

## Agricultural Lands and Resources

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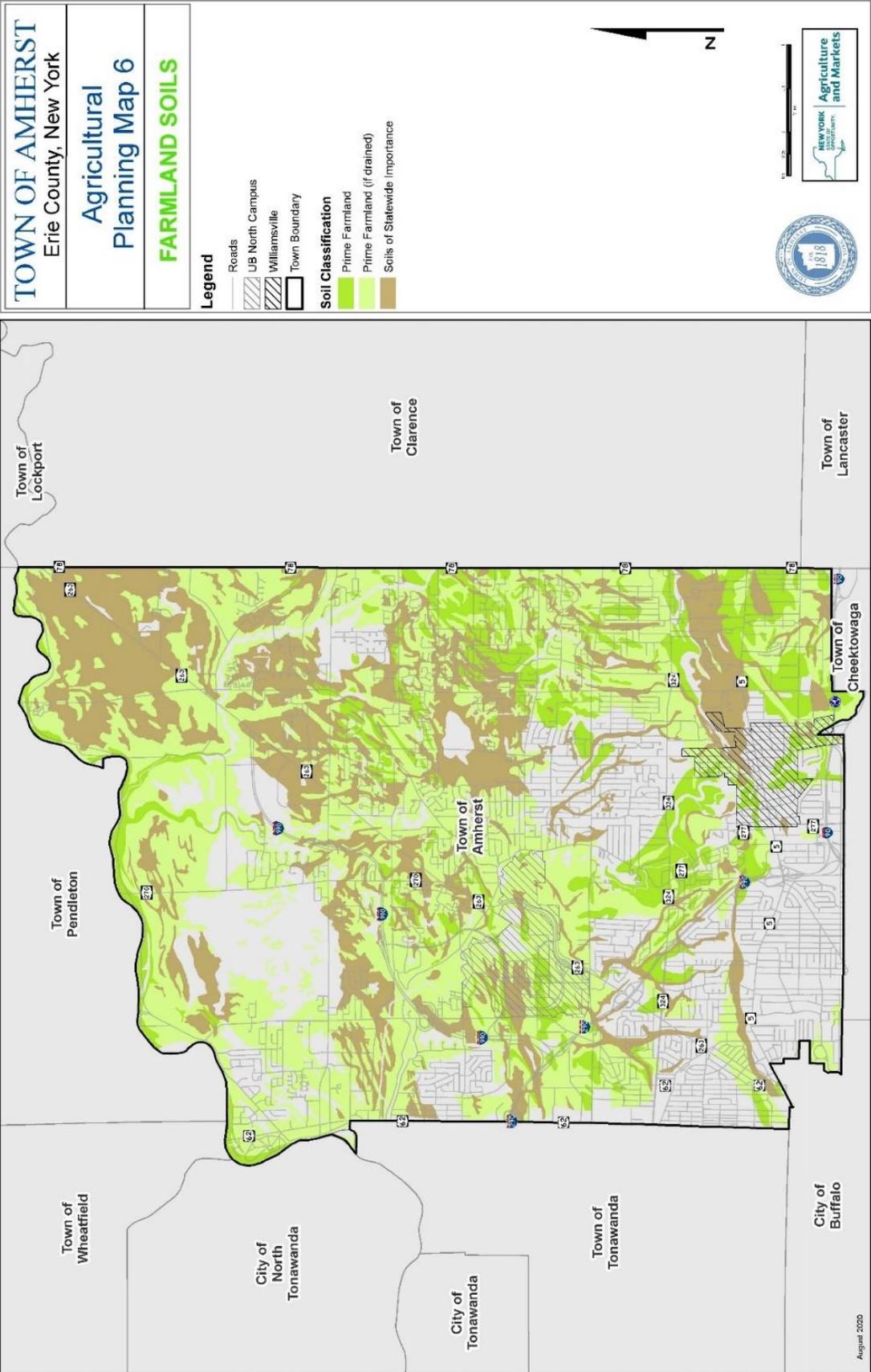
Agriculture is important to the Town of Amherst. Although agricultural lands do not comprise a significant amount of land use activity in the Town of Amherst, they contribute to the Town's economy and the Town's character. Like many other suburban communities, residential uses dominant the landscape. Vacant lands – including vacant farm fields- make up the second highest category. Commercial and industrial land uses are located along main thoroughfares, such as Niagara Falls Boulevard, North French Road, Sheridan Drive, Main Street and Transit Road. Residential uses range from small village-sized lots to large lot frontage properties, with the latter primarily found in areas where public sewer is not available. Open spaces and agricultural lands are particularly important to the character of North Amherst, where most of the agricultural lands are located.

Farming operations account for approximately 3,000 acres of land and are found primarily in North Amherst. Much of this activity is located within Amherst Agricultural District #17 (see Subsection B below), but there are agricultural activities that occur on lands throughout the Town and outside of the district, some in the form of hobby farming. Like many other communities with semi-rural areas, vacant land is used for agriculture (field operations), and larger residential properties are known to rent land to local farmers for field crops. Farms in the Town of Amherst range in size and intensity from beehives, to growing herbs and micro-greens, to plant nurseries, greenhouses and field crops. Agriculture in Amherst is not as prominent as it once was, as agricultural activities have transitioned to other uses. However, agriculture remains an important enterprise in the Town.

The Town is located within USDA hardiness zone 6A, with an average growing season of about 140 days in the season (early May through early October) and an average precipitation level of approximately 38.5 inches. The growing season can be extended using high tunnels and greenhouses.

### **A. Agricultural Soils (MAP 6)**

The Town of Amherst is relatively flat with drainage flowing into Ellicott, Tonawanda, Ransom, Gott and Black Creeks (and respective tributary streams) that convey flow to the Niagara River. As discussed in Section 3, soils in the Town of Amherst fall within five soils maps groups. The Niagara-Canandaigua-Cosad soils map unit is dominant in the northern half of the Town where agricultural activity exists. These soils were formed in glacial lake-laid deposits that formed a broad and relatively flat plain, with slopes ranging between 0 and 3 percent. The area is traversed by numerous streams and drainageways, particularly in the northeastern section. There are extensive areas of wetlands as most of the soils are poorly to very poorly drained (many of the individual soils groups in this map unit are hydric or have hydric inclusions). Most of the soils are deep and have the potential for saturation. Seasonal and prolonged wetness is a primary consideration with the soils, and some areas are highly erodible. Many areas in north Amherst are still farmed as the soils are easy to cultivate, particularly where drained and well-managed. Many of the soils can produce high yields and are designated as agriculturally significant (see Map 6).



### Prime Farmland

Prime farmland, as defined by the USDA Natural Resources Conservation Service (NRCS), consists of *“land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.”*

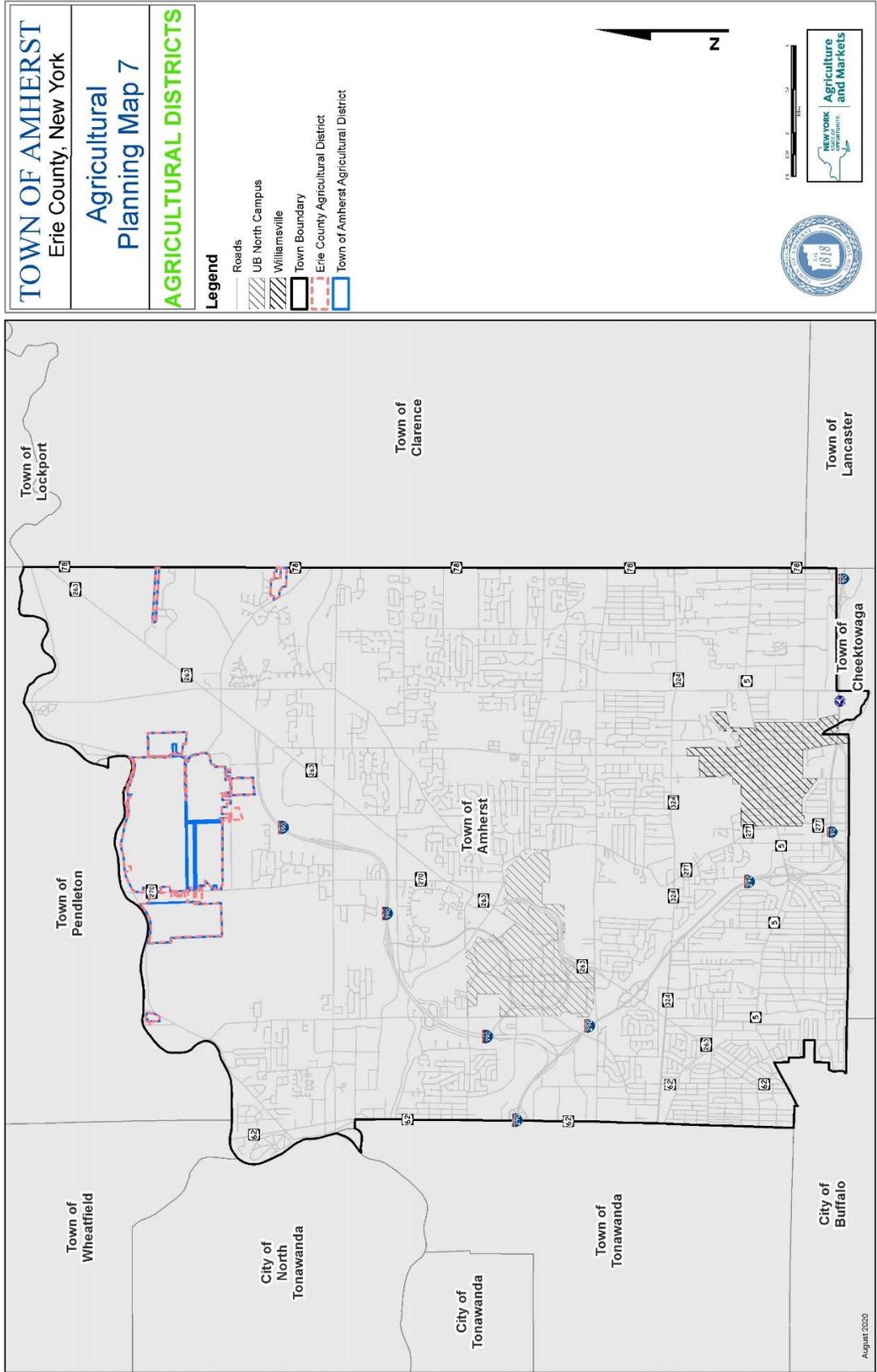
Approximately 3,684 acres of land in the Town (10.7%) are considered prime farm soils. Many areas of prime farm soils have been lost to development. What remains of these soils are mostly found around the existing creeks in north Amherst, as well as in protected areas such as Amherst State Park and the Amherst Central Park property, and protected wetlands. These are all areas where little to no farming activities occur. As noted above with the type of soils found in the Town, and their poor drainage characteristics, it is not surprising that there is a larger component of soils (as identified in the Soil Survey of Erie County, New York (USDA, 1978) that would be considered prime if drained, which comprise over 13,134 acres or 38.2% of the Town. While many areas of prime if drained soils have also been lost to development, there are substantial areas in the north and northeastern areas of the Town where they exist and could provide for future agricultural activity (see Map 6). Cornell Cooperative Extension and the Erie County Soil and Water Conservation District can provide assistance to landowners who may wish to activate these lands for farming use.

### Soils of Statewide Importance

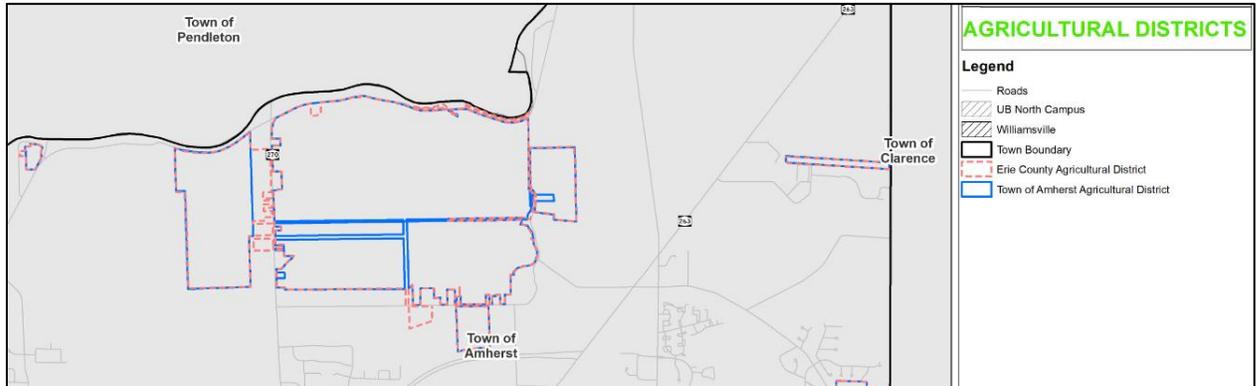
In addition to prime farm soils, 7,699 acres of land (22.4%) are classified as “soils of statewide importance,” generally considered to be nearly prime farmland quality that economically produce high yields of crops when managed in accordance with acceptable farming practices. Although important to agricultural activity in the State, these soils exhibit certain characteristics, such as seasonal wetness or erodibility, and do not meet all the criteria to qualify as prime farm soils. These soils are primarily found in the northeastern portion of the Town (see Map 6).

## B. Agricultural Districts

County designated/ State certified Agricultural Districts created under Article 25AA of New York State’s Agriculture and Markets Law are designed to protect and maintain the viability of the agricultural industry for farming purposes. Since agriculture is not a predominant land use in the Town, the extent of the Agricultural Districts in Amherst is limited to the northern portion of the Town, as shown on Map 7. As of the publication of this Plan, 192 parcels encompassing 2,688 acres of land are included within Erie County Agricultural District No. 17 (Amherst). Many of these parcels comprise one large area in the north-central part of the Town, and a few smaller designated properties are located along



Tonawanda Creek and Transit Road. Within the area covered under Erie County Agricultural District No. 17, the Town has designated 180 parcels (covering 1,423 acres) as Town of Amherst Agricultural Districts.



New York State 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. There is an annual enrollment period when landowners can request the inclusion of their lands into the existing district.<sup>1</sup> These County Agricultural Districts are distinct from the Town’s Agricultural Zoning district, which is locally established, and does not include the range of protections provided by a County Agricultural District.

The benefits of being in a County Agricultural District include:

- Local laws may not unreasonably restrict Farm Operations as defined by Agriculture and Markets Law within the 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; and
- 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.

### **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

<sup>1</sup> Erie County Department of Environment and Planning maintains most current data on lands in Agricultural Districts.

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 various Boards reviewing the application request must mail a notice to all owners of land as identified in the Agricultural Data Statement (see Appendix D). This notice must 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 Erie County Department of Planning and Development, as required under Section 239-m (for site plan review) of the NYS General Municipal Law, and any action occurring within 500 feet of a Farm Operation in an Agricultural District.

Under State 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. Erie County conducts this review for projects in the Town of Amherst. The County also evaluates 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.

### **C. Farm Operations, Farm Statistics and Economic Contributions of Farming**

The Town of Amherst conducted an analysis of local agricultural operations and properties based on town assessment data, conservation easements and field investigations. Map 8 illustrates all lands classified by these sources as agricultural (shown in green on the map). These parcels are located largely in the northern portion of the Town (north of Schoelles Road), although there are additional parcels scattered throughout the Town. In general, agriculture comprises a small but significant portion of the Town. It is particularly important to the character of the northern portion of Amherst.

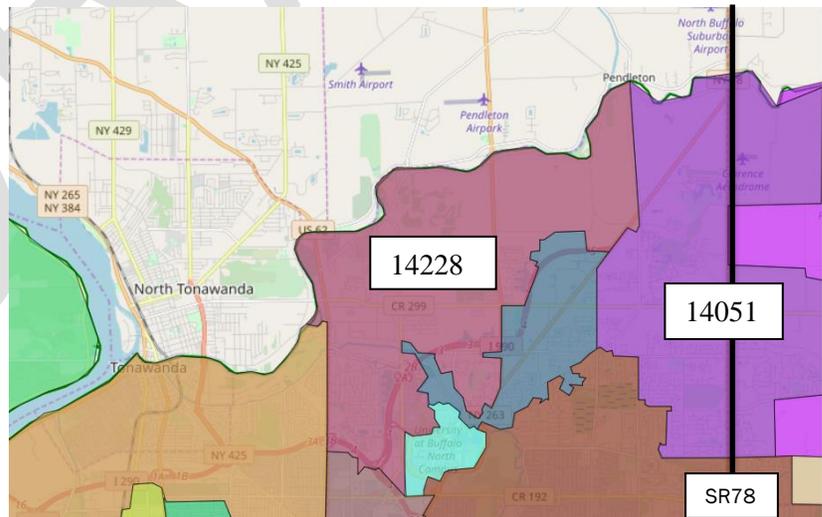
There is a significant amount of land that is in agricultural use, based on Town property assessment data, but that is not protected by being located within the County Agricultural District. In particular, the northeast corner of the Town has a concentration of agricultural lands that are outside the area covered by the Agricultural District. These lands are more at risk of being converted to non-agricultural use than lands within the Agricultural District, although there is nothing prohibiting the subdivision of land or the construction of non-agricultural uses within an Agricultural District.

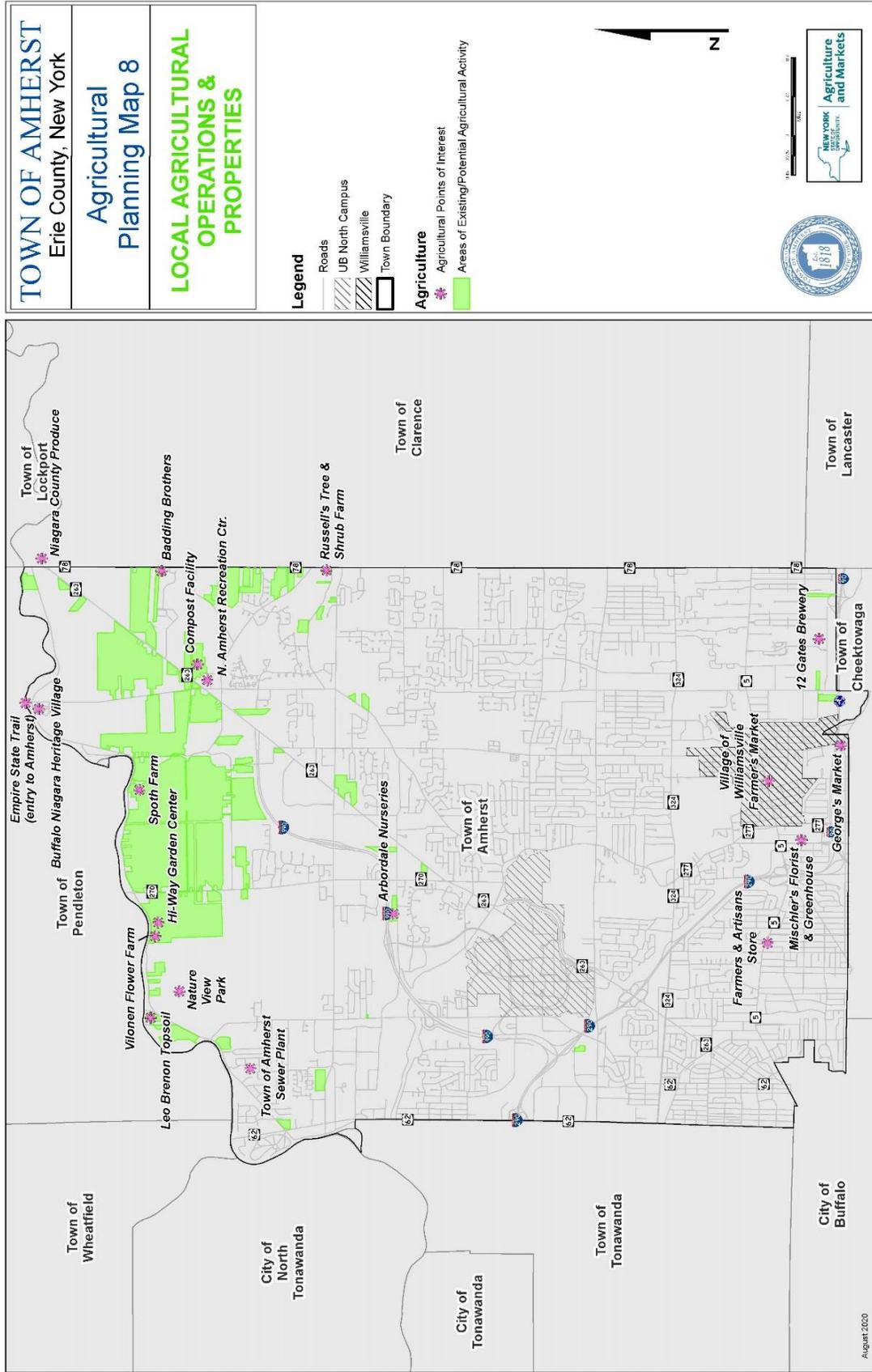
This map also depicts agricultural points of interest. These assets include several farm markets, some agricultural operations, and complementary activities, such as the Buffalo Niagara Heritage Village.

- Empire State Trail
- Buffalo Niagara Heritage Village
- Spoth Farm
- Hi-Way Garden Center
- Vilonen Flower Farm
- Nature View Park (Conservation Easement)
- Leo Brenon Top Soil
- Farmers and Artisans (retail operation)
- Village of Williamsville Farm Market
- 12 Gates Brewery
- Compost Facility
- Russell’s Tree and Shrub Farm
- Badding Brothers
- North Amherst Recreation Center
- Arbordale Nurseries
- Mischler’s Florist and Greenhouse
- George’s Market
- Niagara County Produce (just outside Town boundaries)

**Overview of the Agricultural Sector in Amherst**

The US Census conducts an agricultural survey every five years that provides data on agricultural operations throughout the United States. This information from the US Census of Agriculture was reviewed to obtain a picture of agricultural activity within the Town. The data are not available at the Town level; the smallest geography available is zip code level data. Zip code data was obtained for the two zip codes that cover the northern portion of the Town, where the bulk of agricultural activities are occurring. Zip Code 14228 covers the western portion of northern Amherst, while zip code 14051 encompasses the eastern part of north Amherst, as well as portions of Clarence.





Zip code level data do not capture all agricultural activities in the Town, and the figures include operations outside the Town (Clarence). Also, due to the small numbers, not all figures are available. However, the information can provide insight into farming operations in the Town. The tables on the following page summarize agricultural data for these two zip codes.

In 2017, there were eight farm operations in 14228 and six in 14051, for a combined total of 14 farms. This represented a loss of operations from 2007, which is the other year for which data are available. In 2007, there were 13 farm operations in 14228, and 17 in 14051, representing a combined total of 30 operations. This decline amounts to a loss of 53.3% of farming operations in the two zip codes over the 10-year period between 2007 and 2017.

In terms of tenure, all farming operations in the two zip codes in 2017 were at least partly owned by their operators. Over three-quarter (78.6%) are full owners, and the remaining 21.4% of operations were at least partly owned by the working farmer. While some farms in 2007 were tenant farms, none are currently tenant farms.

**Farm Operations by Tenure, 14228 and 14051 Zip Codes**

	14228	14051	Combined (Both Zip Codes)	Percent Total
<b>Tenure</b>				
<b>2017</b>				
Farm Operations: Full Owner	5	6	11	78.6%
Farm Operations: Part Owner	3	0	3	21.4%
Farm Operations: Tenant farmer	0	0	0	0%
<b>Total (all tenures)</b>	<b>8</b>	<b>6</b>	<b>14</b>	<b>100.0%</b>
<b>2007</b>				
Farm Operations: Full Owner	6	9	15	50.0%
Farm Operations: Part Owner	3	6	9	30.0%
Farm Operations: Tenant farmer	4	2	6	20.0%
<b>Total (all tenures)</b>	<b>13</b>	<b>17</b>	<b>30</b>	
<b>Trends 2007 - 2017</b>				
Farm Operations: Full Owner	-16.7%	-33.3%	-26.7%	
All Tenures	-38.5%	-64.7	-53.3%	

Source: US Census of Agriculture

Farms in Amherst tend to be small to moderate in size. Of the eight operations who responded to the survey in zip code 14228, seven were between 50 and 999 acres, and one was less than 50 acres in size. In zip code 14051, nine of the 15 operations were between 50 and 99.9 acres in size, and six were less than 50 acres. Sales are also modest. In the 14228 zip code, four of the eight farms reported sales of less than \$50,000 per year. Two reported sales between \$50,000

and \$249,999, and two earned more than \$250,000 annually. In zip code 14051, 15 out of 17 surveyed operations reported farm sales of less than \$50,000 annually.

**Characteristics of Farms, 14228 and 14051 Zip Codes, 2017**

	14228	14051	Combined	Percentage
<b>Size:</b>				
Area Harvested: 1 to 49.9 acres	1	6	7	30.4%
Area Harvested: 50 to 499 acres	7	9	16	69.6%
Total	8	15	23	100.0%
<b>Sales Receipts</b>				
Farm Sales: < \$50,000	4	15	19	76.0%
Farm Sales: \$50,000 to \$249,999	2	1	3	12.0%
Farm Sales: over \$250,000	2	1	3	12.0%
Total	8	17	25	100.0%

Source: US Census of Agriculture

Data on what these farms produce indicate a mix of products.

- Field crops (6)
- Horticulture (5)
- Grain (3)
- Hay and Haylage (3)
- Orchards (1)
- Soybeans (1)
- Fruits and nuts (1)

There are a few farms raising livestock in the Town. Total counts are not available due to the small sample, but livestock include cattle, poultry, sheep, turkey, hogs and horses. These products are based on what is reported, and many farms are producing more than one type of product.

Qualitative data from interviews with farmers and the Steering Committee has been used to supplement the Census data. These interviews confirm that agriculture in the Town of Amherst includes a variety of crops. Commodity crops include corn, hay and soybeans. The Town has a strong basis in horticultural products, such as flowers, shrubs, annuals and perennials, and ornamental flowers. There are a number of greenhouse operations within the Town. There are also high value vegetables, such as heritage tomatoes, herbs and microgreens. Farmers in Amherst also grow specialty crops such as hops, hemp and gourds. Livestock farming is not prevalent in Amherst, although there are a few farms with cows or beef cattle. The Buffalo Niagara Heritage Village keeps sheep for educational purposes.

A significant portion of agriculture in Amherst is targeted to niche markets, such as direct sales on farm (especially horticulture) and at farm markets. The ethanol plant in Medina purchases local

corn, and there is a hemp processor in the Town of Pendleton. Producers are quick to adopt to market trends. For example, flower growers watch trends on social media to help target their markets and adjust their products to meet emerging demand. There is also a focus on entertainment and educational farming events, such as seasonal “make and take” events, prior to the curtailment of these efforts due to Covid-19.

There is not enough agricultural activity within the Town of Amherst to generate support services, and producers must go out of town for agricultural supplies and equipment. Locations for these support services include southern Erie County and Niagara County. On-line sales are also increasing.

There is a sense on the part of the farming community that all the available, farmable land is in agricultural production, and there is not a great deal of opportunity to increase farming activity in the Town. There is interest in maintaining existing operations. Development pressure is increasing not only from residential development, but also from renewable energy providers, and in particular, solar projects.

#### **D. Agricultural Markets and Support Businesses**

Discussion of markets to be completed after outreach to agricultural stakeholders

##### **Support Services**

There are no support businesses located in Amherst for local farmers to purchase supplies, materials, equipment and repairs. Farmers must go out of town to facilities in Niagara County or Springville, as well as areas further east of Erie County. Farmers also purchase what they need online through websites such as All States Ag Products. The following support businesses are commonly used by farmers in the region:

- Agway (Wrights Corners, Lockport)
- Niagara Frontier Equipment Sales (Wrights Corners, Lockport)
- Niagara Implement, Inc. (Newfane)
- George DeGlopper (Grand Island) – hay and straw (feed and bedding)
- Birkett Mills (Penn Yan) - seed
- W.H. Reinhardt, Inc. (Middleport) – seed and feed
- Tractor Supply (Niagara Falls, Lockport, Alden, Hamburg)
- John Deere dealer (Springville)
- Gramco (Springville) – seed and feed
- International Harvester (IH) dealer/Lamb & Webster, Inc. (Springville)

In addition to equipment and material support, various agencies are available within the region that provide assistance to local farming interests including, but not limited to:

- Erie County Farm Bureau - 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.
- USDA Farm Service Agency<sup>2</sup> - The USDA Farm Service Agency (FSA) provides assistance and support to farmers through five key mission areas: programs, loans, commodity operations, management, and State operations. The predominant programs and services revolve around commodity protection and conservation, the latter through the Conservation Reserve Enhancement Program (CREP). FSA programs are funded through the Federal Farm Bill and subject to reauthorization every five years or so. Each State has its own office and individual contacts within each County.

Erie County Soil and Water Conservation District<sup>3</sup> - The Erie County Soil and Water Conservation Service (ECSWCD) is a resource management agency that was established by law to carry out a program for the conservation, use and development of soil, water, and related resources in the County. The ECSWCD coordinates and implements resource and environmental programs at the local level in cooperation with federal and state agencies. The district works with landowners and others to address a broad spectrum of concerns, including erosion control, flood prevention, water use and conservation, wetlands, groundwater, water quality and quantity, nonpoint source pollution, forestland protection, agritourism, wildlife habitat improvement, nuisance wildlife control recreation, wastewater management and community development. Its primary focus is on soil conservation and water quality (including non-point source pollution abatement control), providing information, technical, and financial assistance to agricultural, urban, and suburban constituents.

- USDA Natural Resources Conservation Service<sup>4</sup> - The USDA Resources Conservation Service (NRCS), in partnership with the EDSWCD, provides technical assistance to farmers for the implementation of best management practices that are aimed at decreasing the transfer of soil and nutrients to local waterways. The NRCS offers voluntary Farm Bill programs that benefit both agricultural producers and the environment, including the:
  - Agricultural Management Assistance,
  - Agricultural Environmental Management,
  - Environmental Quality Incentives,
  - Conservation Stewardship,
  - Agricultural Conservation Easements, and
  - Regional Conservation Partnerships.

They provide information and assistance on a host of other programs and initiatives, such as agricultural tax relief, integrated pest management, organic farming, ecosystem dynamics,

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<sup>2</sup> Further information at their website at [www.fsa.usda.gov](http://www.fsa.usda.gov).

<sup>3</sup> Further information at their website at [www.ecswcd.org](http://www.ecswcd.org)

<sup>4</sup> Further information at their website <https://offices.sc.egov.usda.gov/>

nutrient management, energy conservation and climate change, biofuels, cropland erosion, and watershed protection.

- Erie County Cornell Cooperative Extension<sup>5</sup> – Using the knowledge network and strength of Cornell University, the Erie County Cornell Cooperative Extension provides programming and education for existing and new farmers including business development, marketing, farming practices, technology, resource protection, and other avenues.
- New York State Department of Agriculture and Markets<sup>6</sup> – The primary intent of the NYS Department of Agriculture and Markets is to provide State-level regulation and protection of farms within State-certified, County-adopted Agricultural Districts. Local right-to-farm laws are typically derived from and relate to the State’s section 305 regulations. The Department also promotes New York agriculture within the State and throughout the country and lists a wealth of information on their website.

#### E. Town of Amherst Bi-Centennial Comprehensive Plan

The Town of Amherst adopted an update to the Bi-Centennial Comprehensive Plan in 2019. That Plan includes specific goals and recommendations for farmland and agricultural protection. The Bi-Centennial Comprehensive Plan recognizes that farming and agriculture continue to play a significant role in defining the character of North Amherst. This area has a low density of development, rural roads, and open space/farms, in contrast to more densely developed suburban and urban areas to the south (south of Schoelles and Smith Roads). However, suburban residential development has continued to spread further north, threatening the character of this part of the community. Designation of areas in North Amherst for the preservation of rural character and, more importantly, agricultural use is essential for ensuring the long-term viability of agricultural and farming operations, as well as the expansion and diversification of these uses.

The Bi-Centennial Comprehensive Plan Update identifies North Amherst as a *focal planning area* that includes:

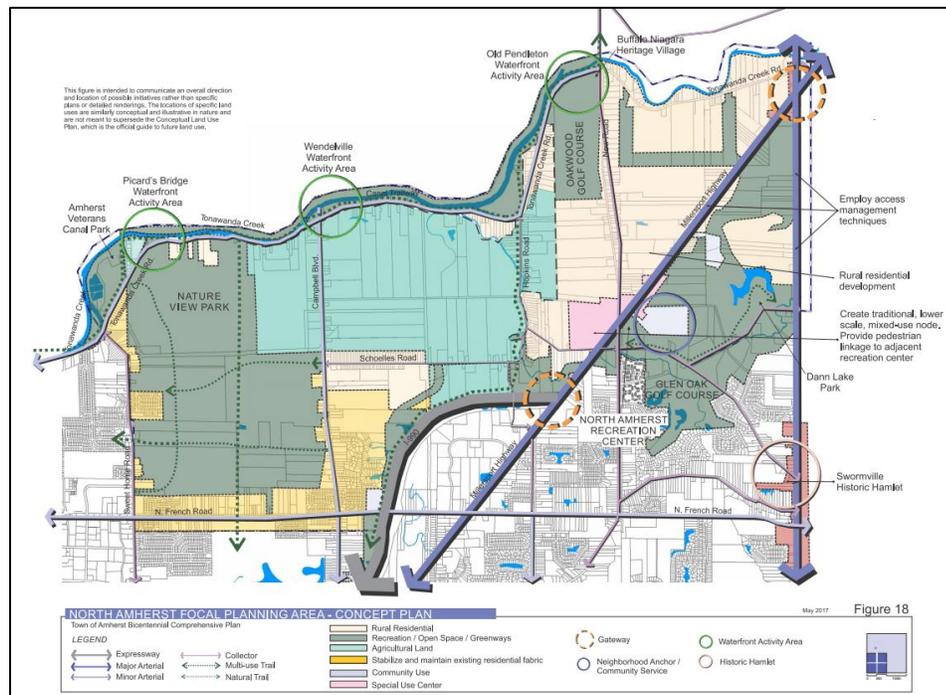
- significant areas of rural (“green”), undeveloped land, open space, and agricultural use;
- extensive natural resources and floodplain;
- potential for growth that, as noted in the Plan, was projected to experience the greatest percentage increase in populations of any part of Amherst over the coming decades;
- expected growth of designated wetland areas; and
- an area where public sanitary sewer is a primary determinant for new development, as much of North Amherst is not served by public sewer.

The North Amherst Focal Planning Area – Concept Plan illustrates the future direction of growth and development the Town proposes for North Amherst. The Bi-Centennial Comprehensive Plan

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<sup>5</sup> Further information at their website at [www.erie.cce.cornell.edu](http://www.erie.cce.cornell.edu)

<sup>6</sup> Further information at their website (<http://agriculture.ny.gov>).



Update recognizes the characteristics that contribute to a physical environment that is unique and an essential part of the Town’s character. The concept plan emphasizes stabilization and preservation of rural character through strategies to control the location and density of new development and limits on the future extension of sanitary sewer service, shifting the focus to the repair and maintenance of on-site septic systems. It designates a large area of North Amherst to remain as open space, with low density uses.

### F. Agricultural Protection Issues in the Town of Amherst

#### Development Pressure/Conversion

Competition for land is a typical issue that farmers contend with, especially in high demand areas where residential development is on the rise. Projections for the Town of Amherst continue to show growth over the next decade. Growth has been progressing north for the past several decades, placing greater pressure on land in North Amherst. In the American Farmland Trust report *Farms Under Threat: The State of America’s Farmland* (2018), research notes that “between 1992 and 2012, almost 31 million acres of agricultural land were irreversibly lost to development. That is nearly double the amount of conversion previously documented and is equivalent to losing most of Iowa or New York. As alarming, this loss included almost 11 million acres of the best land for intensive food and crop production.”

The landscape of New York itself has constantly been changing just as well. 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 days.

Typically, development pressure is found on lands that are on the border of areas that have public sewer and water available, although in New York lateral restrictions in Agricultural Districts can put limits on development without oversight and review by a local and/or County agricultural board.

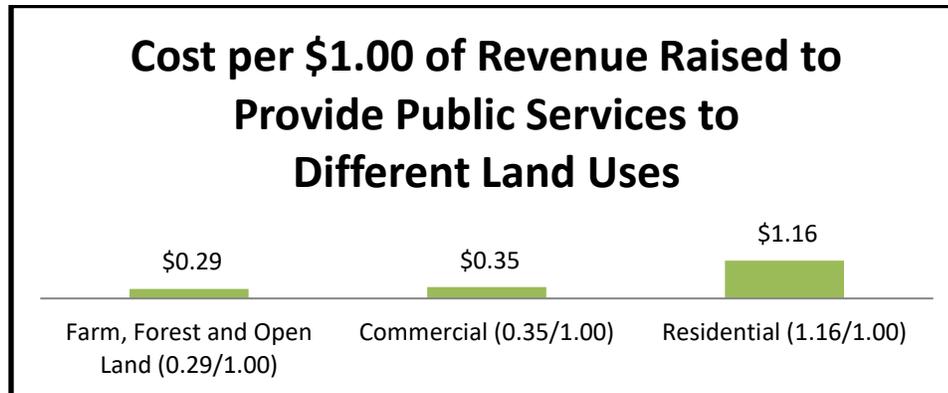
Having active farming operations, large acreage for field production and open space in proximity to sewer districts makes these lands more attractive for residential development. Lands within sewer districts typically experience greater pressure for conversion to residential use, and are more valuable, because development density can be increased. This is the case in the Town of Amherst, where the sewer district has been continuously extended north as lands have been rezoned to support suburban residential development. The Bi-Centennial Comprehensive Plan, however, supports limiting the extension of sanitary sewer services is not proposed beyond the boundaries of the existing sewer district. This will help to limit future growth in North Amherst and enable the preservation of existing low-density development and agricultural uses, as well as rural character.

It is also important to note that new residential development can also bring about imbalance in the tax base, which can have an impact on the community. 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 services<sup>7</sup>. There is no lack of examples of communities that struggle to balance their tax base. As residential development increases, residents are faced with the associated costs of this new development that are reflected in continuing increases in local, county and school taxes and, possibly, fees for services.

The American Farmland Trust (AFT) conducts Cost of Community Services (COCS) studies 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, recreational amenities, 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 agricultural). Unlike typical fiscal impact studies, COCS studies evaluate working land on equal ground with other types of 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 E.

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<sup>7</sup> Planning for Agriculture in New York. American Farmland Trust, 2012.



### Agriculture and Ecology

It is important to accentuate the relationship that agriculture has with the natural environment. The basic tenet is that farming and agriculture should be undertaken in a manner that demonstrates environmental stewardship. This is important in order to strengthen the commitment and relationship between agriculture interests and ecology in the Town of Amherst as farming activities continue to grow and prosper. Farmers and agricultural interests own a considerable amount of land in the northern portion of the Town and in that capacity, they influence the natural environment, whether through maintaining woodlots, planting perimeter shrubs to provide food, cover and nesting sites for wildlife, or protecting water quality.

Managing surface water runoff to protect water quality and reduce sedimentation to Tonawanda Creek, and its tributary systems of creeks and streams, which is tributary to the Niagara River is of utmost importance. The Bi-Centennial Comprehensive Plan places emphasis on establishing a septic system maintenance district to ensure the repair and proper maintenance of these on-site systems in areas where public sewer service does not exist. This is important because the Plan proposed limited on expansion of the sewer district. Additionally, water quality concerns are related to proper livestock management. This is important because if existing zoning restrictions on the keeping of animals are improved and should future farming and agricultural use in North Amherst include this activity. The concentration of large groups of livestock in small-penned areas results in concentrations of animal waste. The nutrient laden waste is easily mobilized in stormwater runoff that will find its way into local ditches, streams and creeks that are tributary to Tonawanda Creek and ultimately, the Niagara River. This is another issue that can be addressed through coordination with the various agencies that are available to assist farmers, as well as through the implementation of best management practices that address point and nonpoint source pollutions and water quality.

Integrating the relationship between agriculture and the environment into this Agricultural and Farmland Protection Plan allows for the application of expertise for better land use and water management and expands the scope of future project and implementation possibilities. As noted in Subsection D. above, there are several local agencies and organizations that can work with

farmers to help them improve their farming practices and promote better environmental stewardship.

### Local Agricultural Regulations

The Town of Amherst Town Code contains various local regulations that pertain to agriculture in the community. While the regulations allow for farming and other agricultural activities, certain protections are missing in the Code and other sections place limits and restrictions on farming and agriculture.

- *Chapter 99 Animals*  
Subsection 99-2 of the Animals Law prohibits any person, firm, or corporations from owning, keeping, harboring, or maintaining in their care, custody or control any livestock except chickens, unless otherwise permitted under additional provisions outlined in Chapter 203 (Zoning) as discussed below.
  
- *Chapter 203 – Zoning*  
Chapter 203 includes three zoning classifications and other provisions that allow farming and other agricultural activities in the Town. These classifications are described as follows. It is important to note that the Suburban Agricultural District is the only one of the three zoning classifications that is currently mapped in the Town (see Map 3 in Section III).
  - Suburban Agriculture (S-A)  
The purpose of the Suburban Agriculture District is to provide areas for low-density, single-family detached residential development that would also accommodate farms, farm-related activities, and other non-intensive compatible uses. The minimum lot size is one-acre, with a minimum lot width of 200 feet. Agricultural uses permitted in the S-A District include farms and public or private stables; permitted accessory uses related to agriculture include greenhouses, kennels, private gardens (which are not defined), small wind energy systems, and other uses and structures customarily incidental to the principal uses.
  
  - Rural Residential (R-R)  
The purpose of the Rural Residential District is to provide areas for low-density, semi-rural, single-family detached residential development that recognize the need to protect the long-term viability of surrounding agricultural operations. The R-R District also accommodates farms, farm-related activities (included public and private stables), and other non-intensive compatible uses. The minimum lot size in an R-R District is three acres with a minimum lot width of 200 feet. Permitted accessory uses in this district include greenhouses, private gardens, kennels, produce stands that only sell items grown/raised on-site, small wind energy systems, and uses and structures customarily incidental to the primary use.

- Agricultural (A-G)

The Agricultural District is a *floating zone* that provides for the continued use of land for agricultural purposes, including farms, public and private stables, floriculture, orchards, nurseries, and animal husbandry promoting an environment conducive to the long-term stability of agriculture. While animal husbandry is not defined, it represents the keeping and raising of livestock and livestock products. Other commercial uses permitted in the A-G district include the sale of agricultural products, animal grooming and care, commercial kennels and dog daycare facilities, and riding academies. Permitted accessory uses included greenhouses, kennels, private gardens, produce stands that only sell items grown/raised on-site, small wind energy systems, and uses and structures customarily incidental to the primary use. The minimum lot size in the A-G District is five acres, which includes for the construction of dwelling units, with a minimum lot width of 200 feet.

Chapter 203 allows keeping or raising of livestock under the follow circumstances:

- Per Section 6-1, on properties located in the S-A and R-R Districts, or in any established A-G districts, a maximum of two horses are permitted on the first two acres, with an additional horse allowed for each additional acre.
- Per Subsection 6-8-9.A., the non-commercial raising of livestock may be permitted as an *accessory use* on properties measuring two or more acres in size in the S-A, R-R or A-G districts.
- Per Subsection 6-8-9.B., upon issuance of a Special Use Permit from the Zoning Board of Appeals, property owners in the R-R, R-1, R-2, R-3, and R-4 residential districts may raise up to six chickens as an accessory use on the same premises associated with an occupied single-family detached dwelling.

The S-A District permits ground-mounted solar energy systems<sup>8</sup> that have a total facility footprint equal to or greater than 7,000 square feet. Solar energy systems are allowed in the S-A District with a Special Use Permit. as a permitted commercial use. Solar energy systems are only allowed with a Special Use Permit in the A-G District. The R-R District does not allow any form of solar energy generation by-right or with a Special Use Permit. All three districts allow home occupations as a permitted accessory use (with a Special Use Permit), which is important for farmers and others who may seek secondary income in the off-season. Bed and breakfast establishments are allowed as a commercial use with a Special Use Permit in the S-A and R-R Districts, and by-right in the A-G District. Chapter 203 also includes a listing of definitions, including general and specific terms, some of which define farming and agricultural-related uses and activities. This section of the Zoning Ordinance needs to be updated to better define farming and agricultural uses and activities and to ensure that

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<sup>8</sup> Ground-mounted Solar Energy System and Solar Energy System are defined in Section 6-10.2 of the Zoning Ordinance.

certain activities are supported with accurate definitions. The full text the applicable sections of the Town of Amherst Zoning Ordinance is provided in **Appendix \*\***.

All the items outlined above indicate that there is a need to revisit some of the Town's land use restrictions and regulations to identify opportunities to make Amherst more farming-friendly, promote agricultural activity, and protect the environment. The Town should better utilize adopted but unmapped zoning classifications that can better protect and support farming and agriculture in the community, which is discussed in greater detail in Section V of this report. Without such changes, the future of farming and agriculture, at any scale, may continue to be constrained by existing regulations.

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