

Town of Nichols Agriculture & Farmland Protection Plan

March 13, 2012



Town of Nichols Agriculture & Farmland Protection Plan

ACKNOWLEDGEMENTS

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Town of Nichols Agriculture Plan Steering Committee:

Kevin Engelbert, Councilman, Town of Nichols Town Board

John Johnson IV, Farmer

Matthew Kuhlman, Farmer

Pam Moore, Farmer

Patty Porter, Chair, Town of Nichols Planning Board

Andrew Fagan, Cornell Cooperative Extension of Tioga County

Elaine Jardine, Tioga County Department of Economic Development & Planning

William Ostrander, Tioga County Geographic Information System

Wendy Walsh, Tioga County Soil and Water Conservation District

Tioga County Agriculture & Farmland Protection Board

Lisa Bloodnick, Farmer

John King, Chairman, Chair Tioga County Soil and Water Conservation District Board

John Lacey, Farmland preservation organization (Tioga County Farm Bureau)

Timothy Lawton, Farmer

Pamela Moore, Farmer

Kevin Perry, Agribusiness

Dale Weston, Chair Tioga County Legislature

Ben Whittemore, Farmer

Andy Fagan, Director Cornell Cooperative Extension of Tioga County

Betty Hawken, Director Tioga County Real Property Tax Office

Elaine Jardine, Tioga County Planning Director

Project Consultant

George R. Frantz & Associates

Ithaca, New York 14850

**Town of Nichols
Agriculture & Farmland Protection Plan**

**ADOPTION OF THE TOWN OF NICHOLS
AGRICULTURAL AND FARMLAND PROTECTION PLAN**

WHEREAS: The Town of Nichols Agricultural and Farmland Protection Plan Steering Committee, in conjunction with Tioga County Department of Economic Development and Planning, Tioga County Soil & Water Conservation District, Tioga County GIS and Cornell Cooperative Extension of Tioga County, has developed a draft Town of Nichols Agricultural and Farmland Protection Plan in accordance with Article 25AAA, Section 324-a of the NYS Agriculture and Markets Law, and

WHEREAS: The Tioga County Agricultural and Farmland Protection Board has reviewed and approved the Plan; and

WHEREAS: The Tioga County Planning Board has reviewed and recommended approval of the Plan under General Municipal Law Section 239 l & m; and

WHEREAS: The Nichols Town Board has completed the Long Environmental Assessment Required by SEQR and has made a Negative Declaration; and

WHEREAS: The Nichols Town Board has held a required public hearing to seek input , therefore be it

RESOLVED: That the Nichols Town Board hereby adopts the Town of Nichols Agricultural and Farmland Protection Plan.

James Bronston 3/13/12

**Town of Nichols
Agriculture & Farmland Protection Plan**

**SEQR NEGATIVE DECLARATION FOR THE TOWN OF NICHOLS
AGRICULTURAL AND FARMLAND PROTECTION PLAN**

WHEREAS: The Town of Nichols Agricultural and Farmland Protection Plan Steering Committee, in conjunction with Tioga County Department of Economic Development and Planning, Tioga County Soil & Water Conservation District, Tioga County GIS and Cornell Cooperative Extension of Tioga County, has developed a draft Town of Nichols Agricultural and Farmland Protection Plan in accordance with Article 25AAA, Section 324-a of the NYS Agriculture and Markets Law, and

WHEREAS: The Nichols Town Board has completed the Long Environmental Assessment Required by SEQR and has found no significant environmental impacts as a result of this Plan; and

WHEREAS: The Nichols Town Board has held a required public hearing to seek input on the document and the SEQR Long Environmental Assessment Form, therefore be it

RESOLVED: That the Nichols Town Board hereby makes a SEQR Negative Declaration in regards to the Town of Nichols Agricultural and Farmland Protection Plan.

Jana Bronstein 3-13-12

Town of Nichols
Agriculture & Farmland Protection Plan

TABLE OF CONTENTS

Introduction	1
Public Participation	3
Agricultural Land Resources	10
Local & Regional Planning & Agriculture	12
Value of Agriculture to Local Economy	13
Value of Farmland to Community	14
Current Conditions & Trends	15
Issues Impacting Long-Term Viability of Agriculture	15
Farmland Conversion Pressures	22
Zoning & Agriculture	24
Targeted Agricultural Protection Areas	29
Evaluation of Potential Agricultural Land Protection Strategies	32
Plan Vision, Goals & Objectives	39
Action Plan Matrix: Plan Implementation	46

Appendices

A. Farm Community Survey Tabulated Results	53
B. Sample Right to Farm Local Law	61
C. Sample Local Law Establishing Agricultural Advisory Committee	64
D. Form RA-103	66

Maps

Map 1. Farmland Parcels	11
Map 2. Prime Agricultural Soils	19
Map 3. Floodplains	20
Map 4. Zoning District Revisions	28
Map 5. Targeted Agricultural Protection Areas	31
Map 6. Water and Sewer Service Areas	34

Town of Nichols
Agriculture & Farmland Protection Plan

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Town of Nichols

Agriculture & Farmland Protection Plan

INTRODUCTION

This Agriculture and Farmland Protection Plan is a report on the state of agriculture in the Town of Nichols today, and a vision for the future of agriculture in the town. By definition, agriculture in this plan includes a variety of activities on the land, including on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. Agriculture also includes the production, management and harvesting of farm woodlands, as well as other activities as defined in Article 25AA of the New York State Agriculture and Markets Law.

It provides a snapshot of various economic data and data on land and soil resources, regulatory issues and trends in agriculture and land use. This report also includes an assessment of the perceived challenges and opportunities facing agriculture in Nichols today, as well as the weaknesses and strengths of the sector.

Agriculture is deeply rooted in the town. For agriculture to continue as an important economic sector and contributor to the quality of life for residents, however, the Town of Nichols needs to become more proactive in supporting and promoting the long-term viability of the sector. This document makes recommendations for action by the Town of Nichols, other local and state agencies, and the farm community itself, to promote the long-term viability of agriculture in the town.

This document is a plan of action. As a plan it does not have the force of law, nor does it change any current Town regulations or policies. Any such changes require action by the Town Board after further public input. Moreover, as a plan it should be considered a document subject to periodic review and modification as conditions in the Town of Nichols change.

Agriculture in the Town of Nichols has a rich history that predates the arrival of European-American settlers in the early 1790s. The bottomlands along

the Susquehanna River, known as Maughantowano Flats, were in cultivation by the Iroquois and produced abundant harvests of corn and vegetables:

"...on the broad and fertile plain land in the same [Nichols] town the Indian raised as good corn and vegetables as did the whites in the east, and great indeed was the surprise of Sullivan's men when they discovered the productive qualities of the soil in the region¹."

Much of these prime farm soils are subject to the flooding which impacts their agricultural productivity. Flooding may wash away vital topsoil, leave behind silt and debris, deposit trash, and create channels so the river or creeks make farmland inaccessible to farm equipment.

Agriculture in the town employed about 4% of the town's labor force in 1999, the latest year for which data is available. As compared to other employment sectors, the agricultural sector is more significant economically in the Town of Nichols than in Tioga County or the state. Employment in agriculture, forestry and fisheries in the county was only 2.2% in 1999, while statewide the percentage was only 0.6%. Although it employs a small number of residents, agriculture still makes a significant contribution to the local and regional economy.

Agriculture is also a diverse economic sector, with a wide variety of dairy, livestock, field crop, vegetable, fruit and specialty farms represented. Farm size also varies widely, from less than 50 acres to over 1,000 acres.

The Town of Nichols encompasses some 33.7 square miles along the southern border of Tioga County. It is located between the Susquehanna River to the north

¹ Kingman, Leroy W., ed. History of Nichols, NY from Our County & Its People: A Memorial History of Tioga County, New York. Elmira: W.A. Ferguson & Co. 189?

Town of Nichols

Agriculture & Farmland Protection Plan

and west, the Town of Owego to the east, and Bradford County, Pennsylvania to the south. Today the town can be described as a rural bedroom community: over 70% of its workforce commutes more than 15 minutes to work in surrounding areas. During the past three decades the population of the Town of Nichols has remained relatively steady at around 2,500 residents. The population in 2010 was 2,525, according to the U.S. Census Bureau.

Close to the town's geographical center, the Village of Nichols covers about 0.5 square mile and has a population of 512 according to the 2010 Census. The main intersection in the village is the county road known as River Road and NYS Route 282, which leads southward to Pennsylvania. NYS Route 17 (future I-86) runs along the northern edge of the town.

The population of the town has been relatively stable, but in the past ten years or so the opening of the Best Buy regional distribution center in Lounsberry and redevelopment of the Tioga Downs casino and horse racing track have brought potential for additional growth and development to Nichols. Likewise, the town must keep in mind that there could be long-term impacts on agriculture due to the upgrading of NYS Route 17 to I-86 over the next several years and potential natural gas development in the area.

As is the case across the state, the Town of Nichols is faced with the need to balance economic and resource development, and future prospects for growth, with a desire to also protect its valuable

farmland, farming enterprises and other agricultural resources, and to ensure the continued survival and prosperity of its agricultural sector.

The intent of this plan is to identify the key issues facing agriculture in the community; highlight the importance of agriculture to the community; identify important agricultural lands to be protected; and supplement proactive collaborative support for agricultural enterprises and related farm business infrastructure. It can be utilized as both an opportunity for community dialogue, community education and community action. Through the planning process the Town of Nichols can develop a community consensus on the strategies, programs and policies necessary to preserve and protect its farmland and agricultural resources and enhance the long-term economic viability of agriculture in the town, while accommodating other non-agricultural economic growth and development in the future.

Finally although the agricultural land resources of the Town of Nichols vary in terms of soils and suitability for specific types of agriculture, these resources are viewed as an integrated whole. Some soils and lands may well be more productive than others in Nichols. Some are also seen as more vulnerable to conversion to non-agricultural uses. Nonetheless all agricultural lands play an important function in the long term viability of agriculture in the Town of Nichols, and thus the goals and implementation actions set forth later in this document are intended to benefit farmers and farms throughout the town.



Town of Nichols

Agriculture & Farmland Protection Plan

PUBLIC PARTICIPATION

Extensive efforts were made to ensure public participation in the preparation of this Agriculture and Farmland Protection Plan. The Agriculture Plan Steering Committee and its consultants developed and distributed 107 surveys; conducted 8 interviews; and held two community forums. The results of these initiatives are summarized below.

1. Farm Community Survey

In March 2010 the Agriculture Plan Steering Committee distributed 107 survey questionnaires to farmers and farmland owners in the Town of Nichols. The objective of the survey was to give members of the farming community an opportunity to share their thoughts about agriculture in the town, its future, and what actions might help support the long term health and viability of farming locally. It would also give the Committee some indication of the composition of the farm community and what farmers and farmland owners thought about the state of agriculture in the town.

The survey was confidential and no personal identification information was requested of participants.

A total of 27 surveys were returned, a 25% return rate. Although the survey results are not considered scientific and definitive, they do provide insights into agriculture and the agricultural community in the Town of Nichols. The tabulated results of the survey are located in Appendix A.

Survey respondents included 13 active farmers, 3 retired farmers and 9 non-farming owners of farmland. Ten of the active farmers own farmland in Nichols, and 7 active farmers rent farmland in Nichols. Two of the retired farmers and only 2 of the non-farmers rent the farmland they own to active farmers. One retired farmer's land is in C.R.P. (a federal farmland conservation program), but no reasons were given as to why the other 6 non-farmers do not rent their land to farmers.

While about 75% of those actively farming are dairying, Nichols agriculture is still quite diverse.

Other enterprises indicated by respondents include: beef, hogs, poultry, field crops, hay, grain, fruit, vegetables, honey and maple production.

Half of the respondents are actively farming over 700 acres, with 3 farming 1,200 acres, 1,600 acres and almost 2,000 acres. The smallest farms were one at 69 acres, and 3 acres owned by a beekeeper whose bees forage "over thousands of acres in Tioga, Tompkins and Chemung Counties."

Eighty five percent of the farmers reported their farmland is included in a state Ag District. About half have NYS Ag Assessment. Some farmland in Nichols may not realize a reduction in property taxes under state agricultural assessment (ex. hill land with sub-prime soil classes).

Farms represented in the surveys have been in business for at least 35 years, with 7 operating 50-90 years, and 3 for over 150 years.

Eight multi-generation farms were represented, 7 of which involve 3 or more generations. Family includes parents, children, grandchildren, and other relatives. Half of respondents have 5 or more family members working on their farms. Five farms employ non-family.

Over 85% of farms provide full-time year round jobs, with over half employing 3 or more full-time workers, and one employing 8. Ten of the 13 farms provide part-time employment, with most employing 3 or more workers, and one employing 10.

Active farmers responding to the survey ranged from 32 to 71 years old, averaging 57. Principals similarly averaged 56 years old, ranging from 36 to 73. Notably, this is also the national average age (57.1) of the American farmer, according to NASS data. Other principals were younger, ranging from 16 to 38 years old (average of 24 years old). Retired farmers ranged from 70 to 79 years old, for an average age of 76 years. Non-farming landowners who reported their ages ranged from 38 to 73, for an average age of 57.

Of the 13 actively farming, only 1 does not plan to remain in farming (indicating age as the reason).

Town of Nichols

Agriculture & Farmland Protection Plan

Nearly 60% of the farms surveyed (8) plan to expand in the next 5 years, adding on acreage, employees and/or livestock. This includes most of the dairies. The 6 other farms plan to remain the same size, while none plan to decrease in size during this timeframe.

Significant farm investment has occurred in the last 10 years, with most respondents in the \$100,000 to \$500,000 range. Two invested over \$1 million dollars and one under \$50,000.

Half of the farmers reported gross income over \$100,000/year, and half under \$50,000/year. Four dairies are over \$500,000/year.

Taxes ranked as the highest concern overall for those planning to expand. The availability of quality farmland and availability of land within reasonable distance of farm ranked second and third. Commodity prices and access to capital were rated high/medium.

Most farmers feel pressure or competition with non-agricultural development, including commercial, residential, industrial and gravel mining. Concerns identified include loss of prime farmland, and the inability to compete with non-farm buyers due to low commodity prices and/or low margins in farming.

Seventy nine percent of farmers indicated they would reinvest a windfall (such as from gas or wind development) back into their farms.

Two of the respondents are farming land in the floodplain, with one experiencing flooding yearly and the other flooding every 2 to 3 years. Damages include streambank and gully erosion, flood trash, crop losses and personal property losses. Farmland not in the floodplain is also subject to sheet flooding and erosion.

Farmers indicated the state of agriculture in New York and the United States as being challenging overall. Reasons given include regulations, taxes, fees, the high cost of doing business in NY, high cost of inputs relative to low commodity prices, and neighbor issues. More positive responses were “some areas of U.S. are growing” and “bright for the creative non-traditional (farms).”

Similarly, the farmers indicated a challenging state for agriculture in the Town of Nichols and Tioga County. They cited regulations, taxes, fees, the high cost of doing business in NY, high cost of inputs relative to low commodity prices, and neighbor issues. More positive responses were “it is fair” and “bright for the creative non-traditional (farms).”

Primary strengths of the agriculture sector in Nichols reported by farmers include: location, quality land, good farmers, farmers working together, family-oriented farms, new farms, and the community.

Major problems faced by agriculture in Nichols reported by farmers include: high taxes, high expenses, low commodity prices, increasing regulations, neighbor issues, NIMBYs, aging farmers, loss of agricultural infrastructure/agri-businesses, lack of community support, and competition for land.

Opportunities for agriculture in Nichols identified by farmers include: direct marketing, gas development and diversification.

Seven farmers responded to the question regarding impacts to agriculture due to actions taken by the Town of Nichols. Five wrote they were unhappy with the town’s response to the chicken farm. Zoning and the spreading of sewage treatment plant waste were also mentioned.

Farmers identified things the Town of Nichols can do to better support agriculture, such as: education of residents and non-farmers, preservation of prime farmland, tax breaks, working with farmers, and supporting value-added agricultural enterprises (such as a canola/oil crop pressing facility).

Tables 1a and 1b below summarized the findings in terms of challenges, opportunities, weaknesses and strengths.

Town of Nichols

Agriculture & Farmland Protection Plan

Table 1a. Challenges & Opportunities

Challenges	Opportunities
<ul style="list-style-type: none"> • Farmers at low end of totem pole(always getting the blame – manure smell, crippled cows outside of barn, etc. • Farmers do not always get fair prices for whatever they produce • Farmers need help with problems instead of more regulations • Land use regulations • Less farms every year • Loss of prime farmland • Low milk/commodity prices & high/increasing operating costs • Market prices do not cover expenses of operations • Missed opportunity when chicken farm was not developed (more jobs + funds, etc.) • Moratorium against agriculture passed by Town • Needs of agriculture are being neglected • Small farms cannot compete with the larger farms • State continues to increase regulations, permits, taxes, electric, fuel (all these will push farms out) • Taxed out of business • Too much farmland being used for commercial building • Too worried about land use, re: wind farms and gas drilling • Town actions taken to bring Best Buy (built on prime farmland) • Young people lack their parents' strong work ethic - farming is long and hard days • Zoning 	<ul style="list-style-type: none"> • Agriculture-friendly zoning • Crop land/good land • Diversification of crops grown • Educating residents on how farms support + feed them • Farm direct to consumer marketing (close to markets – miles matter for food) • Find better ways to operate farms at cost savings • Implement a positive water management plan/program • Keep river bottom lands in agricultural zoning • Less regulations (get off our backs) • Local marketing of farm products • Lower or eliminate taxes on agriculture-related assets, infrastructure inputs • Lower taxes on farmland • Natural gas development will help sustain agriculture • Promote and support locally grown – farm market stand at old creamery, organic store, ice cream stands • Quit making the best farmland into gravel pits & Best Buy warehouses • With many farms vacant it land should be cheap to rent or buy • Town should give farmers a break in any way it can • Town should support agricultural businesses – it could have chicken farm here already • Try to attract a canola/oil crop processing facility here • Work for and with farmers

Table 1b. Weaknesses & Strengths

Weaknesses	Strengths
<ul style="list-style-type: none"> • Aging farmers and fewer younger people becoming farmers • Competition for land with other farmers • Farmers under stress from increasing costs & often low prices induced by many factors beyond local control • Farming start-up costs are high • Farmland is wasted around two exits off Route 17, while some hill land is growing brush lots • Flooding • Government regulations (DOT, DEC) • Groups such as PETA • High expenses & operating costs for agricultural businesses • High taxes • Lack of a water plan • Lack of support from the community, and from the Town • Land use regulations • Losing farms, & losing our farm infrastructure • Low prices for farm products • Low/falling milk prices to the farmer while costs keep going up • New people will want to change the zoning & keep manure smell down • Non-farm people have a lot to say about agriculture (& a lot of influence) • People don't want farms in the town; not in my backyard attitude • Prime farmland being used for commercial sites & gravel mining • Zoning 	<ul style="list-style-type: none"> ▪ Agricultural operators staying together as a whole agricultural unit ▪ Close to markets ▪ Continued local support for agricultural industry within our community ▪ Cost of land is cheap compared to other places ▪ Farm tax deductions ▪ Farmers are doing their best ▪ Farmers will employ the unemployable ▪ Farms provide local jobs ▪ Good agricultural operators ▪ Good fertile land ▪ Group of food farmers ▪ Location ▪ River bottom land ▪ Small newbie farmers ▪ Still family farm oriented – no CAFOs yet ▪ Support from local government ▪ Supportive friends and neighbors ▪ Years of experience, heritage & traditions

Town of Nichols

Agriculture & Farmland Protection Plan

2. Summary of Farm Community Interview Responses

Part of the information gathering process for this plan included interviews of 9 members of the farm community in Nichols to document their insights with regard to agriculture and its future. Interviews were conducted, in their homes, barns, fields, or a local restaurant. The main points gathered from the interviews are summarized below.

- 6 were farming full-time; 2 were farming part-time; and 1 was retired; 4 interviewees represented multi-generational farms.
- 6 were raised on a farm; 6 raised or will raise a family on the farm; 4 feel that a farm is a good place to raise children.
- The farm operations represented in the interviews are dairy (4), livestock (3), poultry (1), field crops (4), hay (2), vegetables and fruits (1).
- 3 of the farms represented are organic, 2 of which are certified organic.
- All own land in the Town of Nichols, 2 also rent land.
- Interviewees identified public benefits of farming in Nichols as including: food (4 responses); open space; floodplain protection; recreation (3 responses); sense of community; aquifer recharge; feed for other farmers; sustainable land use; improving the land.
- Interviewees described the state of agriculture in NY and the US in general as: "hard shape," "not great," "slim future," "not hopeless, [but] not sunny," "good" (but need to diversify out of dairy, move toward organic, smaller scale), "good" (industrial agriculture in trouble [but] new generation practicing sustainable agriculture on the rise).
- The state of agriculture in the Town of Nichols was described as: "promising for large operations," "hard shape," "not hopeless, [but] not sunny" (for the small operator), "better" (but

must evolve), "better" (farmers aren't leaving like 20 years ago), "future is slim."

- Major problems facing agriculture in the Town of Nichols include: flooding (2 responses); economics (production costs, land costs) (5 responses); loss of agricultural services, government regulation (2 responses); stream erosion (3 responses); town government focused on non-farm development, not agriculture (3 responses); gravel mining (4 responses); natural gas drilling; young farmers can't break into business; farms becoming too spread out (lack of good accessible land close by); more and more chemical use in agriculture; trespass; traffic volume and speed on local highways.

Valuable resources for agriculture in Nichols include: land (5 responses); strong, committed, cooperative farm community (3 responses); farm support services (e.g. SWCD, FSA, NRCS, Cooperative Extension, Farm Bureau); local farm support businesses; innovation; diversification; organic farms.

- Local efforts to help support agriculture and improve the viability of agriculture are needed in the areas of: more supportive Town Board; less regulation ("get gov't off our backs") (2 responses); educating the general public (2 responses); more efforts/support for direct farm marketing; more agriculture-friendly zoning; streambank/stream channel control (2 responses); better control on gravel mining; speed enforcement on local highways; Town Right to Farm Law.
- Opportunities for agriculture in the Town of Nichols include: future growth in organic farming; agri-tourism; alternative fuels development (ethanol, cooperative methane plant); direct farm marketing; opportunities to expand operation; younger generation of farmers.
- 5 want their farm to remain in business or their land to remain in farming after they are no longer farming; 4 want to see family members choose to remain in agriculture; and 1 has already transferred their farm (to 4th generation)

Town of Nichols

Agriculture & Farmland Protection Plan

- Agriculture in the future in Nichols should be: diversified; have developed a strong local (50-100 mile) market; sustainable; organic; small-scale; diversified; grass-based in hills; dairy and beef.

Tables 2a and 2b below summarized the findings in terms of challenges, opportunities, weaknesses and strengths.

Table 2a. Challenges & Opportunities	
<p>Challenges</p> <ul style="list-style-type: none"> • economics, such as production costs, land costs • farms becoming too spread out (lack of good accessible land close by) • flooding • government regulation • gravel mining • loss of agricultural services • more and more chemical use in agriculture • natural gas drilling • stream erosion • Town focused on development, not agriculture • traffic volume and speed on local highways • trespass • young farmers can't break into business 	<p>Opportunities</p> <ul style="list-style-type: none"> • agri-tourism • alternative fuels development (ethanol, cooperative methane plant) • farm direct marketing • farming improves land • future growth in organic farming • opportunities to expand operation • sustainable land use • younger generation of farmers
Table 2b. Weaknesses & Strengths	
<p>Weaknesses</p> <ul style="list-style-type: none"> • better controls on gravel mining needed • education for the general public • greater efforts/support for farm direct marketing • more agriculture-friendly zoning • need more supportive Town Board • regulations and taxes ("get government off our backs") • speed enforcement on local highways • stream bank/stream channel control • Town has no Right to Farm Law 	<p>Strengths</p> <ul style="list-style-type: none"> • diversification • farm is a good place to raise children • farm support services (e.g. SWCD, FSA, NRCS, Cooperative Extension, Farm Bureau) • farming provides public benefits, including: food; open space; floodplain protection; aquifer recharge; recreation • innovation • land • local farm support businesses • new generation practicing sustainable agriculture on the rise • organic farms • sense of community • strong, committed, cooperative farm community

Town of Nichols

Agriculture & Farmland Protection Plan

3. Farm Community Forum and C.O.W.S. Exercise

On December 21, 2010 the Agriculture Plan Steering Committee and its consultants hosted a soup and sandwich luncheon and community forum for farmers and farmland owners at the Masonic Temple in Nichols. To publicize the forum over 100 postcard invitations were mailed to the homes of farmers and farmland owners in the Town of Nichols. Approximately 25 people attended the forum.

Forum participants heard a report on the State of Agriculture in the Town of Nichols by the consultants, which was followed by a question and answer session. There was a group discussion about

agriculture in the town and some of the issues farmers face. The consultants then led a C.O.W.S. exercise, where forum participants wrote down what they see as the **C**hallenges, **O**pportunities, **W**eaknesses and **S**trengths of agriculture in the Nichols. The results are shown in Table 3a and Table 3b below.

Despite the challenges and weaknesses forum participants identified in the exercise, the atmosphere in the meeting was generally upbeat. While acknowledging the realities facing their community today, these farmers and farmland owners were nonetheless optimistic about the future of agriculture in Nichols.

Table 3a. Challenges & Opportunities	
<p>Challenges</p> <ul style="list-style-type: none"> • Community indifference/apathy related to agriculture and agriculture-related issues • Competition with non-farm development for land • Conflicts between farm & non-farm rural residents • Cost of energy • Cost of insurance • Economics in general • Encouraging new farmers to relocate to Nichols • Flooding and stream migration and erosion • Government environmental regulations • Government food safety regulations • Government programs skewing food & commodity prices • Lack of available high quality farmland • Legal system • Loss of prime agricultural lands to gravel mining • Outdated zoning regulations/zoning regulations that promote growth over agriculture • Providing more support to beginning farmers • Taxes • Traffic on local roads, highways 	<p>Opportunities</p> <ul style="list-style-type: none"> • Able to learn from other communities' mistakes • Active farms that remain in Nichols • Direct marketing • Educating general public on value of agriculture to larger community • Farmers markets • Increasing awareness of importance of agriculture in Nichols • Large amount of active and inactive farmland in Nichols • Potential inflow of income from pending natural gas drilling operations • The younger generation of farmers in Nichols • Unused lands

Town of Nichols

Agriculture & Farmland Protection Plan

Table 3b. Weaknesses & Strengths	
<p style="text-align: center;">Weaknesses</p> <ul style="list-style-type: none"> • Aging population of farmers • Commodity prices • Community indifference/apathy for agriculture and agriculture-related issues • Development in floodplain areas • Economics of agriculture • Lack of farm organization • Lack of laws to protect farmers • Lack of political power of farmers • Lack of stream maintenance and control over stream migration, streambank erosion • Lack of time (to organize) • Poor gov't management of farmland resources. 	<p style="text-align: center;">Strengths</p> <ul style="list-style-type: none"> • Climate • Farmers markets • Good transportation links to markets • High quality farmland base • Large amount of active and inactive farmland in Nichols • Movement toward /growth of sustainable agriculture • People/farmers themselves • Proximity to population centers • Rural community character • Soil resources • Water resources

4. Community Open House

On February 3, 2011 the Agriculture Plan Steering Committee and its consultants hosted a Community Open House from 4:30 PM to 7:30 PM at the Nichols Town Hall. At the open house the draft Action Plan Matrix, draft plan maps and other information for the Agriculture and Farmland Protection Plan were available for review by the public. Steering Committee members, including staff of the Tioga County Department of Economic Development and Planning, Tioga County GIS, Soil and Water Conservation District, and the consultants were present and available to answer questions.

The open house format enabled members of the Nichols farm community and the general public to stop in to the Town Hall at a convenient time during the three hour event. They were able to review the plan proposals and discuss them in an informal atmosphere with committee members, staff and the consultants.

The Community Open House was publicized through local newspaper and radio station outlets. Stories announcing the open house and draft plan were published in the Owego Pennysaver, Tioga Courier and Sayre Morning Times.

5. Other Public Participation

Additional opportunities for the community to learn about and weigh in on the proposed plan have taken place at meetings of the Town of Nichols Town Board and the Tioga County Agriculture and Farmland Protection Board. The plan was discussed at three Town Board meetings and three Agriculture and Farmland Protection Board meetings. The plan was also reviewed by the Tioga County Planning Board as part of the General Municipal Law Section 239 review process.

A copy of the draft plan was posted on the Town of Nichols link on the Tioga County website at: <http://www.tiogacountyny.com/towns-villages/nichols/farmland-protection-plan.html>

Town of Nichols Agriculture & Farmland Protection Plan

AGRICULTURAL LAND RESOURCES

Farmers in Nichols maintain some 14,000 acres of land in cultivated fields, pasture, hay fields and woodland - or about two-thirds of the area of the town as seen on Map 1. Farms contribute significantly to the scenic character of the town and the quality of life of its residents. The agricultural land base remains concentrated and generally has not been

fragmented to any large extent by low-density residential development or larger scale land subdivision. Gravel mining, commercial and industrial development are viewed as threats to prime farmland along the highway and river corridor.

As Table 4 shows, agriculture in the Town of Nichols is diverse.










Table 4. Agricultural Land Uses by Acreage, 2009			
Type of Operation	Property Class Code	Acres	Percent
Field Crops	120	2,662	37%
Dairy	112	2,222	31%
Livestock	113	970	14%
Truck Crops (vegetables)	140	37	0.5%
Vacant Farmland*	105	1,269	18%
TOTAL		7,160	100%
<p>* Vacant farmland is defined by NYS Real Property Services as land used as part of an operating farm that does not have living accommodations and cannot be specifically related to any of the other agricultural property class categories. It is commonly found in municipalities where operating farms are made up of a number of individual parcels.</p> <p>Source: NYS Real Property Services 2009</p>			

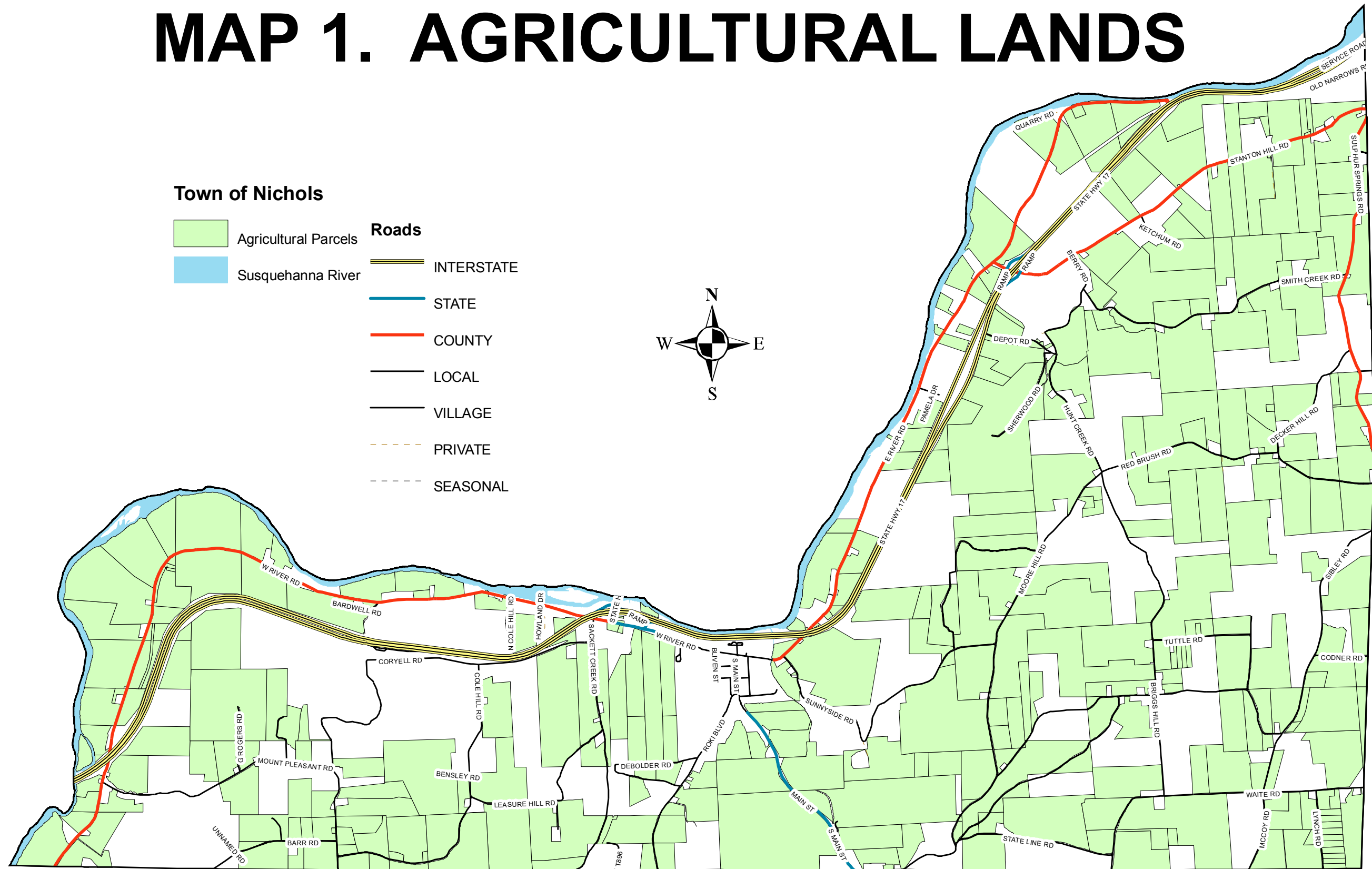
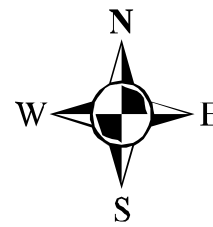
The NYS Route 17 (future I-86) limited access highway crosses the Town of Nichols from east to west. Exits at Nichols and at Lounsberry provide easy access to this major highway corridor and place Nichols within 3.5 hours of all major cities in New York, as well as Philadelphia, Pennsylvania. Although this highway may provide quick access to markets for farm products, it has also attracted

interest in industrial development as illustrated by the development of the Best Buy regional distribution center in Lounsberry and the Vulcraft steel plant and new CVS regional distribution facility to the west in Chemung, New York. Industrial development is important to local economic growth, but it also competes for valuable farm acreage.

MAP 1. AGRICULTURAL LANDS

Town of Nichols

- | | | | |
|---|----------------------|--|------------|
|  | Agricultural Parcels |  | INTERSTATE |
|  | Susquehanna River |  | STATE |
| | |  | COUNTY |
| | |  | LOCAL |
| | |  | VILLAGE |
| | |  | PRIVATE |
| | |  | SEASONAL |



0 2,500 5,000 10,000 Feet

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Town of Nichols

Agriculture & Farmland Protection Plan

LOCAL & REGIONAL PLANNING & AGRICULTURE

1. County Level Planning

Tioga County has adopted a number of plans and planning studies in recent years that are related to agriculture and agricultural land protection. These include the *Tioga County 2010 Strategic Plan*, the *Tioga County Agriculture & Farmland Protection Plan* and the *Tioga County Infrastructure Master Plan*.

The *Tioga County 2010 Strategic Plan*, adopted in March 2005, was developed to serve as a guide to County, municipal and community leaders and provide a countywide context for decision-making. Plan goals include "Expand the vitality and viability of County agriculture and maintain and retain for future generations agricultural lands, as well as the feasibility of farming." Specific objectives to be met over the long and short term include:

- Strengthening the connection between the farming community, the non-farming community and the leaders who establish policy for the community;
- Protecting prime agricultural land for agricultural use;
- Promoting purchase of development rights (PDR) to protect valuable agricultural lands;
- Creating new markets for agricultural products and providing support and assistance to agricultural entrepreneurial efforts;
- Increasing community education efforts and promoting increased awareness of agriculture;
- Integrating agriculture into overall County goals;
- Encouraging understanding of and participation in Agricultural District programs by farmland owners.

The *Tioga County Agriculture and Farmland Protection Plan* was adopted in November 1998. It notes that agriculture in Tioga County and New York as a whole continues to be subject to external financial pressures, and that these forces have

resulted in a continued decline of lands in agriculture, number of farms in operation and the number of people engaged in agriculture. The plan indicates that if not changed, a continued decline in agriculture would further erode the importance of the sector in Tioga County.

The Plan outlined a number of actions Tioga County and various municipalities could take to enhance the long-term viability of agriculture in Tioga County, including:

- Provide agricultural entrepreneurs with assistance in product development, value-added processing, marketing and distributing through a full-time agriculture development specialist;
- Develop educational programs to increase understanding by municipal officials of the NYS Agricultural District Law, NYS Agricultural Assessment and Purchase of Development Rights;
- Encourage representation by the agriculture community on various municipal boards and committees;
- Pursue opportunities to promote and increase agricultural tourism in Tioga County as recommended in the *2004 Agri-Tourism Study*.

Leadership in implementing the *Agriculture and Farmland Protection Plan* was delegated primarily to the Tioga County Agriculture and Farmland Protection Board and the Tioga County Agricultural Resource Group. Support for the two bodies is provided by the Tioga County Soil and Water Conservation District, Cornell Cooperative Extension, the Department of Economic Development and Planning, Real Property & Taxation Office, the Natural Resources Conservation Service, Farm Service Agency, Farm Bureau, Tioga County Rural Economic Area Partnership (REAP), Tioga County Tourism, local farmers and others.

The purpose of the *Tioga County Infrastructure Master Plan*, adopted in 2004, is to provide Tioga County and its municipalities with strategies for

Town of Nichols Agriculture & Farmland Protection Plan

improving water and sewer infrastructure in communities throughout the county. The plan has a number of recommendations that have potential implications for agriculture in the Town of Nichols, including:

- Extension of water lines from the water treatment plant at Lounsberry westward along East River Road, as well as eastward along Stanton Hill Road;
- Creation of a new sewer collection and wastewater treatment plant to replace existing private on-lot septic systems in the Village of Nichols and to serve the area in the town westward to Tioga Downs casino and horse racing track and beyond along West River Road;
- Extension of the sewer collection system at Lounsberry westward along East River Road to the Village of Nichols.

The plan prioritizes the nearly four dozen projects outlined in the document. In the case of the Town of Nichols the waterline connection between Lounsberry and the village ranked 5th in the County's list of

priorities; the sewer system for the village and Tioga Downs casino and horse racing track ranked 28th; and the proposed extension of sewer service along East River Road from Lounsberry ranked 43rd.

From a positive standpoint the creation of a public sewer system within the Village of Nichols and in the area immediately west of the village could create incentives to channel future residential, industrial and commercial development away from other areas of prime agricultural lands in the town. (See Map 5, Map 6)

From a negative standpoint the extension of public water and sewer services along East River Road between Lounsberry and Nichols would open up 500 to 600 acres of active farmland to development for non-agricultural uses. Extension of water and sewer infrastructure between the village and Tioga Downs casino and horse racing track would open up some 200 acres of active farmland to potential non-agricultural development, and another 300 to 400 acres of active farmland west of the casino/racetrack.

VALUE OF AGRICULTURE TO LOCAL ECONOMY

Farming in the Town of Nichols generates millions of dollars in sales each year through the production and marketing of farm products. Although figures are not available for the Town of Nichols, according to the 2007 Census of Agriculture in Tioga County as a whole the market value of agricultural commodities sold in 2007 was \$36,665,000, up from \$28,327,000 in 2002. Table 5 compares farm sales figures in zip code 13812 for the years 2002 and 2007, which gives an idea of the relative value of farm sales for the Town of Nichols.

According to the 2007 Census of Agriculture, there were 29 commodity farms in the Town of Nichols. Of these 3 operations had commodity sales of more than \$250,000; 2 farms had sales of \$50,000-\$249,000, and 24 farms had sales below \$50,000.

Sales Volume	2002	2007
Farms with sales greater than \$250,000	3	3
Farms with sales \$50,000-\$249,999	9	2
Farms with sales less than \$50,000	23	24
Total Farms	35	29
<small>Data Source: U.S.D.A. Census of Agriculture * Data is from U.S. postal zip code area 13812, which includes the Town of Nichols and a small portion of the Town of Owego along the border with the Town of Nichols</small>		

Town of Nichols Agriculture & Farmland Protection Plan

According to the Census of Agriculture, in 2007 there were 29 farm operations in the Town of Nichols. This compares to 35 farms in 2002 and 37 farms in 1997. As shown in Table 6, most farms in 2007 were less than 50 acres in size, but in 2002 most farms were in the range between 50-999 acres. In Tioga County, according to the Census of Agriculture there were 579 farms in 1987, 604 farms in 2002, and 565 farms in 2007.

Agriculture also generates economic impacts from businesses that provide services or goods to farmers and from businesses that process, transport, or resell farm products. These include: retail businesses that sell equipment, fertilizer, seeds and other inputs; providers of financial, technical, and engineering services; construction contractors; trucking companies; processing plants; and retail sales of farm products. Commodity sales generate considerable income from outside of the region, and keep much of

that income circulating in the community through local spending and support of area agri-businesses.

Table 6: Number of Commodity Farms in Zip Code 13812

Farm Size	2002	2007	Absolute Change
1-49 acres	4	21	+17
50-999 acres	31	7	-24
> 1000 acres	0	1	+1
Total Farms	35	29	-6
Data Source: U.S.D.A. Census of Agriculture * Data is from U.S. postal zip code area 13812, which includes the Town of Nichols and a small portion of the Town of Owego along the border with the Town of Nichols			

VALUE OF FARMLAND TO THE COMMUNITY

Agriculture is by far the largest land use in the Town of Nichols. It is a major element in the scenic character of the town enjoyed by both residents and many thousands of motorists who pass through Nichols on NYS Route 17. Although residential, commercial and industrial development may offer the tangible benefit of increased tax base, many communities today value the intangible benefits to community character and quality of life that agriculture contributes.

Moreover, studies conducted in New York municipalities by American Farmland Trust have consistently shown agricultural land, woodland and other types of open space generate more in property tax revenue than they receive in services².

Table 7: Comparative Costs of Municipal Services vs. Tax Revenues Generated

Land Use	Municipal Service Costs	Tax Revenues Generated
Agricultural land, other types of open space	\$.29	\$1.00
Residential development	\$1.27	\$1.00
Commercial development	\$.26	\$1.00
Data Source: American Farmland Trust		

² American Farmland Trust Factsheet: *Cost of Community Services Studies*

Town of Nichols

Agriculture & Farmland Protection Plan

Residential development in contrast generally requires more in services than the revenues such development generates.(Table 7)

The objective of these types of analysis is not to discourage residential development in the community, but rather to point out that such development does

come with costs. Since World War II many communities that have sacrificed agricultural lands to promote "growth and development" in pursuit of increased property tax base are today saddled with the high costs of maintaining the infrastructure needed to support such development.

CURRENT CONDITIONS AND TRENDS IN AGRICULTURE

The *Tioga County 2010 Strategic Plan* notes that “the number of farms, productivity of farms, and farmed acreage, has declined dramatically” over the past 100 years. The report concludes that “current trends indicate a continuing decline in agriculture and if unchanged, will further reduce important agricultural contributions to the County.”

Although the amount of land in agriculture in Tioga County has declined dramatically over the past

several decades, much of the decline can be attributed to the abandonment of marginal agricultural lands where poorer soil quality has been a major constraint since the arrival of early settlers. The reduction in number of farms however does correspond to an increase in the average size of farms. Across the state of New York the average size of farms has increased from 154 acres in 1957 to 219 acres in 2007, a 42% increase.

ISSUES IMPACTING LONG-TERM VIABILITY OF AGRICULTURE

1. External Influences

While this plan focuses primarily on issues and actions that are within the influence of local government, there are several potential threats to the economic viability of local farms that are apparent at the regional, state, and national levels. These include:

- Fluctuations in the cost of inputs and services (e.g. fuel, fertilizer, seed, insurance) with limited, or no latitude for the farmer to pass along these costs to the buyer or end user;
- Increasing conflicts with automobile and truck traffic, and greater potential for accidents as farm machinery must travel on public roads and highways to access fields and other farm operations;
- International trade agreements and global competition for markets;
- Increasing burden of property taxes and impact

on farm profitability;

- Changes in federal farm policy;
- State and federal regulations, including transportation policies, and environmental regulations (e.g. CAFO regulations);
- Susquehanna River Basin Commission permitting requirements and expenses associated with water withdrawals from the Susquehanna River and its tributaries;
- Federal immigration policy that makes investment in labor intensive crops, such as fruits and vegetables, a potentially risky investment (due to labor availability);
- Limited local supply of laborers interested in working on farms, or willing to work for the wages that farmers can afford to pay.
- New Clean Water Act compliance requirements by the US Environmental Protection Agency (as

Town of Nichols

Agriculture & Farmland Protection Plan

of December 31, 2010) that will impact many farms with increased federal and state oversight due to mandated reductions in Total Maximum Daily Load (TMDL) limits on nitrogen, phosphorus and sediment in the Chesapeake Bay watershed.

According to Governor Andrew Cuomo's 2010 *Farm NY: Growth Through Innovation – The New NY Agenda*, the state needs creative new ideas to protect farmland and agricultural viability.

“Like most New Yorkers, farmers face the mounting burden of property taxes... As with other small businesses, the State's high business costs are slowing economic revitalization – our agriculture industry is no exception. Businesses in New York face the second highest tax burden in the nation, the second highest “cost of doing business index,” the second most negative business climate, among the highest health insurance costs and the second highest energy rates in the nation. We must be cognizant of these financial challenges and find innovative ways to support farmers who are struggling to make a decent living and keep their land in agricultural production.”

These issues are recognized as major challenges that affect agriculture in ways that are difficult to overcome at the local level.

2. Public Awareness and Understanding of Agriculture.

With only about 1.5% of the U.S. population engaged in farming, the vast majority of Americans no longer have any direct ties to agriculture. The entertainment industry and news media largely shape public understanding of agriculture and farming practices. As a result of this disconnect, public policies are often guided by misperceptions and resulting local government decisions can adversely impact the farm community. Examples of such impacts can be decisions to extend municipal infrastructure into agricultural areas to spur development, local zoning regulations designed to promote and protect residential development from the impacts of

agriculture, and local taxing policies.

3. Farmland Ownership

Farmland owned by non-farmers tends to be more vulnerable to development or abandonment than farmland owned by farmers and members of their families. Due to the uncertainties inherent in renting and short-term leases, farmers operating on rented land tend to be more reluctant to make long-term capital investments in this land (such as planting perennial crops, like alfalfa, or erecting permanent fencing). In Nichols the proportion of farmland owned by farmers has declined over the past two decades, while rental of farmland from non-farming owners has increased significantly. If these trends continue, reinvestment in farms may decline as local farmers who rely on rented land become increasingly vulnerable to loss of access to this farmland and to the financial decisions made by non-farming landlords.

4. Farms in the Middle

The agricultural community in the Town of Nichols is comprised of primarily family farms. These farms are described by some experts as the “agriculture in the middle” in the United States. They lay somewhere in between the so-called “hobby” farms at one end of the spectrum and the large so called “corporate” agricultural enterprises. Family farms in the United States form the backbone of agriculture nationwide, statewide and locally in Nichols and Tioga County. They also represent the sector of agriculture that is under the most duress, economically, socially and in terms of regulation. Any plan for the future of agriculture needs to recognize the importance of the family farm to the long-term viability of the agricultural sector in any local economy.

5. Revival of the Small Farm

For the past several decades there has been a trend in the United States of farms becoming larger and larger in terms of acreage and capital investment.

Town of Nichols

Agriculture & Farmland Protection Plan

Yet, another trend in agriculture in the United States that has become evident over the past decade or more has been the resurgence of smaller farms.

These smaller farms are characterized by size but also by their diversity. They range from large gardens to hobby farms to part-time or full-time commercial farms. They may be organic or non-organic, or specialize in one or more niche or specialty crops. Another trait of these smaller farms is their ability to more rapidly adapt to market trends by changing product lines as new markets emerge.

Many new small farms have emerged closer to major metropolitan areas of the country, where they form the basis of a “grow local/eat local” food system, supplying fresh produce and other agricultural products to city dwellers.

This resurgence in smaller farms can be seen in Nichols as well, where a number of such operations have been identified. They should be supported by the Town of Nichols as they are an opportunity to diversify the local agricultural sector and enable it to better adapt to future market trends.

6. Agricultural Support Resources

Many agricultural support services are available in Nichols and vicinity, including Pennsylvania. These include:

- Trucking companies/services (2)
- Equipment dealers (7)
- Food processors and sales
- Feed and seed supply
- Feed mills (1)
- Professional services such brokerage, custom operators
- Fertilizer and chemical supply (3)
- Veterinarians (8)
- Auctioneers

The Community Bank in the Village of Nichols works with the farming community. Although many of the commercial enterprises supporting agriculture are located in surrounding towns, Middendorf Tractor and Auto sales and a number of trucking businesses are located within Nichols. Other businesses of note

include: Scott Smith & Son Inc. (Fuel Oil / Energy Supply / Propane & Service); Ward and VanScoy (Seed supply and manufacturer); Norwesco (storage tanks); Wagner Lumber (Owego); Visschers (Auctioneers).

In addition to local businesses that support agriculture in Nichols, there are a number of agencies and organizations that contribute to the success of local farming. These include the Tioga County Soil & Water Conservation District, Cornell Cooperative Extension of Tioga County, USDA Farm Service Agency, NRCS, Tioga County Agricultural Resource Group (TC ARG), Farm Bureau, Tioga County Agricultural Society, Tioga County Economic Development & Planning, Tioga County Tourism, the Upper Susquehanna Coalition, Tioga County Dairy Princess, Tioga County Rural Economic Area Partnership, and Tioga County Agricultural and Farmland Protection Board.

7. Soil Resources

The Town of Nichols is richly endowed with high quality farmland soils. According to the USDA soils survey data and New York State Land Classification System, approximately 20% of the soils in the town are classed as prime agricultural soils, and 48% are classed as soils of statewide importance.³ (Map 2, Table 8) Some two-thirds of the soils in the town, covering approximately 14,800 acres of land, are classed as prime or soils of statewide importance.

Of particular significance are the soils covering the river bottomlands along the Susquehanna River and Wappasening Creek. There are approximately 4,600 acres of relatively flat, rich soils along the river and the creek. Of these some 3,400 acres, or nearly 75% of the land, are covered with soils classed as prime agricultural soils. The bottomlands account for 92% of all prime soils in the town.

³ U.S. Department of Agriculture, Natural Resources Conservation Service Web Soils Survey.

**Town of Nichols
Agriculture & Farmland Protection Plan**

Table 8. Prime Soils in the Town of Nichols		
Soil Type	Acres*	Percent of Town Land Area
Chenango gravelly loams	880	4%
Howard loams & gravelly loams	1,110	5%
Lordstown channery silt loams	70	0.3%
Mardin channery silt loams	210	1.0%
Middlebury silt loams	130	0.6%
Tioga silt loams	1,300	6%
Unadilla sandy and silt loams	430	2%
Woostern gravelly silt loams	130	0.6%
Total*	4,260	19.5%
* Rounded to nearest 10 acres		
Source: U.S. Department of Agriculture, Natural Resources Conservation Service Web Soils Survey, and New York State Land Classification System		

8. Natural Hazards Such as Floods, Stream Erosion.

The rich bottomlands along the Susquehanna River, Wappasening Creek and smaller streams in the Town of Nichols are important farmland resources. However the river and creeks that have created them can also threaten agricultural operations and farmland resources.

Almost all of the most productive soils in the town are located in floodplain areas along the Susquehanna River and its tributaries. As a result flooding can be a major issue for farmers, either delaying spring planting or by destroying crops in the field. Floods also pose a hazard to farm buildings, stored feed, livestock and equipment located within floodplains.

Floods can cause considerably more damage where intensive non-farm development has occurred in floodplain areas. In addition to the hazards to property, health and public safety such development can create, it also consumes valuable farmland. For





this reason directing development away from floodplain areas not only would protect valuable farmland, it could reduce the potential for catastrophic losses to a community.

For example, large expanses of undeveloped floodplains south and east of the Village of Nichols provide areas where accumulating floodwaters may spread laterally, helping to relieve pressure on the aging levee system protecting the village. Filling, paving and building upon these floodplains puts more people, property, and public infrastructure at risk.



Along lower reaches of many streams topography and hydrologic conditions combine to create the potential for severe streambank erosion and stream channel migration. Major problem areas have been identified along Wappasening Creek and Sacketts Creek, where flooding and stream migration have already destroyed or threaten to destroy farm fields. Flooding to a lesser degree is also a problem along smaller streams in the town.

Map 2. Town of Nichols Prime and Significant Soils

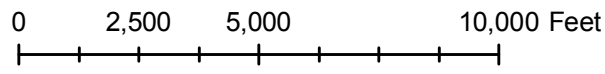
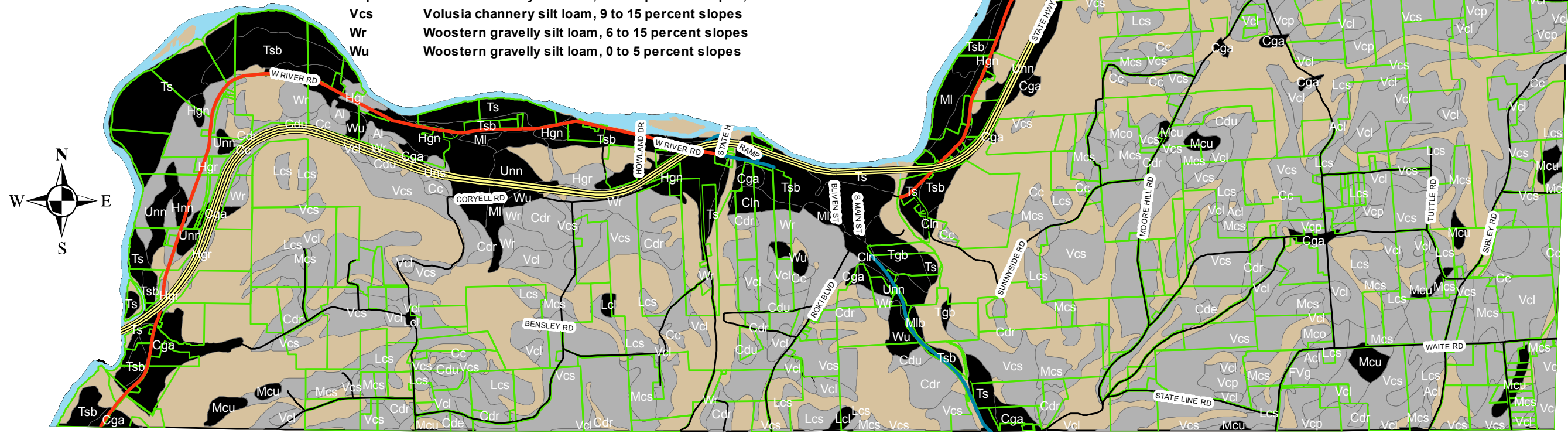
Prime and Significant Soils

-  All areas are prime farmland
-  Farmland of statewide importance
-  Agricultural Parcels
-  Susquehanna River

Roads

-  INTERSTATE
-  STATE
-  COUNTY
-  LOCAL
-  VILLAGE
-  PRIVATE
-  SEASONAL

MUSYM *	MUNAME
Acl	Allis channery silt loam, 3 to 8 percent slopes
Al	Atherton silt loam
Cc	Chippewa channery silt loam
Cde	Canfield gravelly silt loam, 9 to 15 percent slopes, eroded
Cdr	Canfield gravelly silt loam, 9 to 16 percent slopes
Cdu	Canfield gravelly silt loam, 0 to 8 percent slopes
Cga	Chenango gravelly loam, fan, 3 to 12 percent slopes
Cgr	Chenango gravelly loam, 6 to 15 percent slopes
Cln	Chenango gravelly silt loam, 0 to 3 percent slopes
FVg	Fremont and Volusia channery silt loams, 0 to 8 percent slopes
Hgn	Howard gravelly loam, 0 to 3 percent slopes
Hgr	Howard gravelly loam, 6 to 15 percent slopes
Hnn	Howard loam, 0 to 3 percent slopes
Lcl	Lordstown channery silt loam, 0 to 5 percent slopes
Lcs	Lordstown channery silt loam, 6 to 15 percent slopes
Mco	Mardin channery silt loam, 9 to 15 percent slopes, moderately deep
Mcp	Mardin channery silt loam, 9 to 15 percent slopes, eroded
Mcs	Mardin channery silt loam, 9 to 15 percent slopes
Mcu	Mardin channery silt loam, 0 to 8 percent slopes
MI	Middlebury silt loam
MIb	Middlebury silt loam, high bottom
Tgb	Tioga gravelly loam, high bottom
Ts	Tioga silt loam
Tsb	Tioga silt loam, high bottom
Ufn	Unadilla fine sandy loam, 0 to 3 percent slopes
Unn	Unadilla silt loam, 0 to 3 percent slopes
Uns	Unadilla silt loam, 6 to 15 percent slopes
Vcl	Volusia channery silt loam, 0 to 8 percent slopes
Vcp	Volusia channery silt loam, 9 to 15 percent slopes, eroded
Vcs	Volusia channery silt loam, 9 to 15 percent slopes
Wr	Woostern gravelly silt loam, 6 to 15 percent slopes
Wu	Woostern gravelly silt loam, 0 to 5 percent slopes





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MAP 3. CURRENT FEMA FLOOD ZONES





Town of Nichols

Current FEMA Flood Zones








-  100-year
-  500-year

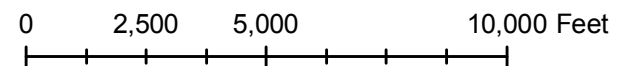
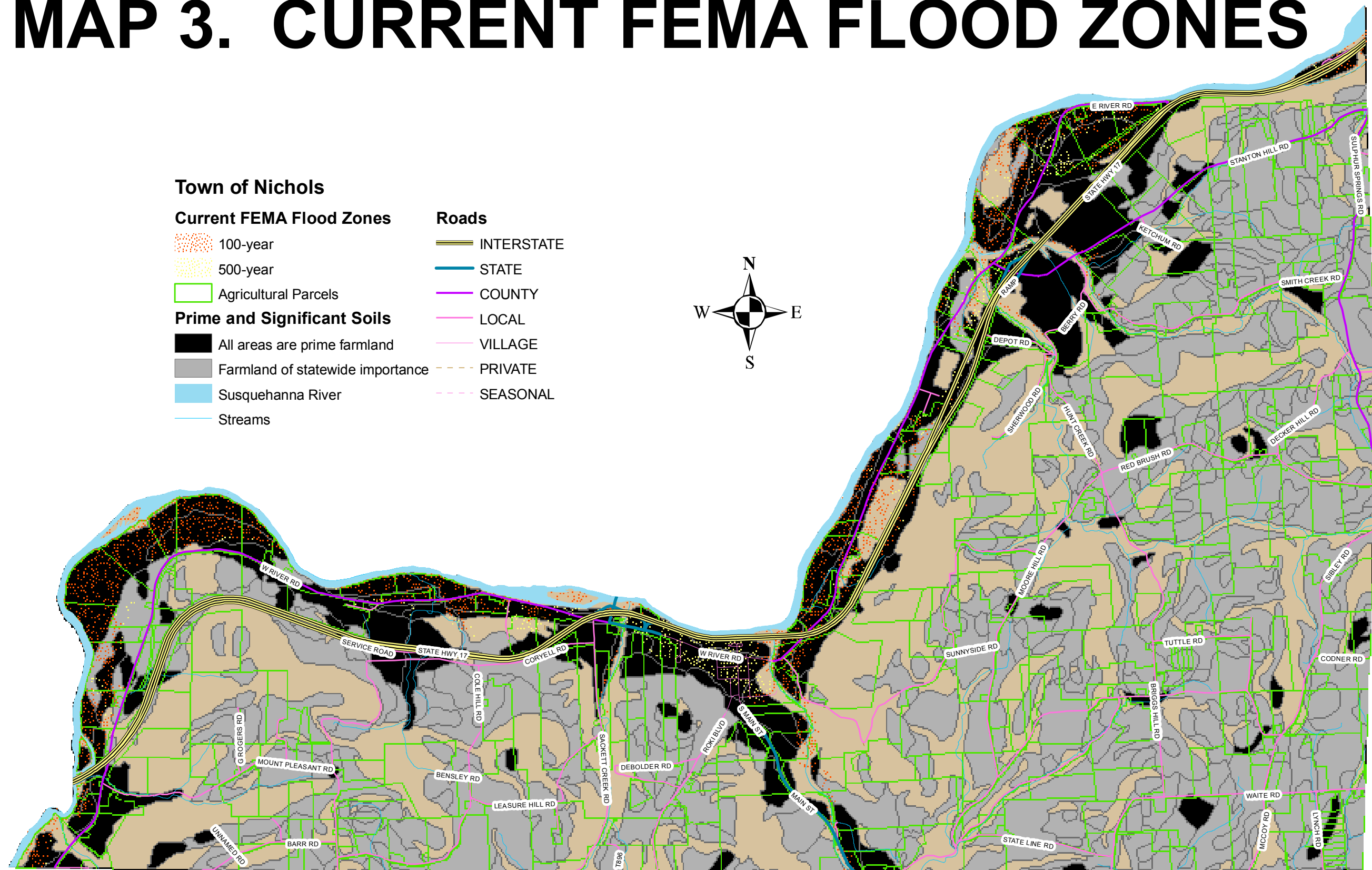
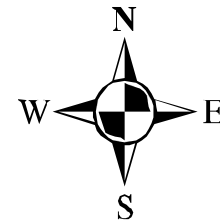
-  Agricultural Parcels

Prime and Significant Soils

-  All areas are prime farmland
-  Farmland of statewide importance
-  Susquehanna River
-  Streams

Roads

-  INTERSTATE
-  STATE
-  COUNTY
-  LOCAL
-  VILLAGE
-  PRIVATE
-  SEASONAL



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Town of Nichols Agriculture & Farmland Protection Plan

9. Participation in the NYS Agricultural Districts Program

Participation in the NYS Agricultural District Program provides farmers and farmland owners with certain protections from unreasonable restriction of agricultural practices by local government, right to farm protection, and assurance that construction practices of public infrastructure projects will not adversely impact farmland, among other benefits. Tioga County Agricultural District No.2 encompasses the Town of Nichols and the adjacent Town of Owego. Approximately 5,750 acres or 80.3% percent of lands in the town identified in the NYS Office of Real Property Services database as agricultural lands are located within Agricultural District 2.

10. Agricultural Direct Marketing Enterprises

According to recent National Agricultural Statistics Service (NASS) data, 20% of New York farmers engage in direct marketing of at least some of their products. In addition to traditional farmstands erected along the roadside, a wider variety of activities have recently come to define direct marketing businesses, such as farm tours, agri-tainment, sale of exotic animals, meats, baked goods and other value-added farm products produced on the premises. A number of direct marketing farm businesses are located within Tioga County, including Nichols (Table 9).

Table 9. Agriculture Direct Marketing Enterprises		
Business	Location	Products
Thomas Babcock Honey Products	Nichols	Honey, honey products
Art Engelbert	Nichols	vegetables
Engelbert Farms	Nichols	organic butter, cheese, beef, pork, veal, vegetables, feed grain
Moore Farms	Nichols	organic beef, eggs, vegetables
Visscher Auction & Real Estate Co.	Nichols	hay, auction services
Charles Babcock	Nichols	hay
Johnson Farms	Nichols	potatoes
Romberger's Farm	Nichols area	pork, beef, straw, vegetables, livestock
Chuck Campbell	Nichols	feed corn
Kay's Rare Cacti & Succulent Greenhouse	Nichols	cactus, succulent plans
Sanctuary Farm	Nichols	honey
Beeman Apiaries	Nichols area	honey and bee forage
Heritage Pastures	Nichols	pastured pork, chicken, turkey, eggs
Ketchums Greenhouse	Nichols	bedding plants
Glen Martin	Nichols	hay, biodiesel, food grade vegetable oil
Traues Blueberries	Nichols	u-pick blueberries
Lindhorst Cattle Co.	Nichols	hay, feed corn
Lloyd's USA Development, Inc.	Nichols area	feed
Strong Haven Farms	Nichols area	feed
Source: Internet; Local Farmers; Tioga County Tourism agency; Visit Tioga website		

Town of Nichols

Agriculture & Farmland Protection Plan

11. Participation in New York State Agricultural Assessment

According to the state's Uniform Assessment Standards, actively farmed land is valued according to its current use for agricultural purposes, irrespective of whether farming is considered the highest and best use of such property. New York State Agricultural Districts Law allows reduced property tax bills for land in agricultural production by limiting the property tax assessment of such land to its prescribed agricultural assessment value. To establish a uniform statewide land classification system, the Department of Agriculture and Markets uses differences in soil productivity as the common denominator in classifying all New York State farmland. The state's soil rating methodology is based primarily on differences in the inherent ability of soils to support crop production.

Landowners interested in NY State Agricultural Assessment need to apply annually, and the farmland must satisfy certain gross sales and acreage eligibility requirements. The first step in the enrollment process involves the county Soil & Water Conservation District, which plots each farm tax parcel on Soil Map, outlines woodlands and any ineligible areas, and records this information on the Soil Group Worksheet

(Form ADP-1). They should be made aware of any areas of flood induced crop and yield losses on these parcels, as the reduced productivity of the mapped flood-prone soils affects how those soils are categorized in the state's classification system. Next, the landowner transfers this soil information to the "Application for Agricultural Assessment" (Form RP-305) on the parcel, which is available from the assessor's office. The landowner then submits the completed RP-305 application form along with copies of the completed APD-1 Soil Group Worksheet and the Soil Map to the assessor by the taxable status date, typically March 1st. After the initial application, a shorter version, Form RP-305-r ("Agricultural Assessment Application Renewal") may be submitted if there have been changes since the previous year's application.

Farmers under New York State Agricultural Assessment who have experienced flood-related crop losses in the last 10 years may want to verify with the county Soil & Water Conservation District that appropriate soil groups are associated with their flood-prone soils, and if necessary request a correction based upon actual flooding frequency and crop losses using Form RA-103, "Land Classification System Affidavit Concerning Soils That Flood" (see Appendix D).

FARMLAND CONVERSION PRESSURES

The pressure to convert farmland to non-agricultural uses in the Town of Nichols appears to be low overall. According to the US Census of Population and Housing, the population of the Town of Nichols increased by 254 persons, or by approximately 11% between 1980 and 2010. (Table 10) The population of Tioga County increased in the three decades between 1980 and 2010 by 1,972 persons, or by 4.0%.

The 2010 Census data records a population drop in the Town of Nichols of 59 persons between 2000 and 2010, or 2.3 percent. (Note the Census 2010 data is considered preliminary and final count numbers may

vary.) Despite this demand for new housing has continued in the town. Between 2000 and 2010 a total of 51 new housing units were built in the Town of Nichols outside the village limits. This represents an increase of 6.3 percent over the course of the decade.

Town of Nichols Agriculture & Farmland Protection Plan

Table 10. Growth in Town of Nichols and Tioga County, 1980 - 2010										
Municipality	Population						Housing Units			
Census Year	1980	1990	2000	2010	Change 1980- 2000	Percent Change	2000	2010	Change 2000- 2010	Percent Change
Town of Nichols*	2,271	2,525	2,584	2,525	254	11.2%	805	856	51	6.3%
Nichols Village	613	573	574	512	-101	-16.5%	228	233	5	2.2%
Town of Barton*	4,046	4,138	4,459	4,414	368	9.1%	1,875	1,888	13	0.7%
Town of Owego*	16,107	16,837	16,454	15,987	-120	-0.7%	6,313	6,584	271	4.3%
Tioga County	49,812	52,337	51,784	51,125	1,972	4.0%	n/a	n/a	n/a	n/a

* Data for Nichols, Barton and Owego towns excludes the populations of the villages of Nichols, Waverly and Owego.

The above census data is reflected in the comparison of land use in the Town of Nichols as shown on aerial imagery from 1994/95, and aerial imagery from 2009/2010 published by the New York State Geographic Information Systems Clearinghouse. The aerial imagery shows approximately 50 new homes in the Town of Nichols outside the village. These homes are scattered throughout the town and many appear to have been built on land not used in crop production, such as land covered by woods or non-farm meadow and brush. Some of the homes however were built on productive farmland.

Although there is not a high demand for housing in the Town of Nichols, often the homes that are built are spread over the countryside, and many times they impact farms both directly and indirectly. Farms are directly impacted by the construction of houses on farmland or in farmed areas. Farms are also indirectly impacted by urban families who don't understand agricultural practices moving into rural farming areas. In many municipalities across New York and other states conflict often develops between farm and non-farm landowners with regard to normal

agricultural practices such as hauling and spreading manure or other farm activities that create noise or odor.

The conversion of agricultural lands to industrial uses, commercial uses and to gravel mining in the town has resulted in the loss of significantly more agricultural land than residential development. According to the New York State Geographic Information Systems Clearinghouse aerial imagery, nearly 200 acres of agricultural land have been converted to these uses since 1994/1995. Of this acreage approximately 125 acres have been converted to commercial and industrial uses, including the new Best Buy regional distribution center in Lounsberry. The remaining conversions to non-agricultural uses have been due to commercial development in the vicinity of Exit 62 west of the Village of Nichols, and at the redeveloped Tioga Downs casino and horse racing track.

Since 1994/1995 approximately 75 acres of formerly agricultural lands have been consumed by gravel mining. This mining activity has been concentrated along East River Road in the vicinity of Lounsberry. In addition to lands now actively or formerly mined,

Town of Nichols

Agriculture & Farmland Protection Plan

there are approximately 300 or more acres of actively farmed land around Lounsberry that are owned by

mining interests.

ZONING AND AGRICULTURE

1. Overview

Zoning is one of the key tools utilized to implement the vision set forth in a community master plan. Since 1990 the Town of Nichols has regulated and restricted the use of lands within the town, the height, number of stories and size of buildings and other structures, the percentage of occupancy of lots and parcels of land that may be occupied, and the density of population as authorized by NYS Town Law. The Town of Nichols Zoning Ordinance establishes specific zoning districts and sets forth specific uses permitted in each district, as well as design and operating standards. The Zoning Ordinance has been amended and updated on a number of occasions since its original adoption.

The Town of Nichols Zoning Ordinance is a relatively simple but comprehensive set of land use regulations that reflect the rural character of the community and the small scale of its government. As they relate to agriculture they are not overly burdensome, with the exception of the issues noted below. Recommended changes are relatively minor and technical in nature and intended to avoid potential conflicts with NYS Agriculture and Markets Law (AML) Article 25-AAA, Section 305-a,⁴ or to provide additional flexibility to provide farmers with additional opportunities to create income and enhance the economic viability of their farm operations.

The following commentary is not a complete analysis of the Town of Nichols Zoning Ordinance. Rather it looks at the implications with regard to its potential impacts to agriculture and agricultural enterprises in the Town of Nichols

For the purpose of this report agriculture is defined as the use of land, buildings, structures, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise or a hobby, and including commercial horse boarding operations as defined in NYS Agriculture and Markets Law Article (AML) 25-AA, Section 301. Historically agriculture has included a variety of disciplines aside from fruit, vegetable and crop production and livestock raised for food. In this report animal husbandry, or the breeding of specific animals for use or sale (e.g. race horses), beekeeping, aquaculture (fish production), horticulture and floriculture, including greenhouse operations and silviculture, maple production and forestry are all considered agricultural pursuits as well.

Section 305-a of NYS Agriculture and Markets Law (AML) provides farmers and agricultural operations located within State Agricultural Districts specific protections against local zoning regulation that may be unreasonably restrictive and cause undue interference with legitimate agricultural practices as defined by state law. Because many of the farms in the Town of Nichols are located within a State Agricultural District, they are afforded the protections available through Section 305-a.

In 2002 NYS Town Law Section 283-a was amended to require local governments to ensure that their laws, ordinances or other regulations that might apply to agricultural operations located in state certified agricultural districts do not "...unreasonably restrict or regulate farm operations in contravention of Article 25-AAA of the Agriculture and Markets Law, unless it can be shown that the public health or safety is threatened."

⁴ Available online at:
<http://www.agmkt.state.ny.us/AP/agsservices/agdistricts.html>

Town of Nichols

Agriculture & Farmland Protection Plan

When assessing their application of zoning regulations to agriculture, municipal officials should consider such issues as:

- Do the regulations materially restrict the definition of farm, farming operations or agriculture in a manner that conflicts with the definition of "farm operation" as set forth in NYS AML Sect. 301(11)
- Do the regulations materially limit or prohibit the production, preparation or marketing of any crop, livestock or farm product?
- Are certain types of agriculture subject to more intensive review or permitting process than other types of agriculture?
- Is any agricultural activity that meets the definition of "farm operation" as set forth in NYS AML Sect. 301(11) subject to special permit, site plan review or other local review standard above ministerial review, or subject to a more intensive level of review than other uses permitted within the same zoning district?
- Are farm operations treated under the local zoning regulations as integrated, interdependent uses and activities, or as independent, competing uses of the same property?
- Do the local zoning regulations prohibit any farm operations located within a State Agricultural District or do they permit them as a "legal nonconforming use?" (e.g. a land use that predates the adoption of the zoning ordinance but is not listed as a permitted use)

Upon the request of a farmer or municipal official the NYS Department of Agriculture and Markets may review local land use regulations to assess whether a local law or ordinance is unreasonably restrictive on its face, and whether it is unreasonably restrictive when applied to a particular agricultural practice. The Department must additionally assess whether the regulated activity also poses a threat to public health or safety.

If the NYS Department of Agriculture and Markets determines that a local law or ordinance does impose an unreasonable burden on farm operations within a

State Agricultural District, it will notify the municipality of its findings. The Department will then work with municipal officials to bring the local regulations in line with the NYS Agriculture and Markets Law. If the issue cannot be resolved through negotiation the NYS Commissioner of Agriculture is authorized under the law to bring an action against the municipality to enforce the provisions of Section 305-a.

2. Recommendations for Changes to Town of Nichols Zoning

The Town of Nichols Zoning Ordinance divides the town into four zoning districts and combinations thereof:

- Agricultural zoning districts;
- Business zoning districts;
- Industrial zoning districts;
- Residential zoning districts;

The Town of Nichols zoning districts are designed to permit multiple uses within each district. Agriculture is permitted throughout the Town of Nichols with the exception of a small R-Residential zoning district centered on Taylor Avenue off East River Road. The zoning district covering the largest land area within the town – upwards 90% of the land – is the A-R zoning district. This district permits agricultural operations as well as "...buildings and manufactured houses with one or two-family dwelling units" and "...mobile home parks, town house complexes, cluster housing, and apartment buildings in Planned Development Areas with Special Permit approved by the Town Board."

Because population growth in the Town of Nichols and demand for land for residential uses is relatively small, the combination of agricultural use and residential use in the A-R District is an appropriate approach for the Town of Nichols. However the A-R District is not clear with regard to the status of agriculture in relation to residential development. The statements "In residential districts that are also zoned agricultural, animals, poultry, and fowl related to agricultural pursuits must be restricted by fencing,

Town of Nichols

Agriculture & Farmland Protection Plan

screening, or equivalent, to the property owned, rented, or leased by the owner of the animals, poultry, and fowl," indicates that residential development and the lifestyle of rural non-farm residents take precedence over agricultural uses.

The Town of Nichols may wish to consider revising the description of the A District to clarify the status of agriculture as a primary land use within the A-R zoning districts. This could be accomplished by replacing the existing language with language that elevates the status of agriculture as the primary land use. An example of such language is:

"The general purpose and intent of the A-R Agricultural-Residential district is to protect the farmland and other agricultural resources and rural agrarian character of the Town of Nichols, to promote, as much as possible, the continued economic and operational viability of agricultural enterprises in the Town of Nichols, and to provide opportunities for rural residential and other compatible development within an agricultural environment."

The Town of Nichols may wish to review the size of the existing B-A-R; I-A-R and I2-B-A-R zoning districts. Given the population of the town and traffic volumes on NYS Route 17 (future I-86), the amount of area allocated to business and industry west of the village appears to be well in excess of what might be needed to accommodate future growth in those sectors. In addition, such zoning may create expectations as to the development value of this land, which may make it difficult for farmers to compete with prices non-farm land buyers are willing to pay for this critical acreage.

The Town of Nichols should consider reducing the sizes of these zoning districts by re-zoning some of the land to A-R. Map 4 shows the recommended revisions to zoning district boundaries. Lands recommended for possible rezoning are outlined in yellow. Parcels recommended for consideration of rezoning are:

- the parcels on the north side of West River Road west of NYS Route 17 (future I-86);

- the rear portions of the parcels located along West River Drive and Coryell Road south and east of NYS Route 17 (future I-86);
- lands on the north side of Stanton Hill Road eastward from the Ketchum Road intersection;
- lands east of Hunt Creek Road south of intersection with Depot Road and lands on both sides of Smith Creek Road south of intersection with Berry Road.

Definitions are a critical component of any set of zoning regulations. Although agriculture is a permitted use in the Agricultural zoning districts, the term is not defined. Instead the Zoning Ordinance has a list of types of farms as examples. Rather than listing examples, the Town of Nichols should consider simply listing "agriculture" as the permitted use. It could then revise the definitions section to include a definition of "agriculture" and include it as a permitted use.

An example of a definition of agriculture is:

"The use of land, buildings, structures, including greenhouse structures, equipment, and the practices which support the production, preparation, marketing and transportation of grain, vegetable, fruit, fiber feed and other crops, honey, maple syrup, horticultural and floricultural products, animal husbandry, bees, livestock and livestock products."

This language provides a clear and concise definition of what would constitute agriculture or an agricultural operation and provides considerable flexibility to accommodate the wide variety of activities generally recognized as being "agriculture" in New York. It can also ensure some flexibility in the future to accommodate the changing nature and increasing diversity of agriculture. Use of "agriculture" as an umbrella term also takes into account not merely the specific activities set forth in the several definitions currently used by the Town of Nichols, but also the multiple structures and subordinate activities that contemporary American agriculture encompasses.

The list of permitted uses in the Agricultural zoning districts does not include farmstands, farm markets,

Town of Nichols

Agriculture & Farmland Protection Plan

home occupations, riding stables or horse boarding enterprises. These types of activities are commonly found on farms and in rural areas.

Although “vegetable stands not part of agricultural establishments” are permitted within Business zoning districts, the vast majority of farms in the Town of Nichols are located outside Business zones. The language also limits sales to vegetables. This effectively prohibits the sale of fruits, eggs, meats, baked goods and other products that a farm may produce for retail sale to the general public. Finally, the “...not part of agricultural establishment...” language could be interpreted to preclude an active farm from also operating a roadside stand or farm market.

The Town of Nichols should add “farm stand,” “farm market,” or other suitable terms as a permitted accessory use in the Agricultural zoning districts. In addition the use should be defined in the definitions section of the zoning ordinance.

The Town of Nichols can consider an approach similar to one taken by the Town of Lima, which distinguishes between farmstands and farm markets. The Town of Lima defines a farm market as being a permanent enterprise selling a wider variety of agriculture-related merchandise, while a farm stand is a smaller, temporary or portable structure limited to selling produce.

Possible definitions for the Town of Nichols to consider are:

FARM MARKET. A permanent structure, with or without appurtenant open display area, operated as an accessory use to an active agricultural operation, from which agricultural produce and limited agricultural-accessory products such as tools, appliances and other such items may be sold, and which may also contain facilities for the onsite preparation of processed foods comprised of ingredients that add value to products of the farm, such as a kitchen or bakery.

FARM STAND. A portable or temporary structure or defined area, operated as an accessory to the principal use of the property,

from which agricultural products, baked goods and other agriculture-related value added items produced on the premises may be sold.

The above “farm market” may also be distinguished from a “farm stand” in that the sales from a farm stand could be limited to products produced on the premises. In some communities farm stands are permitted to also sell agricultural products from surrounding farmers and gardeners. Farm markets housed in permanent structures have larger sales volumes, are likely to be operated year-round and need to be able to acquire fresh produce and other products from outside vendors. In many cases the outside vendors may be other area farms that may lack the resources or the exposure on a major highway to sustain a retail operation.

Farm markets also have the option of selling “agricultural accessory products,” which can be defined as “*items, whether natural, processed, or manufactured, which are directly linked to and promote the use and sale of agricultural products.*” Examples of such products might be canning supplies, hand gardening tools, seed, fertilizers, mulch soil amendments and like products principally utilized in gardening or farming.











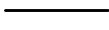




The definition of farm stand is written in a manner that would permit homeowners with gardens or fruit trees or bushes to also operate a farm stand.

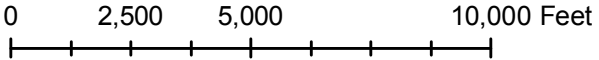
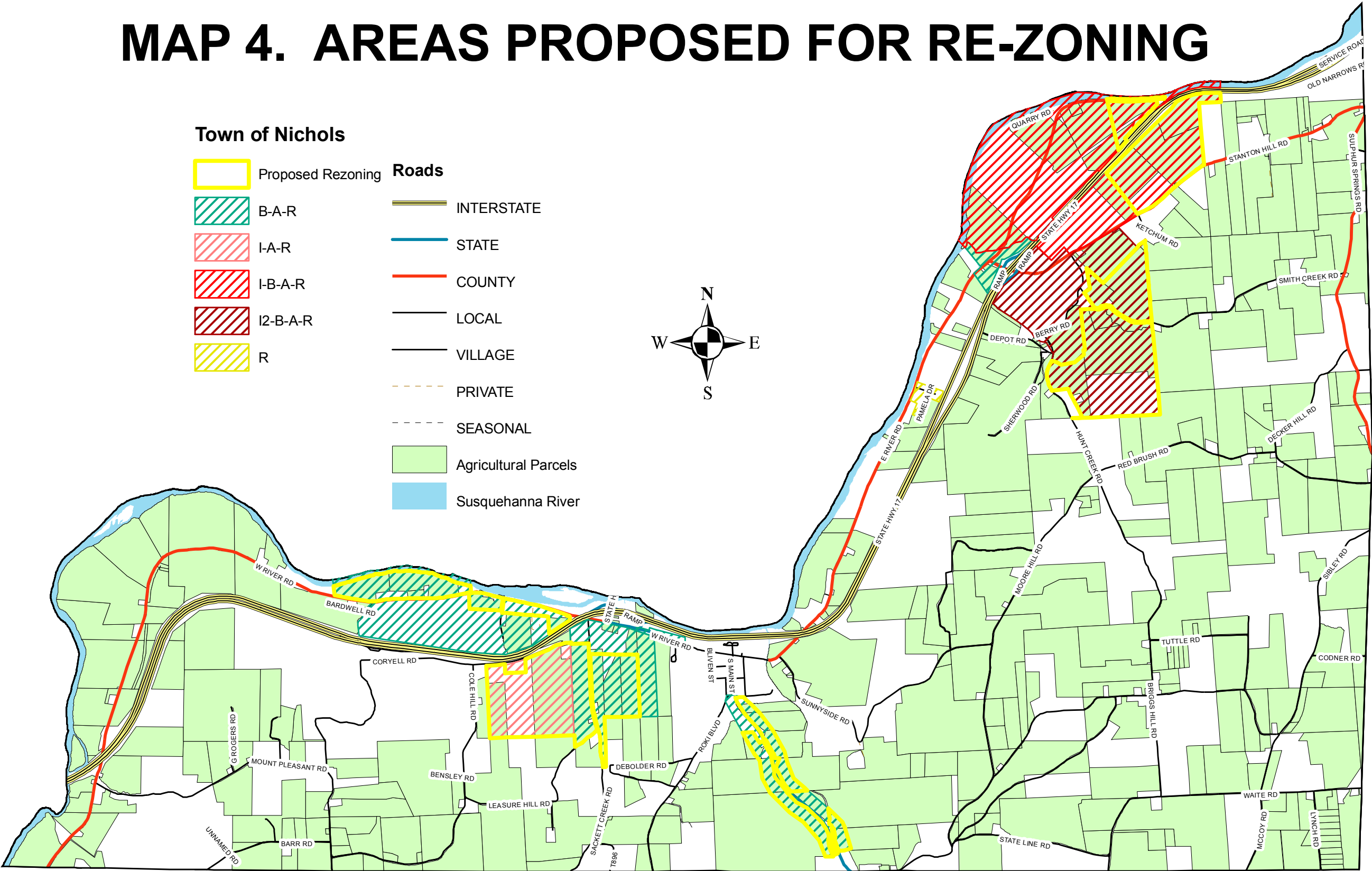
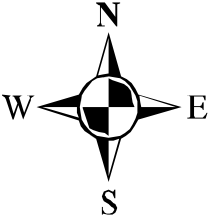
The Town of Nichols should also consider revising the definition for “Junkyard” to exclude the traditional farm practice of storing inoperable machinery, recycled wood and other materials on the premises. A revised definition might read:

“JUNK YARD: Any area of land, including buildings therein, which is used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, storage, and/or salvaging of machinery or vehicles not in running condition and for sale of parts thereof, excluding however refuse, wastes and debris generated by or used on the premises by any ongoing agricultural operation, as determined by the NYS Commissioner of Agriculture and Markets.”

MAP 4. AREAS PROPOSED FOR RE-ZONING

Town of Nichols

- | | | |
|---|-------------------|---|
|  | Proposed Rezoning | Roads |
|  | B-A-R |  INTERSTATE |
|  | I-A-R |  STATE |
|  | I-B-A-R |  COUNTY |
|  | I2-B-A-R |  LOCAL |
|  | R |  VILLAGE |
| | |  PRIVATE |
| | |  SEASONAL |
| | |  Agricultural Parcels |
| | |  Susquehanna River |



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Town of Nichols

Agriculture & Farmland Protection Plan

Agriculture today has evolved in a manner where many farms have diversified their income sources, in some cases through side businesses designed to generate supplemental revenues to support the overall income stream. These businesses are not stand alone businesses, but rather are subordinate to an ongoing farm operation. They must also be related to and supportive of agriculture in the community. The businesses can be seed, fertilizer, equipment or other dealership, a farm service business or a direct marketing operation such as a farm stand. Agri-tourism has stimulated the development of businesses as diverse as bed and breakfast inns, wineries, corn mazes or other seasonal attractions on the farm.

The Town of Nichols currently does not have specific language permitting such enterprises in the A-R zoning district. Permitting such business ventures could provide farmers in the town with more flexibility in terms of revenue sources. An example of a definition of such businesses is:

"AGRICULTURAL ENTERPRISE: A retail or wholesale enterprise providing services or products principally utilized in agricultural production, operated by the owner(s) of the active agricultural operation existing on the property, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or providing for wholesale or retail sale of cheese, bag feeds, grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations, including the packaging and storage of raw and processed materials utilized in the operation of said enterprise."

These types of businesses can be an important asset to the overall agricultural economy in the Town of Nichols and surrounding area. Such businesses can provide critical services or products at a convenient distance for local farmers. They can also provide a market for locally produced agricultural products.

TARGETED AGRICULTURAL PROTECTION AREAS

The over 14,000 acres of farmland in the Town of Nichols vary in physical characteristics such as topography and soils quality. These lands taken in their entirety, however, constitute a unique and productive system of agriculture in the Town of Nichols. Although many of the bottomland areas may by some measures be superior agricultural lands, for the purpose of this agriculture and farmland protection plan all lands in agricultural production are considered critical to the overall agricultural economy in the Town of Nichols.

Due to development patterns in the Town of Nichols in recent decades the bottomland soils along the Susquehanna River appear to be more vulnerable to conversion to non-agricultural uses. Competition for these lands for industrial development and gravel mining pose a threat to this resource. To address this issue, this plan proposes several Targeted Agricultural Protection Areas. These areas are

designed to draw attention to areas of bottomland soils that are vulnerable to conversion.

Map 5 shows these Targeted Agricultural Protection Areas of the Town of Nichols where priority should be given to the protection of agricultural land over other land uses. These areas were selected based on the following criteria:

1. Higher quality soils (prime or soils of statewide importance) cover most if not all of the lands;
2. Lands with higher levels of pressure for conversion (i.e. development or mining);
3. Lands in close proximity to highway interchanges, or with large amounts of frontage on public roads or highways;
4. Lands at the edge of existing development or adjacent to lands served by water and/or sewer lines;
5. Several contiguous parcels of land that create a large area of higher quality agricultural lands;

Town of Nichols Agriculture & Farmland Protection Plan

About 74% of the acreage designated as Targeted Agricultural Protection Areas on Map 5 is covered with prime soils (39.2%) or soils of statewide significance (34.7%). The priority lands account for just under half (48%) of all acreage covered by prime agricultural soils in the Town of Nichols.

The primary tool for protecting the identified lands is through revisions to the current zoning regulations and zoning map. The proposed revisions would remove land uses such as mining, commercial and industrial land uses from contention with agriculture by rezoning selected parcels of land to the A-R zoning designation.

In addition to identifying Targeted Agricultural Protection Areas the plan also designates Targeted Growth Areas. These areas are where the Town of Nichols should direct future industrial and commercial growth. These designated areas illustrate a balance between protection of agricultural resources and economic development. Just over one-quarter of the prime agricultural soils in the town (26%) are located within the proposed Targeted Development Areas.













Although they do not exhibit the same high quality in terms of soils and slopes of bottomland, the remaining 65% of the farmland resources in the Town of Nichols are critical to the long-term viability of agriculture in the Town of Nichols. Approximately one half of these lands are covered with soils of statewide importance, (Map 2) In most cases these lands are not designated as Targeted Agricultural Protection Areas because they do not have the same levels of development pressure as observed elsewhere.

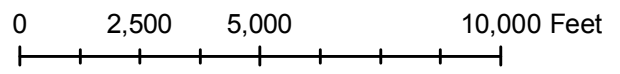
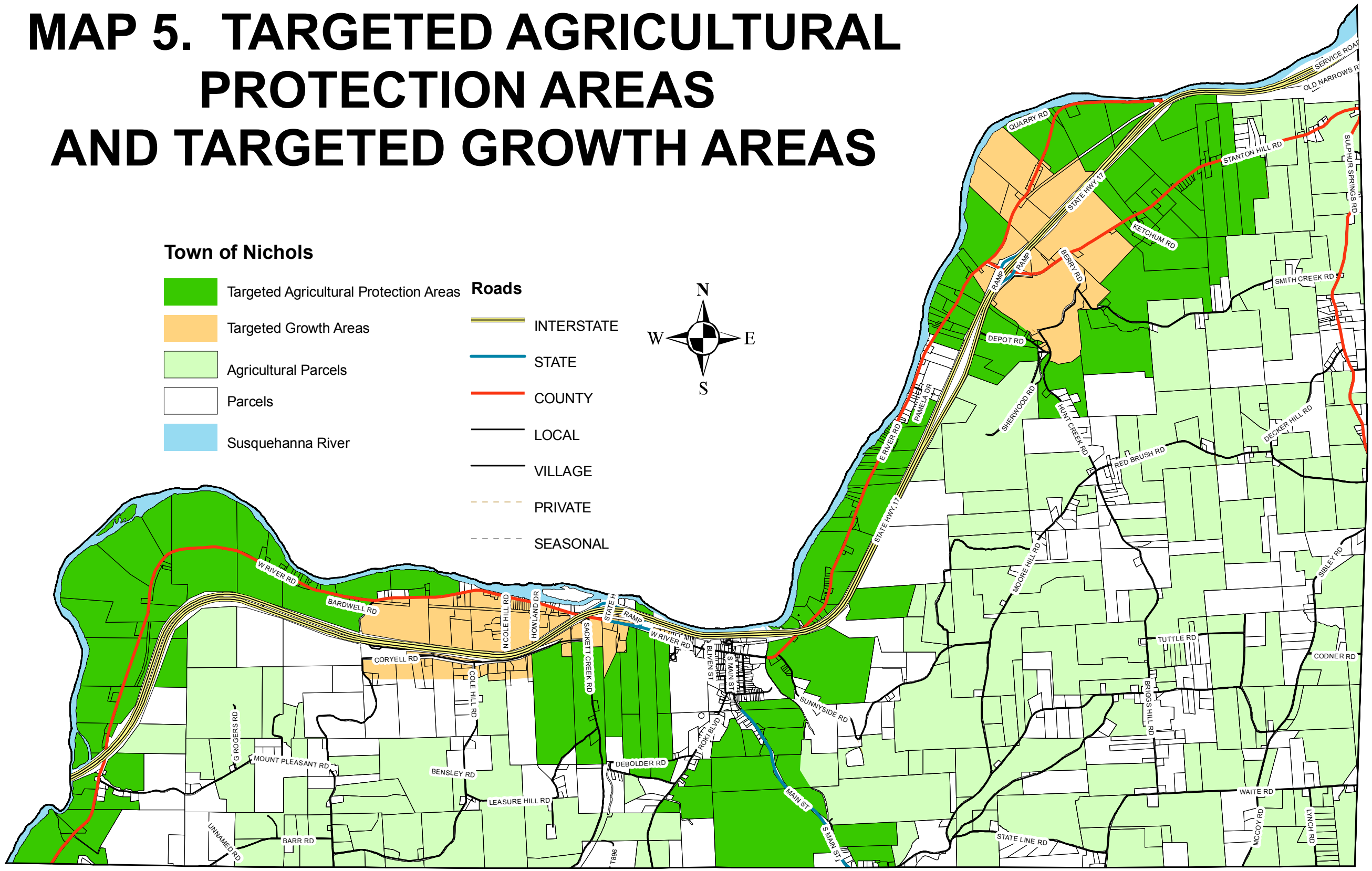
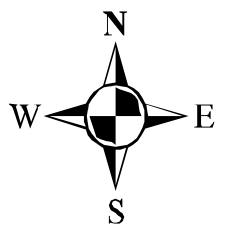
These other agricultural lands are important resources worthy of protection for reasons other than their agricultural productivity. As in the case of much of the priority agricultural lands, they contribute to the scenic character of the town and the quality of life for the non-agricultural community in Nichols. From a public health and safety standpoint, the maintenance of these lands in agriculture and other open space uses, as opposed to residential and other development, reduces the potential flooding downstream in the bottomland areas of the Town of Nichols.



MAP 5. TARGETED AGRICULTURAL PROTECTION AREAS AND TARGETED GROWTH AREAS

Town of Nichols

- | | | |
|---|--|--|
|  | Targeted Agricultural Protection Areas | Roads |
|  | Targeted Growth Areas |  INTERSTATE |
|  | Agricultural Parcels |  STATE |
|  | Parcels |  COUNTY |
|  | Susquehanna River |  LOCAL |
| | |  VILLAGE |
| | |  PRIVATE |
| | |  SEASONAL |



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Town of Nichols
Agriculture & Farmland Protection Plan

EVALUATION OF POTENTIAL AGRICULTURAL LAND PROTECTION STRATEGIES

Introduction

There are a number of tools and strategies for protecting farmland and other agricultural resources, and promoting the long term viability of agriculture in the Town of Nichols. These tools and strategies can be implemented by the town as well as individual farmers and farmland owners, and they should to be designed to fit the Town of Nichols's and the community's capacity to implement them. In Nichols, it is important to adopt a strategy or strategies that will reduce conversion pressure on its more vulnerable high quality farmland, while also providing for anticipated growth in non-agricultural, industrial, commercial and residential development.

In addition to protecting its farmland resources, the Town of Nichols should also ensure that its land use regulations for the agricultural businesses that own and work the land provide the flexibility essential for their long-term survival.

1. Local "Right to Farm" Law

The Town of Nichols currently does not have a "right to farm" law as authorized in the NYS Agriculture and Markets Law. Local "right to farm" laws articulate local policy in support of farming, define "generally accepted agricultural practices," and affirm a farmer's right to employ such practices. Typically these laws also include a statement that farm practices may include odors, noise and other activities that may not be desirable for non-farm residents. Where a right to farm law is in force, it can afford farmers protection from nuisance lawsuits brought by neighbors and serve as a valuable education tool for the non-farm community.

Today towns have begun to expand the scope and benefits of right to farm laws by including in their laws a local "grievance" procedure to resolve complaints between farmers and non-farm neighbors. A local committee consisting of local farmers as well as non-

farm residents may be established to hear and resolve complaints.

A model right to farm local law is provided in Appendix B.

2. Zoning to Protect and Promote Agriculture

Zoning regulations have traditionally been utilized primarily to promote orderly growth and development in a community, and to protect the investments of residents and businesses. In many areas of the country two underlying assumption of zoning since World War II have been 1) that residential, commercial, industrial or other type of development constituted the "highest and best" use of agricultural lands; and 2) that agriculture is for the most part a holding action until the land can be developed. As a result many zoning ordinances have relegated agriculture to secondary status as a land use.

In the 1970s a number of communities in Maryland and Pennsylvania began to recognize that suburban sprawl was threatening critical farmland resources. They recognized that modern agricultural operations had become inherently incompatible with non-farm residential development, and that zoning regulations were not keeping up with the evolving nature of agricultural enterprises. The concept of agriculture being a "highest and best" land use and worthy of being treated as a land use on par with residential and other development began to appear in zoning regulations. In addition, planners recognized that more flexibility in zoning regulations was needed to permit the variety of small scale agricultural support businesses and other enterprises that did not fit the traditional definition of agriculture, but which are critical to the economic viability of the farm operation.

As a result, zoning today is a tool which can be utilized to promote the long-term viability of agriculture in the community. Zoning regulations can be crafted to create land use districts where agriculture is considered the pre-eminent land use. Other

Town of Nichols

Agriculture & Farmland Protection Plan

traditional rural land uses, such as scattered rural residential, churches and other institutional uses, parks and campgrounds, etc. can also be permitted, but subordinate to agriculture. More intensive land uses, such as large scale residential, commercial or industrial development, and extractive industries that compete with farmers for prime farmland, should not be permitted.

Small scale businesses may also be appropriate in an agricultural zoning district as a means of support for agricultural operations. Many farms have diversified to generate supplemental income through side businesses such as farm markets, farm-based entertainment or custom services. The businesses can be seed, fertilizer, equipment or other dealership, farm service business or a direct marketing operation such as a farm stand. Agri-tourism has stimulated the development of businesses as diverse as bed and breakfast inns, wineries and corn mazes or other seasonal attractions on the farm.

Key to the successful implementation of these new zoning concepts are:

1. Clear and concise definitions;
2. Clear and concise design standards for parking lots, signs, lighting and other facilities;
3. Site plan review by the Planning Board for some businesses to ensure the safety of members of the public who patronize the establishments.

3. Infrastructure Management

Public infrastructure, such as roads, highways and municipal water and sewer services, can have both positive and negative impacts on agriculture in the community. Good, sound local roads and highways are critical to moving farm product to market. Without proper planning, however, they can also create major issues for farmers by spurring non-agricultural development in competition with agriculture.

Because they can promote non-agricultural development, the potential adverse impacts on agriculture of public investments in public water and sewer infrastructure need to be carefully considered. These investments are most often designed to

promote land development, often on prime agricultural soils. They can effectively force farmers off the land by increasing land values, property taxes and also conflicts with non-farm neighbors and land uses. Development can quickly fragment farmland, creating additional obstacles to farm operations.

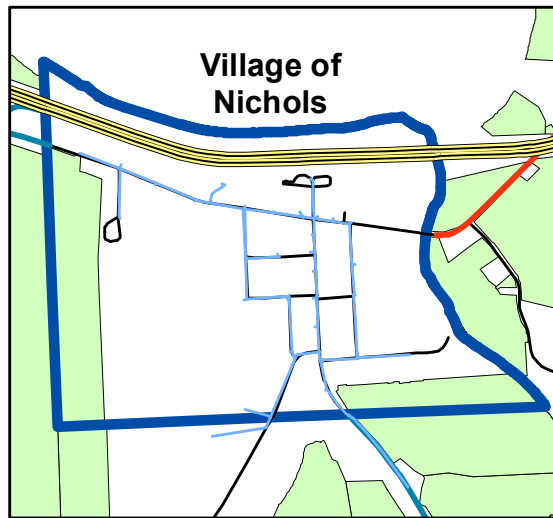
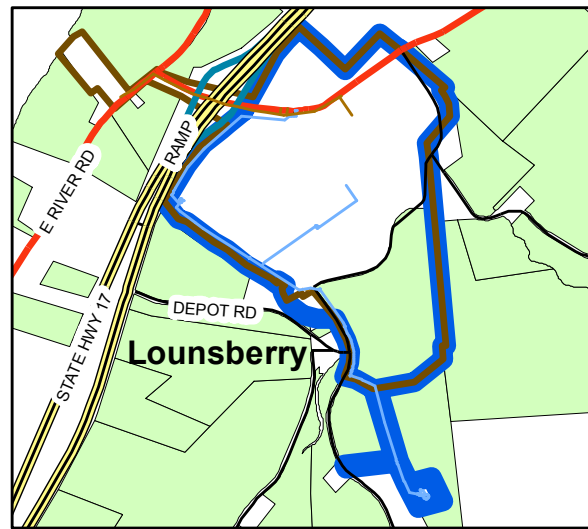
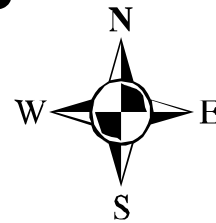
At the same time, access to public water supply may become more desirable for some farm operations due to increasingly stringent food safety regulations. The key is designing and locating such infrastructure in a manner that it can serve agriculture without spurring undesirable development. In Erie County towns have developed a policy of sizing watermains in a manner that provides the capacity needed to service farms, but not more intensive land development.

The NYS Department of Agriculture and Markets has a policy on water hookups in state Agricultural Districts that is designed to insure that active agricultural operations may access waterlines at any point if such infrastructure is extended into a state Agricultural District.⁵ Lateral restrictions can also be adopted to restrict connections from new watermains to existing structures at the time of construction, and future agricultural structures. Such a policy would mirror the NYS Department of Agriculture and Markets policy.

Any future Agricultural Advisory Committee established by the Nichols Town Board should review all potential infrastructure extensions into the agricultural areas of the town.

⁵ Available online at:
<http://www.agmkt.state.ny.us/AP/agservices/agdistricts.html>

MAP 6. AGRICULTURAL LANDS AND WATER & SANITARY SEWER DISTRICTS

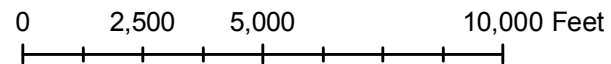
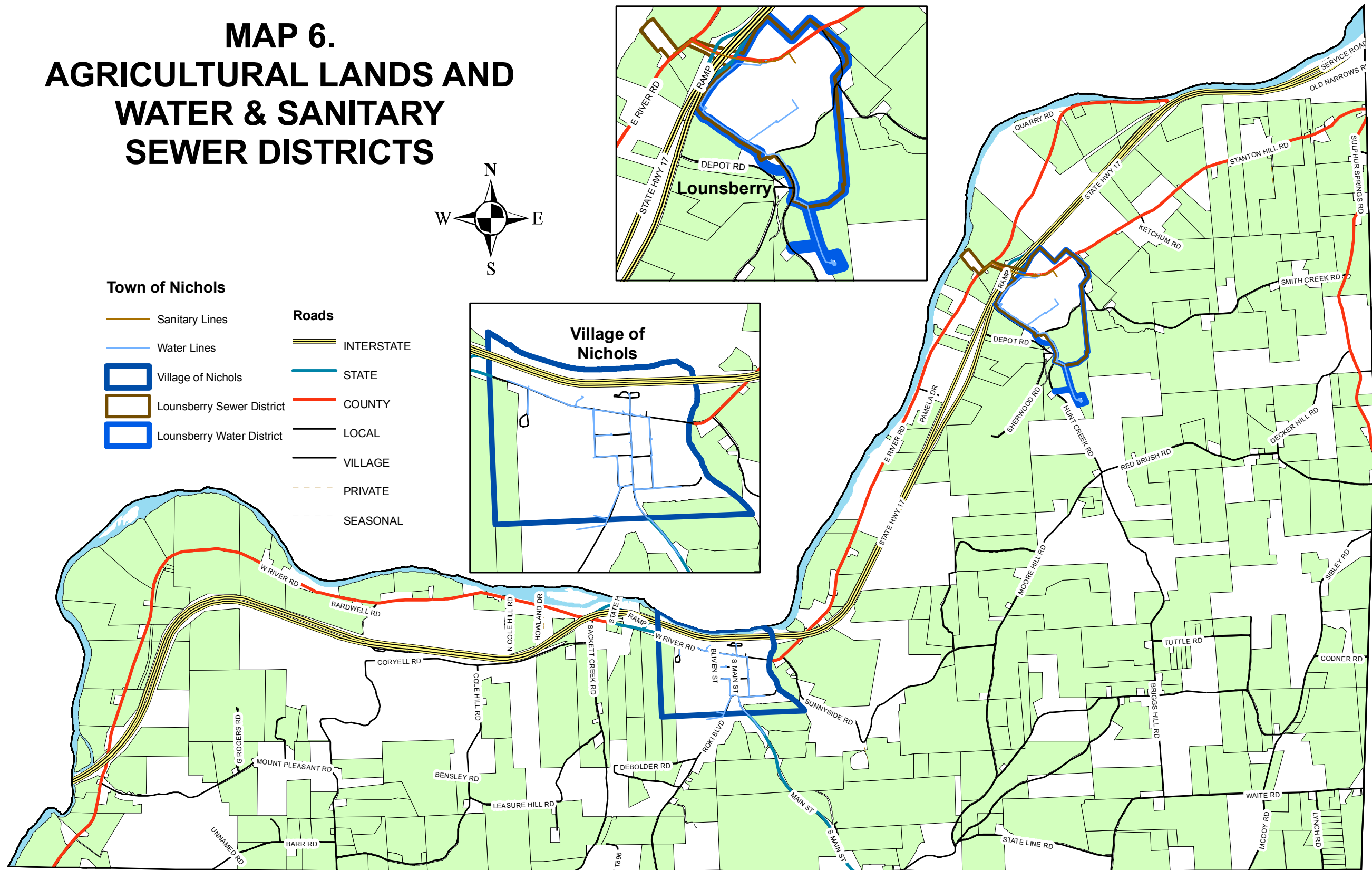


Town of Nichols

- Sanitary Lines
- Water Lines
- Village of Nichols
- Lounsberry Sewer District
- Lounsberry Water District

Roads

- INTERSTATE
- STATE
- COUNTY
- LOCAL
- VILLAGE
- PRIVATE
- SEASONAL



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Town of Nichols

Agriculture & Farmland Protection Plan

4. Conservation Easements/ Purchase of Development Rights

The purchase of agricultural conservation easements, also known as purchase of development rights or PDR, has proven to be a successful public program for the permanent protection of critical farmland. It is a voluntary program through which local, county or state agencies, or non-governmental groups such as land trusts, purchase or accept donations of the surface development rights to the land from willing landowners. In exchange, a conservation easement is placed on the land that prohibits non-agriculture-related future development. The easement is a perpetual easement that would run with the land and be recorded. An application process has been established in Tioga County by the Tioga County Agricultural and Farmland Protection Board that is administered by Cornell Cooperative Extension of Tioga County.

The value of development rights is calculated as the difference between the value of the land for agricultural purposes and its value for development. Ownership of the parcel does not change, nor do the owners surrender control over public access to their property. The owner may continue to farm or otherwise utilize the property in accordance with the restrictions of the conservation easements. Since the agricultural conservation easement dramatically limits the future uses of the property, property tax assessments must take into consideration the impact of limitations on the property's use in the future.

PDR programs are regarded as a fair mechanism to achieve permanent protection of important farmland and open space. Although typically operated at the state or county level, a few towns in New York have established independent Town purchase of development rights programs. Most programs at the state and local level are funded through a combination of state- or federal grants and local funds.

Key to a successful program utilizing purchase of agricultural conservation easements is careful selection of lands to be targeted for protection.

Funding resources for purchase of agricultural conservation easements are very limited, so criteria for ranking parcels is necessary to assure both the optimal use of public funds and fairness in selecting candidate parcels for protection.

Typical criteria for selecting lands to be protected include:

1. High quality soils (prime or soils of statewide importance) cover most if not all of the lands to be protected;
2. High quality lands with higher levels of pressure for conversion (i.e. development or mining), such as those in close proximity to highway interchanges, served by water and/or sewer lines, or are at the edge of existing development;
3. Contiguous parcels of land that if protected by individual easements would create a large area of protected lands;
4. The farmer/farmland owner(s) has a history of good stewardship of the land as evident through participation in NYS Agricultural District program, use of best management practices, and investment in farm and farm operations;
5. Potential for intergenerational transfer of the farm operation.

5. Lease of Development Rights Program

Lease of development rights (LDR) programs, also known as term conservation easement programs, provide incentives to landowners who voluntarily commit to keeping their land undeveloped for a certain number of years. LDR programs are similar in concept to purchase of development rights programs, but the incentives they offer are more modest because the commitment is not permanent. In New York the most common form of LDR has been town programs that reduce property tax assessments for landowners willing to sign five to 25 year deed restrictions on property meeting minimum acreage requirements. LDR programs help farmers afford the maintenance of farmland and open space. They do not permanently protect land for farming, but they can

Town of Nichols

Agriculture & Farmland Protection Plan

help stabilize broad areas of a community, giving towns and landowners more time to develop other farmland protection strategies. LDR programs often draw interest from landowners with small farm acreages or from part-time farmers.

Jurisdictions employing LDR offer various incentives to make the program more alluring to both commercial and smaller scale farms. For instance, California's Williamson Act program has a "rolling" rather than a fixed term, meaning that the length of the term continues to roll forward until a participating landowner decides to withdraw from the program. Other programs, including Southampton, NY, have required that town governments receive a "right of first refusal" authority on properties enrolled in LDR programs. This gives a town the right to match purchase offers on participating properties. Additional incentives could include the expedited of limited development proposals on properties enrolled in term commitment programs; the retention of current zoning standards for enrolled properties; and grant-writing assistance to help farmers acquire agricultural economic development funds.

LDR programs often involve simpler deed restrictions than PDR programs, in part because towns want to reduce program complexity and transaction costs. This can be justified because the agreements are not permanent, and simple programs are more attractive to landowners and easier to administer. However, towns must have a clear understanding of the permitted uses of properties enrolled in LDR agreements (and understand what constitutes a violation). For instance, can participating landowners build barns and other agricultural structures? Can they subdivide their property? Can they store vehicles or other items on land subject to the agreements? By having clear policies on such issues, towns can help prevent future misunderstandings and make the program easier to administer. Towns also need to develop termination provisions and penalties significant enough to discourage violations and dispel the potential perception within the community that local government is subsidizing land speculation.

While LDR is not a solution for permanent protection

of farmland it does provide short to medium term protection while other options are considered. The major benefits and drawbacks of LDR include:

Benefits of LDR

- Helps stabilize broad areas of a community's farmland;
- Term agreements may be attractive to landowners unwilling to make permanent commitments;
- Provides "breathing room" for communities experiencing rapid land use change;
- Reduces property tax burden for farm landowners who may not qualify for agricultural assessment or other state property tax reduction programs.

Drawbacks of LDR

- Does not permanently protect land;
- Can create the perception that a town is subsidizing land speculation and landowners will receive and review a "windfall" at the end of the term;
- Requires property tax shift or other incentives that can be expensive;
- Requires on-going monitoring and enforcement.

The Town of Perinton, located outside of Rochester in a high growth area, has had a successful LDR program since the 1970's offering reductions in assessed valuations from 25% to 90% in exchange for easements providing protection from 5 to 25 years. Perinton's program offers: 25% for a 5 year lease; 40% for a 10 year lease; 55% for a 15 year lease; 70% for a 20 year lease; and 90% for a 25 year lease. Participation has decreased since the program began in the 1970s, but participation tends to be the most active for leases greater than 10 years. Nichols is a much smaller rural community that is not experiencing the rapid growth found in the Rochester suburbs. Hence a less complicated LDR scheme is warranted.

As shown in Table 11, a possible scheme for an LDR program in Nichols might include a 40% reduction in assessed value for agricultural lands within the Targeted Agricultural Protection Areas for a ten year

Town of Nichols Agriculture & Farmland Protection Plan

lease and an 80% reduction in assessed value on a 20 year lease. For land in agricultural use outside the Targeted Agricultural Protection areas, the program could offer a 25% reduction in assessed value on a 10 year lease and a 50% reduction in assessed value on a 20 year lease. The total assessed value, reduced assessed values, tax revenue, and reduced tax revenue are shown in Tables 11 and 12. The analysis is based on three rates of participation: 20%, 50%, and 70% of the agricultural parcels.

the LDR program would cost the Town of Nichols no more than 2.25% of the town's property tax revenue. It has been shown that conservation of 20% of agricultural lands in a given community will have the effect of stabilizing the entire agricultural sector. Thus, for a minimal investment, the Town of Nichols could protect and stabilize an economic sector that not only provides jobs and a large economic contribution to the local economy, but which also defines the town.

In Nichols, total property tax revenues in 2010 exceeded \$400,000. At maximum participation rates,

Table 11 LDR Program Tax Reductions with Varying Participation of Owners of Agricultural Parcels Targeted for Protection					
\$1,123,123.00 Current Total Assessed Value of all Agricultural Parcels Targeted for Protection			\$14,555.67 Current Tax Revenue from Agricultural Parcels Targeted for Protection		
10 Year Easement With 40% Reduction In Assessed Value					
Percentage Of Parcels Participating In Program	Assessed Value Of Agricultural Parcels Targeted for Protection	Tax Revenue on Assessed Value of Agricultural Parcels Targeted for Protection	Assessed Value With 40% Reduction In Assessed Value	Tax Revenue With 40% Reduction In Assessed Value	Reduction in Tax Revenue
20% of parcels	\$224,624.60	\$ 2,911.13	\$134,774.76	\$1,746.68	\$1,164.45
50% of parcels	\$561,561.50	\$ 7,277.84	\$336,936.90	\$4,366.70	\$2,911.13
70% of parcels	\$786,186.10	\$10,188.97	\$471,711.66	\$6,113.38	\$4,075.59
20 Year Easement With 80% Reduction In Assessed Value					
Percentage Of Parcels Participating In Program	Assessed Value Of Agricultural Parcels Targeted for Protection	Tax Revenue On Assessed Value of Agricultural Parcels Targeted for Protection	Assessed Value With 80% Reduction In Assessed Value	Tax Revenue With 80% Reduction In Assessed Value	Reduction in Tax Revenue
20% of parcels	\$224,624.60	\$ 2,911.13	\$ 44,924.92	\$ 582.23	\$2,328.91
50% of parcels	\$561,561.50	\$ 7,277.84	\$112,312.30	\$1,455.57	\$5,822.27
70% of parcels	\$786,186.10	\$10,188.97	\$157,237.22	\$2,037.79	\$8,151.18

**Town of Nichols
Agriculture & Farmland Protection Plan**

Table 12 LDR Program Tax Reductions with Varying Participation on Agricultural Lands Not identified as Agricultural Parcels Targeted for Protection					
\$2,271,348.00 Current Total Assessed Value Agricultural Parcels Not Identified as Agricultural Lands Targeted for Protection			\$29,436.67 Current Tax Revenue Agricultural Parcels Not Identified as Agricultural Lands Targeted for Protection		
10 Year Easement With 25% Reduction In Assessed Value					
Percentage Of Parcels Participating In Program	Assessed Value Of Agricultural Parcels	Tax Revenue On Assessed Value of Agricultural Parcels	Assessed Value With 25% Reduction In Assessed Value	Tax Revenue With 25% Reduction In Assessed Value	Reduction in Tax Revenue
20% of parcels	\$ 454,269.60	\$ 5,887.33	\$ 340,702.20	\$ 4,415.50	\$1,471.83
50% of parcels	\$1,135,674.00	\$14,718.34	\$ 851,755.50	\$11,038.75	\$3,679.58
70% of parcels	\$1,589,943.60	\$20,605.67	\$1,192,457.70	\$15,454.25	\$5,151.42
20 Year Easement With 50% Reduction In Assessed Value					
Percentage Of Parcels Participating In Program	Assessed Value Of Agricultural Parcels	Tax Revenue On Assessed Value of Agricultural Parcels	Assessed Value With 50% Reduction In Assessed Value	Tax Revenue With 50% Reduction In Assessed Value	Reduction in Tax Revenue
20% of parcels	\$ 454,269.60	\$ 5,887.33	\$227,134.80	\$ 2,943.67	\$ 2,943.67
50% of parcels	\$1,135,674.00	\$14,718.34	\$567,837.00	\$ 7,359.17	\$ 7,359.17
70% of parcels	\$1,589,943.60	\$20,605.67	\$794,971.80	\$10,302.83	\$10,302.83

Town of Nichols

Agriculture & Farmland Protection Plan

PLAN VISION, GOALS & IMPLEMENTATION MEASURES

Introduction

Local governments have a limited influence upon national and international trends in agriculture, nor can they ensure on their own the economic viability of agriculture. This plan nonetheless anticipates that agriculture can continue to be a major and valuable economic sector and land use in the Town of Nichols. Farmers who desire to continue to farm should be provided with whatever support the town can provide them in their efforts.

This support is important to the long-term viability agriculture throughout the Town of Nichols. Although this plan identifies agricultural lands that may warrant priority for protection, it recognizes that all agricultural lands in the town are critical farmland and agricultural resources.

These implementation measures apply to all agricultural lands, businesses and producers within the town, except where otherwise noted.

1. A Vision

The Town of Nichols has a unique resource in terms of its rich soils, waters and its climate, which for over two centuries has supported stewardship, excellence, innovation and adaptation in agriculture. This plan envisions that a hundred years from now people farming in Nichols will be continuing this tradition, maintaining the town's rural character, enhancing the quality of life, protecting its environmental and other public resources, supplying food and other agricultural products, and strengthening the local economy.

Goal 1: Maintain and enhance the local agricultural economy and its capacity to respond to economic trends in agriculture.

Justification:

Agriculture is an important economic sector and contributor to the quality of life for residents. The Town of Nichols as a local government and a community needs to become more proactive in supporting the agricultural sector if it is to remain so. Although for many of the implementation measures detailed below

2. Goals and Implementation Measures

Key to an effective plan for the future of agriculture is a set of clear and concise goals and implementation measures that provide an overall framework for actions and policies that follow.

Goals are generally statements of a desired outcome, based on the values held by a community at large. These goals may not necessarily be attainable, and progress toward any particular goal generally may not be easily quantifiable.

Implementation measures are concrete actions or policies that are taken to further the goals of a plan. Usually progress toward completing actions or enacting policies, and as a result furthering the goals of the plan, can be measured in some manner.

The following goals and implementation measures address specific issues related to agriculture in the Town of Nichols, and are intended to further the vision set forth above. In some cases Implementation Notes have been provided to further elucidate the ideas and stated strategy.

The goals and implementation measures listed below are followed by the Action Plan Implementation Matrix, which is organized in a table that identifies key players, time frames, and possible funding sources.

Town of Nichols

Agriculture & Farmland Protection Plan

the Town of Nichols is expected to play a supporting role, in the key areas of land use regulations and lease of development rights, the Town must take the lead.

Municipal land use regulations can determine whether agricultural lands are developed or preserved. They are also one of the most effective tools available to the Town of Nichols for promoting the long-term viability of its agricultural sector. Zoning regulations, which must include appropriate and carefully drafted definitions, must also recognize farming operations as a business while taking into consideration the special needs and seasonal nature of farming. Land use regulations that do not recognize "agriculture" as a distinct zoning district may encourage the loss of farmland and inadvertently negatively impact the long-term viability of farming.

Planning efforts to protect farmland need to be consistent across jurisdictional boundaries. The NYS Agricultural Districts program provides distinct benefits and protections to farmers and farmland, which should be reflected in the local land use regulations.

Implementation Measures:

- 1.1 Create a supportive operating environment for agriculture by addressing inconsistencies in zoning as identified in the zoning analysis included in this plan.
- 1.2 Use recommendations contained in this plan to develop revisions to zoning code, paying particular attention to the definition section of the code.
- 1.3 Revise the purpose statement for the A-R Agricultural-Residential zoning district to establish agriculture as the primary land use in the district and incorporate "right to farm" language into the purpose statement.
- 1.4 Adopt site plan review process to provide the town with the ability to better assess potential impacts of proposed commercial and industrial development on nearby agricultural lands and businesses.
- 1.5 Adopt special permit review process for more intensive commercial and industrial development proposals to provide the town with the ability to better assess potential impacts on nearby agricultural lands and businesses.
- 1.6 Provide active agricultural operations with the option of hooking up to public water infrastructure by adopting NYS Department of Agriculture and Markets policy on water hookups in NYS Agricultural Districts.
- 1.7 Collaborate with Tioga County, other towns, Cornell Cooperative Extension and other partners to create a program to promote direct marketing agricultural enterprises in the Town of Nichols to travelers along NYS Route 17 (future I-86).

Implementation Note: A major challenge for direct marketing of agricultural products is that many farms are not located along major highways, so lack the visibility critical to building a customer base. In the Town of Nichols there exists a potential untapped market in the travelers that pass through the community in NYS Route.17 (future I-86). Working with the NYS Department of Transportation, the town and its farmers, in partnership with other agencies, can take advantage of the Tourism Oriented Directional (TOD) sign program to raise the profile of direct marketing enterprises in the Town of Nichols for the motoring public.

Town of Nichols

Agriculture & Farmland Protection Plan

- 1.8 Collaborate with Tioga County, Cornell Cooperative Extension, NYS Department of Agriculture and Markets, and other partners to promote new crops and new markets to help strengthen the viability of agriculture.

Implementation Note: Markets for agricultural products are increasingly in flux, as consumer likes and dislike continually evolve, and competitors from across the globe penetrate traditional markets. In Nichols over the past centuries the output from the land has changed dramatically in response to competition and markets. The Town of Nichols should support the efforts of farmers to diversify their production and take advantage of new markets. The town and its farmers can tap resources at the state and federal level to assist local farmers in developing new crops and entering new markets.

- 1.9 Collaborate with Tioga County, Cornell Cooperative Extension, NYS Department of Agriculture and Markets, and other partners to promote Community Supported Agriculture (CSA) initiatives under the proposed Share New York Food or similar state programs.

Implementation Note: Community Supported Agriculture (CSA) is an innovative means by which a farmer can access up front funding for the growing season, and supply healthy, local food to consumers. The CSA model of consumers paying in advance for a share of the harvest can reduce the farmer's need to borrow money in order to purchase equipment, seeds, fertilizer and other necessary inputs for production.

There is increased interest at the state and national level for using the CSA business model to provide residents in New York cities with greater access to fresh farm produce. Under Governor Andrew Cuomo's Farm NY Agenda, the proposed Share New York Food program the state would provide outreach services to both farmers and urban residents, create connections between consumers and food producers, and provide additional resources to assist CSAs in expanding their markets.

- 1.10 Collaborate with Tioga County, Cornell Cooperative Extension, NYS Department of Agriculture and Markets, and other partners to promote the development of small to medium scale food processing capacity for locally produced foods.

Implementation Note: Despite its bountiful harvests many New York farm products are processed in other states just to be resold in New York. The lack of local processing can create barriers to the sale of locally-grown products. The Town of Nichols, in collaboration with Cornell Cooperative Extension, Tioga County Industrial Development Agency and the Department of Agriculture and Markets and other agencies, can promote the development of home-based and farm-based processors and other microenterprise food manufacturers in the town. This will help sustain the agricultural economy, increase employment opportunities locally and increase the tax base.

Governor Andrew Cuomo's Farm NY Agenda proposes to modify the NY Manufacturing Assistance Program (MAP) that assists New York State manufacturers with investing in capital projects that significantly improve production, productivity and competitiveness. Currently the typical home-based and farm-based processors and other microenterprise food manufacturers cannot qualify due to program employment requirements, or requirements that a specific percentage of their product is for export markets. Under the current proposal a portion of MAP funding would be allocated to assisting such enterprises.

Town of Nichols

Agriculture & Farmland Protection Plan

- 1.11 Collaborate with Tioga County, Cornell Cooperative Extension, NYS Department of Agriculture and Markets, and other partners to enhance access by the agricultural sector to new, clean sources of renewable energy.

Implementation Note: Emerging technologies, including alternative energy sources such as solar, wind and biomass, can create new economic opportunities for farmers in the Town of Nichols. Farms and farmland are now recognized for their potential for renewable energy generation and for improving the environment. Production of agricultural goods and services relies on both direct energy inputs and indirect energy inputs, so farmers are adversely impacted by energy price increases. Renewable energy sources such as solar, wind methane digesters and geothermal energy however have the potential for making farms more energy independent for heating and electricity, and reducing the impact of price increases in fossil fuels.

The Town of Nichols can collaborate with farmers and agencies, such as the New York State Energy Research and Development Authority (NYSERDA) to promote the development of renewable energy sources on farms in the town. In addition to wind and solar, these include the sustainable harvesting of wood and other biomass that can be processed and burned in place of both fossil fuels and natural gas for heat and electricity. Oil crops and waste streams from dairy farms, food and food processing plant are other potential sources of bioenergy.

The Town of Nichols can collaborate with the New York Public Services Commission to publicize the Agriculture Energy Efficiency Program and increase financial support for town farmers who invest in measures to increase the energy efficiency of their operations.

- 1.12 Collaborate with Tioga County REAP and SET programs, Cornell Cooperative Extension, NYS Department of Agriculture and Markets, and other partners to enhance agricultural sector access to leading-edge technology such as broadband communications.

Implementation Note: Affordable access to broadband (high-speed internet) throughout the town will help connect Nichols farmers and other rural residents to business services, information and the world economy. The Town of Nichols can collaborate with farmers, private sector service providers and state agencies or programs such as the "Connect NY" initiative to extend broadband service throughout the town, as outlined in Governor Cuomo's Farm NY Agenda.

- 1.13 Collaborate with Tioga County, Cornell Cooperative Extension, NYS Department of Agriculture and Markets, and other partners to reduce the barriers for young and beginning farmers entering agriculture or expanding their existing enterprises.

Implementation Note: The investment required to break into agriculture or start a farm business can be a significant barrier in the recruitment and retention of a younger generation of new farmers. The Town of Nichols can work with local farmers, Farm Bureau, Cornell Cooperative Extension and other organizations to encourage and assist people who have an interest in becoming farmers with educational programs. Agricultural apprenticeship programs may be a potential avenue for people to gain the necessary knowledge and experience they need to succeed in running their own operation.

Another critical element is financing and access to credit. The Town can collaborate with the Farm Bureau, Community Bank, Cornell Cooperative Extension and agencies such as the New York Environmental Facilities Corporation and NYS Manufacturing Assistance Program to assist new farmers in becoming established.

Town of Nichols

Agriculture & Farmland Protection Plan

Goal 2: Preserve the land, water and other environmental resources critical to the long-term success of the local agricultural economy.

Justification.

Agriculture depends on land, clean water and a balanced and healthy ecosystem for its success. Water bodies adjacent to some farmland have flooded and pose an ongoing flood threat. Flooding not only damages crops and farm infrastructure, it also washes away valuable soil and can make land inaccessible for farm use.

Nichols has hundreds of acres of prime farmland, primarily along the Susquehanna River. A large portion of this land is zoned for non-farm uses. Due to its proximity to major highways, and opportunities for industrial development, commercial development and gravel mining, this prime agricultural land may experience rapid conversion. In addition to supporting farmers and farming, it is critical that prime farmland be preserved for the future.

Implementation Measures:

- 2.1 Utilize the Agricultural Lands Targeted for Protection map (Map 5) within the Town of Nichols, as well as target growth areas, for current and future policy development.
- 2.2 Promote agriculture as the most suitable use of river bottomlands and floodplains and protect such land resources from development.
- 2.3 Review existing zoning districts and district boundaries and revise the zoning map as illustrated in Map 4 to better protect areas covered with prime agricultural soils and soils of statewide importance in areas adjacent to Route 17 (future I-86) interchanges.
- 2.4 Plan for and accommodate future non-agricultural economic growth and development in areas that are less suitable for agriculture where it will have the least impact on agricultural resources.
- 2.5 Grant the proposed Agricultural Advisory Committee (See 3.2 below) the authority to review any mining permit application received from the Department of Environmental Conservation and to comment on the planned mine and its potential impacts on agricultural lands and operations, and ensure that the mine reclamation plan incorporates best management practices in site restoration.
- 2.6 Utilize investments in municipal water and sewer services as a planning tool to achieve land use development patterns that conserve the highest quality farmland and other agricultural resources for farming.
- 2.7 Collaborate with county, state and private organizations to permanently protect important farmland through non-regulatory means such as the purchase of development rights.
- 2.8 Investigate the feasibility of a Town of Nichols lease of development rights program to reduce property taxes and preserve critical farmland.
- 2.9 Develop educational brochure in consultation with Tioga County Soil and Water Conservation District, Cornell Cooperative Extension or other partners, aimed at educating the public on the value of protecting river bottomlands and floodplains for agricultural use.

Town of Nichols

Agriculture & Farmland Protection Plan

Goal 3: Ensure that the non-farm community continues to support the long-term viability of agriculture in Nichols.

Justification:

Although farmers or farmland owners may sit on the Town Board, outside expertise is required to assess development proposals or other agriculture-related matters when they come before the Board. In some cases the impact a proposal may have on agriculture or farming operations may not be immediately apparent. Having a panel of agriculture “experts” to advise the Town Board will help ensure that due consideration of agriculture is given when these matters come before the Board. The existence of the committee, which could also be called an Agricultural Advisory Committee, should be codified so that it remains an active, important part of government. This Agricultural and Farmland Protection Plan is as critical to the health and future of the town as its comprehensive plan and other land use regulations are; it should be reviewed and updated regularly.

A “Right to Farm” law clearly states the Town of Nichols’ policy in support of farming by clearly defining “generally accepted agricultural practices” or “farming operations,” thereby establishing the “right” of farmers to employ such practices. Because it recognizes the farmers “right” to engage in farming operations, Town Board adoption of such a law can protect the farmer from nuisance complaints based on generally accepted agricultural practices. Currently there is no right to farm local law in the Town of Nichols for farms and farmers, nor any mechanism for farmers and non-agricultural land owners to come together to mediate disputes.

Educating local decision makers about state level agricultural protection is critical to adoption of fair and consistent policies and laws relating to agriculture and agricultural operations. Agricultural Data Statements are a largely overlooked resource in local land use review processes. The long-term viability of agriculture depends on informed decision-making by local government boards, commissions, and elected officials.

Implementation Measures:

- 3.1 The Town Board and other boards will review existing and proposed policies or regulations to ensure that they are supportive of the many forms of agriculture in the Town of Nichols as well as the preservation of agricultural lands and other agricultural resources that are critical to the long-term viability of agriculture in the town.
- 3.2 Draft and adopt a local law that establishes a permanent Agricultural Advisory Committee to meet on a regular basis with the charge of advising town boards and committees on matters pertaining to agriculture. (Appendix C contains a sample local law.)
- 3.3 Adopt a town right to farm law that also would include a structure for mediating and resolving disputes between farmers and non-farmers over agricultural practices.⁶

⁶ Note: The NYS Department of Agriculture & Markets also offers a mediation process.

Town of Nichols

Agriculture & Farmland Protection Plan

- 3.4 Incorporate the use of Agricultural Data Statements as a resource in a Planning Board site plan and special permit review process, as well as municipal infrastructure investments and other Town of Nichols actions that may affect farmland and other agricultural resources.
- 3.5 Provide copies of Article 25-AAA of the NYS Agriculture and Markets Law to all Town, Planning and Zoning Board members on an annual basis.
- 3.6 Work with Tioga County Planning Department, New York Planning Federation and NYS Association of Towns and other organizations to offer training and education to the various Town of Nichols boards and committees to ensure a working understanding of laws governing agriculture.

Goal 4: Promote the link between farms and food: educate the general public about agriculture in Nichols, its value and its benefits to the overall community.

Justification:

Except for occasional stops at local farm stands or farmer's markets, many people are disconnected from their food sources. This may be true even for residents of rural communities who have daily contact with agricultural operations. Raising public awareness of the importance of farms and the dangers of farm conversion, and engaging the community in a positive way to re-establish the link between farms and food will have a long-term positive impact on agriculture and farming.

Implementation Measures

- 4.1 Collaborate with Tioga County, other towns, Cornell Cooperative Extension and other partners to develop an educational program for members of town boards and town staff about tools for planning and promoting the long-term viability of agriculture.
- 4.2 Collaborate with Tioga County, other towns, Cornell Cooperative Extension and other partners to develop educational programs that raise the profile of agriculture in Nichols and re-connect the larger community with the agricultural community.
- 4.3 Create an identity for Nichols as an agricultural town through the use of informational signs (e.g. "Right to Farm Town") along major travel routes through the town.
- 4.4 Create educational materials to communicate a Town right to farm policy to the non-farm community.
- 4.5 Publish a guide for real estate professionals to assist them in complying with NYS Agricultural District notification requirements and provide information on resources available at the county and state levels.
- 4.6 Acquire or create for public distribution educational materials on the impacts of development on the Chesapeake Bay ecosystem and the mutual role agriculture, local agencies, civic organizations and residents can have in helping to protect and enhance that ecosystem.

Town of Nichols Agriculture & Farmland Protection Plan

ACTION PLAN IMPLEMENTATION MATRIX

The following pages contain the Agriculture and Farmland Protection Plan recommendations for implementing the plan and furthering the goals set forth on previous pages. The recommendations are organized in a matrix that includes:

1. each proposed action;
2. a proposed timeframe for that action;
3. the agency(ies) which would have primary responsibility for carrying out the proposed action;
4. the estimated cost of the proposed action, if any; and
5. potential funding sources.

Goal 1	Maintain and enhance the local agricultural economy and its capacity to respond to economic trends in agriculture.
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Implementation Measure 1.1	Create a supportive operating environment for agriculture by addressing inconsistencies in zoning as identified in the zoning analysis included in this plan.
Timeframe:	Begin immediately (within one year)
Responsible Agencies:	Agricultural Advisory Committee; Town Board
Estimated Cost:	\$5,000-\$10,000 for review and drafting of Code revisions
Potential Funding Source:	Town Budget
Implementation Measure 1.2	Revise the purpose statement for the A-R Agricultural-Residential zoning district to establish agriculture as the primary land use in the district and incorporate "right to farm" language into the purpose statement.
Timeframe:	Begin immediately (within one year)
Responsible Agencies:	Agricultural Advisory Committee; Town Board
Estimated Cost:	see Implementation Measure 1.1
Potential Funding Source:	Town Budget
Implementation Measure 1.3	Adopt site plan review process to provide the Town with the ability to better assess potential impacts of proposed commercial and industrial development on nearby agricultural lands and businesses.
Timeframe:	Begin immediately (within one year)
Responsible Agencies:	Agricultural Advisory Committee; Town Board

Town of Nichols Agriculture & Farmland Protection Plan

Estimated Cost:	see Implementation Measure 1.1
Potential Funding Source:	Town Budget
Implementation Measure 1.4	Adopt special review process for more intensive commercial and industrial development proposals to provide the Town with the ability to better assess potential impacts on agricultural lands and businesses.
Timeframe:	Begin immediately (within one year)
Responsible Agencies:	Agricultural Advisory Committee; Town Board
Estimated Cost:	see Implementation Measure 1.1
Potential Funding Source:	Town Budget
Implementation Measure 1.5	Provide active agricultural operations with the option of hooking up to public water infrastructure by adopting NYS Department of Agriculture and Markets policy on water hookups in Agricultural Districts.
Timeframe:	Begin immediately (within one year); ongoing
Responsible Agencies:	Agricultural Advisory Committee; Town Board; NYSDAG
Estimated Cost:	unknown
Potential Funding Source:	Town Budget
Implementation Measure 1.6	Collaborate with Tioga County, other towns, Cornell Cooperative Extension and other partners to promote direct marketing agricultural enterprises in the Town of Nichols to travelers along NYS Rte 17/future I-86.
Timeframe:	Begin immediately (within one year); ongoing
Responsible Agencies:	Agricultural Advisory Committee; Town Board; Tioga County; Other Adjacent Towns; Cornell Cooperative Extension; Visit Tioga; Chamber of Commerce
Estimated Cost:	minimal
Potential Funding Source:	Town, County, Cooperative Extension, Visit Tioga, Chamber of Commerce

Town of Nichols Agriculture & Farmland Protection Plan

Implementation Measure 1.7	Collaborate with Tioga County, Cornell Cooperative Extension, NYS Dept. of Agriculture and Markets, and other partners to promote new crops and new markets to help strengthen the viability of agriculture.
Timeframe:	Begin immediately (within one year); ongoing
Responsible Agencies:	Agricultural Advisory Committee; Town Board; Tioga County; Cornell Cooperative Extension; NYSDAG
Estimated Cost:	minimal
Potential Funding Source:	Town, County, NYSDAG (grant money??), Cooperative Extension

Goal 2	Preserve the land, water and other environmental resources critical to the long-term success of the local agricultural economy.
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Implementation Measure 2.1	Protect environmental resources such as river bottomlands and floodplains from development and promote agriculture as the presumptive best use of such land resources.
Timeframe:	Begin immediately (within one year); ongoing
Responsible Agencies:	Town Board; Tioga County; Cornell Cooperative Extension; Tioga Co. Soil & Water Conservation; Agricultural Advisory Committee
Estimated Cost:	\$2,000-\$5,000 for review and drafting of Code revisions
Potential Funding Source:	Town Budget
Implementation Measure 2.2	Promote agriculture as the presumptive best use of as river bottomlands and floodplains and protect such land resources from development.
Timeframe:	Begin immediately (within one year); ongoing
Responsible Agencies:	Town Board; Tioga County; Cornell Cooperative Extension; Tioga Co. Soil & Water Conservation; Agricultural Advisory Committee
Estimated Cost:	see Implementation Measure 2.1
Potential Funding Source:	Town Budget

Town of Nichols Agriculture & Farmland Protection Plan

Implementation Measure 2.3	Review existing zoning districts and boundaries and revise zoning map as appropriate to better protect areas of prime agricultural soils and soils of statewide importance adjacent to Rte17/Future I-86 exits.
Timeframe:	Begin immediately (within one year); ongoing
Responsible Agencies:	Town Board; Tioga County; Cornell Cooperative Extension; Tioga Co. Soil & Water Conservation; Agricultural Advisory Committee
Estimated Cost:	\$2,000-\$5,000 for review and drafting of Code revisions
Potential Funding Source:	Town Budget; County Budget (technical and in-kind assistance from Tioga County GIS??)
Implementation Measure 2.4	Plan for and accommodate future non-agricultural economic growth and development in areas that are less suitable for agriculture.
Timeframe:	Begin immediately (within one year); ongoing
Responsible Agencies:	Town Board; Agricultural Advisory Committee (consulting agencies: Tioga County; Cornell Cooperative Extension; Tioga Co. Soil & Water Conservation)
Estimated Cost:	minimal--none
Potential Funding Source:	Town Budget
Implementation Measure 2.5	Utilize investments in municipal water and sewer services as a planning tool to achieve land use development patterns that conserve the highest quality agricultural land resources.
Timeframe:	Begin immediately (within one year); ongoing
Responsible Agencies:	Town Board; Tioga County
Estimated Cost:	minimal -- none
Potential Funding Source:	Town Budget
Implementation Measure 2.6	Collaborate with County, State and private organizations to protect important agricultural land resources through non-regulatory means such as the purchase of development rights.
Timeframe:	
Responsible Agencies:	Agricultural Advisory Committee; Town Board; Tioga County; NYSDAG
Estimated Cost:	unknown; possibly large investment
Potential Funding Source:	NYSDAG and USDA grant monies; Tioga County

**Town of Nichols
Agriculture & Farmland Protection Plan**

Goal 3	Ensure that the non-farm community continues to support the long-term viability of agriculture in their Town.
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Implementation Measure 3.1	Draft and adopt a local law that establishes a permanent Agricultural Advisory Committee with the charge of advising Town boards and committees on matters pertaining to agriculture.
Time Frame:	Begin Immediately (within one year)
Responsible Agencies:	Agricultural Advisory Committee; Town Board
Estimated Cost:	\$1000-\$1500.
Potential Funding Source:	Town Board
Implementation Measure 3.2	Adopt a Town Right to Farm Law that also would include a structure for mediating and resolving disputes between farmers and non-farmers over agricultural practices.
Time Frame:	Begin Immediately (within one year); Ongoing
Responsible Agencies:	Agricultural Advisory Committee; Town Board
Estimated Cost:	\$1000-\$2000.
Potential Funding Source:	Town Board
Implementation Measure 3.3	Incorporate the use of Agricultural Data Statements as a resource in a Planning Board site plan and special permit review process as well as municipal infrastructure investments and other Town actions that may affect agricultural land resources.
Time Frame:	Begin Immediately (within one year); Ongoing
Responsible Agencies:	Agricultural Advisory Committee; surrounding Towns; Tioga County; Cornell Cooperative Extension; local farmers; Chamber of Commerce
Estimated Cost:	see Implementation Measures 1.1
Potential Funding Source:	Town Board
Implementation Measure 3.4	Provide copies of current Agriculture and Markets Law to all Planning and Zoning Board members.
Time Frame:	Begin Immediately (within one year); Ongoing
Responsible Agencies:	Agricultural Advisory Committee; surrounding Towns; Tioga County; Cornell Cooperative Extension; local farmers; Chamber of Commerce
Estimated Cost:	Minimal
Potential Funding Source:	Town Budget; private funding

Town of Nichols Agriculture & Farmland Protection Plan

Goal 4	Promote the link between farms and food: educate the general public about agriculture in the Town of Nichols, its value and its benefits to the overall community.
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Implementation Measure 4.1	Collaborate with Tioga County, other towns, Cornell Cooperative Extension and other partners to develop an educational program for members of Town boards and Town staff about tools for planning and promoting the long-term viability of agriculture.
Time Frame:	Begin Immediately (within one year); Ongoing
Responsible Agencies:	Agricultural Advisory Committee; surrounding Towns; Tioga County; Cornell Cooperative Extension; local farmers; Chamber of Commerce
Estimated Cost:	Minimal
Potential Funding Source:	various public sources
Implementation Measure 4.2	Collaborate with Tioga County, other towns, Cornell Cooperative Extension and other partners to develop educational programs that raise the profile of agriculture in Nichols and re-connect the larger community with the agricultural community.
Time Frame:	Begin Immediately (within one year); Ongoing
Responsible Agencies:	Agricultural Advisory Committee; surrounding Towns; Tioga County; Cornell Cooperative Extension; local farmers; Chamber of Commerce
Estimated Cost:	Minimal
Potential Funding Source:	various public sources
Implementation Measure 4.3	Create an identity for Nichols as an agricultural town through the use of informational signs (e.g. "Right to Farm Town") along major travel routes through the town.
Time Frame:	Begin Immediately (within one year); Ongoing
Responsible Agencies:	Agricultural Advisory Committee; Chamber of Commerce, Town
Estimated Cost:	Minimal
Potential Funding Source:	Town Budget; Chamber of Commerce; Farm Bureau; other private sources

Town of Nichols Agriculture & Farmland Protection Plan

Implementation Measure 4.4	Create educational materials to communicate a Town right to farm policy to the non-farm community.
Time Frame:	Begin Immediately (within one year); Ongoing
Responsible Agencies:	Agricultural Advisory Committee; surrounding Towns; Tioga County; Cornell Cooperative Extension; local farmers; Chamber of Commerce
Estimated Cost:	Minimal
Potential Funding Source:	Town budget; Chamber of Commerce, Farm Bureau, other private sources
Implementation Measure 4.5	Publish a guide for real estate professionals to assist them in complying with Agricultural District notification requirements and provides information on resources available at the county and state levels.
Time Frame:	Begin Immediately (within one year); Ongoing
Responsible Agencies:	Agricultural Advisory Committee; Real Estate Professionals; Town
Estimated Cost:	Minimal
Potential Funding Source:	Private fundraising
Implementation Measure 4.6	Acquire or create for public distribution educational materials on the impacts of development on the Chesapeake Bay ecosystem and the role agriculture can have in helping to protect and enhance that ecosystem.
Time Frame:	Begin Immediately (within one year); Ongoing
Responsible Agencies:	Agricultural Advisory Committee; Tioga County; Cornell Cooperative Extension; Chamber of Commerce; Private Conservation foundation(s)
Estimated Cost:	Minimal
Potential Funding Source:	Not applicable; Private fundraising

Town of Nichols Agriculture & Farmland Protection Plan

Appendix A – Farm Community Survey Tabulations

Total of 107 surveys were distributed and 27 surveys were returned. 2 of the returned surveys were not filled out and 1 had only questions 10 - 16 filled out. Therefore these tabulations reflect 24 completed surveys.

		Number of Responses	Number of Responses	Cumulative # of Acres Owned or Rented	Notes
Quest. 1	Do you:	Yes	No		
	own farmland in the Town of Nichols	21	3	3,121	Active Farmers own 2,138 acres; Retired Farmers own 408 acres; Non-Farmers own 575 acres
	rent farmland in the Town of Nichols	8	16	1,035	845 acres rented by farmers; 190 rented acres to farmers
	amount of acreage farmed outside Town of Nichols	n/a	n/a	3,728	
Quest. 2	Are you:	Yes			Notes
	actively engaged in farming	13			13 Active Farmers
	own farmland but do not farm	11			3 Retired Farmers 8 Non-Farmers
Quest. 3	If actively engaged as a farmer, what type of farm do you operate?	Number of Responses	Cumulative # of Animals	Cumulative # of Acres	Notes
	beef, pork, poultry (# head)	4	90,25,unknown		Not everybody gave #s; acreage not asked
	dairy (# milking)	9	1,510		acreage not asked
	fruit/vegetable (# acres)	1		2	
	hay/grain (# acres)	10		5,115	Not everybody gave #s
	timber (# acres)	5		615	
	other - honey/apinary	1		3	bees forage over 1,000s of acres in Tioga, Tompkins, Chemung Co's
	other maple syrup	1		69	
Quest. 4	What is the total number of acres that you farm?	Number of Responses	Number of Acres		Notes
	0-10 acres	1	3		
	11-50 acres	0	0		
	51-100 acres	1	69		
	101-200 acres	1	200		
	201-300 acres	1	280		
	301-500 acres	1	490		
	501-600 acres	1	550		
	601-700 acres	0	0		
	701-800 acres	3	2,400		
	801-900 acres	1	900		
	901-1500 acres	1	1,200		
	1501-1800 acres	1	1,600		
	1801-2000 acres	1	1,966		
	Totals	13	9,658		
Quest. 5	Are you enrolled in the Agricultural District Program	Number of Responses	Number of Responses	Number of Responses	Notes
		Yes	No	Unsure or Blank	
		13	7	4	Yes = 11 farmers, 1 retired farmer, 1 non-farmer; No = 2 farmers, 1 retired farmer, 4 non-farmers; Unsure/Blank = 1 retired farmer, non-farmers
Responses to "Why or why not?" question:	Did not know they had one				
	Don't know what it is				
	To get ready for CAFO				

Town of Nichols Agriculture & Farmland Protection Plan

Town of Nichols Farmer/Farmland Owner Survey Results Tabulation

Quest. 6 Do you currently have an agricultural assessment?	Number of Responses	Number of Responses	Number of Responses	Notes Yes = 7 farmers, 1 retired farmer, 5 non-farmers; No = 6 farmers, 1 retired farmer, 3 non-farmers; Unsure/Blank = 1 retired farmer, 3 non-farmers	
	Yes	No	Unsure or Blank		
	8	12	4		
Quest. 7 Do you apply for the agricultural assessment every year?	Number of Responses	Number of Responses	Number of Responses	Notes Yes = 6 farmers, 1 retired farmer, 2 non-farmers; No = 6 farmers, 2 retired farmers, 2 non-farmers; Unsure/Blank = 1 farmer, 2 non-farmers	
	Yes	No	Unsure or Blank		
	7	14	3		
Quest. 8 How long has your farm been in business?	less than 30	Number of Responses		Notes	
	31 to 40 years	0			
	41 to 50 years	3			
	51 to 60 years	0			
	61 to 70 years	3			
	71 to 80 years	2			
	81 to 90 years	0			
	91 to 150 years	2			
	151 to 160 years	0			
	161 to 170+ years	1			
		2			
Quest. 9 How many generations (of your family) are actively involved in the farm today?	Number of Responses		Notes		
	1 generation				
	5				
	2 generations				
	1				
	3 generations				
	6				
	4 generations				
	1				
	Self				
13					
One or more parents are involved.					
2					
One or more children are involved?					
7					
One or more grandchildren are involved.					
6					
Other Family					
1					
No answer					
1					
Quest. 10 What is age of -	Respondent Active Farmer	Active Farmer Principal	Active Farmer Other	Respondent Retired Farmer	Respondent Non-Farmer
	under 16				
	16-20			2	
	21-25				
	26-30				
	31-35	1			
	36-40	1	1	1	
	41-45		1		
	46-50		2		
	51-55	3			
	56-60	2			
	61-65	3	1		
	66-70	2	2		1
	71-75	1	1		
	76-80				2
	81-85				
86-90					
90 +					

Town of Nichols Agriculture & Farmland Protection Plan

Town of Nichols Farmer/Farmland Owner Survey Results Tabulation

	Number of Responses	
Quest. 11 How many people work on your farm		Notes
1 family member	2	
2 family members	3	
3 family members	1	
4 family members	1	
5 family members	1	
6 family members	4	
7 family members	1	
8 or more family members	1	
1 non-family member	1	
2 non-family members	2	
3 non-family members	1	
4 non-family members	1	
More than 4 non-family members	0	
Quest. 12 How many people work on your farm	Number of Responses	Notes
1 full-time year-round	1	
2 full-time year-round	3	
3 full-time year-round	4	
4 full-time year-round	1	
More than 4 full-time year-round	2	
1 part-time	1	
2 part-time	1	
3 part-time	4	
4 part-time	1	
More than 4 part-time	3	
Quest. 13 In the next five years, do you plan to:	Number of Responses	Notes
stay the same size?	6	"hard to tell - depends on economy"
increase size of operation?	8	7 of 9 dairies plan expansion
decrease size of operation	0	
What will change (increase or decrease)		
acreage?	4	3 dairies, 1 field crop expand
employees?	3	
livestock?	6	all dairies
other?	1	
Quest. 14 Over the past ten (10) years, what is the estimated total investment (replacement value) that you've made in your farm (including land, livestock, equipment)	Number of Responses	Notes
less than \$50,000	1	
\$50,000 to \$100,000	3	
\$100,000 to \$500,000	6	
\$500,000 to \$1,000,000	1	
more than \$1 million	2	
No answer	1	
Quest. 15 What is the average gross income generated by your farm?	Number of Responses	Notes
(Optional) under \$10,000	1	
\$10,000 to \$50,000	4	
\$50,000 to \$100,000	0	
\$100,000 to \$500,000	1	
greater than \$500,000	4	
No Answer	4	

Town of Nichols Agriculture & Farmland Protection Plan

Town of Nichols Farmer/Farmland Owner Survey Results Tabulation

Quest. 16	If you wanted to expand your operation, what factors would affect your decision?	High	Medium	Low	Checked	No Answer
	lack of affordable land	3	1	2	0	2
	lack of available land in Town of Nichols	2	1	3	0	2
	lack of accessible land	1	2	3	0	2
	lack of land within a reasonable distance of farm	3	1	3	1	1
	lack of quality land	4	0	2	0	2
	traffic patterns/constraints (bridges, bus routes)	0	1	5	0	2
	lack of quality labor	1	2	3	0	2
	lack of capital for expansion	2	2	2	1	1
	property or other taxes	5	1	0	1	1
	zoning, or other local or state laws	2	2	2	0	2
	floods	1	2	3	0	2
	commodity prices	3	2	1	0	2
	other	1	0	0	0	0
Other	"government control" (1 response)					

Responses to Open Ended Questions

Quest. 1	In your opinion, what is the state of agriculture in the U.S. and New York in general?
Active Farmers, Dairy	bleak for most and bright for the creative non-traditional
	Hurting, decreasing
	I believe they are trying to starve us out of business
	low milk prices = with high expenses make operating the ag business difficult
	poor
	the state continues to increase regulations, permits, taxes, electric, fuel (all of these will push farms out)
	Tough (2 responses)
Active Farmers, Non-Dairy	With low milk prices and high cost of operating it is in a sad state
	In the East, due to population of non-farmers, are put into an awkward position – vs. people out West in more rural agricultural areas
	some areas in U.S. are growing; In New York decreasing
	Under stress from increasing costs and often low prices induced by Corporate overproduction and globalization
Retired Farmers	Help with problems instead of more rules and regulations
	declining
	not good. Market prices do not cover expenses of operations
Non-Farmers	too much farmland being used for commercial building
	don't know much about status
	Farmers do not get fair prices for what ever they produce
	It is not too good. The small farms cannot compete with the larger farms
	Same as our streams – it's being neglected
	too worried about land use re. Wind farms and gas drilling. Legislators too worried about pork and lobbying
No answer (3)	

Town of Nichols Agriculture & Farmland Protection Plan

Town of Nichols Farmer/Farmland Owner Survey Results Tabulation

Quest. 2	In your opinion, what is the state of agriculture in Tioga County and the Town of Nichols?
Active Farmers, Dairy	bleak for most and bright for the creative non-traditional Hurting, decreasing I believe they are trying to starve us out of business low end of the totem pole (always getting the blame - manure smell, crippled cows outside of barn, etc.) low milk prices = with high expenses make operating the ag business difficult poor sad tough With low milk prices and high cost of operating it is in a sad state
Active Farmers, Non-Dairy	going backward less farms Under stress from increasing costs and often low prices induced by Corporate overproduction and globalization It is doing fair with taxes and the way some people look at farming (who is going to feed these people)
Retired Farmers	declining farmland is wasted around 2 exits off Route 17, while some hill land is growing brush lots not good. Market prices do not cover expenses of operations. Commercial competition. Loss of prime farm land
Non-Farmers	don't know much about status Farmers do not get fair prices for what ever they produce Less and less farms every year. The young men don't want to work as hard as their parents. Farming is long and hard days Same as our streams – it's being neglected taxed out of business No answer (3)
Quest. 3	What do you see as the primary strengths of the agricultural sector in the Town of Nichols?
Active Farmers, Dairy	agriculture operators staying together as a whole ag unit friends and neighbors good fertile land and good agriculture operators. They are doing the best to produce products that they can location small, newbie farmers tax deduction on farm material (continue local support of ag industry within our community) No answer (3)
Active Farmers, Non-Dairy	providing an opportunity for work for those who would probably be unemployed otherwise – farmers will employ the unemployable river bottom land Still family oriented – no CAFO's yet – have had support from local government A group of food farmers but some are getting older and there is not any wanting to replace them
Retired Farmers	lower the tax burden to owners of farmland No answer (2)
Non-Farmers	don't know much about status none the cost of the land is cheap compared with other places Years of experience, heritage or traditions. Close to markets. No answer (4)

Town of Nichols Agriculture & Farmland Protection Plan

Town of Nichols Farmer/Farmland Owner Survey Results Tabulation

Quest.4	What do you see as the major problems facing agriculture in the Town of Nichols?
Active Farmers, Dairy	community support of agriculture low prices, high taxes not in my backyard; lack of support from town People who don't want farms in the town prices received for products compared to the price you pay for products and equipment taxes, government regs (DOT, DEC) taxes, income prices, expenses of products being used on ag business the fact that it's going away and we're losing our (farm) infrastructure with it zoning. Non-farm people have a lot to say
Active Farmers, Non-Dairy	Activate <<< not sure what it says on survey groups such as PETA. New people will want to change the zoning and keep manure smell down competition for land with other farmers Under stress from increasing costs and often low prices induced by Corporate overproduction and globalization... plus increasing age of farmers with low interest from most young people Taxes and Land use
Retired Farmers	falling milk prices to the farmer while his costs keep going up farm land taken for gravel. Prime farm land being used for commercial sites No answer (1)
Non-Farmers	don't know much about status Flooding, lack of a water plan No one wants to work as a farmers as it is long and hard. Also if you have to start it is costly for tractors, etc. what difference does it make? As in the past the town board is too self serving to care! No answer (4)
Quest. 5	What opportunities do you see for farmers/agriculture in the Town of Nichols?
Active Farmers, Dairy	farm market stand at old creamery, organic store, ice cream stands, crop land gas wells coming to area to help operate the ag business Law --or- Low (lower taxes?) <<< not sure what it says on survey... limited none probably an opportunity for more direct marketing (close to markets – miles matter for food) to find better ways to operate at cost savings No answer (2)
Active Farmers, Non-Dairy	? – marketing the product in the surrounding area opportunity to invest all their money just to maintain the status quo Possibilities exist to diversity crops grown and to market more directly in some cases not a whole lot
Retired Farmers	No answer (3)
Non-Farmers	don't know much about status more diversification and direct to consumer none Since there are many farms vacant it should be cheap to rent or buy the land No answer (4)

Town of Nichols Agriculture & Farmland Protection Plan

Town of Nichols Farmer/Farmland Owner Survey Results Tabulation

Quest. 6	Are there specific government regulations that the Town of Nichols has adopted, or actions that the Town has taken, that have impacted agriculture?
Active Farmers, Dairy	missed opportunity when chicken farm was not developed (more jobs + funds, etc.) that stupid chicken farm rule yes yes, when the Town didn't let the chicken farm in Zoning, Moratorium ? No answer (3)
Active Farmers, Non-Dairy	not knowing yes, Villages of Owego and Waverly wanted to spread treated, neutralized waste water from their sewage treatment plans on farmland. Town board passed ordinance that I could not import any "putriceable" material to spread on my land. Weight limits on roads that impact agriculture. the actions taken to discourage the CAFO were great, bringing the Best Buy in not so much I do not know
Retired Farmers	not sure No answer (2)
Non-Farmers	don't know much about status zoning and land use regs No answer (6)
Quest. 7	What do you think the Town of Nichols could do to better support agriculture?
Active Farmers, Dairy	educate residents on how farms support + feed them educate the non ag people more get together. they could have a chicken farm here already lower or eliminate taxes on ag assets quit making our best farmland into gravel pits and Best Buy warehouses work for and with farmers No answer (3)
Active Farmers, Non-Dairy	lower taxes and get off our asses zoning agriculture. Keep river bottom land in agriculture zoning the 64 dollar question – Maybe try to get a canola pressing facility to set up here Give them a break in any way it can
Farmers	lower taxes on farm land not sure No answer (1)
Non-Farmers	don't know much about status

8. If you are an active farmer, do you plan to remain in farming?

YES	NO
12	1

Yes "Other business are having financial problems"

8a. If no, why not? "We are aging."

Town of Nichols Agriculture & Farmland Protection Plan

Town of Nichols Farmer/Farmland Owner Survey Results Tabulation

9. Do you feel pressure or competition with non-agricultural development?

YES	NO	Not Sure
7	5	1

Competing Types of Development (some checked more than one type)

Commercial interests	3
Residential interests	2
Mining Interests	2
Blank	6

9a. Responses to "Please explain:"

They are taking prime farmland
Loss of best farmland

Low value of farm products prevents competing for land
I think every farmer does

Any development/more people means lower water & air quality, which leads to lower production of honey and loss of apiary locations

Government control

Because our competition is the price of our products

10. If you received an unplanned windfall (natural gas, windmill, lottery), would you?: (check all that apply)

	Number of responses	
Invest funds in your farm	11	My lifelong goal is to have the farm remain in the family name, started in 1926
Retire / Semi-retire	3	
Invest money in non-farm investment(s)	6	

11. Does your farm include land located within the floodplain?

YES	NO
2	11

11a. If yes how often does the land flood?

Some yearly	1
Every 2-3 years	1
Every 3-5 years	0

11.b What sort of damage or other issues are caused by flooding on the land you farm?

Erosion of streambanks	1
Loss of crops	2
Personal property damage	1
Flood trash	1
Gully erosion due to heavy runoff	1

Town of Nichols
Agriculture & Farmland Protection Plan

Appendix B - Sample Right to Farm Law, Town of Eden, NY

Town of Eden, Erie County, New York

ARTICLE I Right to Farm (§ 106-1 — § 106-5)

[Adopted 3-14-2001 by L.L. No. 2-2001]

(Downloaded 6/1/10⁷)

§ 106-1 Legislative intent and purposes.

- A. The Eden Town Board finds, declares, and determines that agriculture is vital to the Town of Eden, New York, because it is a livelihood and provides employment for agriservice; provides locally produced, fresh commodities; agricultural diversity promotes economic stability; agriculture maintains open space and promotes environmental quality, and agricultural land does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in the Town of Eden, farmers must be afforded protection allowing them the right to farm. When nonagricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operation or are discouraged from making investments in agricultural improvements.
- B. It is the purpose of this article to reduce the loss to the Town of Eden of its agricultural resources by limiting the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

§ 106-2 Definitions.

- A. As used in this article, the following terms shall have the meanings indicated:

AGRICULTURAL PRACTICES

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

AGRICULTURAL PRODUCTS

Those products as defined in § 301(2) of Article 25-AA of the Agricultural and Markets Law.

FARM

⁷ Source: Town of Eden Code. General Code, LLC <http://www.ecode360.com/?custId=ED1729;>
<http://www.edenny.org/serv.html>

Town of Nichols Agriculture & Farmland Protection Plan

The land, buildings, farm residential buildings, and machinery used in the production, whether for profit or otherwise, of agricultural products.

FARMER

Any person, organization, entity, association, partnership, or corporation engaged in the business of agriculture, for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock, poultry, fur-bearing animals, or fish, the harvesting of timber or the practicing of horticulture or apiculture.

GENERALLY ACCEPTED AGRICULTURAL PRACTICES

Those practices which are feasible, lawful, inherent, customary, necessary, reasonable, normal, safe, and typical to the industry or unique to the commodity as they pertain to the practices listed in the definition of "agricultural practices."

RESOLUTION COMMITTEE

Shall be made up of the Chairman of the Conservation Board or designee, Chairman of the Agricultural Committee or designee, and a member of one other standing committee of the Town designated by the Town Supervisor.

B. Unless specifically defined, above words or phrases used in the article shall be interpreted so as to give them meanings they have in common usage, and to give this article its most reasonable application.

§ 106-3 Authority to engage in agricultural practices.

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

Town of Nichols
Agriculture & Farmland Protection Plan

§ 106-4 Duty of Town officers and boards to consider impact of farm operations on certain applications.

The legislative intent and purposes of this article shall be taken into consideration by each Town officer and/or board in processing any application requesting rezoning, site plan approval and/or special use permit approval when the property which is the subject of such application is located within one mile of an existing farm. Such Town officer and/or board shall, as part of its review of such application, determine whether appropriate and reasonable conditions may be prescribed or required, which would further the purposes and intent of this article as part of an approval of the application. Such appropriate and reasonable conditions shall be determined on a case-by-case basis and may include, but not be limited to, requiring declarations, deed restrictions and/or covenants which run with the land which would notify future purchasers and owners of the subject property that owning and occupying such property might expose them to certain discomforts or inconveniences resulting from the conditions associated with agricultural practices and operations in the Town.

§ 106-5 Informal resolution of disputes.

- A. Should any controversy arise regarding any inconveniences or discomforts occasioned by agricultural operation, including, but not limited to, noise, odors, fumes, dust, the operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and/or pesticides, the parties may submit the controversy to the resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action.
- B. Any controversy between the parties may be submitted to the resolution committee, whose decision shall be advisory only, within 30 days of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party became aware of the occurrence.
- C. The effectiveness of the resolution committee as a forum for resolution of grievances is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
- D. The controversy shall be presented to the committee by written request of one of the parties within the time limits prescribed above. Thereafter, the committee may investigate the facts of the controversy but must, within 30 days, hold a meeting to consider the merits of the matter and within 20 days of the meeting must render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each party considers to be the pertinent facts.

Town of Nichols
Agriculture & Farmland Protection Plan

Appendix C - Sample Local Law Establishing Agricultural Advisory Committee

Sect. 1. Title.

This Local Law shall be known as Local Law No. ____ of 2012, the "Agricultural Advisory Committee Law of the Town of Nichols, New York."

Sect. 2. Purpose.

The purpose of this Local Law is to recognize the importance of agriculture as an integral component of the rural character that enhances the quality of life of all residents of the Town of Nichols and to assure the continued viability of agriculture as an industry which is important to the local economy and to the preservation of open space and vistas in the Town of Nichols. In addition this Local Law is intended to:

1. Encourage the wise use and management of the town's natural resources through best management farming practices that support the most beneficial relationship between the use of land and buildings and the agricultural practices of the community; and
2. Provide the Town Board, Planning Board and other relevant boards or committees of the Town of Nichols with an advisory body on a variety of matters of importance to or which may impact the agricultural community of the Town of Nichols.
 - A. The Committee shall be appointed by the Town Board and be composed of four (4) members of the Town of Nichols agricultural community, defined as persons who are engaged in agriculture or a vocation related to agriculture in the Town of Nichols, whether they reside within the Town of Nichols or not, and (1) resident not associated with agriculture. The Committee make-up shall represent the diversity of farms and farmers in the Town of Nichols.
 - B. One member of the Town Board, Planning Board, and Board of Assessors shall serve as ex officio members.
 - C. The members appointed to the Committee shall serve for a three-year term. Upon initial formation, one member shall serve for a one-year term, two members for a two-year term and all others for a three-year term. Each year thereafter, reappointments or new appointments will be for three-year terms.
 - D. Appointments shall be from January 1 through December 31.
 - E. Members shall serve without salary.
 - F. The members shall recommend a Chairperson for appointment by the Town Board.
 - G. The Agricultural Advisory Committee shall set it's own meeting schedule, however it shall meet at least two times in any calendar year.

Town of Nichols

Agriculture & Farmland Protection Plan

Sect. 4. Powers and Duties.

The Agricultural Advisory Committee shall:

1. Advise the Town Board and the County Agricultural and Farmland Protection Board in relation to the proposed establishment, modification, continuation or termination of any county agricultural district. The Committee shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area.
2. Advise the Town Board on methods, review proposals and develop proposals for the implementation of the recommendations and implementation actions of the Agriculture and Farmland Protection Plan.
3. Review any Agricultural Data Statements forwarded to the Committee and provide for a publicized time and location for discussion of potential impacts on the neighboring farms.
4. Review any proposed local law or policy affecting property or agricultural operations within any town agricultural zoning district or within or contiguous to a county agricultural district.
5. Review any application to the Town Board, Planning Board or Zoning Board of Appeals affecting property within any town agricultural zoning district or within or contiguous to a county agricultural district.
6. Review the State Agriculture and Markets Law on an annual basis for amendments that may affect agriculture and policies affecting agriculture in the Town, and report findings to the Town Board.
7. Review other county and state legislation affecting agriculture in the Town of Nichols brought to its attention, identify issues related to the proposed legislation and report on said issues to the Town Board and other appropriate board or committee.
8. Participate in the review and consideration of any public infrastructure improvements proposed within the agricultural areas of the Town.
9. Assist in the preparation and review of any application for participation in farmland preservation programs referred to the Committee.
10. Serve as a vehicle for communication between the agricultural community, boards and committees of the Town of Nichols, and the County Agricultural and Farmland Protection Board.
11. Submit to the Town Board an annual summary of the activities of the Agricultural Advisory Committee.

Sect. 5. Review Process.

The Agricultural Advisory Committee shall have 45 days to respond to any matter referred to it. The Committee in any report shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area potentially impacted by said action. This report shall include a determination as to whether the proposed action or actions will have an unreasonable adverse effect on the continuing viability of a farm enterprise or enterprises within the county or town agricultural districts.

The reports and recommendations of the Agricultural Advisory Committee shall be advisory only.

**Town of Nichols
Agriculture & Farmland Protection Plan**

**Appendix D – Form RA-103 Land Classification System Affidavit
Concerning Soils That Flood**

Town of Nichols Agriculture & Farmland Protection Plan

RA-103 (Rev. 3/94)

New York State
Department of Agriculture and Markets
10B Airline Drive
Albany, New York 12235

LAND CLASSIFICATION SYSTEM AFFIDAVIT CONCERNING SOILS THAT FLOOD

I, _____, residing at _____
(Name of Applicant) (Address)
 _____, being duly sworn depose and say that in Tax Parcel _____
(Number)

that _____ of _____ soil
(Acres) (Soil Symbol) (Soil Name)
 as _____ shown on the attached soil survey map or overlay of soil survey map currently placed in soil
 group number _____ by the current New York State Agricultural Land
 Classification of _____ County (commonly called County Master List of
 Agricultural Soil Groups) floods more frequently than identifiable by criteria as currently defined in
 the National Cooperative Soil Survey (Soil Interpretation Record). Further, that based on the
 flooding criteria contained in the instructions on the reverse side, this soil could be placed in a soil
 group which appropriately reflects the flooding condition I have identified below:

I. (Check one only)

Some Flooding

Usually Floods

II. Indicate flooding by calendar
 year for each year(s) in the
 last 10 years

List Type of
 Crop Grown

List Percentage
 of Crop Loss
 for Each Year

20	.....	.....	..... %
20	.....	.....	..... %
20	.....	.....	..... %
20	.....	.....	..... %
20	.....	.....	..... %
20	.....	.....	..... %
20	.....	.....	..... %
20	.....	.....	..... %
20	.....	.....	..... %
20	.....	.....	..... %

Signature

Sworn to before me this _____ day
 of _____, 20____

/s/ _____
 NOTARY PUBLIC

(SEE INSTRUCTIONS ON REVERSE SIDE)

Town of Nichols
Agriculture & Farmland Protection Plan

INSTRUCTIONS

This affidavit should be completed by a landowner. The landowner should also provide a soil survey map or overlay showing the area in question and transmit by letter to the agency handling the appeal (either the County Agricultural and Farmland Protection Board or County Soil and Water Conservation District). The appeal agency is requested to complete the Land Classification Review Request (Form RA-100), attach the landowner's document and forward to the Commissioner of Agriculture and Markets for appropriate action if it is claimed that soils are subject to flooding as defined below:

Flooding for the purpose of the Land Classification System is defined as a condition when the surface of the soil is covered with water as a result of a stream or river being high enough to prevent the water on the surface from draining away. It is not the result of the soil slope being too flat that water ponds, or having insufficient time to drain.

Three phases of flooding are recognized. They are identified as follows:

- **Rarely floods (R):** no complete crop loss in the last ten years or the sum of crop losses is less than one complete crop loss in the last ten years;
- **Some flooding (S):** one complete crop loss within the last ten years or the sum of crop losses is equal to or greater than one, but less than two complete crop losses in the last ten years; and
- **Usually floods (U):** two or more complete crop losses within the last ten years or the sum of crop loss is equal to or greater than two complete crop losses in the last ten years.

Crop loss is defined as that loss due to flooding which includes the yield loss from decreased productivity during the normal crop growing season or the yield loss due to planting and/or harvesting delays that exceed those normal for the soil on which the crop is grown.

NOTE: A separate affidavit must be filed for each soil type.

Distribution: Original to NYS Department of Agriculture and Markets; one copy each to landowner and Soil and Water Conservation District