Town of Farmington

1000 County Road 8

Farmington, New York 14425

**Agricultural Advisory Committee**

**Thursday, August 8, 2024, • 6:30 p.m.**

**MINUTES—Filed with the Clerk**

*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*

Peter Maslyn

John Marvin

Ronald Mitchell

William Boyce, Jr.

Michael Putman

**Committee Members Excused:** Charles Bowe

Denis Lepel

Doug Payne

**Town Representatives Present:**

Ronald L. Brand, Farmington Director of Development and Planning

Dr. Michael Casale, Farmington Town Board Member

**Town Representative Excused:**

Dan Delpriore, Farmington Town Code Officer

**Guests:** There were no guests attending this meeting.

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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 April 25, 2024. The meeting clerk notified the Can­an­daigua *Daily Messenger* news­paper on June 6, 2024.

The meeting date and time were posted upon the Town Hall Bulletin Board on April 26, 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 June 06, 2024, and has re­mained posted.

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

**AGRICULTURAL CONSERVATION OVERLAY DISTRICT (ACOD)**

Mr. Adams opened the meeting at 6:30pm.

Mr. Adams said Ron had provided a copy of the proposed amendments to the draft local law; what was in red is now black. A couple of little changes were suggested at the last meeting. They're not big changes. A couple of clarifications and definitions. I spent a little more time this afternoon. Comparing the old A80 to the RA80, I feel that I now better understand where our RA80 differs from the old A-80. I have a question, though: When we get to our RA-80, there is very little about it in this ordinance. I struggled to find very little difference at all. Can you tell me what I am missing in that RR80 designation?

Mr. Brand said that the current RR80 regulations aren't very different.

Mr. Adams said, "But we will continue to have an RR80 District that is essentially identical to the RA80. Is that correct?

Mr. Brand said that is correct.

Mr. Adams said, I have another question on page 5 at the bottom, additional provisions under G, number 3 where we have a stipulation, 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) then we will invoke the overlay district. My question is, 50 percent of a site, is the site a tax parcel?

Mr. Brand said Yes.

Mr. Adams said a tax parcel with farmland and wasteland, if it had fifty-one percent within swamp within the same tax parcel as the farmland, would not fall under this overlay district. Is that correct?

Mr. Brand said, yes and asked is that the way it should be?

Mr. Adams said, "I don't know, you are the one that wrote it, there must have been a thought.

Mr. Boyce asked how subdivisions play into calculating the percentage figure.

Mr. Brand said the lots are subdivided first.

Mr. Adams said there must have been some thought in that.

Mr. Brand said that the model came from one of the municipalities we looked at that had that language, and we had agreed to use that percentage. If you want to change it, let me know, and we can change it.

Mr. Brand said my take on this meeting was that we are only looking at the requested changes that have been made in red. Everything else was agreed upon at the last meeting.

Mr. Boyce asked if we could change the verbiage to exclude wetlands.

Mr. Brand said the courts have held that you must include the entire site, including wetlands, even though you can't develop those areas.

Mr. Adams said that this is a potential loophole. If we are all comfortable with the loophole, fine. It seems arbitrary to me, but all numbers are, to some degree.

Mr. Adams said, on page 7, 1st paragraph towards the bottom, there is a prohibition on farm-related structures on class 1-4 soils. This is permitted for principal use in the overlay district. My barns are built on class 1 soil. The practicality of that stipulation is that if you have farmland near or on the road and it is all class 1 soil, you will build it on the class 1 soil. As farmers we all anguish over wrecking good land to build facilities, but it happens. It is all about access and useability, and practical matters.

Mr. Brand asked Mr. Adams to continue reading the rest of the paragraph to see that this paragraph references permit requirements.

Mr. Adams said, on page 9, that there is a prohibition on wind energy farms, and further on again, there is an out on special use. Am I correct on that or not? This is a very explicit prohibition unless I am misreading this.

Mr. Brand said this has been in the code for years; the only change that was made is that it used to read zoned A-80, and now it reads RA-80.

Mr. Adams asked if there is an outright prohibition on wind energy and farms within the overlay district.

Mr. Brand said, no, it says those wind energy districts are to be created only on properties that are zoned RA-80.

Mr. Adams said provided they are not in the overlay district.

Mr. Brand said that is correct.

Mr. Adams said solar is not prohibited and is permitted to be used somewhere under one of those designations. So. The Town has taken a stance against wind. Continuing on that line, it continues to say, As the Agricultural Conservation Overlay District and upon the applicant obtaining subdivision plat and/or site plan approval from the Town Planning Board for the wind energy system, it doesn't continue on the next page.

Mr. Brand said that is because the only thing being changed in that section of the code is C1; there is also C2, C3, and so on.

Mr. Adams said that is all that he has. Does anybody else have anything? Ron wants to spend some time on the strategic farmland map, which will help us define which neighborhoods are in the overlay district.

Mr. Putnam said, If the land doesn't have an Agricultural Exemption, does that mean it is not in the district?

Mr. Brand said this is not related to the Agricultural exemptions.

Mr. Adams said the map is generated from the zoning office according to land that is getting the exemption.

Mr. Marvin said several years back, we worked on a map. In 2015, we each took our sections and identified working farms. That is still the one that they are using for this; it has never been updated.

Mr. Adams said that we took some land out at the last update of the AG district.

Mr. Marvin said I have had two of the parcels that I use that were in the AG district and taking advantage of the exemption, and both pulled out about three years ago. They are still Agricultural, and I am still farming them. They want to keep them zoned Agricultural, and I would still keep them as Agricultural.

Mr. Adams said the difficulty is getting that information. Correct me if I am wrong, but this is based on the Assessor's office data reported as getting exemptions.

Mr. Brand said No

Mr Marvin said this group identified these parcels.

Mr. Brand said we used your input as the experts who are using the land.

Mr. Adams asked how do you want to go about scrutinizing this map?

Mr Brand said one of the most important things we missed in editing the additions is on page 3 of the draft local law. I have added a phrase that clarifies that the overlay district that will be created is not based on the 2015 map; it is based on a map at the time of this zoning amendment that are being used for Agricultural production on the more viable agricultural soils.

Mr. Boyce said he was thinking of calling Joanne at USDA to see if she could provide something, but not everyone reports to them, either.

Mr. Adams said, in a controversy over whether a parcel is on or out, are you saying that we would have to look at historical evidence of whether the parcel was farmed at the adoption of this?

Mr. Brand said no. You should look at the zoning map. We have the main street overlay district and the major thoroughfare overlay district. This legislation talks about creating a third overlay district that has not been mapped yet. We are going to start to create that tonight, then send it to MRB, have them create the overlay map, and then you will review it for accuracy at our next meeting.

Gathering around the map, Mr. Brand points out that Hathaway’s corners land is no longer farmed so that we can take that off. The property on the corner of County Rd 41 and 8 is not used for Agricultural production. There are two parcels that comprise the Paddocks Landing incentive zoning site that is being developed. We can also identify the area where the natural gas pumping station is located. Mr. Adams pointed out a parcel that he farms, but the owners do not claim an Agricultural exemption; Mr. Boyce pointed out a parcel that he is farming that is not claiming the Agricultural exemption.

Mr. Adams is interested in the areas adjacent to existing water and sewer; we need to keep those parcels in the overlay district. The parcels up in the hook area. The areas where we have infrastructure. Let's say a developer comes in and says they will extend the water and sewer using some of the unused capacity but we have enacted the overlay district and now someone wants to do an IZ project, how does that play out any differently than it would right now absent the overlay district?

Mr. Brand said I don't think that it would. The overlay district will protect the class 1-4 soils to the best of its ability. You need to know how much land is in 1-4 soils. The soil classes would be addressed in SEQR. They would only get incentive zoning if they took the less productive soils than the class 1-4 and developed them because otherwise that differs from what we are creating the district for.

Mr. Adams said Incentive Zoning looks like let's make a deal. If the developer comes in with the land and the Town says if you do this and this, we are good with it, and away we go, we rezone it and are off to the races.

Mr. Brand said, " We will take the small areas outlined in red on the map and show you what they look like. Those are the areas that we are trying to include in this overlay approach, to identify the strategic farmland parcels. If we find that we may have missed something from back in 2015 that you feel should be added as strategic farmland, like the parcel that Hal [Mr. Adams] mentioned, then we can look at that. If it is a small parcel with a minimal impact, why bother including it?

Mr. Adams said I have always struggled with this map because some of this pink area is woodland. Any farmer that owns a parcel designated as farmland that includes woodland needs to be considered before mapping. Mr. Adams believes that this map overstates the tillable land; but doesn't know by how much.

Mr. Brand asked if we need to include lands that are going into farmland preservation under the state Agricultural Protection Program. We do have some sizeable areas of productive farmland that the landowners have asked to protect. The question is, do we need to protect something that is already protected by the landowner's decision?

Mr. Adams said I reached out to the Land Trust, but I did not get a reply, and I did not get there again to talk to them. I sent an email a couple of weeks ago; I was asking for an opinion, and I sent a copy of the Overlay District to Lorna Wright. I did get a reply that she was out of the office, but I didn't get any other response. life got away from me, so I did not follow up. I would like to hear from Lorna and Doug Payne.

Mr. Brand said we have some legislation in the drafted local law that is being held up by a decision on this ACOD. If you are not ready to move forward, we will pull this out and continue discussion with the committee. We have some surety issues to address that were just brought to light, and we need to move forward on them to close a loophole.

Mr. Adams said he would like to get a consensus from the room.

Mr. Marvin said he is not against it [ACOD] and is not for it, but I printed off copies of the draft and have taken them to seven or eight of the local farmers, and the consensus from them has been that they want no part of it, and they plan to vote against it. They want to avoid being told what they can do or what their grandchildren can do. One of my concerns is that there is an awful lot of farm preservation coming in, and you will have some bad years on the farm. The only thing that will keep farming in Farmington is the profit money. We are going to have more and more small market farms. Two of them just started this year doing an excellent job.

Mr. Boyce said he is interested, but he is also concerned that if everything around him gets developed, he may need to sell and move to a less developed area. He is undecided.

Mr Putnam says yes, whether it's perfect or not perfect. It's a tough call, but I am going to say yes.

Mr. Mitchell said he is not a farmer, and his view from the outside is influenced by the idea that Ryan homes are selling for $600,000. You can't find a house in Farmington unless you build one. Any homes that are listed sell in one or two days and they are selling for fifty and eighty thousand over the asking price. As an outsider looking in, farming is in danger, and we have to do something. My vote is in favor of this.

Mr. Maslyn said that he is leaning towards yes; I understand that if you go out and show this to farms, they will take it as a pretty big negative. If they were able to take the time to sit and read through it all you can see that it not tying hands it is a guidance tool. My biggest hang-up is whether it would affect any farms that wanted to put their farm into the state’s farmland conservation easement. If this negatively impacts that, then that bothers me. If a farmer goes to the state with an interest in the conservation easement, would the state say, the Town is already protecting you, so why would you need to do this?

Mr. Brand said that was something that Hal [Mr. Adams] also had brought up.

Mr. Adams said he wants to get some reiteration from the land trust group.

Mr. Brand said the threat is going to be proximity to utilities. Suppose you are next to water and sewer lines and a major highway next to zoning that allows uses incompatible with farming. We have got potential, for example, all of that factored in, and it's not just the fact that you are trying to protect the environment by having regulations that guide the placement of homes on that land. Some of these areas that you are concerned about, quite honestly, if Lorna Wright were here, she would probably tell you that we don't believe land that isn't threatened at this time would be as competitive when compared to threatened lands in other municipalities. That is what the state is trying to curtail is the loss of these threatened farmlands.

Mr. Boyce said that if you are in the RA-80 in the overlay district, can you change the zoning? Would that remove the restrictions of being in the overlay district?

Mr. Brand said if you wanted to change the zoning from RA-80 to RS-25, there is no need to have the overlay district there anymore because you are not protecting anything that would be gone with the rezoning. If you have development plans and the Town Board feels that that is the right thing to do, then so be it. The first step to change the zoning of land is to propose development and to present your proposal to the town board.

Mr. Maslyn said homeowners that built their houses in the eighties and nineties because they had to buy extra land because they were on Agricultural land and they had to buy bigger lots and now its all scrub behind them and said looking back, if you had to go through this process you would have thought about building your house in a different spot or doing something differently and now thirty years later having this scrub behind the house.

Mr. Brand said that if you decide tonight to move forward with this, it doesn't mean that if it gets to the point where we are ready to introduce it that it can’t be pulled and taken out because of

whatever concerns may arise. I hope, John [Marvin], that any of those farm families that you mentioned would take the time to read this and take the time to look at the minutes and see all of the discussion that has gone into this and not just make a decision based on lack of knowledge.

Mr. Adams said getting people to invest effort and time is hard. If we get to that point, there will be a hearing. A tiny cohort of people are now making their livelihood from farming in the Town. This is going to matter to them as much as anybody.

Mr. Brand said this proposed legislation will also have to go to the County and weighed by the County’s Agricultural Enhancement Board, and that it may even be weighed by the State Department of Agriculture and Markets if they feel there is something in there that shouldn't be there. So, you have those three entities overlooking what we have been working on for the past year before there’s a public hearing by the Town Board on these amendments.

Mr. Adams said we were tasked with looking at more regulations to protect farmland, which were in both the farmland protection and comprehensive plans. We have now completed the task and developed a pretty good document. There will likely be pushback from John's contacts. I wonder whether they will really try to understand it and realize that this is more relaxed and relaxed than it might look on the surface. If we don't move it forward, he's going to say well, you guys don't really care about farmland protection. I am in between a rock and a hard place on this one. This is an innovative approach; it looks different from the other stuff that we have looked at. This is taking this whole business of the Town assuming the role of custodian of a scarce resource, I didn't read that in any of those other ones. This is an innovative approach, and hats off to that, but whether there will be buy-in from the landowners is another question entirely. Depending on where you stand, do you think the most important thing is to preserve the open space and farm viability in our Town, then you should probably support this, but if you feel that landowners' rights and options as overall farm viability diminishes in the Town, and I have said many times that we are on the downward trajectory, we are not preserving farming in the Town, it is slowly declining, I don't care what you do, it is for a variety of reasons. If that is where you are, you may want every option available to you for monetizing your farm.

In my opinion, Mr. Mitchell said, along with what you are saying, I have lived out here most of my adult life. I like the Town of Farmington. I like how it is; we want it to grow, but it has just exploded over the last five years. I am one of the culprits; I just built a house. I like the Town. I like the way that it is. Otherwise, I would have been somewhere else. I have been living here since I came home from Vietnam in 1970. It is a good town, and the management is excellent. I look at you guys. You are the farmers, and you are trying to keep your livelihood going, but unfortunately, progress is catching up. It is growing so fast, and when they come to your son, your daughter, your nephew, niece, or whoever it is, and say I am going to give you five million dollars for that piece of land, it is hard to say no.

Mr. Casale said, "You can't. I come from Long Island. Nassau County and Suffolk County were all farms, and now there's nothing in a fifty-year period. You can't stop the development. I don't know if you can change that anywhere.

Mr. Mitchell said I am not saying change it; I am trying to say let's try to slow it down.

Mr. Casale said that's what this is all about; it is not prohibiting anybody from doing what they want. It may feel that way; it felt that way when you were a little kid. This Town is against farming; in all the years that I have been here, I have not seen that. Anything that we wanted to do, we tried to keep in the not-so-good for farming area. We have tried to stay in the southwestern area for the most part. It is almost impossible to stop development.

Mr. Marvin said that when I started farming, we worked right to the village of Fairport and the canal. We worked all that land, both sides of Turk Hill Road.

Mr. Casale said if they feel strongly about the Town, they have to forget about their pocketbook, and they will look at this and come up with something.

Mr. Marvin said there is another little factor that might enter in: they have been pushing on the national news that the birthrate population is down 28% in the last five years.

Mr. Maslyn said it's not just the US.

Mr. Adams said that if I am supposed to be taking a consensus, I am hearing more positive than negative. I cannot tell the town board that there is a complete consensus on the committee. However, there is a majority consensus that this is a reasonable proposal to move forward.

Mr. Brand said he would get the map; it will probably take two or three weeks to get that to you so that you know what we are talking about when we say overlay district area. If that causes some concern, call him [Mr. Adams] or me [Mr. Brand]. We will pull it and move forward. Right now, if we get it accepted and adopted by the end of the year, it will be a miracle.

Mr. Marvin said I would like to see you put it in plain English, take away the writing that Mr. Brand has worked hard on, and put it in plain English how it will affect your farm, my farm, and Billy Boyces farm long term. Take away the legalese that Mr. Brand has worked hard on. Everyone I talked to said they don't want to be told what they can do with their land, which I have worked hard for.

Mr. Maslyn said that he agrees with Mr. Marvin that we need to start with a synopsis of why we are here and looking at this to begin with, what we are trying to accomplish, and what we think this will achieve.

Mr. Adams said the committee needs to be brought up to speed in layperson's terms of what this is. If we have that ready, we can use it for anybody.

Mr. Brand said he would like to suggest the next meeting be on October 10, 2024. This will give us the opportunity to see the overlay district map, to see the narrative of what this regulation is all about, and to give the Town the opportunity to take that time to make those amendments that we don't even have here yet, and that must be reviewed by the town attorney and others mentioned here tonight.

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

**OF THE TOWN WEBSITE**

There was no discussion on this topic due to the Code Enforcement Officer not being in attendance.

**4. OTHER TOPICS**

Mr. Brand reported that we were told that we were awarded grant money from the state to do the Black Creek drainage study. I talked with Betsy Landry at County Planning this week, and they haven't heard anything as yet from the state.

Mr. Adams reported: I also want Lorna to follow up in writing or in person; we need to understand where she is coming from. When she says, well if you do this, you may hurt your chances of doing that. Well, on the other side of that coin. If we put this forward and there is such an outcry that nobody wants any protection, good luck getting any grants.

Mr. Boyce said that he would contact Joanne to see if she could make a map with whatever is active at USDA.

Mr. Brand reported that there have been ongoing public hearing sessions about a proposed solar farm on Commercial Drive, and the neighbors who will be living next door to this have voiced their opinions that solar farms belong in the rural areas of the town, not in industrial or commercial areas.

Mr. Adams said, "Their concerns mostly pertain to battery storage. What happens when that battery catches fire right next to a residential area?”

Mr. Brand replied the same thing as when an electric vehicle is being charged inside a garage and it catches on fire. You call the Fire Department. Dr. Casale said people don't realize what a fire hazard they [electric vehicles] are. Mr. Adams said there is a growing transition to electric vehicles.

Mr. Casale said all of the energy stuff is concerning. A slow transition is fine, but when you realize that in a year, you are not going to be able to run a gas line to your house, it's concerning.

Mr. Adams said the room was full that night, and there was an HOA involved. They are the Townhouses on the East side of Commercial Drive, [west side of Redfield Drive]. The town has proposed extending Commercial Drive all the way through from 96 to Collett. One of the issues is that if Commercial Drive is extended, it will be right in the backyards of some of those houses. It's close and not particularly well-buffered.

Mr. Brand said that, with Jonathan Orpin’s blessing, from New Energy Works, he has agreed to swap some land with Sky Solar so they can shift the proposed extension of Commercial Drive to the West. He also noted that there were only two neighbors attending last night's public hearing. He also noted that upon review of recent townhouse sales in the neighborhood that those Townhomes appreciate between thirty and forty thousand a year.

Mr. Maslyn would like to put a plug in for this year's Fun on the Farm hosted by Hemdale Farm. We have many volunteer jobs if anyone wants to be a tour guide, tractor driver, or whatever. We are hosting a thousand school kids on Friday September 27th and we anticipate a large attendance on Saturday, September 28th. We are planning to have members of the local legislation present as well. We have flyers that I don't have with me tonight.

Mr. Brand said if you send us one electronically, we can distribute it along with the minutes, which will be posted to the town website. We can also include that in the Bi-weekly town ops report. Finally, if you have any posters, we can display one at the Town Hall. Just let me know.

**6. VISITORS’ COMMENTS**

There were no visitor comments

**7. NEXT MEETING**

The next meeting of the Agricultural Advisory Committee will be held on the second **Thursday, October 10, 6:30 p.m.** at Farmington Town Hall, 1000 County Road 8.

**8. ADJOURNMENT**

The meeting was adjourned at 8:00 p.m.

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

Respectfully submitted,

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Paula Ruthven

**Farmington Agriculture Advisory Committee Members**

**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:**

*Committee Members:*

Adams, Hal

Bowe, Charles

Boyce Jr., William

Lepel, Denis

Marvin, John

Maslyn, Peter

Mitchell, Ronald

Payne, Doug

Putman, Michael

*Town Board and Staff:*

Ingalsbe, Peter

Holtz, Steven

Casale, Michael

Herendeen, Ron

Bowerman, Nate

Finley, Michelle

Brand, Ron

Delpriore, Dan

Gordner, August

Marvel, Carol

Ruthven, Paula