection of Community Character**

Recommendation	Action Type	Time Frame	Est. Cost	Participants & Partners

**GOAL 3: Leverage the Town’s Natural Resources and Agricultural Assets to Enhance and Expand the Agricultural Economy of the Community and its Capacity to Respond to Economic and Climate Trends and Changes**

Recommendation	Action Type	Time Frame	Est. Cost	Participants & Partners
Utilize local boards and committees, the Town website, town-wide mailings, local citizens’ groups and organizations, support agencies, and the local media to promote the availability and importance of programs, organizations, and agencies that assist farmers and agricultural property owners, and advocate for continued funding of these programs at appropriate levels	Program	Near-Term/ Ongoing	\$	Colden Town Board, Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, the Erie County Soil and Water Conservation Service, Cornell University Small Farms Program, Western New York Land Conservancy, American Farmland Trust, and the USDA Natural Resources Conservation Service
Promote the educational programs and training offered by the Cornell University Small Farms Program and other entities, and guidance offered from the New York State Department of Agriculture and Markets, to help existing farmers and those interested in farming to gain a greater understanding of agricultural practices, financial planning, and small business management	Program	Near-Term/ Ongoing	\$	Planning Board, Agricultural and Farming Planning Committee, Erie County Agricultural and Farmland Protection Board, Cornell University, New York State Department of Agriculture and Markets (NYSAGM), Erie County Cornell Cooperative Extension



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<b>GOAL 3: Leverage the Town’s Natural Resources and Agricultural Assets to Enhance and Expand the Agricultural Economy of the Community and its Capacity to Respond to Economic and Climate Trends and Changes</b>				
Recommendation	Action Type	Time Frame	Est. Cost	Participants & Partners
Encourage Erie County and other local agencies and organizations to offer/expand training in basic business management techniques for new and existing farmers	Program	Near-Term/ Ongoing	\$	Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension
Promote programs offered by local, regional, and state-wide entities to expand available knowledge on climate resilient farming, environmental stewardship, and sustainable agricultural practices	Program	Near-Term/ Ongoing	\$	Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, Cornell University, USDA Natural Resources Conservation Service, NYSAGM
Encourage the Erie County Department of Environment and Planning, Cornell Cooperative Extension, and Soil and Water Conservation Service to create a clearinghouse of information or to better promote information for farmers and others in support of farming and agricultural business in the community	Program	Near-Term/ Ongoing	\$	Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, Erie County Soil and Water Conservation Service
Promote the use of the American Farmland Trust “ <i>Farmland for a New Generation New York</i> ” program by local farmers and/or startup operations who are seeking land and existing farmers/landowners who want to keep their land in farming	Program	Near-Term/ Ongoing	\$	Planning Board, Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, American Farmland Trust
Encourage farmers to work with the NYSAGM and local agencies to explore new markets and market opportunities to maintain viability, expand product diversity, better manage market/ economic downturns, and increase the potential for success	Program/ Funding	Short-Term	\$	Planning Board, Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, NYSAGM



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<b>GOAL 3: Leverage the Town’s Natural Resources and Agricultural Assets to Enhance and Expand the Agricultural Economy of the Community and its Capacity to Respond to Economic and Climate Trends and Changes</b>				
<b>Recommendation</b>	<b>Action Type</b>	<b>Time Frame</b>	<b>Est. Cost</b>	<b>Participants &amp; Partners</b>
Promote the use of small-scale, on-farm solar technology, wind turbines, and other energy efficient or climate resiliency measures to help farmers conserve resources, reduce costs, and stay up to date with sustainable farming practices and technology	Program/ Funding	Short-Term	\$\$	Town Board, Planning Board, Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, NYSERDA
Work with Erie County to improve broadband communication service in the Town	Program	Near-Term/ Ongoing	\$	Planning Board, Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning
Encourage farmers to explore and take advantage of federal and State programs that assist with the transition to organic farming or other new/ongoing farm technologies that could be of benefit	Program/ Funding	Near-Term/ Ongoing	\$\$	Planning Board, Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning, Erie County Cornell Cooperative Extension, Erie County Soil and Water Conservation District, USDA Natural Resources Conservation Service
Explore the potential for establishing a “Farm to School” program to encourage the School Districts that serve Colden to purchase locally grown produce and other farm products and include curriculum on the importance of agriculture and healthy food and nutrition. Also, help farmers develop a stronger connection with the school district through field trips, lectures, and other events	Program	Short-Term/ Ongoing	\$	Planning Board, Agricultural and Farming Planning Committee, Colden Central School District
Encourage farmers to utilize the Erie County Soil and Water Conservation Service Climate Resiliency Farming Program to assist with climate change related issues and opportunities	Program	Near-Term/ Ongoing	\$	Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning



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**GOAL 3: Leverage the Town’s Natural Resources and Agricultural Assets to Enhance and Expand the Agricultural Economy of the Community and its Capacity to Respond to Economic and Climate Trends and Changes**

Recommendation	Action Type	Time Frame	Est. Cost	Participants & Partners
Promote the establishment of community-supported agriculture (CSA) cooperatives to provide fresh, local produce to residents and establish a more direct relationship between local farmers and the community	Program	Near-Term/ Ongoing	\$	Town Agricultural and Farming Planning Committee, Erie County Department of Environment and Planning
Ensure that Farmer’s Markets and farm stands in Colden are included on the New York State Farmer’s Markets Federation listing	Program	On-going	\$	Planning Board, Agricultural and Farming Planning Committee, New York State Farmer’s Markets Federation



## Section VIII

### Glossary, Resources, and References







***Town of Colden***  
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**SECTION VIII – GLOSSARY, RESOURCES, AND REFERENCES**

**Glossary**

AEM – Agriculture Environmental Management

AFT – American Farmland Trust

AMA – Agricultural Management Assistance

AML – Agriculture and Markets Law

CCE – Erie County Cornell Cooperative Extension

COCS – Cost of Community Services Study

ECAFPB – Erie County Agriculture and Farmland Protection Board

EQIP – Environmental Quality Incentive Program

NRCS – Natural Resources Conservation Service

NYS – New York State

NYSAGM – New York State Department of Agriculture and Markets

NYSDEC – New York State Department of Environmental Conservation

NYSERDA – New York State Energy Research and Development Agency

PDR – Purchase of Development Rights

REDC – Regional Economic Development Council

SARE – Sustainable Agricultural Research and Education

TDR – Transfer of Development Rights

USDA – US Department of Agriculture

***Section VIII – Glossary, Resources, and References***



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**Resources**

Agricultural Marketing Services

[www.ams.usda.gov/services/local-regional/food-sector/urban-agriculture](http://www.ams.usda.gov/services/local-regional/food-sector/urban-agriculture)

Alfred State College of Technology

[www.catalog.alfredstate.edu/current/departments/agriculture-veterinary-technology](http://www.catalog.alfredstate.edu/current/departments/agriculture-veterinary-technology)

American Farmland Trust

New York State Office

(518) 581-0078

[www.farmland.org/newyork](http://www.farmland.org/newyork)

Farmland Information Center

(800) 370-4879

[www.farmlandinfo.org](http://www.farmlandinfo.org)

Cornell College of Agriculture and Life Science

<https://cals.cornell.edu/>

Cornell Small Farms Program

Cornell University

<https://smallfarms.cornell.edu>

Erie County Cornell Cooperative Extension

(607) 255-2237

[www.cce.cornell.edu](http://www.cce.cornell.edu)

Erie County Office

(716) 652-5400

[erie.cce.cornell.edu](http://erie.cce.cornell.edu)

Farm to School

(607) 255-2730

<http://farmtoschool.cce.cornell.edu>

Erie County Department of Environment and Planning

(716) 858-8390

[www2.erie.gov/environment](http://www2.erie.gov/environment)

Erie County Farm Bureau

(716) 652-5151

[www.ecfarm.com](http://www.ecfarm.com)

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Erie County Soil and Water Conservation Service  
(716) 652-8480  
[www.ecswcd.org](http://www.ecswcd.org)

Farm Answers  
University of Minnesota Center for Farm Financial Management/  
USDA National Institute of Food and Agriculture  
<https://farmanswers.org>

Farmer's Market Federation of NY  
(315) 400-1447  
[www.nyfarmersmarket.com](http://www.nyfarmersmarket.com)

"Farmland for a New Generation New York" Program, American Farmland Trust.  
<https://nyfarmlandfinder.org>

Internal Revenue Service  
(800) 829-4933  
[www.irs.gov](http://www.irs.gov)

Land Trust Alliance, Northeast Office  
(518) 587-0774  
[www.lta.org](http://www.lta.org)

National Agricultural Statistics Service  
<https://www.nass.usda.gov>

National Young Farmers Coalition  
[www.youngfarmers.org](http://www.youngfarmers.org)



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New Farmers

<https://newfarmers.usda.gov>

New York Farm Bureau

(518) 436-8495

[www.nyfb.org](http://www.nyfb.org)

New York FarmNet

(800) 547- 3276

[www.nyfarmnet.org](http://www.nyfarmnet.org)

New York Farm Viability Institute

(315) 453-3823

<https://nyfvi.org>

New York State Soil and Water Conservation Committee

(518) 457-3738

[https://agriculture.ny.gov/soil-and-water/soil-water-conservation-committee?utm\\_medium=301&utm\\_source=www.nys-soilandwater.org](https://agriculture.ny.gov/soil-and-water/soil-water-conservation-committee?utm_medium=301&utm_source=www.nys-soilandwater.org)

New York State Department of Agriculture and Markets

(518) 457-3880

(800) 554-4501

<http://agriculture.ny.gov>

New York State Department of Environmental Conservation, Region 9

(716) 851-7000 General

Water quality (716) 851-7070    Permits (716) 851-7165    Forests (716) 851-7010

[www.dec.ny.gov](http://www.dec.ny.gov)



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New York State Department of Parks, Recreation and Historic Preservation

(518) 237-8643

[www.nysparks.state.ny.us/shpo/tax-credit-programs/](http://www.nysparks.state.ny.us/shpo/tax-credit-programs/)

New York State Department of State

(518) 474-4752

[www.dos.state.ny.us](http://www.dos.state.ny.us)

New York State Energy Research and Development Authority

(866) NYSERDA

(518) 862-1090

[www.nyserda.org](http://www.nyserda.org)

New York State Environmental Facilities Corporation

(800) 200-2200

[www.nysefc.org](http://www.nysefc.org)

New York State Farm Service Agency

(315) 477-6300

[www.fsa.usda.gov/ny](http://www.fsa.usda.gov/ny)

New York State Department of Taxation and Finance

[www.tax.ny.gov](http://www.tax.ny.gov)

New York State Office of Real Property Services, Agricultural Unit

(518) 486-5446 / (518) 474-2982

[www.orps.state.ny.us](http://www.orps.state.ny.us)

New York State Soil and Water Conservation Committee - NYS Soil and Water Conservation Districts

(518) 457-3738

[www.nys-soilandwater.org](http://www.nys-soilandwater.org)

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Niagara County Community College  
[www.niagaracc.suny.edu/programs](http://www.niagaracc.suny.edu/programs)

Northeast Sustainable Agriculture Research and Education Program (SARE)  
(802) 656-0471  
[www.nesare.org](http://www.nesare.org)

Small Business Administration  
(800) 827-5722  
[www.sba.gov](http://www.sba.gov)

USDA Alternative Farming Systems Information Center  
[www.nal.usda.gov/asfic](http://www.nal.usda.gov/asfic)

USDA Farm Services Agency  
(716) 652-1400 (Erie County Office)  
<https://fsa.usda.gov>

USDA National Institute of Food and Agriculture  
<https://nifa.usda.gov>

USDA Natural Resources Conservation Service  
[www.nrcs.usda.gov](http://www.nrcs.usda.gov)  
[www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/urbanagriculture/](http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/urbanagriculture/)

USDA Natural Resources Conservation Service – New York  
(315) 477-6504  
[www.ny.nrcs.usda.gov](http://www.ny.nrcs.usda.gov)



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USDA Rural Development - USDA Rural Business Cooperative Service  
(315) 477-6400  
[www.rurdev.usda.gov/](http://www.rurdev.usda.gov/)

Western New York Land Conservancy  
(716) 687-1225  
<https://wnylc.org>

**References**

*Agricultural Census*, USDA, 2007, 2012, and 2017.

*Agricultural Landowners Guide*, American Farmland Trust, 2010.

*American Fact Finder*, U.S. Census Bureau.

*Article 25-AAA of the Agriculture and Markets Law*, New York State Department of Agriculture and Markets.

*Colden Town Code*; Town of Colden, New York.

*Cost of Community Services Fact Sheet*, American Farmland Trust, August 2004.

*Erie County Agriculture and Farmland Protection Plan, 2012*; American Farmland Trust.

*Erie-Niagara County Framework for Regional Growth, 2006*; Wendel Companies.

Erie County Real Property Tax Service.

<http://www.csrees.usda.gov/nea/economics/economics.cfm>

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*Farms Under Threat: The State of America's Farmland, 2018*; American Farmland Trust.

New York State Department of Agriculture and Markets.

New York State Department of Environmental Conservation.

*Strategy for Prosperity – Western New York Regional Economic Development Plan*; New York State Regional Economic Development Council.

U.S. Army Corps. of Engineers, Buffalo District Office.

*Western New York Regional Sustainability Plan*, New York State Regional Economic Development Council.

*Your Land Is Your Legacy: A Guide to Planning for the Future of Your Farm*; American Farmland Trust.

