



Agriculture and Markets Law Section 305-a Review
Department of Agriculture and Markets

The information requested in this form is for purposes of reviewing a local law/regulation and its impact upon your farm under Agriculture and Markets Law (AML) §305-a. The review will commence upon your completion and return of this form and the receipt of any other information or documentation that the Department may determine necessary to conduct a review. Please complete and return this form and provide any additional information you believe relevant, to the New York State Department of Agriculture and Markets, Division of Land and Water Resources, 10B Airline Drive, Albany, New York 12235.

1. Name _____

Address _____

Telephone No. and Fax No. _____

E-mail address _____

Farm Website (if applicable) _____

County _____ Town _____

2. Name of Farm _____

Number of Acres Owned _____ Number of Acres Rented _____

3. Is the farm located in a State-certified Agricultural District? If Yes, please indicate the Number of the District _____ and provide documentation of the farm's inclusion in the District (e.g., a letter, e-mail or other written confirmation from County Planning Office, County Real Property Tax Office, County Clerk or County Legislature).

*** AML§305-a only applies to farm operations in a State Certified Agricultural District. If the farm is not located in an Agricultural District, the Department will not conduct a review.

4. How is the farm being restricted or regulated by the local government? Describe the specific farm buildings, equipment or practices involved and how they are affected. Please provide as much detail as possible and attach additional sheets as necessary.

5. Has the farm been denied a permit or other required local approval (e.g., building/zoning permit, special use permit or site plan)? ____ YES or ____ NO. If YES, please provide copies of all documents related to the permit/approval [e.g., applications, permits, correspondence between you, the town, planning board and/or zoning board of appeals, meeting minutes, etc.].

6. Does the farm have an existing Site Plan, Special Use Permit or other local approval related to the farm's production, preparation and marketing of crops, livestock or livestock products? ____ YES ____ NO. If YES, please provide copies of the application, plan/permit approval and other correspondence relate to the application/approval.

7. Has the farm been issued a Notice of Violation (NOV) or other written notification that the farm has violated a local law, rule or regulation? ____ YES or ____ NO. If Yes, please provide copies of the NOV, Ticket or other written notice received by the farm; and related documents/letters.

8. Description of the farm – include the following information and provide as much detail as possible (attach additional sheets as necessary): size of farm; type of enterprise; products; acreage; buildings; years in operation; annual gross income.

9. Does the farm conduct activities on the property which may not be part of the farm's production, preparation and marketing of its crops, livestock and livestock products? (e.g., processing and marketing of non-farm products, sawmills processing wood which is not from the farm, special events) ____ YES ____ NO. If YES, please describe these activities/land uses in detail and explain if these activities/land uses are the subject of any pending alleged violation of local law. Please provide as much detail as possible and attach additional sheets as necessary.

10. Does the farm produce crops for alcoholic beverages that are prepared and marketed on the farm? ____ YES ____ NO. If YES, please provide a copy of the farm's NYS Liquor Authority license.

Please also explain how the farm meets the production and beverage sales thresholds in the Department's *Guideline for Farms that Produce, Prepare and Market Crops for Beverages* (i.e., at least 50% of the crops for the beverage must be grown on the farm; and farms that market the beverage on the farm must derive at least 70% of their sales from the beverage). Please provide as much detail as possible and attach additional sheets as necessary.

Please be aware that all records, including e-mails, submitted to the Department are subject to the NYS Freedom of Information Law and may be released.

11. Does the land/farm receive an agricultural assessment? _____ If YES, please provide a copy of the property tax bill documenting receipt of an agricultural assessment. If NO, why not? (e.g., start-up, insufficient sales) _____

*Please complete the AML §305-a Questionnaire if the farm does not qualify for agricultural assessment, or if the Department informs you that it is otherwise needed for its review.

12. Provide a list of other persons or entities (e.g. Building Inspector, Code Enforcement Officer, Town Supervisor, Town Attorney) who may have further information; include title and day-time phone number:

13. Please provide any additional information that may be useful in conducting the Department's review.

The information provided by me above and in the attached documents, if any, is truthful and accurate to the best of my knowledge.

Signature Date

*Department Guidance Documents can be found at: <https://www.agriculture.ny.gov/ap/agservices/ag-restrictive-laws.html>.



Agriculture and Markets Law Section 305-a Review Application Checklist

- *Have you filled out the review form completely? _____*
- *Have you provided all information, documents and attachments required? _____*
- *Have you provided enough detail for the Department to properly evaluate your request, including: Documentation of the agricultural district status of the land? How your farm qualifies as a farm operation? How your farm is being unreasonably restricted or regulated? _____*
- *Have you provided details about the farm's processing and marketing of products not grown or raised by the farm (if applicable)? _____*
- *Have you provided details about the farm's production, preparation and marketing of crops for alcoholic beverages (if applicable)? _____*