

Draft Report

Town of Wheatfield Agricultural & Farmland Protection Plan

February 2015



WWS Planning

Town of Wheatfield Agricultural and Farmland Protection Plan

ACKNOWLEDGMENTS

The preparation of the Town of Wheatfield Agricultural and Farmland Protection Plan was made possible through the efforts of the following:

Agricultural Focus Group

Carl Heinz, Facilitator
Randy Retzlaff
Julie Otto
Don Proefrock
Robert O'Toole, Esq.

Richard Muscatello
David Anastasi
Kris Taylor
Walter Freiart
William Kloc

Comprehensive Plan Task Force

Richard Muscatello, Facilitator
Arthur Gerbec
Bill Wagner
Justin Higher
Jason Hugar

Robert Cliffe
Robert O'Toole
Carl Heinz
Melissa Germann
Andrew Reilly

Wheatfield Town Board

Robert Cliffe, Supervisor
Gilbert Doucet
Arthur Gerbec
Larry Helwig
Randy Retzlaff

Other Contributors

Karen Frieder
Helene Petrakus
Justin Higher
Tyler Kroenig
Tim Walck, Wendel Companies
Jacob Needle, Wendel Companies
Ben Bidell, Niagara County Center for Economic Development
Niagara County Farm Bureau
Niagara County Soil & Water Conservation District
New York State GIS Clearinghouse

Robert Koithan
Randy Walck
Gilbert Walck

Project Consultant

Wendy E. Weber Salvati, AICP, WWS Planning
Jocelyn Gordon, AICP, MBE, Gordon Strategic Planning

And the Citizens of the Town of Wheatfield



Town of Wheatfield Agricultural and Farmland Protection Plan

TABLE OF CONTENTS

	<i>Page</i>
I. INTRODUCTION AND METHODOLOGY	
A. Grant and Consultant	I-1
B. Existing Plans and Programs	I-1
C. Approvals	I-13
II. COMMUNITY INPUT AND VISION	
A. Public Participation	II-1
B. Goals and Objectives	II-3
III. COMMUNITY OVERVIEW	
A. Regional Setting / Location	III-1
B. Demographics and Housing	III-1
C. Land Use, Zoning and Other Policies and Regulations	III-5
D. Natural Resources	III-16
E. Infrastructure Services	III-17
IV. AGRICULTURAL LANDS AND RESOURCES	
A. Agricultural Soils	IV-1
B. Agricultural Districts	IV-3
C. Farmland and Agriculture as a Business	IV-5
D. Agricultural Markets and Support Businesses	IV-8
E. Farm Statistics and Economic Contributions and Value to the Local and Regional Economy	IV-10
F. Development Pressure and Consequences of Conversion	IV-14
V. FINDINGS, RECOMMENDATIONS AND IMPLEMENTATION STRATEGIES	
Summary of Issues Relating to Farmland and Agricultural Protection	V-1
Vision for the Future of Agriculture and Farmland Protection	V-3
Tools and Techniques for Farmland Protection	V-6
Recommendations and Implementation Strategies	V-22
VI. GLOSSARY, RESOURCES AND REFERENCES	

Town of Wheatfield Agricultural and Farmland Protection Plan

List of Maps

Follows Page

1	Regional Setting	III-1
2	Aerial Photograph	III-2
3	Existing Land Use	III-5
4	Zoning	III-11
5	Environmental Resources	III-17
6	Water and Sewer Service	III-18
7	Agricultural Soils	IV-1
8	Agricultural Districts	IV-3
9	Active Farmland	IV-5
10	Vision Map for Agricultural Protection	V-4

Appendix

A	Public Participation
B	Town of Wheatfield Land Use Regulations
C	Town of Wheatfield Right to Farm Law
D	NYS Department of Agriculture and Markets Information
E	Sample Agricultural Data Statement
F	American Farmland Trust Cost of Services Studies Fact Sheet
G	Purchase of Development Rights Information
H	Transfer of Development Rights Information
I	Farmers' School Property Tax Credit Information
J	SEQR Documentation



Section I
Introduction and Methodology

Town of Wheatfield Agricultural and Farmland Protection Plan

SECTION I – INTRODUCTION AND METHODOLOGY

A. Grant and Consultant

In 2012, the Town of Wheatfield prepared an update to the Comprehensive Plan as a means of better managing future growth and development in the community. The plan includes specific goals and recommendations for the protection of farming and agriculture in the Town. In 2013, the Town secured funding through the New York State Department of Agriculture and Markets to prepare a Farmland and Agricultural Protection Plan to implement the recommendations of the Comprehensive Plan. The New York State Department of Agriculture and Markets defines a Farmland and Agricultural Protection Plan as “the preservation, conservation, management, or improvement of lands that are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production.” This Wheatfield Farmland and Agricultural Protection Plan has been developed to comply with the intent of a State.

B. Existing Plans and Programs

The following is an overview of existing land use plans and programs that have been developed by other entities or the Town. The information presented below is related to agricultural protection and preservation, as set forth in each individual plan.

Niagara County Agricultural and Farmland Protection Plan

The Niagara County Agricultural and Farmland Protection Plan was developed by the Niagara County Agricultural and Farmland Protection Board during 1997 and 1998, in cooperation with a working group. Though largely ad hoc in nature, the working group included representation from the Niagara County Farm Bureau and the Cornell Cooperative Extension Agriculture Program Committee. The plan was made possible through funding from Niagara County and the New York State Agricultural and Farmland Protection Program, which is administered by the NYS Department of Agriculture and Markets.

- *Goals of the Farmland Protection Plan*

The goal of the Niagara County Farmland Protection Plan strategy is to maintain a productive, open landscape that is viable for future generations and that does not preclude more intensive activity when the demand exists.

- *Plan Recommendations*

The Niagara County Agricultural and Farmland Protection Plan has three major interrelated recommendations, which were proposed to be addressed aggressively and simultaneously, with



Town of Wheatfield Agricultural and Farmland Protection Plan

the recognition that there is no "silver bullet" that is a sure cure to the problems facing agriculture in the region. The Niagara County Plan represents an opportunity for existing agencies and the private sector to exercise maximum creativity and to work together to make Niagara County agriculture a competitive industry in the global marketplace we live and work in. The three major interrelated areas and recommended actions include:

1. Agricultural Economic Development

As "price-takers," like so many of the nation's wholesale commodity producers, Niagara County farmers are vulnerable to the vagaries of the global food system. The requirements for successful farms consisting of high quality land, access to capital, labor management and availability, and sophistication in marketing can be leveraged with cooperative-type efforts, product promotion and development of niches where Niagara County has a comparative advantage. Multi-source funding for an agricultural economic development coordinator who would spend much of his/ her time in a "circuit rider" role with farmers and agri-business would be a significant step. Cultivating cooperative activity, farm markets, Industrial Development Agency business enhancement and retention, among other tasks, are key features of the plan.

Summary Actions:

- Establish an Agricultural Economic Development Coordinator in Niagara County.
- Strengthen the economic viability of farm businesses through programs on marketing, business planning, retention and expansion and the development of diverse agricultural enterprises supplying both local and distant markets. Local Cooperative Extension specialists have done some of this but viable alternatives developed by the Agricultural Economic Development Coordinator need to be explored in a collaborative way, Cornell's Agricultural Systems Initiative, if funded, will provide marketing specialist and farm management positions.
- Continue to build a "Buy Local" campaign with collaborative efforts from the New York Farms-funded Western New York logo, Niagara County Environmental Fund grants and Resource Conservation and Development-derived grants.
- Continue to stimulate the interest of the Niagara County Industrial Development Agency in agricultural business retention and expansion. Stimulate the interest of the agricultural community in the Micro Enterprise Assistance Program. Rural Business Enterprise grants through the United States Department of Agriculture, Rural Opportunities, Inc., Intermediary re-lending programs and Sustainable Agriculture Research and Education



Town of Wheatfield Agricultural and Farmland Protection Plan

(S.A.R.E.) grants are also sources of financial assistance. Cooperative Extension and N Y FarmNet can counsel farmers on the decisions affecting their future.

- Work towards a policy of having the Industrial Development Agency favor business development proposals that include a commitment to purchase local agricultural commodities and/or support local agriculture in some way.
- Encourage farm cooperatives.
- Develop a strong Eastern Niagara County Farmers Market.
- Support and promote local farm stands, u-pick operations and agri-tourism businesses. Look for ways to capture the attention of the thousands of travelers that cross Niagara County on Interstate 190 Thruway, and provide alternative vacation opportunities that capture Niagara Falls visitors.
- Create a cooperative food processing kitchen to develop value-added products. The Food Venture Institute at the New York State Experiment Station, in Geneva, New York, currently works in collaboration with satellite centers at Poughkeepsie and Plattsburgh, New York.
- Develop a County marketing packet for agriculture that extols the advantages of farming in Niagara County. Place advertisements in regional and national farm industry publications.
- The Agricultural Industry Development, Enhancement and Retention Program (AIDER) is a community-based program that first identifies the concerns and barriers to local agricultural firms' vitality, and then empowers teams to develop strategies to encourage their growth. The program structure includes firm visits, immediate follow-up, action planning, and an implementation phase to achieve identified goals. Niagara County would be eligible for Environmental Planning Fund grant money if a 20% match were provided to fund such a project.
- High utility rates continue to contribute to the higher cost of doing business in New York State relative to competitors elsewhere in the Nation. A detailed study of energy input costs for farmers would provide a factual basis for recommendations to the Public Service Commission and to governments at the State and local level about the impact of these costs on survival of farm and agricultural processing.



Town of Wheatfield Agricultural and Farmland Protection Plan

2. Education, Promotion and Public Relations

Various educational strategies for children, adults, consumers, farmers, local decision makers and special groups (i.e. Realtors) are needed. Understanding agriculture as a desirable land use and not the lowest use is a goal of the AFPB. Agriculture has important economic and environmental benefits and can be compatible with other land uses. Amenity value for all of society is a public benefit provided by private sector agriculture.

Summary Actions

- Develop a media campaign, literature (including informational booklets on Niagara County farms, farm stand brochures, farm tour maps, etc.) and signage designating Niagara County as an agricultural county.
- Create a high level of awareness and knowledge by community decision makers, farmers and other county residents about economic and societal values of agriculture.
- Support training and employment programs to help mentor young people who are attracted to farming but don't know how to get started. Have regular meetings with young farmers to encourage synergism and understanding of resources.
- Develop a coordinated public school program to educate youth about agriculture. Develop a list of farms offering tours to school groups and encourage farm field trips. Develop a "Speakers Bureau" of farmers and other professionals to offer presentations at schools, local events and meetings of civic organizations. Work more aggressively to get Agriculture into the classroom and promote 4-H through Cooperative Extension and distance learning programs. Also, provide incentives for teachers doing agricultural education in the form of contests and prizes for children.
- Educate non-farm neighbors about farming practices and ways to co-exist with agriculture.
- Hold educational farm tours so the public can see sound agricultural practices and understand the need for agriculture in the region. Provide workshops and mediation programs to help farmers resolve conflicts with neighbors. Create fact sheets for distribution at festivals, on tours, etc. to let the public learn about acceptable agricultural practices. Use build-out maps to educate the public about the cost of increased community, services when farmland is developed. Continue decision makers tours like those done in 1997 and 1998 encouraging all legislators and town leaders to attend. Seek funding for a public tour event or at least set up a drive-it-yourself tour. Work with tourism interests to promote awareness that agriculture is a major draw for tourists to the area.



Town of Wheatfield Agricultural and Farmland Protection Plan

Capitalize on both the revenue-producing facilities and free points of interest and history that induce tourists to enjoy the country - staying long enough to look for bed-and-breakfast facilities or motels and small town restaurants.

- Provide education in the profession and cooperate with local colleges and schools in such diverse areas as computer education, conversational foreign language (Spanish-speaking workers), retail business planning and use of distance learning facilities (BOCES and public schools) to bring specialists into more frequent contact with farmers. Work with Extension specialists and private sector trade on education in estate and land-use planning. Provide intergenerational transfer education to avoid situations that have left committed farmers in situations of estate settlement that jeopardizes retaining the business. Work with lawyers and landowners to understand the role of land trusts as a way of preserving the intentions in a will to conserve farms and open space.
- Work with the media to present an accurate image of agriculture. Provide educational farm tours for the media and general public. Establish a photo library of farm activities, scenic landscapes for the media. Give media story leads, both human interest and commercial with well-written press releases. Encourage writing within the farm community.
- Encourage Realtors to educate new home owners on rural living. Conduct assessors' schools in farm assessment. Create an agricultural education program for Realtors and present it through real estate boards.

3. Government Policies and Farmland Protection Strategies

A better understanding of the place for agriculture in townships, even those that consider themselves post-agricultural, is needed. All towns should have their own Cost of Community Services Study prepared. Even towns with healthy tax revenues need to consider the implications of further scattered development and the infrastructure (and extension of infrastructure) required to service it, and the bearer of those costs. Taxpayers reach into the same pocket to pay school taxes as the one that pays county and town services. Innovative planning techniques that contribute to wise land use should be understood.

The Niagara County AFPB is aware that legislation is provided, both statewide and nationally, to provide funding for the purchase of development rights and conservation easements where plans reflect prioritized agricultural areas. The Board views other strategies as more effective and less expensive than this strategy. Where farming is sufficiently profitable, loyalty to the land is much easier to retain. However, the Board does see merit in modeling for the future, the value of purchase of development rights and tax deductible donations of conservation easements. A prioritization system is suggested that would qualify for the County or townships



Town of Wheatfield Agricultural and Farmland Protection Plan

to apply for farmland preservation funding at an appropriate time. Land use controls to preserve farmland will not provide an effective mechanism to maintain a farmland base nor force an industry to exist that is not economically viable.

Summary Actions

- Provide a supportive climate for agriculture through education of local government officials for the continuation of farming through public policies and actions on land use and taxation that minimize disincentives to farm and establish a level playing field within the region. Effective action is needed from various levels of government. Avoid the perception that town governments are anti-agriculture by active seeking of opinion on the impact of new regulations on farmers - rather than waiting for them to identify problems at hearings.
- Provide for Agricultural and Farmland Protection Board (AFPB) review of Town comprehensive plans prior to formal adoption. The Board will consider build-out analysis of the plan's projected growth and zoning, to consider how it will impact existing agricultural areas and property taxes. "Greenprints" should be developed locally to supplement existing master plans.
- Allow for creative development plans (conservation subdivisions) that economize on the amount of land used for buildings which leave land open for future agricultural uses.
- Study means of treating farmers who are discouraged about the future of farming for their family equitably. They often favor spreading infrastructure to enhance the value of their land and strengthen their retirement. Transfer of development rights and purchase of development rights are relatively undeveloped concepts in Western New York. If open space and agriculture are to be encouraged as an amenity value for a community, a workable methodology must be designed to direct growth.
- Encourage in-fill on vacant parcels with existing infrastructure prior to extending municipal services and developing farmland. Actively support brownfield utilization.
- Conduct farmland protection workshops to educate elected local and appointed officials about protection methods and feasible alternatives in the State and region.
- Pass right-to-farm laws in all townships and the County.
- The Niagara County Department of Planning, Development and Tourism could establish criteria that would be used at such time as implementation grant money is available for purchase of development rights programs or other conservation easement protection programs. These criteria would take into consideration Article 25 AAA of New York State



Town of Wheatfield Agricultural and Farmland Protection Plan

Agriculture and Markets Law. From the AFPB's perspective they should also consider the general location of agricultural areas to be protected. Agricultural protection strategies should be developed on a town-by-town basis with county assistance.

- Increase the quality/ diversity of Wildlife habitat. Private and government assisted efforts will strengthen the image of farmers as good environmental stewards.
- A land evaluation-site analysis (LESA) project should be explored after Geographic Information System tools are available. Study of other New York counties with such analyses can give the County the benefit of their experience, mistakes and successes.
- Create a revolving loan fund for farmers.

Niagara Communities Comprehensive Plan 2030

The Niagara Communities Comprehensive Plan 2030 was prepared with funding provided by the New York State Department of state, Quality Communities Grant Program, and the New York State Housing Trust Fund Corporation, Office of Community Renewal. The Plan is the first comprehensive planning document dedicated to the County and its twenty municipalities. The intent of the document was to create a multi-municipal approach to planning and development, unifying planning efforts across the county to guide development policies over the next twenty years. The Plan provides a framework for achieving the stated five high priority goals:

- Encouraging desirable and appropriate growth and development
- Strengthening the local economy
- Improving the delivery of services
- Prioritizing and coordinating capital improvements
- Improving the quality of life for County residents

Public participation was an integral part of the planning process for the County's Plan, with community members encouraged to contribute through stakeholder community meetings, general public meetings, focus group discussions, interviews, website links and various public media. In the Town of Wheatfield, farming was considered a major asset by the public. The need to keep agriculture viable and protect farmland was identified as a key issue in the community. The use of techniques, such as purchase of development rights, was further identified as one option for protecting farmland in Wheatfield.

The Niagara Communities Comprehensive Plan includes the following goal, objectives and recommendations aimed at protecting and preserving agriculture in Niagara County.



Town of Wheatfield Agricultural and Farmland Protection Plan

- ***Farmland and Open Space Protection***

To preserve and protect the long-term viability and sustainability of prime, unique and important farmlands and open spaces, as well as related rural characteristics and evidence of the agricultural heritage, amenities and aesthetics of the County's farming areas.

1. Objectives

- Encourage the concentration of appropriate types, scale and intensity of land uses and development in and around existing population centers, including those potential development/redevelopment areas identified in this Comprehensive Plan, and those growth areas identified in local municipal comprehensive plans, master plans, and zoning districts through County planning assistance to local municipalities.
- Preserve the amount of viable countywide agricultural acreage from further conversion to other land uses, reduce development pressures on existing farming practices, and maintain open space resources.

2. Recommendations

- Promote and prioritize nodal centers and patterns of compact development with higher density residential and commercial development located in areas where physical infrastructure and community services are available or can be readily accessed.
- Discourage the conversion of agricultural lands in developing and undeveloped rural and suburban locations to other uses where the provision of new infrastructure or extension of services is not warranted or desired by local communities.
- Encourage smaller minimum lot size requirements in local ordinances in developing and undeveloped rural and suburban communities to reduce development pressure on farmlands and open space resources.
- Promote the creation of mixed-use and multiple-use development districts in local zoning ordinances, rather than the more typical single use districts and encourage communities to establish floating zones such as Planned Unit Development (PUD) districts or mixed-use development overlay districts along important corridors.
- Encourage implementation and use of local incentive zoning, right-to-farm laws where they do not exist, land transfers, conservation easements and land trusts to protect open space resources.



Town of Wheatfield Agricultural and Farmland Protection Plan

- Encourage infill forms of development on vacant parcels and redevelopment of brownfields and grayfields in lieu of development on previously undeveloped properties. For Rural Communities provide County assistance to encourage local municipalities to direct development to appropriate locations away from prime and unique farmlands and protect the viability of large, contiguous agricultural parcels and the integrity of existing Agricultural Districts through their recertification.
- Encourage nodes of concentrated development in hamlets and crossroad locations with increased density and mixed uses with access to major roadways and where other forms of services are available. Such areas should be priority locations for development and redevelopment over greenfield locations in rural communities where new infrastructure and services may need to be developed or expanded.
- Investigate means to more uniformly assess agricultural lands based on farming value, not the development potential of farmlands.
- Provide County assistance to communities as part of their comprehensive planning efforts in anticipation of potentially large scale agricultural uses or energy-related projects, such as Concentrated Animal Feeding Operations (CAFOs) or wind farms, through the establishment of local ordinances to ensure proper planning steps are taken to reduce the potential for adverse impacts on communities and adjacent land uses. Ordinances should focus on protecting natural (air, water, land) resources, scenic resources, and compatibility with nearby land use possibly through requirements for the establishment of effective natural buffer areas.
- Encourage the establishment of local Transfer and/or Purchase of Development Rights programs as allowed under State Municipal Law and similar land use initiatives consistent with the recommendations of Niagara County's 1999 Agricultural Farmland Protection Plan that focuses on reducing the conversion of viable farmland.
- Support the complete update of Niagara County's 1999 Agricultural Farmland Protection Plan in collaboration with the Farmland Protection Board, Cornell Cooperative Extension Service and the Niagara County Soil and Water Conservation District and other stakeholders.
- Encourage the expanded use of E-commerce opportunities among local farms and agricultural goods producers utilizing existing websites and links such as the Niagara Farm Markets (www.niagarafarmmarkets.org) and other sources of information available from Cornell Cooperative Extension and other agencies and organizations.



Town of Wheatfield Agricultural and Farmland Protection Plan

- Expand equestrian businesses as a locally important economic generator via increased marketing and small business incentives related to horse boarding, farriers, veterinarian services, hauling and trailer services, grain and hay production, fencing and tourism services that can be linked to County destinations and services. Niagara County currently ranks 20th among 58 counties in New York in number of horses with approximately 3000 horses valued at about \$12 million. Existing farms and stables feature western, English, dressage, draft, rodeo and trail riding opportunities.
- Provide for multi-purpose/multi-use trail systems offering equestrian riding opportunities to encourage business and tourism opportunities that link with other trail networks throughout the County. Rural areas that may be most suited to expanded equestrian opportunities and trail systems include the towns of Royalton and Hartland followed by Somerset, Newfane, Wilson and northern Cambria with potential to link into other existing and future trail networks, perhaps along the Wine Trail and future trails along the Niagara Escarpment.

Town of Wheatfield Comprehensive Plan Update 2012

The Town of Wheatfield updated the Comprehensive Plan in October of 2012. This plan included specific goals and recommendations for farmland and agricultural protection. There was one goal included in the Town's Comprehensive Plan that applies to agricultural protection, as follows:

- *Goal - Maintain and preserve community character*
Protecting the quality of life in Wheatfield is a major priority of residents. Residents acknowledge that change is occurring, but they strongly support preserving critical elements of community character, including important open space, farmland and parks, as well as important natural features, such as creeks and wood lots. For many residents of the Town of Wheatfield, farmlands and rural atmosphere are very important to the character of the community. As such, they support the protection of agricultural uses and efforts to maintain farming as a viable economic activity in the Town. However, farmers in the Town recognize that their farmland is their primary asset. In many cases, the next generation has made other career choices, and farmers want to retain their right to sell their farmlands upon retirement. In practical terms, farmers stand to make more money selling the land as development lots than as open farmland. This presents a very real constraint to maintaining agricultural lands and farming as a viable economic enterprise in the Town of Wheatfield. Nonetheless, the goal of the Town is to preserve and maintain agricultural land as an essential contributor to the rural character in the community.

This goal is supported by findings and recommendations that relate to the protection of agricultural land and supporting farming as a viable economic activity. The findings and recommendations include the following.



Town of Wheatfield Agricultural and Farmland Protection Plan

1. Findings – Protect Agricultural Lands:

- Agricultural land is located primarily in the northern half of the Town.
- Most of the farms are located in State Agricultural Districts.
- Location within an Agricultural District places limits on development options.
- A number of parcels were removed from the Agricultural Districts during the recent review for renewal.
- Most of the farms are zoned Agriculture – Residential (A-R).
- The farms in the northern-central part of the Town (between Ward and Nash) are shown as Residential Low Density areas in the Master Plan map, but are zoned as A-R, suggesting a concession that these areas will develop as residential, not farming uses.
- Farming to the northwest can be easier to protect. Farms in the east and northern-central areas of Town are under the most pressure due to residential development.
- Farming is compatible with the rural characteristics of northern Wheatfield and the rural residential areas in Lewiston, Cambria, and Pendleton.
- Most farmlands are being developed as standard road-frontage lots, which cuts off visual access to any farmlands remaining on the interior parcels.

2. Recommendations:

- The State Agricultural District should be maintained as intact as is feasible. Future withdrawals of parcels from the districts should be discouraged, if possible.
- The A-R zoning district should be reinforced, or an agricultural zoning overlay put in place in order to strengthen the ability of the Town to guide development in a manner supportive of continued farming.
- Farmers have a right to develop their lands, but the Town should explore improved standards to promote appropriate development that is compatible with remaining farmland.



Town of Wheatfield Agricultural and Farmland Protection Plan

- Standards should also include buffers between residences and farms to minimize conflicts between these uses. The developer of the residential use would be responsible for establishing these buffers.
 - Zoning regulations in the A-R district could be rewritten to provide different options for development. In particular, more creative site planning can help minimize the visual impacts of development, helping to preserve a rural "character" even if active agricultural uses are no longer viable.
 - Rural Cluster Development or Conservation Subdivision regulations could allow for some creativity in subdivisions on former farms. These types of regulations allow cluster development without the need for new streets, focusing on rural appearances. They allow and encourage creativity in design so that building lots are not laid out in a uniform, monotonous pattern along the street frontage. The regulations can be written in such a way that there are disincentives for standardized developments and rewards or incentives for those developments that show more creativity, flexibility and sensitivity to local setting in their design of building lots.
 - Create Agricultural Protection Guidelines.
 - The Town should continue supporting the Agricultural Committee and its ideas such as the Farmer's Market, Agricultural Vehicle Signage, etc. The focus should be on how to help keep farmers farming, and help them to stay a viable business in Town.
3. Findings – Support Farming as a Viable Economic Activity
- The farming community did not provide a lot of input to the planning process. In general, they don't want their rights restricted, and they want the ability to operate their business.
 - Farms in Wheatfield are more likely to be adjacent to non-farming uses, such as residential or even commercial uses, than is the case in most communities, leading to a greater potential for complaints from neighboring uses.
 - Farming, as an economic activity in Wheatfield, is under pressure due to the increasing value of the land for development and conflicts with surrounding land uses.
 - The trend in farming nationally is toward larger farms, and farming is increasingly competing as a global industry. Many of the farms in Wheatfield are smaller, isolated farms that are most at risk.



Town of Wheatfield Agricultural and Farmland Protection Plan

- The Town of Wheatfield does have school taxes and special district property taxes. These are all significant cost to farmers.

4. Recommendations as set for in the Comprehensive Plan

- The Town government should explore measures it can take to help farming (sponsor activities, grant applications, consider a purchase of development rights program, etc.). The Town has begun to explore a Farmland Preservation Program and this should be continued until it is determined what the best strategy is for protecting farmland.
- Creative recommendations could include the possibility of relaxing the zoning regulations with regard to farming, such as allowing viable farms of a certain size the right to operate small businesses or carry on other ancillary activities.
- Regulations could provide for buffer requirements between residential and farming uses.
- The Town could consider a means of alleviating the property tax burden on farmers, through either assessment policies or tax structure (e.g., assess farmland based on its value as vacant land, rather than on its market value or value as developable land).
- Expand upon the concept of the Farmer's market, and help create more opportunities for farmers and agriculture in the Community.

C. Approvals

In accordance with the requirements of the New York State Department of Agriculture, the draft Agricultural and Farmland Protection Plan must be approved by the Niagara County Agricultural and Farmland Protection Board and the Wheatfield Town Board before it receives final approval from the State. In addition, the Town Board must conduct a public hearing on the Plan. The Town Board held a public hearing on ** and approved the Plan on **. The Niagara County Agricultural and Farmland Protection Board reviewed a draft plan on ** and approved the plan on **.



Section II
Community Input and Goals

Town of Wheatfield Agricultural and Farmland Protection Plan

SECTION II – COMMUNITY INPUT AND GOALS

A. Public Participation

Farming in the Town of Wheatfield has been practiced since the early settlement of the community. Today, farming continues as a way of life and economic driver in the Town. The preparation of this Agricultural and Farmland Protection Plan is a means of ensuring that agricultural activities remain active and viable in Wheatfield and that productive farmland is protected to ensure the continuation of these activities. As a part of the preparation of this plan, the Town took the following efforts to ensure that public involvement was a part of the planning process.

As noted in Section I, the Town of Wheatfield updated the Comprehensive Plan in October of 2012. This Plan includes goals and recommendations for managing future growth and development in the community. In an effort to achieve the goals and implement the recommendations outlined in the Comprehensive Plan, the Wheatfield Town Board established a Comprehensive Plan Task Force. This Task Force organized a number of sub-groups designed to focus on implementation of the Comprehensive Plan and to address individual areas of importance to the Town. One such area was farmland protection. Therefore, the Task Force designated an Agricultural Focus Group that was given the responsibility of overseeing the development of an Agricultural and Farmland Protection Plan.

As the Town of Wheatfield is committed to the idea that a critical and necessary element of the planning process is continuous and effective public participation, the Agricultural Focus Group conducted an ongoing public outreach program as part of the development of the Agricultural and Farmland Protection Plan. This effort included the recognition of issues important to local stakeholders, acknowledgement of public concerns, and the identification of potential opportunities. The public participation program for the Agricultural and Farmland Protection Plan consisted of public meetings and stakeholder outreach, survey questionnaires, numerous Focus Group meetings (which were open to the public), public comment forms, and postings on the Town's website.

- **Agricultural Focus Group**

As noted above, the Agricultural Focus Group was charged with providing guidance and oversight for the development of the Agricultural and Farmland Protection Plan, and with the implementation of the goals set forth in that plan. The Agricultural Focus Group included representation from Town government and the agricultural community. This Focus Group met on a regular basis to review the progress of plan development, provide insight into the planning process, and ensure that the concerns of stakeholders and local citizens were taken into consideration. A small number of local farmers attended the Focus Group meetings during the off season and were kept informed on the progress of the plan during the growing and harvest seasons. To ensure that the planning process



Town of Wheatfield Agricultural and Farmland Protection Plan

was consistent and effective, a representative from the Agricultural Focus Group reported their ongoing progress to the Comprehensive Plan Task Force on a monthly basis.

- **Meetings with Comprehensive Plan Task Force**

In addition to meeting with the Agricultural Focus Group, two meetings were held with the Comprehensive Plan Task Force. The purpose of the first meeting was to present the draft goals and findings, confirm that the plan was accomplishing the recommendations of the Wheatfield Comprehensive Plan, and to gather comments and direction from this group. The second meeting was to present the final draft Agricultural and Farmland Protection Plan to the Task Force for their comments prior to presentation to the Wheatfield Town Board.

- **Meetings with Farmers and the Public**

The first meeting held with the public was a stakeholders' meeting that was conducted on February 25, 2014 in the Wheatfield Community Center. This meeting was attended by Focus Group members and was aimed at gathering input from local farmers on farming and agricultural activities in the Town. This meeting included a group discussion centered on a number of questions about farming and agriculture in the Town. The input provided from this discussion helped provide the consultants with a better understanding of existing conditions and practices in Wheatfield. The meeting summary is included in Appendix A.



A Public Information Meeting was held on April 1, 2014 to gather additional input from local residents and others on farming activities, and to vet preliminary goals and discuss the vision for the future of farming in Wheatfield. This meeting included the completion of a survey questionnaire to gauge public sentiment and awareness about agricultural activities and associated issues in the Town. The results of this meeting were used to develop draft goals and objectives for the Plan. The Public Information meeting was also well attended by local farmers. This provided the opportunity to gather additional

input from these individuals and to confirm information that had been gathered at the previous Stakeholders' Meeting. The meeting summary is included in Appendix A.



Town of Wheatfield Agricultural and Farmland Protection Plan

To ensure that the Farmland & Agricultural Protection Plan acknowledged and addressed the concerns and needs of the agricultural community and the public, a Stakeholders' Focus Meeting was held on December 16, 2014 with local farmers and others. This meeting included a presentation and discussion of the final goals, findings and recommendations. The comments gathered at this meeting were used to finalize the draft report. The meeting summary is included in the Appendix.



B. Goals and Objectives

The Town's primary purpose for developing this Agricultural and Farmland Protection Plan is to recognize, better understand and establish a strategy for protecting the agricultural and rural character of the community. These goals and objectives focus on the major issues and concerns expressed by farmers, residents, members of the Agricultural Focus Group and Town officials. They are aimed at protecting and enhancing important agricultural resources; increasing public awareness of agriculture in Wheatfield; ensuring the long term viability of farming in the Town; and protecting, enhancing and expanding the agricultural economy.

GOAL 1: Recognize the Importance of Protecting Lands and Resources Critical to the Long Term Success and Sustainability of Agriculture

The Town recognizes that the protection of farming and agricultural activities contributes to the preservation of open space and maintains the rural community character and heritage of the area. Protecting and promoting the agricultural industry in the Town, which includes field crops, dairies, and keeping of animals, among other uses, is of primary importance to the local economy and overall future of Wheatfield.

- Promote the protection of farms and farming related activities that are economically viable to maintain a critical mass of agricultural uses.
- Sustain agriculture as a means of economic development.
- Consider farming as the highest and best use for areas with prime farm soils or soils of State-wide importance.
- Build public support for local farms and farmers.
- Provide drainage support and relief to maintain existing farmland.



Town of Wheatfield Agricultural and Farmland Protection Plan

- Encourage growth patterns and conservation measures that are respectful of agricultural operations, enable continued agriculture uses, and protect productive farmland.
- Encourage flexible Town land use policies to support agriculture.
- Evaluate tax assessment policies that assist farm property owners who live on site.
- Include and improve protections for agriculture in the local zoning ordinance.
- Ensure that local regulations and permit procedures are supportive and protective of agricultural activities.
- Encourage the development of housing in a manner that discourages sprawl and enables residents to use existing services and infrastructure efficiently.
- Promote environmental stewardship of the land.
- Preserve and enhance viewsheds that contribute to the rural and agricultural character of the Town.
- Maintain positive relationships between the various levels of government and the farming community.
- Establish and maintain partnerships with not-for-profit and government agricultural support agencies.
- Promote and build upon the County Agricultural District regulations and the County's Farmland Protection Plan.
- Avoid and mitigate conflicts between farmers and non-farm neighbors.
- Encourage farmland property owners to utilize available tax relief programs and agricultural district protections.

GOAL 2: Promote the link between farms and food and increase awareness by the non-farm community to help ensure the long term viability of farming in Wheatfield

Farming provides a number of benefits to the community, including the production of local food, jobs and other economic benefits; scenic vistas and rural character; and a more balanced tax base. Increasing public awareness of how agriculture positively impacts a community is essential for achieving public support for the continued viability of this industry.

- Promote an understanding of agriculture and its importance to the local and regional economy, culture, and landscape.
- Promote agricultural tourism as a means of increasing awareness of farming and agriculture.
- Educate the general public about agriculture and its value and benefits to the community and region.
- Increase awareness of the local Farmer's Markets and the availability of local farm products.
- Promote community supported agricultural projects that bring farmers and residents together.



Town of Wheatfield Agricultural and Farmland Protection Plan

- Promote and support fairs, festivals and farming events to make farming visible in the Town and help residents understand the benefit of having farms in the community.

GOAL 3: Enhance and Expand the Agricultural Economy of the Town and its Capacity to Respond to Economic Trends and Changes

Agriculture and agri-business are integral components of the character and economy of the Town of Wheatfield. Agricultural related businesses support farming and contribute to the regional economy. The existing economic base of the community and viability of existing businesses should be enhanced and expanded because a strong base is good for farmers, the Town and the region.

- Promote the continuance of farming and agriculture as a business and a means of economic development.
- Foster a viable agricultural economy and encourage the expansion of agricultural activity within the Town.
- Recognize viable farmland and farm soils as a significant resource that can support farming as an economic activity and warrants protection from development.
- Encourage and allow farming related businesses and accessory farm uses as a support service and secondary interest to farming and agricultural activities in the Town.
- Promote organic farming as a viable form of sustainable, value-added agriculture.
- Realize the economic potential of agricultural tourism as a means of enhancing the economic vitality of farming and agriculture.
- Encourage the expansion of new technologies, such as biomass production, and explore and promote new markets and agricultural activities.
- Promote locally grown products.
- Encourage cooperative farming initiatives that benefit the community.
- Promote hobby farming in the community.
- Promote farm markets and roadside stands.
- Promote community supported agricultural projects that bring farmers and residents together.
- Increase the share of agricultural products direct marketed to consumers at higher margins.
- Locate business and industrial economic development in a manner that does not sacrifice viable and valuable farmland and farm soils.
- Encourage development of new businesses that are compatible with neighboring agricultural uses and are in character with the surrounding area.



Section III
Community Overview

Town of Wheatfield Agricultural and Farmland Protection Plan

SECTION III – COMMUNITY OVERVIEW

A. Regional Setting / Location (see Maps 1 and 2)

The Town was first established in 1836 and is located in the southwestern portion of Niagara County, New York. The Town is bordered on the north by the Towns of Lewiston and Cambria. The Town of Pendleton lies to the east, and the City of Niagara Falls and Town of Niagara lie to the west. To the south, the Town is bordered by the City of North Tonawanda and the Niagara River. The soils in the Town are generally clay loam and somewhat difficult to cultivate, but extensive farming of wheat took hold, giving the Town its name. The Town encompasses just under 28 square miles in area, or about 17,966 acres. Wheatfield remains a rural community and the vast extent of agricultural activity in the area helps to protect and preserve the local character and heritage of the Town.

B. Demographics and Housing

Demographic Trends in the Town of Wheatfield

The Town of Wheatfield is one of the fastest growing communities in the Buffalo Niagara Region and has retained this status since the mid 1990's. The Census notes that the Town's population increased by 26.6 percent between 1990 and 2000. This growth trend has continued between 2000 and 2010, and the Town now has an estimated 18,117 residents – a 28.6 percent increase during the last decade. Wheatfield's population has nearly doubled in 20 years. Population projections from the Greater Buffalo Niagara Regional Transportation Council (GBNRTC, May 2014) project the Town of Wheatfield will increase to an estimated 21,050 persons by 2040 (their projection for 2020 was 16,000, which has already been surpassed).

Wheatfield's high level of population growth is in stark contrast to the general rate of population growth in Niagara County since 1990. Overall, Niagara County has been shrinking while Wheatfield has been growing. These population growth trends are illustrated below:

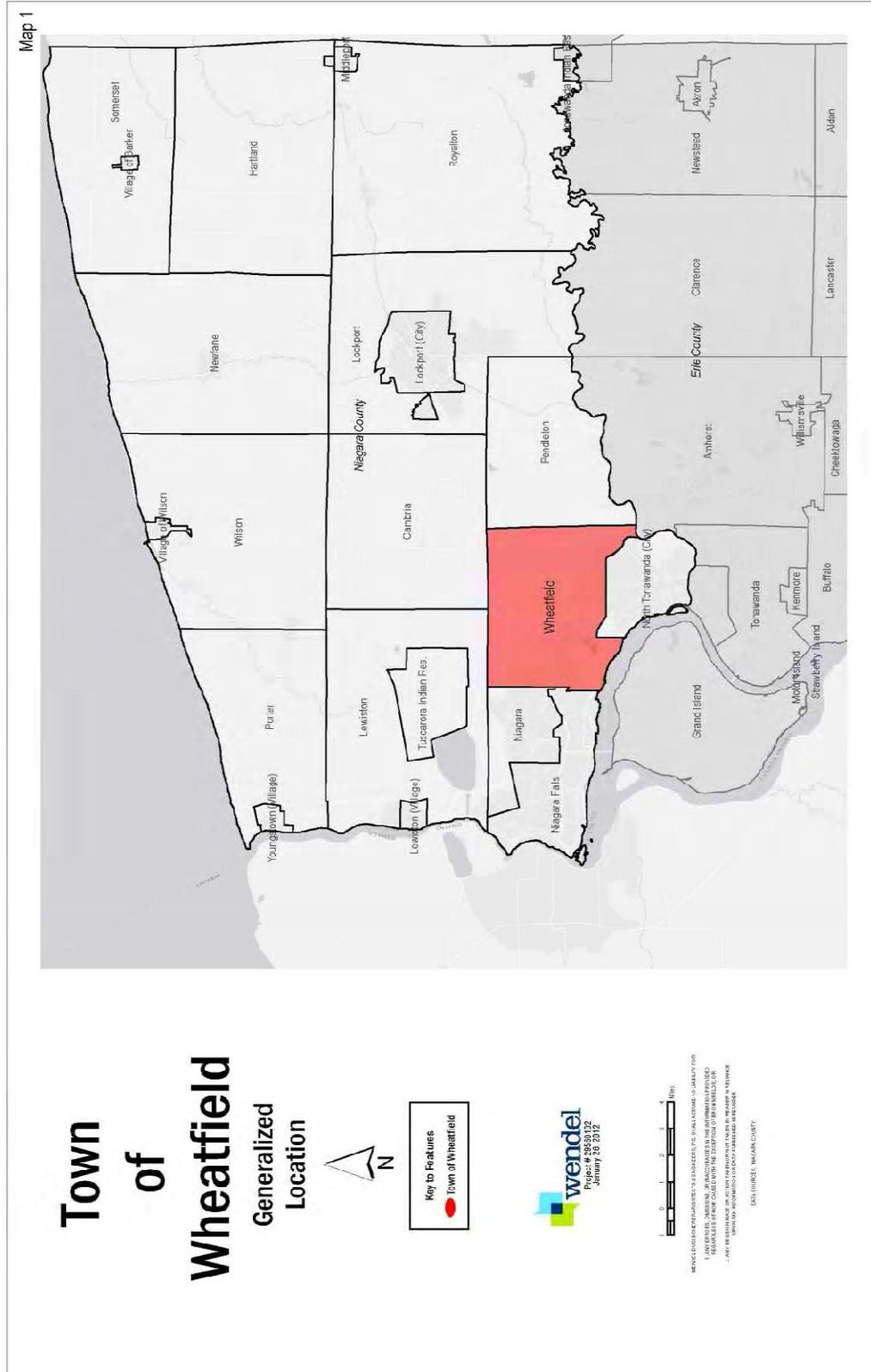
**Population Change and Projected Change
Town of Wheatfield and Niagara County 1990-2040**

Community	1990	2000	2010	2040 Projection
Town of Wheatfield	11,125	14,087 (26.6%)	18,117 (28.6%)	21,050
Niagara County	220,756	219,846 (-1%)	216,469(-2%)	252,470

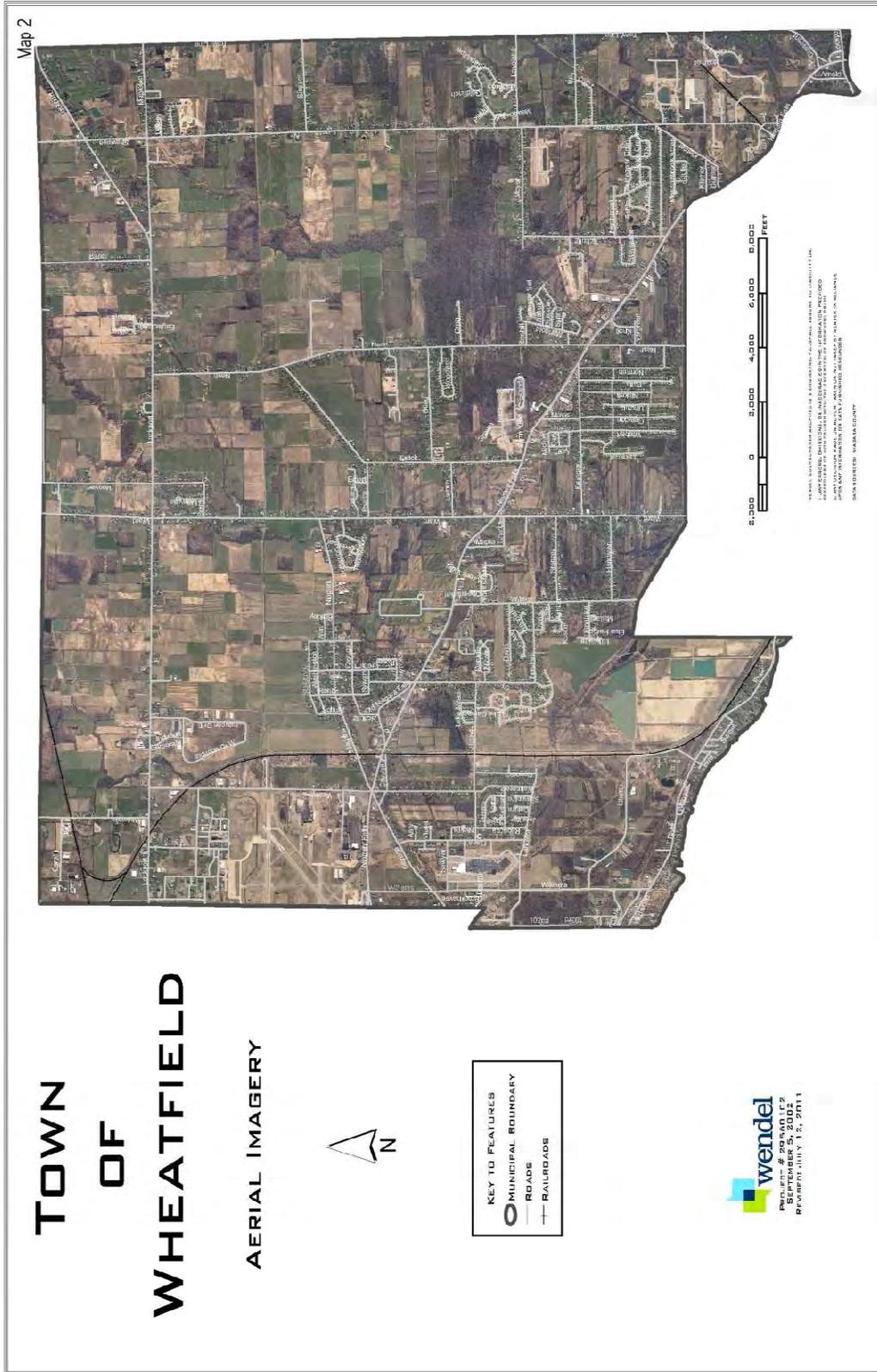
Source: GBNRTC Metropolitan Transportation Plan Update 2014



Town of Wheatfield Agricultural and Farmland Protection Plan



Town of Wheatfield Agricultural and Farmland Protection Plan



Town of Wheatfield Agricultural and Farmland Protection Plan

Niagara County lost one percent of its population between 1990 and 2000, while Wheatfield population was expanding by over 26 percent. Niagara County lost another 2 percent of its population between 2000 and 2010, while Wheatfield continued to expand by another 28 percent. What does this trend imply for Wheatfield's agriculture land? The implications could be significant if growth and land consumption continues at the current pace. Town officials must consider how the state of current land use regulations have contributed to the population increase and whether continued growth and infringement upon agricultural lands will fare in the long term for the Town if these trends continue.

Housing Trends in the Town of Wheatfield

2010 census information indicates that the total number of housing units in Wheatfield stands at 7,602, which is a 36.8 percent increase over the 2000 Census total of 5,555. In 1990, the total number of housing units in Wheatfield was only 4,237, which equates to over a 79 percent increase in housing units since 2000. The GBNRTC projects that the total number of housing units could reach 8,120 by 2040.

Current census data shows that 7,180 of the existing housing units are occupied. The average household size according to census estimates for 2005 to 2009 is 2.51 persons. This is slightly down from 2000, when the average household size was 2.58 persons. The average household size in 1990 was 2.72 persons, indicating that the overall household size in the Town is slowly declining.

The housing stock in the Town of Wheatfield is generally new and in good condition. In contrast to many Western New York communities, much of the housing stock is very new: 28.8 percent of houses in the Town have been built since 2006. Over half of all structures (55.6 percent) are less than 30 years old, and only 12.6 percent of the housing stock dates from before 1939. In comparison, less than 10 percent of the housing stock in all of Niagara County (including the Town of Wheatfield) is less than 10 years old and 29.8 percent was built before 1939. Building permit information for the Town of Wheatfield, between 2006 and 2013, is as follows:

Town of Wheatfield Building Permit Data - 2006 to 2013

Year	Single Family	Duplex	Multi-Family	Townhouse
2006	143	0	11	10
2007	94	0	3	0
2008	71	0	0	0
2009	70	0	1	0
2010	63	1	0	0
2011	43	0	0	1
2012	71	0	0	0
2013	48	0	0	0

Source: Town of Wheatfield Building Department 2014



Town of Wheatfield Agricultural and Farmland Protection Plan

The most important information to be gleaned from the chart above is the number of single family homes that continue to be developed each year in Wheatfield. While the pressure has subsided since the “boom” years of 2006 to 2007, many new homes are added to the tax rolls each year. These homes require public servicing including roads, sewers, and schools. As the Farmland Protection Plan is developed, the important question for the Town is, how much new single family development can safely and cost-effectively be sustained into the future?

C. Land Use, Zoning and Other Policies and Regulations

Within the Town of Wheatfield, land use is regulated by the Zoning Ordinance (Chapter 200 of the Wheatfield Town Code - Zoning) and by Subdivision Regulations (Chapter 169 - Subdivision of Land).

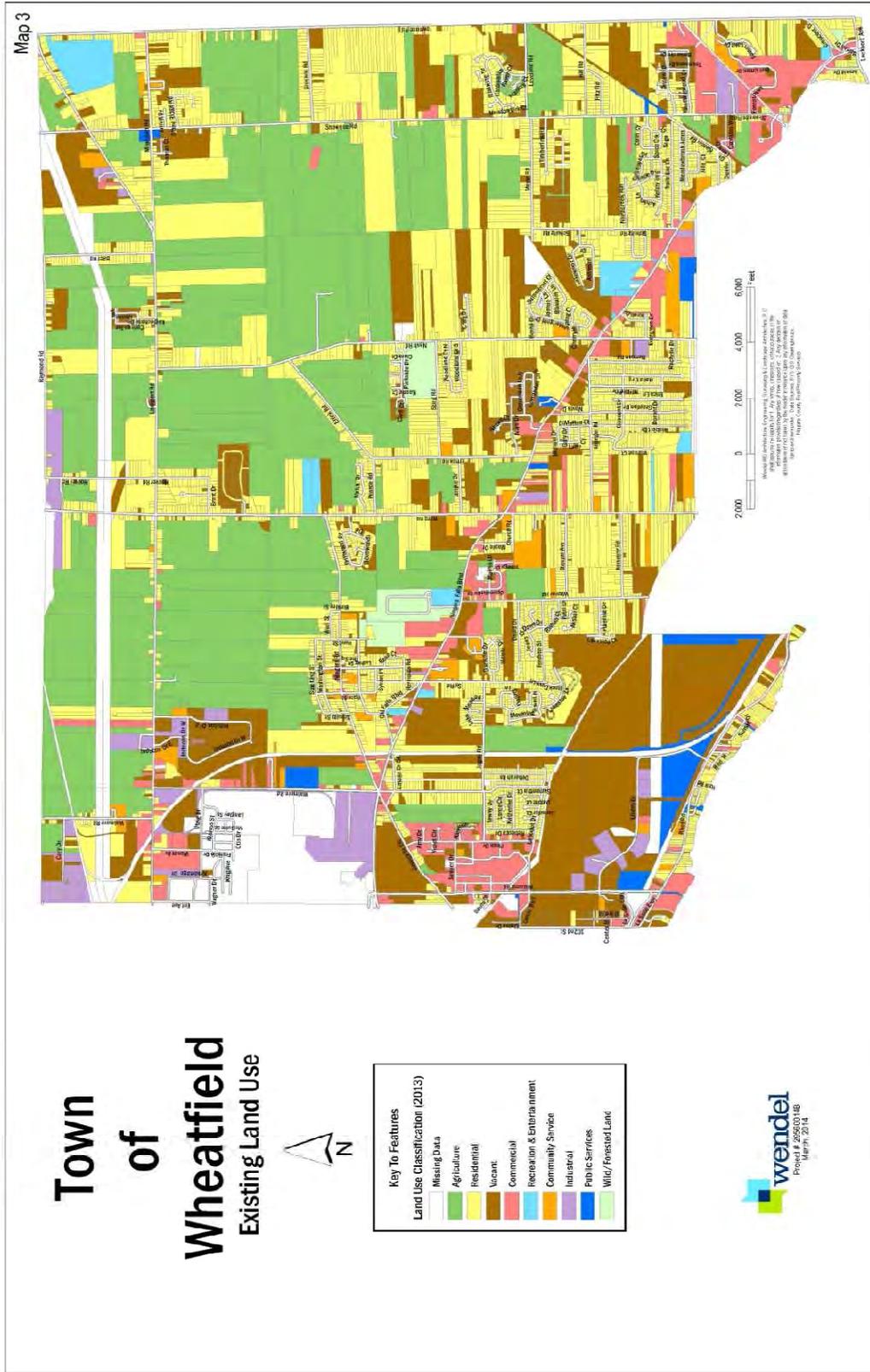
Land Use - (see Map 3)

The Town of Wheatfield supports a number of land uses, as follows.

- ***Agricultural***
The generally flat topography of the Town has historically create suitable conditions for agricultural activities and there are a number of active farms remaining in Wheatfield. Designated agricultural districts cover a large proportion of the northern and northeastern part of Wheatfield, which is where the majority of agricultural land uses are concentrated. Additional farmland is distributed throughout the Town on isolated parcels. Prime farmland exists in northern and central areas of the Town much of which would need to be drained to enable agricultural use.
- ***Residential***
Residential uses are common throughout the Town, but they vary in nature. Residential density increases from the central portion of Wheatfield, southward towards the City of North Tonawanda. Residential homes in the northern part of the Town are generally on larger lots associated with agricultural uses. There are a few small subdivisions in the northern part of the Town, but more intensive subdivision activity is located primarily in the southern portion of the community. There are smaller frontage lots situated along major thoroughfares, such as Lockport Road and Ward Road. Residential density tends to be greater in the hamlet of Bergholz and, to a lesser degree, in the Shawnee hamlet area. Most residential development in the southern area of the Town is of a suburban style and density. Wheatfield has experienced a significant amount of new residential growth in the past two decades. There are a number of new residential subdivisions that have been built in recent years, particularly in areas off of the Niagara Falls Boulevard corridor and along the southern extent of Shawnee Road. These newer subdivisions presently contain a mixture of single-family homes and vacant lots. The densest residential development in the Town is located in the vicinity of the former Summit Park Mall. There are a number of residential apartments in this area, including the Wheatfield Towers, Sawyer Gardens, St. Isaac Jougues and the Summit View apartments.



Town of Wheatfield Agricultural and Farmland Protection Plan



Town of Wheatfield Agricultural and Farmland Protection Plan

- ***Institutional***

Public and institutional uses, such as fire halls, schools and churches, are scattered throughout the Town of Wheatfield. Town Hall, the adjacent Community Center, and the Youth Center are located near the center of Town, off Church Road. Highway Department facilities are on Ward Road, and the Water/Sewer Department is located on Niagara Falls Boulevard. There are several parks and playgrounds in the Town. The largest is Oppenheim Park, a 75-acre County park on Niagara Falls Boulevard. Fairmount Park, at Nash and Steig Roads, is the largest Town-owned recreational facility.

- ***Commercial***

There are two major areas of commercial and retail development in Wheatfield. The Summit Park Mall is a former regional shopping center located on Williams Road. At present, two department stores operate at this location, as well as a grocery store. The interior of the mall is barricaded and not open to the public. The Williams Road area also has a number of medical offices and two strip plazas with retail businesses, as well as a number of apartment buildings, including senior residences. Niagara Falls Boulevard is the other area that supports a concentration of major retail and commercial uses, particularly in the central part of Town. Commercial uses along Niagara Falls Boulevard include a mix of older businesses and newer developments, ranging from small independently owned businesses, motels and stores, to plazas and business parks. Reflecting the historic use of Niagara Falls Boulevard as the primary route to Niagara Falls, many of the businesses along this corridor are tourism and/or recreation-related. While increasingly commercial, the Niagara Falls Boulevard corridor support a variety of other land uses, including parkland, farms, cemeteries and residences, as well as industrial uses at either end of the Town. Small retail and commercial properties are scattered in other locations throughout the Town.

- ***Industrial***

Industrial uses in the Town are primarily located near the northern and western borders of the community where these uses are intermixed with agricultural uses. There are not heavy industrial uses operating in the Town. Industrial development consists of manufacturing and warehouse type uses that are situated on the lands surrounding the airport in northwest Wheatfield and on property along Niagara Falls Boulevard, and in the Vantage International Pointe Industrial Park, located northeast of the airport. Additional industrial areas are located in the southwest corner of Town, off Liberty Drive (which includes the Town's water and wastewater treatment facilities); and in the northeast corner of the community, off Lockport Road and on Cory Road. There is also a mix of older and newer industrial development in the southeast corner of the Town, off Niagara Falls Boulevard, in the vicinity of Shawnee Road. The newer industrial development in this area is comprised of light industrial uses that have been built in industrial park settings, with more of a campus style design.



Town of Wheatfield Agricultural and Farmland Protection Plan

Town Land Use Planning Documents and Regulations

- **Town of Wheatfield Comprehensive Plan**

The Town of Wheatfield updated the Comprehensive Plan in October of 2012. This plan included specific goals and recommendations for farmland and agricultural protection. The goals, findings and recommendations included in the Plan that apply to agricultural protection are as follows:

Goal - Maintain and preserve community character

Protecting the quality of life in Wheatfield is a major priority of residents. Residents acknowledge that change is occurring, but they strongly support preserving critical elements of community character, including important open space, farmland and parks, as well as important natural features, such as creeks and wood lots. For many residents of the Town of Wheatfield, farmlands and rural atmosphere are very important to the character of the community. As such, they support the protection of agricultural uses and efforts to maintain farming as a viable economic activity in the Town. However, farmers in the Town recognize that their farmland is their primary asset. In many cases, the next generation has made other career choices, and farmers want to retain their right to sell their farmlands upon retirement. In practical terms, farmers stand to make more money selling the land as development lots than as open farmland. This presents a very real constraint to maintaining agricultural lands and farming as a viable economic enterprise in the Town of Wheatfield. Nonetheless, the goal of the Town is to preserve and maintain agricultural land as an essential contributor to the rural character in the community.

Findings – Protect Agricultural Lands:

- Agricultural land is located primarily in the northern half of the Town.
- Most of the farms are located in State Agricultural Districts.
- Location within an Agricultural District places limits on development options.
- A number of parcels were removed from the Agricultural Districts during the recent renewal review.
- Most of the farms are zoned A-R
- The farms in the northern-central part of the Town (between Ward and Nash Roads) are shown as Residential Low Density on the Comprehensive Plan Map, but this area is zoned A-R.
- Farming to the northwest can be easier to protect. Farms in the east and northern-central areas of the Town are under the most pressure due to residential development. Farming is compatible with the rural characteristics of northern Wheatfield and the rural residential areas in the adjacent Towns of Lewiston, Cambria and Pendleton. Most farmland is being developed with standards road-frontage lots, which cut off visual access to farmland that remains on the interior parcels.



Town of Wheatfield Agricultural and Farmland Protection Plan

Recommendations:

1. The State Agricultural District should be maintained as intact as is feasible. Future withdrawals of parcels from the districts should be discouraged, if possible.
2. The A-R zoning district should be reinforced, or an agricultural zoning overlay put in place in order to strengthen the ability of the Town to guide development in a manner supportive of continued farming.
3. Farmers have a right to develop their lands, but the Town should explore improved standards to promote appropriate development that is compatible with remaining farmland.
4. Standards should also include buffers between residences and farms to minimize conflicts between these uses. The developer of the residential use would be responsible for establishing these buffers.
5. Zoning regulations in the A-R district could be rewritten to provide different options for development. In particular, more creative site planning can help minimize the visual impacts of development, helping to preserve a rural "character" even if active agricultural uses are no longer viable.
6. Rural Cluster Development or Conservation Subdivision regulations could allow for some creativity in subdivisions on former farms. These types of regulations allow cluster development without the need for new streets, focusing on rural appearances. They allow and encourage creativity in design so that building lots are not laid out in a uniform, monotonous pattern along the street frontage. The regulations can be written in such a way that there are disincentives for standardized developments and rewards or incentives for those developments that show more creativity, flexibility and sensitivity to local setting in their design of building lots.
7. Create Agricultural Protection Guidelines.
8. The Town should continue supporting the Agricultural Committee and its ideas such as the Farmer's Market, Agricultural Vehicle Signage, etc. The focus should be on how to help keep farmers farming, and help them to stay a viable business in Town (see next objective).



Town of Wheatfield Agricultural and Farmland Protection Plan

Findings – Support Farming as a Viable Economic Activity

- The farming community did not provide a lot of input to the planning process. In general, they don't want their rights restricted, and they want the ability to operate their business.
- Farms in Wheatfield are more likely to be adjacent to non-farming uses, such as residential or even commercial uses, than is the case in most communities, leading to a greater potential for complaints from neighboring uses.
- Farming as an economic activity in Wheatfield is under pressure due to the increasing value of the land for development and conflicts with surrounding land uses.
- The trend in farming nationally is toward larger farms, and farming is increasingly competing as a global industry. Many of the farms in Wheatfield are smaller, isolated farms that are most at risk.
- The Town of Wheatfield has school taxes and special district property taxes. These are significant cost to farmers.

Recommendations

1. The Town government should explore measures it can take to help farming (sponsor activities, help with grant applications, consider PDR's-- purchase of development rights program, etc.) The Town has begun to explore a Farmland Preservation Program and this should be continued until it is determined what the best strategy is.
2. Creative recommendations could include the possibility of relaxing the zoning regulations with regard to farming, such as allowing viable farms of a certain size the right to operate small businesses or carry on other ancillary activities.
3. Regulations could provide for buffer requirements between residential and Farming uses.
4. The Town could consider means of alleviating the property tax load on farmers, through either assessment policies or tax structure (e.g., do not assess farmed land based on its market value, or value as developable land, but on its value as vacant land).
5. Expand upon the concepts of the Farmer's market, and help to create more opportunities for farmers and agriculture in the Community.



Town of Wheatfield Agricultural and Farmland Protection Plan

Zoning (see Map 4)

Chapter 200 of the Wheatfield Town Code outlines the zoning regulations for the Town. The purpose of Chapter 200 is to promote and protect, to the fullest extent permissible, the environment of the Town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land. As outlined in Chapter 200, zoning is intended to:

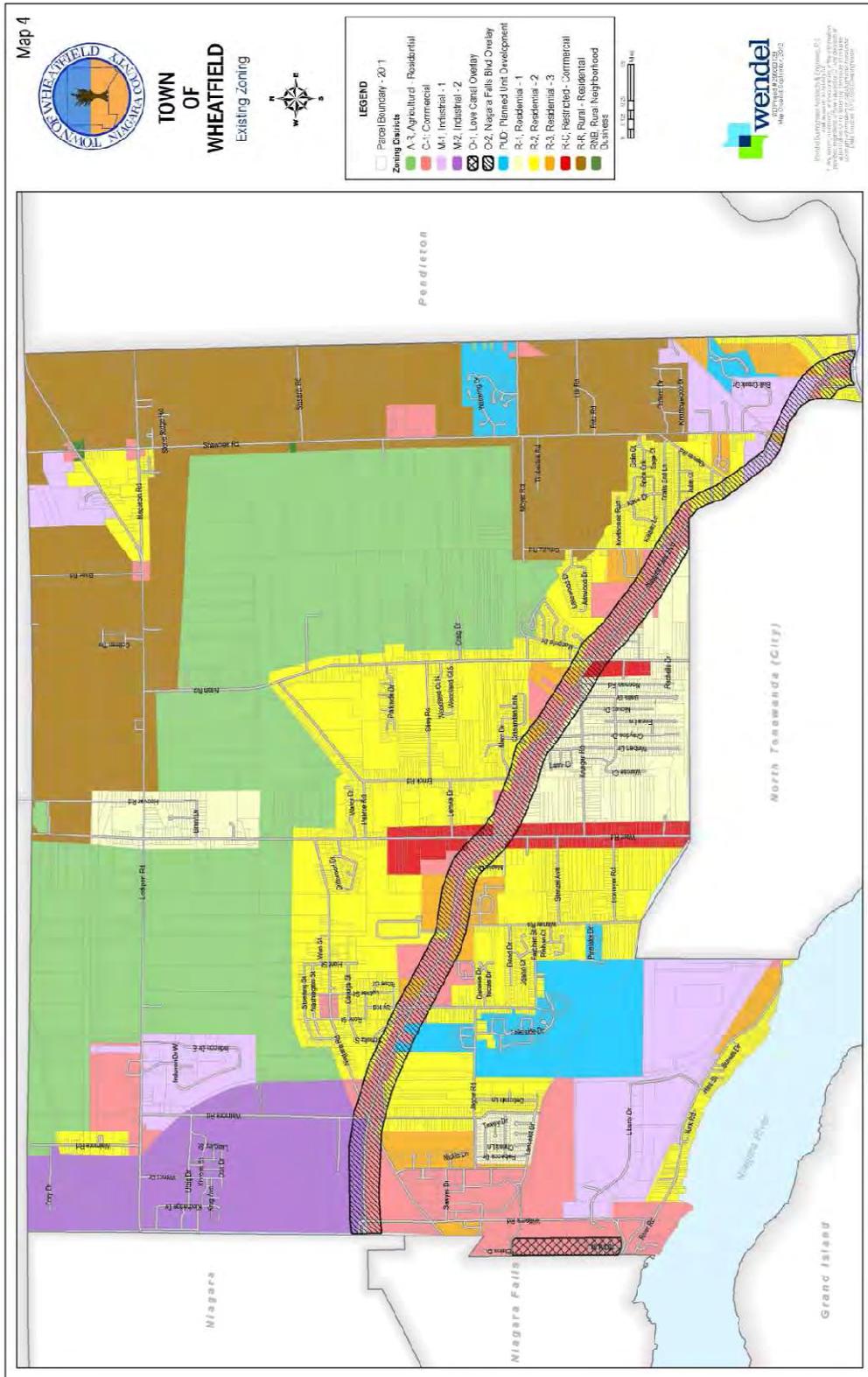
1. Protect the character and values of agricultural, residential, institutional, public, commercial and industrial uses and to ensure their orderly and beneficial development.
2. Provide adequate open spaces for light, air and outdoor uses, including solar access.
3. Prevent excessive concentration of population and overcrowding of the land.
4. Prevent sprawling uncoordinated development.
5. Preserve and protect significant natural features and vegetation, thereby serving to prevent ecological damage and visual blight.
6. Assure that structure and land use arrangements are harmonious with nearby areas and structures.
7. Regulate the location of buildings and intensity of uses in relation to streets so as to cause the least interference with and be damaged least by traffic movements.
8. Guide the future development of the Town of Wheatfield so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Plan.

Chapter 200 establishes twelve zoning classifications, including:

- | | |
|-----------------------------------|--------------------------------|
| - A-R Agricultural-Residential | - R-R Rural Residential |
| - RNB Rural Neighborhood Business | - R-1 Residential |
| - R-1 Residential | - R-3 Residential |
| - C-1 Commercial | - R-C Restricted Commercial |
| - M-1 Light Industrial | - M-2 General Industrial |
| - R-W Residential Waterfront | - PUD Planned Unit Development |



Town of Wheatfield Agricultural and Farmland Protection Plan



Town of Wheatfield Agricultural and Farmland Protection Plan

The zoning regulations also include the following overlay districts:

- LCO Love Canal Overlay District
- NFBO Niagara Falls Boulevard Overlay District
- Airport Zone One Overlay

As specified in Section 200-12 of the Zoning regulations, agricultural uses and operations are only allowed in the A-R Agricultural-Residential district (a copy of the A-R zoning regulations is contained in e Appendix B). Permitted uses, as specified in Section 200-12, include:

1. General agricultural uses, buildings and activities, such as field, truck and tree crops, dairy, raising of livestock, poultry farming, fur farming, hog farming and fish farming. Rendering plants are prohibited. The minimum land area for horses is five acres for one horse and one additional acre for each additional horse.
2. One and two-family dwellings.
3. Buildings for stabling livestock including, but not limited to, horses, cows, sheep, fowl and other animals (with setback restrictions).
4. Temporary buildings or trailers for stabling livestock for no more than 30 days.
5. Any pen, corral, track or other such enclosure within which livestock are kept (with setback restrictions).
6. Barns or other structures for keeping livestock so they may be completely enclosed and protected.
7. Stables (with restrictions on odors, flies or other nuisances).
8. Roadside stands or other structures, not exceeding 500 square feet of enclosed space, for the display and sale of farm or nursery products related to farming and as a seasonal convenience to the property owner (with setback restrictions). The majority of the products sold must be produced on the associated farm property.
9. Churches, schools, parks and playgrounds, and cemeteries.
10. Fire Stations.
11. Experimental stations for agriculture and related uses.



Town of Wheatfield Agricultural and Farmland Protection Plan

12. Greenhouses and nurseries.
13. Forest management and other forest resource uses, including timber harvesting in conformance with sound forest management practices.
14. Home occupations.

Uses permitted with a Special Use Permit include the sale and servicing of farm equipment and supplies, wineries, stables and riding academies that rent or lease animals, veterinary hospitals and kennels, butcher and meat markets, agriculture or animal husbandry research facilities, animal cemeteries, bed and breakfast establishments, daycare centers and group homes, golf courses and driving ranges, gun and shooting clubs, campgrounds, home businesses with more than two employees, wind energy conversion systems, cross country ski centers, communication transmission facilities, and private airfields.

The minimum lot size for agricultural uses in the A-R district is 37,500 square feet and the minimum lot width is 125 feet. Commercial agricultural uses are permitted in the RNB – Rural Neighborhood Business district; heavy agricultural equipment sales and farm stands require a special use permit in an RNB district. The C-1 Commercial and M-1 Light Industrial districts also permit greenhouses and nurseries.

Article VI of the Zoning regulations allows for Cluster Development. However, Sub-Section 200-46 B., indicates that cluster development may be allowed where public sewer is available and in any district allowing residential uses except for the Agricultural-Residential District (A-R). This section of the Town Code should be revised to enable the use of cluster development techniques in the A-R zoning district in an effort to preserve agricultural lands.

Land Subdivision Regulations

Chapter 169 of the Town Code authorizes the Wheatfield Planning Board to review each plat for land subdivision and to recommend to the Town Board approval, approval with modifications or disapproval in accordance with the procedure and standards set forth in the regulations. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other hazard. Proper provisions must be made for drainage, water supply, sewerage and other needed land improvements. All proposed lots must be laid out and of proper size to be in harmony with the development patterns of neighboring properties. Streets must be designed as a convenient system that conforms to Town requirements and the Comprehensive Plan, and that can accommodate prospective traffic and facilitate effective fire protection. Subdivision planning should also include provisions for parks and recreation.



Town of Wheatfield Agricultural and Farmland Protection Plan

The Town allow minor and major subdivision of land, with requirements for preliminary and final plat approval and public improvements, as well as the acceptance of public streets and recreation areas. Pursuant to Section 169-15 of the Subdivision regulations, certain bulk and area zoning requirements may be modified by the Town Board to allow for the clustering of residential lots, in accordance with the provisions of Article VI of Chapter 200, Zoning (see Appendix B). In accordance with Section 169-15, clustered development is not permitted in the A-R Agricultural Residential District.

Chapter 94 Article III Right to Farm

The Town of Wheatfield adopted a Right-to-Farm Law in December of 1984. Chapter 94 protects and encourages agricultural interests. A copy of the complete Town of Wheatfield Right to Farm Law is contained in Appendix C.

Section 94-4 of the Law defines farmland as “land devoted primarily to the production for commercial purposes of livestock or agricultural commodities”. Agricultural operations include all activities conducted on any facility for the production of crops, livestock, poultry, livestock products or poultry products including, but is not limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture; the raising of livestock, fur-bearing animals, fish or poultry, and any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

Chapter 94 provides the following protections for agricultural practices:

1. Declares it to be the policy of the Town to preserve, protect and encourage development of agricultural land and industries for the production of food and other agricultural products.
2. Established an agricultural zoning district which sets as a priority the use of the lands for agricultural operations that are consistent with good agricultural practices.
3. Requires that residents of property on or near agricultural uses or zoning districts be prepared to accept certain inconveniences or discomfort from normal and necessary farm operations.
4. Protects agricultural or farming operations, establishments, facilities or any appurtenance associated therewith from being alleged a nuisance due to odors, noise, dust, use of chemicals or water pollution from livestock or crop production activities unless such actions are found to have a substantial adverse effect on public health and safety.



Town of Wheatfield Agricultural and Farmland Protection Plan

5. Prohibits any person, without the consent of the owners or occupants, to enter upon lands where any field crops, vegetables, fruits, flowers or plants are cultivated with intent to take, suffer, injure or destroy anything growing there; or to directly or indirectly permit any act or thing that would remove or impede, interfere with or injure the growth of any such field crops, vegetables, fruits, flowers or plants after maturity.
6. Provides the right and establishes policy for Town residents to conduct farming activities on lands owned by the Town that have been identified for this use.
7. Requires that the approval of preliminary and final subdivision plats for project located within 500 feet of an agricultural zone shall be conditioned upon the recording of a Wheatfield Town Right-To-Farm Notice that indicates the Town's policy to preserve, protect and encourage agricultural land uses and industries and need for residents to accept normal and necessary farm practices.
8. Requires that a real estate disclosure notice, pursuant to the Agricultural Districts Law, be attached to the purchase and sale contract at the time an offer for the purchase of property is made, or shall be provided prior to the sale or exchange of real property if no purchase and sale agreement exists, or prior to the acquisition of a leasehold interest or other interest in real property located in the Town of Wheatfield.
9. Establishes a policy for handling grievances that may arise between farm and non-farm property owners.

D. Natural Resources

Topography

Niagara County borders the southern shoreline of Lake Ontario to the north, Tonawanda Creek (Erie Canal) to the south, Genesee and Orleans Counties to the east, and the Niagara River to the west. The Niagara Escarpment divides the County into two plains, the Ontario Plain to the north and the Huron Plain to the south. Drainage from the Huron Plain runs southward to Tonawanda Creek, which flows westward to the Niagara River. The escarpment is a steep northward slope, with perpendicular bluffs that are exposed in some places. As you move away from the escarpment, lands to the north and south become flat, with little topography as you move toward each shoreline. The Town of Wheatfield is located south of the escarpment and has fairly level topography. Soils in the Town tend to be finely textured with large areas of hydric or potentially hydric soils found in a number of locations.



Town of Wheatfield Agricultural and Farmland Protection Plan

Surface Waters, Wetlands and Floodplains - (see Map 5)

The Town of Wheatfield is traversed by a number of creeks and drainage ditches and there are a number of ponds throughout the area. Local creeks and streams include Bergholz Creek, Bull Creek, Cayuga Creek, Sawyer Creek and Tonawanda Creek. As the Town is situated south of the Niagara Escarpment, the watershed is tributary to the Niagara River. Sawyer Creek and Bergholz Creek are likely the most visible creek corridors, as they extend through the center of the community. These surface water resources are essential for drainage and erosion control. Local surface waters also provide habitat for wildlife, and recreational opportunities, as well as scenic quality that enhances aesthetics in the community.

The prevalence of hydric soils support wetlands throughout the Town. Hydric soils are soils that do not drain well and typically are characterized by wetness, ponding or flooding. The Town is characterized by large areas of wetlands that are primarily located in the southern half of the Town. A large area of NYSDEC regulated wetlands are found between Errick Road on the west and Shawnee Road to the east.

There are three significant floodplain areas, including Bull Creek, Bergholz Creek and Cayuga Creek. An area of floodplain is also associated with Sawyer Creek. Bergholz Creek in the western central part of the Town has the most extensive floodplain area, which extends through the Bergholz hamlet.

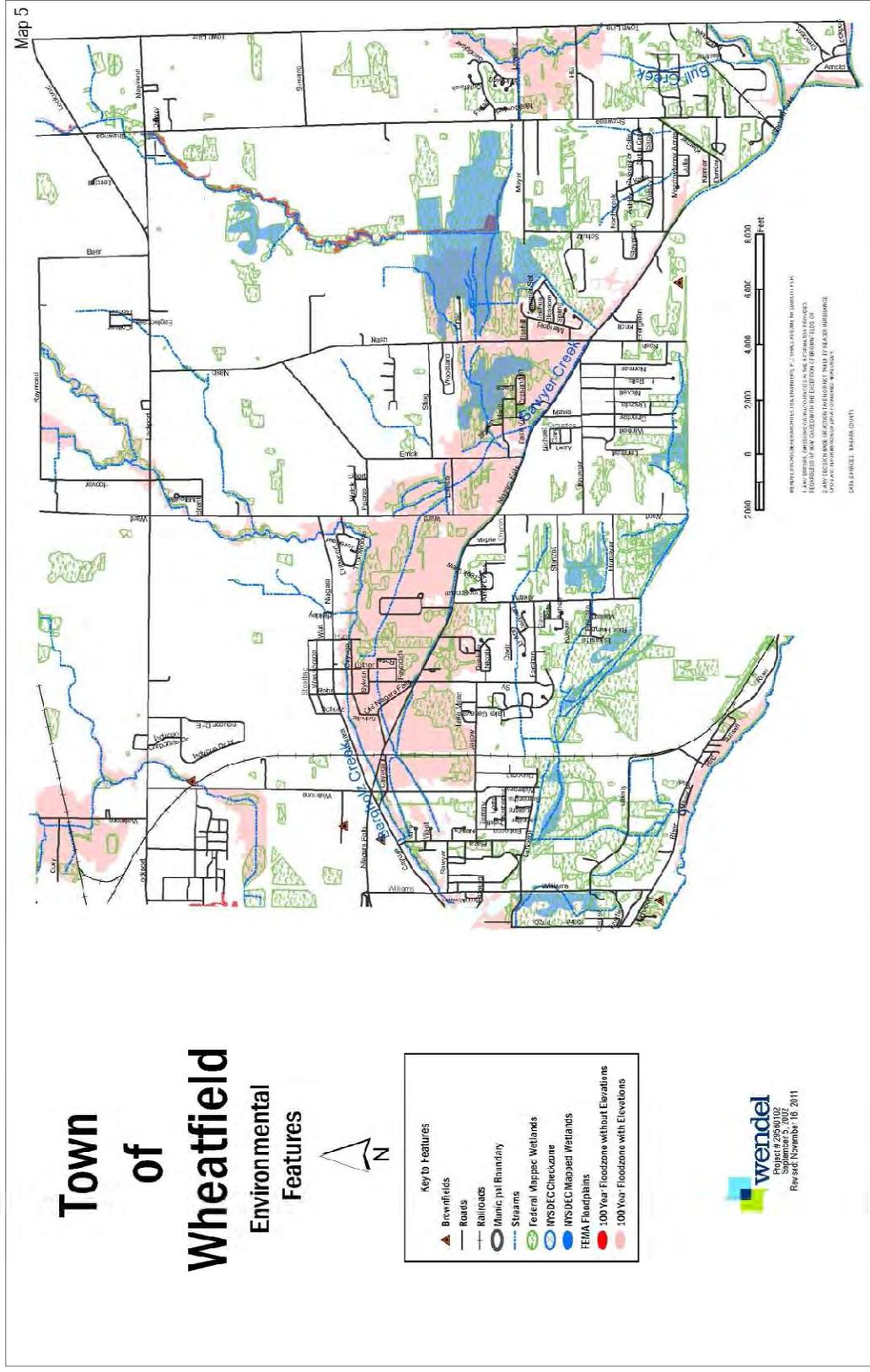
E. Infrastructure Services – (see Map 6)

Stormwater Management

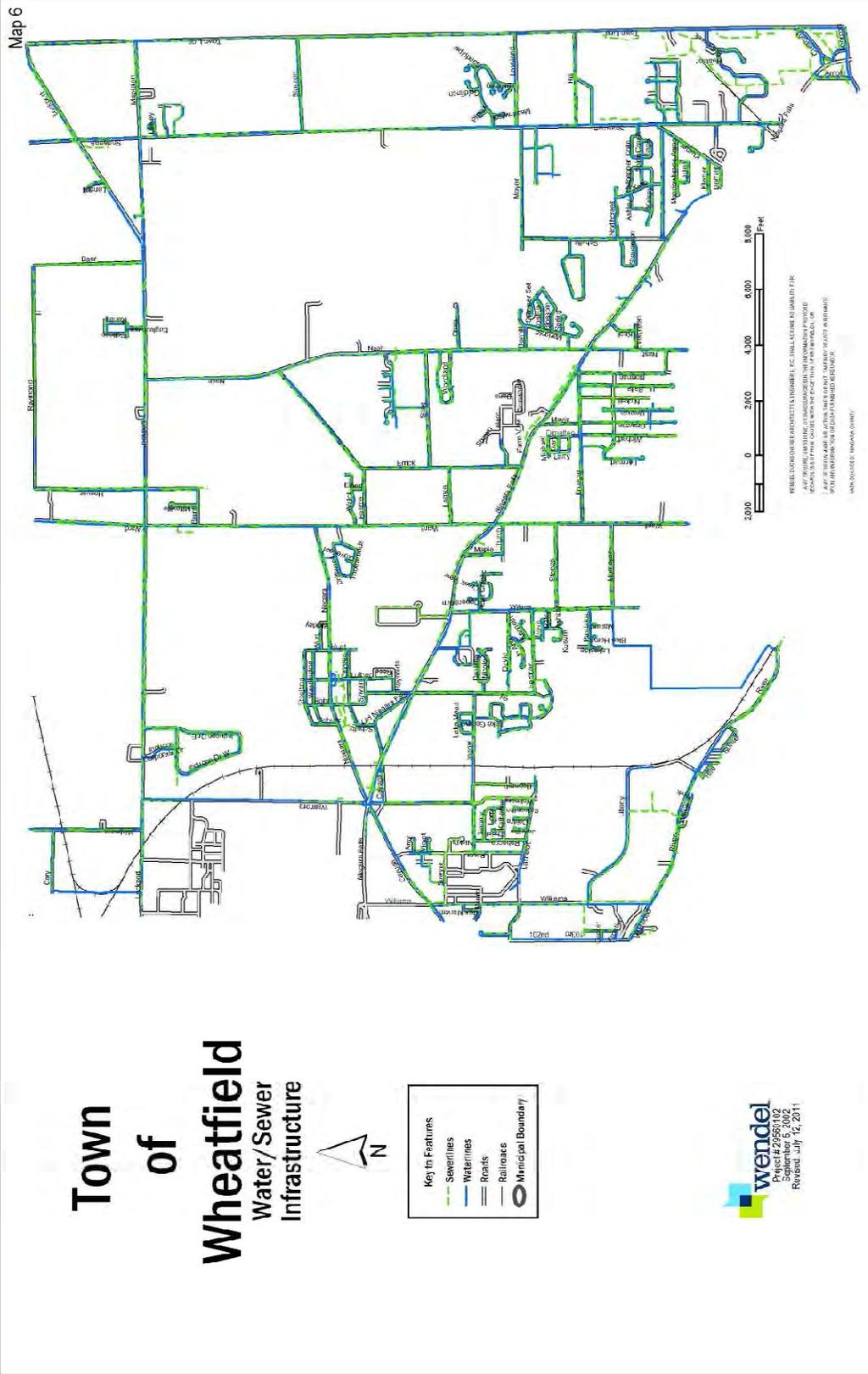
The flat topography in the Town makes drainage difficult in many areas. Stormwater is conveyed through a combination of closed pipes and open ditches. The Town's official drainage map identifies over 50 miles of main creeks and tributaries (not including road side ditches) that are maintained by the Town's Highway Department. The Town established a Drainage Committee in the 1980's that is comprised of a group of volunteers who serve as liaison to the Highway Department. As drainage has been a major issue in the Town, the Highway Department and Drainage Committee have been systematically addressing the major drainage channels. The goal is to maintain the creeks and tributaries on a 10-year cycle, securing necessary State and federal permits in a timely fashion to accomplish the work on schedule. Existing creeks and ditches have been cleared of debris and new drainage systems have been constructed, where required. The Town received grant funding from the NYSDEC to clear out Bergholz and Sawyer Creeks to improve drainage in those areas. Because of these improvements and an annual program to maintain and clean ditches, drainage problems have been improved. Efforts must be continued to keep roadside ditches and culverts open and free from growth and debris to help farmers maintain their fields. Furthermore, drainage considerations must be included in all development proposals.



Town of Wheatfield Agricultural and Farmland Protection Plan



Town of Wheatfield Agricultural and Farmland Protection Plan



Town of Wheatfield Agricultural and Farmland Protection Plan

In November 2009, the Town prepared a Stormwater Management Plan. The Town is a partner in the Western New York Stormwater Coalition and developed this plan to comply with the NYSDEC General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems. This is a shared Plan that provides policy and management guidance for members of the coalition, as well as regulated municipalities and agencies. The Plan addresses public education and outreach, public participation, illicit discharge detection and elimination, control of runoff at construction sites, post-construction stormwater management and pollution prevention and best management practices. The Town will ensure that this plan is updated on an annual basis to take into consideration the latest technologies and other information to comply with the requirements of the General Permit.

Wastewater Management

The Niagara County Sewer District provides wastewater collection and treatment service to the entire Town. The wastewater treatment plant is located on Liberty Drive, in the southern portion of the Town. The treatment plant discharges directly into the Niagara River via an outfall pipe that extends approximately 1,500 feet from the plant.

Niagara County operates an activated sludge treatment plant with tertiary filtration facilities. Built in 1978, the wastewater treatment plant was designed to accommodate an average daily flow rate of 14 million gallons per day (mgd). The plant currently treats approximately 50 percent of its design flow on an annual average, but experiences significant storm-related peak flows up to approximately 32 mgd. The Sewer District initiated an upgrade of its existing gravity sand filters. The district replaced its existing mixed-media sand filters with deep bed, mono-media sand filters. Under this demonstration project, which was co-sponsored by NYSERDA, the district proceeded to install bypass piping to allow for the filtration of primary and combined sewer overflow/sanitary sewer overflow wastewater during wet weather storm events. The project was successful and provided an opportunity for a full-scale pilot study to address treatment issues, minimize capital investment, save energy and improve the environment. The project also received statewide recognition through a design excellence award.

Water Supply

The entire Town of Wheatfield is served by public water provided from the Niagara County Water District. The source of potable water for Town residents is the Niagara River. The Niagara County Water Treatment Plant is located on Williams Road, just north of River Road, in the southern portion of the Town.



Section IV
Agricultural Resources

Town of Wheatfield Agricultural and Farmland Protection Plan

SECTION IV – AGRICULTURAL LANDS AND RESOURCES

This section focuses on farmland and agriculture in the Town of Wheatfield. Land use in the Town is comprised of agricultural land uses; forested or vacant land; large lot residential uses and residential subdivisions; commercial uses generally situated along Williams Road and Niagara Falls Boulevard; and industrial, public service and other uses scattered primarily throughout the western portion of the community.

There are 7,527 parcels of land in the Town of Wheatfield, totaling 17,106 acres. Of this land area, approximately 118 parcels encompassing 5,054 acres (approximately 30 percent) are devoted to agricultural operations in the Town. Farm acreage in Wheatfield is primarily used as cropland; there are a few remaining dairy farms. Although once common, dairy farming has slowly diminished over the years.

The growing season in the Town of Wheatfield extends from early May through the end of September (about 140 days). The area receives average annual precipitation of 30 to 35 inches, with growing season precipitation averaging about 14.3 inches.

A. Agricultural Soils (*see Map 7*)

Niagara County borders Lake Ontario to the north, Tonawanda Creek (Erie Canal) to the south, Genesee and Orleans Counties to the east, and the Niagara River to the south and west. The Niagara Escarpment divides the County into two plains, the Ontario Plain to the north and the Huron Plain to the south (the Town of Wheatfield is situated on the Huron Plain). Drainage from the Huron Plain runs southward to Tonawanda Creek, which flows westward to the Niagara River.

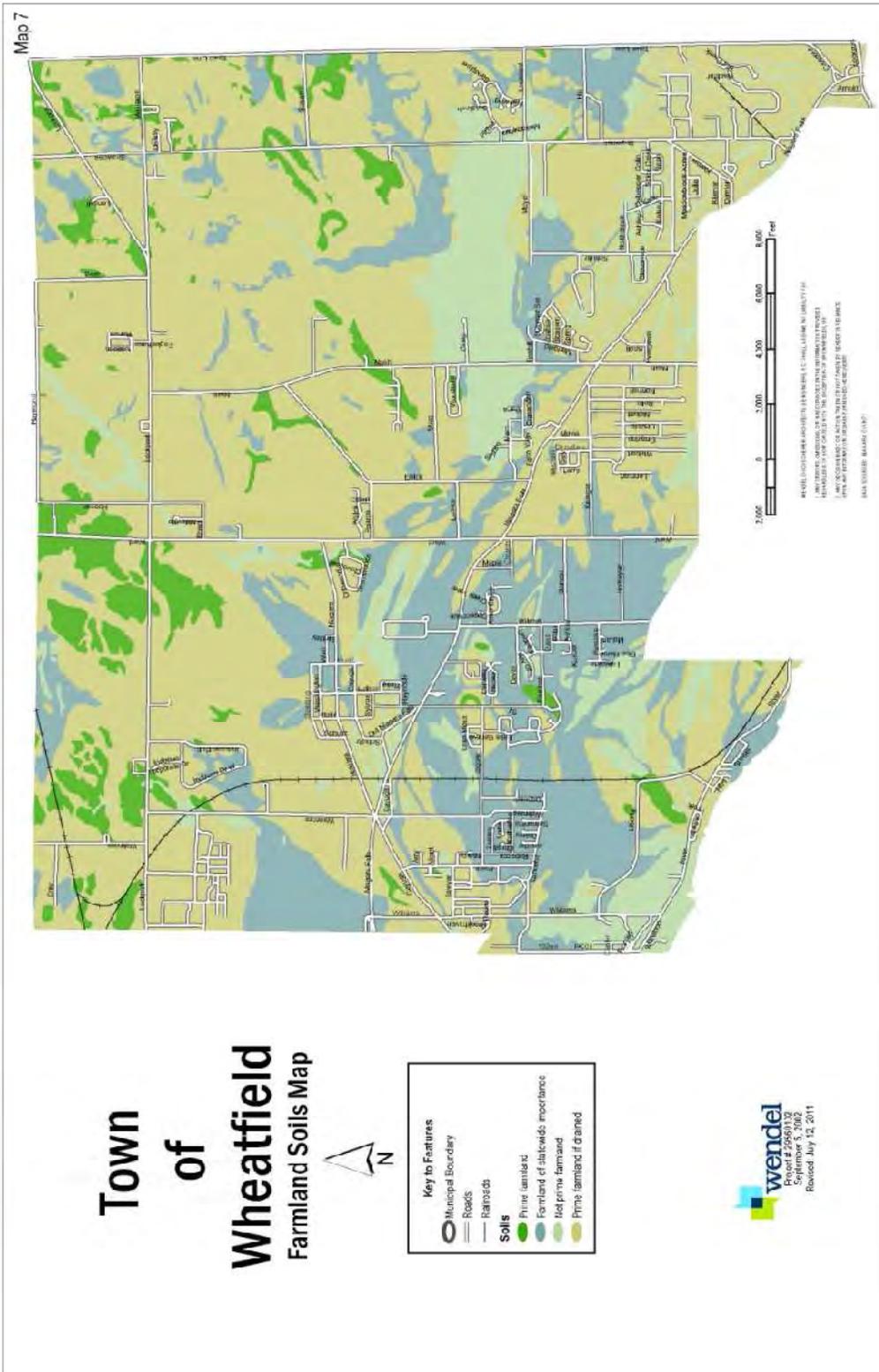
The topography of the Town is very flat, and soils tend to be finely textured, with large areas of hydric or potentially hydric soils. The soils on the Huron Plain are derived from high carbonate materials deposited by glacial advance across the Niagara escarpment. The soils are, however, modified by glacial outwash and/or lake-laid sediments throughout much of the area.

Prime Farmland

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, oilseed crops, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, without tolerable soil erosion. Approximately 1,156 acres or 6.5 percent of the Town contains soils that meet the requirements of prime farmland. Of this acreage, approximately half (or 543 acres) are currently located on properties that are actively being farmed. The Town also contains a large amount of soils that would be considered prime farmland if



Town of Wheatfield Agricultural and Farmland Protection Plan



Town of Wheatfield Agricultural and Farmland Protection Plan

drained (10,805 acres or 60 percent of the Town). A large extent of the soils located in the northern portion of the Town, where farming occurs, are considered prime quality soils if drained. According to local farmers, drainage and the need for the Town to maintain local ditches and other stormwater drainage ways is an important issue for the viability of their lands, indicating that such drainage improves the quality of the soils.

Soils of Statewide Importance

In addition to the prime farmland soils, 3,843 acres of soils in the Town are classified as Soils of Statewide Importance. Approximately 20 percent of the soils are presently found on parcels that are being actively farmed. Soils of Statewide Importance are generally considered to be nearly prime farmland quality that economically produce high yields of crops when managed in accordance with acceptable farming practices. Although important to agricultural activity in the State, these soils exhibit certain characteristics, such as seasonal wetness or erodibility, and do not meet all of the criteria to qualify as prime farm soils. The majority of the Soils of Statewide Importance in the Town of Wheatfield are found in the southwestern portion of the Town; there are limited areas found in the sections of the Town where farming occurs.

B. Agricultural Districts (see Map 8)

A large portion of the Town, primarily the northern half, is designated as Niagara County Agricultural District No. 7 under the New York State Agriculture and Markets Law. A few parcels located in the northeast corner of the Town are located in Niagara County Agricultural District No. 6. The Agricultural Districts Law mandates that governmental agencies must avoid or minimize potential adverse impacts to farming operations when undertaking or acting upon any project within an Agricultural District that involves the acquisition of land or the use of public funds for construction purposes (A copy of the Agricultural Districts Law is included in Appendix D).

There are a number of benefits for agricultural landowners located within an Agricultural District. One is that agricultural land is assessed on its value as farmland, not on its potential development value, which reduces the tax burden on agricultural lands. State law also states that local laws may not unreasonably restrict farm operations within an Agricultural District and existing and proposed laws are subject to review by the State Department of Agriculture and Markets to ensure that they comply with the law and are not overly restrictive. Real estate agents are required to disclose to potential buyers that the property they are about to acquire is located in an Agricultural District or within 500 feet of any farm operation and/or farmland. In addition, any application for development of lands located within an Agricultural District, or land located within 500 feet of any farm operation and/or farmland must submit an agricultural data statement to the Town as a part of the land development application.



Town of Wheatfield Agricultural and Farmland Protection Plan

Map 8



Town of Wheatfield Agricultural and Farmland Protection Plan

Agricultural Data Statement

Pursuant to Section 283-a.2. of Article 16 of NYS Town Law, any application for a special use permit, site plan approval, a use variance, or approval for subdivision of land that requires review and approval by the Planning Board, Zoning Board of Appeals or Town Board, which involves an action that would occur on property that is located within an agricultural district and contains a farm operation, or on property situated within five hundred feet of a farm operation that is located in an agricultural district, shall include the preparation of an Agricultural Data Statement as part of the application. The information required by an agricultural data statement may also be included as part of any other application required by local law, ordinance or regulation.

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

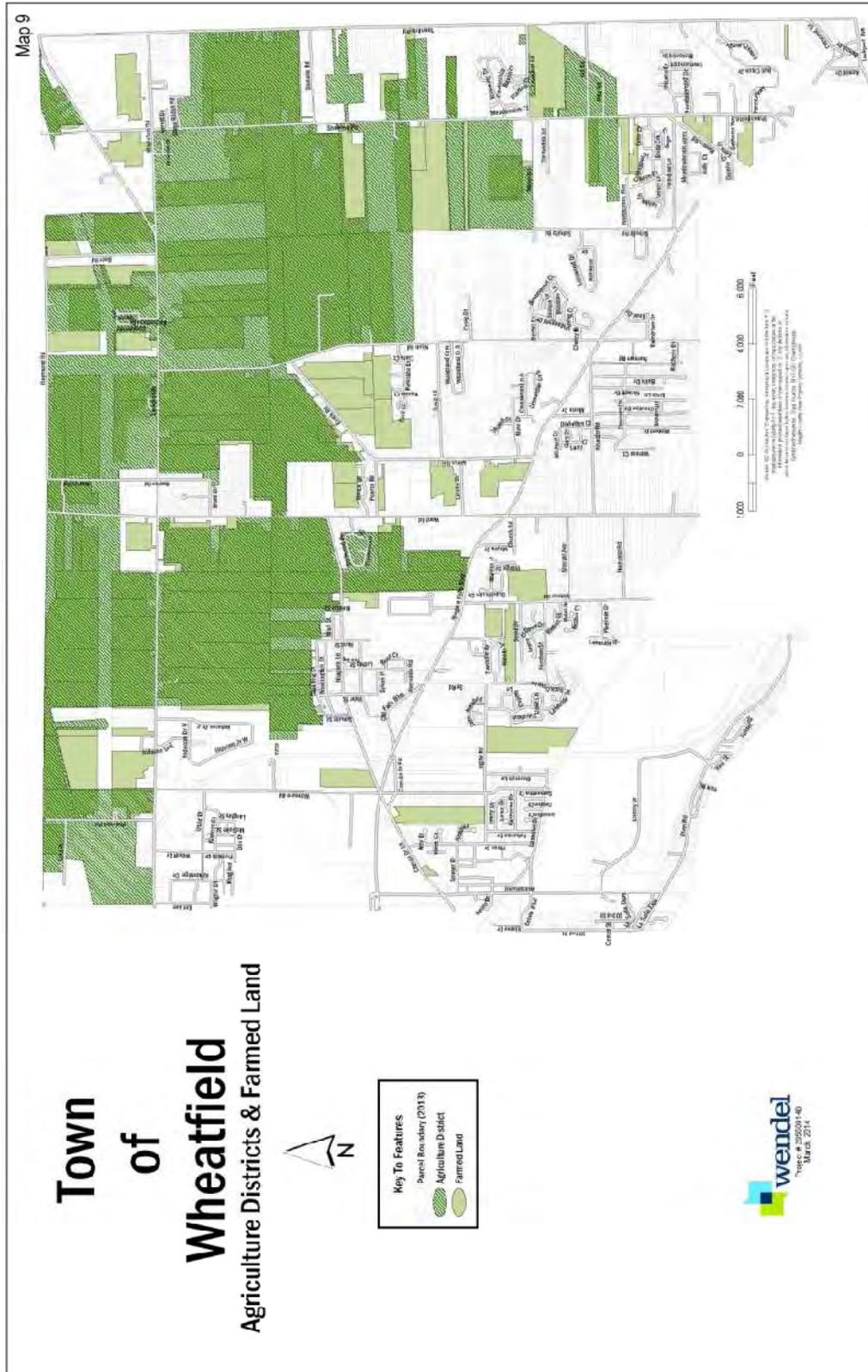
The local reviewing board must evaluate and consider the Agricultural Data Statement as a part of its overall review of the proposed action to determine the potential impacts that the action may have on the farm operations. This board should also determine present and future farming conditions to ensure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

C. Farmland and Farm Operations in the Town (*see Map 9*)

A review of Niagara County Real Property Service data indicates that there were 118 parcels identified as farm properties in the Town of Wheatfield. Most of these lands are reported to be used for growing field crops, including soybeans, wheat, hay, corn and oats. Soybean production has grown in recent years as markets for this product have increased. Local farmers report that they are selling their soybean crops to regional, national and international markets. There are a small number of active dairy farms, but this aspect of the agricultural industry in Wheatfield has significantly diminished. The existing dairies sell their milk to Hoovers Dairy or Upstate Farms.



Town of Wheatfield Agricultural and Farmland Protection Plan

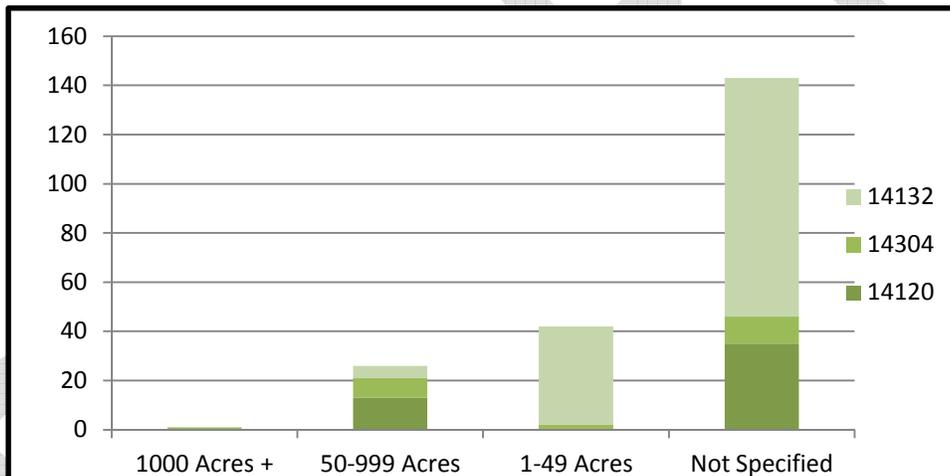


Town of Wheatfield Agricultural and Farmland Protection Plan

Overview of Wheatfield Agricultural Sector

The US Census of Agriculture conducts a survey every five years that aggregates agricultural data at the zip code level. The Town of Wheatfield is comprised of portions of zip codes 14120, 14304 and 14132, and data was examined for these areas. While the census survey data collected is not as specific as the information gathered at the aggregate County level, the numbers provide insight about local levels of production and the types of agricultural activities likely occurring in and around the Town. Combined with public input collected locally from farmers during the course of this planning process, the census survey numbers help to provide a clearer picture of the significance of farming in the Wheatfield area. The most recent data available for the Town of Wheatfield zip code areas was collected as part of the 2007 Census of Agriculture.

Size of Farm Operation 2007
Town of Wheatfield – Zip Codes 14120, 14304 and 14132



Source: USDA Agricultural Census, 2007

Size of Farm Operations

The 2007 Census of Agriculture documented a total of 234 farms that responded to the zip code survey for Wheatfield area. One farm was reported at over 1000 acres in size. Twenty-six farms reported a size of between 50 and 999 acres, 64 farms reported a size of between 1 to 50 acres, and 143 farms (more than half of the farms responding to the survey) did not specify acreage (size) in their report. Based on the number of farms that did not report their size, it is difficult to estimate an “average” or “median” size for a farm in the Town of Wheatfield. The number of small farms (those reported between 1 and 50 acres) and “not specified” farms indicates that a significant amount of land may be occupied by small specialty or part-time farming operations that may or may not



Town of Wheatfield Agricultural and Farmland Protection Plan

represent the principal income of the farmer. These small farms contribute to the agricultural character of the Town and support the agricultural economy through the purchase of supplies and services. Certain of these farms also supply produce for “direct to market” farm stands.

Variety of Products Grown

The array of crops and animals that were reported as being raised in the Town of Wheatfield zip code areas is extremely diverse. The most popular reported crop is hay (69 total farms reporting). Field crops, corn and vegetables are the next most widely reported crops. Specialty crops that were reported include Christmas trees, other horticulture and maple syrup.

Farms raising animals in the Wheatfield area are nearly as diverse and significant as the reported crop inventory. Of particular note are the 32 farms that reported raising horses and ponies (equine farms), 23 cattle farms, and 19 dairy farms. The following tables provide complete lists of the reported totals of crops and animals being raised in the Wheatfield zip codes as reported in the 2007 Census of Agriculture.

D. Agricultural Markets and Support Businesses

Local agricultural products are marketed in Niagara County and the northern portions of Erie County. Additionally, local farmers indicated that they sell soybeans and corn to regional, national and international markets. For instance, Western New York Energy LLC in Medina, New York is a major regional purchaser of corn for ethanol production.

Wheatfield farmers sell local produce at roadside stands and at local area farmers’ markets in Niagara County. For example, fresh produce and other products can be purchased at Wagner Farm and Market, on Lockport Road and Goodman Farms on Cayuga Drive Extension, both in the Town of Wheatfield. The Wheatfield Pumpkin Farm, on Nash Road, operates annually from late September through the end of October. There are also two farmers’ markets that operate year-round, including the City of North Tonawanda Farmers Market and the City of Niagara Falls Market. Other farmers’ markets in Lockport and Pendleton operate on a seasonal basis.

Support Businesses

- Although there is not an abundance of local suppliers of agricultural equipment and support materials in Wheatfield, there are a number of businesses in Niagara County and elsewhere in the region. Because of Niagara County’s geographic position, many agricultural suppliers are located in other Niagara County communities to the east, in Genesee County, and/or utilize traveling sales



Town of Wheatfield Agricultural and Farmland Protection Plan

Reported Crops, 2007 Census of Agriculture Town of Wheatfield, NY – Zip Codes 14120, 14304 and 14132

Crop	14120	14304	14132	Totals
Corn, Grain Silage	7	9	31	47
Christmas Trees	3	0	0	3
Field Crops Including Hay	13	9	20	42
Fruit Tree Nut	1	0	14	15
Grain	4	6	20	40
Hay	15	16	38	69
Horticulture	7	0	7	14
Maple Syrup	2	0	80	82
Oats	2	4	8	14
Orchards	2	0	22	24
Potatoes	6	0	0	6
Vegetables	15	3	54	72
Grain Storage	4	0	20	24
Soybeans	0	4	10	14
Wheat	0	4	4	8
Total Reporting	81	55	328	474

Source: USDA Agricultural Census, 2007

Reported Animal Totals, 2007 Census of Agriculture Town of Wheatfield, NY – Zip Codes 14120, 14304 and 14132

Animal	14120	14304	14132	Totals
Cattle	8	4	11	23
Chickens	5	0	0	5
Hogs	5	0	2	7
Milk (Dairy)	2	6	11	19
Poultry (including eggs)	7	0	1	8
Sheep/Goats	1	0	1	2
Specialty Animals	3	0	1	4
Turkey	2	0	0	2
Equine (Horses and Ponies)	16	0	16	32
Total Reporting	49	10	43	102

Source: USDA Agricultural Census, 2007



Town of Wheatfield Agricultural and Farmland Protection Plan

representatives to address the needs of local farmers. Two local suppliers in Wheatfield include Country Max and Maertín's Motor Service. Cornell Cooperative Extension of Niagara County identifies the following support businesses in the region:

- Tractor Supply Company (Lockport)
- WH Rhinehart, Inc. (Middleport)
- Agway (Wrights Corners)
- Niagara Frontier Equipment Sales (Wrights Corners)
- Niagara Implement, Inc. (Newfane)

Farmers can reach out to the Cornell Cooperative Extension (CCE) office in Niagara County for assistance and support. The Niagara County CCE disseminates information on agricultural research through specialized production teams (dairy, field crops, livestock, small farms, vegetable, tree fruit, grapes, greenhouse and nursery). They assist with agricultural economic development and farm business development. They also provide information about agricultural districts and assistance with pesticide certification. Finally, the Small Business Development Center at Niagara County Community College offers information and assistance with business plans.

The Niagara County Farm Bureau is another organization that provides support and assistance to local farming interests. The Farm Bureau is a membership organization that offers a number of benefits to members, including insurance and banking, automotive, business and family and health, among other things. The Farm Bureau also monitors state and national legislative priorities and provides information of this nature to members in support of agricultural protection and prosperity.

E. Farm Statistics and Economic Contributions and Value to the Local and Regional Economy

Farms Produce Fresh, Local Food – Especially in Niagara County

Niagara County is a community that produces fresh food for local tables. The U.S. Census of Agriculture statistics indicates that the majority of fresh fruit produced in Niagara County is acreage specifically earmarked for fresh market sale. Increased access to fresh fruits and vegetables is a strategy for combating childhood obesity and increasing the security of the local food supply. Farming also provides opportunities for the creation of community supported agriculture projects wherein residents can purchase “shares” of seasonal produce. This benefits local farmers, keeps land in production and provides local residents and others with fresh fruits and vegetables throughout the growing season.

The 2007 Census of Agriculture ranks Niagara County eighth out of 61 agriculture producing counties in New York State for “Value of Agricultural products sold directly to individuals for human



Town of Wheatfield Agricultural and Farmland Protection Plan

consumption". Farms in and around Wheatfield contribute significantly to the economic output reported in Niagara County each year through the production and sales of farm products.

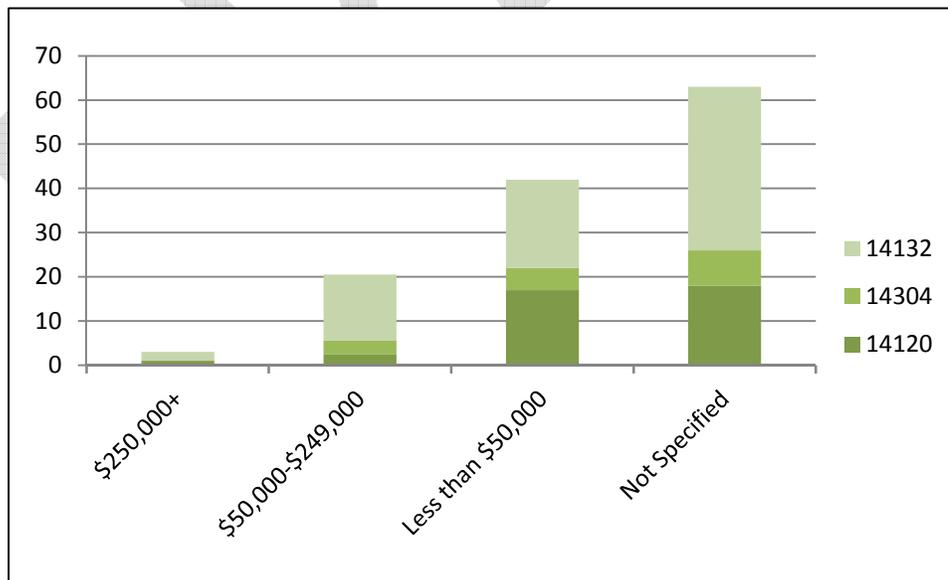
Total Crop Sales

As reported in the 2007 Census of Agriculture for the Town of Wheatfield, three farms in the Wheatfield zip code areas reported crop sales of greater than \$250,000. Eighteen farms reported sales of between \$50,000 and \$249,000, 42 farms reported sales of less than \$50,000, and 63 farms did not specify their total amount of crop sales. The total number of farms reporting economic data was 126.

Total Animal Operation Sales

As reported in the 2007 Census of Agriculture for the Town of Wheatfield area, there were three farms that reported total animal operation sales of greater than \$250,000. Six farms reported animal operation sales of between \$50,000 and \$249,000. Nineteen farms reported total animal operation sales of less than \$50,000 and 13 farms did not specify a total sales amount. The total number of farms reporting animal operation sales was 56.

Total Crop Sales - 2007
Town of Wheatfield Zip Codes 14304, 14120 and 14132

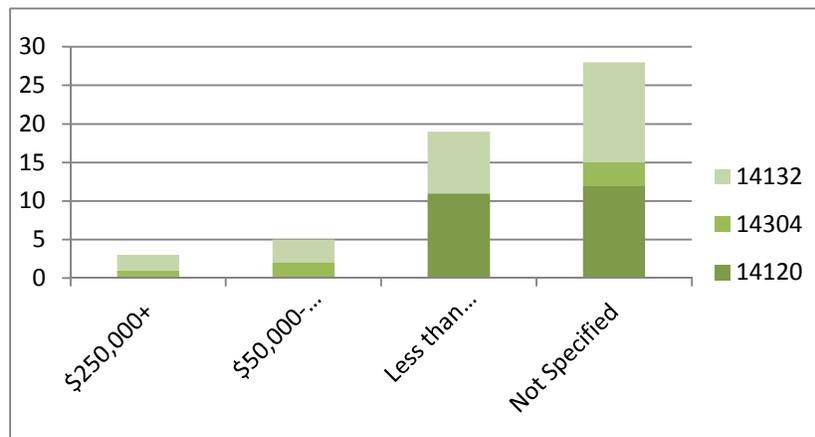


Source: USDA Census of Agriculture 2007



Town of Wheatfield Agricultural and Farmland Protection Plan

Total Animal Operation Sales - 2007 Town of Wheatfield Zip Codes 14304, 14120 and 14132



Source: USDA Census of Agriculture 2007

Total Economic Contribution

As more than half of the farms reported a “non-specified” figure for total crop and operational sales on the 2007 Agricultural Census survey, estimating a figure for the total economic contribution to the local and regional economy is difficult. 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.

Local Farms Provide Jobs and Support the Local Economy

Agricultural operations in the Wheatfield area contribute jobs to the local economy. The 2010 U.S. Economic Census reported that approximately 122 residents from the Wheatfield zip code areas earned their principal income in the fields of Agriculture, Forestry and/or Fishing. These figures do not include the seasonal laborers that are employed by many farms to assist with harvest operations. A number of farms in Wheatfield are also “direct to market” operations that feature pick-your-own and/or seasonal stands offering fresh produce to residents and visitors.

Wheatfield’s farms are local businesses that create jobs, provide fresh food to the Town and region, and purchase local goods and services. According to the US Census of Agriculture, the estimated total market value of all agricultural products in Niagara County in 2010 was over \$118 million (a portion of which was generated in Wheatfield). This is a 15% rise over the 2007 Census figure of \$103 million. This figure does not include the value of jobs connected with farms, such as



Town of Wheatfield Agricultural and Farmland Protection Plan

electricians, carpenters, farm equipment dealers, bankers, food processors and truck drivers. Based on stakeholder interviews during the planning process, Wheatfield farmers reported raising soybeans, grains (including wheat, hay and oats), corn, apples, pears and grapes. These harvests have a “multiplier” effect on the local and regional economy that extends far beyond the total market value of the product.

The Town of Wheatfield can capitalize further on its agricultural infrastructure by promoting land use legislation that promotes nonfarm business opportunities that help to retain agricultural activities and rural character. Bed and Breakfasts establishments, sales and production of agricultural crafts, antique stores, farm equipment repair facilities, welding assemblies, commercial composting and commercial harvesting and trucking businesses are all potential businesses that can benefit local farming operations and enhance regional economic impacts.

Scenic Working Farms Attract Tourists and Dollars

Working “U Pick” Farms and other agricultural tourism establishments are direct draws for tourists and regional residents alike. Agricultural tourism is a growing industry throughout New York State. There are a number of examples throughout Niagara County of successful agricultural tourism establishments. The Wheatfield Pumpkin Farm is one local example. Strengthening Wheatfield’s position within Niagara County’s local agricultural tourism network could likely result in positive economic impacts for the Town.

The Niagara Region is Prioritizing Agriculture

Western New York’s Regional Economic Development Council (REDC) has prioritized agriculture as a key economic development component of its 10 Year Strategic Plan. The Strategic Plan establishes three specific goals intended to extend and deepen the region’s commitment to promoting local agriculture.

- ***Collaborate to create and promote a regional brand for local food and agriculture products***
Collaborate to create and promote a regional brand and marketing program to educate the public on the value and availability of locally produced food and agricultural products with the goal of increasing sales for local producers. Industry leaders calculate that a 20 percent increase in sales over five years can boost sales by \$100 million and create a thousand new jobs in our region.
- ***Increase innovation to improve products, processes, and market links***
Organize an Innovation Council to promote connections among farm businesses and research institutions to develop and promote innovative practices to lower costs and increase the value of farm products. Increased investment in research and translation can help farmers increase product quality, reduce energy use, promote workforce quality and motivation, develop new



Town of Wheatfield Agricultural and Farmland Protection Plan

linkages between producers and consumers, and share information across the industry and research universities.

- ***Promote careers in agriculture***

Developing a new generation of farmers is crucial to sustaining agriculture as an industry sector in our region. Work with secondary education and others to promote agricultural career choices through creation of coursework, including business management as well as agriculture topics, and development of internship opportunities.

Wheatfield's decision to prioritize agricultural development and preserve farmland could result in positive future funding decisions and outcomes. By aligning with the Regional Economic Development Council's mission, the Town could find itself eligible for funding opportunities that it may otherwise have not been able to take advantage of.

F. Development Pressure and Consequences of Conversion

Competition for land is a challenge for many New York State farmers. As farmland is sought for new housing and other development, land values price farmers out of the market. In addition, poorly planned development brings new neighbors who are often unfamiliar with the sights, sounds and smells of nearby farming operations. Such situations can result in conflicts that may impact the future of farming in the community.

The landscape of New York State has been slowly changing for generations. According to the United States Department of Agriculture, New York State lost the equivalent of 9,000 acres of farmland a year between 2002 and 2010 – the equivalent of one farm every three days¹. Even more troubling are the findings from a 2009 Study completed by Cornell University in conjunction with Brookings Institution. The study indicates that while over 425,000 acres of farm and forest land were converted in New York State between 1982 and 2007 (a 30 percent increase in developed land), the overall State population grew by only 2.6 percent.²

The Town of Wheatfield can keenly relate to the impacts of the changing development landscape in New York. Demographic data reported in Section III of this report illustrates growth trends in the Town. Between 1990 and 2010, the population of the Town increased by almost 63 percent. This is in contrast with Niagara County, wherein the population declined during this same time period. Similarly, there was a 79 percent increase in the number of single-family residential dwelling units in Wheatfield between 1990 and 2010. Although housing development has slowed, likely due to economic impacts, the trends and projections indicate that growth will continue in the Town.

¹ <http://www.csrees.usda.gov/nea/economics/economics.cfm>

² Pendall, Rolf. "Sprawl Without Growth: The Upstate Paradox". 1999.



Town of Wheatfield Agricultural and Farmland Protection Plan

New non-farm development, and town-wide infrastructure development, has raised land values and effects the potential for local farmers to continue and/or expand their operations. Typically, the land that is most suitable for development is the same well-drained land that is best for agriculture. Additionally, the extension of sanitary sewer infrastructure into agricultural areas increases the attractiveness of these areas for residential development. For many farmers, their land is their retirement and as property values increase the decision to keep land in farming becomes more difficult. This can be further complicated by the lack of family members or others with the desire and/or ability to keep these lands in agriculture. For retiring farmers, the price paid by developers is often higher than what the land is worth for farming. Any alternative to selling land for development would need to offer a similar financial return.

Poorly planned residential development also fragments large areas of farmland into smaller configurations that can promote conflict between farmers and residential neighbor. Farm-neighbor conflicts become more frequent when new residential development is constructed adjacent to active farmland. Local farmers have indicated that to maintain profitability, farms need to remain large. To maintain an active and viable agricultural industry in the Town of Wheatfield, it is important to preserve a critical mass of farmland and maintain economies of scale.

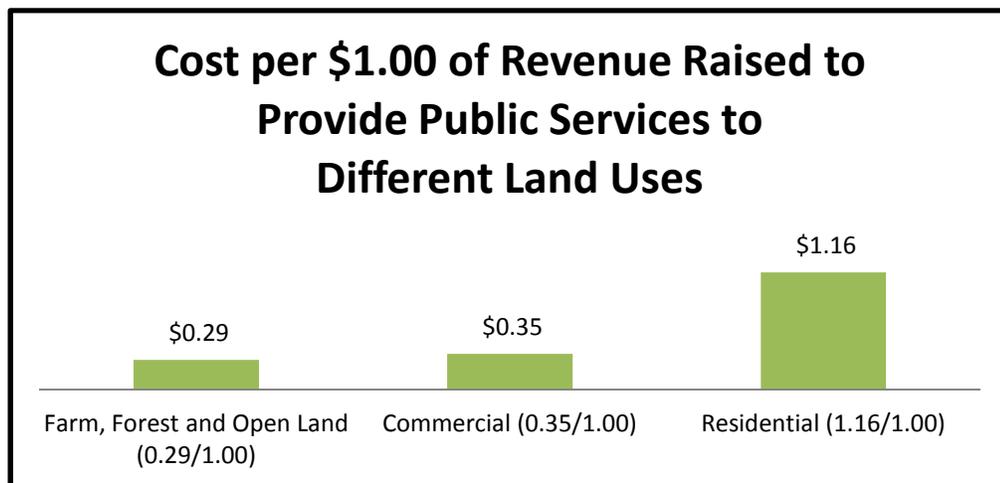
Perhaps most impactful to the Town of Wheatfield is the steadily increasing imbalance of the tax base. The saying “*Cows and Corn don’t go to school*” reflects the truism that while farmland pays less in property taxes than residential properties do, it requires significantly less in public services³. There is no lack of examples of community that struggle to balance their tax base. Although the Town of Wheatfield currently has no Town tax levy, as residential development increases, local residents are faced with the associated costs of new residential development that are reflected in continuing increases in local school taxes and fees for services.

The American Farmland Trust (AFT) conducts Cost of Community Services studies (COCS) nationwide, which provide a snapshot in time of current revenues and expenditures on a land use basis. COCS studies analyze the demands on public services (e.g., schools, fire protection and road maintenance) and show how much it costs to provide public services to each land use in your community (e.g., residential, commercial and farmland). Unlike typical fiscal impact studies, COCS studies evaluate working land on equal ground with development. When the AFT completes these studies they find time and again that farm and forest land generate a net property tax “profit” while housing generally results in a property tax “loss” due to the high cost of associated residential needs and services. A Cost of Services Study Fact Sheet is included in Appendix F.

³ Planning for Agriculture in New York. American Farmland Trust, 2012.



Town of Wheatfield Agricultural and Farmland Protection Plan



While pressure for the conversion of farmland to residential use continues in Wheatfield, there is still time to alter this process of decreasing agricultural acreage. Wheatfield retains a significant base of farmers *who report using all available agricultural land to its fullest capacity*⁴. According to these farmers, if the land is available, it is farmed. It was also indicated that there is an interest on the part of farmers in other communities to purchase or lease lands in Wheatfield for agricultural use. A fuller understanding of the positive economic impact of farmland preservation and promoting agriculture as a business can help Wheatfield officials and residents make a well-informed decision on how to structure local land use planning decisions and help to maintain a balance of the tax base.

⁴ Local Farmer Interviews, February 2014.



Section V

Findings, Recommendations and Implementation Strategies

Town of Wheatfield Agricultural and Farmland Protection Plan

SECTION V – FINDINGS, RECOMMENDATIONS AND IMPLEMENTATION STRATEGIES

A. Summary of Issues Relating to Farmland Protection and Agriculture as a Business

Wheatfield is a rural community and agricultural activity in the area helps to protect and preserve the local character and heritage of the Town. Farming has been a long standing land use and activity in the Town of Wheatfield since the early settlement of the community. In 2012, the Town of Wheatfield prepared an update to the Comprehensive Plan as a means of better managing future growth and development in the community. This plan recognized the importance of farming in the Town and set forth specific goals and recommendations for agricultural protection, including the preparation of a Agricultural and Farmland Protection Plan. In developing the Agricultural and Farmland Protection Plan, a closer assessment of farming and agricultural activity in the Town was undertaken. This assessment revealed the following issues and concerns as they relate to farmland protection:

- Approximately 40 percent of the Town is currently being farmed and is included in Niagara County Agricultural districts.
- The extent of areas being farmed has been decreasing over the past few decades and a small number of parcels were removed from the Agricultural District during the most recent review.
- Farming occurs primarily in the northern half of the Town, in areas where good soils still remain.
- The Town of Wheatfield Comprehensive Plan recommends the protection of agriculture as a viable land use in the Town.
- Public water and sewer service has been installed throughout the Town.
- The Town of Wheatfield has been one of the fastest growing communities in the Buffalo Niagara Region since the mid 1990's.
- Since 1990, the population in the Town of Wheatfield has increased by almost 63 percent.
- Since 1990, the number of residential dwelling units in the Town has increased by over 79 percent.
- Development of suburban-style residential dwellings is slowing, as compared to the rate of development seen over the past two decades, and is progressively pushing to the north into areas that have traditionally been farmed.



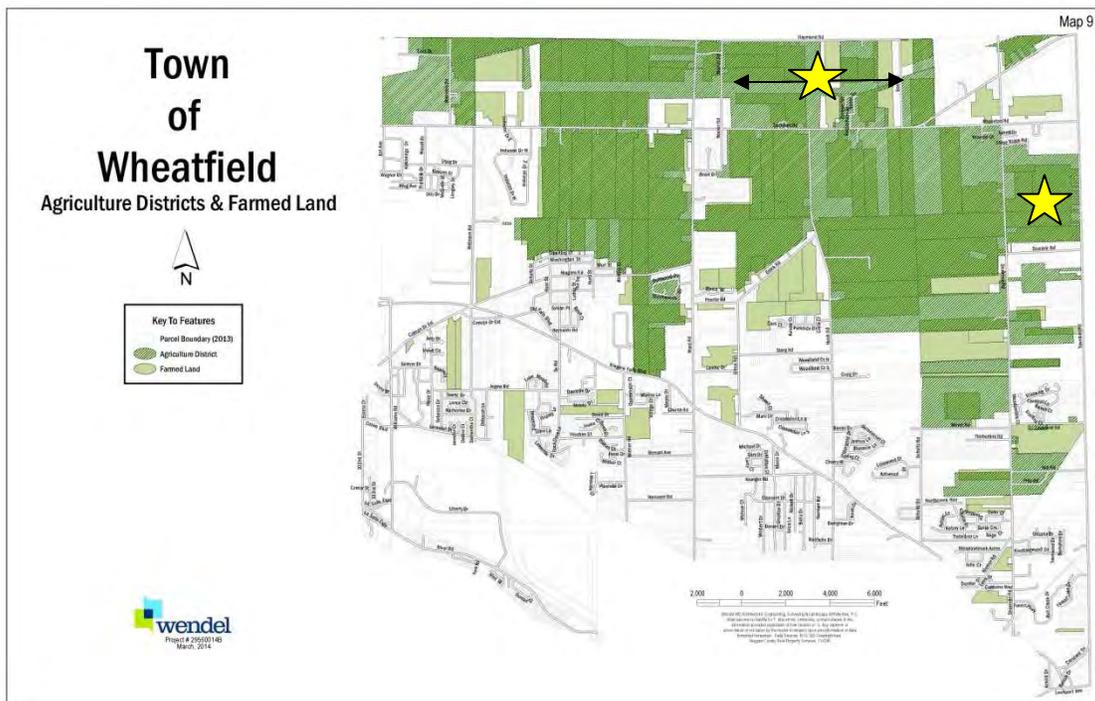
Town of Wheatfield Agricultural and Farmland Protection Plan

- Farmland in the northwestern portions of the Town can be easier to retain. Farms in the east and north- central areas are under more pressure from residential development.
- Farming is compatible with the rural characteristics of northern Wheatfield and the rural residential and farming characteristics of the adjacent communities of Cambria, Pendleton and Lewiston.
- Most farmlands in Wheatfield are being developed with standard, road-frontage lots that cut off visual access to any farmlands that remain on interior parcels.
- The trend in farming nationally is toward larger farms, and farming is increasingly competing as a global industry.
- Many of the farms in Wheatfield are smaller, and some are isolated, putting them at greater risk for conversion to non-farm uses.
- Farming, as an economic activity in Wheatfield, is under pressure due to the increasing value of land for development and conflicts with surrounding land uses.
- Farms in Wheatfield are more likely to be adjacent to non-farming uses, such as residential or (in some locations) commercial uses, than is the case in most other communities, increasing the potential for conflicts with neighboring uses.
- Residents in the Town of Wheatfield must pay school taxes and special district property taxes; these are significant costs for farmers.
- Traffic is increasing on local roadways; conflicts between farm machinery and automobiles are becoming a more frequent occurrence and a greater concern.
- The existing Agricultural-Residential (A-R) zoning classification allows residential development with a minimum lot size of ¾-acre lots; rezoning actions have been approved that allow for increased development density.
- There are a number of active farms located in the north-eastern and eastern portions of the Town that are zoned Rural-Residential, which does not allow farming as an as-of-right use.
- Drainage improvements and ditch maintenance needs to be a top priority of the Highway Department each year to keep agricultural land viable and maintain the vitality of farm soils.



Town of Wheatfield Agricultural and Farmland Protection Plan

Farming activity in the Town, however (as illustrated below), is occurring on lands located outside of the A-R Agricultural Residential district and outside the Agricultural Protection Area (as shown on the maps on the previous page). Therefore, these areas are not provided protection from development, as recommended in the 2012 Comprehensive Plan Update. These lands are zoned R-R Rural-Residential (the area shown in brown on the Zoning map on the previous page). Although these lands have likely been historically used for agricultural purposes, the R-R Rural Residential zoning does not permit farming activities as of right or by special permit. Therefore, existing farms and agricultural land uses that are undertaken in areas zoned R-R are non-conforming uses in accordance with the zoning regulations (which are included in Appendix C).



To ensure that the lands that are being actively farmed in the Town are afforded protection through the Agricultural and Farmland Protection Plan, as well as the Town's Comprehensive Plan, the Vision Map has been revised (See Map 10 – Vision Map for Agricultural Protection) to include the areas that were not recognized on the Vision Map in the Comprehensive Plan. Furthermore, the R-R zoning district regulations should be amended to allow farming and other agricultural activities as of right. As an alternative, the A-R zoning could be extended to the northeast and east to encompass the active farmland located in these areas. Either way, the Town should revise the zoning to ensure that farms and farming activities that presently occur in these areas are effectively protected.

Additionally, there are a few locations where the A-R zoning does not extend out to the public right-of-way along roadways in the Town. Therefore, some farm parcels have split zoning, with frontage



Town of Wheatfield Agricultural and Farmland Protection Plan

situated in an R-2 Residential or an R-R Rural Residential district. In this situation, farm parcel that are being converted to residential use are more easily being rezoned under the residential zoning and developed at a higher density. To help protect farmland and reduce the potential for conflicts between newer residential development and farm uses, rezoning of this nature should not be permitted, even where cluster development design is being employed.

C. Tools and Techniques for Farmland Protection

There are a number of programs, tools and techniques that can be used to protect and preserve farming and agricultural activities in a community. The choice of which mechanisms to utilize can be based on the extent of agricultural activities in a community, as well as the amount of development pressure that exists. The following is an overview of techniques that may be helpful to the Town for protecting the important farmland.

Agricultural Zoning

The main purpose of zoning is to separate land uses that might result in threats to public health, safety or welfare, or reduce a landowner's enjoyment of their land. Zoning should strike a balance between the right of a property owner to use their land the right of the public to a healthy, safe and orderly living environment. Agricultural zoning is aimed at reducing conflicts between farmers and non-farmers. Many normal farming practices can irritants, such as dust or odors for neighboring residents. Similarly, nonfarm neighbors often do not respect private property, allowing dirt bikes or all-terrain vehicles in fields or litter and vandalism. Agricultural zoning provides some protection for farmers by limiting the number of non-farm dwelling that can be built in the area. Zoning also promotes orderly growth of a community, which can help control the cost of public services and maintain a pleasing visual quality in the community. Agricultural zoning is also used to protect valuable and productive farm soils, as well as other resources that have value to the public, such as open space, wetlands, and wildlife habitat.

Agricultural zoning involves the creation of a zoning district that designates farming and other agricultural activities as the primary, preferred land uses. This type of zoning district generally targets the most productive soils and large contiguous areas of active farms. The minimum lot size may vary from a minimum lot size of 2 acres to over 40 acres, depending on the average size of farm properties in the area. Agricultural zoning districts can incorporate "density averaging" or "sliding scale" provisions to limit the number of dwellings permitted. The regulations may also specify maximum (as well as minimum) lot sizes for non-farm development. Regulations for this type of zoning district usually allow farm-related businesses and home-based businesses, and limit non-agricultural development and uses. Agricultural protection zoning may be combined with purchase of development rights, transfer of development rights or incentive zoning (discussed below).



Town of Wheatfield Agricultural and Farmland Protection Plan

Agricultural zoning is the most commonly used land use technique for limiting the development of farmland, and has become the first line of defense in most communities that have successful farmland protection programs. Though zoning, municipalities can provide a future for agriculture by protecting the land base that allowing farming and agriculture to happen. Agricultural zoning is inexpensive to put in place and can quickly protect thousands of acres.

Many New York towns have zoning ordinances that define “agricultural” or “rural” districts where agriculture is a permitted use, along with many other residential, commercial and/or industrial uses. However, many of these zoning classifications are focus more on residential use as primary use; agricultural zoning places emphasis first and foremost on farming and agricultural uses. Additionally, the bulk standards for these types of zoning districts typically enable the fragmentation of farm landscapes, increasing the likelihood of conflicts between farm operations and new, non-farm neighbors. Zoning laws or agricultural zoning districts intended to support farms and protect farmland should be designed to:

- Support a farm-friendly business environment;
- Protect a critical mass of agricultural land to encourage the continuation of crop production and other activities;
- Discourage land uses that would cause conflicts with farming operations;
- Allow family farm-related businesses that generate extra income for the owners, but are secondary to the farm operation;
- Establish setbacks for farm building from property lines to limit the spillover of odors, chemical sprays, dust and noise that could cause conflicts with neighbors;
- Prevent the conversion of the Town’s most productive farmland or the division of the land into tracts that are too small to farm profitably;
- Provide some assurance that the public investment in farm property tax breaks and in the potential purchase of conservation easements on farmland will be protected; and
- Help to keep land more affordable for farmers to purchase.

A good zoning classification, however, is not necessarily enduring. Property owners may be granted variances from the zoning restrictions under certain conditions by a Zoning Board of Appeals or lands may be rezoned by a Town Board. Therefore, it is important to ensure that the Town officials understand established goals and objectives for agricultural protection and the potential ramifications of their decisions for agriculture. A good idea would be for the Town to appoint a farmland protection committee or continue the Agricultural Focus Group to keep track of changes to farmland in the area zoned for agriculture. This group or committee could help the Town Board consider the compatibility of the rezoned land with neighboring properties, the public benefits of changing land zoned for agriculture to another classification, and if the rezoning is in compliance with the Town’s Comprehensive Plan and Agricultural Protection Plan.



Town of Wheatfield Agricultural and Farmland Protection Plan

Agricultural zoning must also enable flexibility and create a supportive business environment as the agricultural industry is frequently changing as farmers adapt to new market and operating conditions. As globalization continues to accelerate, it is likely that the rate and extent of change within the agricultural industry will increase as well. These changes may include the production of different agricultural products or adoption of new production practices. For instance, there is an increase in the use of greenhouses or other temporary structures for the production of fruits, vegetables, horticultural products and livestock housing. While these structures may not conform to some traditional views of farms, they are valuable to producers as they are a cost-effective means for increasing control of growing conditions, which is of great importance in New York given the State's varied and often challenging weather conditions.

Advantages:

- Effective in limiting non-farm development and reducing conflicts between agriculture and non-farm neighbors;
- Helps preserve important farm soils; and
- Can protect large areas of farmland at no cost to the public, helping to maintain a critical mass of farmland in the community.

Disadvantages:

- May reduce the market value of land or limit resale options for farmland owners; and
- Is not permanent; lands can be rezoned by the Town Board (although this may be contrary to the goals and objectives of the Agricultural Protection Plan and Comprehensive Plan).

The existing A-R zoning classification in Wheatfield, for all intents and purposes, includes the provisions that are required to effectively protect farmland and agricultural uses. It allows for a wide variety of agricultural activities and support uses. However, any emphasis on uses that are more suburban in nature or would be better suited in the R-R district should be removed, such as allowing golf courses, campgrounds and the like. Additionally, the minimum lot size for agricultural uses in the A-R district is currently 37,500 square feet and the minimum lot width is 125 feet. It is recommended that the minimum lot size be increased to no less than two acres, with a minimum frontage of 200 feet to reduce the potential density for residential development in agricultural areas and help to maintain rural character.

Commercial agricultural uses are permitted in the RNB – Rural Neighborhood Business district, wherein, heavy agricultural equipment sales and farm stands require a special use permit (the C-1 Commercial and M-1 Light Industrial districts also permit greenhouses and nurseries). There are a very small number of parcels zoned RNB located at the intersection of Shawnee and Lockport Roads. Aside from this area, there are no other areas zoned RNB in the Town. It is recommended that the RNB district be reclassified to accommodate agricultural business and commercial uses or that the commercial agricultural uses that are currently permitted in the RNB district be included as used



Town of Wheatfield Agricultural and Farmland Protection Plan

allowed by special permit in the A-R district. The few other uses allowed in the RNB district are uses that are suitable for inclusion (or are already included under) in the R-C Restricted Commercial district. The idea is to increase support for agricultural business and commercial uses as a means of overall farmland protection.

Incentive Zoning

Incentive zoning may be used to encourage the private acquisition of agricultural conservation easements (development rights) on land located in designated conservation areas. A developer would be authorized to purchase agricultural conservation easements or contribute toward a public fund to purchase such easements (development rights). In exchange, the developer would be permitted to develop additional units in suitable areas, as designated by the Town.

The technique is fairly easy for the Town to administer, as the developer and the owner of the farmland arrange the transaction privately. Once the developer demonstrates that land will be preserved, he is entitled to the density bonus on the property to be developed.

This technique has virtually no cost to the Town, and would result in the permanent protection of farmland or open space through a conservation easement. However, the designation of areas suitable for higher density needs to be balanced with an analysis of the carrying capacity of local infrastructure. An infrastructure analysis needs to be undertaken at an early stage in the development review process to identify any constraints to the utilization of incentives. In addition, a specific formula is needed for determining increased development densities. For example, if a developer purchases the development rights to a 50-acre parcel in an agricultural zoning district, where the zoning requires a minimum of 20,000 square feet per residential lot, the developer would be entitled to a bonus of up to 100 dwelling units. If the bonus density were applied to a 50-acre parcel in the R District, where 20,000 sq. ft. per dwelling unit is also required, the maximum number of units permitted would be approximately 200 instead of 100. The actual number of additional units permitted would need to be determined based on the actual number of lots that could be accommodated on the parcel in the agricultural zoning district. This number would be determined based upon review of a conceptual lot layout that shows proposed streets and excludes any undevelopable land.

Advantages:

- Flexibility in administration;
- Can result in permanent protection of farmland if agricultural easements are provided as an amenity in exchange for higher density of housing; and
- Allows conservation easements to be purchased privately.



Town of Wheatfield Agricultural and Farmland Protection Plan

Disadvantages:

- Requires designation of an area wherein higher residential development densities can be sustained; and
- Depends upon a housing market that would support the construction of additional units.

Conservation Subdivision

Subdivision regulations govern the division of large parcels into smaller lots. Subdivision laws allow communities to make decisions about land development to protect public interests and ensure that new development does not accelerate flooding and erosion, increase traffic or result in other negative impacts. Subdivision regulations typically require a plat that depicts the proposed location and dimensions of lots, new roads and other improvements and landscape features. These features may include wetlands, floodplains, utility easements, wooded areas or other important natural resources. From an agricultural standpoint, subdivision regulations could require the review of potential impacts to productive farmland and stipulate design standards to reduce such impacts and protect agricultural lands and farm soils.

Conservation Subdivision, also known as clustered development or open space design, encourages the concentration of new residences on a portion of a property, allowing for other portions of the site to remain undeveloped. This development technique is aimed at retaining areas of important farmland, natural resources and/or other open spaces, while accommodating development. Conservation subdivision can enable the location of housing on less productive soils or in wooded areas, keeping more productive farmland available for continued use. Housing would be situated on smaller lots (preferable less than ½ acre), allowing for the installation of less infrastructure (roads, water and sewer lines, etc.) and less or no disturbance of areas to remain undeveloped.

Adapting the conservation subdivision design principle and cutting lot size and width can result in the same number of homes accommodated on half the available land, thereby preserving farmland or open space and rural character.



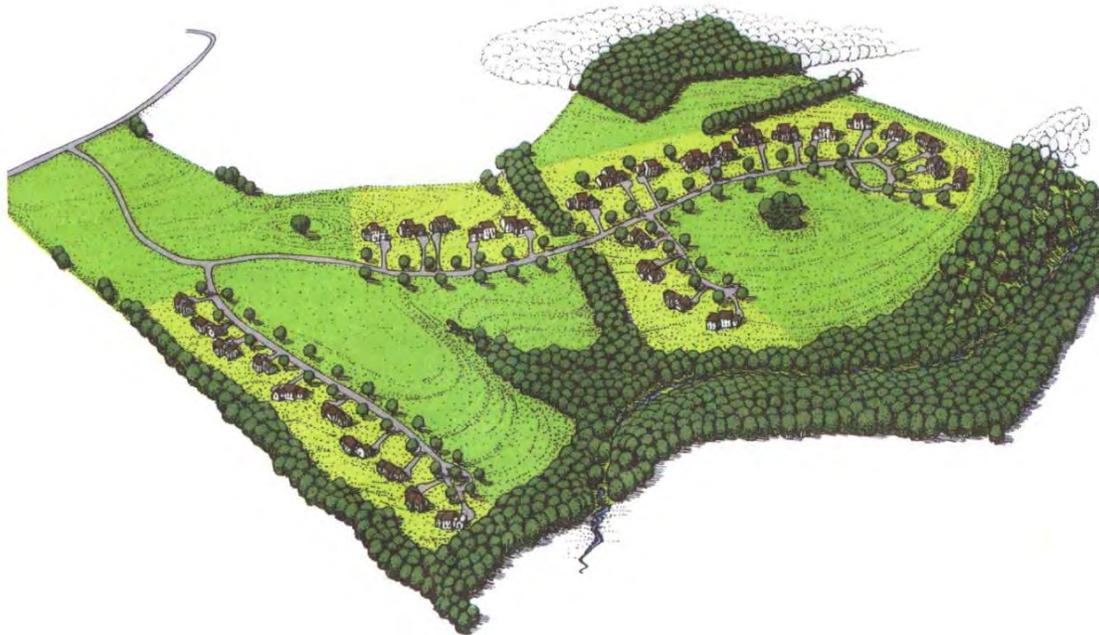
Source: Arendt, Randall G. (May 2009). "Visualizing the Options: Choosing Among our Alternative Futures – Chautauqua County Design Principles Guidebook".

Town of Wheatfield Agricultural and Farmland Protection Plan

Below is a sample farm developed as a traditional subdivision with 33 large acreage lots. There is no preservation of farmland or open space; all the land has been subdivided for rural residential lots.



Below is the same farm developed as a cluster residential development which affords the developer more flexibility in exchange for preserving the farmland and open space.

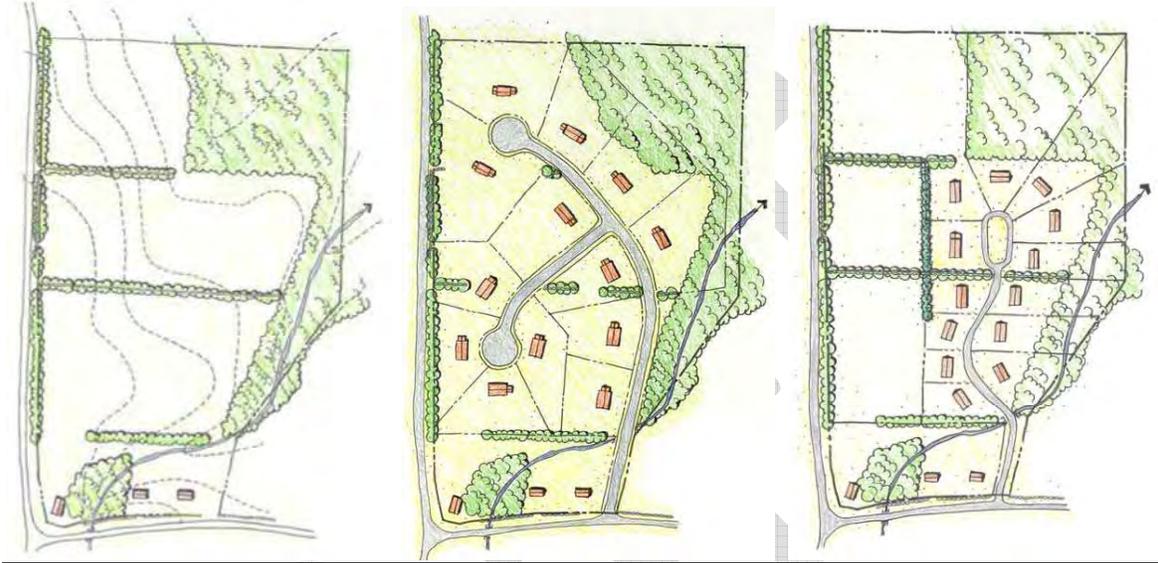


SOURCE: Arendt, Randall G. (1996). "Conservation Design for Subdivisions, a Practical Guide to Creating Open Space Networks." Island Press. Washington, D.C. and Covelo, CA



Town of Wheatfield Agricultural and Farmland Protection Plan

As another example, here are two potential development scenarios for an existing farm property. In the traditional design (center), all areas of the parcel that could continue to be farmed have been converted into residential lots. In the conservation example (right), in exchange for smaller lot size, a large area of the existing farmland is preserved and could continue to be utilized for agriculture.



At present, the Town of Wheatfield allows cluster development under Article VI of the Zoning regulations (Chapter 200 of the Town Code). Article VI, Section 200-46 of these regulations allows cluster development in all residential districts where sewer infrastructure is available, except in the A-R district, which is where it would provide the greatest benefit for agricultural protection. This section of the Town Code must be revised. Additionally, the Cluster Development regulations should be improved and strengthened to include more of the intent and provisions for the purposes of agricultural preservation. Additionally, the Town should not allow lands that are zoned A-R to be rezoned under a zoning classification that would allow for greater development density.

Purchase of Development Rights (PDR)

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



Town of Wheatfield Agricultural and Farmland Protection Plan

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

The goal of agricultural conservation easements is to protect land to help support the business of farming, and conserve productive soils for future generations of farmers. Land that is subject to an agricultural conservation easement can still be farmed or used for forestry, recreation and other uses compatible with agricultural activities. Since agriculture is constantly evolving, agricultural conservation easements typically provide opportunities for farmers to construct new farm buildings and farm worker housing, or to change commodities and crops that are grown or farm practices on the land.

In general, the value of a permanent conservation easement equals the fair market value of a property, minus its restricted value, as determined by a certified real estate appraiser. For example, if the full market value of a parcel of farmland is \$400,000, but the land is worth \$100,000 when protected, then the farmer would typically be paid the difference of \$300,000 for selling the development rights. PDR is popular with many landowners in part because the payment is financially competitive with development offers.

Advantages:

- Permanently protects farmland, while keeping it in private ownership;
- The programs, and program participation, is voluntary;
- Farmers are allowed to transform land assets into liquid assets that can be used for other purposes;
- Can protect a variety of agricultural and natural resources; and
- Helps keep agricultural land affordable for farmers.

Disadvantages:

- Can be expensive;
- Can be difficult to fund adequately; demand for the programs is usually far greater than available funds;
- May not protect some important farms where property owners choose not to participate.
- Can be complex and time consuming; and
- Requires an ongoing investment of time and resources to monitor and enforce conservation easements.



Town of Wheatfield Agricultural and Farmland Protection Plan

A PDR program can be an important “carrot” to counterbalance the “stick” of land use regulations. This is especially true in communities that are experiencing high development pressure, where there is a need for farmland protection alternatives that are financially competitive with development proposals. A PDR program can allow communities to permanently protect significant blocks of land as a resource for local farms. This protected land can also be a community resource, providing local food, rural character and cherished scenic landscapes. However, PDR programs are not a panacea. They will not solve all of the problems that challenge local farms. The programs are often expensive, and PDR program implementation typically takes considerable time and requires specific knowledge and skills. Towns debating whether to start or support a PDR program should consider what land should be protected and how to determine which lands have the highest resource value.

Due to the voluntary nature of a PDR program, landowners largely determine which properties end up being enrolled for protection. However, there is a benefit to from having a ranking system, map and/or other plan that guides local farmland protection priorities. A local prioritization strategy can add legitimacy to PDR efforts, ensure that limited public funds are spent strategically, and address landowner or resident questions about the rationale for project selections. The specificity of a ranking system will differ by community. Realistically, the comprehensiveness and complexity of a local strategy should be balanced by the community’s available time and resources. Because PDR programs tend to be landowner driven (based on voluntary participation), not all properties that are identified by the community as priority sites for protection may be included. However, it is helpful to identify and evaluate farmland properties and resources of value in an effort to determine local priorities. Appendix G includes information on some local PDR programs in the Western New York region.

- ***How will projects be funded?***

It is also helpful to how PDR preservation efforts will be funded. This is one of the most significant challenges for towns that want to establish a PDR program. Purchase of development rights is attractive because it offers a significant financial incentive for landowners. However, communities often are faced with significant landowner interest, as well as rising real estate prices. Without a consistent source of PDR funding, local programs can be stifled and may make slower progress than originally anticipated. Some of the traditional funding sources for local PDR programs in New York State include:

- New York State Farmland Protection Program
- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS),
- Town bonds
- Town property taxes
- Town real estate transfer taxes



Town of Wheatfield Agricultural and Farmland Protection Plan

All of these funding sources have benefits and drawbacks. State and federal programs provide grants to eligible governments, which is an attractive option for local governments since the grants can bring hundreds of thousands of dollars to local projects. The downside is that they are currently significantly oversubscribed and require cost-share funds.

- ***New York State Farmland Protection Program***

Established in 1996, New York's Farmland Protection Program provides grants to eligible counties and towns (with approved farmland protection plans) to permanently protect land for agriculture. The grants can provide up to 75 percent of the funds needed to purchase the development rights on farmland, and will match a landowner bargain sale dollar for dollar up to 87.5 percent of the cost.

After the New York State Department of Agriculture and Markets (NYSDAM) issues a request for applications, proposals are ranked and scored. Priority is given to projects that preserve viable agricultural land in areas facing high development or conversion pressure. Priority is also given to land that buffers a significant public natural resource. Some of the specific evaluation criteria for farmland protection grants include:

- Total number of acres to be preserved.
- Soil quality on the subject property.
- Percentage of total farm acreage available for crop production.
- Proximity of the land to other farms that have been preserved.
- Level of farm management demonstrated by current landowner.
- Likelihood of the property's succession as a farm if ownership changes.

- ***Town Funding Sources***

In general, local funds provide the opportunity to protect significant blocks of farmland at a scale that can't be achieved solely through state or federal grants. However, local taxpayers must pay for bonds and property taxes. Some landowners will oppose local PDR programs because they do not want to support an expense that is paid for through property taxes. Town real estate transfer fees can be another attractive source of funding for local PDR programs, since the funds are generated by the sale of real estate, not property taxes. However, towns in New York State must be authorized by the State to enact local real estate transfer taxes. Such "community preservation act" authority has been provided to six towns on the eastern end of Long Island, one in western New York, and select towns in the Hudson valley.

Transfer of Development Rights (TDR)

A Transfer of Development Rights (TDR) program is another planning tool that can be used to generate funds for farmland protection. Unlike a purchase of development rights program (PDR) or a lease of development rights (LDR), which are programs that depend largely on public funds, TDR



Town of Wheatfield Agricultural and Farmland Protection Plan

programs establish parameters under which the private sector pays for land conservation. Municipalities have the authority under Section 261-a of NYS Town Law to establish Transfer of Development Rights provisions in their zoning regulations. Section 261-a states that the purpose of TDR programs is “to protect the natural, scenic or agricultural qualities of open lands; to enhance sites and areas of special character or special historic, cultural, aesthetic or economic interest or value; and to enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource”.

TDR programs require the designation of conservation or “sending” areas wherein landowners voluntarily sell (and transfer) their development rights for use on lands located in designated “receiving” areas. The landowner in the sending area would be paid fair market value for the development rights on the property. The property is thereafter preserved and restricted from future development. Receiving areas are the areas where more concentrated development is desired. Developers who propose projects within “receiving” areas can purchase the transferred development rights in order to build at a higher density than would otherwise be permitted under the existing zoning. The TDR program law requires municipalities to define the location of the sending and receiving areas in accordance with a comprehensive plan and create standards that would govern the density transfer from one area to another. Lands in sending areas must be permanently protected with conservation easements and certificates of development rights must be prepared for individuals or entities making transfers. These certificates must be recorded with the County Clerk.

Some municipalities in New York State have established TDR programs as a means of preserving farmland or other important resources and directing development to areas that are better suited and can accommodate growth. When applied to farmland protection, a TDR program transfers development away from important agricultural areas in the community. This way, the community could achieve a growth pattern that better reflects local needs and more effectively utilizes available infrastructure. TDR programs work best in places with large blocks of productive farmland, since it can be difficult to establish meaningful sending areas in fragmented farm landscapes. Information on TDR programs is included in Appendix H.

Section 261 of NYS Town Law also permits towns to develop development rights “banks” that retain or sell development rights. Development rights banks can play an important role, particularly in beginner programs. It may be difficult for landowners interested in selling development rights to find entities or individuals who want to buy these rights. A town development rights bank can act as a middleman, acquiring the development rights from interested landowners and selling them to developers.

TDR programs are effective farmland protection tools, but they require extensive up-front planning and ongoing monitoring to ensure that growth areas are clearly defined and supported by the



Town of Wheatfield Agricultural and Farmland Protection Plan

community. Receiving areas must have adequate public infrastructure to accommodate increased development densities. As the Town of Wheatfield has installed public water and sewer service throughout the community, a TDR program could potentially work for farmland protection.

Advantages:

- Provides an alternative source of funding to protect farmland;
- Complements PDR programs and other conservation options that rely on public funds;
- Is a voluntary program; and
- Can effectively protect large areas of farmland.

Disadvantages:

- Depends on real estate market for land protection, so the Town must have demand from both sending and receiving zones;
- Can be difficult to identify receiving areas interested in, and capable of, handling more intense development;
- Requires staff and resources for effective management; and
- Are complex programs that take time to explain to the public and landowners.

Tax Relief Programs

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

- **Agricultural Use Assessments**

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

The NYS Department of Agriculture & Markets has established a formula to determine the Agricultural Use value of property based on soil types and projected crop yields. In areas where the land is valuable for development purposes, the agricultural use value will be much lower



Town of Wheatfield Agricultural and Farmland Protection Plan

than the market value, resulting in significantly lower property taxes. However, in areas where farming is the “highest and best use” of the property – where a farmer is likely to pay as much for the land as anyone else - the agricultural use value is the same as the market value.

While agricultural use assessments are applied automatically to property taxes levied by municipalities and school districts, fire districts must “opt in.” To do so, the governing body needs to pass a resolution agreeing to utilize agricultural use assessments.

To qualify for an agricultural assessment:

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

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

- **Farmers School Property Tax Credit**

The Property Tax Credit enables farmers to receive a tax credit from the state personal income tax or the corporation franchise tax to reimburse some or all of the school district property taxes paid by the farmer. An eligible farmer or corporation must own qualified agricultural property, must pay eligible school taxes during the year, and their income must be below the income limitation amount of \$250,000. Eligible farmers must receive at least 2/3 of their excess federal gross income from farming. Excess federal gross income is federal gross income, reduced by up to \$30,000. In other words, take gross income and subtract \$30,000. If 2/3 of the remaining amount is from the farm, you generally will qualify. Farming is defined as an individual or corporation that cultivates, operates or manages a farm for gain or profit, even though the operation may not produce a profit each year. Many commodities are included in the definition of farming, as well as commercial horse farms and Christmas tree farms. Also included in the definition of farming are members of a limited liability company, a shareholder of an S or C corporation, and the beneficiary of an estate or trust that is engaged in the business of farming.



Town of Wheatfield Agricultural and Farmland Protection Plan

This program allows eligible farmers to receive credit refunds of up to 100 percent of the school taxes paid agricultural property up to 350 acres in size, and 50 percent of school taxes paid on acreage in excess of 350 acres. The school property tax credit should be claimed annually on the farmer's personal NYS tax return (complete Form IT-217-I, *Claim for Farmers' School Tax Credit*). Additional information on this program is included in Appendix I.

- **Farm Building Exemptions**

Several provisions in New York's Real Property Tax Law exempt farm buildings or structures from property taxes. Section 483 exempts new or reconstructed agricultural buildings, such as barns or farm worker housing, from any increase in assessed value that results from the improvement. Farm worker housing is exempt provided that the facility meets all safety and health standards set by the State building code and the NYS Department of Labor. An application for a tax exemption for newly constructed or reconstructed farm buildings must be made within a year following the completion of construction work. The exemption continues automatically for 10 years, as long as the building continues to be used for farming. Sections 483-a, 483-c and 483-d permanently exempt certain agricultural structures from taxation. Some of the structures that qualify for the exemption include:

- Silos
- Grain storage facilities
- Bulk tanks
- Manure facilities
- Temporary greenhouses

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

- **Historic Barn Restoration**

A relatively new State program helps owners of historic barns restore and preserve these structures. The New York State Barns Restoration and Preservation Program provides funding for a variety of capital repairs on agricultural buildings that are at least 50 years old and are in need of substantial repair. Eligible improvements include repairs to roofs, foundations, walls, sills and overall stabilization. Repairs must be compatible with the historic nature of the building. Applicants are expected to provide a matching share, ranging from 10 to 50 percent of total project cost (determined on a sliding scale according to income). The applicant's share may be in the form of cash, in-kind services or labor.



Town of Wheatfield Agricultural and Farmland Protection Plan

- **Historic Barn Rehabilitation Tax Credit**

The Historic Barns Rehabilitation Tax Credit is available to individuals and corporations who have restored a barn that was built before 1936. The income tax credit may equal up to 25 percent of the cost of rehabilitation. To be eligible, the barn must be rebuilt to house farm equipment, livestock or agricultural products (structures restored or converted for residential use are not eligible). In addition, the barn must meet the tax definition of income production. Interested farmers should file tax form IT-212-ATT.

- **Sales Tax Exemptions**

New York tax law now exempts certain items used in farm production from State and local sales and use taxes. The items must be used “predominantly” (more than 50 percent) for farm production in order to qualify. Some of the exempt items include personal property used for production/operation; building materials used for farm buildings or structures; services to install, maintain or repair farm buildings or structures; motor vehicles used predominantly for production/operation; and fuel, gas, electricity, refrigeration or steam used for production /operation. Farmers seeking a sales tax exemption must file complete form ST-125.

- **Replanted or Expanded Orchards and Vineyards**

For owners of orchards or vineyards, a partial exemption now exists that applies to newly replanted or expanded orchard and vineyard land. Land eligible for agricultural assessment and used solely for the replanting or expansion of an orchard or vineyard is exempt from taxation for up to four successive years. Land eligible for the exemption cannot exceed 20 percent of the orchard or vineyard’s total acreage (unless the land is located in a disaster emergency area).

- **Forest Land Exemption**

To encourage the long-term ownership of woodlands, Section 480-a of the Real Property Tax Law allows eligible owners of forest land to receive reductions in tax assessment. Landowners must own a minimum of 50 acres of contiguous forestland and be willing to commit the land to forest crop production. In addition, landowners must follow forest management plans that have been prepared by qualified foresters and approved by the New York State Department of Environmental Conservation (NYSDEC). Owners of tracts certified by NYSDEC must apply annually to their local assessors for the exemption. Landowners must comply with the program for nine years following the last year of commitment. Penalties may be imposed if a landowner fails to follow the approved management program or converts the land to a use that prevents continued forest crop production.

- **Estate and Transition Planning**

For many farm families, passing the farm on to the next generation can be a major challenge. Transferring a farm involves more than just passing on land. A will is an important part of an estate plan, but a will alone cannot guarantee a secure future for a farm family’s land and



Town of Wheatfield Agricultural and Farmland Protection Plan

business. Estate planning is needed to address inheritance tax and settlement issues that may arise because land is not a liquid asset.

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

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

New York FarmNet and Cornell University administer the NY FarmLink program, a farm transition network that connects farmers who are nearing retirement or planning to leave farming with new farmers who want their own (or want to expand) businesses. The program also develops transition plans that allow retiring farmers and entering farmers the ability to work together for a period of time before the actual farm transition occurs. In addition, FarmNet has consultants available, free of charge, to assist farmers with business planning and financial management. New York FarmLink maintains a database of new and retiring farmers at www.nyfarmlink.org.

Frequent changes in tax laws highlight the need for estate planning that is tailored to individual circumstances and addresses the uncertainty about future tax legislation. There are many sources of information on estate and transition planning, including attorneys, accountants and other financial advisors. NY FarmNet is a commonly used resource. American Farmland Trust has also published “Your Land Is Your Legacy: A Guide to Planning for the Future of Your Farm”.

Environmental Management Programs

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

- **Agricultural Management Assistance**

The USDA Natural Resources Conservation Service oversees the Agricultural Management Assistance (AMA) program, which provides funding to 16 states (including New York) where participation in the Federal Crop Insurance Program has typically been low. The AMA program offers cost-share assistance to agricultural producers to address issues such as water management, water quality and erosion control, and to mitigate risk through diversification or transition to organic farming. Program priorities may vary from year to year. The AMA program



Town of Wheatfield Agricultural and Farmland Protection Plan

funds up to 75 percent of the cost for producers to install and maintain eligible conservation practices.

- **Environmental Quality Incentive Program**

The federal Environmental Quality Incentive Program (EQIP) provides technical assistance, cost-share payments and incentive payments to assist with environmental and conservation improvements on land used for agricultural production. The EQIP pays up to 75 percent of the cost to implement structural and management practices on eligible agricultural land. Up to 90 percent cost-share assistance to limited resource, socially disadvantaged or beginning farmers. Cost-share payment may be made to help farmers install erosion control measures, agricultural waste management facilities or renewable energy resources. EQIP funding may also establish conservation practices, such as nutrient management, integrated pest management, forest management, manure management and wildlife habitat management. The 2008 Farm Bill increased the funding available for EQIP cost-share and incentive payments and extended eligibility to conservation practices directly related to organic production or transition. The USDA Natural Resources Conservation Service or the NYS Department of Agriculture and Markets can be contacted for more information on this program.

- **Organic Farming**

The 2008 Farm Bill established new opportunities for organic agricultural operations. The EQIP Organic Initiative allows eligible agricultural producers to apply for \$20,000 annually, and \$80,000 over a maximum of six years. Certified organic producers or those transitioning to organic production must carry out conservation practices consistent with an Organic System Plan. Additionally, the AMA program allocates funds for cost-share assistance to producers, handlers and processors who are applying for National Organic Certification for eligible agricultural products. Producers may be reimbursed for up to 75 percent of their organic certification costs, not to exceed \$750. The USDA Natural Resources Conservation Service or the NYS Department of Agriculture and Markets can be contacted for more information on these opportunities.

D. Recommendations and Implementation Strategies

The following recommendations and implementation strategies provide a wide variety of options that can be utilized by the Town to protect farming and agricultural activities in the community. These recommendations and strategies are outlined under each of the three goals, which are aimed at protecting and enhancing important agricultural resources and the long term viability of farming in the Town; increasing public awareness of agriculture in Wheatfield; and protecting, enhancing and expanding the agricultural economy. The options that follow provide a tool box of strategies that can



Town of Wheatfield Agricultural and Farmland Protection Plan

be employed by the Town, as needed, to address issues and concerns, capitalize on opportunities and ensure the continued presence of farming activities in Wheatfield.

Goal 1:

Recognize the Importance of Protecting Lands and Resources Critical to the Long Term Success and Sustainability of Agriculture

The Town recognizes that the protection of farming and agricultural activities contributes to the preservation of open space and maintains the rural community character and heritage of the area. Protecting and promoting the agricultural industry in the Town, which includes field crops, dairies, and keeping of animals, among other uses, is of primary importance to the local economy and the overall future of Wheatfield.

Recommendations:

1. Adopt the Agriculture and Farmland Protection Plan as a demonstration of commitment to maintaining farming as an important part of the Wheatfield Community.
2. Continue the Agricultural Focus Group as a means of implementing the Agricultural and Farmland Protection Plan and advocating for agricultural protection.
3. Work with Niagara County and neighboring communities to identify mutually beneficial ways to carry out the goals and objectives of the Agricultural and Farmland Protection Plan.
4. Maintain or increase the size of the State Agricultural District and work to reduce the number of farms seeking to be removed from the district.
5. Educate local real estate brokers and realtors (and lawyers) on the Town's position on agricultural and farmland protection as a Right-to-Farm community, including the adoption of the Town's plan and the need for disclosure about this law, and provide them with maps of local agricultural districts, a copy of the Wheatfield Right-to-Farm Law, and any other information pertinent to agricultural protection in the Town.
6. Work with local realtors (including realtor.com) to educate them on the importance of marketing and promoting available farm properties as farmland rather than good land for residential development (appeal to farmers, not just developers).
7. Encourage local realtors to coordinate with the New York FarmNet program (and FarmLink) when farmland becomes available in the Town of Wheatfield.



Town of Wheatfield Agricultural and Farmland Protection Plan

8. To ensure consistency with the Vision Map for Agricultural Protection (see Map 10), revise the R-R Rural Residential zoning regulation to allow farming activities as an as-of-right use in this zoning district. As an alternative, farmland currently located in R-R Rural Residential districts could be rezoned to A-R Agricultural-Residential to help ensure farmland protection and consistency with the Vision Map.
9. Amend the A-R zoning classification to:
 - allow agricultural business and commercial uses that are currently allowed in the RNB (Rural Neighborhood Business) district as uses allowed by special permit in A-R; and
 - establish buffers between farmland and residential development.
10. Rezone farm parcels to eliminate split zoning and ensure that these properties are zoned A-R in their entirety.
11. Require that residential development that occurs in zoning districts that abut the A-R district or within an A-R district to establish natural vegetative buffers between the new residences and adjacent farmland to reduce potential conflicts.
12. Revise the Town of Wheatfield cluster development regulations (Section 200-46 of Article 6 in the Wheatfield Zoning Law) to allow cluster development in the A-R zoning district and to incorporate additional conservation subdivision provisions.
13. Evaluate the benefits and potential for the establishment of a Transfer of Development Rights program in Wheatfield.
14. Evaluate the benefits and potential for the establishment of Purchase of Development Rights or Leasing of Development Rights programs in Wheatfield.
15. Ensure that notice requirements under the NYS Agricultural District Law are being followed (use of Agricultural Data Statements, etc.).
16. Establish an incentive zoning program to encourage the private acquisition of agricultural conservation easements on lands located in the agricultural protection area.
17. Assess residential dwelling units located on farm property at the agricultural assessment rate.
18. Establish a reduced sewer tax rate for active farm parcels located in County agricultural district.



Town of Wheatfield Agricultural and Farmland Protection Plan

19. Explore the feasibility of enacting a local tax abatement program in exchange for term or permanent conservation easements for farmland protection. This kind of program provides a percentage reduction in property taxes as a part of the agreement between the landowner and the Town.
20. Ensure that farmers are advised on the various tax relief programs that are available to help reduce their tax burden, as well as viable environmental management programs.
21. Continue to support local farmers markets, agricultural vehicle signage, etc. in an effort to help keep farmers farming and help their businesses remain viable. Consider installing signs at all entrances/gateways into the Town that state “The Town of Wheatfield is a Right-to-Farm Community”.

Goal 2:

Promote the link between farms and food and increase awareness by the non-farm community to help ensure the long term viability of farming in Wheatfield

Farming provides a number of benefits to the community, including the production of local food, jobs and other economic benefits; scenic vistas and rural character; and a more balanced tax base. Increasing public awareness of how agriculture positively impacts the community is essential for achieving public support for the continued viability of this industry.

Recommendations:

1. Use the Town of Wheatfield website, local events, newsletters and other means to increase awareness and promote the value and benefits of farming to Town residents and others.
2. Utilize the Agricultural Focus Group to help the Town mitigate conflicts and disputes that may arise between farmers and non-farm residents.
3. Create a “Farming in Wheatfield” packet to be distributed to new and existing residents that identifies the benefits of farming and the resources (fresh food, etc.) available in the community.
4. Develop a public education campaign to help residents and others understand the benefits of farming for maintaining rural character and open space, contributing to the local economy, balancing the tax base, etc., as well as how farms operate, in an effort to build local support for farming in Wheatfield.
5. Work with Cornell Cooperative Extension and the Niagara County Farm Bureau to create a local on-line directory of farms in the area, including their location, products and availability, prices, etc.



Town of Wheatfield Agricultural and Farmland Protection Plan

6. Encourage the Niagara Wheatfield School District to participate in the “Agriculture in the Classroom” program that works with pre-K through middle school teachers, Cornell Cooperative Extension and other community educators, farmers and producers, volunteers, parents, and community partners to increase agricultural literacy in New York (<http://www.agclassroom.org/ny/about/index.htm>).
7. Work with local farmers to establish local farm tours for school students, residents, Town officials and others, and offer other agricultural tourism programs.
8. Develop and promote an “Eat Local” campaign to increase awareness of the availability of local farm products and opportunities.
9. Encourage Niagara County, Cornell Cooperative Extension and other local organizations that support farming to participate in the FarmNet program and/or establish a “Come Farm with Us” program in an effort to connect retiring farmers or those wishing to sell their land with new farmers and others who wish to purchase farmland for agricultural purposes.

Goal 3:

Enhance and Expand the Agricultural Economy of the Town and its Capacity to Respond to Economic Trends and Changes

Agricultural related businesses support farming and contribute to the regional economy. The existing economic base of the community and viability of existing businesses should be protected and expanded because a strong base is good for farmers, the Town and the region.

Recommendations:

1. Promote programs, organizations and agencies that support and assist farmers and farmland property owners, such as Cornell Cooperative Extension, the Soil and Water Conservation District and the Natural Resources Conservation Service.
2. Encourage non-farm property owners of vacant land to rent their properties to local farmers to maintain and expand the amount of land in agricultural use.
3. Promote the use of solar technology, wind turbines and other energy efficient measures to help farmers conserve resources, reduce costs and state up to date with farming practices and technology.



Town of Wheatfield Agricultural and Farmland Protection Plan

4. Encourage Niagara County, Cornell Cooperative Extension and the Soil and Water Conservation District to create a clearing house of information (“one-stop shopping”) for farmers and others (website, training opportunities, seminars on state and federal programs of benefit to farmers, funding opportunities, etc.) in support of farming and agricultural business in the community
5. Explore the potential for establishing an Agricultural Cooperative to enable farmers to share equipment and labor and bring together collective buying power for supplies.
6. Establish a marketing campaign to attract young farmers and farm entrepreneurs.
7. Work with farmers to expand the number of local markets for locally grown products.
8. Encourage farmers to explore and take advantage of federal and State programs that assist with the transition to organic farming or other farm technologies that could be of benefit.
9. Encourage Niagara Wheatfield, Starpoint and North Tonawanda school district administrators to purchase local produce for schools (Farm to School Projects, which has been successful in many other parts of New York State).

DRAFT



