

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURAL ADVISORY COMMITTEE

Thursday, April 20, 2023 • 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.

Committee Members Present:

Henry Adams, *Chairperson*
William Boyce Jr.
John Marvin
Peter Maslyn
Ronald Mitchell
Doug Payne
Michael Putman

Board Members Excused:

Charles Bowe
Denis Lepel

Town Representatives Present:

Ronald L. Brand, Farmington Director of Development and Planning
Dr. Michael Casale, Farmington Town Board Member

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 16, 2023, with a reminder on April 7, 2023. The meeting clerk notified the Canandaigua *Daily Messenger* newspaper on March 19, 2023.

The meeting date and time were posted upon the Town website on March 16, 2023, and on the Town Hall Bulletin Board, and have remained posted.

A public notice of the meeting was published in the Canandaigua *Daily Newspaper* “Bulletin Board” website section and in the print edition of the newspaper beginning on March 19, 2023, and have remained posted.

2. UPDATE ON COMMITTEE MEMBERS; WELCOME TO NEW MEMBERS

Mr. Adams introduced Ronald Mitchell and William Boyce Jr. who were appointed to the Committee by the Town Board on March 28, 2023. Mr. Mitchell and Mr. Boyce provided brief remarks about their backgrounds and interest in serving on the Committee.

3. DIRECTOR OF PLANNING AND DEVELOPMENT REPORT: STATUS OF THE POWER INCENTIVE ZONING APPLICATION

Mr. Brand provided the following summary of the Power Incentive Zoning application as presented to the Planning Board on November 2, 2022:

Incentive Zoning Proposal Summary:

The proposal is for a 216-lot single-family for-sale residential subdivision of the ±145.8 acre parcel. At the urging of the Town of Farmington, Incentive Zoning is proposed in lieu of a standard rezoning and cluster subdivision per residential zoning criteria.

The Incentive Zoning application proposes two land use areas for the subject property. The primary development land use is the 216 single-family lots, which will be located on ±116.7 acres located approximately 750 feet north of the NYS Route 96 frontage. The remaining ±29.1 acres of land, located along the State Route 96 frontage, are designated for General Business and Limited Industrial uses per recommendation of the Town of Farmington.

The proposed development of this property, as a single-family residential subdivision and mixed use, is consistent with the Town of Farmington Comprehensive Plan’s recommendations for this property. The property is located within Subarea #9 as identified in Chapter 4—Future Land Use Plan.

The project site contains a regulated stream channel and adjacent wetland area approximately 600 feet north of NYS Route 96. The property also contains wetland areas at the north end of the property adjacent to Collet Road and along the existing railroad bed. All of these wetland areas will be encompassed within designated open space areas and thus protected from development.

The wetland areas within the open space portion of the project will also serve as defined buffers between the proposed development and surrounding land uses.

The project will also include a comprehensive stormwater management plan to protect the water quality of these natural water resources.

Incentives Requested by the Owner/Developer:

The following represents the lot standards and zoning criteria for the uses proposed by the applicant for this proposed site:

- **216 lot Single-Family Residential Subdivision (±116.7 acres):**
 - Density of ±1.8 lots per acre
 - Minimum Lot Size of 70'x170' (11,900 S.F.)
 - Maximum Building Coverage at 30%
 - 35-foot Front Setback
 - 10-foot Side Setback
 - 10-foot Rear Setback
 - All other Lot and Use Standards to be per RS-25 zoning

- **Limited Industrial/General Business (±29.1 acres):**
 - Minimum Lot Area of 25,000 S.F.
 - 50-foot Front Setback
 - 100-foot Minimum Lot Width
 - Allowable Uses include:
 - Permitted Principle Uses in LI & GB Zoning Districts
 - Permitted Accessory Uses in LI & GB Zoning Districts
 - Special Permit Uses in LI & GB Zoning Districts

All remaining Lot Area, Bulk and Coverage Requirements to be based on the Proposed Use and shall meet the least restrictive standards (LI or GB) that the use is either a Permitted Principal Use, Permitted Accessory Use or by a Special Permit.

Amenities Proposed to Benefit the Town of Farmington:

In return for the incentives requested, the applicant proposes the following amenities and benefits to the Town of Farmington. Following extensive review and coordination with the Town Supervisor and Town staff at multiple meetings, the Town Supervisor issued a letter on behalf of the Town Board dated August 12, 2022, stating that the Town Board is willing to consider the following amenities proposed by the Owner/ Developer:

1. Beaver Creek Sewer Project:
\$100,000 (one-time cash payment to the Town)

2. Sewer and Force Main Feasibility Study:
\$50,000 (one-time cash payment to the Town)

3. Sidewalk Fund Contribution
(\$378,000 (@ \$1,750 per residential lot)
Timetable for payment to be determined with the Town.

4. Design (only) to be provided of Offsite Sidewalk
N/A (southwest corner of subject property to Fairdale Glen Townhouse Project)

Total Amenity Fee:

\$528,000 (@ 216 lots = \$2,445 per residential lot)

Mr. Brand: Said that each lot in the proposed development will be subject to the one-time existing per-lot fee for recreational purposes of \$1,750.

Mr. Brand: Reviewed the Town Board action upon this Incentive Zoning application:

Town Board Resolution #147-2023:

Designating the Town Board as the Lead Agency under the State Environmental Quality Review (SEQR) regulations.

Approved March 28, 2023.

Town Board Resolution #148-2023:

Determination of significance by the Town Board under the SEQR regulations that the proposed Action will not result in any significant adverse environmental impacts.

Approved March 28, 2023.

Town Board Resolution #149-2023:

Action upon Local Law #2 of 2023 regarding the Power Incentive Zoning application:

Denied by a 3–2 vote of the Town Board.

(See Town Board Minutes, March 28, 2023, pp. 6–10)

Mr. Brand: Said that a letter was received earlier this evening from BME Associates (the applicant's consulting engineering firm) requesting that the Town Board convene another Public Hearing on the application to receive new information and to reconsider its resolution of denial. Mr. Brand said that the engineering firm's request will be considered by the Town Board at its next meeting on April 25, 2023.

Mr. Adams: Said that the objection by three of the Town Board members mostly had to do with the tight 10-foot side and rear setbacks. He asked about the development of the property with the current zoning. Mr. Brand discussed the permitted uses of the property under the present RS-25 and Limited Industrial zoning districts.

Mr. Brand: Said that the original Limited Industrial zoning may have been based upon the proximity of the property to the railroad and to State Route 96 when more industrial uses may have been thought to be required in the Town. However, he said that this property was among the sub-areas which were identified in the most recent update of the *Comprehensive Plan* for which there has been no Limited Industrial development interest and that a re-evaluation of the uses for this area was needed.

Mr. Adams: Asked about the previous ownership of this parcel when it was the Twitchell property. It was noted that the ownership of the property was transferred to Mr. DeFelice and to the Power family after the passing of a member of the Twitchell family.

Mr. Brand: Said that the property under the RS-25 zoning did not have public sanitary sewer utilities. He said that the installation of a public sanitary sewer system is the most expensive part of this project due to the cost of construction of a pump station and the installation of a sanitary sewer force main connection to the Finger Lakes Gaming and Racetrack sanitary sewer pump station and then connecting to the interceptor sewer located south of Route 96 and across Beaver Creek Road.

Mr. Brand: Said that the Incentive Zoning application was to have kept development within the defined area west of County Road 8 and would have allowed development to occur in an area where the development of only Limited Industrial lands with access restricted to State Route 96 would be impossible to conceive. He said that another part of the equation is that one of the developers is related to the Power family and that Mrs. Power is serious to not see her land deteriorate for access roads to Collett Road. Mr. Brand said that this is a difficult site to develop but that it could provide additional housing needs for the community for a long period of time.

Mr. Putman: Asked about the uses in the Limited Industrial (LI) Zoning District. Mr. Brand said that businesses such as research and development, and warehouses, are among the uses permitted in the LI Zoning District. He also said that there had been a list created for the mix of LI land use and GB General Business land use.

Mr. Adams: Said that he struggles with the word “need.” He asked who decides what is “needed?” Dr. Casale said that a developer is responsible to determine need, often through demographic studies, and then would come to the Town with a project to address the identified need.

Dr. Casale: Said that he was concerned about drainage flows on the Power property, which flows mainly to the east, and that he did not like the design and aesthetics of the development, which he described as disgusting, hideous, small trailer camp-like lots. But he said that this is what the developer wants.

Mr. Marvin: Asked about the allowance of open spaces within the development. Dr. Casale said that the developer was to leave open space but then decided to extend the lots.

Mr. Marvin: Asked if the development would have had the look of a small city. Dr. Casale said that it would have been worse than that and would look like a trailer park with awful design and skinny lots. He said that the reason for this was that the developer said that he could not afford to make fewer homes because he would not make money. But Dr. Casale said that they could put in 50 fewer homes and add to the cost of the remaining lots for each home.

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

4. REPORT OF CHAIRPERSON'S MEETING WITH THE ONTARIO COUNTY AGRICULTURE ENHANCEMENT BOARD

Mr. Adams: Attended the meeting of the Ontario County Agriculture Enhancement Board on April 4, 2023, to ask questions on the following topics:

Federal Emergency Management Agency (FEMA) grant application for the implementation of *The Ganargua Creek, Beaver Creek and Black Brook Creek Inter-Municipal Drainage Report*.

Ontario County Multi-Jurisdictional Hazard Mitigation Plan—2015.

Agricultural zoning/agricultural conservation districts in Ontario County.

County initiatives for farmland preservation.

He provided the following report:

- The chairperson of the Ontario County Agriculture Enhancement Board is Frederick Lightfoote. Among those attending the meeting were Director of Ontario County Planning Thomas Harvey, Tucker Kautz of the Ontario County Soil and Water Conservation District and other Board members.
- The process for obtaining the FEMA grant for the Inter-Municipal Drainage Report will be long.
- Regarding a town-wide drainage district, Mr. Kautz from the Soil and Water Conservation District said that the fall is only two feet along the length of Black Brook Creek which is why it is silted and why it is considered to be a wetland with a channel running through it. Mr. Adams said that Mr. Kautz indicated that only six inches [of silt] could be removed and would have to be drawn away, even if permits were to be issued for the work. Mr. Kautz also said that there would be areas where it would be necessary to cross private land of up to distances of 1,000 feet to reach the creek, and permission from landowners would be needed. He further explained that farmer participation in USDA programs such as crop insurance, revenue protection and cost shares are tied to compliance with Swampbuster regulations which prohibit draining of wetlands. Mr. Adams said that Mr. Kautz said that draining Black Brook Creek is not feasible in the eyes of the County Soil and Water Conservation District.
- Mr. Harvey discussed that stormwater facilities are being built to a 15-year storm event level. He said that a 100-year standard would be more appropriate, given the increasing intensity and frequency of storm events.
- Mr. Adams said that Mr. Kautz was not complimentary about projects in the Town of Farmington, and was critical of the existing drainage district in the Town and how it is

being handled. Mr. Adams said that Mr. Kautz was not specific about other projects in the Town to which he [Mr. Kautz] was referring.

- Mr. Adams said that Mr. Harvey discussed density control in some way which could be an answer to his question about agricultural conservation districts in other Towns in the County, but that it appeared the County board did not have much information on this topic.
- Regarding the state of County planning on farmland protection, Mr. Adams said that he was referred to the Agricultural Enhancement Plan for Ontario County (adopted March 29, 2018) which is similar in a number of ways to the Farmington Farmland Protection Plan, but with some different focuses on the broader venue of the County. Mr. Adams said that the County plan does not break any new ground. He encouraged members of the Farmington Agricultural Advisory Committee to read the County plan which is online.

Mr. Brand: Said that Farmington provided input on the most recent update to the County Agricultural Enhancement Plan but never heard back regarding a Public Hearing on the update or its formal adoption by the Board of Supervisors. Mr. Adams said that he attended a meeting about the update in 2017 and that the plan is only as good as the input which [the County] received.

Mr. Brand: Said that it was interesting to hear the comments about drainage in Farmington which were discussed by Mr. Kautz of the County Soil and Water Conservation District at the meeting. Mr. Brand said that he will follow up on these comments with the District and with Town Supervisor Peter Ingalsbe.

Mr. Brand: Said that he has been informed late this afternoon that Ontario County Planning has decided to move forward with the grant application to FEMA for the inter-municipal drainage study. He said that County Planning representatives will meet next week with Town Staff to prepare the scope of the study and to identify who will be involved. Mr. Brand said that twice in the past 20 years the County has received FEMA Federal funding to hire consultants and assign County staff to prepare two hazard mitigation plans, but that nothing has happened with the Town's top priority hazard mitigation project. He said that now the County is pursuing a third initiative with FEMA to prepare a third Plan which may also result in nothing happening to implement this inter-municipal drainage study.

Mr. Putman: Asked about the size of the drainage divide. Mr. Brand said that the drainage divide begins in South Bristol and ends in the Seneca Watershed. The Seneca Watershed was included in the first phase [of a previous study]. He said that the surface of the drainage divide now must be examined to determine why the drainage is bad and if there are State or Federal regulations which would prohibit farmers from clearing restrictions to the drainage flow in the divide and finding a solution to the drainage issues.

4. REVIEW OF DRAFT LOCAL LAW OF 2023: TOWN CODE CHAPTER 9, ARTICLE II: Agricultural Advisory Committee Duties and Responsibilities:

Mr. Marvin: Noted that he was on the original committee which wrote and recommended to the Town Board the adoption of Local Law #6 of 1995 which established the Town Agricultural Advisory Committee. Mr. Marvin said that George Ayres also was on the original committee.

Mr. Adams and Mr. Payne: Said that conflicts between farmers and new residents who were moving into the Town in the 1990s may have been the reason for having included a section in the 1995 Local Law on the Committee's role in conflict resolution. Mr. Marvin said that this was a major starting point of the establishment of the Committee. Mr. Adams said that, to his knowledge, no conflict referrals have ever been submitted to the Committee.

Mr. Brand: Discussed the previously submitted Draft #1 of the proposed amended Local Law for consideration. The draft, which was provided to the Committee and Town staff prior to the meeting this evening (and which is appended to the minutes) would delete the 1995 Local Law in its entirety and replace it with new provisions. Mr. Brand said that the draft is written in the format for local laws and which is used for other advisory boards and committees of the Town. The draft of the various articles being created for Chapter 9 of the Town Code is intended to create a functional management plan of how all the Town boards and committees operate.

Among the points for consideration in the draft which were discussed at the meeting:

- Dr. Casale and Mr. Bowerman are the only two Town Board members who serve as liaisons to advisory committees, i.e., Dr. Casale serves as Town Board liaison to the Agricultural Advisory Committee; Mr. Bowerman serves as Town Board liaison to the Recreation Advisory Board.
- The current draft calls for an annual report of the Committee's activities to the Town Board.
- There are references in the Town Code for referrals to the Agricultural Advisory Committee from other Town boards and committees for reports and recommendations on new projects and other issues, i.e., from the Planning Board, Zoning Board of Appeals, Town Board, etc.
- Mr. Adams said that he is not comfortable with five-year terms on the Committee. He suggested three-year terms instead which could be more easily accommodated by a nine-member board.
- Mr. Adams suggested that an attendance clause be added which would provide the Town Board with the ability to dismiss a Committee member who does not regularly attend meetings.

- Mr. Putman asked about Committee membership by non-residents who may own property in the Town. Mr. Brand said that the Committee is an advisory body, that the Committee does not make final decisions, and that he is aware of other communities in which advisory group members own property but are not residents in the communities. He also said that the current article restricts membership to residents of the town.
- Mr. Adams: Asked about draft Section 9–13 (D): “Conduct studies, surveys and inventories of the land currently used for agricultural purpose within the Town, to identify areas where farmland protection measures are deemed necessary; and such other studies and surveys as may be necessary to carry out the general purpose of this chapter. . . .” He said that the Committee currently has no resources with which to carry out studies and gather information, and that resources would be required if this section were to remain in the draft. Mr. Brand said that perhaps it could be considered that a member of the Building Department could be assigned to the Committee to assist on these projects, especially now that the Building Department is at a full staff complement.

Mr. Maslyn: Said that he agrees with the addition of an attendance clause.

Mr. Adams: Said that the Committee members serve at the pleasure of the Town Board, which also appoints the chairperson of the Agricultural Advisory Committee and the chairs of other Town boards and committees.

Mr. Adams: Requested that **all proposed amendments to the draft be provided to the clerk via email by the end of the day on Friday, May 12, 2023**, following which a revised draft will be prepared and submitted to the Committee in preparation for approval at the next meeting to be held on June 15, 2023. John Robortella’s email address is:

john.robortella@gmail.com

5. DISCUSSION/SUPPORT OF HICKORY LANE REALTY PURCHASE OF DEVELOPMENT RIGHTS (PDR) APPLICATION

Mr. Brand: Informed the Committee that an application for a Conservation Easement is being prepared by the staff of the Genesee Land Trust on behalf of Hickory Lane Realty LLC (Payne properties) for Round 19 of the Farmland Protection Implementation Program of the New York State Department of Agriculture and Markets.

Mr. Brand: Said that a representative of the Genesee Land Trust contacted Town Supervisor Peter Ingalsbe last week requesting a resolution of support from the Town Board for the application. Mr. Brand said that the Supervisor has referred the application to the Committee for its review and for consideration of recommending endorsement by the Town Board [of the application].

Mr. Brand: Prior to the meeting submitted to Committee members color maps and descriptions of the identified Conservation Easement and the draft of a memorandum of support from the Committee to the Town Board (appended to these minutes).

■ A motion was made by MR. MARVIN, seconded by MR. MITCHELL, that the following memorandum of support from the Committee to the Town Board be approved:

To: Farmington Town Board

From: Henry Adams, Chairperson, Town Agriculture Advisory Committee

Date: April 20, 2023

Re: Hickory Lane Realty, LLC: Support for a Conservation Easement, Round 19, Farmland Protection Implementation Grant Program from the New York State Department of Agriculture and Markets.

The Town Agriculture Advisory Committee, at its meeting tonight, reviewed the Genesee Land Trust's proposal for one (1) application of three (3) conservation easements involving a total of five (5) actively farmed parcels of land (containing a total of approximately 332 acres of land owned by Hickory Lane Realty, LLC). The application, if approved, provides for the Purchase of Development Rights (PDR) in Round 19 of the New York State Department of Agriculture and Markets Farmland Protection Implementation Grant Program (FPIG).

The Committee finds that each of the five (5) parcels are identified in the adopted "Town of Farmington Farmland Protection Plan," and are shown on the enclosed copy of Map No. 8, as Strategic Farmland Preservation Parcels. The parcels have been and continue to be actively farmed and are located within the Ontario County Consolidated Agricultural Use District No. 1. These parcels have been receiving Agricultural Exemptions that commenced in 1981 and continue.

The Committee finds that these parcels are in close proximity (in some instances adjacent) to land being developed for non-agricultural purposes. The pattern being created by these five (5) of parcels when protected by the State's PDR Program, will serve as a sound buffer that will enhance the protection of other farmlands located within the above referenced County Agricultural Use District.

The Committee finds the majority of the soils involved are identified on the five (5) Real Property Tax Service Agency's Agricultural Assessment Worksheets as areas of Class 1 through 5 Soils, Prime and Unique Mineral Soils.

The Committee, based upon these findings of fact, strongly endorses the Genesee Land Trust's pending application to the Round 19 FPIG Program and recommends the Town Board provide a separate resolution of support on behalf of the Town and the applicant.

*Henry (Hal) Adams, Chairperson
Town of Farmington Agriculture Advisory Committee*

Motion carried by voice vote. Mr. Payne abstained.

Mr. Putman: Asked about the recent delivery of solar panels being stored on the Delaware River Solar site on the southwest corner of Yellow Mills Road and Fox Road (the Smith farm). Mr. Brand said that he would inquire about this delivery with Town Code Enforcement Officer Dan Delpriore.

Clerk's Note: Mr. Brand discussed this with Mr. Delpriore on Friday, April 21, 2023. Mr. Delpriore will look into this.

6. NEXT MEETING

The next meeting of the Agricultural Advisory Committee will be held on THURSDAY, JUNE 15, 2023, at 6:30 p.m. at the Farmington Town Hall, 1000 County Road 8.

7. ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

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

Respectfully submitted,

_____ L.S.
John M. Robortella

Attachments:

1. 1995 Town Local Law which established the Agricultural Advisory Committee.
2. 2023 Agricultural Advisory Committee proposed Town Local Law.
3. Hickory Lane Farms PDR Detail Maps (Overview and Easements #1, #2 and #3).

**Farmington Agriculture Advisory Committee Members
As of January 10, 2023**

Hal Adams (*Chairperson January 1, 2023 to December 31, 2023*)

Reappointed January 4, 2022

Term expires December 31, 2026

Charles Bowe

Appointed March 28, 2023

Term expires December 31, 2026

Filling the vacant position of Don Jones who moved out of state.

William Boyce Jr.

Appointed March 28, 2023

Term expires December 31, 2027

Denis Lepel

Reappointed January 4, 2022

Term expires December 31, 2026

John Marvin

Reappointed January 5, 2021

Term expires December 31, 2025

Peter Maslyn

Reappointed January 4, 2022

Term expires December 31, 2026

Ronald Mitchell

Appointed March 28, 2023

Term expires December 31, 2024

Doug Payne

Reappointed January 4, 2022

Term expires December 31, 2026

Michael Putman

Appointed March 26, 2019

Term expires December 31, 2023

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
Delpriore, Dan
Finley, Michelle
Gordner, August
Herendeen, Ron
Ingalsbe, Peter
Holtz, Steven
Marvel, Carol
Mitchell, Sarah
Weidenborner, John