



New York Farm Bureau
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MEMORANDUM OF SUPPORT

Senate Bill 6039 (Senator LaValle) / Assembly Bill 7703 (Assemblyman Thiele)

AN ACT TO PROVIDE THAT INTERESTS OR RIGHTS ACQUIRED IN REAL PROPERTY FOR THE PRESERVATION OF AGRICULTURAL LANDS IN THE COUNTY OF SUFFOLK SHALL PERMIT THE USE OF SUCH REAL PROPERTY FOR A FARM OPERATION

Date: 5/22/2017

New York Farm Bureau, the state's largest farm advocacy organization, requests your support of this important legislation. If enacted, this bill would clarify the definition of a farm operation as it relates to real property that was acquired for the preservation of agricultural lands in the county of Suffolk, as defined in the New York Agriculture and Markets Law.

Established in 1974, Suffolk County Farmland Program enables farmers to continue to use their land for agricultural production and maintain ownership after they sell their residential and commercial development rights. Since its inception, over 10,000 acres of farmland in Suffolk County have been saved by the program, the first land preservation program in the country. An additional 10,000 acres of farmland have been protected by town preservation programs.

Unfortunately, a recent court decision has caused confusion on the difference between farmland preservation versus open space preservation. Unlike parklands and open space preservation programs, the farmland is owned by the farmers and can be used for agricultural production. Farmers need to grow and update their operations in order to have a successful business which includes building new structures on the preserved farmland. Farmers must apply for permits to build these agricultural structures, but the court decision has restricted the ability of Suffolk County to grant these permits. Since the September 2016 court ruling, farmers in the Suffolk County Farmland Program have not been permitted to build barns for storage, install a deer fence to protect their crops, or make necessary changes that are important to farming.

It is essential that farmers have the ability to run their businesses effectively and even with an appeal by the county of Suffolk underway, immediate action is needed to give a definitive answer to farmers as to how they may use their preserved agricultural land. For these reasons, New York Farm Bureau respectfully requests your support of this legislation.