

*Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**AGRICULTURAL ADVISORY COMMITTEE**  
**Thursday, January 11, 2024 • 6:30 p.m.**

**MINUTES—FILED WITH TOWN 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*  
William Boyce Jr.  
John Marvin  
Peter Maslyn  
Ronald Mitchell  
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

**Guests:**  
None

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**Town Board Appointments to the Agricultural Advisory Committee:**

The following appointments to the Agricultural Advisory Committee were approved by the Town Board on January 9, 2024:

MICHAEL PUTMAN was reappointed to the Agricultural Advisory Committee for a five-year term expiring on December 31, 2028.

HENRY ADAMS III was reappointed as Chairperson of the Agricultural Advisory Committee for a one-term term expiring December 31, 2024.

Mr. Adams and Mr. Putman took their places upon the Agricultural Advisory Committee.

**Agricultural Advisory Committee Members and Terms of Office:**

Ronald Mitchell	Appointed March 28, 2023	Term expires December 31, 2024
John Marvin	Appointed January 5, 2021	Term expires December 31, 2025
Hal Adams	Appointed January 4, 2022	Term expires December 31, 2026
Peter Maslyn	Appointed January 4, 2022	Term expires December 31, 2026
Charles Bowe*	Appointed March 28, 2023	Term expires December 31, 2026
Denis Lepel	Appointed January 4, 2022	Term expires December 31, 2026
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\*Filling the unexpired position of Don Jones who moved out of state.

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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 November 16, 2023, with a reminder on January 4, 2024. The meeting clerk notified the Canandaigua *Daily Messenger* newspaper on December 11, 2023.

The meeting date and time were posted upon the Town website and the Town Hall Bulletin Board on November 16, 2023, 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 December 11, 2023, and has remained posted.

## 2. DISCUSSION OF PROPOSED TOWN LAW: AGRICULTURAL CONSERVATION OVERLAY DISTRICT

Mr. Brand: Said that the materials regarding overlay protection districts were previously distributed to the Committee and are intended to provide information on the intent of overlay districts. He again said that the purpose of agricultural overlay protection districts is to protect, to the extent possible, the more viable agricultural soils for sustaining farming operations. He said that Farmington has a number of other overlay regulations such as the Major Thoroughfare Overlay District (MTOD), the Main Street Overlay District (MSOD), floodplain overlay districts and the recently amended solar regulations. The solar regulations require establishing an Agricultural Conservation Easement on nearby strategic farmland when an existing strategic farmland site is selected for a large-scale solar project. The strategic farmland sites are identified in the adopted *Town of Farmington Farmland Protection Plan*.

Mr. Adams: Said that the Farmington solar regulations have yet to be tested.

Mr. Brand: Said that no applications regarding solar projects on the identified strategic farmland sites in the Town have been received since the revised Farmington solar law went into effect. He said that Farmington currently has one solar application pending between the two sections of Commercial Drive on a site that is not being actively farmed.

Mr. Brand: Said that to date no one has challenged the constitutionality of the amended Farmington solar regulations. He said that property rights cannot be taken away and that regulations require a defined purpose, such as the examples of the protection of viable agricultural soils which are enumerated in the adopted *Farmland Protection Plan*.

Mr. Brand: Said that he feels that protecting this resource base which was identified in the *Farmland Protection Plan* is just as important [for protection] as floodplains, wetlands and the transportation overlay areas. He asked how we deal with convincing people in the community that making this effort [the protection of viable agricultural soil] is a long-term program for the promotion of agriculture in our Town. Mr. Brand said that he hopes that we can come up with something which addresses the protections of the resource [viable agricultural soil] without taking away property owner rights.

Mr. Adams: Said that we do not want to go over the line. He said that existing zoning has withstood challenges over the years and that zoning is legitimate.

Mr. Putman: Asked about how to “sell” this to the community.

Mr. Adams: Said that people do not understand farming. He said that additional regulations must appeal to the residents’ sense of the character of the Town. Mr. Adams said that Farmington has some real rural character and that farmland preservation and open spaces help with that. He said that the Town would have to appeal to the community with these sorts of ideas and that farming currently enjoys a good image [in the Town].

Dr. Casale: Said that part of public exposure to farming is where it [appealing to the community for farmland preservation] starts. He said that many of the new residents who are moving into the Town are not familiar with farming. He asked why there has not been a farm day celebration in Farmington in years.

Mr. Adams and Mr. Maslyn: Said that Farm Day is an Ontario County event which is held every two years at a different farm and in a different location in the County. They explained the time and effort which is devoted by volunteers to hold such an event.

Dr. Casale: Said that the purpose of these types of events is to inform people about farming.

Mr. Brand: Said that he wants the Committee to be aware that the majority of people do not comprehend the challenges of farming today, however, it is these people who will be among the most vocal to point out that the current Town regulations do not go far enough [to protect farmland]. He said that these residents often say that they moved to Farmington because they want to live in a rural area. Mr. Brand said that we have to be honest with ourselves that we cannot appease everybody and keep in mind that we as a group need to have a basic understanding—what is going to be our platform as a group that we are trying to promote here in the Town.

Mr. Boyce: Said that we are trying to promote agricultural viability in the Town.

Mr. Brand: Asked how do we protect our resource base without regulation that requires people to go an additional step [to protect viable farmland soils] without taking away property rights during the approval process. He said that identifying this is what would be the underlying purpose of the agricultural overlay protection district.

Mr. Adams: Said that “they” are the people who currently own or rent the farmland. He said that we do not have to convince the community-at-large who might want to regulate further. Mr. Adams said that the hard sell is to the people who actually own the land, which is a small group. He said that we have to appeal to this small group.

Mr. Marvin: Said that the average age of the landowners is in the 70s and 80s. He said that we do not have a lot of younger farmers.

Mr. Adams: Said that the younger generation does not see the opportunity in farming and that we are on the cusp.

Mr. Maslyn: Asked how much a landowner’s hands would be tied by an overlay district.

Mr. Marvin: Said that is the question—how much can we tie their hands?

Mr. Maslyn: Asked if farmland in Farmington is more unique than in other parts of the County. He asked if we should be worried about protecting our farmland or should we be worried about the farmland in the County.

Mr. Adams: Said that there are more robust areas in the County where agriculture is competing successfully for the land and where the development risk is relatively low. He said that in these areas of the County farmers have the wherewithal to pay for and own big blocks of land. Mr. Adams said that it is the lack of viability in Farmington which allows development to be a better proposition here.

Mr. Adams: Said that permitted uses, accessory uses and specially permitted uses are already included in the Town's existing A-80 Zoning District. He asked if the current regulations could be tweaked to trigger a quicker review when a subdivision is proposed in the A-80 district. He suggested that the review should not dictate what a landowner can do but should offer alternatives to the landowner.

Mr. Adams: Said that it is not clear how much the Town could dictate, although he said that the Town has these types of regulations in the solar law. He said that we only have one bite of the apple when a subdivision is proposed. Mr. Adams said that once someone else owns it, it is over.

Mr. Marvin: Said that in the past the Town has kept the housing south of the Thruway. Mr. Adams said that this is in the *Comprehensive Plan*. Mr. Marvin said that perhaps the Plan should be updated. Mr. Adams said that we are still thinking about the method [to do so]. He said that if we say "overlay" we have to convince the landowners that it is in their best interests.

Mr. Maslyn: Asked how much would be included in an overlay district.

Mr. Brand: Said that the Town's *Farmland Protection Plan* has identified strategic farmland sites and that when you look at the map you see that many of the parcels are not contiguous. He said that the lots [of strategic farmland] are separated, even in the southwest corner of the Town where the infrastructure is there to support more growth and development.

Mr. Brand: Said that the overlay approach would create a density which would allow development to occur if they have the minimum required acreage for on-site wastewater systems and water supply. He said the overlay would not be the Town saying that "you can't do this." Instead, he said that it is the State saying that it will not allow the Town to permit public water and/or sewer district extensions in the future.

Mr. Brand: Provided an example of one site which has a strategic farmland designation under the current A-80 zoning in which the site allows one unit per 80,000 square feet. He said that approximately 10 lots could be created on 20 acres of land, and that it is the way in which these lots would be created which is important. He said that it is a process that would require consideration be given to locating development on the least productive soils and in a manner not to eliminate continued farming operations on the remaining site.

Mr. Adams: Said that selling lots along the frontage of farmland is horrible. Mr. Brand agreed that this practice limits access to the farmland and introduces land use conflicts between farmers and the new landowners.

Mr. Adams: Said that he is asking if there is another way [to protect farmland] other than an overlay district. Mr. Brand said that adding something [additional regulations] to the existing A-80 Zoning District regulations would be more restrictive than the overlay approach. He said that we need to protect the strategic sites and that by creating an overlay district we are not adding more prohibitions that would likely require variances to be granted. He said that we would be seeking alternatives to protecting our viable soils and thus extending the viability of farming because it will protect the soils which are needed by the farmers.

Mr. Maslyn: Said that an overlay may not stop [the removal of strategic farmland] but might slow down the process. Mr. Adams said that an overlay district may somehow nudge the decision process. He said that we need the actual language [of an overlay district proposal] and asked if Mr. Brand could somehow craft a regulation which could be passed [by the Town Board] and implemented.

Mr. Putman: Discussed the regulations from the Town of Warwick in which a landowner could come in and request that the land be withdrawn from the overlay district. Mr. Adams said that in Warwick a landowner could also request his or her property to be included in the district. He said that the interesting thing about the Warwick regulations is that it makes a tangential reference to leasing. He said that this is a step beyond anything we are talking about with both development rights and leasing deals.

Mr. Adams: Referred to emails which he had received from Jim Gray (4650 Herendeen Road) who attended the previous Committee meeting on November 16, 2023. Mr. Adams said that in the emails Mr. Gray left the door open to being amenable to tweaks to some existing zoning regulations but did not feel that we yet had hit the threshold of needing an overlay district. Mr. Adams said that Mr. Gray expressed concern about setback regulations which caused him to waste farmland instead of adhering to the natural topography of the land.

Mr. Adams: Said that it would make more sense and would not ruin the farmland if the Town could trigger a review [for the protection of strategic soils] before a subdivision is approved.

Mr. Adams: Said that if we could build a review trigger and flexibility on the outcome of the reviews, then perhaps we could nudge some things to make more sense.

Mr. Brand: Said that this is basically what the overlay approach does. He said that we have to get away from the standard Euclidean zoning.

*(Euclidean zoning is the separation of land uses by type—residential, commercial, retail, industrial, etc., each into their own zones or areas within a*

*municipality. While Euclidean zoning is frequently associated with the development patterns of suburbia, it is the most common form of zoning code or the local legal tool for controlling the uses and development of land in the United States. Municipalities have relied on Euclidean zoning throughout most of the 20th century and up to the present day. The name comes from the 1926 U.S. Supreme Court decision in Euclid vs. Amber which granted local governments the power to determine which properties or zones in towns are most suitable for specific uses.)*

Mr. Brand: Said that we have to get away from the standard Euclidean zoning approach and look at the land and what people are trying to do to develop it for non-agricultural use. He again said that the primary purpose should be the protection of the strategic soils and to locate non-farm development on the less-essential natural resources.

Mr. Adams: Asked about flag lots in the Town.

Mr. Brand: Said that there are areas where flag lots can make sense, but not in a subdivision, but instead in areas where you want to protect a resource.

Mr. Brand: Said that the Town has not had a zoning variance request within the Major Thoroughfare Overlay District (MTOD) since the MTOD was adopted by the Town Board.

Mr. Brand: Said that the Committee tonight is focusing on key factors and agreed [with Mr. Adams's request] that the Committee may want to see a draft [of proposed agricultural overlay protection district regulations]. He said that this draft would be a work in progress and that it is not necessarily going to be his suggestion. Mr. Brand said that this is something that the Committee has to come back and tweak, and that if a draft is released by the Committee's consensus then it would then become a public document.

Mr. Adams: Said that the process is critical and that before the Committee commits to anything we have to be convinced an overlay district is the right idea and that it is "saleable." He said that right now we have to go slowly and rationally, but that with every discussion the Committee's understanding has deepened.

Mr. Brand: Said that he appreciates the positions which were expressed this evening and that we are making progress. He said that he could prepare a draft overlay district proposal for March for discussion and at which meeting no decision would necessarily need to be made by the Committee.

Mr. Marvin: Said that there is a partial agricultural overlay district in Town of Canandaigua which protects the soils in a portion of Canandaigua. He suggested that perhaps the Committee could contact someone who is familiar with those regulations to speak at a meeting.

Mr. Adams said that perhaps Mr. Marvin is referring to the *Town of Canandaigua Padleford Brook Greenway Plan*, which involves an area encompassing nearly 10,800 acres, of which about 8,500 acres are agricultural in nature in the northern portion of



Canandaigua. Much of the general area includes or drains to Padleford Brook. A “greenway” is a planning term used to identify a linear area set aside to generally preserve or lead to protection of open space. Traditionally, greenways are located in floodplain areas and along wooded stream corridors, and lend themselves to agricultural areas. Mr. Adams said that Mr. Brand is not proposing a greenway concept in Farmington, but that Mr. Marvin may be referring to conservation easements [for the protection of agricultural soils].

Mr. Adams. Said that the community and the landowners should have “buy in” to the overlay district concept. He asked if the Committee should invite some of the major landowners to come to meeting and learn about what is being discussed. He asked if we should be soliciting from additional residents other than Mr. Gray.

Mr. Adams: Said that the process matters.

Mr. Maslyn: Said that involving a number of people too early is not good.

Dr. Casale: Said that you have to be “solid” in what you are doing before a Public Hearing.

There were no additional comments or questions on this topic this evening.

### **3. 2023 COMMITTEE REPORT TO THE TOWN BOARD**

Mr. Adams: Said that he will prepare a 2023 Committee report to the Town Board which will include the members’ attendance (eight meetings were held in 2023; one member missed seven meetings; another member attended only four meetings; and only three members attended the July 2023 meeting). He also said that the report will include the Committee’s review and amendments to the new Town law which was adopted by the Town Board in September [Chapter 9 Amendments to Town Code] and the Committee’s endorsement of a second application to the State Department of Agriculture for a New York State Purchase of Development Rights (PDR) sites [the Payne properties].

Mr. Adams: Said that three new Committee members were appointed by the Town Board in 2023. He also said that the discussion of the overlay district, Ontario County issues and the County’s application for a grant for a drainage will continue in 2024.

### **4. OTHER TOPICS**

Mr. Adams: Said that the Town Board has not yet begun the transition of having all Committee members serve three-year terms. He said that Mr. Putman was reappointed to a five-year term by the Town Board on January 9, 2024. Mr. Adams said that a transition plan should have been initiated by the Town Board at the meeting on January 9th. Dr. Casale said that he will discuss this with Supervisor Ingalsbe and that the previous Town Board could be recalled to correct the appointment date.



Dr. Casale: Discussed recent State regulations for the assessment of solar farms which calculate the assessment of these solar farms at figures which are lower than the Town Assessor’s calculations. He said that changes to these State regulations are needed.

**5. VISITORS’ COMMENTS**

No visitors were present this evening.

**6. NEXT MEETING**

The next meeting of the Agricultural Advisory Committee will be held on **Thursday, March 21, 2024, at 6:30 p.m.** at the Farmington Town Hall, 1000 County Road 8.

**7. ADJOURNMENT**

The meeting was adjourned at 7:45 p.m.  
Following the meeting, the clerk locked the front doors to the Town Hall.

Respectfully submitted,

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John M. Robortella L.S.

**Farmington Agriculture Advisory Committee Members  
As of January 9, 2024**

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

Ronald Mitchell	Appointed March 28, 2023	Term expires December 31, 2024
John Marvin	Appointed January 5, 2021	Term expires December 31, 2025
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**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  
Mitchell, Sarah