

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURE ADVISORY COMMITTEE
Thursday, January 17, 2019 • 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 the actions taken at the Town of Farmington Agriculture Advisory Committee meeting.

Committee Members Present: Henry Adams, *Chairperson*
Don Jones
John Marvin
Peter Maslyn

Committee Members Absent: Robert Gerlock
Denis Lepel
Doug Payne
Royal Purdy

Town Officials and Staff Present:
Ronald L. Brand, Farmington Director of Development and Planning
Dr. Michael Casale, Farmington Town Board Member
David Degear, Town of Farmington Water and Sewer Superintendent

Town Board Appointment to the Agriculture Advisory Committee:
At the Organizational Meeting on January 2, 2019, the Farmington Town Board reappointed Henry Adams III to serve as Agriculture Advisory Committee Chairperson for a one-year term to expire on December 31, 2019.

Mr. Adams took his place as Chairperson of the Agriculture Advisory Committee.

Agriculture Advisory Committee Members and Terms of Office:

Robert Gerlock	Term expires December 31, 2019
John Marvin	Term expires December 31, 2020
Henry Adams	Term expires December 31, 2021
Don Jones	Term expires December 31, 2021
Denis Lepel	Term expires December 31, 2021
Peter Maslyn	Term expires December 31, 2021
Doug Payne	Term expires December 31, 2021
Royal Purdy	Term expires December 31, 2022

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 December 21, 2018. The meeting clerk notified the Committee members, Town staff, and the Canandaigua *Daily Messenger* newspaper on December 21, 2018, with a reminder on January 10, 2019. The *Daily Messenger* published the notice of the meeting on January 14, 2019.

2. PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM

Mr. Adams: Continued the discussion of a Purchase of Development Rights (PDR) Program for the Town of Farmington.

Mr. Adams: Discussed a summary of grants awarded by the New York State Department of Agriculture and Markets on December 20, 2018. Nearly \$8.5 million was provided in support of conservation easement projects throughout New York State. The Genesee Valley Conservancy projects received \$1.2 million. The New York Agricultural Land Trust projects received \$2 million.

Mr. Brand: The following information on Farmland Protection Implementation Grants (FPIG) has been provided by David H. Behm, Manager, Farmland Protection Program, New York State Department of Agriculture and Markets, Division of Land and Water Resources:

Round 16: FPIG-RFA (Dairy Transitions Farmland Protection Initiative)

Grants to eligible applicants for perpetual conservation easement on viable agricultural land.

Round 15: FPIG-RFA (Option Agreement Projects)

Grants to eligible entities to acquire an Option Agreement, which would ultimately lead to the acquisition of a perpetual conservation easement on viable agricultural land.

Round 15-B FPIG-RFA (Transaction Costs for Donated Agricultural Conservation Easements)

Grants to eligible entities to cover up to \$50,000 of transaction costs associated with the donation of a perpetual conservation easement on viable agricultural land.

More information is on the Department of Agriculture and Markets website. Select the “Farmland Protection Implementation Grants” header. Request for Applications documents and a webinar presentation for each grant are on the web:

www.agriculture.ny.gov/RFPS.html

From Mr. Behm: After you have reviewed the information available, I'd be happy to have a teleconference next month with you and your Agriculture Advisory Committee to answer your questions or to discuss your potential projects. If interested, please reply to request the scheduling of a teleconference

Mr. Brand: Distributed an eight-page document on "Questions and Answers: Round 16 Farmland Protection Implementation Grants Request for Proposals." (See PDF file Attachment #1 to these minutes.)

Mr. Brand: Distributed a hard copy of the "Grants Gateway" home page from the New York Grants Gateway website. The Grant Opportunity Portal is online and available to the public. It provides a one-stop location for those interested in seeking grant funding opportunities with State agencies. (See PDF file Attachment #2).

Mr. Brand: Distributed the "Current Funding Opportunities" section from the New York State Department of Agriculture and Markets website. (See PDF file Attachment #3 to these minutes.)

Mr. Adams: Discussed the high risk of development pressure in the Town of Farmington which could be a positive factor for the approval of State farmland protection grant applications in the Town.

Mr. Marvin: Said that solar farm pressure could also be a positive factor for farmland protection grant approvals and that the Town is ready for the PDR program.

Mr. Adams: Said that the basic steps in submitting a State application are:

- Application Form
- Land Appraisal
- Buy-in from the Town Board
- Community Support

3. DELAWARE RIVER SOLAR 7MW AC COMMUNITY SOLAR FACILITY

Mr. Adams: Discussed the citizens' comments, and their interpretations of the Committee's consensus statement, which have been made at the public hearings on the Delaware River Solar application proposed for the farm of Roger and Carol Smith on Yellow Mills Road. For reference, the Committee's consensus statement is as follows:

**Consensus of the Farmington Agriculture Advisory Committee
Delaware River Solar 7MW AC Community Solar Facility
466 Yellow Mills Road**

It is the consensus of the Farmington Agriculture Advisory Committee that the Committee understands the benefits of solar-generated electricity, that the Committee understands the long-standing concept of the property

rights of landowners, and that the Committee supports the general intent of solar installations of 2MW or less. Following discussion and consideration of the Delaware River Solar application at a public meeting held on October 18, 2018, the Committee does not support the magnitude and impact that an installation of this size would have upon the neighboring open space and agricultural lands. Every effort should be made to ensure that the productive capacity of this land is not permanently lost with careful consideration given to minimally disruptive construction techniques; monitoring of safety, groundwater and environmental issues; and adequate funding set aside for eventual decommissioning.

—Farmington Agriculture Advisory Committee
October 18, 2018

Mr. Brand: Discussed the status of the solar application. He said that the Planning Board has continued the Public Hearing to April 17, 2019, to allow time for receipt of a Notice of Intent (NOI) from the New York State Commissioner of Agriculture and Markets. Mr. Brand said that the purpose of the NOI is to provide an opportunity for the Commissioner to weigh in on a project which involves the use of public funds and land located within a County Agricultural District. The NOI reports generally will evaluate the impact of the project upon the farm site on Yellow Mills Road and upon the balance of the farms in the Agricultural District and the Town.

Mr. Brand: Said that the applicant (Delaware River Solar) is seeking funding from the New York State Energy Research Development Agency (NYSERDA) and that as of the Planning Board meeting on January 16, 2019, NYSERDA had not yet submitted the NOI request to the Department of Agriculture and Markets.

Mr. Brand: Said that the NOI is a valuable tool which the Planning Board has requested, as the designated Lead Agency under the State Environmental Quality Review regulations, prior to making the State Environmental Quality Review determination on the project. He explained the process and noted that the Department of Agriculture and Markets has indicated that it could take approximately 2½ months for completion of the NOI after it has received the request from NYSERDA.

Mr. Brand: Said that the applicant's attorney has argued that the applicant cannot apply for NYSERDA funding until the Planning Board approves the Special Use Permit for the project. This appears to be contrary to the procedures and regulations contained in the State's SEQR Regulations.

Mr. Brand: Said that the Town Attorney and the applicant's attorney have provided written opinions on the "feasible alternative" provision of the Town's Solar Law. Both opinions have been posted on the Town website for public review.

Mr. Brand: Said that a solar application which had been proposed for a location on State Route 96 near Payne Road has been withdrawn. He said that the applicant did not wish to pursue a zoning variance application.

Mr. Brand: Said that the Yellow Mills Road project is limited to 7MW because this is the maximum amount of electricity which the nearest RG&E substation can handle at this time.

Mr. Adams: Said that farm owners are often of the opinion that solar installations are less intensive on the land than houses and subdivisions.

Mr. Brand: Distributed the draft Notice of Intent which has been prepared by the applicant for submission to the Department of Agriculture and Markets. (See PDF file Attachment #4 to these minutes.)

4. PROPOSED AGRICULTURE CONSERVATION DISTRICT

Mr. Brand: Distributed an initial draft of Town Code §165-18.0, “Agriculture Conservation District,” the purpose of which is to provide regulations that are intended to sustain and to promote the sound agricultural practices on land located within the identified Active Farmland—Strategic Farmland Map, Appendix X—Map No. 8, a part of the adopted Town of Farmington Farmland Protection Plan. (See PDF file Attachment #5 to these minutes.)

Mr. Brand: Said that the proposed Agriculture Conservation District is based on recommended actions in the Farmland Protection Plan and would identify Permitted Uses, Accessory Uses and Special Permitted Uses, such as farm repair businesses or other business operations within the proposed district.

Mr. Brand: Requested that Committee members review the draft for further discussion at subsequent meetings.

5. NEXT MEETING, SUBSEQUENT MEETINGS and ADJOURNMENT

The next meeting of the Farmington Agriculture Advisory Committee will be held on **Thursday, February 21, 2019, at 6:30 p.m.** at the Farmington Town Hall, 1000 County Road 8.

Subsequent meetings will be held on:

Thursday, March 21, 2019
Thursday, April 18, 2019
Thursday, May 16, 2019
Thursday, June 20, 2019

Thursday, July 18, 2019
Thursday, August 15, 2019
Thursday, September 19, 2019
Thursday, October 17, 2019
Thursday, November 21, 2019
Thursday, December 19, 2019

The meeting was adjourned at 7:45 p.m.

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

Respectfully submitted,

John M. Robortella L.S.

PDF File Attachments:

- Attachment #1: Questions and Answers: Round 16 Farmland Protection Implementation Grants.
- Attachment #2: New York State Grants Gateway website home page.
- Attachment #3: NYS Department of Agriculture and Markets Current Funding Opportunities web pages.
- Attachment #4: Draft Notice of Intent, re: Delaware River Solar application, Yellow Mills Road
- Attachment #5: Draft Town of Farmington Code §165-18.0, “Agricultural Conservation District”

Agriculture Advisory Committee Board Members:

Hal Adams, *Chairperson* (January 1, 2019 to December 31, 2019)

Term expires December 31, 2021

Robert Gerlock

Term expires December 31, 2019

Don Jones

Term expires December 31, 2021

Denis Lepel

Term expires December 31, 2021

Peter Maslyn

Term expires December 31, 2021

John Marvin

Term expires December 31, 2020

Doug Payne

Term expires December 31, 2021

Royal Purdy

Appointed January 3, 2018

Term expires December 31, 2022

E-mail Distribution:

Henry (Hal) Adams
Meghan Gerlock
Robert Gerlock (via mail, 1702 County Road 28, Shortsville, N.Y. 14548)
Donald Jones
Lepel, Denis
John Marvin
Peter Maslyn
Doug Payne
Royal Purdy
Bowerman, Nate
Brand, Ron
Casale, Michael
Degear, David
Delpriore, Dan
Finley, Michelle
Herendeen, Ron
Ingalsbe, Peter
Holtz, Steven
Kincaid, Jamie
Seth Pritchard (Canandaigua landowner)