Town of Farmington

1000 County Road 8

Farmington, New York 14425

**Agricultural Advisory Committee**

**Thursday, April 18, 2024 • 6:30 p.m.**

**MINUTES—APPROVED**

*The following minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Farmington Agricultural Advisory Committee. Remarks de­liv­ered dur­ing discussions are summarized and are not intended to be verbatim trans­criptions.*

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**Committee Members Present:** Henry Adams, *Chairperson*

William Boyce Jr.

John Marvin

Ronald Mitchell

Michael Putman

**Committee Members Excused:** Charles Bowe

Denis Lepel

Doug Payne

Peter Maslyn

**Town Representatives Present:**

Ronald L. Brand, Farmington Director of Development and Planning

Dr. Michael Casale, Farmington Town Board Member

Dan Delpriore, Farmington Code Enforcement Officer

**Guests:**

David Capps, 768 Hook Road, Farmington, N.Y. 14425

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**1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION**

Mr. Adams called the meeting to order at 6:30 p.m.

The Town Clerk, the Committee members and Town staff were notified of the meeting on March 21, 2024. The meeting clerk notified the Can­an­daigua *Daily Messenger* news­paper on April 12, 2024.

The meeting date and time were posted upon the Town Hall Bulletin Board on March 21, 2024, and have remained posted.

A public notice of the meeting was published in the Canandaigua *Daily Messenger* news­paper “Bul­letin Board” website events section beginning on April 12, 2024, and has re­mained posted.

**2. CONTINUED DISCUSSION OF PROPOSED TOWN LAW:**

**AGRICULTURAL PROTECTION OVERLAY DISTRICT (APOD)**

Mr. Adams: said I suggested that tonight would be a work session to review the questions presented after reviewing the proposed local law change. There is a consensus that the committee is concerned about some written definitions. Section 1:  There is a suggestion to either clearly state, not limited to maple syrup, or provide a more general definition. Activities conducted by a farmer on-farm invite the public to experience and learn about farm production.  If we are looking for additional examples, we have locally The Shortsville Reindeer Farm, Old McDonald's farm in Sackets Harbor, and Kings Dairy in eastern New York.

Mr. Adams: said he has requested that we broaden the definition to be more inclusive of other things.

Mr. Putman: said he has recommended a more general description to avoid issues with exclusion confusion.

Mr. Brand: said he is leaning toward the verbiage of, Not limited to.

Mr. Adams: said this brings up a second concern brought forth by Mr. Maslyn. How can a barn on a working farm be excluded from being a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public?  What is meant by processing? What are we doing with the milk that comes from the cow?  Does this limit us from having farm tours, including a walk or wagon ride through the Barn? Please revisit the verbiage; it needs to be more inclusive.

Mr. Boyce: asked for clarification about Barndominiums.

Mr. Delpriore: said the Barndominiums would not be classified as a Barn in that case. This also prevents residents from converting the Barn into a wedding venue or something similar. It restricts the Barn from being used as a place for public assembly.

Mr. Adams: said this brings up Mr. Maslin's concern about the description of Farm Operation.  Should vegetables, fruit, hops, greenhouses, and Christmas trees be included in this definition, or should it be a more general definition that isn't limited by specific examples? This again feels too restrictive, and it is thought that some examples can be listed with the verbiage of not limited to would be a better approach.

Mr. Delpriore:  said he and Mr. Brand will work on adjusting the verbiage.

Mr. Brand: said in response to Mr. Maslyn's response to Page 7, # 8 to have a quorum before making a recommendation rather than three members. Three members were decided based on the historical challenges of gathering three key people together.

Mr. Adams: said that, given the time-sensitivity of moving the process along, he would prefer to propose disseminating to the committee through e-mail rather than three members and the chairman or something in person. At least we've given the entire community guidance on a given application. I'm very uneasy with excluding part of the committee, and I'm uncomfortable with the no quorum.

Mr. Brand: said he suggests setting a clear deadline, and no response will be considered no objection.

Mr. Brand: said I clarified that this is an advisory committee, not a board, so a Quorum is not required to make recommendations.

Mr. Marvin: said he would like to see examples of how this works in neighboring Canandaigua and shared concerns about the long-term outcomes of adopting this.

Mr. Adams: said that the adopted Canandaigua overlay district is different from what Farmington is proposing.

Mr. Brand: said the Planning Board has had the authority to require clusters for many years now. The APOD Agriculture Protection Overlay District is intended to provide the planning board with guidelines for protecting, to the extent practical, the more viable soils resource base.

Mr. Adams said it is important to understand that protecting the resource base is the basis for creating the Agricultural Protection Overlay District.

Mr. Boyce: I asked for clarification regarding the agricultural exemption. His scenario is, could a 100-acre field actively being farmed when a subdivision application is submitted requesting ten 10-acre residential lots to continue to rent the land for farming and not be used for residential? Can he rent 5 acres from each landowner and allow the owners to take advantage of the Agricultural exemption? There would hypothetically be ten separate 5-acre exemptions. Is this something that needs to be, or could it be included to allow this scenario and to protect the farmland?

Mr. Adams: said he believes that to qualify, the owner must own a minimum of 7 acres or yield $10,000 in sales.

Mr. Brand: said this may present nuisance concerns due to access difficulties and ownership transfers.

Mr. Brand said that if you think that needs further evaluation, he will look into it.

Mr. Adams:  asks Mr. Brand to explain this process using the Poppenhusen scenario as a case study.

Mr. Brand: said the first requirement would be to identify the locations of the prime soils on all the lots. Secondly, you will realize that you want to keep 80,000 square feet or 40,000 square feet, depending on soils percolation, and you will then be able to calculate your maximum density and know where the areas are that will perc. The Planning Board will then know the maximum number of lots, make recommendations not to exceed a specified number of units, and give a ruling based on their interest in protecting the soils resource. The planning board will request a closer look. It could be written, however, that to preserve this resource and to continue to use that land for agricultural purposes, the applicant will need to cluster the open space. The landowner must justify why they cannot follow the board's recommendations for building on the identified less productive soils. In other words, soils classified five through nine. If this had been followed there could have been larger areas of prime and unique classified soils protected while still allowing rural development to occur.

It [the APOD] is a process that causes you to stop and think like SEQR does before acting. Like SEQR, the APOD says that you can go through this whole exercise and still determine that there will be adverse effects, but you can still do it.

Mr. Marvin: said that this brings up the question of what happens to the residual leftover ground that is not being used. Who owns it? What about the situation when we continue to farm farmable land? But the owner of the center lot decides they don't want us to continue farming; they want it to grow wild, so the two neighbors have no choice.

Mr. Boyce: said this brings us back to Mr. Brands' HOA idea.

Mr. Adams: said, there are many questions like, what happens when the Planning Board determines that the prime soils are mostly over here, so you take your allowed building lots and cluster them over here right on the poorer soils. What happens if the poorer soil doesn't perc?

Mr. Brand: said this would require a raised bed system; you need to have the required 80,000 square foot rural area requirement. Mr. Brand asked for clarification of Mr. Adams question.

Mr. Adams: said the question is, have we just done a taking?  Because they've had perk able land over here and less perk able land where we're telling them to build, how does that play out?

Mr. Brand:said the overlay district's purpose is not to promote residential rural development in these active agricultural areas but to protect the soil resources in order to sustain the Agricultural operations, which the community is concerned about protecting.

Mr. Putnam: asked about considerations of the financial impact these restrictions could have on land sales.

Mr. Adams: said this is a valid question that we need to be able to answer to a roomful of people. We need to be able to articulate that it's not taking. If the landowner is forced to take the number of lots that the density was allowed under standard zoning and cluster it, they still own some land.

Mr. Brand: said calculating a site’s zoning density is not guaranteed; it identifies the minimum size for lots and a theoretical calculation of the maximum number of lots. It identifies the maximum density of development, and SEQR is used to identify whether that density impacts the environment.  For example, if you have a 1-acre minimum lot size and 100 acres of land, you're not guaranteed one hundred, 1-acre lots. You must remove all the existing constraints like rights-of- way, utilities, floodplains, freshwater wetlands, storm water facilities and other protected features.  It will result in a different number when you're all said and done.

Mr. Marvin: said he wanted to bring up an example where a property has ninety-two heirs to the estate. While they were trying to settle the affairs, getting everyone to agree has been near impossible. He brings this up because it brings light to the question, what will happen to the additional land on the hundred acres if you've only gotten ten building lots?  What will happen to the additional land?  Are they going to agree to agree? There are benefits, but there will also be some drawbacks.

Mr. Adams: said that if we ask this question, others will ask it, and we need good answers.

Mr. Marvin: asks if there is data from the other towns that have done this. Is there a way to understand the outcome this will have for the next generation? He wants to protect the Farming in Farmington.

Mr. Adams: said this would look less like a taking in most cases. There already are limitations on how much you can subdivide because of the required road frontage. You might waste farmland in the back, but you're still only going to be able to sell something. You won't sell a hundred lots on a hundred acres without infrastructure. Then you get an incentive zoning project, and you'll have to get water, sewer, etc.  Whether the Big Lots sell for a lot more than the same number of smaller lots, plus the fact that there's residual land that still has value, I don't know if that is a legitimate question. I sense that you're not going to have a lot of different numbers of lots that can be subdivided.

Mr. Brand: said today when someone comes in, and they want to buy this parcel of land, but they want to know what they can do with it. This is when we have to get into a discussion of other regulations, besides zoning, that are out there.  How do we affect stormwater runoff? There are many other federal and state regulations affecting the ability of property owners to do what they want to with their land; it's not just the farmer. Let's eliminate that we're taking something away from the farmer.

Mr. Adams: said it's not necessarily the farmer but the landowner.

Mr. Brand: said the state has already mandated regulations. We are trying to argue that we have something here to protect—it's the natural soils resource, the land.

Mr. Mitchell: asked for clarification regarding understanding if we are asking that if someone wants to build new homes, we will recommend that they cluster the houses in the lower classified soils. If the landowner refuses, can they still build on prime farmland?

Mr. Brand: said they can ultimately build on that prime farmland if the planning board, considering the guidelines that we've had here, finds that they have no alternative but to use that land.

Mr. Adams: said it doesn't mean that that the land will remain as farmland. A landowner, perhaps of an estate, subdivides clusters, and sells the remaining viable farmland to John Marvin to continue to farm. John Marvin decides he is too old now and wants to subdivide it. This cluster process would start over again. Hopefully, what we're putting together here will help push this [soils protection] down the road and slow down the loss. Does that make anybody feel better about the taking thing?  I'm trying to think through the different scenarios that could potentially happen that don't seem like much of a taking. As an aside, I think the committee should review the cluster development code. It would help if you read it so you understand it because there will be questions about it. We could send it out.

Attachments: [Town Code, Chapter 144, Section 29, Cluster development and Article 16, Section 278, New York State Town Law]

Mr. Brand: said once again we have a parcel of land that is being actively farmed. It may or may not be in an agricultural district; it may involve the entire site or it may not. It may require notices to be sent out [Ag & Markets Law] to inform landowners that this is happening. Still, it is a situation where when you go through the [APOD] exercise, to subdivide off anything you would be subject to clustering the development. Once a maximum number of units is reached, no further clustering is allowed on that parcel of land. For example, the Phillips Landing Subdivision Tract, near County Roads 8 & 41, was done under the clustering provisions. There are two undeveloped lots located on the south side of County Road 41 and along the west side of County Road 8 those lots cannot be further subdivided under that clustering regulation. If you wanted to return to the Planning Board or the town, the Planning Board would say it was out of their control. We created the maximum number of lots; we clustered them on this portion of the site. Clustering is not set up to allow double dipping.

Mr. Brand: We have many things to resolve. I again ask the question. How fast are we able to do this? Can we get it wrapped up in the next few months, or is this something that's going to prolong itself and continue into sometime in the future? If that is the case, that is fine; we will pull the APOD regulations from the draft local law and move forward with those other parts. For example, the Zoning Board of Appeals is asking when will the Town change some setback regulations because they are granting variances for porches to be attached to the front of their dwellings. They recognize that they shouldn't be continuing to legislate that by granting variances. This is something that the Town Board should do by changing the Code. So, we need some direction here. The other part is that we have heard from three committee members, and I'd like to move forward. We have been charged with the purpose of providing some direction on how to protect our research base.  Are we close? When are we going to get there?  What do we need to do?

Mr. Adams: said, help us understand that if we say all right, we're going to try and have this done [The overlay district] but in the meantime you want to move forward with the RA-80.

Mr. Brand: said if we pull the APOD provisions we can either leave the RA-80 classifications or pull them as well. If you want more time to think about that part of the draft local law, then please let us know. We're concerned that there are other provisions in this draft local law that we to act upon. We have always tried to minimize all of the costs associated with publishing these [local law] documents and putting them into the town code books. The more we can do at one time, the better off we are cost-wise. Our sense of urgency comes down to updated, outdated, and redundant regulations.

Mr. Delpriore: said we really don't want to move forward with that if you're going to turn around in a few months and improve the overlay district process. If we need to wait a few months, I think doing this in one shot is okay. I think the town board would prefer we do this in one shot. We need to correct several things, ideally doing it together. If you need a year to figure out this overlay district, then we need to know that, too, so we can fix the other stuff.

Mr. Adams: said how willing are you to risk all this other stuff that you want to get cleaned up? Say we get a big backlash against the overlay district, and we've got it all bundled together. There is some risk that you will lose the opportunity to move forward over one aspect that will cause community backlash.

Mr. Delpriore: said any part of the local law runs the same risk.

Mr. Adams: said he thinks the APOD provisions will be a hot button and, in essence, will have a higher risk of backlash.

Mr. Delpriore: said this committee will hopefully be able to work through the hot buttons and better explain them.

Mr. Brand: said it could get to a point where you would have a final draft. The outcry may be that the town board decides we have to remove a portion from the local law and decide we're not going to make this a part of the local law, so they've made that decision for you.  We can ask that you give us your thoughts and let us put it into a final draft for the June meeting. If we don't hear from you, then we will assume you have no problem with the regulations as drafted.

Mr. Adams: said the reason we're not having a meeting in May is also why some of us are going to have little more time to go word by word through a final draft and have an opinion that is well presented.  A revised draft in June is better. I would ask that you carefully read my comments.  I would ask you guys to consider the rest of those thoughts. Everybody, you still have an opportunity to weigh in now that we've had this discussion and have a better understanding. I keep chewing over it, but I think with every single meeting, our understanding gets better.

**3. REVIEW OF AGRICULTURAL ADVISORY COMMITTEE SECTION**

**OF THE TOWN WEBSITE**

Mr. Brand: said at the last committee meeting there were concerns that the town’s website did not adequately identify this group or what you're doing, so we spent time amending that portion of the website. I just want some kind of feedback on whether you're satisfied with what we've done.

Mr. Adams: said I responded to Dan directly, and he did a bunch of good things. It is better, it is up to date, and sends you to the right places. The site is not confusing anymore, so I thank Dan for that. Check it out.

Mr. Delpriore: said if there are other things that you think you want added, let us know.

**4. OTHER TOPICS**

Mr. Brand: said the next item is The Open Space Index. The draft has been prepared over the past two years by members of the Environmental Conservation Board. It has just been submitted to the town for review. I have asked Mr. Adams to look at it and to decide whether to share it with you. There's a lot of information on agriculture, 33 pages. It is something we need to move forward on because, like everything else the state does, if we don't maintain that Open Space Index, the board will lose its status and ability to be a board. If that happens, people will lack insight into the development or protection of our resources.  The town board directed the update, and the committee has now completed that, and they've done a lot of mapping of areas. The coding from the assessor’s office has identified some different statistics it's not the assessor, it’s how the state codes.

Mr. Adams: said we should probably send a link out to that. There is a lot of Ag discussion in there, and it’s very authoritative. Most of it’s right, I don't know where they got some other stuff. It reads like this is what's going, and this is how it is and it's not all right, and anybody in agriculture will take some issue with some of it.  I tried to direct them to language that I put in the narrative in the comprehensive plan they didn't use. I specifically told that committee [ECB] in person to go there, but they didn't do that.  I'm surprised at the depth of discussion they had on agriculture, it talks about the cost of services versus taxes paid and that kind of stuff but some of the economic analysis regarding threats and what the town can do.  I should have this committee look at that. Are we an interested party, or how does the process work regarding that?

Mr. Brand: said he is asking for our input. There is a lot of information there and I don't know where it came from.  Regardless it's in their draft and they felt that it needed to be emphasized. It read more like a portion of a farmland protection plan than an open space index.

Mr. Adams: said These two committees are going to converge. If you look to the future because we're going to become an open space protection advocates as if my prediction of farming in the town is right that. It's going to continue overtime and so we're that committee is driving towards open space protection and so are we, but we're calling it farmland still and trying to keep it viable. The biggest contributor to open space.  I would tell you it will take me a long time to write a response to that open space index, that's another job I don't have time for in the planting season. We are trying to digest the overlay project. It is going to be a tall order this time.

Mr. Brand: said that we have until December 31st to make changes and to get it to the Town Board. He said that he has skimmed through this draft and felt there was information missing that he wants to introduce to the Town’s Environmental Conservation Board right now.

**6. VISITORS’ COMMENTS**

None.

**7. NEXT MEETING**

The next meeting of the Agricultural Advisory Committee will be held on **Thursday, June 20, at 6:30 p.m.** at Farmington Town Hall, 1000 County Road 8.

**8. ADJOURNMENT**

The meeting was adjourned at 8:15 p.m.

Following the meeting, the clerk locked the front doors to the Town Hall.

Respectfully submitted,

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Paula Ruthven

**Attachments:**

**1.** Proposed local law on APOD Agricultural Protection Overlay District.

**2.** Summary report on the proposed local law from Ron Brand.

**3.** Mr. Adams requested Attachments: [Code, Chapter 144, Section 29, Clustering and Article 16, Section 278, New York State Town Law – see note below]

**4.** Draft Open Space Index, portion on agriculture.

Note: There were requests made by the members of the Committee to have the definitions section of the Town Code, Chapter 165, Zoning, Article II, Section 10, Definitions, provided. This information may be viewed on the Town’s website. After logging-in to the home page, click on Departments, then on the next page click on Building/Planning/Zoning Dept. and then on the next page scroll to the bottom and click on Town Codes and Zoning. Here you will want to click on Chapter 144, then click on §144-8 Definitions and word usage and then click on §144-29 Cluster development. After viewing these provisions then click on Chapter 165, Zoning. Scroll down to Article II Terminology, §165-10 Definitions.

There was also a request made for the clustering provisions in New York State Town Law. Goggle New York State Town Law. Click on the first link Legislation, Article 16, Zoning and Planning. Scroll down to Section 278, Subdivision review; approval of cluster development and read these provisions in New York State Town Law.

**Farmington Agriculture Advisory Committee Members**

**As of February 13, 2024**

**Town Board Resolution #81-2024**

Hal Adams *(Chairperson January 1, 2024 to December 31, 2024)*

John Marvin Term expires 12/31/2025

Ronald Mitchell Term expires 12/31/2025

Michael Putman Term expires 12/31/2025

Hal Adams Term expires 12/31/2026

Charles Bowe Term expires 12/31/2026

Peter Maslyn Term expires 12/31/2026

William Boyce Jr. Term expires 12/31/2027

Denis Lepel Term expires 12/31/2027

Doug Payne Term expires 12/31/2027

*Per Town Board Resolution #81-2024, February 13, 2024*

**E-mail Distribution:**

Adams, Hal

Bowe, Charles

Boyce Jr., William

Lepel, Denis

Marvin, John

Maslyn, Peter

Mitchell, Ronald

Payne, Doug

Putman, Michael

*Town Board and Staff:*

Bowerman, Nate

Brand, Ron

Casale, Michael

Caudle, Casey

Delpriore, Dan

Finley, Michelle

Gordner, August

Herendeen, Ron

Ingalsbe, Peter

Holtz, Steven

Marvel, Carol

Ruthven, Paula

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE

Division of Corporations, State Records and Uniform Commercial Code

One Commerce Plaza, 99 Washington Avenue Albany, New York 12231-0001 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Farmington, Ontario County, New York

Local Law no. \_\_ of the year 2024

A local law to amend Chapter 165 of the Town Code of the Town of Farmington, Ontario County, New York, entitled Zoning Law, by further amending portions of Articles II, III, IV, V, VI; amending portions of Schedule I, Lot Area, Bulk and Coverage Requirements; deleting 165 Attachment 3, Schedule A, Stormwater Management Practices Acceptable for Water Quality; and deleting 165 Attachment 4, Schedule B, Sample Stormwater Control Facility Maintenance Agreement, from the Attachments to Chapter 165; and by adding to Article IV, Section 34.3, “APOD Agricultural Protection Overlay District” regulations.

Be it enacted by the Town Board of the

Town of Farmington as follows:

Section 1: Chapter 165, Article II, Section 10 Definitions is hereby amended by adding and/or removing the following definitions in alphabetical order:

**AGRICULTURAL TOURISM**

Activities, including the production of maple sap and pure maple products made therefrom, conducted by a farmer on-farm for the enjoyment and/or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of farming and farm life.

BARN

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. The structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, not shall it be a place used by the public.

**FARM OPERATION**

The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a “commercial horse boarding operation” as defined in subdivision thirteen of section 301, Article 25, of the New York State Agriculture and Markets Law, a “timber operation” as defined in subdivision fourteen of said section, “compost, mulch or other biomass crops” as defined in subdivision seventeen of said section and “commercial equine operation” as defined in subdivision eighteen of said section.  Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

OUTDOOR FURNACE

This definition is hereby deleted in its entirety.

OUTDOOR WOOD BOILER

This definition is hereby amended to read in its entirety as follows…

OUTDOOR WOOD BOILERS are regulated under the provisions contained in 6 NYCRR, Part 247, Outdoor Wood Boilers.

OUTDOOR WOOD BURNING FURNACE

This definition is hereby deleted in its entirety.

Section 2: Chapter 165, Article II, Section 17, “District regulations” is hereby amended in its’ entirety to read as follows:

§165-17 District regulations.

District regulations shall be as in §§165-18 through 165-34.3.

Section 3: Chapter 165, Article III, Establishment and Designation of Districts, Section 11. Districts enumerated is hereby amended to read:

The Town of Farmington is hereby divided into zoning districts and zoning overlay districts as hereinafter set forth and the same may be from time to time amended:

RA-80 Agricultural District (80,000 square feet lot size) is hereby deleted and replaced with RA-80 Rural/Agricultural District.

There is to be an overlay zoning district added to the list of districts, which is to be inserted between the PD Planned Development District and AUO Adult Use Entertainment Established Overlay District, to read in its entirety as:

APOD Agriculture Protection Overlay District

Section 4: Chapter 165, Article III, Establishment and Designation of Districts, Section 12. Zoning Map. Is hereby amended by as follows: (1) removing the A-80 Agricultural District from the Official Zoning Map Legend; (2) adding the RA-80 Rural/Agricultural District to the Official Zoning Map Legend; (3)adding the APOD Agricultural Protection Overlay District to the Official Zoning Map Legend; and (4) delineating the RA-80 Rural/Agricultural District for those parcels previously designated as A-80 Agricultural; and (5) delineating the APOD Agricultural Protection Overlay District upon the Official Zoning Map based upon those Strategic Farmland Protection Areas shown on Map No. 8, entitled “Town of Farmington Active Farmland – Strategic Farmland,” Town of Farmington Farmland Protection Plan, a part of the adopted 2021 Edition of the Town of Farmington Comprehensive Plan.

Section 5: Chapter 165, Article IV, District Regulations, Section 18, A-80 Agriculture District (80,000 square feet lot size), is hereby deleted in its entirety and is replaced with the following:

§165-18 RA-80 Rural/Agricultural District (80,000 square feet lot size).

1. Intent. The intent in creating the RA-80 Rural/Agricultural District is to protect the predominantly rural residential and active agricultural areas of the community from suburban and urban development, support the continuation of Farm Operations, protect the non-renewable productive agricultural soils, reduce conflicts between agricultural land use and rural residential land use, recognize the financial constraints that exist to funding the extension of public utilities into and through these areas, and protect open space.
2. Permitted principal uses:
3. Farm Operations, Farm Buildings and Structures, including but not limited to Barns, Silos, Grain Bins, etc.
4. Single-family detached dwellings, not including townhouse dwelling units.
5. Permitted accessory uses:
6. Roadside stands for the sale of seasonal agricultural products, some portion of which is to be grown by the property owner. Each roadside stand shall have a suitable off-street parking area, located at least ten feet from the highway right-of-way to be provided for customer parking. Upon the close of the seasonal sales of the agricultural products, the roadside stand is to be secured on the property and all commercial speech signs are to be removed from the property. Temporary promotional display signs, both on-site and off-site, may be permitted, subject further to the provisions contained in §165-47 B and C of this chapter.
7. Private garages.
8. Customary residential storage structures subject to the provisions of §165-58 of this chapter.
9. Private swimming pools, subject to the provisions of §165-62 of this chapter.
10. Signs, subject to the provisions of §165-38 of this chapter.
11. Fences, subject to the provisions of §165-61 of this chapter.
12. Off-street parking and loading, subject to the provisions of §165-37 of this chapter.
13. Domestic pet shelters, subject to the provisions of §165-55 of this chapter.
14. Minor home occupations.
15. Public donation bins, subject to the provisions of §165-65.2 B of this chapter.
16. Special permit uses: the following land use may be allowed upon the issuing of a Special Use Permit in accordance with the provisions contained in Chapter 165, Article VI, Special Permit Uses, and Chapter 165, Article VII, Administration and Enforcement, Section 165-100, Site development plan, both of which are part of the Town of Farmington Town Code
17. Kennels.
18. Major Home Occupations.
19. Essential service structures, excluding power plants.
20. Private Airports.
21. Excavation Operations.
22. Large-scale ground-mounted solar PV systems.
23. Agricultural/construction equipment repairs and painting operations.
24. Drainage Contractor Operations and related equipment and storage buildings.
25. Residential lot size requirements. Notwithstanding any other provision in the Town of Farmington Code to the contrary, the minimum dimensional requirements in the RA-80 District for a single-family dwelling on a lot that cannot be served by a conventional on-site wastewater treatment system are as follows:
26. The minimum lot size shall be 80,000 square feet.
27. The minimum lot width shall be 300 feet.
28. The minimum lot depth shall be 250 feet.
29. Residential lot size requirements. Notwithstanding any other provisions in the Town of Farmington Code to the contrary, the minimum dimensional requirements in the RA-80 District for a single-family dwelling for a lot that can be served by a conventional on-site wastewater treatment system are as follows:
30. The minimum lot size shall be 40,000 square feet.
31. The minimum lot width shall be 150 feet.
32. The minimum lot depth shall be 200 feet.
33. Additional provisions.
34. All on-site wastewater treatment systems shall be subject further to the provisions contained in Chapter 126 of the Town of Farmington Code, entitled “Individual On-Site Wastewater Treatment Systems.”
35. Where a site’s soil conditions will not allow a conventional on-site wastewater treatment system the following standards shall apply:
36. A raised or modified on-site wastewater treatment system shall be located not less than one hundred (100) feet from all property lines; and
37. The entire septic field (including tapers) shall be located one hundred (100) feet from all property lines; and
38. There shall be an area of land, in proximity to an existing/proposed system and on the property that is equal in size to fifty percent (50%) of the original bed area reserved for future expansion or replacement within the one hundred- (100-)foot restriction.
39. Where at least fifty percent (50%) of a site’s surficial soil conditions are classified as prime agricultural soils (Class 1 and 2), soils of statewide significance (Class 3 and 4) or black dirt soils as established by criteria of the Natural Resource Conservation Service, United States Department of Agriculture (herein after “agricultural soils”); or where a proposed residential site possesses the criteria set forth within Section 34.3. of this Chapter of the Farmington Town Code, entitled “APOD Agriculture Protection Overlay District,” such criteria shall supersede the criteria set forth in sections (2) and (3) above herein and govern the density of single-family development.

Section 6: Chapter 165, Article IV, District Regulations, Section 165-34.3, APOD Agriculture Protection Overlay District, is hereby established to read in its entirety as follows:

§165-34.3. APOD Agriculture Protection Overlay District.

1. Intent.

The intent of these overlay district regulations is to provide a course of action for protecting the natural resource base, the more viable and productive agricultural soils that are deemed essential for helping to sustain the economic viability of active agricultural operations in the community, to protect these more highly productive agricultural soils (e.g., soil classes Groups 1-4) from premature conversion to non-agricultural uses, and to promote the established rural and agricultural character within the designated areas identified on Map No. 8, “The Town of Farmington Active Farmland – Strategic Farmland Map,” a part of the adopted town of Farmington Farmland protection Plan, and a part of the adopted 2021 Edition of the Town of Farmington Comprehensive Plan.

1. Purpose.

Protecting the community’s non-renewable and thus essential natural resource base is an essential stewardship of local governments, as identified by the goals, objectives and policies established in comprehensive plans and open space planning, and thereby providing a legitimate zoning objective under the New York State Town Law statutes for which these overlay district regulations strive to achieve.

1. Designation of APOD Agriculture Protection Overlay District.

The APOD Agricultural Protection Overlay District regulations are applied to the delineated parcels of land shown on the Town of Farmington Official Zoning Map and located within the underlying RA-80 and RR-80 Districts.

1. Permitted Principal Uses.

The permitted principal uses listed in the underlying RA-80 and RR-80 Rural Residential Districts are not affected by the APOD Agricultural Protection Overlay District regulations except for the criteria contained herein that is intended to protect the more productive soils from premature conversion to non-agricultural land use. In addition to said permitted principal uses, a farm-related structure may be located upon a parcel of land where there is no principal use and said structure is used exclusively for related agricultural operations only by the landowner or farmer having an established lease of the land that remains in effect. Said farm-related structure shall not be used for any non-agricultural operations without obtaining either an established special use permit or Temporary Use Permit.

1. Permitted Accessory Uses.

The permitted accessory uses for residential sites listed in the underlying RA-80 and RR-80 Districts are not affected by the APOD Agricultural Protection Overlay District regulations except for the criteria contained herein that is intended to protect the more productive soils from premature conversion to non-agricultural land use.

1. Special Permit Uses.

The special permit uses listed in the underlying RA-80 and RR-80 Districts are not affected by the APOD Agricultural Protection Overlay District regulations except for the criteria contained herein that is intended to protect the more productive soils from premature conversion to non-agricultural land use.

1. Dimensional Requirements.

All site development for non-agricultural uses shall be subject to the Town Planning Board’s approval of a final subdivision plat in accordance with the provisions set forth in Chapter 144 of the Farmington Town Code, §144-29 Cluster development, and shall also be based upon the following criteria:

1. The minimum lot size shall be that established elsewhere in Chapter 165, Article IV and Zoning Schedule 1, of the Farmington Town Code unless amended by the Planning Board as further provided under §144-29 cited above herein.
2. This minimum lot size shall include a delineated area on the plat map for land banked future expansion of an on-site wastewater treatment system as specified above herein.
3. The proposed lot shall be located upon that portion of the site having a lower classified agricultural soils group as shown on the property owner’s Soils Group Worksheet prepared by the Ontario County Soil and Water Conservation Service and submitted as part of the preliminary subdivision plat application. Where there is no Soils Group Worksheet, then an applicant shall have one prepared by the County Soil and Water Conservation Service and submitted as part of the preliminary subdivision plat application.
4. Where a proposed preliminary plat identifies a third proposed lot then the applicant shall be required to provide an overall buildout of the site, in satisfaction of identifying the long-term impacts upon the site’s continued agricultural operations as further required under the State’s Environmental Quality Review Act (SEQRA).
5. No accessory structure(s) shall be located upon the delineated land banked area mentioned above herein for expansion of the on-site wastewater treatment system.
6. The subdivision plat must show that the site development involves the least disruption to continued agricultural operations on the remaining land.
7. The subdivision plat must show any adjacent lands that are being used for active agricultural operations and identify what, if any, impact the proposed non-agricultural development of the site will have on continued agricultural operations on the adjacent property (ies) and the County’s Agricultural Use District.
8. The preliminary plat review shall be coordinated with the Chairperson and at least three (3) members of the Town Agricultural Advisory Committee and approval based in part upon any recommended conditions by said Committee.
9. [Reserved]
10. Additional Subdivision, Site Plan and Special Use Permit Provisions and Requirements.

Residential structures to be located within the APOD Agricultural Protection Overlay District are to be in accordance with the following guidelines:

1. Away from the boundaries of any preserved land, to reduce conflicting land uses where farmers and/or landowners have made long-term commitments to continue farm operations.
2. In such a manner that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses.
3. To be as visually inconspicuous as practical when viewed from interstate, state, county and local roads.
4. Next to other residences or building lots on adjacent properties.
5. To minimize the perimeter of the built area by encouraging compact development and discouraging strip frontage development along public highways.
6. On soils suitable for subsurface discharge.
7. Within woodlands, or along the outer edges of open agricultural fields adjacent to any woodland, to reduce encroachment upon the higher classified agricultural soils, provide shade in summer and shelter in winter, and to enable new residential development to be visually absorbed by the natural landscape.
8. In locations where the greatest number of dwelling units could be designed to take advantage of solar heating and solar electric services.
9. Any other mitigation measure imposed under SEQRA.

Section 7: Chapter 165, Article IV, Section 165-19 Rural/Residential District (80,000 square feet lot size) is hereby further amended in its entirety and replaced in its entirety as follows:

§165-19. C. Permitted accessory uses:

1. Accessory uses permitted in the RA-80 District.

§165-19. D. Special permit uses:

1. Special permit uses allowed in the RA-80 District.

§165-19. E. Lot size requirements.

The minimum lot size requirements for a single-family dwelling located upon a lot within the RR-80 District shall be the same as those set forth above in Chapter 165, Article IV, District Regulations, for the RA-80 District, §§165-18 E. F. and G.

Section 8: Section 165-32 WEFD Wind Energy Farm District, Subsection 32 C. WEFD Location is hereby amended to read as follows:

§165-32 C. WEFD Location. In rezoning property to WEFD Wind Energy Farm Districts, it is intended that these guidelines are to be followed:

C. (1) WEFD Wind Energy Farm Districts are to be created only on properties that are zoned RA-80 or RR-80 District, provided further that they are not located on land delineated as APOD Agricultural Protection Overlay District and upon the applicant obtaining subdivision plat and/or site plan approval from the Town Planning Board for the wind energy system; and

Section 9: Chapter 165, Article V, Supplementary Regulations, Section 165-43 General requirements for erecting and maintaining commercial speech signs, Sub-section 43 A. Residential uses, is hereby amended to read in its entirety as follows:

1. Residential uses.

A single double-sided freestanding commercial speech sign identifying a permitted home occupation, not larger than three square feet per side, may be permitted in an RA-80, District and in any RR-80, RS-25, R-7.2, R-1-15, R-1-10 and R-2 Residential Zoning District.

Section 10: Chapter 165, Article V, Section 47 Standards for temporary promotional displays (signs), sub-section B is hereby amended to read in its entirety as follows:

1. To promote seasonal sales of agricultural products by Town residents, temporary on-site and off-site commercial speech signs may be allowed by the Town Code Enforcement Officer (CEO) within the RA-80, RR-80, GB, NB, LI and GI Districts. These types of temporary commercial speech signs are intended to either identify the site to be used for the seasonal sales of agricultural products, or to direct the traveling public from along the highways to the site of the seasonal sales of agricultural products. These temporary commercial speech signs may be permitted only during the period specified on the temporary sign permit.

Section 11: Chapter 165, Article V, Section 55 Keeping of Animals, sub-section B is hereby amended to read in its entirety as follows:

1. Keeping of farm animals. Farm animals shall be allowed on land located within the RA-80 and the RR-80 Districts. No farm animals shall be housed or kept within a secure outdoor area on any premise of less than five acres. Kennels or shelters for farm animals shall not be closer than 200 feet to all side or rear lot lines. The storage of any farm animal waste or other odor-or dust-producing materials shall not be closer than 200 feet to any lot line as per §165-18 and/or §165-19 of this chapter. These setback regulations may be exempted by the protection provided to an active farm site located within an established Ontario County Agricultural Use District, as further regulated under the New York State Agriculture and Markets Laws.

Section 12: Chapter 165, Article V, Section 57 Buffer areas for certain abutting properties, sub-section A. is hereby amended to read in its entirety as follows:

1. General provisions. Where a lot in any RMF, RB, NB, GN, LI, GI, PD or IZ District abuts a lot in an RA-80, RR-80, RS-25, R-1-15, R-1-10, R-7.2 or R-2 District, then said abutting property line shall have a landscape buffer area of at least 30 feet in depth as part of any site development plan approval by the Planning Board.

Section 13: Chapter 165, Article V, Section 58 Accessory structures, sub-sections B and C are hereby amended to read in their entirety as follows:

1. Accessory structures located within the mapped RA-80 RR-80, RS-25, R-1-15, R-1-10, R-7.2, RMF, RB, NB and GB Districts shall have a maximum height of 15 feet as measured from existing grade to the peak of the roof of an accessory structure, unless exempted by the provisions contained in §165-63 of this chapter. Accessory structure(s) permitted in any mapped PD or IZ District shall have the maximum height as is specified in the Town Board resolution approving said rezoning of land to the respective PD or IZ District.
2. Accessory non-agricultural structures with the mapped RA-80, RR-80, RS-25, R-1-15, R-1-10, R-7.2, R-2, RMF, RB, NB, GB, GI and LI Districts, excluding private garages, shall have a maximum buildable area of 300 square feet and a maximum building height of 15 feet above existing grade. Accessory structures, excluding private garages, shall not be used for the purpose of storage of vehicles. Accessory structures shall conform to the style, color, and type of exterior finish on the principal structure or be a neutral type of exterior finish.

Section 14: Chapter 165, Article V, Section 65.1 Outdoor wood boilers, is hereby deleted in its entirety.

Section 15: Chapter 165, Article VI, Section 71 Excavation operations, sub-section A is hereby amended to read as follows:

1. Excavation operations may be allowed as a special use permit in the RA-80, RR-80, LI and GI Districts upon the approval of a special use permit by the Planning Board.

Section 16: Chapter 165, Article VI, Section 72 Major home occupations, sub-section A is hereby amended to read as follows:

1. It is the intent of this section to allow a variety of major home occupation pursuits as specially permitted uses in residential districts while recognizing the substantial governmental goal of preserving and maintaining the residential atmosphere, appearance and character of residential districts. A major home occupation may be allowed as a special permitted use in the RA-80, RR-80, RS-25, R-7.2, R-1-15, R-1-10, R-2, RMF and PD Districts. It is recognized that while major home occupation pursuits are specially permitted under the conditions provided for in this section, it is the primary purpose of this section to preserve and maintain the residential atmosphere, appearance, and character of residential districts. It is the stated intent that the special permitted major home occupation use will always be second and subordinate to the principal residential use of the premises and that the major home occupation will not harm other residential uses of the property or adversely affect neighboring premises. Under no circumstance shall a special permitted major home occupation become so extensive that it predominates the principal permitted residential use of the premises. It is further the intent of this section to establish specific performance standards and controls to limit major home occupations so as to minimize the adverse impacts a home occupation could have on a neighborhood or district and to assure that it does not become the predominant use of the property. Finally, it is the intent of this section to exclude family or group family day care as first defined in New York State Social Services Law, § 390, Subdivision 1, Paragraph (d) and (e), which are exempt from the provisions of this chapter, from having to comply with these regulations.

Section 17: Chapter 165, Article VI, Section 75 Kennels, sub-section A is hereby amended in its entirety to read as follows:

1. Kennels may be allowed as a special permit use permit in the RA-80, RR-80 and GB Districts upon the approval of a special use permit and site plan approval by the Planning Board.

Section 18: Chapter 165, Article VI, Section 80 Public buildings, sub-section A is hereby amended in its entirety to read as follows:

1. Public buildings and grounds may be allowed as a special use permit in the RA-80, RR-80, RS-25, R-1-15, R-1-10, R-2, RMF, NB, GB and LI Districts, as specified in Article IV of this chapter, upon the approval of a special use permit and site plan approval by the Planning Board.

Section 19: Chapter 165, Article VI, Section 84.2 On-site-use wind energy systems, sub-sections A and F (2) (a)are hereby amended in their entirety to read as follows:

On-site-use wind energy systems may be allowed as a special use permit in the RA-80, RR-80, RS-25, GB, LI and GI Districts with the approval of a special use permit and site plan approval by the Planning Board.

F. (2) Height. On-site-use wind energy systems are to be located on a lot in the:

(a) RA-80 District shall not exceed a total height of 80 feet.

Section 20: Chapter 165, Article VI, Section 165-84.3 Special use permit and site plan approvals is hereby amended to read as follows:

Large-scale ground-mounted solar PV systems, as principal uses, may be allowed upon the issuance of a special use permit and site plan approvals that are granted by the Planning Board, upon lots located within the RA-80 District, the RR-80 District, the GB General Business District, the LI Limited Industrial District and the GI General Industrial District as further provided for in this section.

Section 21: Chapter 165, Article VI, Section 165-84.3.4 Criteria for accepting and approving application for site plan approval is hereby amended to read as follows:

D. Large-scale ground-mounted solar PV systems located in restricted business, commercial or industrial districts.

Such solar PV systems shall be set back an additional 110 feet from the minimum yard setback along all property lines that abut a lot located in the RA-80, RR-80 and other zoning districts permitting residential dwellings, or an IZ Incentive Zoning District. This additional setback dimension shall also apply to the front yard setback when the lot on the opposite side of the street is in a residential or an incentive zone district.

Section 22: Chapter 165, Article VI, Section 165-84.4 Agricultural/construction equipment repairs and painting operations is hereby amended to read as follows:

1. Agricultural/construction equipment repairs and painting operations may be allowed as a special permit use in the RA-80,RR-80,LI Limited Industrial and GI General Industrial Districts, and subject further to the following criteria contained below in this section.
2. The minimum lot or parcel size required for issuing a special use permit for an agricultural/construction equipment repairs and painting operation on land located within the RA-80 or RR-80 Districts shall be five acres.

Section 23: Chapter 165, Attachment 1, Town of Farmington Schedule 1, Lot Area, Bulk and Coverage Requirements is hereby amended to read as follows:

Zoning

District

A-80 is to be removed in the Table and replaced with RA-80

Under the Sub-heading

Yard Requirements

Minimum Building add a footnote 11

Setback Requirements

At the bottom of this Schedule under NOTES: add a footnote 11 at that reads…

11 Porches and/or decks additions attached to a principal structure that are located in the R 7.2 and R-1-10 Districts, may be permitted a Front Setback of 20 feet provided the structure is not enclosed as habitable living space. In the R-1-15, R-2 Districts porches and/or deck additions may be permitted a Front Setback of 40 feet in the R-1-15 District and 40 feet in the R-2 District provided the structure is not enclosed as habitable living space.

Add at the bottom of Schedule I add the following:

IZ Not Specific requirements to be established

Applicable by Town Board and Planning Board as part of rezoning process

WEFD (add footnotes 1 & 10)

Minimum Lot Size for this district is 1 acre

Notes:

1. is to be amended to read … See additional area requirements in Article IV for special permit uses and for the MTOD, MSOD and APOD Overlay Districts Uses.

Section 24: Chapter 165, Section 165-Attachment 3, Town of Farmington Schedule A, Stormwater Management Practices Acceptable for Water Quality is hereby deleted in its entirety. Reference shown in the General Code eCode 360 Library for the Town of Farmington for Chapter 165 Zoning is to delete Attachment 3 – Schedule A – Stormwater Management Practices Acceptable for Water Quality.

Section 25: Section 165-Attachment 3, Town of Farmington Schedule A, Stormwater Management Practices Acceptable for Water Quality is hereby deleted in its entirety. Reference shown in the General Code eCode 360 Library for the Town of Farmington for Chapter 165 Zoning is to delete Attachment 4 – Schedule B – Sample Stormwater Control Facility Maintenance Agreement.

Section 26: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 27: This local law shall take effect immediately upon filing with the Secretary of State.

(14)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law number X of 2024, of the Town of Farmington, was duly passed by the Town Board on ,2024, in accordance with the applicable provisions of law.

1. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the Town of Farmington was duly passed by the ………………………………… on ………………… 2024, and was (approved) (not approved) (repassed after disapproval) by the ……………………………………………………… and was deemed duly adopted on ……………………… 2024, in accordance with the applicable provisions of law.

1. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the Town of Farmington was duly passed by the Farmington Town Board on 2024, and was (approved)(not approved)(repassed after disapproval) by ………………………………………………………… on 2024. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 2024, in accordance with the applicable provisions of law.

1. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the Town of Farmington was duly passed by the Farmington Town Board on 2024, and was (approved)(not approved)(repassed after disapproval) by the ………………………………………………………… on 2024. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 2024, in accordance with the applicable provisions of law.

5.(City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the City of …………………………………… having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on 2024, became operative.

\_\_\_\_\_\_\_\_\_\_\_\_\_

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances. (15)

1. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the County of State of New York, having been submitted to the electors at the General Election of November 2024, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law and was finally adopted in the manner indicated in paragraph 1 above.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Clerk of the Town

(*Seal)* Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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TO: Town of Farmington Agriculture Advisory Committee

FROM: Ron Brand, Director of Planning & Development

DATE: March 15, 2024

RE: Draft Local Law regarding APOD Agricultural Protection Overlay District Regulations and other amendments to Chapter 165 (Zoning Law) of the Farmington Town Code.

This is an overview of the draft local law which is being submitted to the Town of Farmington Agricultural Advisory Committee to start its’ review of the creation of the APOD Agricultural Protection Overlay District regulations and certain amendments to other sections of the Town Code that are being either amended or deleted. The level of detail contained in the attached document is different from the level of conceptual discussions that have been held with the Committee members recently.

The draft local law is formatted in accordance with state guidelines and, for those not familiar with those guidelines, you may wonder why all this verbiage is being provided, the majority of which may not be of interest to the Committee members. The answer is that in drafting a local law one has to follow the format established in the chapter(s) of the Town Code that is being amended. Keep in mind that some sections of the Town Code are quite old while others are more recent and, therefore, may read different.

The attached draft local law is 17 pages long. The last two (2) pages are boiler plate which need to be completed and attested to by the Town Clerk once the Town Board adopts the final version of the local law and before it is submitted to the Office of the Department of State in Albany.

**Section 1:**

The first section involves adding definitions which come from both the State Ag & Markets Laws and the other municipal codes that the Committee has been reviewing. Terms defining Agricultural Tourism, Barn, and Farm Operation. The draft law also deletes some terms which relate to Outdoor Wood Boilers which are now regulated by the DEC and no longer the town.

**Section 2:**

This section simply describes the various zoning districts and overlay districts that will be in the Town’s Zoning Law. §165 -34.3 will be the new section for the APOD Agriculture Protection Overlay District.

**Section 3:**

This section amends the A-80 Agricultural District designation by changing it to RA-80 Rural Agricultural District which is intended to better coincide with the designation RR-80 Rural Residential District. This section also introduces the APOD Agriculture Protection Overlay District into the chapter of the Town Code. This designation (APOD) is the same as used in the Town of Canandaigua Zoning Law which the Committee previously received.

**Section 4:**

This section describes the changes being made to the Official Zoning Map, including changes to the map’s legend, the delineation of the mapped districts and the APOD Overlay mapping. Please note that there is no attached map showing these changes being proposed.

**Section 5:**

This section exchanges the A-80 District designation with the proposed RA-80 District designations contained throughout this section of the Town Code. There is a new statement of intent, with other changes to the sections listed including: the introduction of a new special use permit for Drainage Contractor Operations and related equipment and storage buildings. [page 4, item D. (8)]; and item G. Additional provisions, on page 5, which introduces Chapter 126 of the Town Code (Individual On-site Wastewater Treatment Systems) and G.3. provisions governing the density of single-family development in areas where there are classified productive agricultural soils, criteria that supersedes the provisions listed above.

**Section 6:**

This section introduces the intent, purpose, designation of the APOD, lists the permitted uses, the permitted accessory uses, the special permitted uses, the dimensional requirements and guidelines for locating residential sites within the mapped APOD parcels.

**Section 7:**

This existing section of Chapter 165 (Rural Residential District) simply exchanges A-80 designations for RA-80 designations.

**Section 8:**

This existing section of Chapter 165 (Wind Energy Farms District) simply exchanges A-80 designation for RA-80 and for the APOD designations.

**Section 9:**

This existing section of Chapter 165 (Commercial Speech Signs) simply exchanges A-80 designation for RA-80.

**Section 10:**

This existing section of Chapter 165 (Temporary Promotional Displays [signs] ) simply exchanges A-80 designation for RA-80.

**Section 11:**

This existing section of Chapter 165 (Keeping of Animals) simply exchanges A-80 designation for RA-80.

**Section 12:**

This existing section of Chapter 165 (Buffer area for certain abutting properties) simply exchanges A-80 designation for RA-80.

**Section 13:**

This existing section of Chapter 165 (Accessory Structures) clarifies that structures such as barns, silos and other agricultural buildings are exempt from the 15 foot requirement. It also exchanges A-80 designation for RA-80.

**Section 14:**

This section deletes from the Town Zoning Laws (Chapter 165) all regulations pertaining to Outdoor Wood Boilers. The definition change in Section 1 above identifies these regulations are now under the authority of the New York State Department of Environmental Conservation.

**Section 15:**

This existing section of Chapter 165 (Excavation Operations) simply exchanges A-80 designation for RA-80.

**Section 16:**

This existing section of Chapter 165 (Major home occupations) simply exchanges A-80 designation for RA-80.

**Section 17:**

This existing section of Chapter 165 (Kennels) simply exchanges A-80 designation for RA-80.

**Section 18:**

This existing section of Chapter 165 (Public Building) simply exchanges A-80 designation for RA-80.

**Section 19:**

This existing section of Chapter 165 (On-site Wind Energy Systems) simply exchanges A-80 designation for RA-80.

**Section 20:**

This existing section of Chapter 165 (Special Use Permits and Site Plan Approvals) simply exchanges A-80 designation for RA-80.

**Section 21:**

This existing section of Chapter 165 (Criteria for Large-scale Ground-mounted solar PV systems) simply exchanges A-80 designation for RA-80.

**Section 22:**

This existing section of Chapter 165 (Agricultural Construction Equipment) simply exchanges A-80 designation for RA-80.

**Section 23:**

This existing Attachment to Chapter 165 (Zoning Schedule) is being amended exchanging A-80 for RA-80, and adding foot notes to the Schedule.

**Section 24:**

This existing Attachment (Number 3) to Chapter 165 relates to Stormwater Management Practices which have been replaced in Chapter 138 making this attachment no longer valid.

**Section 25:**

This existing Attachment (Number 4) to Chapter 165 relates to Stormwater Management Practices Acceptable for Water Quality) has been replaced in Chapter 138 of the Town Code making this attachment no longer valid.

**Section 26:**

This is State Boiler Plate and cannot be changed.

**Section 27:**

This is State Boiler Plate and cannot be changed.

Hope this information helps everyone to better understand the format used in creating this draft Local Law.