

Laberge Group

# Community Profile and Future Trends

## Agricultural Resources

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**Town of Easton**  
**Community Profile and Future Trends**  
**Agricultural Resources**

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## Definition of Agriculture

In order for the Town of Easton to establish clear, desirable, and relevant policies to address their future agricultural goals, it is important to clearly articulate how the Town defines agriculture. Definitions of agriculture are often technical ones used in regulations (subdivision laws, for example). The Town of Easton has several definitions related to agriculture established already. These include:

**Easton Subdivision Law Definition** - In 1990, the Town of Easton Planning Board included a definition of agriculture in the subdivision law as follows:

Agricultural lands means all land with soils identified by soil map unit for Washington County by the USDA Soil Conservation Service (11/83) either as 1) Prime Farmland, 2) Farmland of Statewide Importance, or is land identified as 3) Unique Farmland on the USDA map of Important Farmland of Washington County, NY (10/84), and shall also include 4) Farmland of local Importance as defined herein.

Farmland of Local Importance means 1) Cropland and arable Land; all soils classified as Land Capability Classes I, II, III, and IV, as identified, mapped, and published in the Soil Survey of Washington County, NY, USDA, SCS, 1975. The term shall also include 2) all land other than the above, including both support land and any portion of which property was previously used for agricultural production (or enrolled in a USDA program in lieu of production) in at least 1 of the preceding 8 years; a farm property is to be considered as a farm unit.

Support Land means land used in support of a farm operation of land used in agricultural production, and any acreage that is located amid, between or on the perimeter of cropland, orchards, vineyards, and land used to pasture livestock, and shall include but not be limited to farm ponds, swamps, land used for erosion control, drainage, hedgerows, access roads, drainage ditches, farm waste management, land under a farm homestead and under any structure on a farm property for housing persons engaged in agricultural production, and land under all structures normally used in commercial operation of a farm unit for agricultural production.

The term 'agricultural lands' shall also include those lands identified as such in Federal Regulations (7 CFR, Part 657), and in particular shall also include those lands identified as such in 7 CFR, Part 657.5 as important farmlands: (a) prime farmland, (b) unique farmlands, (c) additional farmland of statewide importance, and (d) additional farmland of local importance.

**Easton Right to Farm Law** – The Town's Right to Farm law defines farmer and farming practices as follows:

**FARMER** -Any person, organization entity, association, partnership or corporation engaged in the business of agriculture, whether for profit or otherwise, including but not limited to the cultivation of land, the raising of crops, the raising of livestock, poultry, fur bearing animals or fish, the harvesting of timber, or the practicing of horticulture or apiculture.

**FARMING PRACTICES** -Any legal activity engaged in by a farmer in connection with the furtherance of the business of farming and shall include but not be limited to 1) the collection, transportation,

distribution and storage of animal and plant wastes, 2) the storage, transportation, and use of equipment for tillage, planting and harvesting, 3) the transportation, storage and use of legally permitted fertilizers and limes, insecticides, herbicides and pesticides, in accordance with the manufacturer's instructions and warnings and local, state and federal regulations, and 4) the construction of farm structures, fences and facilities as permitted by local and state building code and regulations.

The Town's Right-to-Farm law more closely aligns with the State definition of a 'farm operation.' For comparison, the NYS Agricultural Districts Law 25-aa (Section 301) establishes several ag-related terms including Farm Operation. Article 25-aa broadly defines "crops, livestock, and livestock products", "farm operation", and "land used in agricultural production" which are designed to include a broad range of farming activities to be considered 'agriculture'.

State law also defines a farm operation as follows:

"Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this section, a "timber operation" as defined in subdivision fourteen of this section, "compost, mulch or other biomass crops" as defined in subdivision seventeen of this section and "commercial equine operation" as defined in subdivision eighteen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other."

Comprehensive Plan Recommendation: A definition of agriculture should encompass all activities related to the commercial (business) use of land to grow, collect, store, transport, prepare, process, and sell (including on-farm, direct-sale, agritourism, and wholesale) crops, livestock, and crop or livestock products, and the related structures and operations needed to support those activities.
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## Inventory of Current Agricultural Conditions

In order to establish a long-term vision and goals related to enhancement of the agricultural economy in Easton and to protect valued farmland, it is important to characterize what the current conditions in Easton are. From that we can evaluate trends, challenges, and barriers to continued agriculture. This section describes current conditions of the agricultural economy, farmland, and agricultural land uses.

### Farmed Parcels in Easton

- There are 312 parcels of land and 27,250.60 acres in the Town of Easton that are classified as agricultural in some capacity.<sup>1</sup> Of those, 24,084.94 acres are “primary” agricultural parcels where farming is the principal use, and 3,000.26 acres on parcels which are classified as residential with agricultural uses on them.
- 54 parcels are residential parcels that also have agricultural uses on them. These parcels are considered “secondary” agricultural uses.
- There are 14 parcels considered abandoned agricultural lands (165.40 acres). [See Farm Type and Agriculture Districts Map.](#)
- The largest agricultural uses are on parcels identified as used for field crops (108 parcels on 9,655.90 acres) and dairy farms (47 parcels on 3,580.86 acres).
- There are 64 additional parcels considered Vacant Farmland (3,715.69 acres).

**Table 1. Farm Type and Farmed Parcels the 2023 Town of Easton Tax Parcel Data**

Type of Farmland (including forestlands)	Agriculture is a Primary or Secondary Use*	Assessment Classification Code	# of Parcels	Total Acreage by Farm Type	Definition of Classification
Vacant Farmland	Primary	105	64	3,715.69	Land used as part of an operating farm. It does not have living accommodations and cannot be specifically related to any of the other divisions in the agricultural category. Usually found when an

<sup>1</sup> These are parcels of land identified and coded as agriculture by the Town Assessor.

Type of Farmland (including forestlands)	Agriculture is a Primary or Secondary Use*	Assessment Classification Code	# of Parcels	Total Acreage by Farm Type	Definition of Classification
					operating farm is made up of a number of contiguous parcels.
Dairy Farm	Primary	112	47	3,580.86	
Cattle Farm	Primary	113	7	953.28	
Sheep Farm	Primary	114	1	167	
Other Livestock Farm	Primary	116	2	53.04	
Exotic Livestock	Primary	184	1	154.67	
Horse Farm	Primary	117	5	366.29	
Field Crops	Primary	120	108	9,655.90	Potatoes, wheat, hay, dry beans, corn, oats, and other field crops.
Truck Crops	Primary	140	4	323.87	Muckland used to grow potatoes, sugar beets, onions, snap beans, tomatoes, cabbage, lettuce, cauliflower, sweet corn, celery, etc.
Vineyard	Primary	152	1	114	
Rural Residential and Agriculture	Secondary	241	54	3,000.26	Primary residential but also used in agricultural production
Abandoned Agriculture		321	14	165.40	Nonproductive; not part of an operating farm.
<b>Total Number of Farmed Parcels and Acreage</b>			<b>312</b>	<b>27,250.60</b>	

\*Primary refers to a parcel of land that is wholly used for farming purposes, while Secondary refers to a parcel of land that has a residential land use and farmland.

- Most of the land base in the Town of Easton is within the NYS Certified Agricultural District #3 boundary. There is only 758.16 acres of land located outside this district – all in the northern part of the Town. Total acreage within Agricultural District #3 is 35,014.69 acres. [See Farm Type and Agricultural Districts Map.](#)
- Not all the land within the Agricultural District is farmed, however. There are 762 non-farm parcels (mostly residential) situated within the District, having a total acreage of 7,552.28 acres. This translates to only 7.9% of the land within the Agricultural District is in non-farm use.

Draft July 2024

Add in Farm Type and Ag District Map

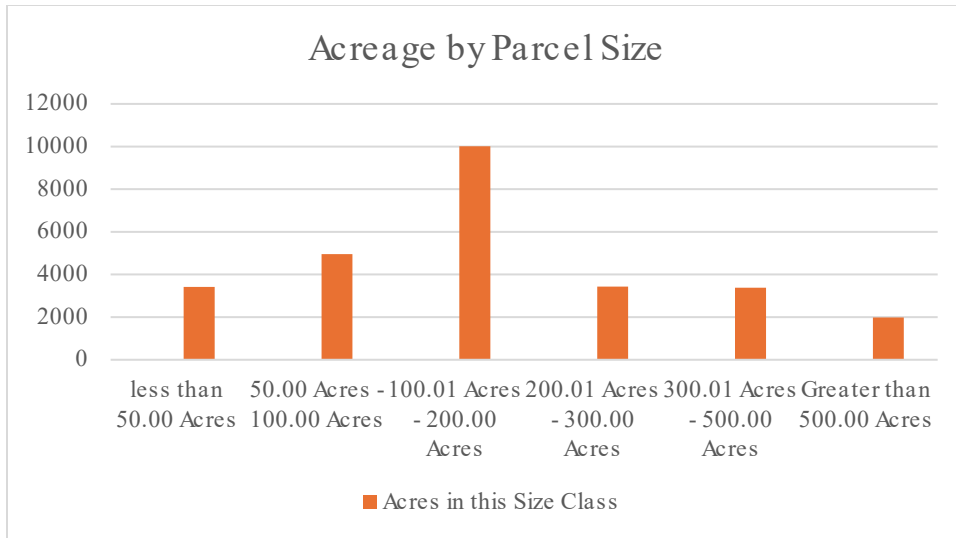
## Farm Sizes in Easton (by Parcel)

- Overall, the average size of a farmed parcel in Easton is 88 acres, but it varies widely from 1 acres to over 500 acres. Dairy farms have the largest acreage: the average size of a dairy farm in Easton is 179 acres. The average size of a parcel used for field crops is 88 acres. [See Farmland by Owners and Acres Map.](#)
- The average size of a rural residential parcel that also has agricultural uses on it is 55 acres, but they vary widely in size from 1.7 acres to over 177 acres. These parcels may be the primary residence of a farm owner or their family, or they may be residential properties that rent land to farmers.
- The largest farmed parcels (>300 acres) are associated with dairy and field crops. There is more of a diversity of farm types on parcels < 100 acres in size.
- Table 2 and Figure 1, below, describes the number and acreage of farmed parcels by size. Parcels sized 100 to 200 acres are the most common size.
- By acreage, 69% of farmed acreage in Easton takes place on parcels greater than 100 acres, with about 20% of farmed acreage is on parcels sized between 300 and 500 acres.
- About 13% of the farmed acreage is on parcels less than 50 acres in size.
- However, 46% of farmed parcels are less than 50 acres in size.
- Twenty-seven parcels, or 9% of all parcels are sized > 200 acres but those parcels manage over 32% of the farmland in Easton.

**Table 2. Total Acreage by Parcel Size.**

Parcel Size	# of Parcels	Acres
less than 50.00 Acres	145	3420.13
50.00 Acres - 100.00 Acres	66	4955.92
100.01 Acres - 200.00 Acres	74	10,013.46
200.01 Acres - 300.00 Acres	15	3428.92
300.01 Acres - 500.00 Acres	9	3376.61
Greater than 500.00 Acres	3	1985.90





**Figure 1. Acres by Parcel Size**

- Table 3 below describes the average parcel size, and minimum/maximum parcel size for each of the farming types in Easton.

**Table 3. Average, Minimum and Maximum Parcel Size by Farm Type.**

Major Farm Types (Identified By Parcel Code)	Average Size of Parcel by Farm Type	Minimum/Maximum Parcel Size by Farm Type
Vacant Farmland	58 acres	1.3/291 acres
Dairy Farm	179 acres	5/561 acres
Cattle Farm	119 acres	24/360 acres
Horse Farm	61 acres	11/128 acres
Field Crops	89 acres	2/877 acres

Draft July 2024

Add in farmland by owners and acres

## Farms and Farmland in Easton

- Field crops and dairy farms are the most common farmland uses in Town. Most of the rural residential/agricultural parcels are also used for field crops. Most of those farmlands support the dairy farms in Easton (See Figures 2 and 3).
- Figure 2 and 3 show the dominance of field crops and dairy farm activities in Easton. All other farm types occur on about 11% of farmland parcels and acreage in Town.

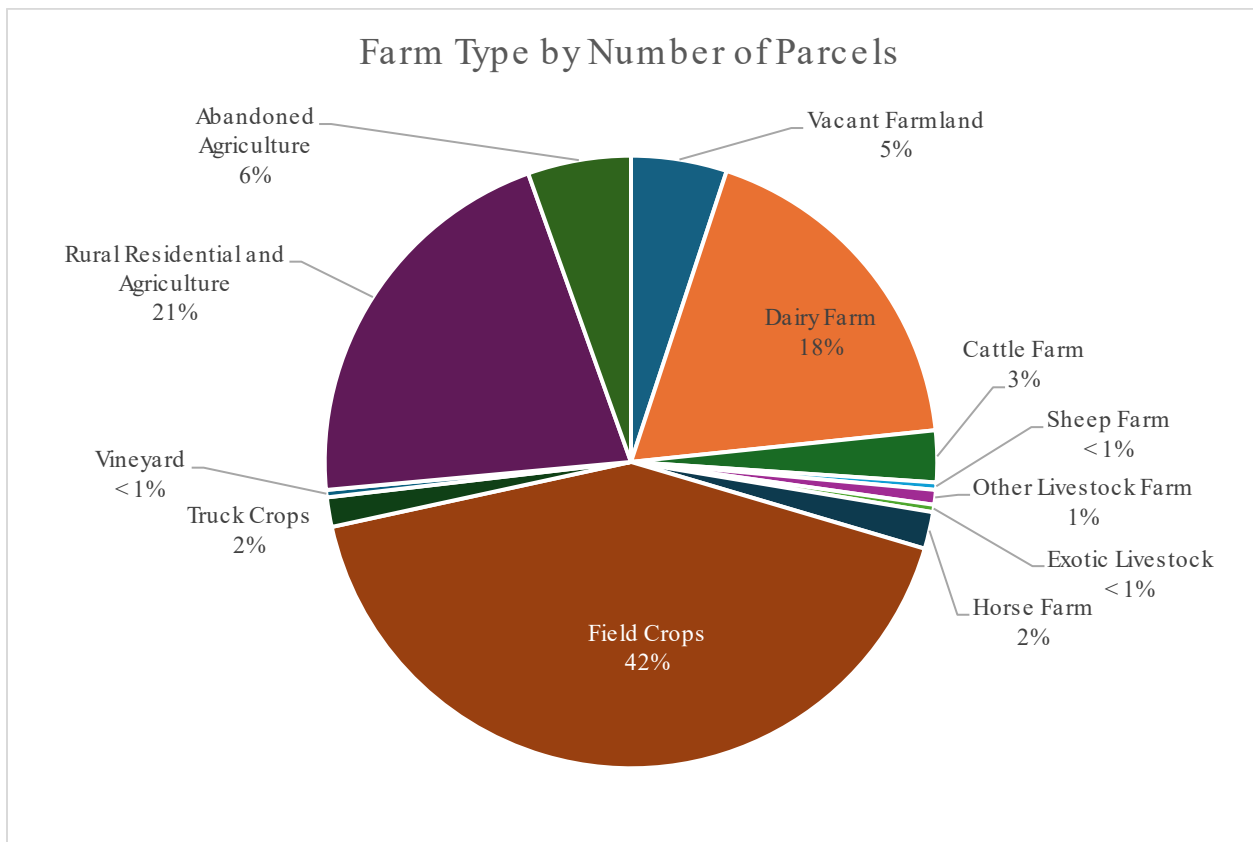


Figure 2. Farm Types by Number of Parcels

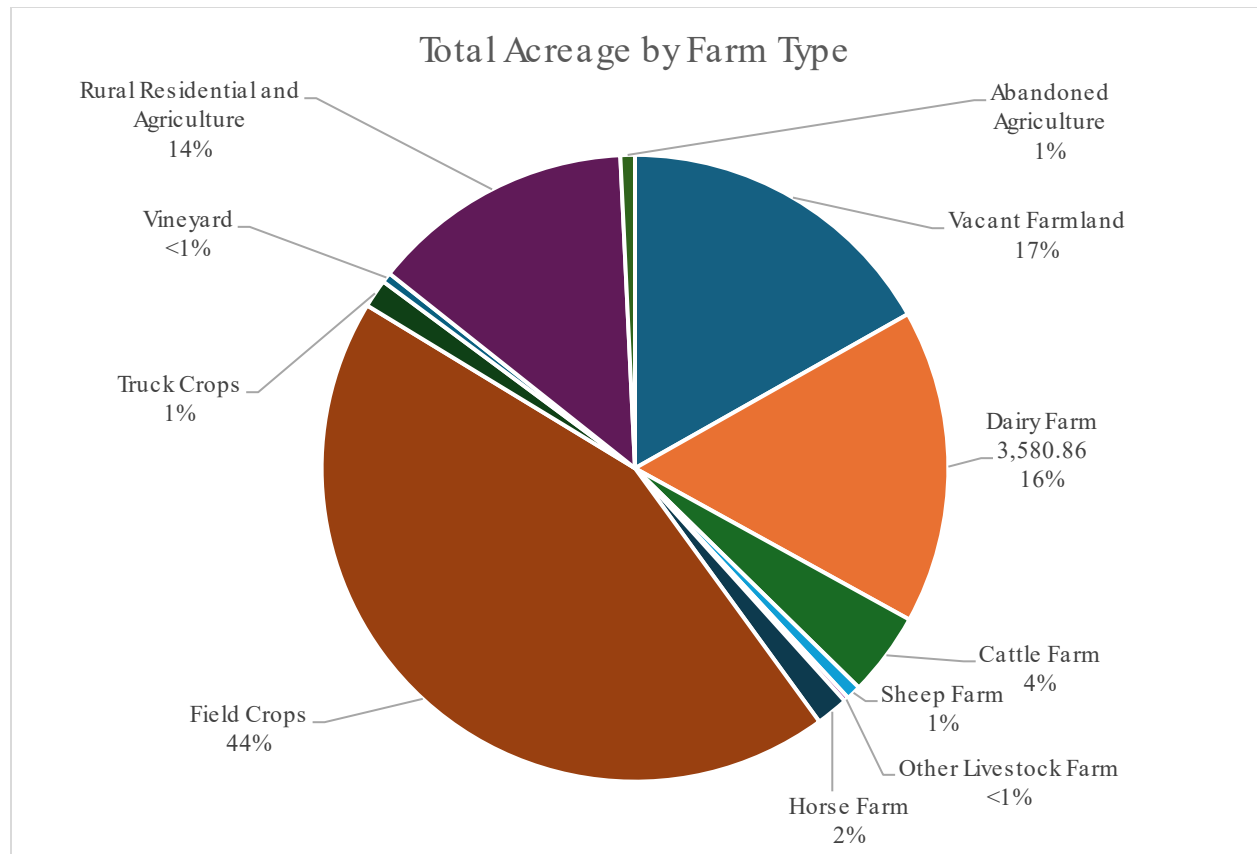


Figure 3. Farm Type by Acreage

- There is more diversity in the types of farming taking place on smaller parcels.
- Among the many dairy farms in Easton, three are permitted as Concentrated Animal Feed Operations (Allenwaite Farm, KA Sunset View Farm, Brotherhood Farm).
- The diversity of farming and ag-related activities taking place in Easton is large: dairy, beef, horses, sheep, vegetables, fruit, field crops, emus, alpacas, goats, and poultry are among the crops and products. Other ag-related businesses are also part of the agricultural community including meat processing, a veterinary clinic, farm machinery business, farm stands, and homemade ice cream.
- Easton is home to the Washington County Fair.
- Other types of agricultural activities taking place in Town include:
  - Borden's Orchard – apples and other fruits, cider, farm store
  - Dough Haven Farm – mixed vegetables, fiber, meat
  - Elihu Farm – sheep, lambs, wool, meet, hens for eggs
  - Northern Cross Vineyard – a NYS winery with tasting room
  - The Farm Store at Tiashoke – dairy, farm store (meat, cheese, pumpkins and more)
  - Victory View Vineyard and Winery – Craft beverages and tasting room

- Shaftsbury Alpacas – Alpacas
- The Alleged Farm – vegetables, herbs, fruits, heirloom varieties, CSA
- Our Farm CSA – diverse mix of naturally grown vegetables, small fruit, herbs, flowers, pasture raised laying hens, broilers, hogs, CSA and sells at farmers markets
- Elsworth Family Farm Feeds and Grains – feeds and grains for livestock growers
- Booths Blend Compost – a former dairy now producing compost as well as beef
- Silverman’s Farm Market – pick your own orchard, agritourism, pumpkin patch

## Farmland Resources

Farming is most successful on soils that support plant life with nutrients, water and other characteristics. One of the most important farm resources is soil. Farmland soils are defined and organized into three main categories: Prime Farmland Soils, Prime Farmland Soils if Drained, and Soils of Statewide Importance. Definitions of these three categories are:

### Prime Farmland

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and is available for these uses. It can be cultivated land, pastureland, forestland, or other land, but it is not urban or developed land or waterbodies. Prime farmland soils have the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied.

In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Prime farmland soil is of major importance in meeting our short- and long-range needs for food and fiber.

There are approximately 9,433.69 acres of “prime farmland soil” in the Town (See Table 4, below and [Agricultural Soils Map](#)). In Easton, prime farmland soils can be found throughout town, with many small and medium sized concentrations, primarily west of Route 40 and in the southern half of the Town south of Vly Summit Road. A subclass of prime farmland is “prime if drained.” These are fields that have been improved with tiles or other drainage. There are an additional 2,931.87 acres of land considered prime if drained.

### Farmland Soils of Statewide Importance

Land that does not meet the criteria for prime farmland is considered to be “farmland of statewide importance” for the production of food, feed, fiber, forage, and oilseed crops. There are approximately 8,439.93 acres of soils of statewide importance in Easton. The criteria for defining and delineating farmland of statewide importance are determined by New York State. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable.

Actively farmed land, shown on the [Farm Type and Agricultural District Map](#), can be found throughout the Town on Prime, Prime if Drained, and Statewide Important Soils. Like the soil resources, farms are not concentrated in only one area but are found throughout the Town. In the larger context of the County and region, Easton itself contains a concentrated and critical mass of farmland. However, farmlands are fragmented by residential land uses.

Draft July 2024

Add in Agricultural Soils Map

Table 4. Soil Type and Acreage in Easton

Soil Type	Area (Acres)
Prime farmland	9,433.69
Farmland of statewide importance	8,439.93
Prime farmland if drained	2,931.87
Not prime farmland	19,600.91

## County Agricultural Census Information

It is helpful to see the broader, regional context of agriculture. For that the United States Agricultural Census offers a more comprehensive picture of farming in the County. The Town holds an important role in Washington County as a critical location for farming.

Overall, the County has lost farms (18%) between 2017 and 2022 – but not farmland. The last Agricultural Census showed there is 5% more land in farming, and a 28% increase in the average size of farms in the County (See 2022 Census of Agriculture County Profile for Washington County, below.) This likely reflects farmland that was absorbed by other farms. Even with an 18% loss of those farms, the economic strength of agriculture in the County continues, with a large increase in market value, income, and value of sales.



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## Land Use in Easton and Farmland Conversion Pressure

### Existing Land Uses

While agriculture remains dominant in the Town of Easton, there are others land uses as well (See [Existing Land Use Map](#)). Table 5 details all the land uses and their acreage in Town. This table illustrates how agriculture, by far, is the principal land use. There are 7,929.7 acres of land used for residential purposes (about 20% of the total land base) in Easton, and commercial/industrial activities use about 3,700 acres (9%).

The [Residential Land Use Map](#) shows where those residential parcels are located and what type of housing types there are. The most prevalent housing type is single family homes although there are a few mobile homes, multipurpose residential structures, and multi-family residences too.

**Table 5. Existing Land Uses in Easton.**

Land Cover	Acres
Agriculture	24,011.8
Residential	7,929.7
Vacant	3,121.4
Commercial/Industrial	3,737.9
Community/Public Services	1,496.2
Wild Forest	70.8
<b>Total</b>	<b>40,367.80</b>

### Changes in Land Use

Even though there is recognition that agriculture remains the dominant land use in Easton, a closer look at the information from the Town since 1970 shows some important changes that have taken place over the past few decades (See [Land Use Map](#) and Table 6). For example, the number of acres in residential use in 1970 was 213 acres but by 2023, it was 3, 057 acres. This represents a 2,844% increase in acreage devoted to residential use.

Tax data indicates that in the last 30 years, 80 new homes have been built (see Table 6 and the [Homes Built in Last 30 Years Map](#)). The majority of those homes were built 10 to 20 years ago. the last five years has had only 5 new homes built.

Number of Homes	Year Bult
9 Homes	Within last 5 years
18 Homes	5-10 years Ago
53 Homes	10-20 years Ago

There has actually been a loss of 198 acres of land devoted to commercial and industrial uses. While not all of the data shown on the Land Use Map Table compares ‘apples to apples’ because land was classified differently between 1970 and 2023, it does show an increase in residential uses.

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Existing Land Use Map

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Homes Built in Last 30 Years Map

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Residential Land Use Map

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Land Use Map

In the 2000 US Census, there were 953 homes, in 2010 there were 1,022 homes (a 7.2% increase in population over the decade), and in 2010, there were 1,037 homes (a 1.5 increase over 2010 levels and an 8.8% increase since 2000).

This has implications for agriculture. Fragmentation of farmland and increased, low density residential land uses can impact farm viability. Low density rural residential development is characterized by spread out, large-lot subdivisions, increases in agricultural land that is adjacent to or surrounded by non-farm development, and areas where individual houses are spread out along rural roads. “Low-density residential land use threatens working farms and ranches by fragmenting the landscape and disrupting agricultural economies.”

The American Farmland Trust has found that low density residential development (LDR) “paves the way for further urbanization. Agricultural land in LDR areas was 23 times more likely to be converted to Urban Higher Density (UHD) than other agricultural land. In other words, once land has been converted to low-density residential land use, new development rapidly occurs on the remaining farmland and ranchland in the area.”<sup>2</sup>

This type of development can lead to “rural sprawl,” which can make it difficult for farmers to get into their fields or travel between fields and can lead to increased cars on the roads which make it difficult for farmers to move equipment. New residents may highly value the rural character and open space of a community like Easton, but many are not used to living next to agricultural operations and often nuisance complaints arise related to noise, odors, or agricultural practices like manure spreading and spraying of crops.

An aging farm population means that many farmers may need or want to sell their land for financial reasons. Increased land values makes it harder for farmers to afford to buy land for farming purposes. New and young farmers often have significant barriers to entry into farming because of the lack of available and/or affordable land. A lack of a new generation of farmers adds further stress to maintenance of significant farming areas.

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<sup>2</sup> <https://farmland.org/fut-national-pr/#:~:text=In%20other%20words%2C%20once%20land,fields%20or%20travel%20between%20fields.>



## Existing Strategies in Easton to Address Agricultural Sustainability

### Conserved Parcels

“The Agricultural Stewardship Association (ASA) is a nonprofit, community-supported land conservancy dedicated to protecting local farmland and working forests from encroaching development.” They “have helped conserve over 30,890 acres on 171 properties in Washington and Rensselaer counties in the Upper Hudson River Valley. ASA is one of the very few land trusts in New York State focused exclusively on conserving working farms and forests.”<sup>3</sup>

There are 36 easement properties in Easton that encompass 6,047.94 acres of farmland that are permanently conserved in the Town of Easton (See [Farm Type and Agriculture District Map](#) and [Agriculture Assessed Lands Map](#).)

### Reducing the Costs of Farming – NYS Agricultural Assessments in Easton

As per the NYS Department of Taxation and Finance<sup>4</sup>, the NYS Agricultural Assessments program can be described as:

“The State Legislature enacted the New York Agricultural Districts Law in 1971 to protect and promote the availability of land for farming purposes. Subsequent amendments have broadened its scope. The law provides a locally initiated mechanism for creating agricultural districts. Forming agricultural districts is intended to counteract the impact that nonfarm development can have upon the continuation of farm businesses.

The Agricultural Districts Law allows reduced property tax bills for land in agricultural production by limiting the property tax assessment of such land to its prescribed agricultural assessment value. Owners whose land satisfies the eligibility requirements may apply for an agricultural assessment (see details below).

Agricultural districts also provide the framework to:

- limit unreasonable local regulation on farm practices
- modify public agencies' ability to acquire farmland through eminent domain
- modify the right to advance public funds to construct facilities that encourage development
- require state agencies to modify administrative regulations and procedures to encourage continuing farm businesses
- provide Right to Farm provisions for protection from private nuisance suits for land in agricultural districts and parcels receiving agricultural assessments outside districts

Benefit assessment, special ad valorem levies, or other rates and fees for the finance of improvements such as water, sewer or nonfarm drainage may not be imposed upon land used in agricultural

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<sup>3</sup> <https://www.agstewardship.org>

<sup>4</sup> [https://www.tax.ny.gov/research/property/assess/valuation/ag\\_overview.htm](https://www.tax.ny.gov/research/property/assess/valuation/ag_overview.htm)

production and within an agricultural district unless such charges were imposed prior to forming the agricultural district.”

Note that the program requires certain penalty payments if land that benefited from an agricultural assessment is converted to a use inconsistent with agricultural production. If any portion of the land is voluntarily converted to a use other than agricultural production, that portion becomes subject to payments equal to five times the taxes saved in the last year in which land benefited from the exemption plus 6% interest compounded annually up to five years. Thus, the Town of Easton can consider those lands getting an agricultural assessment as an indication of long-term commitment to farming. Looking at data on how many and what parcels are eligible to receive the ag assessment is useful in both characterizing current farming operations as well as indicating future farming longevity.

In 2015, there were 205 parcels enrolled in the NYS Agricultural Assessment Program (69.2% of all parcels in the Town). In 2024, there are 229 parcels in the agricultural district (23,537.2 acres) receiving an agricultural assessment. Current agricultural assessments represents about 86% of all farmed acreage in Town – an increase over that from 2015. There are also 5 parcels (comprising 535.63 acres) with agricultural buildings that receive an agricultural assessment. These are structures and buildings essential to the operation of agricultural and horticultural lands. These must be lands actively devoted to agriculture on lands not less than five acres and exclusively used in bona fide agricultural production. Three additional 3 parcels (comprising 106 acres) of agricultural industrial uses outside the agricultural district that receive an agricultural assessment. (See [Agricultural Assessed Lands Map](#))

This information indicates continued commitment of farmers to agricultural operations.

## Critical Environmental Area – Agriculture

Critical Environmental Areas (CEAs)<sup>5</sup> are areas in New York State which have been designated by a local or state agency through the State Environmental Quality Review Act (SEQR, 6NYCRR Part 617) to recognize a specific geographical area with one or more of the following characteristics:

- A feature that is a benefit or threat to human health;
- An exceptional or unique natural setting;
- An exceptional or unique social, historic, archaeological, recreational, or educational value; or
- An inherent ecological, geological, or hydrological sensitivity to change that maybe adversely affected by any physical disturbance.

A CEA is not a zoning law, nor is it associated with any specific land use regulations for new uses. It is a designation that serves to alert developers or applicants for new land uses requiring Planning Board approval that there is a critical resource contained within the CEA. Once a CEA has been designated, potential impacts on the characteristics of that CEA become relevant areas of concern that warrant specific, articulated consideration in determining whether a new action could adversely impact the resources within the CEA.

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<sup>5</sup> <https://dec.ny.gov/regulatory/permits-licenses/seqr/critical-environmental-areas>

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Ag Assessed Land Map

In Easton, there are three CEA's, all created in 1984. One is for wetlands, one is for the Battenkill Scenic and Erosion Prone Areas, and one is the Agricultural District (see Figure 4).

The significance of having an agricultural District CEA is that whenever a project comes before the Planning Board or Town Board for an approval that requires SEQR (such as a subdivision), a more detailed evaluation of potential adverse impacts on agriculture is required.

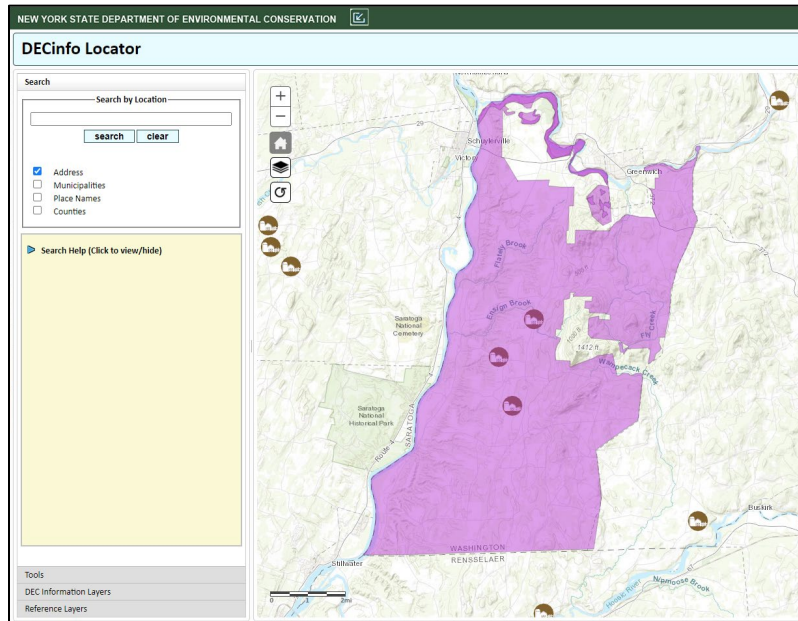


Figure 4. Town of Easton Critical Environmental Area - Agriculture District

## Right-to-Farm Law

New York State's Agricultural and Markets Law 25-aa includes a Right-to-Farm provision. This requires the Commissioner of Agriculture and Markets to resolve disputes about farm practices within a certified NYS Agricultural District. While New York State has a Right-to-Farm law (RTF), many municipalities have adopted their own RTF law, including Easton and most of the other Towns in Washington County. Easton's RTF Law was adopted in 1993 (Local Law 1 of 1992). Its purpose was to recognize the rural tradition and character of the Town of Easton to permit continuation of farming, to protect operation of existing farms, and to encourage new and expanded farming businesses. More specifically, Easton's RTF law states "In recognition of the fact that there are many practices and activities which are inherent to and necessary for the business of farming, it is the specific purpose and intent of his Local Law to attain the aforementioned goals and objectives by providing that such practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference of restrictions. The Town Board further finds that the continued maintenance and growth of farming are essential elements in the economic stability of the Town of Easton and so declarers, in accordance with the Comprehensive Plan of the Town of Easton, that agriculture is the preferred and dominant land use. An additional purpose is to promote a good neighbor policy between agricultural and nonagricultural residents of the town and encourage farmers to be considerate, responsible and careful with their practices so as to minimize the effect on others as much as possible."

The RTF Law accomplishes this by creating a local Grievance Committee to resolve disputes that cannot be resolved directly between the parties involved. It also prohibits interference that unreasonable, intentionally, knowingly, or deliberately interferes with, prevents, or in any way deters the practice of farming in the Town by setting fines. Further, it declares that farming practices in the town shall not be considered a public or private nuisance, provided that those farming practices are consistent with management practices recommended by the USDA Soil Conservation Service or the NYS Department of Agriculture and Markets. Finally, the RTF Law establishes a notification of prospective real estate buyers that they are considering purchasing or occupying land that within the Agricultural District and that buyers should expect and accept agricultural activities and operations as a normal and necessary aspect of living in Easton.

## **Washington County Agricultural and Farmland Protection Plan**

In 2017, Washington County adopted a new county-wide agricultural and farmland protection plan. That plan identified that Easton had the most farming activity in the County. The County Plan establishes several key findings and recommendations relevant to Easton including the following:

- Establishes a vision and set of goals to preserve farmland and promote agricultural businesses. The goals are particularly pertinent to Easton and their long-term vision to maintain the agricultural landscape and industry with a goal to encourage preservation and diversification of agricultural activities (EnvisionEaston Comprehensive Plan Vision Report May 2023).
  - Enhance the viability, diversity and sustainability of agriculture, focusing on both niche and traditional farms, value-added processing, agri-tourism, packaging, product aggregation and distribution operations.
  - Promote recognition, awareness, and support of the critical roles agriculture plays in the County with the non-farm community.
  - Support and improve farm-support agencies and organizations, agri-infrastructure, funding and educational opportunities to retain and grow agricultural enterprises.
  - Protect the land base for farming and promote environmental sustainability of farms.
  - Increase markets for, and visibility of, local and regional food and agricultural products.
  - Increase the number of, and support for, the next generation of farmers and agricultural entrepreneurs operating in Washington County
- Identifies areas within the County considered to be important farmlands to be considered for protection. It recognizes priority areas containing significant amounts of high quality farmland and productive soils, special areas containing productive farms and woodlands, areas of scenic, environmental or historical significance and farms that define Washington County's unique community character, and other important areas are identified as important by reason of farm location, farm viability or specific development threats.
  - Much of Easton is included in a Priority Area (labeled Hudson River Corridor, along Route 40). This is one of four areas within the County considered Priority Areas. Within this priority area, many high ranking farm areas are also identified. Ranking criteria include presence of land in agricultural production, prime soils, near areas of conserved farmland, or within 100' of a water resource.

## Town of Easton Subdivision Law

The Town of Easton Subdivision Law was adopted in 1999. This Law regulates creation of new parcels of land through the subdivision process. This Law's policy establishes "...that subdivision shall be carried out in accordance with the declared policy to conserve and protect the Town's natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products; that agriculture is the licit, preferred and dominant land use, ..."

This Law seeks to accomplish that policy by defining various agricultural terms, waiving field survey requirements when land is subdivided expressly for agricultural purposes, establishing a review process and standards which include ensuring consistency with the intent and purpose of the Agricultural District, identifying and mitigating impact on commercial agriculture, use of the Agricultural Data Statement to inform nearby farmland owners of a proposed project, and establishment of various land use conflict mitigations such as separation distances and buffers from farmland. See the Farm-Friendly Audit below for more information on the Subdivision Law.

## Farm-Friendly Audit

Easton does not have either site plan review regulations or a zoning law. The Subdivision Law is the primary land use tool the Town currently has: There are no other local controls established to regulate land uses, density or style of development, or type of development. The Subdivision Law, however, is not silent about agriculture, and preserving farming opportunities and farmland is clearly identified as a policy of the Town when new land subdivision occurs.

In general, the Town's subdivision law is considerably farm-friendly. It is noted that many subdivision laws in rural areas do not even mention agriculture. Easton's law, however, has the following farm-friendly strengths:

- Development and improvement of the Town's agricultural lands for food and other agricultural products is a stated policy of the Town, that agriculture is the preferred and dominant land use in Town, and subdivisions are expected to be consistent with this.
- It defines and requires use of the Agricultural Data Statement as part of the subdivision application to inform nearby farmland owners that a subdivision is taking place. It also defines agricultural district and agricultural lands.
- It excludes agricultural farm management practices, farm buildings and structures and land use changes consistent with generally accepted principals of farming from being considered 'development' reviewed via the subdivision law.
- Allows for a waiver of field survey for new parcels when the land is to be used for commercial agricultural purposes.
- Establishes a sketch plan conference at the beginning of the process to evaluate consistency of the subdivision with the intent and purpose of the Agricultural District and CEA's in Easton and requires the Planning Board to consider impacts on commercial agriculture.
- Includes agriculture in determinations of Significance for SEQR including whether a new subdivision would result in change in use of land, including agricultural land.
- Correctly refers to required Washington County review of a subdivision when it is in or 500' from the boundary of a farm operation located in a NYS Agricultural District.

- Recognizes the importance of NYS AML 25-AA. It requires certain major subdivisions to have a statement from the Commissioner of the NYS Department of Agriculture and Markets certifying a review under Section 305 (4) of Article 25-AA to minimize or avoid adverse impacts on agriculture.
- References and requires an Agricultural Disclosure Notice (Section 21) to inform new land buyers that the land they are purchasing is within an Agricultural District.
- References and requires consideration of the Washington County Agricultural and Farmland Protection Plan.
- Establishes new driveway location requirements so that agricultural lands are not inappropriately bisected to prevent access to farmland.
- Provides for sufficient drainage to prevent runoff onto agricultural land.
- Sets land use conflict mitigation and considers agricultural land activity as an already developed use so that conflict mitigation measures may be applied. These include authorizing the Planning Board to site residential subdivisions sufficient distances from agricultural activities and to protect agricultural lands from development and to be retained in contiguous pieces without fragmentation. It also establishes that the Planning Board require permanent, well-defined buffers when a subdivision is adjacent or close to being affected by operations on agricultural land designated as prime farmland or farmland of statewide importance. The buffer is set at no less than 30 feet and up to 200 yards wide to be determined on a case by case basis by the Planning Board. Mitigation also includes the encouragement of voluntary donation of conservation easements to retain land for agricultural purposes.
- Includes information in subdivision applications that help the Planning Board understand the proposed subdivision in relation to surrounding agriculture.

Some elements of subdivision that are not included in the Easton Subdivision Law but that would enhance effectiveness to protect agriculture include:

- There are no provisions for voluntary or mandatory clustering or conservation subdivisions which would require a percentage of the original parcel to remain as open space and available for agriculture.
- There are no rural siting standards required or encouraged for non-farm development that would maximize protection of agricultural lands and rural character either for both minor or major subdivisions.
- It does not clearly identify secondary agricultural businesses that may occur on a farm (such as a tasting room, direct sales, or agritourism) to ensure that those are not considered reviewable under the subdivision law.
- The required subdivision plat information to be provided does not require mapping or showing location of prime or important farmland soils.
- As almost the entire area of the Town is included in a NYS DEC/SEQR established Critical Environmental Area (CEA), use of the Full Environmental Assessment Form (as required under SEQR for CEA's) is not articulated or required. The Planning Board is required under SEQR to evaluate potential impacts on lands within an Agricultural District. Little information about adjacent farming, potential farmland fragmentation, and other features is required to be submitted. This likely makes it harder for the Planning Board conduct the required evaluation of impacts on agriculture during subdivision.

- Buffers and setbacks as may be required by the Planning Board are not included in the list of plat information to be provided to the Town.
- There is less emphasis on the many natural resources that are also important to the character and environment of the Town as well as to agriculture. Protection of fertile soils, forest lands, wetlands and streams, and other natural resources should have a more prominent role in the subdivision law.





This section provides an overall summary of agricultural and farmland protection tools. Local governments have various tools at their disposal to protect agricultural land and ensure the sustainability of farming activities. These are provided as information about the ‘toolbox’ that could be utilized – these are not necessarily recommendations for Easton, but offered to help provide a larger understanding of the methods that could be used in Town.

#### Land Use Regulations

- Agricultural Zoning: Designating certain areas exclusively for agricultural use to prevent sprawl and non-farm development.
- Overlay Districts: Creating special zoning districts that overlay existing zones to provide additional protections for agricultural land. These can include restrictions on certain types of development and provisions for agricultural infrastructure.
- Cluster Development or Conservation Subdivisions: These allow for residential development in rural areas while preserving significant portions (usually 50%) of the land for agricultural use. New homes are clustered on smaller lots, leaving the remaining land available for farming.
- Use of zoning to set type and density of development: Zoning allows a community to establish both the desired density (number of residential lots or units) and type of development that is desired (or not desired). Density in rural areas is recommended over setting a minimum lot size, and to promote affordability, small lots but lower density is better than requiring large lots. Zoning can also help focus growth in areas most suitable such as in hamlets or villages. Buffers, setbacks and other measures can reduce conflicts between farms and adjacent non-farm uses.
- Buffers: Buffers between ag and non-farm uses can reduce conflicts and protect farming operations from encroachment. Buffers are already required via the Town of Easton’s Subdivision Law.
- Flexible Zoning – Zoning should allow for a variety of agricultural-related uses and support services (such as farm stands, agri-tourism, direct sales, and processing facilities) to enhance farm viability. From an agricultural perspective zoning that has streamlined permitting can be an incentive for desired development. Agricultural operations and related activities should have minimal permitting processes and no site plan or special use permit should be required for farm operations.
- Flexible Standards: Adapting regulatory standards to accommodate the unique needs and constraints of farming operations while ensuring environmental protection.

Purchase of Development Rights (PDR) and Conservation Easements: Many parcels of land in Easton are already protected via conservation easements. Landowners voluntarily place restrictions on their land to limit non-agricultural development. These easements are often held by land trusts such as ASA or the American Farmland Trust or government entities and can be permanent or term-limited.

Agricultural District Programs: Encouraging farmers to form agricultural districts that receive benefits such as protection from nuisance lawsuits, eligibility for tax incentives, and priority for agricultural grants.

Tax Incentives: Offering tax breaks or incentives to landowners who agree to place conservation easements on their property or otherwise voluntarily protect their lands are other options.

Farmland Preservation Programs: These establish dedicated funds to purchase agricultural land or development rights.

Right-to-Farm Laws: These provide nuisance protection by protecting farmers from nuisance lawsuits brought by neighbors who might be disturbed by normal farming activities. Easton already has a Right-to-Farm Law.

Disclosure Requirements: These require that potential buyers of property near agricultural areas be informed of the nearby farming activities and the protections in place for those activities. Easton's Right-to-Farm Law and Subdivision Law already have disclosure requirements.

Financial and Technical Assistance: Providing financial assistance to farmers for conservation practices, infrastructure improvements, or adopting sustainable farming practices enhances their viability. Further, Ensuring that expertise and support for best management practices, sustainable agriculture, and conservation techniques remains available via Cornell Cooperative Extension, SWCD and other services or agricultural agencies is important. These agencies are vital to offering training programs for farmers on sustainable practices, business management, and compliance with regulations.

Comprehensive Planning: These plans should include specific goals and policies for agriculture to guide land use decisions and resource allocation. Engaging the farming community and other stakeholders in the planning process to ensure that agricultural concerns are addressed. Easton's public engagement process for the Comprehensive Plan had extensive public involvement.

Education and Outreach: It is vital to continue educating the public about the importance of farmland preservation and the benefits of local agriculture.

Local Food Initiatives: Farmers Markets, Community Supported Agriculture (CSAs), Farm to School Programs, Food Hubs, and other similar initiatives offer many other opportunities for farms to diversify and offer value-added and other direct-to-consumer sales avenues. Farm to School programs encourage local schools to source food from local farms, fostering connections between farmers and the community.

The farmland protection toolbox is quite large, but more importantly, a community cannot rely on just one tool. Usually, a variety of methods that implement a combination of these tools can help local governments protect agricultural land, support farmers, and promote sustainable agricultural practices.

## Recommendations

Based on the above data, maps, and evaluations, the following assets and challenges facing agriculture have been identified. Together with the vision, goals, and information provided in the EnvisionEaston report, a set of recommendations is offered.

### Easton's Agricultural Assets and Strengths

- The May 2023 EnvisionEaston Visioning Report highlights considerable public engagement efforts undertaken by the Town to identify the needs and direction desired in the future. Agriculture holds a critical role in all aspects of the Town, is a key element of Easton's new vision, goals and objective statements, and articulates a clear priority to maintain and promote agriculture in the Town. Agriculture has the highest level of support among all types of land uses in town among survey respondents including even higher support than scenic views.
  - Several key indicators of public support for agriculture include:
    - Community Survey Results: The survey responses highlighted the importance of preserving the agricultural landscape and maintaining the town's rural character. Many respondents emphasized their appreciation for the town's farming community and agricultural heritage.
    - Stakeholder Meetings: During the stakeholder meetings, participants expressed strong support for the agricultural industry and the need to protect and promote farming activities. There was a consensus on the importance of maintaining Easton as an agricultural community.
    - Public Workshop: At the public workshop, attendees prioritized the preservation of farmland and the agricultural way of life. They supported initiatives that enhance and protect agricultural activities in the town.
    - Vision Statement: The Vision Statement developed through community input underscores the commitment to protecting Easton's agricultural-based community, economy, and landscape. It highlights the town's dedication to preserving its rural and agricultural character.
    - Goals and Objectives: The goals and objectives outlined in the Vision Report include specific actions to support and embrace the agricultural industry, protect natural resources, and promote agritourism, reflecting the community's commitment to agriculture.
- A critical mass of farmland remains available for agricultural activities in Easton. Easton serves as an agricultural hub that supports surrounding towns and counties.
- Agriculture remains the dominant land use in the Town.
- The current subdivision law is considerably farm-friendly.
- The Town has abundant farmland soils conducive to agriculture.
- Agricultural support networks such as ag-businesses, Cornell Cooperative Extension, SWCD and others exist and are accessible to town farms.
- Preserved farmland already exists in Easton that form a core critical mass.
- The Town has a Right-to-Farm Law and has consistently shown its commitment to agriculture.
- Cost of doing agricultural business is high, including land rental.

- There are numerous small farms that offer diversity and value-added products.
- Easton's location and access to Albany, Saratoga, Clifton Park and Glens Falls is an asset.
- The Town supports agritourism.

## **Challenges Facing Agriculture in Easton**

- Solar development is a growing land use pressure placed on farmland in Town. Some farmers see it as a threat, while others feel people should be able to do what they want/ need with their land.
- There has been an increase in non-farm residential development spread throughout the Town (not in hamlets or concentrated locations).
- There is an aging farm population.
- The dairy industry in the United States is economically stressed and the Town is dominated by dairy and field crop uses on large acreages of land.
- Weather patterns are changing and may adversely affect agricultural activities.
- There is a need for continuing diversification of farm activities.
- Other than subdivision, there are no land use regulations to address large non-farm developments or low density residential sprawl.

## **Recommendations and Opportunities**

- Become part of the Upper Hudson American Viticultural Area. Reinvent and encourage wine trails among multiple communities.
- Promote farm to table efforts.
- Have an Easton Market where farmers can sell directly to consumers.
- Expand agritourism and direct sales of Easton agricultural products.
- Revitalize small hamlets to focus and allow for more housing and more of a diversity of housing in those locations rather than in prime farming areas.
- Establish a Solar Facility Law. Promote or require dual use/agrivoltaics when solar development occurs. Restrict solar farms on prime farmland soils. Include strong siting and screening standards to minimize impacts on adjacent farms and to protect rural character. Farmers need to be able to graze cattle, grow vegetables and field crops, and have orchards that co-exist with solar developments. Ensuring that a variety of agriculture could still happen simultaneously around and under solar panels is important to continue the viability of agriculture in Town.
- Update the Subdivision Law to allow for or mandate use of conservation subdivision design for major residential subdivisions and establish rural siting criteria.
- Establish a Site Plan Review Law.
- Become a Climate Smart Community and help promote climate-smart agricultural practices.
- The Town should support landowners and farmers who voluntarily wish to conserve their land through agricultural conservation easements (whether purchased, donated or a bargain sale). Grant funders, including New York State, typically require letters of support or resolutions for such easements from the Town.
- Support other tools like pre-emptive purchase rights and other mechanisms that make land affordable and/or more accessible for the next generation of farmers.

- The Town should be receptive and supportive of efforts such as community forests and/or community farms, and trails that provide a community benefit while allowing people to experience working lands. Connecting people to the Town's working landscapes is a growing need to continue promoting support for agriculture.
- Encourage the preservation and diversification of agricultural activities to support the industry.
- Continue to uphold and promote Easton's identity as an agricultural community.
- Address concerns about overdevelopment and protect resources and viewsheds that are important to the agricultural landscape.
- Encourage businesses related to agritourism and other agricultural activities to promote economic growth.
- Enhance cooperation and communication. Work with neighboring communities, the County, and ag-related agencies and organizations such as, but not limited to ASA, CCE, and SWCD to promote regional agricultural activities and resources.
- Utilize relationships with local wineries as a model to attract other agritourism businesses.
- Ensure that infrastructure improvements, such as broadband internet, support agricultural businesses. Improve and maintain infrastructure that supports agricultural operations, such as roads, broadband internet, and utilities, to enhance the viability of farming businesses.
- Engage with agricultural stakeholders to ensure their needs and perspectives are included in planning and development processes.
- Provide incentives and support for agricultural property owners to maintain and enhance their operations. Offer incentives for landowners to preserve agricultural land, such as tax breaks, grants, or use conservation easements, to ensure that farmland remains dedicated to agricultural use.