

## Country Folks Eastern New York

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COUNTRY FOLKS

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## Preventing agritourism conflicts in NYS

Planning on hosting a music festival on your commercial farm? Or a wedding? Or a different agritourism event? According to Lindsey Pashow, to reduce the chance of agritourism-related conflicts with municipalities and neighbors, there are several factors to consider.

Pashow is an agriculture business development and marketing specialist with Cornell Cooperative Extension (CCE).

### Know Your Zoning

To run an agritourism business, landowners must first know how their property is zoned. In New York State, this information can be found at the local municipality office and is typically listed on property tax documents.

Current zoning determines what activities can be conducted legally on a property. There may be parking limitations, for example. Some localities may prohibit roadside parking and require designated parking areas with potential limits on the number of spaces. There may also be limitations on the signage that can be displayed or whether it's allowed at all.

Special use permits may be required for large events as well as coordination with fire and police departments.

Pashow said, "It's really important to have those conversations with your code enforcement officer, with the municipality, to figure out what you're allowed to do and not do ahead of time."

### Meet the Definitions of Farm & Agritourism

According to NYS law, agritourism is defined under the NYS Safety & Agritourism Act as "activities conducted by a farm on-farm for the enjoyment and/or education of the public, which primarily promotes the sales, marketing, production, harvest or use of products in the farm and enhances the public's understanding and awareness of farming and farming life."

A key requirement is that events and activities must be directly related to the sales or promotion of the crops, livestock or livestock products produced at the farm.

To qualify as agritourism in NYS, businesses must meet that definition. They must also meet the legal definition of a farm which includes the land, buildings, equipment and practices that contribute to the production, preparation, marketing of crops, livestock and livestock products as a commercial enterprise.

The state's Right-to-Farm Law can protect farmers who meet these requirements from nuisance lawsuits and unreasonable local restrictions.

These protections work on a case-by-case basis when conflicts arise with neighbors or municipalities.

"I really want to stress it's case-by-case. It's important to be doing farming based on the past definition," Pashow said.

She suggested contacting the Department of Ag & Markets for guidance on what legally constitutes being a farm and agritourism operation.

Being part of a NYS Agricultural District – designated areas protecting viable farmland from development and restrictive regulations – is also helpful, though not required when running an agritourism enterprise. These districts encourage farming through benefits like farm-based property tax assessments and protection from nuisance lawsuits.

### Keep Your Cool

If a conflict related to an agritourism enterprise does arise, Pashow recommends staying calm and avoiding reaction responses. Landowners must understand their zoning, know where they stand within their ag district and agricultural value assessment and have sales records. With this information and records in hand, it may then be appropriate to reach out to local and/or state government. Remember that many of the people in these positions are volunteers and not elected officials.

"It's better to be respectful, nice and just find a solution when it comes down to it. The biggest thing you want to avoid is lawyers. That's an added expense to the farm," Pashow said.

Mediators, like those from the NYS Agricultural Mediation Program, may be able to help navigate conflicts and devise practical solutions.

#### Share Your Story

In order to avoid issues with neighbors and municipalities, Pashow encouraged agritourism farm operators to invite people to their farm for a tour and to explain their offerings.

"Tell them what your current plan is and the future plan. Ask them about any concerns. It's also important for you as a farmer in an agritourism operation to be able to show your local municipality the importance of agritourism in regards to the economic impact in the community," she said.

These strategies can go a long way in preventing conflicts from ever happening in the first place.

by Sonja Heyck-Merlin



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