

*Public Hearing*  
*North Tioga Agricultural District #3 Eight-Year Review*  
*(Towns of Richford, Berkshire, Newark Valley, and Village of Newark Valley)*  
*Berkshire Town Hall, 18 Railroad Ave., Berkshire, NY*  
*February 18, 2025*

The Public Hearing on the North Tioga Agricultural District #3 Eight-Year Review was called to order by Deputy Chair Monell at 1:00 P.M. Legislators Brown, Bunce, Flesher, Monell, and Standinger were present with Legislators Ciotoli, Mullen, Roberts, and Sauerbrey being absent.

There were 36 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

County Planning Director Elaine Jardine spoke. "I am the County Planning Director. The Agricultural Districts Program is a New York State program that is administered through County Planning Departments. This program is simply a land preservation program, and it has nothing to do with agricultural assessments or real property taxes. It is a handshake with New York State Agriculture and Markets that you will retain your land in agriculture for the next eight years. The agricultural districts are reviewed every eight years.

"I have a preliminary map here today with green colored parcels with the darker green representing existing properties and the lighter green representing properties that were added to be enrolled during the survey process for this district, which encompasses the Towns of Richford, Berkshire, Newark Valley and the Village of Newark Valley. Additionally, I have a property listing by existing, new, and deleted parcels.

"Today, we are conducting a public hearing at the end of this 300-day process prescribed by the Agricultural Districts law, and the Tioga County Legislature is here today to hear comments. If your property is not enrolled, we can take your information today. Thank you."

Deputy Chair Monell opened the floor for public comment.

Roberta Holcomb spoke. "I called Ms. Jardine and spoke to her about this because I was concerned that people who have agricultural land that were never in the district before were not receiving letters. We have several pieces of agricultural land that we work in conjunction with our farm that are all neighbors, and I did not know if they received letters. I was trying to review the map online,

but it still appears to me that a lot of people are not on this map, and I was wondering if they can receive letters.”

Elaine Jardine spoke. “We can enroll them if they contact me. This is a voluntary program, so back in October 2024 we sent out a notification letter that this process was starting. We used GIS to look at the current enrolled land, current agricultural assessment land that was not enrolled in the agricultural districts, and crop land. We sent out approximately 560 letters at that time. If you look at this map and see that they are not enrolled, they can be enrolled, but again this is a voluntary program.”

Roberta Holcomb spoke. “Is there a minimum number of acres to enroll in the program.”

Elaine Jardine spoke. “No, there is not a minimum.”

Deputy Chair Monell spoke. “What is the cutoff date for anyone who still wants to enroll their agricultural land?”

Elaine Jardine spoke. “The Legislature has to vote on this at their March 11, 2025 Legislature meeting, so I would say Friday, February 28, 2025.”

GIS Manager Bryan Goodrich spoke. “There is a lot of information that goes into preparing this and this is not a one and done deal, as they are accepted on an annual basis. It is just once every eight years where the landowners have the ability to get out of the district, so if you do not get included in this period, it is on a rolling basis every year.”

Elaine Jardine spoke. “The County Legislature designated January 2 -31, 2025 as the enrollment period for new parcels to be added into the agricultural district. The enrollment period has ended this year, and we only received one request, but the eight-year reviews you can add or remove your land. This is a legacy program so if you just bought property a few years ago a lot of times the new owners learn their property is already enrolled in the agricultural district from a previous owner request.”

Town of Berkshire Supervisor Gehm-Jordan spoke. “So, why might someone want to be in the agricultural district and have their name included on the map?”

Elaine Jardine spoke. “Land preservation in agricultural for the next eight years is the main purpose. It affords a couple of protections. For instance, if your municipality is proposing a law that you think may impact your farming operation or land or if you get a complaint from a neighbor who does not particularly like the noise or smells that are coming from your farming operation, New York State

Agriculture and Markets will provide you legal assistance to fight those issues that might impact your land. If your land is enrolled in agricultural assessment and you renew it every year, if for some reason you convert some of your agricultural land to a non-agricultural use such as residential, solar farm, etc., you would only owe back five years in that differential of taxes from agricultural land to the improved land whereas if you are not enrolled in the agricultural district and your land receives agricultural assessment, you would owe eight years of back taxes. These are the main purposes of the program."

Phillip Quick spoke. "Unless you are already paying regular taxes and not receiving agricultural assessment, right?"

Elaine Jardine spoke. Yes, in that case you would not owe any back taxes."

Phillip Quick spoke. "Even if I was in this agricultural district program and I am paying regular taxes with no farming exemptions, I can do whatever solar, windmill, etc. use and there is not penalty at all, right?"

Elaine Jardine spoke. "The Agricultural Districts program does not preclude you from converting your agricultural land. This would just be recorded during the next eight-year review."

Village of Newark Valley Mayor Tornatore spoke. "There is a number of 501c3's around the county and I have looked at the maps previously, but it just came to me that maybe farmers are haying off some of the land that is not used. I know of two distinctly, so is there an advantage to putting in an application into the Agricultural Market situation?"

Elaine Jardine spoke. "If the non-profit wants to enroll in the Agricultural District program they can and state they are a non-farmer renting land to a farmer. Regarding rent, there does not need to be any written agreement."

Fran Miller spoke. "Is there any place we can see a listing of all the advantages and disadvantages that are available to the public?"

Elaine Jardine spoke. "Yes, you can Google NYS Agriculture & Markets Agricultural Districts program and they have a whole page. I do not have a handout that I can distribute."

Phillip Quick spoke. "I did Google this and it basically says what you told me over the phone. It protects me from my neighbor, and it gives me the ability to have the farm exemption on my taxes."

Elaine Jardine spoke. "There are two separate programs; Agricultural District, which has nothing to do with your taxes and Agricultural Assessment which is an annual renewal program where you would apply for a reduction in your property taxes based on the agricultural value. You do not need to be in one program to be in the other, as they are uncoupled. They really do not have anything to do with each other except for the difference in the back taxes owed if you convert your land to a non-agricultural use."

Phillip Quick spoke. "So, the answer to the question is this program does three things for you; protects you from your neighbors, helps you receive back taxes if you do something non-agricultural, and provides assistance if your municipality is looking to pass a law that you think may impact your farming operation or land."

Scott Gleason spoke. "What disadvantage is there to be included in an agricultural district? It is surprising that this process has to take place especially in a rural area like ours and I wonder if the public is just misinformed that there really is no disadvantage to this program. It is also surprising to me that local boards would have the opportunity to really vote against something like this. It seems like agriculture is a separate entity of its own in a sense and it seems like we should preserve and protect that as well as we can. Local boards are subject to change, so that is what worries us the most. I feel really protected in our own town, as well as the towns we farm in, but who knows how things will evolve. It would be nice if something could be put in a firmer position on these particular grounds being protected from outside influence. More and more we are getting people moving from city areas or confined areas and they put that mindset on to local boards or community members."

Ms. Jardine spoke. "It is in the eye of the beholder. Every individual has a different opinion. Some landowners or farmers do not want anything to do with the agricultural district program, so I just put the information out there factually and neutrally."

Phillip Quick spoke. "I would not have attended this meeting had you told me what he just said that there are no bad effects. When I called you, all you could tell me was that it protects me from my neighbors and helps me get tax money back and I told you I already pay all the taxes on that property. There are no farm exemptions or anything. To me, what does it benefit? Nothing. Other than New York State checking on what you are doing, when you are doing it, and how can we get another nickel from you. That's what I am thinking. You could have diffused that by saying there is no harm to this program."

Scott Gleason spoke. "For me, it is to preserve our communities and our agricultural districts. I think that it is really important for all of us to have the

information. A lot of times, even the Town Board that I am on, there are just not a lot of people who show up and we really only get to communicate with the people that are already aware of how good of a benefit it is to us as farmers and community members. It is a little bit tough, but we need to have some outreach too. It is interesting that some of the people that even own the land do not understand the value of or even how it works in the community. Even the fact that in certain circumstances there are exemptions of people not having to pay back those five years too. I hear people say they are older and not sure how to commit to another five years and what if my family members have to pay back taxes or something like that. I do not think that is as huge of a concern as people think that it is. Being involved in some of that myself, I think there are some exceptions to that rule. I think rules have to be in place but there is some gray area. Personally, I have never heard anyone say they wish they had not enrolled in the program because now I have to pay all those back taxes.”

Robert Holcomb spoke. “That is not this program. That is the agricultural assessment program. What I can see as the benefit of this program is your property is listed on a map as agriculture. That’s a benefit because the more land they show in our county or town, it benefits all farmers by just people moving into the area and stating they did not know. It is on a map, and you can look it up. That’s a benefit.”

Elaine Jardine spoke. “District disclosure laws state that when a real estate transaction happens, they are supposed to disclose flood zone and agricultural districts.”

Phillip Quick spoke. “A perfect example is that I bought the property I grew up on. It sat dormant for nine years. When I bought it, I paid for a title search twelve years ago, I just received a letter from you this time. Where was this letter in the last eight years? Why didn’t it show up on the title search? My parents signed up the property, I did not. Why didn’t it drop off? Why am I automatically enrolled? No one asked me anything.”

Elaine Jardine spoke. “It is a legacy program. It is in the Real Property database.”

Village of Newark Valley Mayor Tornatore spoke. “Some people like the activity of the Agri-farm on Route 38B and others not so much, but that is one example of where agricultural district became an advantage to them.”

Elaine Jardine spoke. “Right, because Agriculture and Markets settled a neighbor complaint. I have been doing this for approximately 30 years, and I get in trouble sometimes when I say it is a benefit, but there are press releases and everything else that goes out, so I have learned to be a little more neutral. It’s a

voluntary program and explains what the program does for you. I make it very clear in the beginning that there is really nothing much about taxes and there are no financial incentives.”

Town of Richford Supervisor Davis spoke. “Richford has a very comprehensive Right to Farm Law that we passed recently. Does that protect beyond what this program does?”

Elaine Jardine spoke. “Yes, that affords every agricultural operation even the ones that are not enrolled in the Agricultural District to get free legal assistance for conflict resolution.”

Abraham David spoke. “It sounds like something related to what was going on in West Slaterville. I guess a year ago or so, all these no zoning signs popped up and I heard it was all about a neighbor complaining about another neighbor's rooster.”

Legislator Monell spoke. “I think that goes back to what was previously said about people moving into the area and they are not from that area and now suddenly they want to change the way things are done.”

Elaine Jardine spoke. “I want to clarify that the local town board does not pass anything. It is a State policy program, which the County Legislature will adopt. It is both County policy and State policy. There are no local town board approvals.”

Town of Berkshire Supervisor Gehm-Jordan spoke. “That is why Berkshire also passed the Right to Farm Law to protect our people in Berkshire.”

Phillip Quick spoke. “If I lease my farmland to a farmer does this protect the farmer from my neighbor or me as the owner, or both of us?”

Elaine Jardine spoke. “It could be both. We have had a couple of cases that have gone to Agriculture and Markets over the years. One was in favor of the farmer and that it was a sound agricultural practice, and the other was in favor of the neighbors where it was not a sound agricultural practice. The process does work. If you want more information, you can Google Agriculture and Markets Agricultural Districts Law, but there is nothing more on there than what I have told you today. It is a pretty simple program. I think people read a lot into what is not there. It is simply an agricultural land preservation program since 1971.”

Elaine Jardine spoke. “We did send out letters to both agricultural and nonagricultural landowners and one of the questions asks if you rent your land to farmer. We will post this to our ag development part of the County website –

[www.tiogacountyny.gov](http://www.tiogacountyny.gov) once it is finalized. I believe it is on there as preliminary now. My contact information is also listed on this website.”

Phillip Quick spoke. “One of my parcels is all on this map and the other one is only partially on the map, so how do I enroll the entire parcel?”

Elaine Jardine spoke. “The enrollment is by whole parcel only.”

Legislator Monell spoke. “We are here to help anyway we can.”

There being no further public comments, the hearing was adjourned at 1:26 P.M.