

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURAL ADVISORY COMMITTEE
Thursday, July 23, 2020 • 7:00 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.

In response to the conditions in New York State that were created by the Coronavirus (COVID-19) pandemic and the directives issued by the New York State Governor, the Ontario County Administrator and the Town of Farmington Supervisor, the Comprehensive Plan Committee meeting this evening was held in accordance with New York State Governor Andrew M. Cuomo's Executive Order No. 202.1: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 12, 2020, subsection as follows:

Suspension of law allowing the attendance of meetings telephonically or other similar service:

Article 7 of the Public Officers Law, to the extent necessary to permit an public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

The meeting was conducted via telephone/video conference audio format. During the meeting, the agenda was posted upon the video screen for the public and the board members who were participating in the meeting via video format.

The Public Notice was given by the clerk to Committee members, Town staff and the news media (Canandaigua *Daily Messenger* newspaper) on July 16, 2020. Notice of the format of the meeting, the agenda, the dial-in telephone number and the conference call identification number were provided to the Committee members, the Town staff and the news media on July 16, 2020, and were posted upon the Town website and upon the Town Hall entrance door on that date.

Committee Members Present: Henry Adams, *Chairperson*
via audio/visual conference: Don Jones
 Denis Lepel
 John Marvin
 Peter Maslyn
 Royal Purdy
 Michael Putman
 One Vacant Position

Committee Member Excused: Doug Payne

Town Representatives Present via audio/visual conference:
 Lance Brabant, CPESC, MRB Group, D.P.C.
 Ronald L. Brand, Town of Farmington Director of Development and Planning

1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION

Mr. Adams called the meeting to order at 7:00 p.m.

The Town Clerk was notified of the meeting on July 16, 2020. The meeting clerk notified the Committee members, Town staff, and the Canandaigua *Daily Messenger* newspaper on July 16, 2020, with a reminder on July 23, 2020.

2. EIGHTH-YEAR REVIEW AND RENEWAL OF ONTARIO COUNTY AGRICULTURAL USE DISTRICT #1

Mr. Brand: Said that Ontario County is currently in the 45-day period for public review of the renewal of Agricultural Use District #1 and the intent to consolidate Ontario County Agricultural Use Districts #1, #6, #8 and #9. The public review period ends on August 15, 2020.

Mr. Brand: Said that as part of the public review period, a municipality may propose to the Ontario County Board of Supervisors a modification to an Agricultural District. Lands within an Agricultural District may only be removed from a District during the eight-year review and removal process. (Removal involves a different process than provided for annually when lands may be added to an established Agricultural Use District.)

Mr. Adams: Said that this evening's meeting has been called at the request of the Farmington Town Board to determine the Committee's advice and possible recommendations on the removal of developed Town-owned lands from the Ontario County Agricultural Use District #1, and whether to recommend that consideration be given by the Ontario County Board of Supervisors for the removal of other privately-owned properties from the Agricultural District.

Mr. Brand: Reviewed the eight developed Town-owned properties within the Agricultural District:

1. Tax Map Account 29.12-2-500.200
10.7 acres
South side of Collett Road
Part of the Town-owned Hickory Rise Conservation District
2. Tax Map Account 29.12-2-500.400
3.2 acres
South side of Collett Road
Part of the Town-owned Hickory Rise Conservation District
3. Tax Map Account 29.12-2-501.000
3.23 acres
South side of Collett Road
Part of the Town-owned Hickory Rise Conservation District
4. Tax Map Account 29.12-2-502.000
1.38 acres
East side of Hook Road
Part of the Town-owned Hickory Rise Conservation District
5. Tax Map Account 17.00-2-15.210
44.4 acres
East side of Hook Road
Town Highway Campus and Town Court Site
6. Tax Map Account 30.00-1-1.300
4.3 acres
North side of Collett Road West
Town Parks Department Site
7. Tax Map Account 30.00-1-1.200
15.3 acres
North side of Collett Road West
Farmington Town Park Site
8. Tax Map Account 41.00-1-44.000
0.15 acres
South side of County Road 41
Hathaway's Corner Cemetery Site

An Agricultural District map of the Town of Farmington was distributed to Committee members and Town staff prior to the meeting, and was displayed on the video screen.

Mr. Brand: Said that the map delineates the eight developed Town-owned properties that are no longer in active agriculture use. These properties are delineated on the map with a checkmark inside a circle. The privately-owned properties that are either currently developed, in the process of development or are no longer in agriculture use are delineated on the map with a checkmark.

Mr. Brand: Said that a number of the delineated privately-owned properties on the map are no longer in agricultural use and have been developed. These include portions of established subdivisions (Auburn Meadows), subdivided single-family home lots such as those shown along the east side of New Michigan Road, and residential and commercial properties (such as the Hathaway's Corners Incentive Zoning Project now under construction on the southwest corner of State Route 332 and County Road 41). Mr. Brand said that Mark Stevens (of the S. B. Ashley Company, the owner of the Hathaway's Corners property) has informed him that he has requested that the County remove this property from the Agricultural District.

Mr. Brand: Said that Peter Psyllos (the owner of property on the northeast corner of State Route 332 and Canandaigua–Farmington Town Line Road) is also expected to request that the County remove this property from the Agricultural District. Mr. Brand said that the property is for sale and is not used for agriculture.

Mr. Brand: Reviewed a number of the privately-owned parcels on the map that are developed but that are still included in the Agricultural District, such as the Phillips Landing Subdivision Tract. There are other portions of land that once were part of the Bowerman farm but now have single-family homes. There are also a number of other lots on Allen Padgham Road near the Wayne County line, and subdivided lots in the Hamlet of Pumpkin Hook.

Mr. Brand: Said that Maria Rudzinski, Senior Planner in the Ontario County Planning Department—who serves as the County staff representative to the Ontario County Agricultural Enhancement Board—has prepared materials that have been sent to private landowners notifying them of this opportunity for removing their properties from the Agricultural District. However, Mr. Brand said that he has no way of knowing if all of these private property owners [in the Town of Farmington] have been notified.

Mr. Putman: Requested clarification of the delineated properties on the Farmington map. Mr. Brand explained that the checked properties are privately owned lands and that the checked circled properties are the eight developed Town-owned lands.

■ A motion was made by MR. PURDY, and seconded by MR. JONES, that the Farmington Agricultural Advisory Committee recommends that the Town Board requests that the Ontario County Board of Supervisors remove the eight identified developed Town-owned properties from the Ontario County Agricultural Use District #1 (*see* p. 3, above).

Motion carried by a unanimous voice vote.

■ A second motion was made by MR. MARVIN, and seconded by MR. PUTMAN, that the Farmington Agricultural Advisory Committee recommends that the Town Board requests that the Ontario County Board of Supervisors determine if the owners of the identified privately-owned developed properties shown on the display map, and the owners of the identified privately-owned undeveloped properties that are not used for active agricultural purposes, have been contacted to offer them the opportunity to remove their properties from the Ontario County Agricultural Use District #1 during the current renewal period.

Mr. Putman: Asked if the removal of this acreage of land from the Agricultural District would affect agricultural programs that may be based upon the total agricultural acreage in a municipality.

Mr. Brand: Said that the removal of the identified parcels from the District would not affect existing agricultural program and that there would still be well in excess of 250 minimum acres of agricultural lands needed to establish a District. He said that it serves no purpose to keep land in the District if it is not being used for, or in support of agricultural purposes.

Motion carried unanimously by voice vote.

3. DISCUSSION

Mr. Marvin: Asked about the status of the Delaware River Solar project on Yellow Mills Road.

Mr. Brand: Reported that a group of concerned citizens filed an Article 78 proceeding in New York State Supreme Court regarding the Planning Board's State Environmental Quality Review (SEQR) determination of non-significance. He said that the court dismissed the case. The judge ruled that the Planning Board's environmental determination did not commit the Town to an action of approval to build or construct anything, and that the Planning Board's action was a procedural requirement of the application process. Mr. Brand said that he anticipates that there will be another Article 78 filing against the Town by the concerned citizens once Planning Board decisions are made.

Mr. Brand: Said that the Planning Board will reconvene the Public Hearing on the applicant's Special Use Permit on Wednesday, August 5, 2020. He said that the Planning Board is considering a 45-page draft Special Use Permit approval resolution, that Delaware River Solar has submitted responses to the draft resolution and that the attorney for the citizens has submitted correspondence to the Planning Board requesting the denial of the Special Use Permit.

Mr. Marvin: Said that several landowners have been contacted recently regarding solar installations on their properties. He said that he expects that additional landowners will continue to be contacted by solar companies.

Mr. Brand: Said that Robert Somers, Manager at the New York State Department of Agriculture and Markets, referred representatives of the Town of Cazenovia (Madison County, N.Y.) to Farmington because of Farmington's regulations for the protection of agricultural resources and this solar application. Mr. Brand said that the Cazenovia Town Attorney reviewed the regulations and was in support of recommending changes to the Town of Cazenovia.

Mr. Adams: Asked if it would be possible to zone down the solar project. Mr. Brand said that such an action would be considered by the courts to be exclusionary zoning, which courts have held to be illegal. He said that the Town has, in the past, dealt with other issues such as cell towers, outdoor wood burning boilers and wind generation, and that the New York State Governor is working to advance solar in the State, and that newly enacted State regulations are reducing every opportunity that local governments have to regulate this type of land use.

Mr. Adams: On another on-going program, said that he has requested an update from Lorna Wright of the Genesee Land Trust on the status of the Purchase of Development Rights (PDR) application from a Farmington landowner. He said that he will provide an update when it is received.

Mr. Brand: Said that he is beginning to hear from others that the pandemic may affect this year's round of State funding programs and that current applications may be held over until 2021. He said that he has not heard anything about the PDR program grants.

4. ADJOURNMENT

■ A motion was made by MR. JONES, seconded by MR. PUTMAN, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

John M. Robortella L.S.

Agriculture Advisory Committee Board Members:

Hal Adams, *Chairperson* (January 1, 2020 to December 31, 2020)

Term expires December 31, 2021

John Marvin

Term expires December 31, 2020

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

Appointed January 3, 2018

Term expires December 31, 2022

Michael Putman

Appointed March 26, 2019

Term expires December 31, 2023.

Vacant Position

The term of Robert Gerlock expired on December 31, 2019

E-mail Distribution:

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