

**A RESOLUTION SUBMITTED BY CHAIR MILLS
AND LEGISLATOR MORTON**

**INCLUSION OF VIABLE AGRICULTURAL LANDS
INTO AN AGRICULTURAL DISTRICT – 2015**

WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which applicants may submit requests to include predominantly viable agricultural land into any existing certified agricultural district outside of the established 8-year review period; and

WHEREAS, during the 2015 thirty-day open enrollment period fifty applicants requested that eighty-six parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the County Legislature adopt the inclusion of sixty-two parcels listed below in an existing agricultural district; and

PARCEL(S)	ACRES (approx.)	ADDRESS	TOWN	APPLICANT	DISTRICT
335.11-1-1.112 335.11-1-10.1 335.11-1-11 332-1-43.12	56.088	4451 Route 78	Springville	Sean Fitzpatrick	Concord 15
229.00-2-18.2 229.00-2-19	48.5	8213 Center Street	Holland	Paul M. Cohn	Holland 11
188.00-3-23.1	136.1	1231 Olean Road	South Wales	John B. Hitchings	Wales 12
195.00-1-7.2	22.6	3134 Old Lakeview Road	Hamburg	Michael Jablonski	Eden 2

11.00-1-11 23.08-1-4.11	23.58	2487 Long Road	Grand Island	Thomas & Wendy Thompson	Amherst 17
50.17-1-3.121	40	1639 West River Road	Grand Island	Russell P. Colosi	Amherst 17
11.20-1-1	37.62	0 Long Road	Grand Island	Ash Brooke Court Enterprises	Amherst 17
23.00-3-2.1	38.73	2630 Bedell Road	Grand Island	Peter L. Sparks	Amherst 17
36.00-3-13.12 36.00-3-21.1	34.29	2723 Staley Road	Grand Island	Robert C. Luthringer	Amherst 17
50.04-1-12.1	35.74	2655 Fix Road	Grand Island	Mary Beth & Jeffery A. Smith	Amherst 17
25.00-1-21 25.00-1-22	16.11	555 Ransom Road	Grand Island	Elizabeth L. Hopkins	Amherst 17
36.00-4-8.213	5.345	3013 Staley Road	Grand Island	Mary & Bryant Pfalzer	Amherst 17
12.00-1-4.11	48	5345 East River Road	Grand Island	Cyrus Ardalan	Amherst 17
63.02-2-38.311	10.33	2230 Fix Road	Grand Island	Patricia Giordano-Birtz & Stephen Birtz	Amherst 17
50.18-1-23.1	3.1	2935 Fix Road	Grand Island	Robert & Audra Wynne	Amherst 17
64.05-3-13.111	2.9	2020 Fix Road	Grand Island	Bryce & Robin Shipman	Amherst 17
37.02-2-2 37.02-2-3	15.4	1175 Whitehaven Road	Grand Island	Suzanne L. Langenfeld	Amherst 17
36.00-2-4 36.00-2-5 24.03-1-4 24.03-1-11 24.03-1-39	41.94	2438 Whitehaven Road 2450 Whitehaven Road	Grand Island	Dianne Nassar	Amherst 17
36.00-2-34	9.5	2413 Staley Road	Grand Island	James Heitman	Amherst 17
36.00-3-34.12 36.00-3-35.1	20.24	2945 Staley Road	Grand Island	Raymond J. Fisher	Amherst 17
36.00-3-34.111	8	2919 Staley Road	Grand Island	David Fisher	Amherst 17
36.00-3-34.112	7.88	2933 Staley Road	Grand Island	Bonnie Fisher	Amherst 17
36.00-1-6.11	78.55	2449	Grand	George L.	Amherst 17

36.00-1-7 36.00-1-11.2		Whitehaven Road 2605 Whitehaven Road	Island	DeGlopper	
12.00-2-3.11	110	4943 East River Road	Grand Island	Christie Harper	Amherst 17
37.04-1-51.11	7.03	1839 Stony Point Road	Grand Island	Christopher Beyer	Amherst 17
50.04-2-10	6.18	2689 Fix Road	Grand Island	Christopher A. Russell	Amherst 17
64.06-3-25 50.00-2-2.2 51.13-4-2 51.13-4-3	9.31	828 East River Road 1270 Baseline Road	Grand Island	Richard & Jennifer Benz	Amherst 17
24.16-2-21	0.56	1101 Ransom Road	Grand Island	Mansard LLC	Amherst 17
36.00-1-8	33.4	2489 Whitehaven Road	Grand Island	Nicole Gerber	Amherst 17
63.02-2-38.111	14.6	2300 Fix Road	Grand Island	Nick Stuckert	Amherst 17
36.04-1-46.1	5.75	2175 Staley Road	Grand Island	David Williams	Amherst 17
36.00-2-22.1	9.64	2303 Staley Road	Grand Island	Mark & Marci Lange	Amherst 17
36.00-3-32.2	14.55	2855 Staley Road	Grand Island	Kenneth Sandford	Amherst 17
36.00-3-23	6.1	2743 Staley Road	Grand Island	Susan Sondel	Amherst 17
50.00-3-2.2	4.8	2406 Love Road	Grand Island	Joseph & Susan Salamone	Amherst 17
36.00-3-37	9.5	2975 Staley Road	Grand Island	Holly's Horse Haven LLC	Amherst 17
23.02-3-55	18.01	145 Morningside Drive	Grand Island	Elizabeth Szur-O'Connor & Kenneth K. O'Connor	Amherst 17
50.00-1-3.11	6.21	3050 Staley Road	Grand Island	Lynn Kahn	Amherst 17
63.02-2-37	5	2326 Fix Road	Grand Island	Dennis & Adele Upton	Amherst 17

63.02-2-35.1	16.5	2350 Fix Road	Grand Island	Peter & Linda A. Gottler	Amherst 17
37.02-2-5.12 37.02-2-5.11 37.02-2-4	32.6	1149 Whitehaven Road	Grand Island	Krista & Daniel Drexelius	Amherst 17
25.00-2-39	5.01	394 Ransom Road	Grand Island	Jayne Schaber	Amherst 17

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the County Legislature reject the inclusion of twenty-four parcels listed below in an existing agricultural district; and

PARCEL	ACRES (approx.)	PARCEL ADDRESS	TOWN	APPLICANT	DISTRICT
175.00-2-27.2	4.36	619 South Street	East Aurora	Aurora Community Gardens	Wales 12
64.05-1-37.1	0.56	2189 Fix Road	Grand Island	Tina Wynne	Amherst 17
37.03-3-15	3	2076 Stony Point Rd	Grand Island	Kim Leys	Amherst 17
24.11-1-4.1	3.87	3030 Stony Point Rd	Grand Island	Patricia Burg	Amherst 17
37.01-52-3.1 37.01-2-4.2	2.11	1645, 1655 Stony Point Road	Grand Island	John & Carolyn Tripi	Amherst 17
23.08-2-75 23.08-2-77 23.08-2-78	0.87	0 Morningside Dr.	Grand Island	Alex Szur	Amherst 17
23.08-2-44 23.08-2-45 23.08-2-46 23.08-2-47 23.08-2-48 23.08-2-49 23.08-2-50 23.08-2-71 23.08-2-72 23.08-2-73 23.08-2-74 23.08-2-76 23.08-2-79.1 23.08-2-82	5.77	0 Morningside Dr.	Grand Island	Szur Builders	Amherst 17
23.08-1-16	0.96	2432 Long Road	Grand Island	Regina Kernin	Amherst 17

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature gave the required public notice and set a public hearing and for November 19, 2015; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having a general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a public hearing was held at 6:00 p.m. on November 19, 2015 at the Cornell Cooperative Extension Offices in East Aurora, New York to consider 2015 open enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board; and

WHEREAS, the Erie County Legislature reviewed the requests pursuant to the NYS Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature adopts the inclusion of the following fifty-eight parcels into an adjacent existing agricultural district; and be it further

PARCEL(S)	ACRES (approx..)	ADDRESS	TOWN	APPLICANT	DISTRICT
335.11-1-1.112 335.11-1-10.1 335.11-1-11 332-1-43.12	56.088	4451 Route 78	Springville	Sean Fitzpatrick	Concord 15
229.00-2-18.2 229.00-2-19	48.5	8213 Center Street	Holland	Paul M. Cohn	Holland 11
188.00-3-23.1	136.1	1231 Olean Road	South Wales	John B. Hitchings	Wales 12
195.00-1-7.2	22.6	3134 Old Lakeview Road	Hamburg	Michael Jablonski	Eden 2
11.00-1-11 23.08-1-4.11	23.58	2487 Long Road	Grand Island	Thomas & Wendy Thompson	Amherst 17
50.17-1-3.121	40	1639 West River Road	Grand Island	Russell P. Colosi	Amherst 17
11.20-1-1	37.62	0 Long Road	Grand Island	Ash Brooke Court Enterprises	Amherst 17
23.00-3-2.1	38.73	2630 Bedell Road	Grand Island	Peter L. Sparks	Amherst 17

36.00-3-13.12 36.00-3-21.1	34.29	2723 Staley Road	Grand Island	Robert C. Luthringer	Amherst 17
50.04-1-12.1	35.74	2655 Fix Road	Grand Island	Mary Beth & Jeffery A. Smith	Amherst 17
25.00-1-21 25.00-1-22	16.11	555 Ransom Road	Grand Island	Elizabeth L. Hopkins	Amherst 17
36.00-4-8.213	5.345	3013 Staley Road	Grand Island	Mary & Bryant Pfalzer	Amherst 17
12.00-1-4.11	48	5345 East River Road	Grand Island	Cyrus Ardalan	Amherst 17
63.02-2-38.311	10.33	2230 Fix Road	Grand Island	Patricia Giordano-Birtz & Stephen Birtz	Amherst 17
50.18-1-23.1	3.1	2935 Fix Road	Grand Island	Robert & Audra Wynne	Amherst 17
64.05-3-13.111	2.9	2020 Fix Road	Grand Island	Bryce & Robin Shipman	Amherst 17
37.02-2-2 37.02-2-3	15.4	1175 Whitehaven Road	Grand Island	Suzanne L. Langenfeld	Amherst 17
36.00-2-4 36.00-2-5 24.03-1-4 24.03-1-11 24.03-1-39	41.94	2438 Whitehaven Road 2450 Whitehaven Road	Grand Island	Dianne Nassar	Amherst 17
36.00-2-34	9.5	2413 Staley Road	Grand Island	James Heitman	Amherst 17
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36.00-3-34.112	7.88	2933 Staley Road	Grand Island	Bonnie Fisher	Amherst 17
36.00-1-6.11 36.00-1-7 36.00-1-11.2	78.55	2449 Whitehaven Road 2605 Whitehaven Road	Grand Island	George L. DeGlopper	Amherst 17
12.00-2-3.11	110	4943 East River Road	Grand Island	Christie Harper	Amherst 17
37.04-1-51.11	7.03	1839 Stony	Grand	Christopher Beyer	Amherst 17

		Point Road	Island		
50.04-2-10	6.18	2689 Fix Road	Grand Island	Christopher A. Russell	Amherst 17
64.06-3-25 50.00-2-2.2 51.13-4-2 51.13-4-3	9.31	828 East River Road 1270 Baseline Road	Grand Island	Richard & Jennifer Benz	Amherst 17
36.00-1-8	33.4	2489 Whitehaven Road	Grand Island	Nicole Gerber	Amherst 17
63.02-2-38.111	14.6	2300 Fix Road	Grand Island	Nick Stuckert	Amherst 17
36.04-1-46.1	5.75	2175 Staley Road	Grand Island	David Williams	Amherst 17
36.00-2-22.1	9.64	2303 Staley Road	Grand Island	Mark & Marci Lange	Amherst 17
36.00-3-32.2	14.55	2855 Staley Road	Grand Island	Kenneth Sandford	Amherst 17
36.00-3-23	6.1	2743 Staley Road	Grand Island	Susan Sondel	Amherst 17
50.00-3-2.2	4.8	2406 Love Road	Grand Island	Joseph & Susan Salamone	Amherst 17
36.00-3-37	9.5	2975 Staley Road	Grand Island	Holly's Horse Haven LLC	Amherst 17
23.02-3-55	18.01	145 Morningside Drive	Grand Island	Elizabeth Szur-O'Connor & Kenneth K. O'Connor	Amherst 17
50.00-1-3.11	6.21	3050 Staley Road	Grand Island	Lynn Kahn	Amherst 17
63.02-2-37	5	2326 Fix Road	Grand Island	Dennis & Adele Upton	Amherst 17
63.02-2-35.1	16.5	2350 Fix Road	Grand Island	Peter & Linda A. Gottler	Amherst 17
25.00-2-39	5.01	394 Ransom Road	Grand Island	Jayne Schaber	Amherst 17

RESOLVED that the Erie County Legislature rejects the inclusion of the following twenty-eight parcels into an existing agricultural district; and be it further

PARCEL(S)	ACRES (approx.)	ADDRESS	TOWN	APPLICANT	DISTRICT
175.00-2-27.2	4.36	619 South	East Aurora	Aurora Community	Wales 12

		Street		Gardens	
64.05-1-37.1	0.56	2189 Fix Road	Grand Island	Tina Wynne	Amherst 17
37.03-3-15	3	2076 Stony Point Rd	Grand Island	Kim Leys	Amherst 17
24.11-1-4.1	3.87	3030 Stony Point Rd	Grand Island	Patricia Burg	Amherst 17
37.01-52-3.1 37.01-2-4.2	2.11	1645, 1655 Stony Point Road	Grand Island	John & Carolyn Tripi	Amherst 17
23.08-2-75 23.08-2-77 23.08-2-78	0.87	0 Morningside Dr.	Grand Island	Alex Szur	Amherst 17
23.08-2-44 23.08-2-45 23.08-2-46 23.08-2-47 23.08-2-48 23.08-2-49 23.08-2-50 23.08-2-71 23.08-2-72 23.08-2-73 23.08-2-74 23.08-2-76 23.08-2-79.1 23.08-2-82	5.77	0 Morningside Dr.	Grand Island	Szur Builders	Amherst 17
23.08-1-16	0.96	2432 Long Road	Grand Island	Regina Kernin	Amherst 17
24.16-2-21	0.56	1101 Ransom Road	Grand Island	Mansard LLC	Amherst 17
37.02-2-5.12 37.02-2-5.11 37.02-2-4	32.6	1149 Whitehaven Road	Grand Island	Krista & Daniel Drexelius	Amherst 17

RESOLVED, that the Erie County Legislature has complied with the requirements of the New York State Environmental Quality Review Act and hereby determines that the requested parcel additions to the Agricultural Districts noted above will not have a significant adverse environmental impact and therefore an environmental impact statement will not be required; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Commissioner of the Department of Health, the Director of Real Property Tax Services, the Chair of the Erie County Agricultural and Farmland Protection Board, and the Supervisors of the Towns of Springville, Holland, Wales, Hamburg, East Aurora and Grand Island; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board report and maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.

FISCAL IMPACT: None for resolution.