

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURAL ADVISORY COMMITTEE
Thursday, February 16, 2022 • 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*
Denis Lepel
John Marvin
Peter Maslyn
Doug Payne
Michael Putman
Two Vacant Positions

Board Member Excused: Royal Purdy

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

1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION

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

The Town Clerk was notified of the meeting on February 2, 2023. The meeting clerk notified the Committee members, Town staff and the *Canandaigua Daily Messenger* newspaper on February 2, 2023, with a reminder on February 14, 2023.

The meeting date and time were posted upon the Town website on February 2, 2023, the Town Hall Bulletin Board and remained posted on both.

A public notice of the meeting was published in the *Canandaigua Daily Newspaper* “Bulletin Board” section.

2. DISTRIBUTION OF TOWN BOARD RESOLUTION #244-95 and LOCAL LAW #6 of 1995

Copies of Town Board Resolution #244-95 and Local Law #6 of 1995, which established the Agricultural Advisory Committee, were distributed. The intent of the Town Board in the establishment of the Committee was “. . . to seek advice and recommendations, on a regular basis, from community members who have the experience and expertise on action which the Town should take to encourage the growth of agriculture in the Town . . .” and “. . . to assure continued viability of farming in the Town . . .”

(See PDF Attachment 1.)

3. COMMITTEE EXPECTATIONS FOR 2023

Supervisor Ingalsbe’s email of November 2, 2022, to Mr. Adams regarding the membership, duties and responsibilities of the Agricultural Advisory Committee were distributed, as follows:

- The Committee is comprised of nine members who are appointed by the Town Board. Each member is appointed to serve a five-year term of office, or the remaining term of office created by a member resigning.
- The Committee consists of nine members. Presently, there are two vacancies. At the end of December 2022, Royal Purdy's term of office expires.
- The Committee meets on an as needed basis, at the Town Hall and usually it is on Thursday evening, 6:30 p.m. to 8:30 p.m. Sometimes the Committee will meet once each month for several consecutive months and usually does not meet during the summer months.
- Currently, most of the members are engaged in farming operations, however, being a farmer is not a prerequisite to appointment. Landowners renting to farmers and persons interested in learning more about the farming industry in the Town are encouraged.
- The Town of Farmington Agricultural Advisory Committee is charged under §117-9 of the Town Code, Right To Farm, to review and advise on any dispute that may arise regarding any inconvenience or discomfort occasioned by agricultural operations, prior to anyone filing of any court action.
- The Committee reviews requests to add lands to or remove lands from the County’s Agricultural Use District [Consolidated Agricultural Use District #1].

- The Committee reviews applications made to the New York State Department of Agriculture and Markets for funding the Purchase of Development Rights provided for under the New York State Agriculture and Markets Laws.
- The Committee reviews applications for development that may affect the identified strategic farmlands contained in the adopted Town of Farmington Farmland Protection Plan.
- The Committee provides reports and recommendations to the Town Board on matters referred.
- The Committee will be working with Town Staff during 2023 helping to create Agricultural/Conservation Zoning District regulations for the Town Zoning Law.
- The Committee will be working with County planning staff and Town staff during 2023 helping to create an intermunicipal drainage study of Black Brook and its tributaries.
- The Committee advises Town Staff on stormwater drainage concerns located within the Town.

Following is the roster of committee members as of January 2023:

Hal Adams, <i>Chairperson</i>	Term expires 12/31/2026
Denis Lepel	Term expires 12/31/2026
John Marvin	Term expires 12/31/2025
Peter Maslyn	Term expires 12/31/2026
Doug Payne	Term expires 12/31/2026
Royal Purdy	Term expires 12/31/2027
Michael Putman	Term expires 12/31/2023
Vacant position	Term expires 12/31/2024
Vacant position*	Term expires 12/31/2026

*Unexpired term of Don Jones who moved out of state.

4. IMPACTS OF INCENTIVE ZONING PROJECTS ON ACTIVE FARMLAND AND FARMING OPERATIONS

Mr. Brand submitted the following report on the impacts of Incentive Zoning projects upon active farmland and local farming operations:

There has been, since 2006, a total of 10 Incentive Zoning (IZ) projects, eight of which have been or are continuing to be developed. Two Incentive Rezoning projects remain in the rezoning process (Farmington Market Center Incentive Zoning Project and the Power Incentive Zoning Project).

Only the Power Incentive Zoning Project involves land that was rented and was being actively farmed. This farmland involved the growing of field crops (predominantly field corn for the making of ethanol fuels). One of the two parcels of land, the DiFelice property, was under a purchase option, to be used for a proposed solar farm that was to be developed. The second parcel was owned by the Power family.

The first IZ project approved by the Town Board (over 15 years ago) was the “Auburn Meadows Incentive Zoning Project.” It involved agricultural land that had been formerly worked and was owned by Guinan (a Town of Victor resident and farmer). This 300+ acre site was located within the southwest quadrant of the Town of Farmington. This project was developed in phases (a total of 12) over a span of 17 years (2007 through 2023). At no time during this period was any of the remaining lands used for continued agricultural production.

The second IZ Project was the “Mercier Incentive Zoning Project.” At the time of this rezoning, a portion of the site was still being used for agricultural production (field crops). The first phase of the IZ project involved the construction of the Farmington Senior Apartments located at the northern end of Mercier Boulevard. A portion of this overall site, located along the State Route 332 frontage and south of the ALDI Supermarket, was being farmed (again field crops). At the time, the farmer working the land was having difficulty moving equipment to this field, citing the heavy volumes of traffic along the four lanes of State Route 332.

The third IZ Project was an amendment to the original “Mercier Incentive Zoning Project.” The amendment allowed for the use of one of the seven phases of the overall project for apartments. This project became known as “Farmington on the Creek.” This phase of the project did involve rented farmland being used for field crops, again, mostly corn used in the production of ethanol. At the time of this action, the land was being operated by the same farmer who was working the land south of the ALDI Supermarket. Difficulty in going from one field to the next was cited by the farmer. Keep in mind at the time there was no bridge over Beaver Creek and the farmer had to move his equipment along the shoulder of the heavily traveled State Route 332.

The fourth IZ Project was the “MIII Cerone Incentive Zoning Project. This project, located along the west side of State Route 332 and opposite Farmbrook, did not involve any active agricultural operations.

The fifth IZ Project was “Monarch Manor Incentive Zoning Project.” At the time of rezoning, this site was not being used for agricultural purposes.

The sixth IZ Project was the “Hathaway’s Corners Incentive Zoning Project.” The western portion of this project site, at the time of rezoning, was being rented and was being actively farmed involving field crops (corn grown for ethanol production). Once again, the farmer cited difficulties in moving farm equipment along the heavily traveled State Route 332 and County Road 41.

The seventh IZ Project was the “Hickory Rise Incentive Zoning Project.” Major portions of this site were being actively farmed at the time of rezoning (e.g., field crops—corn ethanol). The farmer working these fields had reached retirement age and was looking for a buyer. No local farmers could afford the price being requested and the land was sold to a developer. This property was owned by an estate of 10+ persons, all of whom agreed to the sale. Finally, this farmland had been zoned LI Limited Industrial for years. When the applicant’s engineer provided a concept drawing of what the site could look like if developed under existing zoning, the neighbors voiced strong objections to this type of allowed use and cited preference for the residential neighborhood that was ultimately developed.

The eighth IZ Project was the “Redfield Grove Incentive Zoning Project.” At the time of the rezoning, this site was not being used for agricultural purposes.

The ninth/tenth IZ Project either will be the “Farmington Market Center (FMC) IZ Project” or the “Power Incentive Zoning Project.” These two pending actions are described above herein.

There were only three IZ projects (Auburn Meadows, Monarch Manor and Hickory Rise) that at the time of rezoning were owned by either one town resident or by two local farmers residing within adjoining communities. All of the other IZ sites that were being actively farmed involved land leased for agricultural production.

Most of the sites that were rezoned and did involve agricultural operations, which were being used for field crops. In addition to field corn production, with crop rotation sometimes the fields were used to grow winter wheat, oats, soybeans and clover/alfalfa. I do not recall any fresh vegetables being produced on any of these sites other than one year when cabbage was being grown for the sauerkraut operations in Phelps. The majority of fruit/vegetable crops come from small fields that were/are leased to local residents who operate small scale fruit/vegetable stands. The one exception to this pattern is the Fish Farm located in the eastern portion of the Town and extending into the Town of Manchester. The soils in that area of the Town are sandy, well drained soils used for the growing of fresh fruits and vegetables.

According to the members of the Farmland Protection Planning Committee, the worst example of the loss of active farmland (prime/unique agricultural soils) in the Town involved the selling off of the Popenhusen Estate where there was a total of 13 large lots (five acres in size and larger) involving 160 acres of prime active farmland that were subdivided and sold for single-family development. The estate was located along both sides of Sheldon Road, along the north side of Fox Road, and in the middle of the long established Ontario County Agricultural Use District.

While some think that preserving farmland is a Town responsibility one has to remember some of the major factors affecting this element of the Town's economy. Here are some of these factors:

- The Town did not construct the I-90 highway, thereby dividing the town in half which split farmlands and adversely impacted drainage flows from farmlands located near the highway.
- The Town did not construct State Route 332, thereby resulting in the moving of over 23,000 vehicles a day through a corridor that created major restrictions to the movements of farm equipment from one rented piece of farmland to another and has removed the protection of farmland operations previously imposed upon landowners.
- The Town, in 1976, created a drainage district which at the time ended from the west side of town at County Road 8. In June, in 1978, the Town created the first drainage district located on the west side of County Road 8. Then in 1993, the Town attempted to create a town-wide drainage district which was strongly opposed by local farmers and landowners located in the eastern portion of town (County Road 8 east to the Manchester town line).
- The Town did not create the farmland soils or the extensive flat areas which are difficult to properly drain for farming (and development) purposes.
- The Town did not cause dairy farming operations to close. The Town was supportive of dairy farming operations, however, economic factors well beyond town control caused the demise of these operations leaving the town with only one (1) active dairy farm remaining.
- The Town does not control the local growing climate.
- The Town does not control the commodities market, set interest rates on business loans, or set State, County, or School District taxes.

- The Town however, through its stable tax base since 2014, has kept the town tax rate at \$1.10 per thousand of assessed value. Most recently, in 2022, the town tax rate was lowered to \$1.02 per thousand and in 2023, the town tax rate was further lowered to \$1.00 per thousand.
- The Town does not impose restrictions on the types of agricultural operations allowed on farmland located within the different zoning districts. As a matter of fact, local land use regulations on farmland located within a State Certified/County Approval Agricultural Use District are further restricted by State Agricultural Districts Laws.
- The Town’s ongoing comprehensive planning program has a specific goal statement “. . . to foster continued agricultural viability and protect agricultural land resources.” This goal is further enhanced with implementation objectives which call for creating land use regulations which address the special needs of farmers, including a statement that farming takes precedence over other permitted land uses in established agricultural areas. The Town Board continues to encourage the Town Agricultural Advisory Committee to create a new zoning district that could be named Agricultural/Conservation District. Regulations that would need to be approved by State Ag & Markets, the County’s Agricultural Enhancement Board and the property owners in any affected area.
- The Town does not provide economic incentives to convert farmland to solar panels.
- The Town does not provide economic incentives to convert farmland to wind farms.

—*Ronald L. Brand, Farmington Director of Development and Planning*

5. REPORT ON THE STATUS OF AGRICULTURAL CONSERVATION (ZONING) DISTRICTS

Mr. Brand submitted sample codes from municipalities in New York State regarding Agricultural Conservation (Zoning) Districts which are intended to preserve farming and agricultural lands in those communities and to maintain open space and the quality of life.

A digital copy of the 29-page report was provided to Committee members and Town staff via email following the meeting.

(See PDF Attachment #2.)

6. DISCUSSION

Mr. Adams: Said that the Committee is required to submit an annual report to the Town Board. He noted that since he has been chairperson, he could not recall an annual report being submitted and asked for suggestions on the material which should be included in the report. Mr. Brand noted that preparing such an annual report would likely be done prior to the end of each budget year (on or before December 31st) and would necessitate staff time coordinating the report with the chairperson and the committee.

Mr. Brand: Asked if Town residency should remain as a requirement of membership on the Committee. He said that the Committee is an advisory group and that similar committees in other municipalities often have interested non-resident members serving on their boards or committees. Mr. Brand also asked if membership should be limited to Town residents, to Town property owners or both, and/or to those individuals who may be committed to agriculture.

Mr. Marvin: Said that some solar companies are now expressing interest in purchasing land for solar farms instead of leasing the land. He said that larger projects may receive State approval without Town approval. Mr. Brand said, though, that Town interests must be considered in the State's approval of solar farms.

Mr. Adams: Said that solar is a big issue and that future solar farm applications may again have to be considered by the Committee for a recommendation of support or opposition.

Mr. Brand: Said that the current charge to the Committee [from the Town Board resolution of 1995] is not strong enough to give the Committee the "teeth" that it needs to voice concerns [make recommendations] about transferring farmland to solar use. He said that amendments to Chapter 117 of the Town Code (the Right to Farm Law) may be required to achieve greater protection of agricultural resources. He also asked if the Committee members felt that Chapter 117 should be further amended.

Mr. Marvin: Said that New York State Purchase of Development Rights (PDR) grants do not provide landowners with the same level of financial support as solar farm leases. He described a recent contact which he has had with a solar company representative.

Mr. Brand: Said that New York amended the State Environmental Quality Review Act (SEQRA) in 2019 to facilitate more solar operations. He suggested that perhaps the State should also amend the PDR regulations by allowing land under a PDR to also continue to be eligible for the ag exemptions, which could encourage more PDR applications. Mr. Brand said that this is something that the Committee should think about and make its opinion known.

Mr. Brand: Said that the Committee has been asked by the Town Supervisor to review the development report prepared by him on whether rezoning actions have contributed to the unnecessary retirement of farmland for Incentive Zoning projects. A copy of this report

was distributed to the Committee members. Mr. Brand asked that they correct any errors or make any additional comments prior to their next meeting.

Mr. Adams: Asked how the Incentive Zoning report began. Mr. Brand reviewed his report (*see pp. 3–7, above*). He said that it was in response to public comment made during a Public Hearing on the Power Incentive Zoning Project. It involves a summary identifying why incentive rezonings have not gone into the areas of the Town where farming continues to be profitable. This attempt to imply that Incentive Zoning is contributing to the loss of farmland will only continue. He said that the Committee may want to consider having a more defined role regarding this.

Mr. Brand: Said that the Committee should meet more often than it has over the past year.

Mr. Marvin: Said that the Town plan over the years has been to keep the development in the southwest portion of the Town.

Mr. Adams: Said that he prefers to call meetings of the Committee when there is work for the Committee to do.

Mr. Maslyn: Said that the Committee needs to know the topics on which the Town Board would like its advice and recommendation. He said that the Town Board should request specific topics on which the Town Board would like the Committee's comments.

Mr. Brand: Said that the Town Board would like the Committee to review the Incentive Zoning report and to meet next month to confirm or amend the report.

Dr. Casale: Said that the Town cannot ban developments from coming. Mr. Putman asked about the initiatives which are available to the Town. Dr. Casale said that the Town works to keep development in the southwest portion in which infrastructure for development is located, and to protect the other areas of the Town where there is no sufficient infrastructure for development.

Mr. Adams: Said that there is always tension to preserve farmland without taking away property rights. He said that this has been done through the *Comprehensive Plan* by not adding infrastructure in certain areas of the Town. He also said the *Comprehensive Plan* has mostly worked but that it does not guarantee farm viability which is changing rapidly. Mr. Adams said that the next generation of farm operators does not see an economic opportunity [to continue farming]. He said that the Town does not have the vibrant agriculture as it had 40 years ago.

Mr. Adams: Said that the Town has to have a consensus for balancing farmland, open space and adding infrastructure.

Dr. Casale: Said that in the past the Town looked at every option [for the extension of public water service] which would have cost approximately \$300 a month to \$400 a

month for property owners. He said that these plans never moved forward due to the cost to the property owners and the State Comptroller's guidelines being exceeded.

Mr. Adams: Asked if we are worried about protecting land or about protecting farm viability.

Mr. Brand: Suggested that the Committee also consider amendments (additions or deletions) to the current Town Board charge to the Committee (Town Board Resolution #244-95 and Local Law #6 of 1995).

Mr. Brand: Also said that the Town Board is looking to the Committee for support or opposition to the creation of a town wide drainage district, and why.

Mr. Adams: Said that the topic of a town wide drainage district never got beyond the County level (Ontario County All Hazard Mitigation Plans) in the past. He said that rendering an opinion on a town wide drainage district is one thing, but he is not sure about it absent an outlet [for the drainage when it flows out of the Town and into the neighboring municipality].

Dr. Casale: Said that the County may now be open to something new. He said that the County is now considering an intermunicipal drainage study involving other municipalities within the natural drainage shed.

Mr. Brand: Said that for over the past 10 years, and part of the County's Hazard Mitigation Planning, the Town of Farmington has been identifying as a high priority the need to seek Federal funds to implement such a drainage study. He said that he has met with County Planning Staff starting last fall and was informed in January that the County had to put this on pause for a while.

Mr. Brand: Suggested that the Committee send a recommendation to the Town Board that the Committee is aware of the County's efforts on drainage and that the Committee supports this initiative. He also said that the Farmington *Farmland Protection Plan* identified approximately 3,000 acres of farmland, which if drained properly, would be classified as Prime and Unique Soils.

Mr. Marvin: Suggested that the Committee could then recommend that we again look into the creation of a town wide drainage district.

Mr. Brand: Said that this situation needs to be addressed as we do not want to lose the recent County support. Dr. Casale said that this is the first time that the County is considering seeking funding for this drainage study.

Mr. Brand: Said that the County has voiced concern about the impact of drainage within the divide areas and has mentioned existing drainage problems affecting the Village of Victor. He said that the County sees the importance of such a study and that it would

include Victor (town and village), the Town of Macedon, East Bloomfield, Bristol and the Town of Manchester.

Mr. Brand: Said that a major update of the Seneca Watershed has just been completed using FEMA funds, but that the update does not show constrictions to surface water flows. He said that this is one of the things for the Committee to support and to bring their support to the attention of the Town Board and the County's Agricultural Enhancement Board.

Mr. Marvin: Said that the Committee should consider a motion to recommend to the Town Board that the Committee supports the County drainage study and to prepare a recommendation to the Town Board that the Committee is in support of improving the drainage in the Town.

■ **CONSENSUS:** Following discussion, it was the consensus of the Committee to direct Mr. Adams and Mr. Brand to draft a letter to the Town Board in support of the County drainage study and in support of improving drainage within the Town.

Mr. Brand: Reported that the Planning Board, in March, will consider a site plan application for construction of a new house on a recently subdivided parcel of farmland land (to be on private water and private on-site wastewater treatment) located along New Michigan Road. He said that such development is reflective of the Committee's previous concerns years ago with the Popenhusen Estates Subdivision (approximately 165 acres of Prime and Unique farmland soils into 13 building lots). Today, the majority of this once active farmland remains dormant. Mr. Brand reminded the Committee back then, and again now, that the Town does not have regulations on how to subdivide such land differently so as to protect the viability of continued farming operations, and that this application is yet another example of putting new homes on such large lots.

7. NEXT STEPS

Mr. Adams and Mr. Brand will draft a letter to the Town Board in support of the County drainage study and in support of improving drainage in the Town. Mr. Brand said that a draft of the letter will be distributed to the Committee members via email for review prior to the next Town Board meeting on February 28, 2023.

The Committee members are to review the Incentive Zoning report and provide any feedback to the Chairperson prior to their next meeting on March 16, 2023.

Mr. Adams reviewed several names he had thought about for prospective new members to the Committee. Mr. Marvin suggested that younger individuals be considered for membership. Mr. Brand suggested that the search for new members should not be limited to established farm families. There was general consensus to this indicated by the Committee.

8. NEXT MEETING

The next meeting of the Agricultural Advisory Committee is scheduled for Thursday, March 16, 2022, at 6:30 p.m. at the Farmington Town Hall, 1000 County Road 8.

9. ADJOURNMENT

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

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

Respectfully submitted,

John M. Robortella L.S.

**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

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

Doug Payne

Reappointed January 4, 2022

Term expires December 31, 2026

Royal Purdy

Reappointed January 10, 2023

Term expires December 31, 2027

Michael Putman

Appointed March 26, 2019

Term expires December 31, 2023

Vacant position

Term expires December 31, 2024

Vacant position of Don Jones—resigned; moved out of state.

Reappointed January 4, 2022

Term expires December 31, 2026

E-mail Distribution:

Adams, Hal
Gerlock, Meghan (interested citizen)
Lepel, Denis
Marvin, John
Maslyn, Peter
Payne, Doug
Purdy, Royal
Putman, Michael
Bowerman, Nate
Brand, Ron
Casale, Michael
Delpriore, Dan
Gordner, August
Finley, Michelle
Herendeen, Ron
Ingalsbe, Peter
Holtz, Steven
Mitchell, Sarah
Pritchard, Seth (Canandaigua landowner)
Weidenborner, John
Wright, Lorna, Genesee Land Trust