



PUTNAM COUNTY EXECUTIVE  
KEVIN M. BYRNE

MEMORANDUM

TO: Hon. Amy Sayegh, Chairwoman  
Putnam County Legislature

CC: Diane Schonfeld, Clerk  
Putnam County Legislature

The Putnam County Legislature

Heather Abissi,  
Senior Deputy County Attorney

FROM: Kevin M. Byrne  
County Executive

DATE: August 25, 2025

RE: Modification of Agricultural District Criteria

Earlier this year, I reiterated my position that our Law Department should not seek an appeal in the *Honovich* matter because I believed it to be the most appropriate course of action given that we have endeavored to find a clearer, more consistent path forward amidst the recent controversy involving Putnam's Agricultural and Farmland Protection Board and the County Legislature. I am pleased that the overwhelming majority of the Legislature agreed with this position.

It is my understanding that following the Court's decision in the *Ridge Ranch/Honovich* matter, you had requested that the Law Department assist in drafting a new resolution to supersede Resolution #139 of 2007 in order to bring current and clarify the criteria for parcel inclusion in the Putnam County Agricultural District, pursuant to N.Y.S. Agricultural and Markets Law § 303-b. This is something I had hoped we could have pursued earlier but recognize the aforementioned litigation complicated and delayed the matter further.

Enclosed is an updated resolution, which as I understand it, is substantially similar to a version that was previously provided to the Legislature by the Law Department in spring 2025. The enclosed resolution incorporates feedback raised by me and members of this Administration in addition to feedback shared by members of the Legislature, while aligning with applicable State law and recent court decisions.

This memorandum serves as my support for the timely passage of the attached resolution to provide more up-to-date, clearer, and concise rules to ably guide all parties involved in the Agricultural District application process in Putnam County.

I respectfully request that the Legislature consider the attached proposed resolution for approval.

Thank you for your consideration.

## **RESOLUTION**

### **APPROVAL/AGRICULTURE DISTRICT INCLUSION CRITERIA**

**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 in which a landowner may request inclusion in the Putnam County Agriculture 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 and 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 section 301(7), "viable agricultural land" means land highly suitable for agricultural production, with "agricultural production" being defined by Agriculture and Markets Law section 301(4) as it relates to the nature of the use of the applicant parcel, and which will continue to be economically feasible for such use if real property taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of non-agricultural development; and

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

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

**WHEREAS**, there are other factors that must be considered in determining whether lands are highly suitable for agricultural production; now therefore be it

**RESOLVED**, that this resolution hereby 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 shall be considered:

- Whether the application sets forth suitable agricultural production standards under Agriculture & Markets Law 301(4);

- Whether the parcel includes viable agricultural land as defined by Agriculture & Markets Law 301(7);
- Whether the parcel is currently being farmed, and if not, whether a site plan and business plan demonstrating financially viable farm operations with best management practices, have been provided for the start-up business;
- Whether vacant lands or start up farms are part of a current plan or business that has been in operation at another location;
- Whether the parcel is within or adjacent to a Critical Environmental Area or a sensitive natural resource, and, if so, it must have a Conservation Plan developed by the Putnam County Soil & Water Conservation District;
- Whether the parcel is commercially zoned, and, if not, whether a commercial variance or permit has been obtained; if this represents a change in zoning of a parcel over twenty-five (25) acres, a SEQR review must be conducted under 6 NYCRR 617.4(b)(2);
- Whether mapping, review, and evaluation by the Putnam County Soil & Water Conservation District has been conducted;
- Whether an on-site assessment has been conducted by members of the Putnam County Agriculture & Farmland Protection Board with favorable results;
- Whether farm operations follow agricultural Best Management Practices;
- Whether each parcel is free and clear of Town, State, and Federal violations;
- Whether notice has been provided to adjacent landowners of the applicant's intention to seek inclusion of the specified parcel in the Agricultural District;
- Whether precautions have been taken to avoid negative environmental impact on the specified or adjacent parcels; and be it further

**RESOLVED**, no single factor is meant to be dispositive of any application for inclusion in the Agricultural District; and be it further

**RESOLVED**, if any factor 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 a reasonable opportunity to remedy the negative factor; and be it further

**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 has been denied inclusion in the Agricultural District may request a review of the denial to the Agriculture & Farmland Protection Board, specifying the basis of what the applicant believes is the erroneous finding of the Legislature. The Agriculture & Farmland Protection Board, upon consultation with and recommendations by the County's Soil and Water District Representative and Cornell Cooperative Extension Representative, shall then reconsider the application and send its recommendation to the Legislature. 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 Agriculture and Markets Law, further review may be sought through a request for a determination and order from the Commissioner of Agriculture and Markets; and be it further

**RESOLVED**, if a parcel is denied inclusion in the Agricultural District during any given

Current as of August 25, 2025

application year, such denial does not preclude re-application during future enrollment periods;  
and be it further

**RESOLVED**, this Resolution shall take effect on January 1, 2026.