

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURAL ADVISORY COMMITTEE
Thursday, March 16, 2023 • 6:30 p.m.

MINUTES—FILED WITH TOWN CLERK

The following minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Farmington Agricultural Advisory Committee. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions.

Committee Members Present: Henry Adams, *Chairperson*
John Marvin
Michael Putman
Two Vacant Positions

Board Members Excused: Denis Lepel
Peter Maslyn
Doug Payne
Royal Purdy

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

Guests:
Charles Bowe
Billy and Ashley Boyce
Chris Godly
Ron Mitchell

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 16, 2023. The meeting clerk notified the Committee members, Town staff and the Canandaigua *Daily Messenger* newspaper on February 16, 2023, with a reminder on March 9, 2023.

The meeting date and time were posted upon the Town website on February 16, 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 and on the newspaper website beginning on February 24, 2023, and has remained posted.

Mr. Adams welcomed Charles Bowe, Billy and Ashley Boyce, Ron Mitchell and Chris Godly who attended the meeting this evening.

2. CONTINUATION ON DISCUSSION OF INCENTIVE ZONING PROJECTS ON THE LOSS OF FARMLAND

The committee and the Town staff continued the discussion of Mr. Brand’s report on the impacts of Incentive Zoning projects on active farmlands and local farm operations in the Town. The discussion began at the previous meeting (*see* minutes of the Farmington Agricultural Advisory Committee, February 16, 2023, on the Town website for the complete text of Mr. Brand’s report and the committee’s previous discussion).

Hard copies of the report were available at the meeting for committee members and guests.

Mr. Brand: Said that Supervisor Ingalsbe would like to receive comments on this report from the members of the Committee prior to the consideration of the report by the Town Board.

Mr. Brand: Provided an overview of Incentive Zoning for this evening’s guests, the purpose of which is to provide opportunities for municipalities to benefit from oversized improvements which would benefit the entire community and not only the subject parcel of land. Mr. Brand said that these improvements (called amenities) have provided value in the millions of dollars to the Town which would otherwise have been borne by Town taxpayers. These amenities have included oversize sanitary sewer and water lines, roads, sidewalks, parkland and the Auburn Trail.

Mr. Brand: Reviewed the location of the “community center” area of the Town on the Comprehensive Plan map which was displayed in the meeting room. He said that State law [Public Infrastructure Policy Act] requires that municipalities must establish a defined “community center” in order to receive State funds for projects from State agencies within this center area. He said that the southwest portion of the Town is the focus area for continued growth and development.

Mr. Brand: Said that the Town does not provide economic incentives for solar farms or wind farms, and that land uses are further regulated by the New York State Department of Agriculture and Markets for those lands located within the established County agricultural use district.

Mr. Brand: Said that he has reviewed a great deal of research on agricultural land use controls, copies of which he has provided to the members of this committee. He said that ultimately the Town must determine what is in the best interests of not only farmers, but farmland owners [regarding the establishment of an Agricultural Conservation District]. He noted that this topic is not going to be settled quickly and will continue to evolve over time.

Mr. Adams: Requested that the dates in a section of Mr. Brand's report on the impacts of Incentive Zoning on farmland refer to the creation of a town-wide drainage district and which he feels need to be clarified. This section of Mr. Brand's report of February 16, 2023, is as follows:

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).

Mr. Adams: Said that the creation of a town-wide drainage district is contingent upon the completion of an intermunicipal drainage study by Ontario County. At the February meeting of the Committee, Mr. Brand said that over the past 10 years, and as part of two of the County's Hazard Mitigation Plans, the Town of Farmington has identified a high priority action involving the need to seek Federal funds to implement such a drainage study. Following the February meeting, Mr. Adams, on behalf of the Committee, sent a letter to the Town Board in support of the County's implementation of The Ganargua (Mud) Creek, Beaver Creek and Black Brook Creek Inter-Municipal Drainage Report. Copies of the letter were also sent to the Ontario County Agricultural Enhancement Board and the Ontario County Director of Planning.

■ **CONSENSUS:** Following discussion, it was the consensus of the Committee that Mr. Brand's report on the impacts of Incentive Zoning projects on active farmlands and local farm operations in the Town be referred to the Town Board with the updated section on the dates of the town-wide drainage district (as printed above).

3. **AGRICULTURAL CONSERVATION DISTRICT REGULATIONS**

Mr. Adams: Said that there is overlap of the discussions about the creation of an Agricultural Conservation District and the Right to Farm Law which must be resolved. He said that the Town Agricultural Advisory Committee was formed in 1995 and that the Right to Farm Law was adopted in 1996.

Mr. Adams: Discussed the Agricultural Advisory Committee's only identified role in the Right to Farm Law which involves "Nuisance Disputes." He said that in memory the

Committee's involvement in the resolution of disputes has never occurred, but that it seems to have been determined to be an important function when the Committee was established in 1995.

Mr. Brand: Said that the Committee members, over the years, have come to recognize that there is more to serving on the Committee than waiting for nuisance complaints to arise. He then referenced the examples provided of several municipal codes that identify the duties and responsibilities of their agricultural advisory committees.

Mr. Adams: Said that the interest for having research on the possible establishment of an Agricultural Conservation District was initiated in the Town's Farmland Protection Plan (adopted in 2016) and in Supervisor Ingalsbe's email of November 2, 2022, to Mr. Adams regarding the Supervisor's 2023 expectations for the Agricultural Advisory Committee.

Mr. Brand: Confirmed that the Town's 2016 Farmland Protection Plan includes a recommendation for the evaluation of an Agricultural Conservation District [evaluation of alternative land use regulations to promote long-term solutions] which is driving the next topic of discussion on tonight's agenda. He said that this recommendation needs to be addressed to help determine the appropriate regulations to support and promote the continuation of farming in the Town.

Mr. Brand: Discussed the amendment to the Town's Solar Law which requires that a Conservation Easement on another parcel of land be provided for the period of time in which a solar farm would exist on a parcel of strategic farmland. He said that a number of municipalities are following Farmington's lead on this point. He requested that the Committee stop and think on what it takes to have good active soils taken out of production. He said that he cannot preach enough on this, and that we must be aware of this at both the Town and the State levels.

Mr. Adams: Said that an element of an Agricultural Conservation District may be more permissive of some practices than current zoning, but that it could be more restrictive on other forms of development.

Mr. Brand: Said that this [the creation of an Agricultural Conservation District] is a balancing act. He said that he is trying to provide the Committee with what may be considered to protect farming operations right now.

Mr. Brand: Said that there has been a great deal of interest to move things [future development] north of the New York State Thruway, but that there is only so much space remaining to run sanitary sewer lines under the Thruway.

Mr. Adams: Said that the Committee needs to identify and evaluate what specific elements of an Agricultural Conservation District would include to achieve its purpose and intent.

Mr. Adams: Asked about the steps which would be required for the adoption of an Agricultural Conservation District. Mr. Brand explained that the Committee would draft a local law to identify the purpose and the intent of the regulations, along with dimensional criteria and a proposed district map. Mr. Adams said that writing the details will be difficult. Mr. Brand agreed, saying that if it was easy, it would have already been done. He said that the Committee members must identify what concerns them with sustaining agricultural operations here in Farmington. He said that we, as a Committee, will need to discuss these and then determine what regulations the Town can provide to better control the issues. He said that there are expected to be a number of different scenarios that the Town could consider, and that a sliding scale is perhaps one of them.

Dr. Casale: Said that the draft regulations would be referred to the Town Board and that a Public Hearing would be conducted. He said that many times, in the past, there has been little participation by the residents at Public Hearings.

Mr. Adams: Said that there may be [public] push-back if an environmental overlay district [were to be proposed]. He said that when an environmental overlay district was proposed in the past, there was public push-back and the proposal failed.

Mr. Brand: Said that, to date, there has been no discussion about environmental protection overlay districts by the Committee. He said if the Committee completes a draft Agricultural Conservation District proposal, the draft would be introduced to the Town Board for consideration. If the Town Board decides to consider it, the draft would then be referred to the Ontario County Planning Board and the Ontario County Agricultural Enhancement Board. Public Hearings would then be held, including a complete environmental review which would study the implications of adversely affecting the land and farming operations. The State Department of Agriculture and Markets would also become involved to determine if the regulations under consideration do not conflict with provisions contained in the State's Agricultural District Laws. Mr. Brand said that this formal review and approval process would be a lengthy and complex process.

Mr. Adams: Asked if a public referendum would be held. Dr. Casale said no. He said that the public comments would come during the Public Hearings.

4. AMENDMENTS TO CHAPTER 117 OF THE TOWN CODE

Mr. Brand: Getting back to the earlier discussion on the Town's Right to Farm Law, said that "Nuisance Disputes" are the only identified role for the Agricultural Advisory Committee in the Town's current Right to Farm Law (Chapter 117 of the Town Code).

Mr. Adams: Said that this is a legal issue but that it appeared to him that the intent [of this role] was to provide some mediation before [the parties] sought legal action [to resolve an agricultural dispute].

Mr. Brand: Distributed examples to Committee members and guests (digital and hard copies) regarding the role of the Farmington Agricultural Advisory Committee and the roles of advisory committees in other municipalities. These included:

Agricultural Advisory Committee, Town of Lima, N.Y.
Agricultural Advisory Committee, Town of Eden, N.Y.
Right to Farm Law, Town of Saratoga, N.Y.
Agricultural Advisory Committee Rules of Procedure, Canandaigua, N.Y.

Mr. Brand: Asked the members of the Committee to continue their review of these examples and to provide comments to the chairperson not later than next Friday, March 24th. Those comments would help him draft an amendment to the provisions currently in Chapter 117.

Mr. Adams: Said there are more people who own farmland but who do not farm their own land as agriculture evolves in Farmington. He said that part-time farmers are a trend in Farmington.

Mr. Adams: Cited the following statistics from a United States Department of Agriculture 2022 survey:

Slightly over 2 million farms in the United States, down 3 percent from 2015.
51 percent of the 2 million farms had sales of \$10,000 or less.
81 percent of the 2 millions had sales of less than \$100,000.

Mr. Adams: Said that the statistics suggest that many farmers are relying on outside income. He said that this is what is going on nationally and that he believes that this is also what is happening in Farmington.

Mr. Marvin: Said that approximately 70 percent of Amish farmers have sold their dairy herds and have gone into other types of businesses. He said that solar farms and wind farms are also being considered by landowners [to increase their incomes].

Mr. Marvin: Said that several local landowners have been approached by solar companies. He asked if we can keep the solar farms where we want them and that we need to think about where we want these [solar] farms.

Dr. Casale: Said that with the conflict with China, and with other industrial issues, it is not going to be easy for the Federal government to turn all the farmland into [solar or wind] energy.

Mr. Adams: Said that there is now a trend for solar companies to own the land, instead of leasing the land.

Mr. Marvin: Said that we have to steer them [solar companies].

Mr. Adams: Said that the Town has not had any new solar farm applications since the Farmington solar regulations were revised to require an accompanying Conservation Easement of similar land size to a solar farm [on another parcel of land].

Dr. Casale: Said that this also has to do with the [electric grid]. Mr. Adams said that we do not have huge agricultural fields in Farmington. He said the bigger the projects, the less we have to say about it.

Mr. Brand: Said that the State has adopted legislation [Large Scale Solar Projects generating 25 megawatts or more] being removed from local control and recent SEQR amendments classifying solar operations as being Type II Actions (no identified environmental impact). The State's Solar Siting Board has removed local regulations for citing large-scale solar farms.

Mr. Brand: Again requested that Committee members provide their thoughts on the other municipal agricultural advisory committee roles and responsibilities to Mr. Adams by next week.

Mr. Adams: Said that the role of the Agricultural Advisory Committee and the Right to Farm Law must be discussed as two separate topics. He said that the Right to Farm Law is a code [law] and the Agricultural Advisory Committee is a body of interested people with opinions. He said that in his mind these are two separate discussions.

Mr. Brand: Said that in some other municipalities he finds that their agricultural advisory committees have a role in reviewing and recommending Town Board referrals and Planning Board applications. He said that there are also other committees that are just doing these reviews and reports on their own, and that there may not any defined role in their municipality's code.

Mr. Adams: Said that the Agricultural Advisory Committee is advisory only. He said that we can opine, which is a healthy thing to do, but all the Committee can do is to express an opinion [as the Committee did with the recent Delaware River Solar application]. Mr. Adams said that the Committee must be careful in the opinions which it renders.

Mr. Putman: Said that the Committee's opinions must be on solid ground regarding legal and planning laws and regulations.

Mr. Adams: Said that this Committee can "nudge" things. Dr. Casale said that this is what the Committee is for. He said that we [the Town Board] depend upon what comes out of a Committee like this.

Mr. Adams: Said that renewable energy is not a threat to all farming, and especially to large farm operations of several thousand acres in which 300 acres or 400 acres could be set aside for a solar project with little total acreage loss of farmland. Such practice helps sustain income for the ongoing farming operation.

5. PURCHASE OF DEVELOPMENT RIGHTS

Mr. Adams: Said that the Genesee Land Trust conducted a regional public meeting at the Farmington Town Hall in October 2022 which was attended by about 20 people to discuss the State Purchase of Development Rights (PDR) grant program.

Mr. Brand: Said that he had asked this topic be placed on the meeting agenda as he had not heard of any interest being expressed on new applications.

Mr. Marvin: Said that he understands that placing land in an easement for 99 years no longer is as attractive as it once was. Now, farmers are realizing a better return from solar operators than from the State.

Mr. Putman: Said that a solar farm must be located near a connection to the electric grid. Mr. Adams said that this is part of the siting process, for sure.

Mr. Adams: Said that not every landowner will receive an offer from a solar company. But he said that unfortunately some of the right sites [for a solar farm] are on farmland.

Mr. Brand: Said that previously solar farms were controversial and required extended review and approvals under the State Environmental Quality Review Act (SEQRA). He said that they are now reclassified by the State, under SEQRA, as Type II Actions which do not require any further evaluation, per State law.

Mr. Brand: Suggested that perhaps the Committee may wish to invite a representative from the Ontario County Planning Department or from the Ontario County Agricultural Enhancement Board to discuss the County's Agricultural Enhancement Plan, the roles of local agricultural advisory committee, or the regulations of other municipalities for the protection of farmland.

Dr. Casale: Having the County involved may also help to move forward the inter-municipal County drainage study. He said that this effort must be taken to the next step. Mr. Adams said that the County may be waiting for a grant [to fund the intermunicipal drainage study].

6. UPDATE ON COMMITTEE MEMBERSHIP

Mr. Brand: Thanked the guests for their attendance at the meeting this evening. He requested that those interested in becoming a member of the Committee should send a letter of interest to Supervisor Peter Ingalsbe.

7. DISCUSSION

Mr. Brand: Again requested that Committee members begin thinking about amendments to Chapter 117 of the Town Code (the Right to Farm Law) and submit suggested revisions to Mr. Adams prior to the next meeting.

Mr. Boyce: Asked about the acreage requirement for the agricultural property tax exemption. Mr. Adams said that minimum acreage to apply for an agricultural property tax exemption is seven acres and that there are several additional requirements regarding farm income and active agricultural operations upon the parcel.

Mr. Mitchell: Asked about the calculation of the tax base of a farm in comparison to the tax base of a home. Mr. Adams said that farmland demands fewer costs for services than it pays, that industrial properties are even better for the tax base, and that housing developments consume more in the costs of services than they pay.

8. NEXT MEETING

The next meeting of the Agricultural Advisory Committee is scheduled for Thursday, April 20, 2023, at 6:30 p.m. at the Farmington Town Hall, 1000 County Road 8.

9. ADJOURNMENT

The meeting was adjourned at 7:55 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
Lepel, Denis
Marvin, John
Maslyn, Peter
Payne, Doug
Purdy, Royal
Putman, Michael

Town Board and Staff:

Bowerman, Nate
Brand, Ron
Casale, Michael
Delpriore, Dan
Finley, Michelle
Gordner, August
Herendeen, Ron
Ingalsbe, Peter
Holtz, Steven
Marvel, Carol
Mitchell, Sarah
Weidenborner, John

Guests:

Bowe, Charles
Boyce, Billy and Ashley
Mitchell, Ron