

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURE ADVISORY COMMITTEE
Thursday, March 21, 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*
Denis Lepel
John Marvin
Peter Maslyn
Doug Payne
Royal Purdy

Committee Members Absent: Robert Gerlock
Don Jones

Town Official Present:
Dr. Michael Casale, Farmington Town Board Member

Guests:
Michael Putman, Agriculture Advisory Committee Member-Designate
Lorna Wright, Director of Conservation Programs, Genesee Land Trust, 46 Prince Street,
Suite LL005, Rochester, N.Y. 14607; (585) 256-2130; lwright@geneseeandtrust.org

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 21, 2019. The meeting clerk notified the Committee members, Town staff, and the Canandaigua *Daily Messenger* newspaper on February 21, 2019, with a reminder on March 14, 2019. The *Daily Messenger* published the notice of the meeting on March 17, 2019.

2. INTRODUCTION OF GUESTS

Mr. Adams introduced Michael Putman, who has been invited to join the Agriculture Advisory Committee, as discussed at the meeting on February 21st. Mr. Adams said that Mr. Putman's appointment will be considered by the Town Board at its meeting on March 26th. Mr. Adams reviewed Mr. Putman's education and background in the fields of agriculture and civil engineering. Members of the Committee welcomed him to the meeting and are looking forward to his appointment by the Town Board.

Mr. Adams also introduced Lorna Wright, Director of Conservation Programs of the Genesee Land Trust, who attended the meeting to provide details on the New York State Purchase of Development Rights Program.

3. DISCUSSION

Mr. Adams: Reported that Supervisor Ingalsbe has suggested that Thomas Harvey, Director of the Ontario County Planning Department, be considered to assist the Committee in the implementation of the Purchase of Development Rights Program in the Town.

4. PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM

Mr. Adams: Introduced Ms. Wright from the Genesee Land Trust. She provided the following information on the New York State PDR Program:

- A Purchase of Development Rights grant—awarded by New York State, by a land-trust non-profit organization, or by the local municipality—pays a farmer to place a conservation easement on property in order to protect productive farmland and limit non-agricultural development. The farmer retains ownership of the land, use, and management of the farm. However, the land will have restrictions on commercial, residential and industrial uses in perpetuity.
- The Genesee Land Trust is similar to the Finger Lakes Land Trust. The Genesee Land Trust focuses on protecting farmland, natural habitats on Lake Ontario, and on connecting people within the City of Rochester to nature. The Land Trust is a non-profit organization, funded by private donations, which focuses on projects in Monroe County, Wayne County and the northern portion of Ontario County. Recent projects have been completed in Ionia, N.Y., and Victor, N.Y.
- The New York State PDR Program is highly competitive. Fewer downstate farms apply for the program, which provides additional funds for upstate grant consideration.
- Funding awards through the New York State Department of Agriculture and Markets are limited to 87.5 percent of the value of a property owner's development

rights plus the transaction costs. The property owner must be willing to donate a portion of the value of the development rights to meet the required match through a bargain sale (sale at less than fair market value as determined by a New York State-qualified appraiser).

- In the upstate New York region, \$5 million is allocated for the PDR Program, which may be enough for approximately two to three applications. The maximum grant amount is \$2 million.
- A separate program is available for dairy operations or for dairy operations to transition to another agricultural use that can be sustained for the long term. There is a waiting list for the dairy program in this region of the State.
- The selection of farms to be sent to the State for consideration can be made either by a municipality or by a land trust. For example, Monroe County and Wayne County make the decisions from among the preliminary applications which are submitted to them. The State requires that a municipality (i.e., the town or the county) endorses an application.
- Farmington is poised to also consider participation in the Transfer of Development Rights (TDR) Program due to the rapid growth of the Town. Development pressure and business viability are leading considerations for approval of TDR applications.

Discussion:

Mr. Adams: Asked how the PDR Program addresses land which is being rented to farm operators who may not reside in the Town. Ms. Wright said that a farm operator or the landowner may submit an application. If an application is submitted by a farm operator, it must have the support of the landowner. If approved, the landowner sells the development rights to the State and receives the funds.

Dr. Casale: Asked about the effect of development infrastructure. Ms. Wright said that development infrastructure (public water, sewers, etc.) plays a role in the evaluation of applications by the State. For example, she said that the Town of Manchester does not have the extent of development pressure which is now being experienced in the Town of Farmington. She said that the development pressure complaints often come from neighbors who live near a farm operation.

Ms. Wright: Said that an application requires a farm plan, the location of external and farm infrastructure (existing and planned farm buildings) and the future of the farm (i.e., a succession plan). She said that potential conflicts with neighbors should be mitigated.

Mr. Marvin: Asked about funding for real estate appraisals. Ms. Wright said that a typical farm real estate appraisal could cost approximately \$5,000 and that grant funds will not

cover the cost of the first appraisal. If an application is approved, grant funds would then cover the cost of an additional appraisal, property survey and title search.

Mr. Adams: Asked about a notification letter from the New York State Department of Agriculture and Markets (February 28, 2019) to the Genesee Land Trust regarding the award of \$41,000 for real estate appraisals to determine the value of development rights on 1,114 acres of viable agricultural land on five individual farm operations in Ontario, Monroe and Wayne counties. Ms. Wright said that this is a one-time grant to cover the appraisal of these several properties to provide the Land Trust with a better sense of the development values in these areas. She said that one of the farms crosses the Victor–Perinton border in a highly developed area. She said that the appraisal will provide an indication of the value of this—and perhaps other farms—in highly-developed areas of the community.

Mr. Putnam: Asked about separating an existing home from the agricultural property prior to submitting an application. Ms. Wright said that she discusses topics like this with landowners prior to beginning the application process with them. She said that she requests landowners to try and think 100 years into the future of their farms, if they can.

Mr. Putnam: Asked about the development pressure in the Palmyra, N.Y., area. Ms. Wright said that development pressure in that area is coming from the proximity of the Erie Canal and from recent land purchases by the Mormon church.

Ms. Wright: Said that a conservation easement restricts where structures could be built on a property and restricts the future subdivision of the property. She said that some conservation easement agreements allow for one future subdivision, while others do not permit any future subdivision of the property.

Ms. Wright: Said that the Genesee Land Trust has a fund of \$10,000 per easement for long-term stewardship and enforcement of the easements which it holds. She said that a staff member visits every property every year. If a violation of an easement should occur, the Land Trust has the ability to enforce the easement and prosecute the violation.

Ms. Wright: Said that properties with conservation easements do not have to always be used for active agriculture. She said that the Land Trust holds easements on properties which are not currently in active agriculture. But she said that the property always must be available for agricultural purposes.

Mr. Putnam: Asked about tax assessments on properties with conservation easements. Ms. Wright said that typically property tax assessments do not experience much change when a conservation easement is placed upon the property. She said that the property is usually in an agricultural district and that the landowner may already be receiving an agricultural exemption. She also noted that the State provides an annual tax credit to the landowner based upon the property tax amount, up to a maximum percentage and amount.

Mr. Adams: Said that the impact of conservation easements upon the Town property tax revenue is negligible.

Ms. Wright and Mr. Adams: Discussed the factors which enter into the calculation of the value of agricultural land, i.e., interest by developers, soil type, access to the property, etc.

Ms. Wright: Said that some municipalities desire to be named as co-holders of a conservation easement. She said that this provides the municipality with a level of comfort that the easement will always be in place. Ms. Wright also said that most municipalities prefer the Land Trust monitors and enforces the provisions of the easement.

Mr. Adams: Said that some counties administer their PDR Programs instead of individual municipalities. Ms. Wright said that Livingston County administers the selection of properties and then turns the identified properties over to the Land Trust for submitting the application(s) to the State.

Ms. Wright: Said that Monroe and Wayne counties leave the selections of the farms up to the Land Trust. She said that four of the five applications submitted by the Land Trust in the last round were approved by the State.

Mr. Adams: Said that the Town of Canandaigua is the only municipality in Ontario County to directly submit applications to the State. He said that Canandaigua has been involved in the program for a number of years and is familiar with the application process.

Ms. Wright: Said that workshops on the preparation of applications are expected to be scheduled later this year by the Ontario County Planning Department. Mr. Adams suggested that the workshops should be held on a county-wide basis for efficiency in providing the information to all those representatives from individual municipalities who may be interested in the PDR Program.

Mr. Putnam: Asked if conservation easements have been challenged in court. Ms. Wright discussed several court cases involving conservation easements including one on the protection of a scenic viewshed and another where a neighbor paved over a portion of a wildlife habitat for use as a driveway. She said that State law provides for conservation easements and specifically for farmland conservation easements.

Mr. Payne: Asked if conservation rights could be extinguished in future years. Ms. Wright said that that development rights could be transferred from one property to another area through the Transfer of Development Rights Program.

Mr. Adams: Asked if solar installations are permitted on land which is restricted by a conservation easement. Ms. Wright said that only two percent of the farm area with buildings plus another two percent of the farm area could be used for solar installations, which is generally not large enough for commercial installations. She said that the conservation easement program is designed to for the protection of farmland. It was noted that the restrictions would typically allow for small-scale personal solar installations in

New York State. Ms. Wright said that the Federal PDR Program permits no solar installations on protected farmland.

Mr. Lepel: Said that there are programs which provide assistance to young farmers to locate and purchase land. He said that these programs are another avenue to keep the land in farming for younger farm operators.

5. NEXT STEPS

Ms. Wright: Distributed the Genesee Land Trust Purchase of Development Rights Program 2020 Pre-Application (PDF file attached).

She also provided the following anticipated timeline:

Genesee Land Trust PDR Program 2020 Anticipated Timeline

Early Fall 2019	Information sessions offered.
December 13, 2019	Pre-Applications due to Genesee Land Trust.
Mid-February 2020	Genesee Land Trust determines which applications to submit to the New York State Department of Agriculture and Markets.
Spring 2020	Applications due to the New York State Department of Agriculture and Markets
Late Fall 2020	Notice of grant awards from the New York State Department of Agriculture and Markets
Summer 2020	Contract between the Genesee Land Trust and New York State signed; process for Purchase of Development Rights begins.
2022 to 2026	Close on conservation easement; landowner receives payment for development rights.
Anytime	Genesee Land Trust staff available to discuss specific farms and answer questions.

Dr. Casale: Requested that Mr. Adams and other Committee members attend a meeting of the Town Board to discuss the proposed PDR Program and request the approval of a Town Board resolution supporting the Committee’s efforts to pursue this program. He suggested that perhaps this discussion could be held at Town Board workshop session.

Mr. Adams: Said that he will begin the Town Board process by discussing the plans with Supervisor Ingalsbe.

6. NEXT MEETING, ADJOURNMENT

The next meeting of the Farmington Agriculture Advisory Committee will be held on **Thursday, April 18, 2019, at 6:30 p.m.** at the Farmington Town Hall, 1000 County Road 8.

Subsequent meetings will be held on:

- 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 8:00 p.m.

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

Respectfully submitted,

_____ L.S.
 John M. Robortella

PDF File Attachment:

Genesee Land Trust Purchase of Development Rights Program 2020 Pre-Application.

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:

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