

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURAL ADVISORY COMMITTEE
Thursday, September 21, 2023, 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*
Charles Bowe
William Boyce Jr.
John Marvin
Peter Maslyn
Ronald Mitchell
Michael Putman

Committee Members Excused: Denis Lepel
Doug Payne

Town Representatives Present:
Ronald L. Brand, Farmington Director of Development and Planning
Dr. Michael Casale, Farmington Town Board Member
Peter Ingalsbe, Farmington Town Supervisor

Guests:
David Bowe
Ashley Boyce

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 August 17, 2023, with a reminder on August 23, 2023. The meeting clerk notified the Canandaigua *Daily Messenger* newspaper on August 23, 2023.

The meeting date and time were posted upon the Town website and the Town Hall Bulletin Board on August 23, 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 August 23, 2023, and has remained posted.

**2. DISCUSSION OF PROPOSED TOWN LAW:
AGRICULTURAL CONSERVATION DISTRICT**

Prior to the meeting, the following materials from other municipalities were provided to Committee members for reference and background for this evening’s discussion:

Town of Bristol Agricultural Conservation (AC) District
 Town of Busti Conservation Agricultural (CA) District
 Town of Parma Agricultural Conservation District
 Town of Van Buren Agricultural Protection District
 Town of Warwick Agricultural Protection Overlay District

Mr. Adams opened the discussion of a proposed Town Law creating the Town of Farmington Agricultural Conservation District rules and regulations, and mapped boundaries.

Mr. Maslyn: Said that he liked the Town of Parma and the Town of Warwick materials, and that he liked the Town of Parma “Purpose” statement, as follows:

The purpose of the Agricultural Conservation (AC) District is to regulate land use, which includes working farmland, fallow land, woodland and wetland areas, for low-density residential development in a manner to support agricultural operations, to preserve open spaces and to conserve the natural environment.

—*Town of Parma § 165-31 Agricultural Conservation District*
A. Purpose

Mr. Adams: Said that the Town of Warwick regulations include a Transfer of Development Rights (TDR) section which sets it off from the others, as follows:

To encourage the voluntary transfer of development rights from farms within the AP-O District to suitable nonfarm receiving areas of the Town as identified in § 164-47.4.

—*Town of Warwick § 164.47.3*
Agricultural Protection Overlay District AP-O
A. Findings and Purpose (5)

Mr. Marvin: Discussed conservation plans in other communities which seek to restrict growth in some areas [of those communities].

Mr. Putman: Asked about the complexity of the Town of Warwick regulations. He said that this may be due to the location of the Town in Orange County near New York City.

Mr. Putman: Discussed the “opt in” component of the Town of Warwick regulations, as follows:

Any landowner whose land has not been mapped on the Town of Warwick Agriculture Protection Overlay District Qualifying Area Map may request to be covered by the regulations of this District. If the Town Board finds that such land satisfies the criteria for AP-O designation in § 164-47.3 B (1) above, it may amend the AP-O Map to include such land.

—Town of Warwick § 164.47.3
Agricultural Protection Overlay District AP-O
B. Applicability (3)

Mr. Adams: Said that a landowner may become eligible for some benefits by “opting in” to the Town of Warwick Agricultural Protection Overlay District.

Mr. Putman: Asked if a future developer could overrule inclusion in an agricultural protection overlay district. Mr. Brand said that this would depend upon the proposed development. Dr. Casale said that this could be possible. Mr. Brand said that anything is possible.

Mr. Marvin: Said that a landowner might have to repay agricultural exemptions [if a municipality were to overrule a parcel’s inclusion in an agricultural protection overlay district]. He said that there could be penalties to it.

Mr. Brand: Said that this is what Town Assessor Donna LaPlant discussed [at the August meeting of the Committee] regarding agricultural exemptions which are different from an actual conservation easement or an agricultural conservation [zoning] district. He said that the same thing could occur today if an applicant were to apply to the Town Board for the rezoning of property. In this example, the Town Board and the Planning Board would weigh the merits of a rezoning application. Mr. Brand said that it all comes back to what the State has mandated to the municipality. He also said that all land use and zoning decisions must be based upon the *Comprehensive Plan*.

Mr. Adams: Said that a legitimate question is whether lines are going to be drawn around the [agricultural] land which is at risk [of development conversion] or if Incentive Zoning projects were to be considered because of adjacent water and sewer utilities. He said that it would be easier [for a developer] to tap into utilities through the Incentive Zoning approach.

Mr. Adams: Asked where the next potential build-out in the Town might be located. He said that Pumpkin Hook comes to mind with parcels of active agriculture which are in proximity to [utility] infrastructure.

Dr. Casale: Said that a previous developer [of residential homes in the Pumpkin Hook area of the Town] wanted to connect to a sanitary sewer line but was not permitted to do so.

Mr. Brand: Said that the New York State Department of Environmental Conservation and the New York State Department of Agriculture and Markets now have stricter criteria for justifying extending [utility] services into agricultural areas. For example, the pumping station installed for the Stonefield Subdivision [off Green Road] could only be extending once an engineer's report showing the existing residential sites in the Briarwood neighborhood could be served. He said that such extensions would have to be based on the build-out of the existing utility capacity, proposed sites and that this could limit the development.

Supervisor Ingalsbe: Said that every one of the septic systems which were installed at the first houses on Stonefield Lane off from Green Road failed.

Mr. Boyce: Said that the septic systems which his company installed never failed. He said that the developer built the houses too big [for the designed systems].

Supervisor Ingalsbe: Said that the ground material must have changed. He said that raised-bed septic systems were designed but that half of the septic systems would have had to be installed on other properties. He said that the Town then forced the developer to install a sewer system.

Mr. Brand: Said that the point is that the Town had a subdivision which was approved a half century ago at a time when today's septic system rules and regulations were not in place. He said that building permits were issued and that the land was disturbed when sites were being prepared for houses and the soils were moved around.

Mr. Adams: Said that as the Committee addresses this idea [agricultural conservation regulations], members need to think about the threats. He asked what the Committee is looking to accomplish. He also said that the Town is on a trajectory of approving housing. Mr. Adams asked if we are trying to address this or trying to avoid road frontage from being sold off from active farmland which is a real threat to farmland when the farmland out back could become unfarmable.

Mr. Adams: Said that he was not clear if these approaches address this or not. He said that some [regulations] seem to encourage large lots. He asked if this saves farmland, or not.

Dr. Casale: Said that this depends upon how it is set. He said that the loss of farmland could be prevented by maintaining access to farmland [if a road-frontage lot were to be sold off].

Supervisor Ingalsbe: Said that Mr. Brand could develop some sort of future regulation, and that the Committee could adjust it if there are portions of the Town of Parma and the Town Warwick regulations that some members of the Committee like.

Mr. Mitchell: Said that most of the Town of Parma material seems solid.

Mr. Putman: Said that the Town of Warwick material has eight purposes. He specifically discussed #7, as follows:

To prevent fragmentation of the Town's existing farming community by nonfarm development.

—Town of Warwick § 164.47.3
Agricultural Protection Overlay District AP-O
A. Findings and purpose (7)

Mr. Putman: Said that it is important to keep development caved in, which is what Farmington is pretty much doing now.

Dr. Casale: Said that this [the Town's development] is in keeping with the *Comprehensive Plan*.

Supervisor Ingalsbe: Said that Farmington is following the *Comprehensive Plan's* future land use recommendations with development in the southwest portion of the Town.

Mr. Adams: Said that [development] fragmentation in the Town occurs by the nature of the topography which is why Farmington has not seen the scaling up of agriculture as in other towns where fields are huge and there are many of them. He said that agriculture is not as vibrant in Farmington [as it is in other towns] and we are not scaling up because a lack of generational transfer due to a lack of economic potential. He said that he is kind of a downer guy when looking at the crystal ball of agriculture [in Farmington] which in his opinion is in decline because operators cannot scale it up, or no one has tried, and because we have fragmentation created by fields which are not contiguous.

Dr. Casale: Asked if we have ever had fields [in Farmington] which were large [like the other communities referenced].

Mr. Adams: Said that Farmington was the first town which was sold in the Phelps and Gorham land purchase in western New York and in those days a big farm was 100 acres. He said that this area is well suited to dairy farming but that the current economics of dairy say that an operator needs 2,000 cows and not 200 cows. Mr. Adams also said that we do not have vegetable ground [in Farmington] because the land is too stony.

Mr. Maslyn: Said that the number of houses also restricts the expansion of farms here.

Mr. Adams: Said that the Town had dairy farms which have now been converted to grain or hay, and that there are several small-time beef farms which may not provide the primary income for the operator.

Mr. Marvin: Said that we [the Town] have some horse farms but that these may be gone if the track [Finger Lakes Gaming and Racetrack] should ever leave.

Mr. Adams: Said that where he is going is that we are probably not going to protect farmland, which will make it on its own. But he said that there is plenty of interest to protect open space, and farmland helps to accomplish that.

Mr. Adams: Said that in his mind this [the protection of open space] is part of the goal.

Mr. Adams: Also said that the wealth in the Town of Warwick may provide the means for Warwick's administration of its Transfer of Development Rights (TDR) program.

Mr. Brand: Said that a TDR program, similar to agricultural conservation easements, must be monitored. Mr. Adams said that a land trust monitors components of landowners who have received New York State-funded Farmland Implementation Protection Grants if the land trust holds the easement. In the case of a locally funded TDR program, the Town would likely have an administrative role to play. He said that the Town of Canandaigua may monitor some of the agreements [in Canandaigua] because Canandaigua holds some of the easements. Mr. Adams said that so far the Committee has not recommended this, and that the Committee has not been involved in the selection of Purchase of Development Rights (PDR) and TDR applications. He said that the Committee has endorsed these applications but that the applications have not created a burden [on the Town].

Mr. Putman: Asked about the current zoning for a single-family house [in Farmington]. Mr. Brand said that this depends upon the percolation of the soil. He said that the current zoning is based upon very little to protect agricultural soils but instead is based upon the ability [for a landowner] to receive a State permit [Department of Health regulations] to have an onsite wastewater treatment system.

Mr. Adams: Said that some ordinances are allowing for smaller lots, but then in the fine print the septic system has to work and this may push a landowner back to two-acre lots.

Mr. Brand: Said that what is not clear is that those regulations are based on old State standards which have changed, and two acres may not be the minimum sized lot needed to expand a failing onsite septic system. He said that with the recent interest in the eastern side of the Town for extending water districts, it was found that the costs were prohibitive and would not be approved by the Office of the State Comptroller.

Mr. Brand: Said that the existing situation is based upon zoning enacted years ago and the State has since made a lot of changes to their rules and regulations which have created restrictions to local government. He said that the State is sending us a signal that we have to be aware that what we have done in the past may not be able to be continued in the

future. Mr. Brand also said that the old standards which we have had in place for years have not kept up with these State unfunded mandates.

Mr. Brand: Said that he wanted the Committee to look at what other communities have done, and that he provided the Committee with these examples. He said that these regulations are all over the place and that he did not know if any of them as a whole would stand a chance of getting approved in Farmington. Mr. Brand said that the thing that he sees as Town Planner is that we are trying to protect the resource base which we have inherited and are charged with protecting—the good agricultural soils. He said that in the *Farmland Protection Plan* the State harped on us to identify for protection the strategic farmland, and you [the Committee] did that. Mr. Brand said that as a result of that, in his opinion, this is where the focus has to be—on the continued protection of these remaining resources. He said that we are going to lose these lands without enacting some different regulations and that, as a result, we are going to lose farming if we do not pay attention.

Mr. Brand: Said that the solution for Farmington is not just creating another zoning district. He said that perhaps the solution is a hybrid which combines the sliding scale, protecting the soil resources, and taking an overlay approach which does not prohibit anyone from selling but does prohibit uncontrolled development without consideration of the loss of farmland.

Mr. Brand: Said that if we have an area of viable soils to protect, the current regulations in place are not doing the job. He said that this came out in the *Farmland Protection Plan* and in the *Comprehensive Plan*, and it is not based upon any individual property owner's land but is based upon the soil resource that we have.

Mr. Marvin: Said that areas on County Road 8, Hook Road and Sheldon Road are all built up, that some of the land is not in the agricultural district and that we cannot tell them [the property owners] that they cannot build. He said that the road frontage is built up on Sheldon road and on County Road 28, and that he thinks we are too late on some things. Mr. Marvin said that if you start tracing back the land [you will see] that it is owned by generational farms.

Mr. Adams: Said that he takes issue [with what Mr. Mavin just said] and that County Road 28 is not all built out yet. But he said that the land is changing hands, and that the Aldrich farm has just changed hands and will continue to be farmed for a while. He said that one of his question is if there is anything that we can put in place from having lots being sold off. Mr. Adams said that the same thing is occurring on Bowerman Road, that we can see the handwriting on the wall, and that we have another generation that is sort of farming and locking up this land. Mr. Adams said that we can sort of see what is coming, and it is a free country, and we have property rights.

Mr. Adams: Asked what could possibly be put in place to change the outcome if someone owns 50 acres or 100 acres in a block and wants to subdivide and sell off lots. Or, he asked, if we should put something in place.

Mr. Adams: Said that the Town of Seneca put in water for the whole town. He said that they received money from the [county's] landfill [which is located in that town] and that the dairy farmers were in favor [of a town-wide water system] for spreading manure. Mr. Adams said that there is water everywhere in the Town of Seneca.

Mr. Putman: Asked if they leveraged approval of the [water] expansion from the landfill.

Mr. Adams: Said yes, a decision was made there. And he said that we [in Farmington] have a cash cow in this town. Supervisor Ingalsbe said that we [in Farmington] have the video lottery money from Finger Lakes Gaming and Racetrack.

Mr. Adams: Asked what sort of an ordinance would address this concern and what could we put in place to keep the land—enough of it—as viable farmland. He said that 10 acres is not commercial agriculture today, that it is too small. He asked what it would [a proposed ordinance] look like.

Mr. Brand: Said that he did not have a vision [of what the regulations should be], and that if he did he would be happy to provide it. He said he is looking to the Committee to help create this vision.

Mr. Adams: Said that one of these ordinances was a sliding scale approach with several houses on fairly small plots, and with the rest [of the land] which cannot be developed [to remain for agricultural use]. He asked how you make that stick. Mr. Brand said that the zoning would have to be changed. Mr. Adams then asked if zoning is cast in stone or if it be changed down the road.

Mr. Putman: Said that perhaps a deed restriction would be needed [to make it stick].

Mr. Putman: Said that the next generation may have to look into selling off some lots because of the price of everything today.

Mr. Marvin: Discussed the subdivision of property in Farmington which was leased to a farmer. He said that the landowner informed the farmer that the lease was not going to be continued. Mr. Marvin asked if we can say no, and how do we say no. He also said that the old Schrader farm is excellent farmland, that the lease is up, and the front [portions of the] lots subdivided will be left to go wild.

Mr. Marvin: Said that there are problems with benefits and that this is a combination of which is which.

Mr. Adams: Said that there is some build out on his road and that he was unable to purchase the land at the subdivision price. He asked if any of this can stop that. Mr. Brand said that we are not trying to stop anything, that we are trying to control [the protection of the strategic farmland] and that we cannot control it with the regulations which are in place today. He again discussed the creation of an overlay district similar to Farmington's existing Major Thoroughfare Overlay District (MTOD), Main Street Overlay District (MSOD), and

Flood Plain Overlay District, each of which are additional regulations which require applicants to prove that they are complying with the Town's stated goals and objectives.

Mr. Boyce: Suggested that making it more difficult for a landowner to receive approval of zoning variances could help to bring this control [of the protection of the strategic farmland in the Town].

Mr. Brand: Said that over the years the State has imposed regulations which really restrict and tie the hands of local governments to make decisions. Mr. Mitchell asked if these restrictions were for, or against, the protection of farmland. Mr. Brand said that these regulations were intended to make it difficult for municipalities to extend utilities into rural/agricultural areas by increasing the requirements for state grants. He said that it is now very difficult to receive what used to be *pro forma* for extending water lines into rural areas.

Mr. Adams: Discussed the regulations in the Town of Seneca which include requirements for maximum building coverage, maximum lot coverage and maximum density. He said that the Seneca ordinance allows only one lot to be subdivided off a 50-acre parcel. Mr. Brand said that this is quite restrictive and that he is not speaking about what has been put in place in the Town of Seneca.

Mr. Adams: Asked if a municipality could be hauled into court by limiting a property owner's ability to sell more than one subdivided lot from a 50-acre parcel. Mr. Brand said that apparently the Town of Seneca did it. Mr. Marvin said that perhaps this section of the Seneca law has not yet been challenged [in the courts]. Mr. Adams said that perhaps the landowners are not worried about the requirement. He said that here [in Farmington] landowners are thinking about these things [selling off lots], and if this [any proposed regulations of land] looks like a taking then there would be an outcry [in Farmington].

Dr. Casale: Said that the Town Board would be required to hold Public Hearings [before such a proposal would be enacted in Farmington]. He also said that often residents do not show up [to Public Hearings].

Mr. Adams: Said that this type of regulation does not pertain to most homeowners. He said that it would only affect large landowners in the Town, which is a small group of people who would be affected [by limiting the number of lots which could be subdivided off a large parcel].

Dr. Casale: Said that the people will come out if it is a Public Hearing and it is a question. He said that right now we do not know the answer and that in the past there is not a younger generation identified to take over {a family farm}. He asked what happens to the landowners who do not pass the land to the next generation. Mr. Adams asked what happens if the next generation does not wish to continue farming the land. Dr. Casale said that the next generation may wish to sell the land and take money.

Mr. Adams: Said that he does not have the legal answer on what we can do to control this [the protection of strategic farmland].

Supervisor Ingalsbe: Asked if the Committee wants no control and to let housing go the way it is, or does the Committee want to have controls on the existing open land in the Town.

Mr. Marvin: Said that we have some control of land in the agricultural district because that cannot be developed without penalties, so we have some control there.

Mr. Adams: Said that he did not think that there is a meaningful penalty for an Incentive Zoning rezoning. He said that he did not think that Incentive Zoning is a big deterrent.

Mr. Marvin: Said that some landowners may go to solar. He said that there are currently two solar companies [in town] going farm to farm.

Supervisor Ingalsbe: Suggested that there may be some areas in which the Town would want to do more Purchase of Development Rights (PDR) agreements.

Mr. Adams: Said that he thinks that we may see that. He said that we are on the front end of this (PDRs) but that the State must remain solvent with only \$5 million for PDRs being allocated in each of the State's economic development areas. He said that we have an advantage here in Farmington because the Town fits the criteria. Mr. Adams said that he thinks that the Hickory Lane Realty PDR will be approved and that there could be additional PDR applications.

Clerk's Note:

Mr. Adams was referring to the application for conservation easements which 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. The application involves three conservation easements involving a total of five actively farmed parcels, containing a total of 332 acres of land owned by Hickory Lane Realty LLC. Each of the five parcels are identified in the *Town of Farmington Farmland Protection Plan* and have been and continue to be actively farmed. They are located within the Ontario County Consolidated Agriculture Use District #1 and have been receiving agricultural exemptions which commenced in 1981 and continue. On April 20, 2023, the Committee approved a memorandum of support for this application (see Farmington Agricultural Advisory Committee minutes, April 20, 2023).

Mr. Adams: Also said that developers who want to do Power-type development projects will stand to make more [by developing the property] rather than selling the development rights [to the State]. He said that a PDR agreement with the State stands to help the Payne family presumably because they plan to farm into the future. Mr. Adams said that he suspects that the family has a plan. Supervisor Ingalsbe said that the Power family has a

Payment In Lieu of Taxes (PILOT) agreement with the Ontario County [for their proposed subdivision project].

Clerk's Note:

Mr. Adams and Supervisor Ingalsbe were referring to an Incentive Zoning application which has been submitted by the Canandaigua Development Company LLC (the Power family), as amended in May 2023, for the development of a ± 145.8-acre parcel north of State Route 96, south of Collett Road, and west of County Road 8. Following an initial presentation to the Town Board, the applicant has revised the development to 186 residential lots (a reduction of 30 lots from the original proposal), a minimum lot width of 80 feet, a minimum rear setback of 30 feet, and minimum side setbacks of 10 feet and 15 feet (25 feet per combined lot). The commercial/industrial component of the project along the State Route 96 corridor remains unchanged from the original proposal.

Mr. Adams: Said that selling the development rights [to the State] is a way to continue the generational future.

Mr. Adams: Said that a PDR grant is a tool [to preserve farmland] but can only be used once. He said that all the farmland in Vermont has had the development rights sold, but that there is development pressure from people who want to move into Vermont. He said that the point is that the value of the land has not diminished at all.

Mr. Adams: Said that it is hard to pick from these samples [the sample regulations which were distributed to Committee members]. He said that the members of the Committee are not zoners or planners. Mr. Brand said that he is not in agriculture and that we are trying to work together to come to a solution. He asked if the Committee thinks that it is more appropriate to zone for agricultural conservation based on parcel boundaries, or to deal with overlay zones to protect the areas of strategic farmland which the Committee has identified [in the *Farmland Protection Plan* and in the *Comprehensive Plan*].

Mr. Boyce: Suggested that it be made more difficult for developers to obtain zoning changes on the better farmland [in the Town].

Mr. Adams: Said that the Committee is not closer to a specific proposal [this evening] but that we have had a constructive discussion. He said that his comfort level is a little better that we [the Committee] may wish to try to draft something and put it to a Public Hearing, and if it is overwhelming negative, then okay. But he said that he is struggling to determine if it would really be effective. He said that at this point he is not ready to try and draft something.

Mr. Mitchell: Said that the key is that the larger farmers need to come to the Committee meetings. He said that right now this is not affecting them. Mr. Adams said that some of this is an open space discussion and that it may not be farming, but it may be sideline

farming, which preserves agriculture [in the Town]. He said that there are not many large players such as the Sheldons or the Paynes. Mr. Adams said that he did not know if the next generation will look at things differently while we are still trying to talk about farm viability.

Mr. Adams: Said that he has said all along that the Committee will be slow and deliberate [on this topic].

Mr. Maslyn: Suggested that the Committee try to come to a consensus on a generic outline of why we want to protect farmland and why we want to protect agriculture in the Town.

Mr. Adams: Said that he worked hard on narrative of the agriculture section in the *2021 Town of Farmington Comprehensive Plan*, as amended on January 25, 2022. He encouraged everyone to read this. Mr. Adams suggested that this narrative should drive the language and the intent of what is now being proposed. He said that he thinks that the point has been made that we have a specific situation here [in Farmington] that they do not have in other municipalities. Mr. Adams said that some language that specifically sets this out will address our needs.

(See Appendix #1 to the minutes, pp. 17–19.)

Mr. Adams: Requested that Committee members also send sections that they prefer from the sample regulations from the other municipalities to Mr. Brand.

There were no additional comments on this topic this evening.

3. FARMINGTON OPEN SPACE INDEX 2023 UPDATE

Mr. Adams: Said that Kimberly Boyd, chairperson of the Farmington Environmental Conservation Board, requested that the Committee members review the Strategic Farmland Map #17 in the *2021 Town of Farmington Comprehensive Plan* and delete any properties which are no longer actively farmed. Mr. Adams said that the Conservation Board is now working to complete the update to the Town's Open Space Index.

Committee members then reviewed a hard copy of the map and made revisions as needed.

4. TOWN BOARD PUBLIC HEARING: CHAPTER 9, ARTICLE II

Mr. Brand: Said that the Town Board will conduct a series of Public Hearings on Tuesday, September 26, 2023, regarding amendments to Town Code Chapter 9 on the rules and regulations for the operation of town commissions, boards and committees, including the Agricultural Advisory Committee (Chapter 9, Article II).

The Committee has reviewed and did approved the amendments to the Agricultural Advisory Committee local law on June 15, 2023. Mr. Adams said that he will attend the Town Board Public Hearing to answer any questions or comments regarding this, and to point out the revisions.

(See Agricultural Advisory Committee minutes, June 15, 2023, pp. 2–3; and pp. 11–17.)

5. COMMITTEE FEEDBACK ON AGRICULTURAL EXEMPTIONS PRESENTATION

The Committee briefly discussed the presentation by Town Assessor Donna LaPlant which was given at the Agricultural Advisory Committee meeting on August 17, 2023.

Mr. Adams: Said that he was especially interested in Ms. LaPlant’s information that farmland is not assessed at full value, but that it is her intention to do so during the next revaluation.

Clerk’s Note:

The following excerpt is from the Agricultural Advisory Committee Meeting minutes, August 17, 2023, page 2 of 7:

Mr. Marvin: Asked about 100 percent assessments during the recent reevaluation of property assessments in the Town. Ms. LaPlant said that the right thing to do is to calculate property assessments at 100 percent. She said that this is fair and equitable for all property owners. She also said that the recent reevaluation of assessments in the Town of Farmington resulted in a lower school tax rate in the Victor Central School District.”

Mr. Adams: Also said that the Vacant Farmland Sales 2011–2021 dataset which was provided by Ms. LaPlant is useful information for those in agriculture in the Town.

6. NEXT MEETING

The next meeting of the Agricultural Advisory Committee will be held on Thursday, November 16, 2023, at 6:30 p.m. at the Farmington Town Hall, 1000 County Road 8.

7. ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

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

Respectfully submitted,

_____ L.S.
John M. Robortella

**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
Caudle, Casey
Delpriore, Dan
Finley, Michelle
Gordner, August
Herendeen, Ron
Ingalsbe, Peter
Holtz, Steven
Marvel, Carol
Mitchell, Sarah

Appendix #1:

Extract from the 2021 *Town of Farmington Comprehensive Plan*, amended January 25, 2022; Chapter 3, pp. 22–25.

C. Agriculture

GOAL: To foster continued agricultural viability and protect agricultural land resources.

The objectives are to have:

- a. Land use and development regulations which address the special needs of farmers, including provisions which stipulate that farming activities take precedence over other uses in areas zoned for agriculture.
- b. Productive agricultural lands remain in agriculture.
- c. Encourage agricultural environmental management practices which minimize contamination of the environment, soil erosion, and surface water runoff.
- d. Promote a diverse and economically viable agricultural sector.

Recommended Actions for Each Objective :

- a. Land use and development regulations which address the special needs of farmers, including provisions which stipulate that farming activities take precedence over other uses in areas zoned for agriculture.

To accomplish this objective the Town should

- 1) Stipulate that farming activities take precedence over other uses in areas zoned for A-80 and RR-80 Agriculture Districts as per our “right-to-farm” law. (Individuals would continue to have the right to build homes in areas zoned for agriculture but would have to understand that farming is the primary activity in these zones and that, living in the area, they may have to cope with noise early in the morning, odors from the smell of recently spread manure etc.)
- 2) Continue to allow farm stands in agricultural areas.
- 3) Support programs implemented by the Ontario County Agricultural Enhancement Board that promote and sustain active agricultural lands and operations.
- 4) Implement the Farmland Protection Plan and evaluate the adoption of zoning amendments to support the findings of said Plan.
- 5) Explore mitigation measures to protect the loss of Class 1 through 4 Soils resulting from the development of solar farms on these prime and unique classified soils.

b. Productive agricultural lands remain in agriculture.

To accomplish this objective the Town should:

- 1) Support the continuation and enhancement of New York State’s Agricultural Assessment Program. Encourage property owners to enroll eligible farmland in the Agricultural District.
- 2) Encourage legislative changes at the County and State levels that would reduce property tax pressures on agricultural lands. Take action on similar measures at the Town level when feasible.
- 3) Encourage landowners to apply for Farmland Protection Implementation Grants from the New York State Department of Agriculture and Markets for purchase of development rights. Consider using a Transfer of Development Rights program, sliding scale zoning, voluntary tax abatement program, or other innovative measures for protecting agriculture for farmers.
- 4) Not extend sewer lines into or through areas zoned for agriculture except when required for public health and safety, and further, limit the placement of other infrastructure, such as highways, which would encourage growth and development in areas designated for agricultural use.
- 5) Limit the extension of public water supply into or through areas zoned for agriculture except when required for public health and safety.
- 6) Work with farmers to develop zoning regulations for agricultural areas that ensure the continued viability of agriculture while allowing appropriate levels of development.
- 7) Require that any non-agricultural development occurring within an agricultural area be formally reviewed by the Town Agricultural Advisory Committee.
- 8) Consider the impacts of non-agricultural development upon adjacent agricultural operations, including any potential disruption of existing drainage.
- 9) Where a proposed solar farm intends to use Prime and/or Unique Classified Agricultural Soils (Groups 1–4) then the developer of such solar farm shall be required to create a Conservation Easement on other lands identified in the adopted Town of Farmington Farmland Protection Plan and delineated on Map No. 8 of said Plan as being Strategic Farmland. Said easement to be negotiated between the developer and an adjacent or nearby property owner and shall be of equal size to that being proposed for the solar farm and to remain in effect for as long as the solar farm remains active.

c. Encourage agricultural environmental management practices which minimize contamination of the environment, soil erosion, and surface water runoff.

To accomplish this objective the Town should:

Encourage farmer implementation of best management practices as defined by the Soil and Water Conservation District, Cooperative Extension, the Department of Conservation and watershed associations. Practices should include, but not be limited to: conservation plans, nutrient management plans, cover crops, and minimum or no-till Integrated Pest Management.

d. Promote a diverse and economically viable agricultural sector.

To accomplish this objective the Town should:

- 1) Consider allowing non-farming agribusiness in agricultural zones (e.g., feed and seed dealer or farm implement dealer), limited to avoid negative impacts on traffic, farming, soils, and housing.
- 2) Support the local production and sale of food and agricultural products.
- 3) Consider the benefits for sustaining the viability of individual agricultural operations which become dependent upon proposals to install renewal energy sources (e.g., wind and/or solar farms) by comparing individual benefits to the overall detriments to the agricultural community.
- 4) Protect, to the extent practicable, Prime and Unique Classified Soils from conversion to non-agricultural use. Require proof that wind and/or solar farms cannot be located upon lower classified soils for agricultural production.
- 5) Continue to regulate renewable energy projects (e.g., wind farms and solar farms) that may be used to reduce energy consumption from the utility's grid.