



PUTNAM COUNTY EXECUTIVE
KEVIN M. BYRNE

MEMORANDUM

TO: Diane Trabulsy, Clerk
Putnam County Legislature

CC: Putnam County Legislature

FROM: Kevin M. Byrne
County Executive

DATE: December 29, 2025

RE: **Approval of Resolution #370 of 2025, Agricultural District Inclusion Criteria**

2025 DEC 29 PM 3:47
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

For more than a year, this Administration has worked in good faith to address objections raised by members of the Legislature and the Soil and Water District Manager tied to problematic language in Resolution #139 of 2007, which established criteria for inclusion in the Putnam County Agricultural District and was clarified through litigation.

I recognize and thank Commissioner Barbara Barosa and Real Property Director Patricia McLoughlin for their diligence on this matter, both in their Administration roles and as members of the Agricultural Board.

Earlier this year, the Administration provided a draft and formally requested the Legislature review and update the outdated resolution to remove problematic soil-standard language and ensure compliance with recent court decisions. Continued reliance on the nearly 20-year-old resolution led to the Legislature's exclusion of Ridge Ranch in Patterson, among other properties, contrary to the Agricultural Board's recommendations, and resulted in litigation. This was compounded by the former Legislature Chair's ill-conceived and unilateral decision to fire the volunteer Chair of the Agricultural Board on December 31, 2024.

In 2024, I met with the farming community, and in 2025 convened a publicly recorded Future of Farming Roundtable with agricultural experts. All nine legislators were invited; four attended. Policy ideas included an Agricultural Navigator role, and Commissioner Barosa and Director McLoughlin contributed substantially.

On August 25, 2025, I submitted an updated draft resolution for legislative consideration. That proposal was not acted upon. While the Legislature has now moved this revised resolution through committee, it did so with limited public notice, avoided committee agenda inclusion, and amended it just before passage.

I welcome this long-overdue update, regret it was not pursued sooner, and hope the County and Legislature will not wait another two decades before reviewing this policy again.

Because Resolution #370 of 2025 modernizes the Agricultural District Inclusion Criteria and provides clearer guidance, I hereby approve it, with the understanding that it may be further refined in the future with more meaningful stakeholder input in public.

PUTNAM COUNTY LEGISLATURE

Resolution #370

Introduced by Legislator: Greg Ellner on behalf of the Physical Services Committee at the Year End Meeting held on December 18, 2025.

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APPROVAL – AGRICULTURAL DISTRICT INCLUSION CRITERIA

WHEREAS, Article XIV of the New York State Constitution establishes the policy of the State to conserve and protect its natural resources, including agricultural lands, for the benefit of present and future generations; and

WHEREAS, Article 25-AA of the New York State Agriculture and Markets Law (AML) declares it to be the policy of the State to conserve, protect, and encourage the development and improvement of agricultural lands and to prevent the unreasonable restriction of farm operations within designated Agricultural Districts; and

WHEREAS, it is the policy of Putnam County to protect and encourage the development and improvement of agricultural lands and to recognize that the economic vitality of agricultural businesses is essential to the County’s economic stability and growth; and

WHEREAS, AML §302 authorizes the establishment of a County Agricultural and Farmland Protection Board (AFPB) to advise the Legislature regarding the creation, modification, continuation, and termination of Agricultural Districts; and

WHEREAS, by Resolution #304 of 1988, the Putnam County Legislature established the “Great Swamp,” as a critical environmental area, which may overlap with lands being considered for inclusion in the Agricultural District; and

WHEREAS, by Resolution #144 of 1997, the Putnam County Legislature established the Putnam County Agricultural and Farmland Protection Board with such functions and duties as prescribed in AML §302(1)(c)–(e); and

WHEREAS, by Resolution #81 of 2003, Putnam County Legislature created an Agricultural District in the County of Putnam; and

WHEREAS, by Resolution #244 of 2003, the Putnam County Legislature established the month of November as the month in which a landowner may request inclusion in the Putnam County Agriculture District; and

WHEREAS, by Resolution #139 of 2007, the Putnam County Legislature established supplemental criteria for inclusion into the Agricultural District; and

WHEREAS, by Resolution #154 of 2015, the Putnam County Legislature changed the annual thirty-day inclusion request period, from the month of November to April 1st through April 30th, commencing in the year 2016 and each year thereafter; and

WHEREAS, pursuant to Article 25AA of the Agriculture & Markets Law section 303-b provides for the inclusion of viable agricultural land into a certified Agricultural District; and

WHEREAS, pursuant to Article 25AA of the Agriculture and Markets Law the Putnam County Legislature is charged with determining whether a parcels lands are “viable

State of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 18, 2025.

Dated: December 19, 2025

Signed: _____

Diane Trabulsy
Clerk of the Legislature of Putnam County

PUTNAM COUNTY LEGISLATURE

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agricultural land,” as defined in Agriculture & Markets Law §301(7) and suitable for inclusion in the Agricultural District under §303-b of the Agriculture & Markets Law; and

WHEREAS, the Putnam County Legislature wishes to codify the factors by which it shall make such determinations; now it is hereby

RESOLVED, that this resolution supersedes Resolution #139 of 2007, and be it further

RESOLVED, that, consistent with the County’s obligations to safeguard the health, safety, and wellbeing of the residents of Putnam County, when considering whether lands are viable agricultural lands and suitable for inclusion in the Agricultural District pursuant to Section 303-b of the Agriculture and Markets Law the following factors, which are not exclusive, shall be considered by AFPB in making their recommendations to the Putnam County Legislature, but no single factor shall ever serve as a sole basis for exclusion:

1. Whether the parcel includes viable agricultural land as defined by Agriculture & Markets Law 301(7)
2. Whether the parcel is under current or proposed agricultural use, including whether the parcel is presently used or reasonably capable of being used for agricultural production;
3. Whether the parcel, if proposed for agricultural use, qualifies as a start-up farm;
4. Whether the parcel’s contribution or proposed contribution to the local agricultural economy, including diversification, specialty products, or expansion of agricultural capacity within the County supports or refutes inclusion;
5. Whether a sketch plan, business plan, or any other document by which the viability of the proposed start-up can be assessed has been provided to demonstrate its potential for becoming a financially viable farm operation, if proposed as a start-up farm;
6. Whether vacant lands or proposed start-up farms are part of a current farm already in operation within the Agricultural District, such that the farm is merely transferring location;
7. Whether the parcel is within or adjacent to a Critical Environmental Area, as defined in 6 NYCRR 617.2(i), or a sensitive natural resource (currently identified critical environmental areas and sensitive natural resources are provided in Schedule A annexed hereto);
8. Whether an on-site assessment has been conducted by members of the AFPB ;
9. Whether farm operations follow agricultural Best Management Practices as defined in Agriculture & Markets Law §150(4);
10. Whether each parcel has been confirmed to be in compliance with Town, State,

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and Federal law and free and clear of any such violations prior to consideration of its application for inclusion, however, parcels shall not be excluded solely due to unrelated Town, State, or Federal violations unless such violations directly undermine agricultural viability or land stewardship, but nothing herein prohibits or enjoins any municipal authority from its lawful code enforcement powers; violations issued after the submission of an Agricultural District application shall not be treated as disqualifying when administrative, unsubstantiated, or unrelated to agricultural use; and

- 11. Whether notice has been provided to adjacent landowners of the applicant's intention to seek inclusion of the specified parcel in the Agricultural District;
- 12. Whether observations and findings made by the AFPB relative to these factors during site visits, where such visits are utilized support or refute the propriety of inclusion;
- 13. Whether any additional information that bears upon the purposes, intent, and public-interest goals of Article 25-AA, including the protection of farmland, the encouragement of agricultural development, and/or the prevention of unreasonable local restrictions on farm operations support or refute the propriety of inclusion; and be it further

RESOLVED, in cases of uncertainty regarding statutory interpretation or agricultural viability, the Legislature may direct the AFPB to request an opinion from the New York State Department of Agriculture and Markets prior to final legislative action; and be it further

RESOLVED, that when determining whether land constitutes "viable agricultural land" as defined in AML §301(7) and evaluated under AML §303-b, the Putnam County Legislature shall seek advice based upon the specialized knowledge and expertise of the AFPB in assessing these appropriate factors and their recommendations for a parcel's inclusion or exclusion from the Agricultural District; and be it further

RESOLVED, that these considerations are intended to guide AFPB analysis and legislative review, without creating new statutory thresholds or disqualifying criteria, and shall be applied solely within the scope of Article 25-AA; and be it further

RESOLVED, that all criteria shall be interpreted in a light most favorable toward inclusion, not exclusion; and be it further

RESOLVED, if any factors would adversely affect the application for inclusion in the Agricultural District, the Agriculture & Farmland Protection Board shall notify the applicant upon discovery to give the applicant 10 days to remedy or cure the negative factors; and be it further

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RESOLVED, if a court of competent jurisdiction deems any factor unlawful or otherwise unenforceable, that factor shall be severed and all other factors shall remain in full force and effect; and be it further

RESOLVED, an applicant who is initially recommended for denial for inclusion in the Agricultural District by the Agriculture & Farmland Protection Board may request a re-review of their application by written statement providing grounds for re-review to the Agriculture & Farmland Protection Board within seven (7) days. The Agriculture & Farmland Protection Board, upon consultation with the County's Soil and Water District and Cornell Cooperative Extension, shall then reconsider the application and send recommendations after re-review to the Legislature within thirty (30) days. After reconsideration, the Legislature shall again determine whether to include the parcel in the Agricultural District. If the determination of the Legislature appears to be in contravention of the New York Agriculture and Markets Law, the applicant may make written request that AFPB seek an opinion from the Commissioner of Agriculture and Markets. Upon such written request, the AFPB shall consult with New York State Department of Agriculture and Markets, and shall provide all required records necessary, and shall send a written request for an opinion from Commissioner of Agriculture and Markets under AML§308, such opinion shall be adopted and implemented in the final determination of the County Legislature; and be it further

RESOLVED, if a parcel is denied inclusion in the Agricultural District during any given application year, such denial does not preclude re-application during future enrollment periods; and be it further

RESOLVED, that this resolution shall take effect immediately and apply to all Agricultural District inclusion requests beginning with the 2026 inclusion cycle.

BY POLL VOTE: SIX AYES. LEGISLATORS CROWLEY, GOULDMAN AND RUSSO WERE ABSENT. MOTION CARRIES.

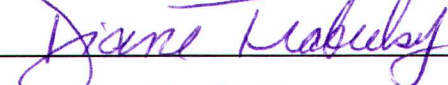
State of New York
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County of Putnam

APPROVED

12/29/25
COUNTY EXECUTIVE **DATE**

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