



## Agriculture and Markets

**KATHY HOCHUL**  
Governor

**RICHARD A. BALL**  
Commissioner

October 3, 2023

Hon. Michael Volino, Supervisor  
Town of Thurston  
7578 County Route 333  
Campbell, NY 14821

Re: AML §305-a (1) Review Concerning the Town of Thurston Local Law # 3, Sewage Sludge Disposal and its Application to Leo Dickson & Sons, Inc., ("LDS") Steuben County Agricultural District No. 2

Dear Supervisor Volino:

The Department received a request from Brett Dickson, owner of Leo Dickson Sons, Inc., to review the Town Thurston's proposed Local Law No. 3, "Sewage Sludge Disposal Law" for compliance with Agriculture and Markets Law (AML) §305-a. According to information provided, LDS utilizes the land application of Class B Biosolids for a soil amendment for its crop fields.

The AML §305-a application states that the farm produces corn, soybeans and alfalfa and the operation consists of 2,800 owned acres and 800 rented acres located within the Towns of Thurston, Cameron and Bath. Based upon information submitted, the farm operation and impacted farm fields are located within the Town of Thurston.

The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products, which is set forth as a policy in the New York State Constitution. Agriculture and Markets Law §305-a, one of the statutes that implements this State constitutional policy, states that local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district, unless it can be shown that the public health or safety is threatened.

The Department performs AML §305-a reviews on a case-by-case basis, taking into account the specific facts of each situation. Prior to making a decision as to whether a local law unreasonably restricts a farm operation within an agricultural district, the Department considers all information submitted by the affected farm operator, the provisions of the local law involved and comments from the affected municipality, among other pertinent information.

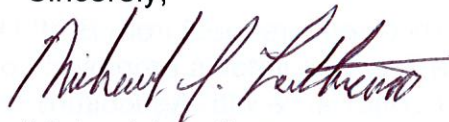
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You may wish to consult the Department's *Guidelines for Review of Local Zoning and Planning Laws* (<http://agriculture.ny.gov/land-and-water/guideline-review-local-zoning-and-planning-laws>), and the Department's guidance entitled *Local Laws and Agricultural Districts: How Do They Relate* (<http://agriculture.ny.gov/land-and-water/local-laws-and-agricultural-districts-how-do-they-relate>), which describe the Department's AML §305-a review process.

If the Town has additional information it would like the Department to consider, please submit that information within 30 days of receipt of this letter. Once the preliminary review has been completed, the Department will inform the Town of its findings and, if it is concluded that an unreasonable restriction exists, the Town will have an opportunity to submit any evidence it may have of a threat to the public health or safety.

If you have any questions, or would like to discuss the review process, please contact Kate Tylutki at (518) 457-2851.

Sincerely,



Michael J. Latham  
Director

Enc.

cc: Brett Dickson, Leo Dickson Sons, Inc., Owners  
Amy Dlugos, Steuben County Planning Department c/o, Steuben County AFPB  
Kate Tylutki, Dept. of A&M  
Danielle Cordier, Esq., Dept. of A&M