

Knox Agricultural Advisory Committee
Meeting of August 16th, 2022
Knox Town Hall

Summary

The meeting was convened at approximately 7:00 pm.

Old business

Change in Knox zoning ordinance re: farm abandonment – The overwhelming sense among AAC members is that agriculture should be separate in the Town’s Abandonment Clause. There was also a consensus among AAC members that the period-to-abandonment should be considered at least 25 years, or better, 30 years. This is the time that demographers consider one generation. The committee also approved of the two-criteria approach to abandonment, as is suggested by NY State. Criterion 1 is that the use has not been practiced for a period of time, as determined by the town. Criterion 2 is that the property owner demonstrates a clear *intent* to abandon the use. Intent may be determined as removing agricultural infrastructure or removing all livestock from the property. It was pointed out that certain conservation programs (usually managed by USDA) require that farming cease on a portion of the property. It must be clear in the AAC’s report that such practices as participation in conservation programs is not abandonment.

Most importantly, because of the cultural and economic value of farming to the residents of Knox, and because agriculture represents a buffer to inappropriate development, the committee would like to see farms in the Residential District grandfathered into the Agricultural District. This would obviate the risk of abandonment and would also improve conformity of County and Town Agricultural District maps. Members of the committee raised the concern that this might be construed as spot zoning, but it was pointed out that overly County and Town Agricultural District maps would no more represent spot zoning than the MRD2 district was. Thus, the report to the Town will recommend that currently active farms that were conducting agricultural activities and operations before 1974 (when the zoning ordinance was adopted) become part of the Town’s Agricultural District.

Best Agricultural Practices for Knox – The committee discussed the Good Agricultural Practices report requested by the Planning Board to help prevent conflicts between farmers and non-farmers in both Agricultural and Residential Districts. It was pointed out that the County Right to Farm Law has several good-agricultural-practices suggestions. We will consider these as we draft the report. The committee also feels that livestock thresholds should not be considered in the report, as carrying capacity of any property will vary with landscape and micro-environmental conditions, as well as the kind of livestock being produced. This should be determined by the farmer. In addition, the committee recommended that the issue of industrial confined animal feeding operations (CAFOs) not be discussed, as there is little chance that CAFOs could be supported by the Town’s infrastructure.

New Business

The committee considered no new business at this meeting

The CAA meeting adjourned at about 8:30 pm.

Request by Town Supervisor and Chair of the Planning Board

Article V L 2 says that in the Residential District actively farmed land where farming has ceased for more than 5 years shall constitute abandonment. This appears to be at odds with Section 42 General Uses for Agricultural in the Residential District. **The Ag Committee needs to take a look at this and suggest changes if needed.**

ARTICLE V: Section 51 L. Abandonment

1. When a non-conforming use has been abandoned, it shall not thereafter be re-established. Failure to use or occupy a non-conforming use for a period of one hundred eighty (180) days shall constitute abandonment.

2. In the particular case of farms located in residential districts, which are being actively farmed, cessation of farming for a period greater than five years shall constitute abandonment.

The agenda for next Thursdays meeting includes an item for proposed changes to the Zoning ordinance. We can discuss this to a greater or lesser extent depending on time. I just want to get the ball rolling. The proposed changes are below.

Article V Section L Abandonment

L 1 Increase the amount of time from 6 months to 3 years. There are a number of "legacy" businesses that are by now part of the Town. 6 months is not enough time to allow fore state transfer , sale, renovation etc. The Township Tavern is an example.

L 2 Drop this subsection. The current subsection requires that any lands in residential districts that were actively farmed in this district where farming has ceased for more than 5 years to be considered abandoned. This Section is not in keeping with the spirit and goals of the Comprehensive Plan.

Section V Density Control Schedule. Reduce minimum living space for residences from 1000- square feet to 500 square. This change will enhance housing affordability and sustainability.

The use tables show the following:

Page 28: ARTICLE IV - **USE REGULATIONS and USE TABULATION** Section 40 - Permitted Uses

Symbols: P ... designates a use permitted by right.

C ... designates a temporary and/or conditional use contingent on securing a Special Use Permit in each case from the Zoning Board of Appeals (See Article V, Section 50D)

A ... designates a permitted use subject to site plan approval by the Planning Board in accordance with Article VI, Section 61F. ...

N ... not permitted.

Page 29: Section 42 - General Uses

Agricultural not including the keeping of fowl or farm animals (Article V, Section 50A10): **P for Residential district, P for Agricultural district**

Agricultural including the keeping of more than 15 fowl and more than 2 farm animals (Article V, Section 50A 9): **A for Residential district, P for Agricultural district**

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Cc: 'pam kleppel'; 'Molly Belmont'; 'Maggie Taylor'; 'Betty Ketcham'; 'Brian Wilson'; 'Earl Barcomb'; 'Evan Taylor'; 'Jay Francis'; 'Ken Saddlemire'; 'Russell Pokorny'; 'Russell Pokorny'

Subject: RE: Agricultural Districts Question

Gary. Agriculture is an allowed use in all of the Zoning classes in the Zoning Ordinance other than the Land Conservation district (Section 42)

Dropping Section 51 L 2 of the ZO eliminates the conflict within the ZO and between these two sections by removing Section 51 L 2's implication that farming/agriculture is a non conforming use in Residential districts.