



SUPPORT

A. 10047/S. 7859 (Thiele/LaValle)

AN ACT in relation to interests or rights acquired in real property for the preservation of agricultural lands

The New York League of Conservation Voters supports A. 10047/S. 7859 (Thiele/LaValle), which would clarify that owners of farmland preserved under Section 247 of the General Municipal Law (GML) have the right to construct buildings and structures for bona fide agricultural production.

Section 247 of the GML permits local governments to purchase the development rights to open space and agricultural land, paying the difference in price between a land's value as is and its value if developed to its most profitable end as a residential or commercial development. The land is then permanently maintained, in private hands, as open space or agricultural land. Recent litigation has revealed disagreements over whether or not owners of protected farmland may construct buildings and structures that are necessary to maintain a working farm. However, an interpretation of the GML that does not allow for construction of new farm-related structures is not supported by those responsible for creating the preservation programs and is contrary to how Section 247 has been administered for decades.

A. 10047/S. 7859 would clarify that development rights acquired under Section 247 of the GML do not constitute the alienation of an owner's right to use the land or construct buildings for bona fide agricultural production.

For these reasons, the New York League of Conservation Voters strongly urges passage of A. 10047/S. 7859.

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