



Onondaga County Legislature

DEBORAH L. MATURO
Clerk

DAVID H. KNAPP
Chairman

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VIRTUAL PUBLIC HEARING ON THE INCLUSION OF VIABLE AG LANDS WITHIN CERTIFIED AG DISTRICTS

JUNE 2, 2020

MEMBERS PRESENT: Chairman Burtis, Mr. Rowley, Mr. Ryan, Mr. Jordan, Mrs. Ervin,

MEMBERS ABSENT: Mr. May, Mr. Williams

ALSO PRESENT: Mrs. Tassone, Ms. Cody, Mrs. Abbott-Kenan, Ms. Kuhn, Mr. Holmquist,
Mr. McBride, Mr. Bush, Mr. Kinne, Chairman Knapp

Chairman Knapp called the 12:55 p.m. public hearing to order at 1:05 p.m.

Chairman Knapp: The Public Hearing is now called to order. Will the Clerk please call the roll?

Clerk Maturo: Mr. May, Mr. Rowley, Mr. Burtis, Mrs. Tassone, Ms. Cody, Mrs. Abbott-Kenan, Ms. Kuhn, Mr. Ryan, Dr. Chase, Mr. Holmquist, Mr. McBride, Mr. Bush, Mr. Jordan, Mr. Kinne, Mr. Williams, Mrs. Ervin, Chairman Knapp

Clerk Maturo: I am going to read the absence one more time: Mr. May, Dr. Chase, Mr. Williams, 14 present, 3 absent.

Chairman Knapp: Thank you. Will the Clerk please read the notice?

Clerk Maturo: Notice of a Public Hearing on the Proposed Inclusion of Viable Agricultural Lands within Certified Agricultural Districts Pursuant to Section 303-B of the New York State Agriculture and Markets Law

Notice is hereby given, that a public hearing will be held by the Onondaga County Legislature on the inclusion of lands into certified agricultural districts in Onondaga County.

Notice is further given, that that pursuant to Governor Cuomo's Executive Order 220.1, issued on March 12, 2020 suspending the Open Meeting Law, the public hearing will be held virtually on Tuesday, June 2, 2020 at 12:55 p.m. Members of the public wishing to attend may do so virtually by downloading the Zoom application and using Meeting ID: 892 5878 7970 and Password: 1N3DMY. Written statements should be submitted via email to DebbieMaturo@ongov.net or via USPS mail to Onondaga County Legislature, 401 Montgomery Street, Court House Room 407, Syracuse, NY 13202. Statements will be accepted up to 12:00 p.m. on June 2, 2020, and will become part of the permanent record.

Section 303-b of the New York State Agriculture and Markets Law provides landowners with a thirty-day period to submit requests for the inclusion of predominantly viable agricultural lands within certified agricultural districts. Pursuant to Resolution No. 71-2004 of the Onondaga County Legislature, that thirty-day period began January 1, 2020 and ended January 30, 2020.

The lands requested and accepted for consideration for inclusion into a certified agricultural district are parcels 053.-02-14.0 and 055.-03-52.3 in the Town of Onondaga; parcel 023.-01-22.1 in the Town of Camillus; and parcels 029.-03-35.0, 029.-03-14.2, 042.-02-06.1, and 043.-03-11.0 in the Town of Elbridge.

The Onondaga County Agriculture and Farmland Protection Board has reviewed such requests and determined that such property, other than Town of Elbridge parcels 029.-03-14.2 and 029.-03-35.0, consists predominantly of viable agricultural land and that the inclusion of such land, other than Town of Elbridge parcels 029.-03-14.2 and 029.-03-35.0, would serve the public interest by assisting in maintaining a viable agricultural industry within the districts.

These proposed changes will be considered at the public hearing. The Agriculture and Farmland Protection Board report may be examined at the Syracuse-Onondaga County Planning Agency, Civic Center, 11th Floor, 421 Montgomery St., Syracuse, NY 13202, or viewed at <http://www.ongov.net/planning/additions.html>.

Chairman Knapp: Thank you Debbie. Was the notice of the hearing duly published?

Clerk Maturo: It was.

(One statement on file from Diana Sleiertin for the record – attached)

Chairman Knapp: Are there any speakers for the 2nd public hearing that would be concerning additions to Agricultural Districts outside of District 2, any speakers? Hearing none, the public hearing is now closed. Are there any Legislators who would like to be heard on this topic? Hearing none, the public hearing is now closed. Thank you.

The hearing was adjourned at 1:10 p.m.

Respectfully submitted,



DEBORAH L. MATURO, Clerk
Onondaga County Legislature

20 JUN -2 AM 11:32

2 June 2020

Response to Onondaga County Legislature/Onondaga County Planning Agency

RE: Properties 029.03-14.2 and 029.-03-35.0 owned by Diana Sleiertin

I would like to thank the Onondaga County Legislature for the time today to review my appeal.

First, I would like to respectfully request upfront that County Legislator Mr. Kenneth Bush recuse himself from any vote or input on my appeal. As he was previously the Town of Elbridge Town Supervisor, and there has been significant contention and animosity, I am quite concerned about a lack of impartiality on his part. I do not believe he represents me well as a constituent of his district and believe this will be reflected in any consideration he gives to my appeal.

For 2020, I submitted to the Planning Agency a comprehensive packet of information, substantiating my intentions of small farming activities on my land. I reviewed, addressed and supported all of the requirements put forth by the State of New York for Viable agricultural land, as defined in NYS Agriculture and Markets Law, Article 25-AA, Section 301, sub.7. All of this can be found in the supporting documents accompanying my application.

In reviewing the March 2020 report, these supporting documents have been referenced. The only apparent reason for the denial of inclusion seems to rest solely on the alleged violations supposedly open and active on the property.

Since the beginning of this COVID pandemic, I have been doing exactly what any neighborly small farm might be willing to do. I have provided eggs to my local neighbors, several homebound elderly folks and Veterans, all in need because of the lack of groceries and safe access to grocery purchasing. More than 15 dozen eggs (currently) have been donated to local families and probably half the staff at the Elbridge Kinney Drug Store. I have also bartered my eggs for repairs to my property, including for gravel to shore up my flooded field. (Partially flooded because of the continued lack of maintenance by the ToE to the Erie Canal waterway – addressed as a concern in my 2019 appeal and again in my 2020 application) This bartering is only one indication of the agricultural and financial aspect of my chicken flock.

In 2019, this board relied on the input from the current (and at that time new) Town Codes officer, Mr. Howard Tanner. At that time, supposedly the town was unaware of any agricultural activity from, or even the existence of, my goats and chickens. On appeal, I provided documentation to this Legislature that, in fact, there was information within the Town's file regarding my property that both the chickens and goats had been on my property for YEARS before my application. I provided several documents of significance, not the least of which was a complaint filed, and determined to be unfounded by the SPCA,

about the welfare of my chicken flock; and a dispute and review by previous TCO Bob Hermann regarding the size and legitimacy of my goat barn. I suggested at that time that the Town was being disingenuous. Apparently, things haven't changed.

This agency is now once again relying on the information of the current TCO. When I filed my application on January 30th – there were NO active or open violations on my property. To the best of my recollections, there were no violations from May 2019 through to February 2020. I held a legitimate building permit, renovations were active and continuing on my property, trailerloads of fire debris and other such items were actively and regularly being removed. In my application and supporting documents, I called out ToE Board Member and local farmer, Doug Blumer, as an example of what is clearly considered acceptable on Agricultural District property, including Mr. Blumer's long standing derelict residential building, left in unsecured condition for years, and ever expanding piles of refuse in the back acreage, clearly visible from the road. Since Mr. Blumer spoke at the 2019 public hearing and used his own farming history as a basis for why I should be denied inclusion, I believe it was appropriate to use his own farm as a litmus test for what is acceptable.

Not even three full weeks later, I received a letter condemning my property for no significant progress on repairs. At that time, my contractor met with the TCO and confirmed with him the electrical work, plumbing work, etc. that had actually progressed on my property. Immediately following that visit, I then received Seven (7) codes violations from ToE, several regarding items which had been previously been determined to NOT be violations by the previous TCO. This includes a violation regarding a fence which is more than 20 ft from the property line, does not exceed 6 ft in height, and by ToE's own Town Codes documents, does not require a building permit; and a small prefabbed shed building, which is 64 sq ft, and according to ToE building permit application, does NOT require a permit since it is well below the 144 sq ft which requires a permit.

I find it questionable and malicious that at the time of my application, there were NO open violations, but not long after my application, I am hit with seven violations (on February 21) – which is NOT the 10 open violations that Mr. Tanner is saying are current on my property.

Additionally, when I did receive the violations, I was given 30 days to resolve them, which would bring us to March 21. On March 20, Governor Cuomo began to close down the state. On March 27, he brought all non-essential construction (that required more than one person) to a halt. This has clearly inhibited further progress, other than in small steps, of any continued construction and rehabilitation of my home.

However, and much to my surprise, I see in the report that apparently, the ToE Board has also supposedly issued an order that my property and home can "be taken down" if repairs are not completed in 60 days. To say I am beyond flabbergasted at this statement in the report would be an understatement! I have received NO such documentation from the Town. Additionally, since Governor Cuomo has issued a moratorium on evictions, I am uncertain how the Town could thus enact such an order. If this order exists, neither I nor my attorney has received such documentation. Further to my surprise about the Town demanding an order to level my home is that the Town property assessment just INCREASED the value of my house/property by \$20,000!! If no progress had been made on the

damaged home, what justification do they then have for increasing the value of the house “footprint”.

Addressing the issues of “large amounts of debris”, within this category, the TCO has included my functional lawn tractor and lawn mower that happened to be in my yard, my completely intact and useful fish tanks and animal enclosures, as well as other items that are NOT debris . While I understand many of you may not appreciate the need for such items, the fact is that I can use these various enclosures to safely raise baby chicks, isolate injured chickens and more. And while I may now be focusing on small hobby farming, I still have the right to own my reptiles and keep functional equipment for them – without it being classed as “debris”. I am certain that reptile lover and City Court Judge Jeffrey Merrill, rest his soul, would have agreed with me, and likely, as was his habit, used his flushing toilet app to discard this assertion that my tanks and enclosures are garbage.

The final paragraph of the report, as it concerns my property, seems to indicate that the refusal for inclusion of my property rests solely on the fact that my property is in contention for the spurious violations and complaints of my neighbor. Supposedly, the complaints “do not appear” to involve agricultural activity. (Actually, in the past, and currently, the violations have absolutely included the farm/domestic animals on my property)

According to the ONONDAGA COUNTY AGRICULTURE AND FARMLAND PROTECTION BOARD 2020 report for Ag District 3, the following is clearly stated:

Article 25-AA of the NYS Agriculture and Markets Law was enacted in 1971 to help keep farmland in agricultural production through a combination of landowner incentives and protections that discourage the conversion of farmland to non-agricultural uses, including (but not exclusive to):

- *providing the framework to limit unreasonable local regulation on accepted agricultural practices;*

- **providing Right to Farm provisions that protect accepted agricultural practices from private nuisance suits;**

- *modifying state agency administrative regulations and procedures to encourage the continuation of agricultural businesses;*

- *preventing benefit assessments, special ad valorem levies, or other rates and fees on farmland for the finance of improvements such as water, sewer or nonfarm drainage; and*

- **modifying the ability of public agencies to acquire farmland through eminent domain.**

It is for the exact reasons above that I am asking for inclusion, as both the neighbor and the Town continue to work to detract from my ability to small farm, under the Right to Farm of NYS. For the town to issue an order to take my home and level it is absolutely “eminent domain”.

The fact that it has taken me three years to work on my property after a catastrophic, financially and emotionally destroying event is clearly not the impetus for claiming my property is dangerous and

should be removed. It is a mere façade of validity. If the time frame were the issue, the Mr. Blumer's derelict building should have been eminently repossessed by the town and leveled years ago.

Additionally, page 2 of the report regarding District 3 Eight year review plainly states:

Agricultural districts primarily benefit owners of land that is farmed. Being an existing part of an agricultural district does not require that the land be used for agriculture and it does not directly affect tax assessments (agricultural landowners must apply to the local tax assessor for an annual NYS agricultural assessment).

NYS also allows for a two (2) year period for startup farms. (This information was all provided in the supporting documents of the original application). Whether or not my property is currently being farmed to its actual capacity is not and should not be significant to the decision of inclusion. I have provided documentation from the USDA, from Cornell and various other well respected/recognized Agricultural Universities, and state and federal support that the two parcels I own are, in fact, agriculturally viable land – and that is supposed to be the deciding factor in whether farmland is included or not – not whether I have violations on my property or not.

I respectfully request that this County Legislature review and find on my behalf in this appeal. I said when I was before you in 2019, that I would reapply and none of you could be surprised to know I had goats and chickens. I still own these animals and have for better than 5 years. I do not own these animals idly or without intention. It is hardly like an egg producing flock of 60+ chickens are back yard pets. I have worked hard to continue to cultivate the garlic and spearmint on my property. I have gone to great expense to make my back field fully accessible to the beekeepers. I use no pesticides or fertilizers on my property that might harm the bees, the natural growth, or the environment so that I can provide healthy and abundant eggs to the local small farmers market and my private customers and neighbors, and so that the beekeepers can provide safe and organic honey to their customers.

I respectfully request that this Board sees beyond the nepotism that is flagrant in the Town of Elbridge and make the most informed decision about inclusion of my property into Agricultural District because the property and my current use of it meets the needs and requirements as set forth by NYS Ag and Markets and the Right to Farm.

Thank you very much for your time and considerations.