



Not their fields of dreams

Area farmers push towns to enact laws to help when problems crop up with suburban neighbors

By **Charity Vogel**

NEWS STAFF REPORTER

Published: October 25, 2011, 10:29 PM

Related photos



Updated: October 26, 2011, 8:47 AM

In Wales, residents have complained about mud and cow manure in the roads.

In Clarence, neighbors and farmers spat over homeowners wanting to set off fireworks not far from livestock.

Ah, rural living.

Ever since folks started moving out of the city for the bliss of country life, they have been confounded by its flip side.

Which can be smelly, dirty and loud -- at all hours.

Farmers, meanwhile, have watched waves of new homes go up and people move in -- often greenhorns to rural living who may not understand what it takes to run a farm.

As sprawl continues, the friction only intensifies.

That's why the 900-member Erie County Farm Bureau is pushing for adoption of farmers' rights laws in all towns in the county.

Such laws protect farmers conducting normal operations

on their land -- and provide ways for resolving conflicts by creating committees to settle grievances.

All but four of the county's towns -- Lancaster, Grand Island, Cheektowaga and the Town of Tonawanda -- have passed Right to Farm laws. On Grand Island, a public hearing will take place in early November on a law there.

Grand Island Supervisor Peter A. McMahon said farming on the island "very rarely" happens anymore, with all the new homes and businesses.

Still, farmers like Jeffrey Simons won't rest until every town has such protection.

"The public needs to have a better understanding of who we are," said Simons, a South Wales dairy farmer with a herd of 150 Holsteins.

"Farms are 24/7. They are nonstop. We're sorry, but -- this is what we have to do."

Part of the bargain

Ask folks who live in communities where farms and residences mingle and they will tell you that you can't live in farm country without being aware of it -- pretty much all the time.

In spring and fall, mud from tractor wheels covers roads.

In the summer, the smell of manure can travel a long way.

And animals and farm equipment make noise all year long.

"We definitely smell the cow manure when they spread it," said Julie Szlachetka, who lives with her family in Eden, not far from a horse stable, a herd of goats and a dairy. "And there's lots of tractors that go down our road, so there definitely is mud in the road."

But Szlachetka said she figures that sort of thing is part of what she signed up for when she bought her home.

"That's what [farmers] have to do to make a living," she said. "It's not so much [annoyance] that you wouldn't want them to be there. You live in the country -- you just deal with it."

If all rural residents could have Szlachetka's attitude, farmers said, Right to Farm laws might not be necessary.

But not all residents react with forbearance to farming activity.

Since Erie County includes 1,215 farms situated on 149,356 acres of land, according to a 2007 census by the U.S. Department of Agriculture, that makes for lots of potential conflicts.

Older farmers know this lesson well.

"People are very good neighbors, most of them," William Feasley said in the kitchen of the 1800s farmhouse in Eden that his family has occupied since 1941. "But other people can be oblivious. Over the years we've been on TV a few times."

The 80-year-old Feasley, a retired dairyman and former Eden town supervisor, chuckled ruefully.

"The smells, you can't completely eliminate," he said, gesturing to the barns that he now rents out to a North Collins dairyman. "It's like living next to an airport -- you can't complain about the noise."

"That's why we keep a sign out front with a cow on it. That should let people know."

'Generally useless' law

There are already laws in place to protect farms from complaints over their operations.

New York State has had a Right to Farm law for decades, a state Farm Bureau spokeswoman said.

Erie County has a countywide law, and most towns have individual laws protecting agriculture, according to members of the Erie County Farm Bureau's board of directors.

Still, farmers feel it is important for them to gain 100 percent adoption of farmers' rights laws in all towns, the local Farm Bureau said.

A countywide law, while similar to town laws, can be more easily ignored by town officials than a local law monitored on the town level.

"In most counties, there's a county-level law, but it's generally useless," said Hans J. Mobius, a Clarence horseman and corn farmer who is past president of the local bureau. "You go to the towns and they say, 'I've never heard of a Right to Farm law.' No county department takes responsibility for it."

Having a Right to Farm law in each town in the county would mean two things, Mobius said:

- * Conflicts and complaints between farmers and residents would have an established channel for resolution, since most Right to Farm laws call for the creation of committees to hear such disputes issue decisions. Farmers, residents and local officials sit on the committees.

- * Signs labeling towns as "Right to Farm communities" would be posted, giving residents an understanding of the towns' appreciation of agriculture.

"We want to make sure everyone knows we respect farmers," Mobius said. "We need them. Everybody does."

It's usually not necessary to have multiple overlapping farm laws -- as is happening in Erie County, according to the American Farm Bureau Federation, a national group.

"Mostly, if you have a state law that governs the issue, that's sufficient for what we see," said Rick Krause, senior director of congressional relations at the federation. "Erie County is a little bit different than what we've encountered, in that they are trying to do this on a town-by-town basis."

The goal of Right to Farm legislation is to spell out in clear language the idea of "assuming the risk," Krause said.

"You move into an area where there's something already there, you are assuming that risk of living next to what's there," he said.

One area that remains unclear -- even to proponents of the laws -- is what rules should govern farmers who change the nature of their operations.

For example: If a resident moves in next door to a tomato farm that later on becomes a pig farm, who is protected?

"In a lot of cases, the laws say the farmer is protected as long as he does what he has been doing, does not expand, that type of thing," Krause said. "In general, these laws protect farmers when people are moving into an existing type of situation. If he changes -- that protection goes away."

Retaining atmosphere

In Grand Island, "We're in the end stages of adopting legislation that's pretty close to what the Farm Bureau wants," said McMahon, town supervisor.

In the Town of Tonawanda, the supervisor's office did not answer a request for comment.

In Cheektowaga, the town supervisor said there are currently no plans to adopt a law.

"There's no real opposition to it here. We just don't have any working farms left in the town. Our agriculture districts are gone," said Mary F. Holtz. "We've looked at it -- but there's other issues more at the forefront for us than that."

In Lancaster, Town Supervisor Robert H. Giza said he doesn't think a law is needed in a town that has changed so dramatically from its origins as a farming community to a bedroom suburb of Buffalo.

"I think we only have one active farm anymore," Giza said. "So that might be a moot point."

Giza said he personally handles neighbor complaints on a case-by-case basis.

By comparison, in Wales, where Simons and other farmers are protected by a Right to Farm law adopted a few years ago, Supervisor Rickey Venditti said the law has had positive effects.

"One of the strong things about our community is, people want to retain a rural atmosphere," Venditti said. "I guess it depends on what the future plan is for a community. But for most communities, it's still important to put something in place to protect both sides.

"It makes things clear for both sides."

