

# Town of Farmington

1000 County Road 8  
Farmington, New York 14425

## AGRICULTURAL ADVISORY COMMITTEE Thursday, March 21, 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  
Dan Delpriore, Farmington Code Enforcement Officer  
Paula Ruthven, Farmington Agricultural Advisory Committee Clerk-Designate

**Guests:**  
David Capps, 768 Hook Road, Farmington, N.Y. 14425

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

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

The Town Clerk, the Committee members and Town staff were notified of the meeting on January 11, 2024, with a reminder on March 15, 2024. The meeting clerk notified the Canandaigua *Daily Messenger* newspaper on February 10, 2024.

The meeting date and time were posted upon the Town website and the Town Hall Bulletin Board on January 11, 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 February 10, 2024, and has remained posted.

Mr. Brand: Said that John Robortella will retire as clerk of the Agricultural Advisory Committee following the meeting this evening. He has served as clerk of the Committee since April 23, 2014. Mr. Brand then introduced Paula Ruthven of the Town Assessor’s Office who will serve as clerk of the Committee beginning with the next meeting on April 18, 2024.

## **2. BOARD MEMBERS’ REVISED TERMS OF OFFICE**

Mr. Adams: Said that the Town Board by Resolution #81-2044, February 13, 2024, has reconfigured the board members’ terms of office to comply with Town Code Chapter 9, Article II, Section 9–10, as amended by Local Law #4 of 2023 so that the terms of three board members will expire each year. In addition to this compliance, Mr. Adams said that this restructuring of board terms may create opportunities for new members to join the Committee. (*See* p. 13 of the minutes for the names and expiration dates of Committee members.)

## **3. DISCUSSION OF PROPOSED TOWN LAW: AGRICULTURAL PROTECTION OVERLAY DISTRICT (APOD)**

Mr. Brand: Introduced Town Code Enforcement Officer Dan Delpriore who assisted in the writing of the proposed draft of the Agricultural Protection Overlay District (APOD) local law which will be discussed this evening. (*See* pp. 15–29 of the minutes for the draft of the proposed local law and pp. 30–33 of the minutes for a summary of the proposed by local law which has been prepared by Mr. Brand.)

Mr. Brand: Said that the text of the proposed local law and the informational summary which he provided were distributed to board members prior to the meeting this evening.

Mr. Brand: Said that the proposal would change the designation of the A-80 Zoning District which has been in place since approximately 1965. He said that this no longer fits with the designations of the other residential and commercial zoning districts.

Mr. Brand: Said that there has been confusion among some residents that the A-80 district is only for agricultural use. He said that this is not the case. Section 3 of the proposed local law amends the A-80 district designation by changing it to RA-80 Rural Agricultural which is intended to better coincide with the designation RR-80 Rural Residential District. Mr.

Brand said that this section also introduces the Agricultural Protection Overlay District (APOD) into the Town Code.

Mr. Brand: Said that this Committee has taken the position over the years to have the density of 80,000-square-foot or 40,000-square-foot residential lots. He said that these have been retained and that a process has been added with the APOD for a review of a subdivision when a third lot is proposed to be subdivided off from a larger parcel of strategic farmland. At the time of the proposed subdivision of a third lot off, Mr. Brand said that a process would then be triggered to bring consideration of sustaining strategic farmland soils. This process would involve a review of the subdivision by the Committee and its subsequent report to the Planning Board.

Mr. Brand: Said that the proposed local law is not saying that a property owner cannot develop his or her land, but that the development should occur in a manner which is sensitive to the soil resources which cannot be renewed.

Mr. Brand: Said that potential additional strategic farmland has been identified in the Town's Farmland Protection Plan, if the soils were drained, but that apparently we do not have the wherewithal to do that.

Mr. Brand: Said that he and the Town staff have looked at a lot of similar regulations from other municipalities across New York State and have concluded that we [Farmington] have a legitimate responsibility to try and protect our viable soil resources, similar to the efforts by the Town Environmental Conservation Board [to protect the Town's other environmental resources]. He said that we [the Agricultural Advisory Committee] are responsible as a Committee to recommend measures to the Town Board and Planning Board to protect the natural resource base.

Mr. Adams: Said that this sort of reasoning is needed to make the zoning stand up. He said that legally we need to have the justification written into the code. Mr. Brand said that this is correct.

Mr. Adams: Said that this has to be part of the rationale of the Town. Mr. Brand said that we cannot enact legislation that results in the taking of property rights, but that we can guide, apprise and inform landowners of the impact [upon strategic farmland soils] that result from the subdivision of farmland. He said that the proposed local law basically follows this guidance, similar to conservation requirements which are designed to identify the impacts of development [upon conservation resources such as floodplains, wetlands, steep slopes, etc.] and identify mitigation measures. Mitigation measures which are required to be addressed as part of the State's Environmental Quality Review Act (SEQRA).

Mr. Brand: Said that the Planning Board has not yet seen the draft APOD local law. He said that the draft is being shared only with the Committee this evening and is an introduction of what the Committee and the Town staff have talked about these past few months as various options from other municipalities regulations were reviewed. He said that the APOD title was borrowed from a similar local law in the Town of Canandaigua. Mr. Brand

said that with that in mind the Town staff has come up with a hybrid. He said that he is looking forward to having this discussion with the Committee and with residents who are farmers and landowners who rent to farmers to see what we can do to provide some guidance for future development in the rural agricultural area of the community.

Mr. Brand: Said that we [the Town] has been directed by Federal and State regulations resulting in this course of action for trying to protect the viable soils resource that we have. He said that he and the Town staff want to get the reactions of the Committee to this proposed legislation.

Mr. Brand: Said that with the presentation of the proposed local law to the Committee this evening, it [the draft local law] becomes a public document which is subject to Freedom of Information Law (FOIL) requests.

Mr. Maslyn: Asked about the process if a landowner wishes to subdivide a parcel a third time.

Mr. Adams: Said that the cluster zoning procedure [Section 278 of New York State Town Law] would be implemented when someone wanted to subdivide a parcel into three or more lots. He and Mr. Maslyn, also asked about serial subdivisions, i.e., subdividing one lot this year, one lot next year, etc. Mr. Adams asked how this would be addressed.

Mr. Brand: Said that the clock starts ticking on the effective date of adoption and the first subdivision application for a third lot.

Mr. Delpriore: Said that a second subdivision is a re-subdivision off from the original parcel. He said that clustering makes more sense when a landowner proposes a second subdivision. He said that clustering keeps the lots closer together which would provide the landowner more flexibility to move the property lines around. He also said that the proposed local law provides guidelines to the Committee and to the Planning Board. He said that this Committee would review subdivision applications to determine if prime farmlands are involved and would then report to the Planning Board if the subdivision makes sense or not. He said that the proposed local law would provide the Committee with a board to which their report would be issued [the Planning Board].

Mr. Delpriore: Said that each of the Town boards and committees wish to interact, that he agrees with everything in the draft proposed local law, and that the proposal gives the farmers [and landowners] the ability to subdivide their land if they need to, and to protect their prime farmland soils to the greatest extent practical.

Mr. Adams: Said that the minute that we have three parcels—that's the trigger.

Mr. Delpriore: Said that this gives us the option to have the Committee look at it [the subdivision application] and to have a conversation with the person doing the subdivision. He said that we need to help the landowners look at these options.

Mr. Putman: Asked if the proposed local law has anything about flag lots. Mr. Brand said that under the cluster provisions the Planning Board can allow the creation of flag lots. He said that under clustering the minimum lot width at the highway line is 20 feet, which is State law, and that this is a process which involves additional approvals at the local level.

Mr. Brand: Said that some might say that this regulation is a “taking” of property rights, but a reading of the various State laws says that it is not.

Mr. Delpriore: Regarding flag lots, said that the Town Code requires 300 feet of road frontage on an 80,000-square-foot lot, or 150 feet of road frontage [on a 40,000 square foot lot] if a landowner can install a traditional septic system. He said that a landowner could go to clustering, but there are steps to it, and that there is a process to apply for a flag lot. Mr. Brand said that in reality an on-site wastewater treatment system is a temporary solution.

Mr. Putman: Said that if we want to protect farmland we have to give someone access to land that is not great farmland.

Mr. Brand: Said that part of the review process of the Committee involves what you want to do affecting farmland operations—drainage, access, whatever is involved. He said that these guidelines are there for the Planning Board and this Committee to look at.

Mr. Putman: Asked if a landowner has to cluster if he or she wants to just carve out one lot. Mr. Adams said that this needs to be written in there. Mr. Brand said that the APOD requirement will be triggered when a landowner wants to create a third lot. Mr. Delpriore said that a landowner may trigger the APOD earlier [than the creation of a third lot] but that the creation of a third lot requires the APOD review.

Mr. Adams: Said that the Town of Seneca ordinance had a hard limit of how many lots could be subdivided, which is more of a “taking” than this Farmington proposal. He also said that there is a different development pressure in the Town of Seneca than there is in Farmington. Mr. Brand said that this [setting a limit on the number of lots allowed] would be difficult to defend in court without a good reason. He said that everything in the Farmington proposed local law is already within State law.

Mr. Putman: Said that the farmland to be protected in the Town of Canandaigua is in areas of the town that are more apt to be developed. Mr. Adams said that the Canandaigua APOD follows a different approach in which the Town Board must okay the extension of infrastructure.

Mr. Brand: Discussed a section of the proposed local law which has been included to permit a drainage contractor to be listed as special use in the RA-80 zoning district, noting similarity to the repair of agricultural construction equipment [a special permitted use in the current A-80 district]. He said that this section is in response to a pending application to the Zoning Board of Appeals and to the Planning Board from a Town resident who had previously operated an agricultural drainage business and who has now moved to a new location in the Town. Mr. Brand said that including this type of operation with a Temporary

Use Permit shows the support of the Town for this type of [agricultural related] use of the agricultural soils.

Mr. Brand: Said that another provision of the proposed local law involves outdoor wood boilers. He said that the Town's current regulations are out of date and that regulating outdoor wood boilers has been taken over by the New York State Department of Environmental Conservation.

Mr. Brand: Said that the Town staff would like to move soon to recommend updating of some of the outdated regulations by the Town Board. He said that the bottom line is that if the Committee needs more time to consider the complete proposed local law as it pertains to APOD, then the Town staff will pull out those portions of the draft which involve updating existing regulations and move forward only upon those to the Town Board at this time.

Mr. Brand: Asked if the Committee is looking at June or July for a recommendation on the proposed local law, or if it is looking at December. He said that the recommendation for additional protections for strategic farmland have been discussed since 2015 in both the *Farmland Protection Plan* and the most recent update to the *Comprehensive Plan*.

Mr. Adams: Said that although that is true, it has only been several months during which the Committee has considered the overlay district concept.

Mr. Putman: Asked about the identification of the Town's strategic farmland on the most recent map. Mr. Brand reviewed the location of the Town's strategic farmland on the map which was displayed in the meeting room. He also said that the map will be subject to future change should we continue to experience loss of the more viable agricultural soils.

Mr. Delpriore: Discussed the recent Mandrino subdivision on New Michigan Road. He said that this subdivision is a perfect example of how the proposed local law could have better protected those more viable agricultural soils by not having to separate the residential lots from the active farmland parcels.

Mr. Adams: Said that there is a lot of non-tillable land which is depicted on the Strategic Farmlands map. He said that this kind of overstates the amount of actual productive farmland there is in the Town. Mr. Brand said that the regulations say Class 1–4 soils and a subset of the boundaries of the parcels based upon the Soils Classification Mapping provide by the County for tax abatement purposes. He said that these mapped boundaries trigger the attention to this.

Mr. Delpriore: Said that the proposed local law is 16 pages in length which includes a lot of verbiage which corrects and cleans some existing regulations. He encouraged Committee members to read Mr. Brand's four-page summary of the proposed local law which will drive Committee members to the right spots [in the proposed local law]. He said that several other sections of Town Code, i.e., repair of agricultural equipment and outdoor wood

boilers, for example, were included in the proposed local to enable the Town to have just one code update submittal for efficiency and cost savings.

Mr. Delpriore: Said that the updates to existing Town Code sections can be split off from the APOD proposals if the Committee needs more time to consider the APOD proposal.

Mr. Delpriore: Said that the Town staff is not pushing either way, but that the staff needs feedback from the Committee so that the staff can report to the Town Board on what we need to do.

Mr. Maslyn: Discussed the proposed definition of a barn (*see* p. 1 of the proposed local law). He asked about the inclusion in this definition of processing chickens or production of maple syrup. Mr. Brand said that this definition is copied from the New York State Department of Agriculture and Markets Laws. He said that the production of maple syrup is defined as a horticultural operation and is not an agricultural product, per the Agriculture and Markets definition. Mr. Adams said that this definition needs some work if it is to be a definition in the Town Code.

Mr. Maslyn: Suggested the removal of “processing” from the barn definition.

Mr. Brand: Said that these types of comments are exactly what the Town staff would like to have from the Committee. He requested that Committee members put their comments in writing and provide them to the Town staff prior to the next scheduled meeting.

Mr. Adams: Asked about inclusion of a statement [in the proposed local law] about the definition [used by the public]. He said that “agricultural tourism” is too narrow, that it is targeted to maple, and that there are a lot of other things going on [in agriculture] in addition to maple.

Mr. Maslyn: Said that by throwing maple in there, it [the definition] is too narrow.

Mr. Delpriore: Said that the important thing is not to call those out, but to either remove them or move them to the end.

Mr. Brand: Said that there are others in the community [who may be interested in the proposed local law]. He encouraged Committee members to provide the draft to all others who may be interested and ask for their input early in this process.

Mr. Marvin: Said that over the past weekend he discussed the proposed local law with four of his neighboring farmers. He said that this will all come down to the bottom line—how will this affect my farm in the coming years. He said that all the others with whom he spoke all said this. Mr. Delpriore said that he will be more than happy to come out and speak with Mr. Marvin and others about this proposal. Mr. Marvin said that we need to meet with a group of landowners before we present this to the Town Board. He said that the neighbors are concerned with this proposal’s long-term effect in their families.



Mr. Adams: Said that the Committee has discussed next generation farming [at previous meetings].

Mr. Delpriore: Said that some smaller conversations might be appropriate in addition to a large Town meeting. Mr. Brand said that the impact on each farm may be different. Mr. Delpriore said that the Town staff wants to hear from everyone and that the Town Board will hold a Public Hearing, but that the Town does not want to have misleading information [which could come from small, uninformed groups].

Mr. Adams: Said that there must a high level to landowners. He said that we are trying to craft something that conserves an important resource but that we need to build in as much flexibility as we can because we need a carrot for the landowners and that the Town cannot just be a stick. He said that there is room in the proposed local law to put in more flexibility to deal with the concerns of landowners of the proposed local law on the next generation.

Mr. Adams: Said that we have to strike a balance and it will be tricky.

Mr. Adams: Said that this [the proposed local law] would increase the role of the Committee in the Town. He said that the Committee will have something to say [about the future development of the Town] and that the Committee has to have due diligence about what it will say.

Mr. Brand: Said that he encourages the other members of the Committee to do what Mr. Marvin has done [to speak with neighboring farmers and landowners]. Mr. Brand said that the Town needs to understand what the concerns area.

Mr. Marvin: Said that he would be interested to know what effect the proposed local law would have had on farmers in the past. He asked about the effect of the proposal.

Mr. Marvin: Also said that the only way to retain farmland is to keep it profitable. He said that we want to guide them [the landowners] in farming.

Mr. Delpriore: Said that under the proposed local law the Town can provide the landowner who wants to sell with a recommendation that there would still be a way to sell off lots and also have viable farmland to work. He said that the Town would not be stopping a sale but would be giving a recommendation to a landowner on a way to sell lots and still have the ability to farm.

Mr. Maslyn: Asked when in the proposed process would the Committee get to see what a landowner wants. Mr. Delpriore said that an applicant's preliminary plans would be included in his or her subdivision application which the Committee would consider and subsequently provide comments on to the Planning Board. He said that the subdivision could still be how the landowner wants to do it, but the design might change. Mr. Delpriore said that the Planning Board is trying to develop the Town and requires guidance. Comments from this Committee will help the five members of the Planning Board do their jobs defined in the Town Code.



Mr. Delpriore: Said that right now an application goes through the Town staff, the fire departments and the Town Conservation Board [prior to referral to the Planning Board].

Mr. Delpriore: Said that Mr. Adams is right in that the review of applications by the Committee will raise the impact and identity of the Committee as it provides comments to the Planning Board.

Mr. Brand: Said that we are trying to protect the welfare of the community and its natural resource base [the more viable agricultural soils] as expressed in the *Comprehensive Plan* and by the proposed APOD local law.

Mr. Brand: Said that he would like direction from the Committee as to what the Committee would like to do to receive information about the proposed local law from the community. He said that this feedback from the community will help the Town staff with the second or subsequent draft(s) of the proposal.

Mr. Adams: Said that there will be a meeting of the Committee in April, but that having a meeting of the Committee in May will be tough [a reference to planting operations, etc.].

Mr. Marvin: Asked about having an open meeting and extending an invitation to the landowners to attend.

Mr. Adams: Said that it would be better to have landowners attend the regular meetings of the Committee, similar to the attendance of Mr. Capps at the meeting this evening.

Mr. Adams: Said that he was disappointed that the landowners with whom Mr. Marvin spoke did not show up tonight. Mr. Adams said that he was not yet close enough [in the consideration of the proposed local law] to have a Public Hearing. He said that the proposed local law needs a carrot and more flexibility. He encouraged the members of the Committee to provide their thoughts to Mr. Brand and to Mr. Delpriore.

Mr. Adams: Said that we must raise our game in order to feel good about this when we roll it out.

Mr. Adams: Said that regarding the timing question, there is a lot to go over, particularly on the APOD side.

Mr. Brand: Said that if this is do-able in four months, that is one thing, but that a year is something else. He said that he would need to ask for good reasons to tell the Town Board.

Mr. Delpriore: Said that without you [the Committee] diving into this, it would be hard to provide the Town Board with an answer.

Mr. Brand: Asked if we really need to change the definitions that we discussed tonight. He requested that the Committee members look at the guidelines and the strategic farmland

map. He said that we are talking about protecting the prime and unique soils on those parcels.

Mr. Putman: Asked about the definitions on the first page of the draft local law. He asked if they are from the State. Mr. Brand said yes, that they are from the State Agriculture and Markets laws, and that State approval is needed if the Committee wants to make the definitions more strict. Mr. Delpriore said that the Town staff needs to get by this group [the Committee] first prior to referring the draft to the County and the State.

Mr. Adams: Said that we have to be cognizant that this is not a “taking” and that it is for the greater good of agriculture in the Town of Farmington. He said that the Committee is trying, but that this is not yet quite what he thought.

Mr. Delpriore: Requested that Committee members provide their comments to the Town staff so that the comments can be compiled prior to the next meeting.

Mr. Brand: Said that the local law will be the regulations which the Town will follow, and that the Planning Board would then be able to recommend to a landowner that he or she could have alternate locations on the property.

Mr. Putman: Said that if you laid it out and followed all the rules, it is a go. But he said that the bottom line is that this is not a “taking.” Mr. Boyce said that it is a “suggestion.”

Mr. Brand: Said that with this local law the Planning Board could deny a subdivision application and the courts would then have to agree with the Planning Board because the Town is acting to protect the agricultural resource base.

Mr. Brand: Requested that Committee members write down their questions and submit them to the Town staff in a form which can be shared with the other Committee members. Mr. Delpriore requested that the Committee members should not wait [to submit their questions] until the next meeting but should submit them earlier to allow time for the Town staff to provide answers at the next meeting.

Mr. Adams: Said that it may be hard to reach that level of participation.

There were no additional comments on this topic this evening.

#### **4. PROPOSED SOLAR PROJECTS IN THE TOWN OF FARMINGTON**

Mr. Adams: Said that a resident contacted him regarding future solar projects in the Town and the possibility that all of a sudden there is interest in solar projects.

Mr. Delpriore: Said that currently there is a pending solar project which is proposed on the east and west sides of Commercial Drive. He said that this project will be located on two parcels of land at both ends of Commercial Drive and will complete the link of Commercial

Drive to extend from Collett Road to State Route 96. Mr. Delpriore said that the applicant proposes battery storage on the site, and will construct the road, sidewalks and all infrastructure. He said that the application is expected to be presented to the Planning Board in April.

Mr. Adams: Asked if the Town staff is aware of a battery storage fire at a solar project in the North Country. Mr. Delpriore said that there have been battery storage facilities in the Town for several years and that the fire department is aware of these issues and how to handle a fire.

Mr. Adams: Said that the resident who contacted him [about solar projects] thought that the current project would be on hundreds of acres.

Mr. Delpriore: Said that the Town has not received any other inquires for solar projects at this time.

## **5. REVIEW OF AGRICULTURAL ADVISORY COMMITTEE SECTION OF THE TOWN WEBSITE**

Mr. Adams: Said that the Agricultural Advisory Committee tab on the Town website is woefully out of date with past Committee members' names and wrong information.

Mr. Delpriore said that the Town staff is aware of the dated material on some tabs of the website. He said that the Town recently updated the design of the website and that the web developer imported the old material into the new design. He asked what information should be included on the Committee tab.

Mr. Adams: Said that for starters the old information should be removed because it has nothing to do with what the Committee is doing today. He said that the tab should have a brief description of the Committee and a tab to direct the user to the Committee's minutes. He requested that the tab be intuitive for the uninitiated.

Mr. Delpriore: Said that he will take a look at the tab and will get it "basic," following which the Committee can advise him of what else should be posted.

Mr. Adams: Said that tab to the Committee's minutes should be included. He also said that there is currently a tab to the Farmland Protection Committee which no longer exists.

## **6. VISITORS' COMMENTS**

None.

**7. NEXT MEETING**

The next meeting of the Agricultural Advisory Committee will be held on **Thursday, April 18, at 6:30 p.m.** at the Farmington Town Hall, 1000 County Road 8.

Mr. Brand: Requested that Committee members provide their comments and questions on the proposed APOD local law to the Town staff no later than April 11, 2024, to enable the Town staff to have time to provide answers at the next meeting on April 18th.

**8. 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,

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John M. Robortella L.S.

**Attachments:**

- 1. Proposed local law on APOD Agricultural Protection Overlay District.
- 2. Summary report on the proposed local law from Ron Brand.

**Farmington Agriculture Advisory Committee Members  
As of February 13, 2024  
Town Board Resolution #81-2024**

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

John Marvin	Term expires 12/31/2025
Ronald Mitchell	Term expires 12/31/2025
Michael Putman	Term expires 12/31/2025

Hal Adams	Term expires 12/31/2026
Charles Bowe	Term expires 12/31/2026
Peter Maslyn	Term expires 12/31/2026

William Boyce Jr.	Term expires 12/31/2027
Denis Lepel	Term expires 12/31/2027
Doug Payne	Term expires 12/31/2027

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

**E-mail Distribution:**

Adams, Hal  
Bowe, Charles  
Boyce Jr., William  
Lepel, Denis  
Marvin, John  
Maslyn, Peter  
Mitchell, Ronald  
Payne, Doug  
Putman, Michael

*Town Board and Staff:*

Bowerman, Nate  
Brand, Ron  
Casale, Michael  
Caudle, Casey  
Delpriore, Dan  
Finley, Michelle  
Gordner, August  
Herendeen, Ron  
Ingalsbe, Peter  
Holtz, Steven  
Marvel, Carol  
Ruthven, Paula

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, New York 12231-0001

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

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

Town of Farmington, Ontario County, New York

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

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

Be it enacted by the Town Board of the

Town of Farmington as follows:

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

**AGRICULTURAL TOURISM**

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

**BARN**

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

**FARM OPERATION**

The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production,



preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of section 301, Article 25, of the New York State Agriculture and Markets Law, a "timber operation" as defined in subdivision fourteen of said section, "compost, mulch or other biomass crops" as defined in subdivision seventeen of said section and "commercial equine operation" as defined in subdivision eighteen of said section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

OUTDOOR FURNACE

This definition is hereby deleted in its entirety.

OUTDOOR WOOD BOILER

This definition is hereby amended to read in its entirety as follows...  
OUTDOOR WOOD BOILERS are regulated under the provisions contained in 6 NYCRR, Part 247, Outdoor Wood Boilers.

OUTDOOR WOOD BURNING FURNACE

This definition is hereby deleted in its entirety.

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

§165-17 District regulations.  
District regulations shall be as in §§165-18 through 165-34.3.

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

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

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

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

APOD Agriculture Protection Overlay District

Section 4: Chapter 165, Article III, Establishment and Designation of Districts, Section 12. Zoning Map. Is hereby amended by as follows: (1) removing the A-80 Agricultural District from the Official Zoning Map Legend; (2) adding the RA-80 Rural/Agricultural District to the Official Zoning Map Legend; (3) adding the APOD Agricultural Protection Overlay District to the Official Zoning Map Legend; and (4) delineating the RA-80 Rural/Agricultural District for those parcels previously designated as A-80 Agricultural; and (5) delineating the APOD Agricultural Protection Overlay District upon the

Official Zoning Map based upon those Strategic Farmland Protection Areas shown on Map No. 8, entitled "Town of Farmington Active Farmland - Strategic Farmland," Town of Farmington Farmland Protection Plan, a part of the adopted 2021 Edition of the Town of Farmington Comprehensive Plan.

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

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

A. Intent. The intent in creating the RA-80 Rural/Agricultural District is to protect the predominantly rural residential and active agricultural areas of the community from suburban and urban development, support the continuation of Farm Operations, protect the non-renewable productive agricultural soils, reduce conflicts between agricultural land use and rural residential land use, recognize the financial constraints that exist to funding the extension of public utilities into and through these areas, and protect open space.

B. Permitted principal uses:

- (1) Farm Operations, Farm Buildings and Structures, including but not limited to Barns, Silos, Grain Bins, etc.
- (2) Single-family detached dwellings, not including townhouse dwelling units.

C. Permitted accessory uses:

- (1) Roadside stands for the sale of seasonal agricultural products, some portion of which is to be grown by the property owner. Each roadside stand shall have a suitable off-street parking area, located at least ten feet from the highway right-of-way to be provided for customer parking. Upon the close of the seasonal sales of the agricultural products, the roadside stand is to be secured on the property and all commercial speech signs are to be removed from the property. Temporary promotional display signs, both on-site and off-site, may be permitted, subject further to the provisions contained in §165-47 B and C of this chapter.
- (2) Private garages.
- (3) Customary residential storage structures subject to the provisions of §165-58 of this chapter.
- (4) Private swimming pools, subject to the provisions of §165-62 of this chapter.
- (5) Signs, subject to the provisions of §165-38 of this chapter.
- (6) Fences, subject to the provisions of §165-61 of this chapter.
- (7) Off-street parking and loading, subject to the provisions of §165-37 of this chapter.
- (8) Domestic pet shelters, subject to the provisions of §165-55 of this chapter.
- (9) Minor home occupations.
- (10) Public donation bins, subject to the provisions of §165-65.2 B of this chapter.

- D. Special permit uses: the following land use may be allowed upon the issuing of a Special Use Permit in accordance with the provisions contained in Chapter 165, Article VI, Special Permit Uses, and Chapter 165, Article VII, Administration and Enforcement, Section 165-100, Site development plan, both of which are part of the Town of Farmington Town Code
- (1) Kennels.
  - (2) Major Home Occupations.
  - (3) Essential service structures, excluding power plants.
  - (4) Private Airports.
  - (5) Excavation Operations.
  - (6) Large-scale ground-mounted solar PV systems.
  - (7) Agricultural/construction equipment repairs and painting operations.
  - (8) Drainage Contractor Operations and related equipment and storage buildings.
- E. Residential lot size requirements. Notwithstanding any other provision in the Town of Farmington Code to the contrary, the minimum dimensional requirements in the RA-80 District for a single-family dwelling on a lot that cannot be served by a conventional on-site wastewater treatment system are as follows:
- (1) The minimum lot size shall be 80,000 square feet.
  - (2) The minimum lot width shall be 300 feet.
  - (3) The minimum lot depth shall be 250 feet.
- F. Residential lot size requirements. Notwithstanding any other provisions in the Town of Farmington Code to the contrary, the minimum dimensional requirements in the RA-80 District for a single-family dwelling for a lot that can be served by a conventional on-site wastewater treatment system are as follows:
- (1) The minimum lot size shall be 40,000 square feet.
  - (2) The minimum lot width shall be 150 feet.
  - (3) The minimum lot depth shall be 200 feet.
- G. Additional provisions.
- (1) All on-site wastewater treatment systems shall be subject further to the provisions contained in Chapter 126 of the Town of Farmington Code, entitled "Individual On-Site Wastewater Treatment Systems."
  - (2) Where a site's soil conditions will not allow a conventional on-site wastewater treatment system the following standards shall apply:
    - (a) A raised or modified on-site wastewater treatment system shall be located not less than one hundred (100) feet from all property lines; and
    - (b) The entire septic field (including tapers) shall be located one hundred (100) feet from all property lines; and
    - (c) There shall be an area of land, in proximity to an existing/proposed system and on the property that is equal in size to fifty percent (50%) of the original bed area reserved for future expansion or replacement within the one hundred- (100-) foot restriction.
  - (3) Where at least fifty percent (50%) of a site's surficial soil conditions are classified as prime agricultural soils (Class 1

and 2), soils of statewide significance (Class 3 and 4) or black dirt soils as established by criteria of the Natural Resource Conservation Service, United States Department of Agriculture (herein after "agricultural soils"); or where a proposed residential site possesses the criteria set forth within Section 34.3. of this Chapter of the Farmington Town Code, entitled "APOD Agriculture Protection Overlay District," such criteria shall supersede the criteria set forth in sections (2) and (3) above herein and govern the density of single-family development.

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

§165-34.3. APOD Agriculture Protection Overlay District.

A. Intent.

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

B. Purpose.

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

C. Designation of APOD Agriculture Protection Overlay District.

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

D. Permitted Principal Uses.

The permitted principal uses listed in the underlying RA-80 and RR-80 Rural Residential Districts are not affected by the APOD Agricultural Protection Overlay District regulations except for the criteria contained herein that is intended to protect the more productive soils from premature conversion to non-agricultural land use. In addition to said permitted principal uses, a farm-related structure may be located upon a parcel of land where there is no principal use and said structure is used exclusively for related agricultural operations only by the landowner or farmer having an established lease of the land that remains in effect. Said farm-related structure shall not be used for

any non-agricultural operations without obtaining either an established special use permit or Temporary Use Permit.

D. Permitted Accessory Uses.

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

E. Special Permit Uses.

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

F. Dimensional Requirements.

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

- (1) The minimum lot size shall be that established elsewhere in Chapter 165, Article IV and Zoning Schedule 1, of the Farmington Town Code unless amended by the Planning Board as further provided under §144-29 cited above herein.
- (2) This minimum lot size shall include a delineated area on the plat map for land banked future expansion of an on-site wastewater treatment system as specified above herein.
- (3) The proposed lot shall be located upon that portion of the site having a lower classified agricultural soils group as shown on the property owner's Soils Group Worksheet prepared by the Ontario County Soil and Water Conservation Service and submitted as part of the preliminary subdivision plat application. Where there is no Soils Group Worksheet, then an applicant shall have one prepared by the County Soil and Water Conservation Service and submitted as part of the preliminary subdivision plat application.
- (4) Where a proposed preliminary plat identifies a third proposed lot then the applicant shall be required to provide an overall buildout of the site, in satisfaction of identifying the long-term impacts upon the site's continued agricultural operations as further required under the State's Environmental Quality Review Act (SEQRA).
- (5) No accessory structure(s) shall be located upon the delineated land banked area mentioned above herein for expansion of the on-site wastewater treatment system.
- (6) The subdivision plat must show that the site development involves the least disruption to continued agricultural operations on the remaining land.
- (7) The subdivision plat must show any adjacent lands that are being used for active agricultural operations and identify what, if

any, impact the proposed non-agricultural development of the site will have on continued agricultural operations on the adjacent property (ies) and the County's Agricultural Use District.

- (8) The preliminary plat review shall be coordinated with the Chairperson and at least three (3) members of the Town Agricultural Advisory Committee and approval based in part upon any recommended conditions by said Committee.
- (9) [Reserved]

G. Additional Subdivision, Site Plan and Special Use Permit Provisions and Requirements.

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

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

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

§165-19. C. Permitted accessory uses:

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

§165-19. D. Special permit uses:

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

§165-19. E. Lot size requirements.

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

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

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

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

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

A. Residential uses.

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

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

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

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

B. Keeping of farm animals. Farm animals shall be allowed on land located within the RA-80 and the RR-80 Districts. No farm animals shall be housed or kept within a secure outdoor area on any premise of less than five acres. Kennels or shelters for farm animals shall



not be closer than 200 feet to all side or rear lot lines. The storage of any farm animal waste or other odor-or dust-producing materials shall not be closer than 200 feet to any lot line as per §165-18 and/or §165-19 of this chapter. These setback regulations may be exempted by the protection provided to an active farm site located within an established Ontario County Agricultural Use District, as further regulated under the New York State Agriculture and Markets Laws.

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

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

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

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

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

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

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

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

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

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

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

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

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

approval of a special use permit and site plan approval by the Planning Board.

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

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

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

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

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

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

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

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

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

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

A. Agricultural/construction equipment repairs and painting operations may be allowed as a special permit use in the RA-80, RR-80, LI Limited Industrial and GI General Industrial Districts, and subject further to the following criteria contained below in this section.

H. The minimum lot or parcel size required for issuing a special use permit for an agricultural/construction equipment repairs and

painting operation on land located within the RA-80 or RR-80 Districts shall be five acres.

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

Zoning District

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

Under the Sub-heading

Yard Requirements  
Minimum Building                    add a footnote 11  
Setback Requirements

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

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

Add at the bottom of Schedule I add the following:

IZ        Not                    Specific requirements to be established  
          Applicable        by Town Board and Planning Board as  
                                  part of rezoning process

WEFD (add footnotes 1 & 10)  
Minimum Lot Size for this district is 1 acre

Notes:

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

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

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

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

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

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

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

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

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the County of State of New York, having been submitted to the electors at the General Election of November

2024, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

\_\_\_\_\_

Clerk of the Town

(Seal)

Date: \_\_\_\_\_



# TOWN OF FARMINGTON



TO: Town of Farmington Agriculture Advisory Committee

FROM: Ron Brand, Director of Planning & Development

DATE: March 15, 2024

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

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

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

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

**Section 1:**

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

**Section 2:**

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

**Section 3:**

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

**Section 4:**

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

**Section 5:**

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

**Section 6:**

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

**Section 7:**

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

**Section 8:**

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

**Section 9:**

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

**Section 10:**

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

**Section 11:**

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

**Section 12:**

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

**Section 13:**

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

**Section 14:**

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

**Section 15:**

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

**Section 16:**

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

**Section 17:**

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

**Section 18:**

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

**Section 19:**

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

**Section 20:**

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

**Section 21:**

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

**Section 22:**

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

**Section 23:**

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

**Section 24:**

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

**Section 25:**

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

**Section 26:**

This is State Boiler Plate and cannot be changed.

**Section 27:**

This is State Boiler Plate and cannot be changed.

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