

Binder

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Town of Farmington

1000 County Road 8
Farmington, New York 14425

2024 Ag Min.
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DEC 11 2024

Initial: SC

AGRICULTURAL ADVISORY COMMITTEE
Thursday, January 11, 2024 • 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*
William Boyce Jr.
John Marvin
Peter Maslyn
Ronald Mitchell
Michael Putman

Committee Members Excused:

Charles Bowe
Denis Lepel
Doug Payne

Town Representatives Present:

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

Guests:

None

Town Board Appointments to the Agricultural Advisory Committee:

The following appointments to the Agricultural Advisory Committee were approved by the Town Board on January 9, 2024:

MICHAEL PUTMAN was reappointed to the Agricultural Advisory Committee for a five-year term expiring on December 31, 2028.

HENRY ADAMS III was reappointed as Chairperson of the Agricultural Advisory Committee for a one-term term expiring December 31, 2024.

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2024 JAN 24 PM 3:45

Mr. Adams and Mr. Putman took their places upon the Agricultural Advisory Committee.

Agricultural Advisory Committee Members and Terms of Office:

Ronald Mitchell	Appointed March 28, 2023	Term expires December 31, 2024
John Marvin	Appointed January 5, 2021	Term expires December 31, 2025
Hal Adams	Appointed January 4, 2022	Term expires December 31, 2026
Peter Maslyn	Appointed January 4, 2022	Term expires December 31, 2026
Charles Bowe*	Appointed March 28, 2023	Term expires December 31, 2026
Denis Lepel	Appointed January 4, 2022	Term expires December 31, 2026
Doug Payne	Appointed January 4, 2022	Term expires December 31, 2026
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Michael Putman	Appointed January 9, 2024	Term expires December 31, 2028

**Filling the unexpired position of Don Jones who moved out of state.*

1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION

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

The Town Clerk, the Committee members and Town staff were notified of the meeting on November 16, 2023, with a reminder on January 4, 2024. The meeting clerk notified the Canandaigua *Daily Messenger* newspaper on December 11, 2023.

The meeting date and time were posted upon the Town website and the Town Hall Bulletin Board on November 16, 2023, and have remained posted.

A public notice of the meeting was published in the Canandaigua *Daily Messenger* newspaper "Bulletin Board" website events section beginning on December 11, 2023, and has remained posted.

2. **DISCUSSION OF PROPOSED TOWN LAW:
AGRICULTURAL CONSERVATION OVERLAY DISTRICT**

Mr. Brand: Said that the materials regarding overlay protection districts were previously distributed to the Committee and are intended to provide information on the intent of overlay districts. He again said that the purpose of agricultural overlay protection districts is to protect, to the extent possible, the more viable agricultural soils for sustaining farming operations. He said that Farmington has a number of other overlay regulations such as the Major Thoroughfare Overlay District (MTOD), the Main Street Overlay District (MSOD), floodplain overlay districts and the recently amended solar regulations. The solar regulations require establishing an Agricultural Conservation Easement on nearby strategic farmland when an existing strategic farmland site is selected for a large-scale solar project. The strategic farmland sites are identified in the adopted *Town of Farmington Farmland Protection Plan*.

Mr. Adams: Said that the Farmington solar regulations have yet to be tested.

Mr. Brand: Said that no applications regarding solar projects on the identified strategic farmland sites in the Town have been received since the revised Farmington solar law went into effect. He said that Farmington currently has one solar application pending between the two sections of Commercial Drive on a site that is not being actively farmed.

Mr. Brand: Said that to date no one has challenged the constitutionality of the amended Farmington solar regulations. He said that property rights cannot be taken away and that regulations require a defined purpose, such as the examples of the protection of viable agricultural soils which are enumerated in the adopted *Farmland Protection Plan*.

Mr. Brand: Said that he feels that protecting this resource base which was identified in the *Farmland Protection Plan* is just as important [for protection] as floodplains, wetlands and the transportation overlay areas. He asked how we deal with convincing people in the community that making this effort [the protection of viable agricultural soil] is a long-term program for the promotion of agriculture in our Town. Mr. Brand said that he hopes that we can come up with something which addresses the protections of the resource [viable agricultural soil] without taking away property owner rights.

Mr. Adams: Said that we do not want to go over the line. He said that existing zoning has withstood challenges over the years and that zoning is legitimate.

Mr. Putman: Asked about how to “sell” this to the community.

Mr. Adams: Said that people do not understand farming. He said that additional regulations must appeal to the residents’ sense of the character of the Town. Mr. Adams said that Farmington has some real rural character and that farmland preservation and open spaces help with that. He said that the Town would have to appeal to the community with these sorts of ideas and that farming currently enjoys a good image [in the Town].

Dr. Casale: Said that part of public exposure to farming is where it [appealing to the community for farmland preservation] starts. He said that many of the new residents who are moving into the Town are not familiar with farming. He asked why there has not been a farm day celebration in Farmington in years.

Mr. Adams and Mr. Maslyn: Said that Farm Day is an Ontario County event which is held every two years at a different farm and in a different location in the County. They explained the time and effort which is devoted by volunteers to hold such an event.

Dr. Casale: Said that the purpose of these types of events is to inform people about farming.

Mr. Brand: Said that he wants the Committee to be aware that the majority of people do not comprehend the challenges of farming today, however, it is these people who will be among the most vocal to point out that the current Town regulations do not go far enough [to protect farmland]. He said that these residents often say that they moved to Farmington because they want to live in a rural area. Mr. Brand said that we have to be honest with ourselves that we cannot appease everybody and keep in mind that we as a group need to have a basic understanding—what is going to be our platform as a group that we are trying to promote here in the Town.

Mr. Boyce: Said that we are trying to promote agricultural viability in the Town.

Mr. Brand: Asked how do we protect our resource base without regulation that requires people to go an additional step [to protect viable farmland soils] without taking away property rights during the approval process. He said that identifying this is what would be the underlying purpose of the agricultural overlay protection district.

Mr. Adams: Said that “they” are the people who currently own or rent the farmland. He said that we do not have to convince the community-at-large who might want to regulate further. Mr. Adams said that the hard sell is to the people who actually own the land, which is a small group. He said that we have to appeal to this small group.

Mr. Marvin: Said that the average age of the landowners is in the 70s and 80s. He said that we do not have a lot of younger farmers.

Mr. Adams: Said that the younger generation does not see the opportunity in farming and that we are on the cusp.

Mr. Maslyn: Asked how much a landowner’s hands would be tied by an overlay district.

Mr. Marvin: Said that is the question—how much can we tie their hands?

Mr. Maslyn: Asked if farmland in Farmington is more unique than in other parts of the County. He asked if we should be worried about protecting our farmland or should we be worried about the farmland in the County.

Mr. Adams: Said that there are more robust areas in the County where agriculture is competing successfully for the land and where the development risk is relatively low. He said that in these areas of the County farmers have the wherewithal to pay for and own big blocks of land. Mr. Adams said that it is the lack of viability in Farmington which allows development to be a better proposition here.

Mr. Adams: Said that permitted uses, accessory uses and specially permitted uses are already included in the Town's existing A-80 Zoning District. He asked if the current regulations could be tweaked to trigger a quicker review when a subdivision is proposed in the A-80 district. He suggested that the review should not dictate what a landowner can do but should offer alternatives to the landowner.

Mr. Adams: Said that it is not clear how much the Town could dictate, although he said that the Town has these types of regulations in the solar law. He said that we only have one bite of the apple when a subdivision is proposed. Mr. Adams said that once someone else owns it, it is over.

Mr. Marvin: Said that in the past the Town has kept the housing south of the Thruway. Mr. Adams said that this is in the *Comprehensive Plan*. Mr. Marvin said that perhaps the Plan should be updated. Mr. Adams said that we are still thinking about the method [to do so]. He said that if we say "overlay" we have to convince the landowners that it is in their best interests.

Mr. Maslyn: Asked how much would be included in an overlay district.

Mr. Brand: Said that the Town's *Farmland Protection Plan* has identified strategic farmland sites and that when you look at the map you see that many of the parcels are not contiguous. He said that the lots [of strategic farmland] are separated, even in the southwest corner of the Town where the infrastructure is there to support more growth and development.

Mr. Brand: Said that the overlay approach would create a density which would allow development to occur if they have the minimum required acreage for on-site wastewater systems and water supply. He said the overlay would not be the Town saying that "you can't do this." Instead, he said that it is the State saying that it will not allow the Town to permit public water and/or sewer district extensions in the future.

Mr. Brand: Provided an example of one site which has a strategic farmland designation under the current A-80 zoning in which the site allows one unit per 80,000 square feet. He said that approximately 10 lots could be created on 20 acres of land, and that it is the way in which these lots would be created which is important. He said that it is a process that would require consideration be given to locating development on the least productive soils and in a manner not to eliminate continued farming operations on the remaining site.

Mr. Adams: Said that selling lots along the frontage of farmland is horrible. Mr. Brand agreed that this practice limits access to the farmland and introduces land use conflicts between farmers and the new landowners.

Mr. Adams: Said that he is asking if there is another way [to protect farmland] other than an overlay district. Mr. Brand said that adding something [additional regulations] to the existing A-80 Zoning District regulations would be more restrictive than the overlay approach. He said that we need to protect the strategic sites and that by creating an overlay district we are not adding more prohibitions that would likely require variances to be granted. He said that we would be seeking alternatives to protecting our viable soils and thus extending the viability of farming because it will protect the soils which are needed by the farmers.

Mr. Maslyn: Said that an overlay may not stop [the removal of strategic farmland] but might slow down the process. Mr. Adams said that an overlay district may somehow nudge the decision process. He said that we need the actual language [of an overlay district proposal] and asked if Mr. Brand could somehow craft a regulation which could be passed [by the Town Board] and implemented.

Mr. Putman: Discussed the regulations from the Town of Warwick in which a landowner could come in and request that the land be withdrawn from the overlay district. Mr. Adams said that in Warwick a landowner could also request his or her property to be included in the district. He said that the interesting thing about the Warwick regulations is that it makes a tangential reference to leasing. He said that this is a step beyond anything we are talking about with both development rights and leasing deals.

Mr. Adams: Referred to emails which he had received from Jim Gray (4650 Herendeen Road) who attended the previous Committee meeting on November 16, 2023. Mr. Adams said that in the emails Mr. Gray left the door open to being amenable to tweaks to some existing zoning regulations but did not feel that we yet had hit the threshold of needing an overlay district. Mr. Adams said that Mr. Gray expressed concern about setback regulations which caused him to waste farmland instead of adhering to the natural topography of the land.

Mr. Adams: Said that it would make more sense and would not ruin the farmland if the Town could trigger a review [for the protection of strategic soils] before a subdivision is approved.

Mr. Adams: Said that if we could build a review trigger and flexibility on the outcome of the reviews, then perhaps we could nudge some things to make more sense.

Mr. Brand: Said that this is basically what the overlay approach does. He said that we have to get away from the standard Euclidean zoning.

(Euclidean zoning is the separation of land uses by type—residential, commercial, retail, industrial, etc., each into their own zones or areas within a

municipality. While Euclidean zoning is frequently associated with the development patterns of suburbia, it is the most common form of zoning code or the local legal tool for controlling the uses and development of land in the United States. Municipalities have relied on Euclidean zoning throughout most of the 20th century and up to the present day. The name comes from the 1926 U.S. Supreme Court decision in Euclid vs. Amber which granted local governments the power to determine which properties or zones in towns are most suitable for specific uses.)

Mr. Brand: Said that we have to get away from the standard Euclidean zoning approach and look at the land and what people are trying to do to develop it for non-agricultural use. He again said that the primary purpose should be the protection of the strategic soils and to locate non-farm development on the less-essential natural resources.

Mr. Adams: Asked about flag lots in the Town.

Mr. Brand: Said that there are areas where flag lots can make sense, but not in a subdivision, but instead in areas where you want to protect a resource.

Mr. Brand: Said that the Town has not had a zoning variance request within the Major Thoroughfare Overlay District (MTOD) since the MTOD was adopted by the Town Board.

Mr. Brand: Said that the Committee tonight is focusing on key factors and agreed [with Mr. Adams's request] that the Committee may want to see a draft [of proposed agricultural overlay protection district regulations]. He said that this draft would be a work in progress and that it is not necessarily going to be his suggestion. Mr. Brand said that this is something that the Committee has to come back and tweak, and that if a draft is released by the Committee's consensus then it would then become a public document.

Mr. Adams: Said that the process is critical and that before the Committee commits to anything we have to be convinced an overlay district is the right idea and that it is "saleable." He said that right now we have to go slowly and rationally, but that with every discussion the Committee's understanding has deepened.

Mr. Brand: Said that he appreciates the positions which were expressed this evening and that we are making progress. He said that he could prepare a draft overlay district proposal for March for discussion and at which meeting no decision would necessarily need to be made by the Committee.

Mr. Marvin: Said that there is a partial agricultural overlay district in Town of Canandaigua which protects the soils in a portion of Canandaigua. He suggested that perhaps the Committee could contact someone who is familiar with those regulations to speak at a meeting.

Mr. Adams said that perhaps Mr. Marvin is referring to the *Town of Canandaigua Padleford Brook Greenway Plan*, which involves an area encompassing nearly 10,800 acres, of which about 8,500 acres are agricultural in nature in the northern portion of

Canandaigua. Much of the general area includes or drains to Padleford Brook. A “greenway” is a planning term used to identify a linear area set aside to generally preserve or lead to protection of open space. Traditionally, greenways are located in floodplain areas and along wooded stream corridors, and lend themselves to agricultural areas. Mr. Adams said that Mr. Brand is not proposing a greenway concept in Farmington, but that Mr. Marvin may be referring to conservation easements [for the protection of agricultural soils].

Mr. Adams. Said that the community and the landowners should have “buy in” to the overlay district concept. He asked if the Committee should invite some of the major landowners to come to meeting and learn about what is being discussed. He asked if we should be soliciting from additional residents other than Mr. Gray.

Mr. Adams: Said that the process matters.

Mr. Maslyn: Said that involving a number of people too early is not good.

Dr. Casale: Said that you have to be “solid” in what you are doing before a Public Hearing.

There were no additional comments or questions on this topic this evening.

3. 2023 COMMITTEE REPORT TO THE TOWN BOARD

Mr. Adams: Said that he will prepare a 2023 Committee report to the Town Board which will include the members’ attendance (eight meetings were held in 2023; one member missed seven meetings; another member attended only four meetings; and only three members attended the July 2023 meeting). He also said that the report will include the Committee’s review and amendments to the new Town law which was adopted by the Town Board in September [Chapter 9 Amendments to Town Code] and the Committee’s endorsement of a second application to the State Department of Agriculture for a New York State Purchase of Development Rights (PDR) sites [the Payne properties].

Mr. Adams: Said that three new Committee members were appointed by the Town Board in 2023. He also said that the discussion of the overlay district, Ontario County issues and the County’s application for a grant for a drainage will continue in 2024.

4. OTHER TOPICS

Mr. Adams: Said that the Town Board has not yet begun the transition of having all Committee members serve three-year terms. He said that Mr. Putman was reappointed to a five-year term by the Town Board on January 9, 2024. Mr. Adams said that a transition plan should have been initiated by the Town Board at the meeting on January 9th. Dr. Casale said that he will discuss this with Supervisor Ingalsbe and that the previous Town Board could be recalled to correct the appointment date.

Dr. Casale: Discussed recent State regulations for the assessment of solar farms which calculate the assessment of these solar farms at figures which are lower than the Town Assessor's calculations. He said that changes to these State regulations are needed.

5. VISITORS' COMMENTS

No visitors were present this evening.

6. NEXT MEETING

The next meeting of the Agricultural Advisory Committee will be held on **Thursday, March 21, 2024, at 6:30 p.m.** at the Farmington Town Hall, 1000 County Road 8.

7. ADJOURNMENT

The meeting was adjourned at 7:45 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 9, 2024**

Hal Adams (Chairperson January 1, 2024 to December 31, 2024)

Ronald Mitchell	Appointed March 28, 2023	Term expires December 31, 2024
John Marvin	Appointed January 5, 2021	Term expires December 31, 2025
Hal Adams	Appointed January 4, 2022	Term expires December 31, 2026
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**Filling the unexpired position of Don Jones who moved out of state.*

E-mail Distribution:

Adams, Hal
Bowe, Charles
Boyce Jr., William
Lepel, Denis
Marvin, John
Maslyn, Peter
Mitchell, Ronald
Payne, Doug
Putman, Michael

Town Board and Staff:

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

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Town Board
Ron B (9)

February 21, 2024

Report to the Farmington Town Board on the activities and work of the Agricultural Advisory Committee (AAC) for 2023

The committee held 8 meetings in 2023. Participation was variable: 1 member missed 7 meetings, 1 missed 4; the July meeting was attended by only 3 members.

Early in the year, the committee reviewed Chapter 9, Article II of the Town Code (Local Law No.6, 1995,) which established the AAC. Revisions were made, and a new draft "charter" was submitted to the Town Board in June. The draft was adopted as Local Law No. 4, Sept. 26, 2023. Notable changes to the original law include shorter (3 year) member terms, an attendance policy, a more specific description of the powers and duties of the committee, and an explicit commitment of Town resources to aid the AAC with its duties, as assigned by the Town Board.

In April, the committee welcomed 3 new members: Charles Bowe, William Boyce Jr., and Ronald Mitchell. This marked the first time in a number of years that all 9 AAC seats were filled.

Also at this time, the committee recommended Town Board endorsement of a Farmland Protection Implementation Grant application by Hickory Lane Realty, for 5 parcels totaling 332 acres. If successful, this would be the second FPIG to occur in our town.

In August, Town Assessor Donna LaPlant provided the AAC an informative presentation on the New York State Agricultural land assessment and exemption process.

Significant meeting time has been spent discussing potential enhanced regulation of farmland. Achieving the goal of minimizing the loss of productive soils in our town to steady development pressure, in a manner palatable to landowners, is complicated. Our discussions continue in a deliberate and measured way.

As always, the Town Director of Development and Planning keeps our committee informed of new projects and initiatives, as they occur.

The Farmington Agricultural Advisory Committee thanks the Town Board for recognizing the continuing importance of our Town's namesake enterprise, and looks forward to being a resource for our elected leadership.

Respectfully,

Henry Adams, Chairperson

Binder

(7)

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURAL ADVISORY COMMITTEE Thursday, March 21, 2024 • 6:30 p.m.

MINUTES—FILED WITH TOWN CLERK

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William Boyce Jr.
John Marvin
Peter Maslyn
Ronald Mitchell
Michael Putman

Committee Members Excused:

Charles Bowe
Denis Lepel
Doug Payne

Town Representatives Present:

Ronald L. Brand, Farmington Director of Development and Planning
Dr. Michael Casale, Farmington Town Board Member
Dan Delpriore, Farmington Code Enforcement Officer
Paula Ruthven, Farmington Agricultural Advisory Committee Clerk-Designate

Guests:

David Capps, 768 Hook Road, Farmington, N.Y. 14425

RECEIVED
TOWN CLERK'S OFFICE
TOWN OF FARMINGTON
2024 APR - 2 PM 12: 20

1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION

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

The Town Clerk, the Committee members and Town staff were notified of the meeting on January 11, 2024, with a reminder on March 15, 2024. The meeting clerk notified the Canandaigua *Daily Messenger* newspaper on February 10, 2024.

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A public notice of the meeting was published in the Canandaigua *Daily Messenger* newspaper "Bulletin Board" website events section beginning on February 10, 2024, and has remained posted.

Mr. Brand: Said that John Robortella will retire as clerk of the Agricultural Advisory Committee following the meeting this evening. He has served as clerk of the Committee since April 23, 2014. Mr. Brand then introduced Paula Ruthven of the Town Assessor's Office who will serve as clerk of the Committee beginning with the next meeting on April 18, 2024.

2. BOARD MEMBERS' REVISED TERMS OF OFFICE

Mr. Adams: Said that the Town Board by Resolution #81-2044, February 13, 2024, has reconfigured the board members' terms of office to comply with Town Code Chapter 9, Article II, Section 9-10, as amended by Local Law #4 of 2023 so that the terms of three board members will expire each year. In addition to this compliance, Mr. Adams said that this restructuring of board terms may create opportunities for new members to join the Committee. (See p. 13 of the minutes for the names and expiration dates of Committee members.)

3. DISCUSSION OF PROPOSED TOWN LAW: AGRICULTURAL PROTECTION OVERLAY DISTRICT (APOD)

Mr. Brand: Introduced Town Code Enforcement Officer Dan Delpriore who assisted in the writing of the proposed draft of the Agricultural Protection Overlay District (APOD) local law which will be discussed this evening. (See pp. 15-29 of the minutes for the draft of the proposed local law and pp. 30-33 of the minutes for a summary of the proposed by local law which has been prepared by Mr. Brand.)

Mr. Brand: Said that the text of the proposed local law and the informational summary which he provided were distributed to board members prior to the meeting this evening.

Mr. Brand: Said that the proposal would change the designation of the A-80 Zoning District which has been in place since approximately 1965. He said that this no longer fits with the designations of the other residential and commercial zoning districts.

Mr. Brand: Said that there has been confusion among some residents that the A-80 district is only for agricultural use. He said that this is not the case. Section 3 of the proposed local law amends the A-80 district designation by changing it to RA-80 Rural Agricultural which is intended to better coincide with the designation RR-80 Rural Residential District. Mr.

Brand said that this section also introduces the Agricultural Protection Overlay District (APOD) into the Town Code.

Mr. Brand: Said that this Committee has taken the position over the years to have the density of 80,000-square-foot or 40,000-square-foot residential lots. He said that these have been retained and that a process has been added with the APOD for a review of a subdivision when a third lot is proposed to be subdivided off from a larger parcel of strategic farmland. At the time of the proposed subdivision of a third lot off, Mr. Brand said that a process would then be triggered to bring consideration of sustaining strategic farmland soils. This process would involve a review of the subdivision by the Committee and its subsequent report to the Planning Board.

Mr. Brand: Said that the proposed local law is not saying that a property owner cannot develop his or her land, but that the development should occur in a manner which is sensitive to the soil resources which cannot be renewed.

Mr. Brand: Said that potential additional strategic farmland has been identified in the Town's Farmland Protection Plan, if the soils were drained, but that apparently we do not have the wherewithal to do that.

Mr. Brand: Said that he and the Town staff have looked at a lot of similar regulations from other municipalities across New York State and have concluded that we [Farmington] have a legitimate responsibility to try and protect our viable soil resources, similar to the efforts by the Town Environmental Conservation Board [to protect the Town's other environmental resources]. He said that we [the Agricultural Advisory Committee] are responsible as a Committee to recommend measures to the Town Board and Planning Board to protect the natural resource base.

Mr. Adams: Said that this sort of reasoning is needed to make the zoning stand up. He said that legally we need to have the justification written into the code. Mr. Brand said that this is correct.

Mr. Adams: Said that this has to be part of the rationale of the Town. Mr. Brand said that we cannot enact legislation that results in the taking of property rights, but that we can guide, apprise and inform landowners of the impact [upon strategic farmland soils] that result from the subdivision of farmland. He said that the proposed local law basically follows this guidance, similar to conservation requirements which are designed to identify the impacts of development [upon conservation resources such as floodplains, wetlands, steep slopes, etc.] and identify mitigation measures. Mitigation measures which are required to be addressed as part of the State's Environmental Quality Review Act (SEQRA).

Mr. Brand: Said that the Planning Board has not yet seen the draft APOD local law. He said that the draft is being shared only with the Committee this evening and is an introduction of what the Committee and the Town staff have talked about these past few months as various options from other municipalities regulations were reviewed. He said that the APOD title was borrowed from a similar local law in the Town of Canandaigua. Mr. Brand

said that with that in mind the Town staff has come up with a hybrid. He said that he is looking forward to having this discussion with the Committee and with residents who are farmers and landowners who rent to farmers to see what we can do to provide some guidance for future development in the rural agricultural area of the community.

Mr. Brand: Said that we [the Town] has been directed by Federal and State regulations resulting in this course of action for trying to protect the viable soils resource that we have. He said that he and the Town staff want to get the reactions of the Committee to this proposed legislation.

Mr. Brand: Said that with the presentation of the proposed local law to the Committee this evening, it [the draft local law] becomes a public document which is subject to Freedom of Information Law (FOIL) requests.

Mr. Maslyn: Asked about the process if a landowner wishes to subdivide a parcel a third time.

Mr. Adams: Said that the cluster zoning procedure [Section 278 of New York State Town Law] would be implemented when someone wanted to subdivide a parcel into three or more lots. He and Mr. Maslyn, also asked about serial subdivisions, i.e., subdividing one lot this year, one lot next year, etc. Mr. Adams asked how this would be addressed.

Mr. Brand: Said that the clock starts ticking on the effective date of adoption and the first subdivision application for a third lot.

Mr. Delpriore: Said that a second subdivision is a re-subdivision off from the original parcel. He said that clustering makes more sense when a landowner proposes a second subdivision. He said that clustering keeps the lots closer together which would provide the landowner more flexibility to move the property lines around. He also said that the proposed local law provides guidelines to the Committee and to the Planning Board. He said that this Committee would review subdivision applications to determine if prime farmlands are involved and would then report to the Planning Board if the subdivision makes sense or not. He said that the proposed local law would provide the Committee with a board to which their report would be issued [the Planning Board].

Mr. Delpriore: Said that each of the Town boards and committees wish to interact, that he agrees with everything in the draft proposed local law, and that the proposal gives the farmers [and landowners] the ability to subdivide their land if they need to, and to protect their prime farmland soils to the greatest extent practical.

Mr. Adams: Said that the minute that we have three parcels—that's the trigger.

Mr. Delpriore: Said that this gives us the option to have the Committee look at it [the subdivision application] and to have a conversation with the person doing the subdivision. He said that we need to help the landowners look at these options.

Mr. Putman: Asked if the proposed local law has anything about flag lots. Mr. Brand said that under the cluster provisions the Planning Board can allow the creation of flag lots. He said that under clustering the minimum lot width at the highway line is 20 feet, which is State law, and that this is a process which involves additional approvals at the local level.

Mr. Brand: Said that some might say that this regulation is a “taking” of property rights, but a reading of the various State laws says that it is not.

Mr. Delpriore: Regarding flag lots, said that the Town Code requires 300 feet of road frontage on an 80,000-square-foot lot, or 150 feet of road frontage [on a 40,000 square foot lot] if a landowner can install a traditional septic system. He said that a landowner could go to clustering, but there are steps to it, and that there is a process to apply for a flag lot. Mr. Brand said that in reality an on-site wastewater treatment system is a temporary solution.

Mr. Putman: Said that if we want to protect farmland we have to give someone access to land that is not great farmland.

Mr. Brand: Said that part of the review process of the Committee involves what you want to do affecting farmland operations—drainage, access, whatever is involved. He said that these guidelines are there for the Planning Board and this Committee to look at.

Mr. Putman: Asked if a landowner has to cluster if he or she wants to just carve out one lot. Mr. Adams said that this needs to be written in there. Mr. Brand said that the APOD requirement will be triggered when a landowner wants to create a third lot. Mr. Delpriore said that a landowner may trigger the APOD earlier [than the creation of a third lot] but that the creation of a third lot requires the APOD review.

Mr. Adams: Said that the Town of Seneca ordinance had a hard limit of how many lots could be subdivided, which is more of a “taking” than this Farmington proposal. He also said that there is a different development pressure in the Town of Seneca than there is in Farmington. Mr. Brand said that this [setting a limit on the number of lots allowed] would be difficult to defend in court without a good reason. He said that everything in the Farmington proposed local law is already within State law.

Mr. Putman: Said that the farmland to be protected in the Town of Canandaigua is in areas of the town that are more apt to be developed. Mr. Adams said that the Canandaigua APOD follows a different approach in which the Town Board must okay the extension of infrastructure.

Mr. Brand: Discussed a section of the proposed local law which has been included to permit a drainage contractor to be listed as special use in the RA-80 zoning district, noting similarity to the repair of agricultural construction equipment [a special permitted use in the current A-80 district]. He said that this section is in response to a pending application to the Zoning Board of Appeals and to the Planning Board from a Town resident who had previously operated an agricultural drainage business and who has now moved to a new location in the Town. Mr. Brand said that including this type of operation with a Temporary

Use Permit shows the support of the Town for this type of [agricultural related] use of the agricultural soils.

Mr. Brand: Said that another provision of the proposed local law involves outdoor wood boilers. He said that the Town's current regulations are out of date and that regulating outdoor wood boilers has been taken over by the New York State Department of Environmental Conservation.

Mr. Brand: Said that the Town staff would like to move soon to recommend updating of some of the outdated regulations by the Town Board. He said that the bottom line is that if the Committee needs more time to consider the complete proposed local law as it pertains to APOD, then the Town staff will pull out those portions of the draft which involve updating existing regulations and move forward only upon those to the Town Board at this time.

Mr. Brand: Asked if the Committee is looking at June or July for a recommendation on the proposed local law, or if it is looking at December. He said that the recommendation for additional protections for strategic farmland have been discussed since 2015 in both the *Farmland Protection Plan* and the most recent update to the *Comprehensive Plan*.

Mr. Adams: Said that although that is true, it has only been several months during which the Committee has considered the overlay district concept.

Mr. Putman: Asked about the identification of the Town's strategic farmland on the most recent map. Mr. Brand reviewed the location of the Town's strategic farmland on the map which was displayed in the meeting room. He also said that the map will be subject to future change should we continue to experience loss of the more viable agricultural soils.

Mr. Delpriore: Discussed the recent Mandrino subdivision on New Michigan Road. He said that this subdivision is a perfect example of how the proposed local law could have better protected those more viable agricultural soils by not having to separate the residential lots from the active farmland parcels.

Mr. Adams: Said that there is a lot of non-tillable land which is depicted on the Strategic Farmlands map. He said that this kind of overstates the amount of actual productive farmland there is in the Town. Mr. Brand said that the regulations say Class 1-4 soils and a subset of the boundaries of the parcels based upon the Soils Classification Mapping provide by the County for tax abatement purposes. He said that these mapped boundaries trigger the attention to this.

Mr. Delpriore: Said that the proposed local law is 16 pages in length which includes a lot of verbiage which corrects and cleans some existing regulations. He encouraged Committee members to read Mr. Brand's four-page summary of the proposed local law which will drive Committee members to the right spots [in the proposed local law]. He said that several other sections of Town Code, i.e., repair of agricultural equipment and outdoor wood

boilers, for example, were included in the proposed local to enable the Town to have just one code update submittal for efficiency and cost savings.

Mr. Delpriore: Said that the updates to existing Town Code sections can be split off from the APOD proposals if the Committee needs more time to consider the APOD proposal.

Mr. Delpriore: Said that the Town staff is not pushing either way, but that the staff needs feedback from the Committee so that the staff can report to the Town Board on what we need to do.

Mr. Maslyn: Discussed the proposed definition of a barn (*see* p. 1 of the proposed local law). He asked about the inclusion in this definition of processing chickens or production of maple syrup. Mr. Brand said that this definition is copied from the New York State Department of Agriculture and Markets Laws. He said that the production of maple syrup is defined as a horticultural operation and is not an agricultural product, per the Agriculture and Markets definition. Mr. Adams said that this definition needs some work if it is to be a definition in the Town Code.

Mr. Maslyn: Suggested the removal of “processing” from the barn definition.

Mr. Brand: Said that these types of comments are exactly what the Town staff would like to have from the Committee. He requested that Committee members put their comments in writing and provide them to the Town staff prior to the next scheduled meeting.

Mr. Adams: Asked about inclusion of a statement [in the proposed local law] about the definition [used by the public]. He said that “agricultural tourism” is too narrow, that it is targeted to maple, and that there are a lot of other things going on [in agriculture] in addition to maple.

Mr. Maslyn: Said that by throwing maple in there, it [the definition] is too narrow.

Mr. Delpriore: Said that the important thing is not to call those out, but to either remove them or move them to the end.

Mr. Brand: Said that there are others in the community [who may be interested in the proposed local law]. He encouraged Committee members to provide the draft to all others who may be interested and ask for their input early in this process.

Mr. Marvin: Said that over the past weekend he discussed the proposed local law with four of his neighboring farmers. He said that this will all come down to the bottom line—how will this affect my farm in the coming years. He said that all the others with whom he spoke all said this. Mr. Delpriore said that he will be more than happy to come out and speak with Mr. Marvin and others about this proposal. Mr. Marvin said that we need to meet with a group of landowners before we present this to the Town Board. He said that the neighbors are concerned with this proposal’s long-term effect in their families.

Mr. Adams: Said that the Committee has discussed next generation farming [at previous meetings].

Mr. Delpriore: Said that some smaller conversations might be appropriate in addition to a large Town meeting. Mr. Brand said that the impact on each farm may be different. Mr. Delpriore said that the Town staff wants to hear from everyone and that the Town Board will hold a Public Hearing, but that the Town does not want to have misleading information [which could come from small, uninformed groups].

Mr. Adams: Said that there must a high level to landowners. He said that we are trying to craft something that conserves an important resource but that we need to build in as much flexibility as we can because we need a carrot for the landowners and that the Town cannot just be a stick. He said that there is room in the proposed local law to put in more flexibility to deal with the concerns of landowners of the proposed local law on the next generation.

Mr. Adams: Said that we have to strike a balance and it will be tricky.

Mr. Adams: Said that this [the proposed local law] would increase the role of the Committee in the Town. He said that the Committee will have something to say [about the future development of the Town] and that the Committee has to have due diligence about what it will say.

Mr. Brand: Said that he encourages the other members of the Committee to do what Mr. Marvin has done [to speak with neighboring farmers and landowners]. Mr. Brand said that the Town needs to understand what the concerns area.

Mr. Marvin: Said that he would be interested to know what effect the proposed local law would have had on farmers in the past. He asked about the effect of the proposal.

Mr. Marvin: Also said that the only way to retain farmland is to keep it profitable. He said that we want to guide them [the landowners] in farming.

Mr. Delpriore: Said that under the proposed local law the Town can provide the landowner who wants to sell with a recommendation that there would still be a way to sell off lots and also have viable farmland to work. He said that the Town would not be stopping a sale but would be giving a recommendation to a landowner on a way to sell lots and still have the ability to farm.

Mr. Maslyn: Asked when in the proposed process would the Committee get to see what a landowner wants. Mr. Delpriore said that an applicant's preliminary plans would be included in his or her subdivision application which the Committee would consider and subsequently provide comments on to the Planning Board. He said that the subdivision could still be how the landowner wants to do it, but the design might change. Mr. Delpriore said that the Planning Board is trying to develop the Town and requires guidance. Comments from this Committee will help the five members of the Planning Board do their jobs defined in the Town Code.

Mr. Delpriore: Said that right now an application goes through the Town staff, the fire departments and the Town Conservation Board [prior to referral to the Planning Board].

Mr. Delpriore: Said that Mr. Adams is right in that the review of applications by the Committee will raise the impact and identity of the Committee as it provides comments to the Planning Board.

Mr. Brand: Said that we are trying to protect the welfare of the community and its natural resource base [the more viable agricultural soils] as expressed in the *Comprehensive Plan* and by the proposed APOD local law.

Mr. Brand: Said that he would like direction from the Committee as to what the Committee would like to do to receive information about the proposed local law from the community. He said that this feedback from the community will help the Town staff with the second or subsequent draft(s) of the proposal.

Mr. Adams: Said that there will be a meeting of the Committee in April, but that having a meeting of the Committee in May will be tough [a reference to planting operations, etc.].

Mr. Marvin: Asked about having an open meeting and extending an invitation to the landowners to attend.

Mr. Adams: Said that it would be better to have landowners attend the regular meetings of the Committee, similar to the attendance of Mr. Capps at the meeting this evening.

Mr. Adams: Said that he was disappointed that the landowners with whom Mr. Marvin spoke did not show up tonight. Mr. Adams said that he was not yet close enough [in the consideration of the proposed local law] to have a Public Hearing. He said that the proposed local law needs a carrot and more flexibility. He encouraged the members of the Committee to provide their thoughts to Mr. Brand and to Mr. Delpriore.

Mr. Adams: Said that we must raise our game in order to feel good about this when we roll it out.

Mr. Adams: Said that regarding the timing question, there is a lot to go over, particularly on the APOD side.

Mr. Brand: Said that if this is do-able in four months, that is one thing, but that a year is something else. He said that he would need to ask for good reasons to tell the Town Board.

Mr. Delpriore: Said that without you [the Committee] diving into this, it would be hard to provide the Town Board with an answer.

Mr. Brand: Asked if we really need to change the definitions that we discussed tonight. He requested that the Committee members look at the guidelines and the strategic farmland

map. He said that we are talking about protecting the prime and unique soils on those parcels.

Mr. Putman: Asked about the definitions on the first page of the draft local law. He asked if they are from the State. Mr. Brand said yes, that they are from the State Agriculture and Markets laws, and that State approval is needed if the Committee wants to make the definitions more strict. Mr. Delpriore said that the Town staff needs to get by this group [the Committee] first prior to referring the draft to the County and the State.

Mr. Adams: Said that we have to be cognizant that this is not a “taking” and that it is for the greater good of agriculture in the Town of Farmington. He said that the Committee is trying, but that this is not yet quite what he thought.

Mr. Delpriore: Requested that Committee members provide their comments to the Town staff so that the comments can be compiled prior to the next meeting.

Mr. Brand: Said that the local law will be the regulations which the Town will follow, and that the Planning Board would then be able to recommend to a landowner that he or she could have alternate locations on the property.

Mr. Putman: Said that if you laid it out and followed all the rules, it is a go. But he said that the bottom line is that this is not a “taking.” Mr. Boyce said that it is a “suggestion.”

Mr. Brand: Said that with this local law the Planning Board could deny a subdivision application and the courts would then have to agree with the Planning Board because the Town is acting to protect the agricultural resource base.

Mr. Brand: Requested that Committee members write down their questions and submit them to the Town staff in a form which can be shared with the other Committee members. Mr. Delpriore requested that the Committee members should not wait [to submit their questions] until the next meeting but should submit them earlier to allow time for the Town staff to provide answers at the next meeting.

Mr. Adams: Said that it may be hard to reach that level of participation.

There were no additional comments on this topic this evening.

4. PROPOSED SOLAR PROJECTS IN THE TOWN OF FARMINGTON

Mr. Adams: Said that a resident contacted him regarding future solar projects in the Town and the possibility that all of a sudden there is interest in solar projects.

Mr. Delpriore: Said that currently there is a pending solar project which is proposed on the east and west sides of Commercial Drive. He said that this project will be located on two parcels of land at both ends of Commercial Drive and will complete the link of Commercial

Drive to extend from Collett Road to State Route 96. Mr. Delpriore said that the applicant proposes battery storage on the site, and will construct the road, sidewalks and all infrastructure. He said that the application is expected to be presented to the Planning Board in April.

Mr. Adams: Asked if the Town staff is aware of a battery storage fire at a solar project in the North Country. Mr. Delpriore said that there have been battery storage facilities in the Town for several years and that the fire department is aware of these issues and how to handle a fire.

Mr. Adams: Said that the resident who contacted him [about solar projects] thought that the current project would be on hundreds of acres.

Mr. Delpriore: Said that the Town has not received any other inquires for solar projects at this time.

5. REVIEW OF AGRICULTURAL ADVISORY COMMITTEE SECTION OF THE TOWN WEBSITE

Mr. Adams: Said that the Agricultural Advisory Committee tab on the Town website is woefully out of date with past Committee members' names and wrong information.

Mr. Delpriore said that the Town staff is aware of the dated material on some tabs of the website. He said that the Town recently updated the design of the website and that the web developer imported the old material into the new design. He asked what information should be included on the Committee tab.

Mr. Adams: Said that for starters the old information should be removed because it has nothing to do with what the Committee is doing today. He said that the tab should have a brief description of the Committee and a tab to direct the user to the Committee's minutes. He requested that the tab be intuitive for the uninitiated.

Mr. Delpriore: Said that he will take a look at the tab and will get it "basic," following which the Committee can advise him of what else should be posted.

Mr. Adams: Said that tab to the Committee's minutes should be included. He also said that there is currently a tab to the Farmland Protection Committee which no longer exists.

6. VISITORS' COMMENTS

None.

7. NEXT MEETING

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

Mr. Brand: Requested that Committee members provide their comments and questions on the proposed APOD local law to the Town staff no later than April 11, 2024, to enable the Town staff to have time to provide answers at the next meeting on April 18th.

8. ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

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

Respectfully submitted,



John M. Robortella L.S.

Attachments:

1. Proposed local law on APOD Agricultural Protection Overlay District.
2. Summary report on the proposed local law from Ron Brand.

**Farmington Agriculture Advisory Committee Members
As of February 13, 2024
Town Board Resolution #81-2024**

Hal Adams (Chairperson January 1, 2024 to December 31, 2024)

John Marvin	Term expires 12/31/2025
Ronald Mitchell	Term expires 12/31/2025
Michael Putman	Term expires 12/31/2025

Hal Adams	Term expires 12/31/2026
Charles Bowe	Term expires 12/31/2026
Peter Maslyn	Term expires 12/31/2026

William Boyce Jr.	Term expires 12/31/2027
Denis Lepel	Term expires 12/31/2027
Doug Payne	Term expires 12/31/2027

Per Town Board Resolution #81-2024, February 13, 2024

E-mail Distribution:

Adams, Hal
Bowe, Charles
Boyce Jr., William
Lepel, Denis
Marvin, John
Maslyn, Peter
Mitchell, Ronald
Payne, Doug
Putman, Michael

Town Board and Staff:

Bowerman, Nate
Brand, Ron
Casale, Michael
Caudle, Casey
Delpriore, Dan
Finley, Michelle
Gordner, August
Herendeen, Ron
Ingalsbe, Peter
Holtz, Steven
Marvel, Carol
Ruthven, Paula

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, New York 12231-0001

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Farmington, Ontario County, New York

Local Law no. __ of the year 2024

A local law to amend Chapter 165 of the Town Code of the Town of Farmington, Ontario County, New York, entitled Zoning Law, by further amending portions of Articles II, III, IV, V, VI; amending portions of Schedule I, Lot Area, Bulk and Coverage Requirements; deleting 165 Attachment 3, Schedule A, Stormwater Management Practices Acceptable for Water Quality; and deleting 165 Attachment 4, Schedule B, Sample Stormwater Control Facility Maintenance Agreement, from the Attachments to Chapter 165; and by adding to Article IV, Section 34.3, "APOD Agricultural Protection Overlay District" regulations.

Be it enacted by the Town Board of the

Town of Farmington as follows:

Section 1: Chapter 165, Article II, Section 10 Definitions is hereby amended by adding and/or removing the following definitions in alphabetical order:

AGRICULTURAL TOURISM

Activities, including the production of maple sap and pure maple products made therefrom, conducted by a farmer on-farm for the enjoyment and/or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of farming and farm life.

BARN

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. The structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, not shall it be a place used by the public.

FARM OPERATION

The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production,

preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of section 301, Article 25, of the New York State Agriculture and Markets Law, a "timber operation" as defined in subdivision fourteen of said section, "compost, mulch or other biomass crops" as defined in subdivision seventeen of said section and "commercial equine operation" as defined in subdivision eighteen of said section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

OUTDOOR FURNACE

This definition is hereby deleted in its entirety.

OUTDOOR WOOD BOILER

This definition is hereby amended to read in its entirety as follows..
OUTDOOR WOOD BOILERS are regulated under the provisions contained in 6 NYCRR, Part 247, Outdoor Wood Boilers.

OUTDOOR WOOD BURNING FURNACE

This definition is hereby deleted in its entirety.

Section 2: Chapter 165, Article II, Section 17, "District regulations" is hereby amended in its' entirety to read as follows:

\$165-17 District regulations.

District regulations shall be as in §§165-18 through 165-34.3.

Section 3: Chapter 165, Article III, Establishment and Designation of Districts, Section 11. Districts enumerated is hereby amended to read:

The Town of Farmington is hereby divided into zoning districts and zoning overlay districts as hereinafter set forth and the same may be from time to time amended:

RA-80 Agricultural District (80,000 square feet lot size) is hereby deleted and replaced with RA-80 Rural/Agricultural District.

There is to be an overlay zoning district added to the list of districts, which is to be inserted between the PD Planned Development District and AUO Adult Use Entertainment Established Overlay District, to read in its entirety as:

APOD Agriculture Protection Overlay District

Section 4: Chapter 165, Article III, Establishment and Designation of Districts, Section 12. Zoning Map. Is hereby amended by as follows: (1) removing the A-80 Agricultural District from the Official Zoning Map Legend; (2) adding the RA-80 Rural/Agricultural District to the Official Zoning Map Legend; (3) adding the APOD Agricultural Protection Overlay District to the Official Zoning Map Legend; and (4) delineating the RA-80 Rural/Agricultural District for those parcels previously designated as A-80 Agricultural; and (5) delineating the APOD Agricultural Protection Overlay District upon the

Official Zoning Map based upon those Strategic Farmland Protection Areas shown on Map No. 8, entitled "Town of Farmington Active Farmland - Strategic Farmland," Town of Farmington Farmland Protection Plan, a part of the adopted 2021 Edition of the Town of Farmington Comprehensive Plan.

Section 5: Chapter 165, Article IV, District Regulations, Section 18, A-80 Agriculture District (80,000 square foot lot size), is hereby deleted in its entirety and is replaced with the following:

§165-18 RA-80 Rural/Agricultural District (80,000 square foot lot size).

A. Intent. The intent in creating the RA-80 Rural/Agricultural District is to protect the predominantly rural residential and active agricultural areas of the community from suburban and urban development, support the continuation of Farm Operations, protect the non-renewable productive agricultural soils, reduce conflicts between agricultural land use and rural residential land use, recognize the financial constraints that exist to funding the extension of public utilities into and through these areas, and protect open space.

B. Permitted principal uses:

- (1) Farm Operations, Farm Buildings and Structures, including but not limited to Barns, Silos, Grain Bins, etc.
- (2) Single-family detached dwellings, not including townhouse dwelling units.

C. Permitted accessory uses:

- (1) Roadside stands for the sale of seasonal agricultural products, some portion of which is to be grown by the property owner. Each roadside stand shall have a suitable off-street parking area, located at least ten feet from the highway right-of-way to be provided for customer parking. Upon the close of the seasonal sales of the agricultural products, the roadside stand is to be secured on the property and all commercial speech signs are to be removed from the property. Temporary promotional display signs, both on-site and off-site, may be permitted, subject further to the provisions contained in §165-47 B and C of this chapter.
- (2) Private garages.
- (3) Customary residential storage structures subject to the provisions of §165-58 of this chapter.
- (4) Private swimming pools, subject to the provisions of §165-62 of this chapter.
- (5) Signs, subject to the provisions of §165-38 of this chapter.
- (6) Fences, subject to the provisions of §165-61 of this chapter.
- (7) Off-street parking and loading, subject to the provisions of §165-37 of this chapter.
- (8) Domestic pet shelters, subject to the provisions of §165-55 of this chapter.
- (9) Minor home occupations.
- (10) Public donation bins, subject to the provisions of §165-65.2 B of this chapter.

D. Special permit uses: the following land use may be allowed upon the issuing of a Special Use Permit in accordance with the provisions contained in Chapter 165, Article VI, Special Permit Uses, and Chapter 165, Article VII, Administration and Enforcement, Section 165-100, Site development plan, both of which are part of the Town of Farmington Town Code

- (1) Kennels.
- (2) Major Home Occupations.
- (3) Essential service structures, excluding power plants.
- (4) Private Airports.
- (5) Excavation Operations.
- (6) Large-scale ground-mounted solar PV systems.
- (7) Agricultural/construction equipment repairs and painting operations.
- (8) Drainage Contractor Operations and related equipment and storage buildings.

E. Residential lot size requirements. Notwithstanding any other provision in the Town of Farmington Code to the contrary, the minimum dimensional requirements in the RA-80 District for a single-family dwelling on a lot that cannot be served by a conventional on-site wastewater treatment system are as follows:

- (1) The minimum lot size shall be 80,000 square feet.
- (2) The minimum lot width shall be 300 feet.
- (3) The minimum lot depth shall be 250 feet.

F. Residential lot size requirements. Notwithstanding any other provisions in the Town of Farmington Code to the contrary, the minimum dimensional requirements in the RA-80 District for a single-family dwelling for a lot that can be served by a conventional on-site wastewater treatment system are as follows:

- (1) The minimum lot size shall be 40,000 square feet.
- (2) The minimum lot width shall be 150 feet.
- (3) The minimum lot depth shall be 200 feet.

G. Additional provisions.

- (1) All on-site wastewater treatment systems shall be subject further to the provisions contained in Chapter 126 of the Town of Farmington Code, entitled "Individual On-Site Wastewater Treatment Systems."
- (2) Where a site's soil conditions will not allow a conventional on-site wastewater treatment system the following standards shall apply:
 - (a) A raised or modified on-site wastewater treatment system shall be located not less than one hundred (100) feet from all property lines; and
 - (b) The entire septic field (including tapers) shall be located one hundred (100) feet from all property lines; and
 - (c) There shall be an area of land, in proximity to an existing/proposed system and on the property that is equal in size to fifty percent (50%) of the original bed area reserved for future expansion or replacement within the one hundred- (100-)foot restriction.
- (3) Where at least fifty percent (50%) of a site's surficial soil conditions are classified as prime agricultural soils (Class 1

and 2), soils of statewide significance (Class 3 and 4) or black dirt soils as established by criteria of the Natural Resource Conservation Service, United States Department of Agriculture (herein after "agricultural soils"); or where a proposed residential site possesses the criteria set forth within Section 34.3. of this Chapter of the Farmington Town Code, entitled "APOD Agriculture Protection Overlay District," such criteria shall supersede the criteria set forth in sections (2) and (3) above herein and govern the density of single-family development.

Section 6: Chapter 165, Article IV, District Regulations, Section 165-34.3, APOD Agriculture Protection Overlay District, is hereby established to read in its entirety as follows:

§165-34.3. APOD Agriculture Protection Overlay District.

A. Intent.

The intent of these overlay district regulations is to provide a course of action for protecting the natural resource base, the more viable and productive agricultural soils that are deemed essential for helping to sustain the economic viability of active agricultural operations in the community, to protect these more highly productive agricultural soils (e.g., soil classes Groups 1-4) from premature conversion to non-agricultural uses, and to promote the established rural and agricultural character within the designated areas identified on Map No. 8, "The Town of Farmington Active Farmland - Strategic Farmland Map," a part of the adopted town of Farmington Farmland protection Plan, and a part of the adopted 2021 Edition of the Town of Farmington Comprehensive Plan.

B. Purpose.

Protecting the community's non-renewable and thus essential natural resource base is an essential stewardship of local governments, as identified by the goals, objectives and policies established in comprehensive plans and open space planning, and thereby providing a legitimate zoning objective under the New York State Town Law statutes for which these overlay district regulations strive to achieve.

C. Designation of APOD Agriculture Protection Overlay District.

The APOD Agricultural Protection Overlay District regulations are applied to the delineated parcels of land shown on the Town of Farmington Official Zoning Map and located within the underlying RA-80 and RR-80 Districts.

D. Permitted Principal Uses.

The permitted principal uses listed in the underlying RA-80 and RR-80 Rural Residential Districts are not affected by the APOD Agricultural Protection Overlay District regulations except for the criteria contained herein that is intended to protect the more productive soils from premature conversion to non-agricultural land use. In addition to said permitted principal uses, a farm-related structure may be located upon a parcel of land where there is no principal use and said structure is used exclusively for related agricultural operations only by the landowner or farmer having an established lease of the land that remains in effect. Said farm-related structure shall not be used for

any non-agricultural operations without obtaining either an established special use permit or Temporary Use Permit.

D. Permitted Accessory Uses.

The permitted accessory uses for residential sites listed in the underlying RA-80 and RR-80 Districts are not affected by the APOD Agricultural Protection Overlay District regulations except for the criteria contained herein that is intended to protect the more productive soils from premature conversion to non-agricultural land use.

E. Special Permit Uses.

The special permit uses listed in the underlying RA-80 and RR-80 Districts are not affected by the APOD Agricultural Protection Overlay District regulations except for the criteria contained herein that is intended to protect the more productive soils from premature conversion to non-agricultural land use.

F. Dimensional Requirements.

All site development for non-agricultural uses shall be subject to the Town Planning Board's approval of a final subdivision plat in accordance with the provisions set forth in Chapter 144 of the Farmington Town Code, §144-29 Cluster development, and shall also be based upon the following criteria:

- (1) The minimum lot size shall be that established elsewhere in Chapter 165, Article IV and Zoning Schedule 1, of the Farmington Town Code unless amended by the Planning Board as further provided under §144-29 cited above herein.
- (2) This minimum lot size shall include a delineated area on the plat map for land banked future expansion of an on-site wastewater treatment system as specified above herein.
- (3) The proposed lot shall be located upon that portion of the site having a lower classified agricultural soils group as shown on the property owner's Soils Group Worksheet prepared by the Ontario County Soil and Water Conservation Service and submitted as part of the preliminary subdivision plat application. Where there is no Soils Group Worksheet, then an applicant shall have one prepared by the County Soil and Water Conservation Service and submitted as part of the preliminary subdivision plat application.
- (4) Where a proposed preliminary plat identifies a third proposed lot then the applicant shall be required to provide an overall buildout of the site, in satisfaction of identifying the long-term impacts upon the site's continued agricultural operations as further required under the State's Environmental Quality Review Act (SEQRA).
- (5) No accessory structure(s) shall be located upon the delineated land banked area mentioned above herein for expansion of the on-site wastewater treatment system.
- (6) The subdivision plat must show that the site development involves the least disruption to continued agricultural operations on the remaining land.
- (7) The subdivision plat must show any adjacent lands that are being used for active agricultural operations and identify what, if

- any, impact the proposed non-agricultural development of the site will have on continued agricultural operations on the adjacent property (ies) and the County's Agricultural Use District.
- (8) The preliminary plat review shall be coordinated with the Chairperson and at least three (3) members of the Town Agricultural Advisory Committee and approval based in part upon any recommended conditions by said Committee.
 - (9) [Reserved]

G. Additional Subdivision, Site Plan and Special Use Permit Provisions and Requirements.

Residential structures to be located within the APOD Agricultural Protection Overlay District are to be in accordance with the following guidelines:

- (1) Away from the boundaries of any preserved land, to reduce conflicting land uses where farmers and/or landowners have made long-term commitments to continue farm operations.
- (2) In such a manner that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses.
- (3) To be as visually inconspicuous as practical when viewed from interstate, state, county and local roads.
- (4) Next to other residences or building lots on adjacent properties.
- (5) To minimize the perimeter of the built area by encouraging compact development and discouraging strip frontage development along public highways.
- (6) On soils suitable for subsurface discharge.
- (7) Within woodlands, or along the outer edges of open agricultural fields adjacent to any woodland, to reduce encroachment upon the higher classified agricultural soils, provide shade in summer and shelter in winter, and to enable new residential development to be visually absorbed by the natural landscape.
- (8) In locations where the greatest number of dwelling units could be designed to take advantage of solar heating and solar electric services.
- (9) Any other mitigation measure imposed under SEQRA.

Section 7: Chapter 165, Article IV, Section 165-19 Rural/Residential District (80,000 square feet lot size) is hereby further amended in its entirety and replaced in its entirety as follows:

§165-19. C. Permitted accessory uses:

- (1) Accessory uses permitted in the RA-80 District.

§165-19. D. Special permit uses:

- (1) Special permit uses allowed in the RA-80 District.

§165-19. E. Lot size requirements.

The minimum lot size requirements for a single-family dwelling located upon a lot within the RR-80 District shall be the same as those set forth above in Chapter 165, Article IV, District Regulations, for the RA-80 District, §§165-18 E. F. and G.

Section 8: Section 165-32 WEFD Wind Energy Farm District, Subsection 32 C. WEFD Location is hereby amended to read as follows:

§165-32 C. WEFD Location. In rezoning property to WEFD Wind Energy Farm Districts, it is intended that these guidelines are to be followed:

C. (1) WEFD Wind Energy Farm Districts are to be created only on properties that are zoned RA-80 or RR-80 District, provided further that they are not located on land delineated as APOD Agricultural Protection Overlay District and upon the applicant obtaining subdivision plat and/or site plan approval from the Town Planning Board for the wind energy system; and

Section 9: Chapter 165, Article V, Supplementary Regulations, Section 165-43 General requirements for erecting and maintaining commercial speech signs, Sub-section 43 A. Residential uses, is hereby amended to read in its entirety as follows:

A. Residential uses.

A single double-sided freestanding commercial speech sign identifying a permitted home occupation, not larger than three square feet per side, may be permitted in an RA-80, District and in any RR-80, RS-25, R-7.2, R-1-15, R-1-10 and R-2 Residential Zoning District.

Section 10: Chapter 165, Article V, Section 47 Standards for temporary promotional displays (signs), sub-section B is hereby amended to read in its entirety as follows:

B. To promote seasonal sales of agricultural products by Town residents, temporary on-site and off-site commercial speech signs may be allowed by the Town Code Enforcement Officer (CEO) within the RA-80, RR-80, GB, NB, LI and GI Districts. These types of temporary commercial speech signs are intended to either identify the site to be used for the seasonal sales of agricultural products, or to direct the traveling public from along the highways to the site of the seasonal sales of agricultural products. These temporary commercial speech signs may be permitted only during the period specified on the temporary sign permit.

Section 11: Chapter 165, Article V, Section 55 Keeping of Animals, sub-section B is hereby amended to read in its entirety as follows:

B. Keeping of farm animals. Farm animals shall be allowed on land located within the RA-80 and the RR-80 Districts. No farm animals shall be housed or kept within a secure outdoor area on any premise of less than five acres. Kennels or shelters for farm animals shall

not be closer than 200 feet to all side or rear lot lines. The storage of any farm animal waste or other odor-or dust-producing materials shall not be closer than 200 feet to any lot line as per §165-18 and/or §165-19 of this chapter. These setback regulations may be exempted by the protection provided to an active farm site located within an established Ontario County Agricultural Use District, as further regulated under the New York State Agriculture and Markets Laws.

Section 12: Chapter 165, Article V, Section 57 Buffer areas for certain abutting properties, sub-section A. is hereby amended to read in its entirety as follows:

- A. General provisions. Where a lot in any RMF, RB, NB, GN, LI, GI, PD or IZ District abuts a lot in an RA-80, RR-80, RS-25, R-1-15, R-1-10, R-7.2 or R-2 District, then said abutting property line shall have a landscape buffer area of at least 30 feet in depth as part of any site development plan approval by the Planning Board.

Section 13: Chapter 165, Article V, Section 58 Accessory structures, sub-sections B and C are hereby amended to read in their entirety as follows:

- B. Accessory structures located within the mapped RA-80 RR-80, RS-25, R-1-15, R-1-10, R-7.2, RMF, RB, NB and GB Districts shall have a maximum height of 15 feet as measured from existing grade to the peak of the roof of an accessory structure, unless exempted by the provisions contained in §165-63 of this chapter. Accessory structure(s) permitted in any mapped PD or IZ District shall have the maximum height as is specified in the Town Board resolution approving said rezoning of land to the respective PD or IZ District.
- C. Accessory non-agricultural structures with the mapped RA-80, RR-80, RS-25, R-1-15, R-1-10, R-7.2, R-2, RMF, RB, NB, GB, GI and LI Districts, excluding private garages, shall have a maximum buildable area of 300 square feet and a maximum building height of 15 feet above existing grade. Accessory structures, excluding private garages, shall not be used for the purpose of storage of vehicles. Accessory structures shall conform to the style, color, and type of exterior finish on the principal structure or be a neutral type of exterior finish.

Section 14: Chapter 165, Article V, Section 65.1 Outdoor wood boilers, is hereby deleted in its entirety.

Section 15: Chapter 165, Article VI, Section 71 Excavation operations, sub-section A is hereby amended to read as follows:

- A. Excavation operations may be allowed as a special use permit in the RA-80, RR-80, LI and GI Districts upon the approval of a special use permit by the Planning Board.

Section 16: Chapter 165, Article VI, Section 72 Major home occupations, sub-section A is hereby amended to read as follows:

- A. It is the intent of this section to allow a variety of major home occupation pursuits as specially permitted uses in residential districts while recognizing the substantial governmental goal of preserving and maintaining the residential atmosphere, appearance and character of residential districts. A major home occupation may be allowed as a special permitted use in the RA-80, RR-80, RS-25, R-7.2, R-1-15, R-1-10, R-2, RMF and PD Districts. It is recognized that while major home occupation pursuits are specially permitted under the conditions provided for in this section, it is the primary purpose of this section to preserve and maintain the residential atmosphere, appearance, and character of residential districts. It is the stated intent that the special permitted major home occupation use will always be second and subordinate to the principal residential use of the premises and that the major home occupation will not harm other residential uses of the property or adversely affect neighboring premises. Under no circumstance shall a special permitted major home occupation become so extensive that it predominates the principal permitted residential use of the premises. It is further the intent of this section to establish specific performance standards and controls to limit major home occupations so as to minimize the adverse impacts a home occupation could have on a neighborhood or district and to assure that it does not become the predominant use of the property. Finally, it is the intent of this section to exclude family or group family day care as first defined in New York State Social Services Law, § 390, Subdivision 1, Paragraph (d) and (e), which are exempt from the provisions of this chapter, from having to comply with these regulations.

Section 17: Chapter 165, Article VI, Section 75 Kennels, sub-section A is hereby amended in its entirety to read as follows:

- A. Kennels may be allowed as a special permit use permit in the RA-80, RR-80 and GB Districts upon the approval of a special use permit and site plan approval by the Planning Board.

Section 18: Chapter 165, Article VI, Section 80 Public buildings, sub-section A is hereby amended in its entirety to read as follows:

- A. Public buildings and grounds may be allowed as a special use permit in the RA-80, RR-80, RS-25, R-1-15, R-1-10, R-2, RMF, NB, GB and LI Districts, as specified in Article IV of this chapter, upon the

approval of a special use permit and site plan approval by the Planning Board.

Section 19: Chapter 165, Article VI, Section 84.2 On-site-use wind energy systems, sub-sections A and F (2) (a) are hereby amended in their entirety to read as follows:

On-site-use wind energy systems may be allowed as a special use permit in the RA-80, RR-80, RS-25, GB, LI and GI Districts with the approval of a special use permit and site plan approval by the Planning Board.

F. (2) Height. On-site-use wind energy systems are to be located on a lot in the:

(a) RA-80 District shall not exceed a total height of 80 feet.

Section 20: Chapter 165, Article VI, Section 165-84.3 Special use permit and site plan approvals is hereby amended to read as follows:

Large-scale ground-mounted solar PV systems, as principal uses, may be allowed upon the issuance of a special use permit and site plan approvals that are granted by the Planning Board, upon lots located within the RA-80 District, the RR-80 District, the GB General Business District, the LI Limited Industrial District and the GI General Industrial District as further provided for in this section.

Section 21: Chapter 165, Article VI, Section 165-84.3.4 Criteria for accepting and approving application for site plan approval is hereby amended to read as follows:

D. Large-scale ground-mounted solar PV systems located in restricted business, commercial or industrial districts.

Such solar PV systems shall be set back an additional 110 feet from the minimum yard setback along all property lines that abut a lot located in the RA-80, RR-80 and other zoning districts permitting residential dwellings, or an IZ Incentive Zoning District. This additional setback dimension shall also apply to the front yard setback when the lot on the opposite side of the street is in a residential or an incentive zone district.

Section 22: Chapter 165, Article VI, Section 165-84.4 Agricultural/construction equipment repairs and painting operations is hereby amended to read as follows:

A. Agricultural/construction equipment repairs and painting operations may be allowed as a special permit use in the RA-80, RR-80, LI Limited Industrial and GI General Industrial Districts, and subject further to the following criteria contained below in this section.

H. The minimum lot or parcel size required for issuing a special use permit for an agricultural/construction equipment repairs and

Section 25: Section 165-Attachment 3, Town of Farmington Schedule A, Stormwater Management Practices Acceptable for Water Quality is hereby deleted in its entirety. Reference shown in the General Code eCode 360 Library for the Town of Farmington for Chapter 165 Zoning is to delete Attachment 4 - Schedule B - Sample Stormwater Control Facility Maintenance Agreement.

Section 26: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 27: This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law number X of 2024, of the Town of Farmington, was duly passed by the Town Board on ,2024, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the Town of Farmington was duly passed by the on 2024, and was (approved) (not approved) (repassed after disapproval) by the and was deemed duly adopted on 2024, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the Town of Farmington was duly passed by the Farmington Town Board on 2024, and was (approved) (not approved) (repassed after disapproval) by on 2024. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on 2024, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the Town of Farmington was duly passed by the Farmington Town Board on 2024, and was (approved) (not approved) (repassed after disapproval) by the on 2024. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 2024, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the City of having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on 2024, became operative.

- Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances. (15)

5. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the County of State of New York, having been submitted to the electors at the General Election of November

2024, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the Town

(Seal)

Date: _____

**TOWN OF
FARMINGTON**



TO: Town of Farmington Agriculture Advisory Committee

FROM: Ron Brand, Director of Planning & Development

DATE: March 15, 2024

RE: Draft Local Law regarding APOD Agricultural Protection Overlay District Regulations and other amendments to Chapter 165 (Zoning Law) of the Farmington Town Code.

This is an overview of the draft local law which is being submitted to the Town of Farmington Agricultural Advisory Committee to start its' review of the creation of the APOD Agricultural Protection Overlay District regulations and certain amendments to other sections of the Town Code that are being either amended or deleted. The level of detail contained in the attached document is different from the level of conceptual discussions that have been held with the Committee members recently.

The draft local law is formatted in accordance with state guidelines and, for those not familiar with those guidelines, you may wonder why all this verbiage is being provided, the majority of which may not be of interest to the Committee members. The answer is that in drafting a local law one has to follow the format established in the chapter(s) of the Town Code that is being amended. Keep in mind that some sections of the Town Code are quite old while others are more recent and, therefore, may read different.

The attached draft local law is 17 pages long. The last two (2) pages are boiler plate which need to be completed and attested to by the Town Clerk once the Town Board adopts the final version of the local law and before it is submitted to the Office of the Department of State in Albany.

Section 1:

The first section involves adding definitions which come from both the State Ag & Markets Laws and the other municipal codes that the Committee has been reviewing. Terms defining Agricultural Tourism, Barn, and Farm Operation. The draft law also deletes some terms which relate to Outdoor Wood Boilers which are now regulated by the DEC and no longer the town.

Section 2:

This section simply describes the various zoning districts and overlay districts that will be in the Town's Zoning Law. §165 -34.3 will be the new section for the APOD Agriculture Protection Overlay District.

Section 3:

This section amends the A-80 Agricultural District designation by changing it to RA-80 Rural Agricultural District which is intended to better coincide with the designation RR-80 Rural Residential District. This section also introduces the APOD Agriculture Protection Overlay District into the chapter of the Town Code. This designation (APOD) is the same as used in the Town of Canandaigua Zoning Law which the Committee previously received.

Section 4:

This section describes the changes being made to the Official Zoning Map, including changes to the map's legend, the delineation of the mapped districts and the APOD Overlay mapping. Please note that there is no attached map showing these changes being proposed.

Section 5:

This section exchanges the A-80 District designation with the proposed RA-80 District designations contained throughout this section of the Town Code. There is a new statement of intent, with other changes to the sections listed including: the introduction of a new special use permit for Drainage Contractor Operations and related equipment and storage buildings. [page 4, item D. (8)]; and item G. Additional provisions, on page 5, which introduces Chapter 126 of the Town Code (Individual On-site Wastewater Treatment Systems) and G.3. provisions governing the density of single-family development in areas where there are classified productive agricultural soils, criteria that supersedes the provisions listed above.

Section 6:

This section introduces the intent, purpose, designation of the APOD, lists the permitted uses, the permitted accessory uses, the special permitted uses, the dimensional requirements and guidelines for locating residential sites within the mapped APOD parcels.

Section 7:

This existing section of Chapter 165 (Rural Residential District) simply exchanges A-80 designations for RA-80 designations.

Section 8:

This existing section of Chapter 165 (Wind Energy Farms District) simply exchanges A-80 designation for RA-80 and for the APOD designations.

Section 9:

This existing section of Chapter 165 (Commercial Speech Signs) simply exchanges A-80 designation for RA-80.

Section 10:

This existing section of Chapter 165 (Temporary Promotional Displays [signs]) simply exchanges A-80 designation for RA-80.

Section 11:

This existing section of Chapter 165 (Keeping of Animals) simply exchanges A-80 designation for RA-80.

Section 12:

This existing section of Chapter 165 (Buffer area for certain abutting properties) simply exchanges A-80 designation for RA-80.

Section 13:

This existing section of Chapter 165 (Accessory Structures) clarifies that structures such as barns, silos and other agricultural buildings are exempt from the 15 foot requirement. It also exchanges A-80 designation for RA-80.

Section 14:

This section deletes from the Town Zoning Laws (Chapter 165) all regulations pertaining to Outdoor Wood Boilers. The definition change in Section 1 above identifies these regulations are now under the authority of the New York State Department of Environmental Conservation.

Section 15:

This existing section of Chapter 165 (Excavation Operations) simply exchanges A-80 designation for RA-80.

Section 16:

This existing section of Chapter 165 (Major home occupations) simply exchanges A-80 designation for RA-80.

Section 17:

This existing section of Chapter 165 (Kennels) simply exchanges A-80 designation for RA-80.

Section 18:

This existing section of Chapter 165 (Public Building) simply exchanges A-80 designation for RA-80.

Section 19:

This existing section of Chapter 165 (On-site Wind Energy Systems) simply exchanges A-80 designation for RA-80.

Section 20:

This existing section of Chapter 165 (Special Use Permits and Site Plan Approvals) simply exchanges A-80 designation for RA-80.

Section 21:

This existing section of Chapter 165 (Criteria for Large-scale Ground-mounted solar PV systems) simply exchanges A-80 designation for RA-80.

Section 22:

This existing section of Chapter 165 (Agricultural Construction Equipment) simply exchanges A-80 designation for RA-80.

Section 23:

This existing Attachment to Chapter 165 (Zoning Schedule) is being amended exchanging A-80 for RA-80, and adding foot notes to the Schedule.

Section 24:

This existing Attachment (Number 3) to Chapter 165 relates to Stormwater Management Practices which have been replaced in Chapter 138 making this attachment no longer valid.

Section 25:

This existing Attachment (Number 4) to Chapter 165 relates to Stormwater Management Practices Acceptable for Water Quality) has been replaced in Chapter 138 of the Town Code making this attachment no longer valid.

Section 26:

This is State Boiler Plate and cannot be changed.

Section 27:

This is State Boiler Plate and cannot be changed.

Hope this information helps everyone to better understand the format used in creating this draft Local Law.

Burdle

6/11/24

(11)

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURAL ADVISORY COMMITTEE Thursday, April 18, 2024 • 6:30 p.m.

MINUTES—APPROVED

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*
William Boyce Jr.
John Marvin
Ronald Mitchell
Michael Putman

Committee Members Excused:

Charles Bowe
Denis Lepel
Doug Payne
Peter Maslyn

Town Representatives Present:

Ronald L. Brand, Farmington Director of Development and Planning
Dr. Michael Casale, Farmington Town Board Member
Dan Delpriore, Farmington Code Enforcement Officer

Guests:

David Capps, 768 Hook Road, Farmington, N.Y. 14425

RECEIVED
TOWN CLERK'S OFFICE
TOWN OF FARMINGTON
2024 JUN - 7 AM 8: 02

1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION

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

The Town Clerk, the Committee members and Town staff were notified of the meeting on March 21, 2024. The meeting clerk notified the Canandaigua *Daily Messenger* newspaper on April 12, 2024.

The meeting date and time were posted upon the Town Hall Bulletin Board on March 21, 2024, and have remained posted.

A public notice of the meeting was published in the Canandaigua *Daily Messenger* newspaper “Bulletin Board” website events section beginning on April 12, 2024, and has remained posted.

**2. CONTINUED DISCUSSION OF PROPOSED TOWN LAW:
AGRICULTURAL PROTECTION OVERLAY DISTRICT (APOD)**

Mr. Adams: said I suggested that tonight would be a work session to review the questions presented after reviewing the proposed local law change. There is a consensus that the committee is concerned about some written definitions. Section 1: There is a suggestion to either clearly state, not limited to maple syrup, or provide a more general definition. Activities conducted by a farmer on-farm invite the public to experience and learn about farm production. If we are looking for additional examples, we have locally The Shortsville Reindeer Farm, Old McDonald's farm in Sackets Harbor, and Kings Dairy in eastern New York.

Mr. Adams: said he has requested that we broaden the definition to be more inclusive of other things.

Mr. Putman: said he has recommended a more general description to avoid issues with exclusion confusion.

Mr. Brand: said he is leaning toward the verbiage of, Not limited to.

Mr. Adams: said this brings up a second concern brought forth by Mr. Maslyn. How can a barn on a working farm be excluded from being a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public? What is meant by processing? What are we doing with the milk that comes from the cow? Does this limit us from having farm tours, including a walk or wagon ride through the Barn? Please revisit the verbiage; it needs to be more inclusive.

Mr. Boyce: asked for clarification about Barndominiums.

Mr. Delpriore: said the Barndominiums would not be classified as a Barn in that case. This also prevents residents from converting the Barn into a wedding venue or something similar. It restricts the Barn from being used as a place for public assembly.

Mr. Adams: said this brings up Mr. Maslin's concern about the description of Farm Operation. Should vegetables, fruit, hops, greenhouses, and Christmas trees be included in this definition, or should it be a more general definition that isn't limited by specific

examples? This again feels too restrictive, and it is thought that some examples can be listed with the verbiage of not limited to would be a better approach.

Mr. Delpriore: said he and Mr. Brand will work on adjusting the verbiage.

Mr. Brand: said in response to Mr. Maslyn's response to Page 7, # 8 to have a quorum before making a recommendation rather than three members. Three members were decided based on the historical challenges of gathering three key people together.

Mr. Adams: said that, given the time-sensitivity of moving the process along, he would prefer to propose disseminating to the committee through e-mail rather than three members and the chairman or something in person. At least we've given the entire community guidance on a given application. I'm very uneasy with excluding part of the committee, and I'm uncomfortable with the no quorum.

Mr. Brand: said he suggests setting a clear deadline, and no response will be considered no objection.

Mr. Brand: said I clarified that this is an advisory committee, not a board, so a Quorum is not required to make recommendations.

Mr. Marvin: said he would like to see examples of how this works in neighboring Canandaigua and shared concerns about the long-term outcomes of adopting this.

Mr. Adams: said that the adopted Canandaigua overlay district is different from what Farmington is proposing.

Mr. Brand: said the Planning Board has had the authority to require clusters for many years now. The APOD Agriculture Protection Overlay District is intended to provide the planning board with guidelines for protecting, to the extent practical, the more viable soils resource base.

Mr. Adams said it is important to understand that protecting the resource base is the basis for creating the Agricultural Protection Overlay District.

Mr. Boyce: I asked for clarification regarding the agricultural exemption. His scenario is, could a 100-acre field actively being farmed when a subdivision application is submitted requesting ten 10-acre residential lots to continue to rent the land for farming and not be used for residential? Can he rent 5 acres from each landowner and allow the owners to take advantage of the Agricultural exemption? There would hypothetically be ten separate 5-acre exemptions. Is this something that needs to be, or could it be included to allow this scenario and to protect the farmland?

Mr. Adams: said he believes that to qualify, the owner must own a minimum of 7 acres or yield \$10,000 in sales.

Mr. Brand: said this may present nuisance concerns due to access difficulties and ownership transfers.

Mr. Brand said that if you think that needs further evaluation, he will look into it.

Mr. Adams: asks Mr. Brand to explain this process using the Poppenhusen scenario as a case study.

Mr. Brand: said the first requirement would be to identify the locations of the prime soils on all the lots. Secondly, you will realize that you want to keep 80,000 square feet or 40,000 square feet, depending on soils percolation, and you will then be able to calculate your maximum density and know where the areas are that will perc. The Planning Board will then know the maximum number of lots, make recommendations not to exceed a specified number of units, and give a ruling based on their interest in protecting the soils resource. The planning board will request a closer look. It could be written, however, that to preserve this resource and to continue to use that land for agricultural purposes, the applicant will need to cluster the open space. The landowner must justify why they cannot follow the board's recommendations for building on the identified less productive soils. In other words, soils classified five through nine. If this had been followed there could have been larger areas of prime and unique classified soils protected while still allowing rural development to occur.

It [the APOD] is a process that causes you to stop and think like SEQR does before acting. Like SEQR, the APOD says that you can go through this whole exercise and still determine that there will be adverse effects, but you can still do it.

Mr. Marvin: said that this brings up the question of what happens to the residual leftover ground that is not being used. Who owns it? What about the situation when we continue to farm farmable land? But the owner of the center lot decides they don't want us to continue farming; they want it to grow wild, so the two neighbors have no choice.

Mr. Boyce: said this brings us back to Mr. Brands' HOA idea.

Mr. Adams: said, there are many questions like, what happens when the Planning Board determines that the prime soils are mostly over here, so you take your allowed building lots and cluster them over here right on the poorer soils. What happens if the poorer soil doesn't perc?

Mr. Brand: said this would require a raised bed system; you need to have the required 80,000 square foot rural area requirement. Mr. Brand asked for clarification of Mr. Adams question.

Mr. Adams: said the question is, have we just done a taking? Because they've had perk able land over here and less perk able land where we're telling them to build, how does that play out?

Mr. Brand: said the overlay district's purpose is not to promote residential rural development in these active agricultural areas but to protect the soil resources in order to sustain the Agricultural operations, which the community is concerned about protecting.

Mr. Putnam: asked about considerations of the financial impact these restrictions could have on land sales.

Mr. Adams: said this is a valid question that we need to be able to answer to a roomful of people. We need to be able to articulate that it's not taking. If the landowner is forced to take the number of lots that the density was allowed under standard zoning and cluster it, they still own some land.

Mr. Brand: said calculating a site's zoning density is not guaranteed; it identifies the minimum size for lots and a theoretical calculation of the maximum number of lots. It identifies the maximum density of development, and SEQR is used to identify whether that density impacts the environment. For example, if you have a 1-acre minimum lot size and 100 acres of land, you're not guaranteed one hundred, 1-acre lots. You must remove all the existing constraints like rights-of-way, utilities, floodplains, freshwater wetlands, storm water facilities and other protected features. It will result in a different number when you're all said and done.

Mr. Marvin: said he wanted to bring up an example where a property has ninety-two heirs to the estate. While they were trying to settle the affairs, getting everyone to agree has been near impossible. He brings this up because it brings light to the question, what will happen to the additional land on the hundred acres if you've only gotten ten building lots? What will happen to the additional land? Are they going to agree to agree? There are benefits, but there will also be some drawbacks.

Mr. Adams: said that if we ask this question, others will ask it, and we need good answers.

Mr. Marvin: asks if there is data from the other towns that have done this. Is there a way to understand the outcome this will have for the next generation? He wants to protect the Farming in Farmington.

Mr. Adams: said this would look less like a taking in most cases. There already are limitations on how much you can subdivide because of the required road frontage. You might waste farmland in the back, but you're still only going to be able to sell something. You won't sell a hundred lots on a hundred acres without infrastructure. Then you get an incentive zoning project, and you'll have to get water, sewer, etc. Whether the Big Lots sell for a lot more than the same number of smaller lots, plus the fact that there's residual land that still has value, I don't know if that is a legitimate question. I sense that you're not going to have a lot of different numbers of lots that can be subdivided.

Mr. Brand: said today when someone comes in, and they want to buy this parcel of land, but they want to know what they can do with it. This is when we have to get into a discussion of other regulations, besides zoning, that are out there. How do we affect stormwater runoff? There are many other federal and state regulations affecting the ability of property owners to do what they want to with their land; it's not just the farmer. Let's eliminate that we're taking something away from the farmer.

Mr. Adams: said it's not necessarily the farmer but the landowner.

Mr. Brand: said the state has already mandated regulations. We are trying to argue that we have something here to protect—it's the natural soils resource, the land.

Mr. Mitchell: asked for clarification regarding understanding if we are asking that if someone wants to build new homes, we will recommend that they cluster the houses in the lower classified soils. If the landowner refuses, can they still build on prime farmland?

Mr. Brand: said they can ultimately build on that prime farmland if the planning board, considering the guidelines that we've had here, finds that they have no alternative but to use that land.

Mr. Adams: said it doesn't mean that that the land will remain as farmland. A landowner, perhaps of an estate, subdivides clusters, and sells the remaining viable farmland to John Marvin to continue to farm. John Marvin decides he is too old now and wants to subdivide it. This cluster process would start over again. Hopefully, what we're putting together here will help push this [soils protection] down the road and slow down the loss. Does that make anybody feel better about the taking thing? I'm trying to think through the different scenarios that could potentially happen that don't seem like much of a taking. As an aside, I think the committee should review the cluster development code. It would help if you read it so you understand it because there will be questions about it. We could send it out.

Attachments: [Town Code, Chapter 144, Section 29, Cluster development and Article 16, Section 278, New York State Town Law]

Mr. Brand: said once again we have a parcel of land that is being actively farmed. It may or may not be in an agricultural district; it may involve the entire site or it may not. It may require notices to be sent out [Ag & Markets Law] to inform landowners that this is happening. Still, it is a situation where when you go through the [APOD] exercise, to subdivide off anything you would be subject to clustering the development. Once a maximum number of units is reached, no further clustering is allowed on that parcel of land. For example, the Phillips Landing Subdivision Tract, near County Roads 8 & 41, was done under the clustering provisions. There are two undeveloped lots located on the south side of County Road 41 and along the west side of County Road 8 those lots cannot be further subdivided under that clustering regulation. If you wanted to return to the Planning Board or the town, the Planning Board would say it was out of their control. We

created the maximum number of lots; we clustered them on this portion of the site. Clustering is not set up to allow double dipping.

Mr. Brand: We have many things to resolve. I again ask the question. How fast are we able to do this? Can we get it wrapped up in the next few months, or is this something that's going to prolong itself and continue into sometime in the future? If that is the case, that is fine; we will pull the APOD regulations from the draft local law and move forward with those other parts. For example, the Zoning Board of Appeals is asking when will the Town change some setback regulations because they are granting variances for porches to be attached to the front of their dwellings. They recognize that they shouldn't be continuing to legislate that by granting variances. This is something that the Town Board should do by changing the Code. So, we need some direction here. The other part is that we have heard from three committee members, and I'd like to move forward. We have been charged with the purpose of providing some direction on how to protect our research base. Are we close? When are we going to get there? What do we need to do?

Mr. Adams: said, help us understand that if we say all right, we're going to try and have this done [The overlay district] but in the meantime you want to move forward with the RA-80.

Mr. Brand: said if we pull the APOD provisions we can either leave the RA-80 classifications or pull them as well. If you want more time to think about that part of the draft local law, then please let us know. We're concerned that there are other provisions in this draft local law that we to act upon. We have always tried to minimize all of the costs associated with publishing these [local law] documents and putting them into the town code books. The more we can do at one time, the better off we are cost-wise. Our sense of urgency comes down to updated, outdated, and redundant regulations.

Mr. Delpriore: said we really don't want to move forward with that if you're going to turn around in a few months and improve the overlay district process. If we need to wait a few months, I think doing this in one shot is okay. I think the town board would prefer we do this in one shot. We need to correct several things, ideally doing it together. If you need a year to figure out this overlay district, then we need to know that, too, so we can fix the other stuff.

Mr. Adams: said how willing are you to risk all this other stuff that you want to get cleaned up? Say we get a big backlash against the overlay district, and we've got it all bundled together. There is some risk that you will lose the opportunity to move forward over one aspect that will cause community backlash.

Mr. Delpriore: said any part of the local law runs the same risk.

Mr. Adams: said he thinks the APOD provisions will be a hot button and, in essence, will have a higher risk of backlash.

Mr. Delpriore: said this committee will hopefully be able to work through the hot buttons and better explain them.

Mr. Brand: said it could get to a point where you would have a final draft. The outcry may be that the town board decides we have to remove a portion from the local law and decide we're not going to make this a part of the local law, so they've made that decision for you. We can ask that you give us your thoughts and let us put it into a final draft for the June meeting. If we don't hear from you, then we will assume you have no problem with the regulations as drafted.

Mr. Adams: said the reason we're not having a meeting in May is also why some of us are going to have little more time to go word by word through a final draft and have an opinion that is well presented. A revised draft in June is better. I would ask that you carefully read my comments. I would ask you guys to consider the rest of those thoughts. Everybody, you still have an opportunity to weigh in now that we've had this discussion and have a better understanding. I keep chewing over it, but I think with every single meeting, our understanding gets better.

3. REVIEW OF AGRICULTURAL ADVISORY COMMITTEE SECTION OF THE TOWN WEBSITE

Mr. Brand: said at the last committee meeting there were concerns that the town's website did not adequately identify this group or what you're doing, so we spent time amending that portion of the website. I just want some kind of feedback on whether you're satisfied with what we've done.

Mr. Adams: said I responded to Dan directly, and he did a bunch of good things. It is better, it is up to date, and sends you to the right places. The site is not confusing anymore, so I thank Dan for that. Check it out.

Mr. Delpriore: said if there are other things that you think you want added, let us know.

4. OTHER TOPICS

Mr. Brand: said the next item is The Open Space Index. The draft has been prepared over the past two years by members of the Environmental Conservation Board. It has just been submitted to the town for review. I have asked Mr. Adams to look at it and to decide whether to share it with you. There's a lot of information on agriculture, 33 pages. It is something we need to move forward on because, like everything else the state does, if we don't maintain that Open Space Index, the board will lose its status and ability to be a board. If that happens, people will lack insight into the development or protection of our resources. The town board directed the update, and the committee has now completed

that, and they've done a lot of mapping of areas. The coding from the assessor's office has identified some different statistics it's not the assessor, it's how the state codes.

Mr. Adams: said we should probably send a link out to that. There is a lot of Ag discussion in there, and it's very authoritative. Most of it's right, I don't know where they got some other stuff. It reads like this is what's going, and this is how it is and it's not all right, and anybody in agriculture will take some issue with some of it. I tried to direct them to language that I put in the narrative in the comprehensive plan they didn't use. I specifically told that committee [ECB] in person to go there, but they didn't do that. I'm surprised at the depth of discussion they had on agriculture, it talks about the cost of services versus taxes paid and that kind of stuff but some of the economic analysis regarding threats and what the town can do. I should have this committee look at that. Are we an interested party, or how does the process work regarding that?

Mr. Brand: said he is asking for our input. There is a lot of information there and I don't know where it came from. Regardless it's in their draft and they felt that it needed to be emphasized. It read more like a portion of a farmland protection plan than an open space index.

Mr. Adams: said These two committees are going to converge. If you look to the future because we're going to become an open space protection advocates as if my prediction of farming in the town is right that. It's going to continue overtime and so we're that committee is driving towards open space protection and so are we, but we're calling it farmland still and trying to keep it viable. The biggest contributor to open space. I would tell you it will take me a long time to write a response to that open space index, that's another job I don't have time for in the planting season. We are trying to digest the overlay project. It is going to be a tall order this time.

Mr. Brand: said that we have until December 31st to make changes and to get it to the Town Board. He said that he has skimmed through this draft and felt there was information missing that he wants to introduce to the Town's Environmental Conservation Board right now.

6. VISITORS' COMMENTS

None.

7. NEXT MEETING

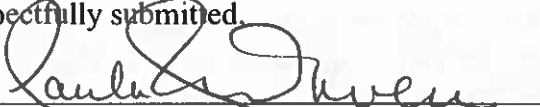
The next meeting of the Agricultural Advisory Committee will be held on **Thursday, June 20, at 6:30 p.m.** at Farmington Town Hall, 1000 County Road 8.

8. ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

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

Respectfully submitted,



Paula Ruthven L.S.

Attachments:

1. Proposed local law on APOD Agricultural Protection Overlay District.
2. Summary report on the proposed local law from Ron Brand.
3. Mr. Adams requested Attachments: [Code, Chapter 144, Section 29, Clustering and Article 16, Section 278, New York State Town Law – see note below]
4. Draft Open Space Index, portion on agriculture.

Note: There were requests made by the members of the Committee to have the definitions section of the Town Code, Chapter 165, Zoning, Article II, Section 10, Definitions, provided. This information may be viewed on the Town’s website. After logging-in to the home page, click on Departments, then on the next page click on Building/Planning/Zoning Dept. and then on the next page scroll to the bottom and click on Town Codes and Zoning. Here you will want to click on Chapter 144, then click on §144-8 Definitions and word usage and then click on §144-29 Cluster development. After viewing these provisions then click on Chapter 165, Zoning. Scroll down to Article II Terminology, §165-10 Definitions.

There was also a request made for the clustering provisions in New York State Town Law. Goggle New York State Town Law. Click on the first link Legislation, Article 16, Zoning and Planning. Scroll down to Section 278, Subdivision review; approval of cluster development and read these provisions in New York State Town Law.

**Farmington Agriculture Advisory Committee Members
As of February 13, 2024
Town Board Resolution #81-2024**

Hal Adams (*Chairperson January 1, 2024 to December 31, 2024*)

John Marvin	Term expires 12/31/2025
Ronald Mitchell	Term expires 12/31/2025
Michael Putman	Term expires 12/31/2025

Hal Adams	Term expires 12/31/2026
Charles Bowe	Term expires 12/31/2026
Peter Maslyn	Term expires 12/31/2026

William Boyce Jr.	Term expires 12/31/2027
Denis Lepel	Term expires 12/31/2027
Doug Payne	Term expires 12/31/2027

Per Town Board Resolution #81-2024, February 13, 2024

E-mail Distribution:

Adams, Hal
Bowe, Charles
Boyce Jr., William
Lepel, Denis
Marvin, John
Maslyn, Peter
Mitchell, Ronald
Payne, Doug
Putman, Michael

Town Board and Staff:

Bowerman, Nate
Brand, Ron
Casale, Michael
Caudle, Casey
Delpriore, Dan
Finley, Michelle
Gordner, August
Herendeen, Ron
Ingalsbe, Peter
Holtz, Steven
Marvel, Carol
Ruthven, Paula

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, New York 12231-0001

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Farmington, Ontario County, New York

Local Law no. ___ of the year 2024

A local law to amend Chapter 165 of the Town Code of the Town of Farmington, Ontario County, New York, entitled Zoning Law, by further amending portions of Articles II, III, IV, V, VI; amending portions of Schedule I, Lot Area, Bulk and Coverage Requirements; deleting 165 Attachment 3, Schedule A, Stormwater Management Practices Acceptable for Water Quality; and deleting 165 Attachment 4, Schedule B, Sample Stormwater Control Facility Maintenance Agreement, from the Attachments to Chapter 165; and by adding to Article IV, Section 34.3, "APOD Agricultural Protection Overlay District" regulations.

Be it enacted by the Town Board of the

Town of Farmington as follows:

Section 1: Chapter 165, Article II, Section 10 Definitions is hereby amended by adding and/or removing the following definitions in alphabetical order:

AGRICULTURAL TOURISM

Activities, including the production of maple sap and pure maple products made therefrom, conducted by a farmer on-farm for the enjoyment and/or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of farming and farm life.

BARN

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. The structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, not shall it be a place used by the public.

FARM OPERATION

The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production,

preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of section 301, Article 25, of the New York State Agriculture and Markets Law, a "timber operation" as defined in subdivision fourteen of said section, "compost, mulch or other biomass crops" as defined in subdivision seventeen of said section and "commercial equine operation" as defined in subdivision eighteen of said section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

OUTDOOR FURNACE

This definition is hereby deleted in its entirety.

OUTDOOR WOOD BOILER

This definition is hereby amended to read in its entirety as follows...
OUTDOOR WOOD BOILERS are regulated under the provisions contained in 6 NYCRR, Part 247, Outdoor Wood Boilers.

OUTDOOR WOOD BURNING FURNACE

This definition is hereby deleted in its entirety.

Section 2: Chapter 165, Article II, Section 17, "District regulations" is hereby amended in its' entirety to read as follows:

§165-17 District regulations.

District regulations shall be as in §§165-18 through 165-34.3.

Section 3: Chapter 165, Article III, Establishment and Designation of Districts, Section 11. Districts enumerated is hereby amended to read:

The Town of Farmington is hereby divided into zoning districts and zoning overlay districts as hereinafter set forth and the same may be from time to time amended:

RA-80 Agricultural District (80,000 square feet lot size) is hereby deleted and replaced with RA-80 Rural/Agricultural District.

There is to be an overlay zoning district added to the list of districts, which is to be inserted between the PD Planned Development District and AVO Adult Use Entertainment Established Overlay District, to read in its entirety as:

APOD Agriculture Protection Overlay District

Section 4: Chapter 165, Article III, Establishment and Designation of Districts, Section 12. Zoning Map. Is hereby amended by as follows: (1) removing the A-80 Agricultural District from the Official Zoning Map Legend; (2) adding the RA-80 Rural/Agricultural District to the Official Zoning Map Legend; (3) adding the APOD Agricultural Protection Overlay District to the Official Zoning Map Legend; and (4) delineating the RA-80 Rural/Agricultural District for those parcels previously designated as A-80 Agricultural; and (5) delineating the APOD Agricultural Protection Overlay District upon the

Official Zoning Map based upon those Strategic Farmland Protection Areas shown on Map No. 8, entitled "Town of Farmington Active Farmland - Strategic Farmland," Town of Farmington Farmland Protection Plan, a part of the adopted 2021 Edition of the Town of Farmington Comprehensive Plan.

Section 5: Chapter 165, Article IV, District Regulations, Section 18, A-80 Agriculture District (80,000 square foot lot size), is hereby deleted in its entirety and is replaced with the following:

§165-18 RA-80 Rural/Agricultural District (80,000 square foot lot size).

- A. Intent. The intent in creating the RA-80 Rural/Agricultural District is to protect the predominantly rural residential and active agricultural areas of the community from suburban and urban development, support the continuation of Farm Operations, protect the non-renewable productive agricultural soils, reduce conflicts between agricultural land use and rural residential land use, recognize the financial constraints that exist to funding the extension of public utilities into and through these areas, and protect open space.
- B. Permitted principal uses:
- (1) Farm Operations, Farm Buildings and Structures, including but not limited to Barns, Silos, Grain Bins, etc.
 - (2) Single-family detached dwellings, not including townhouse dwelling units.
- C. Permitted accessory uses:
- (1) Roadside stands for the sale of seasonal agricultural products, some portion of which is to be grown by the property owner. Each roadside stand shall have a suitable off-street parking area, located at least ten feet from the highway right-of-way to be provided for customer parking. Upon the close of the seasonal sales of the agricultural products, the roadside stand is to be secured on the property and all commercial speech signs are to be removed from the property. Temporary promotional display signs, both on-site and off-site, may be permitted, subject further to the provisions contained in §165-47 B and C of this chapter.
 - (2) Private garages.
 - (3) Customary residential storage structures subject to the provisions of §165-58 of this chapter.
 - (4) Private swimming pools, subject to the provisions of §165-62 of this chapter.
 - (5) Signs, subject to the provisions of §165-38 of this chapter.
 - (6) Fences, subject to the provisions of §165-61 of this chapter.
 - (7) Off-street parking and loading, subject to the provisions of §165-37 of this chapter.
 - (8) Domestic pet shelters, subject to the provisions of §165-55 of this chapter.
 - (9) Minor home occupations.
 - (10) Public donation bins, subject to the provisions of §165-65.2 B of this chapter.

- D. Special permit uses: the following land use may be allowed upon the issuing of a Special Use Permit in accordance with the provisions contained in Chapter 165, Article VI, Special Permit Uses, and Chapter 165, Article VII, Administration and Enforcement, Section 165-100, Site development plan, both of which are part of the Town of Farmington Town Code
- (1) Kennels.
 - (2) Major Home Occupations.
 - (3) Essential service structures, excluding power plants.
 - (4) Private Airports.
 - (5) Excavation Operations.
 - (6) Large-scale ground-mounted solar PV systems.
 - (7) Agricultural/construction equipment repairs and painting operations.
 - (8) Drainage Contractor Operations and related equipment and storage buildings.
- E. Residential lot size requirements. Notwithstanding any other provision in the Town of Farmington Code to the contrary, the minimum dimensional requirements in the RA-80 District for a single-family dwelling on a lot that cannot be served by a conventional on-site wastewater treatment system are as follows:
- (1) The minimum lot size shall be 80,000 square feet.
 - (2) The minimum lot width shall be 300 feet.
 - (3) The minimum lot depth shall be 250 feet.
- F. Residential lot size requirements. Notwithstanding any other provisions in the Town of Farmington Code to the contrary, the minimum dimensional requirements in the RA-80 District for a single-family dwelling for a lot that can be served by a conventional on-site wastewater treatment system are as follows:
- (1) The minimum lot size shall be 40,000 square feet.
 - (2) The minimum lot width shall be 150 feet.
 - (3) The minimum lot depth shall be 200 feet.
- G. Additional provisions.
- (1) All on-site wastewater treatment systems shall be subject further to the provisions contained in Chapter 126 of the Town of Farmington Code, entitled "Individual On-Site Wastewater Treatment Systems."
 - (2) Where a site's soil conditions will not allow a conventional on-site wastewater treatment system the following standards shall apply:
 - (a) A raised or modified on-site wastewater treatment system shall be located not less than one hundred (100) feet from all property lines; and
 - (b) The entire septic field (including tapers) shall be located one hundred (100) feet from all property lines; and
 - (c) There shall be an area of land, in proximity to an existing/proposed system and on the property that is equal in size to fifty percent (50%) of the original bed area reserved for future expansion or replacement within the one hundred- (100-)foot restriction.
 - (3) Where at least fifty percent (50%) of a site's surficial soil conditions are classified as prime agricultural soils (Class 1

and 2), soils of statewide significance (Class 3 and 4) or black dirt soils as established by criteria of the Natural Resource Conservation Service, United States Department of Agriculture (herein after "agricultural soils"); or where a proposed residential site possesses the criteria set forth within Section 34.3. of this Chapter of the Farmington Town Code, entitled "APOD Agriculture Protection Overlay District," such criteria shall supersede the criteria set forth in sections (2) and (3) above herein and govern the density of single-family development.

Section 6: Chapter 165, Article IV, District Regulations, Section 165-34.3, APOD Agriculture Protection Overlay District, is hereby established to read in its entirety as follows:

§165-34.3. APOD Agriculture Protection Overlay District.

A. Intent.

The intent of these overlay district regulations is to provide a course of action for protecting the natural resource base, the more viable and productive agricultural soils that are deemed essential for helping to sustain the economic viability of active agricultural operations in the community, to protect these more highly productive agricultural soils (e.g., soil classes Groups 1-4) from premature conversion to non-agricultural uses, and to promote the established rural and agricultural character within the designated areas identified on Map No. 8, "The Town of Farmington Active Farmland - Strategic Farmland Map," a part of the adopted town of Farmington Farmland protection Plan, and a part of the adopted 2021 Edition of the Town of Farmington Comprehensive Plan.

B. Purpose.

Protecting the community's non-renewable and thus essential natural resource base is an essential stewardship of local governments, as identified by the goals, objectives and policies established in comprehensive plans and open space planning, and thereby providing a legitimate zoning objective under the New York State Town Law statutes for which these overlay district regulations strive to achieve.

C. Designation of APOD Agriculture Protection Overlay District.

The APOD Agricultural Protection Overlay District regulations are applied to the delineated parcels of land shown on the Town of Farmington Official Zoning Map and located within the underlying RA-80 and RR-80 Districts.

D. Permitted Principal Uses.

The permitted principal uses listed in the underlying RA-80 and RR-80 Rural Residential Districts are not affected by the APOD Agricultural Protection Overlay District regulations except for the criteria contained herein that is intended to protect the more productive soils from premature conversion to non-agricultural land use. In addition to said permitted principal uses, a farm-related structure may be located upon a parcel of land where there is no principal use and said structure is used exclusively for related agricultural operations only by the landowner or farmer having an established lease of the land that remains in effect. Said farm-related structure shall not be used for

any non-agricultural operations without obtaining either an established special use permit or Temporary Use Permit.

D. Permitted Accessory Uses.

The permitted accessory uses for residential sites listed in the underlying RA-80 and RR-80 Districts are not affected by the APOD Agricultural Protection Overlay District regulations except for the criteria contained herein that is intended to protect the more productive soils from premature conversion to non-agricultural land use.

E. Special Permit Uses.

The special permit uses listed in the underlying RA-80 and RR-80 Districts are not affected by the APOD Agricultural Protection Overlay District regulations except for the criteria contained herein that is intended to protect the more productive soils from premature conversion to non-agricultural land use.

F. Dimensional Requirements.

All site development for non-agricultural uses shall be subject to the Town Planning Board's approval of a final subdivision plat in accordance with the provisions set forth in Chapter 144 of the Farmington Town Code, §144-29 Cluster development, and shall also be based upon the following criteria:

- (1) The minimum lot size shall be that established elsewhere in Chapter 165, Article IV and Zoning Schedule 1, of the Farmington Town Code unless amended by the Planning Board as further provided under §144-29 cited above herein.
- (2) This minimum lot size shall include a delineated area on the plat map for land banked future expansion of an on-site wastewater treatment system as specified above herein.
- (3) The proposed lot shall be located upon that portion of the site having a lower classified agricultural soils group as shown on the property owner's Soils Group Worksheet prepared by the Ontario County Soil and Water Conservation Service and submitted as part of the preliminary subdivision plat application. Where there is no Soils Group Worksheet, then an applicant shall have one prepared by the County Soil and Water Conservation Service and submitted as part of the preliminary subdivision plat application.
- (4) Where a proposed preliminary plat identifies a third proposed lot then the applicant shall be required to provide an overall buildout of the site, in satisfaction of identifying the long-term impacts upon the site's continued agricultural operations as further required under the State's Environmental Quality Review Act (SEQRA).
- (5) No accessory structure(s) shall be located upon the delineated land banked area mentioned above herein for expansion of the on-site wastewater treatment system.
- (6) The subdivision plat must show that the site development involves the least disruption to continued agricultural operations on the remaining land.
- (7) The subdivision plat must show any adjacent lands that are being used for active agricultural operations and identify what, if

any, impact the proposed non-agricultural development of the site will have on continued agricultural operations on the adjacent property (ies) and the County's Agricultural Use District.

- (8) The preliminary plat review shall be coordinated with the Chairperson and at least three (3) members of the Town Agricultural Advisory Committee and approval based in part upon any recommended conditions by said Committee.
- (9) [Reserved]

G. Additional Subdivision, Site Plan and Special Use Permit Provisions and Requirements.

Residential structures to be located within the APOD Agricultural Protection Overlay District are to be in accordance with the following guidelines:

- (1) Away from the boundaries of any preserved land, to reduce conflicting land uses where farmers and/or landowners have made long-term commitments to continue farm operations.
- (2) In such a manner that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses.
- (3) To be as visually inconspicuous as practical when viewed from interstate, state, county and local roads.
- (4) Next to other residences or building lots on adjacent properties.
- (5) To minimize the perimeter of the built area by encouraging compact development and discouraging strip frontage development along public highways.
- (6) On soils suitable for subsurface discharge.
- (7) Within woodlands, or along the outer edges of open agricultural fields adjacent to any woodland, to reduce encroachment upon the higher classified agricultural soils, provide shade in summer and shelter in winter, and to enable new residential development to be visually absorbed by the natural landscape.
- (8) In locations where the greatest number of dwelling units could be designed to take advantage of solar heating and solar electric services.
- (9) Any other mitigation measure imposed under SEQRA.

Section 7: Chapter 165, Article IV, Section 165-19 Rural/Residential District (80,000 square feet lot size) is hereby further amended in its entirety and replaced in its entirety as follows:

§165-19. C. Permitted accessory uses:

- (1) Accessory uses permitted in the RA-80 District.

§165-19. D. Special permit uses:

- (1) Special permit uses allowed in the RA-80 District.

§165-19. E. Lot size requirements.

The minimum lot size requirements for a single-family dwelling located upon a lot within the RR-80 District shall be the same as those set forth above in Chapter 165, Article IV, District Regulations, for the RA-80 District, §§165-18 E. F. and G.

Section 8: Section 165-32 WEFD Wind Energy Farm District, Subsection 32 C. WEFD Location is hereby amended to read as follows:

§165-32 C. WEFD Location. In rezoning property to WEFD Wind Energy Farm Districts, it is intended that these guidelines are to be followed:

C. (1) WEFD Wind Energy Farm Districts are to be created only on properties that are zoned RA-80 or RR-80 District, provided further that they are not located on land delineated as APOD Agricultural Protection Overlay District and upon the applicant obtaining subdivision plat and/or site plan approval from the Town Planning Board for the wind energy system; and

Section 9: Chapter 165, Article V, Supplementary Regulations, Section 165-43 General requirements for erecting and maintaining commercial speech signs, Sub-section 43 A. Residential uses, is hereby amended to read in its entirety as follows:

A. Residential uses.

A single double-sided freestanding commercial speech sign identifying a permitted home occupation, not larger than three square feet per side, may be permitted in an RA-80, District and in any RR-80, RS-25, R-7.2, R-1-15, R-1-10 and R-2 Residential Zoning District.

Section 10: Chapter 165, Article V, Section 47 Standards for temporary promotional displays (signs), sub-section B is hereby amended to read in its entirety as follows:

B. To promote seasonal sales of agricultural products by Town residents, temporary on-site and off-site commercial speech signs may be allowed by the Town Code Enforcement Officer (CEO) within the RA-80, RR-80, GB, NB, LI and GI Districts. These types of temporary commercial speech signs are intended to either identify the site to be used for the seasonal sales of agricultural products, or to direct the traveling public from along the highways to the site of the seasonal sales of agricultural products. These temporary commercial speech signs may be permitted only during the period specified on the temporary sign permit.

Section 11: Chapter 165, Article V, Section 55 Keeping of Animals, sub-section B is hereby amended to read in its entirety as follows:

B. Keeping of farm animals. Farm animals shall be allowed on land located within the RA-80 and the RR-80 Districts. No farm animals shall be housed or kept within a secure outdoor area on any premise of less than five acres. Kennels or shelters for farm animals shall

not be closer than 200 feet to all side or rear lot lines. The storage of any farm animal waste or other odor-or dust-producing materials shall not be closer than 200 feet to any lot line as per §165-18 and/or §165-19 of this chapter. These setback regulations may be exempted by the protection provided to an active farm site located within an established Ontario County Agricultural Use District, as further regulated under the New York State Agriculture and Markets Laws.

Section 12: Chapter 165, Article V, Section 57 Buffer areas for certain abutting properties, sub-section A. is hereby amended to read in its entirety as follows:

- A. General provisions. Where a lot in any RMF, RB, NB, GN, LI, GI, PD or IZ District abuts a lot in an RA-80, RR-80, RS-25, R-1-15, R-1-10, R-7.2 or R-2 District, then said abutting property line shall have a landscape buffer area of at least 30 feet in depth as part of any site development plan approval by the Planning Board.

Section 13: Chapter 165, Article V, Section 58 Accessory structures, sub-sections B and C are hereby amended to read in their entirety as follows:

- B. Accessory structures located within the mapped RA-80 RR-80, RS-25, R-1-15, R-1-10, R-7.2, RMF, RB, NB and GB Districts shall have a maximum height of 15 feet as measured from existing grade to the peak of the roof of an accessory structure, unless exempted by the provisions contained in §165-63 of this chapter. Accessory structure(s) permitted in any mapped PD or IZ District shall have the maximum height as is specified in the Town Board resolution approving said rezoning of land to the respective PD or IZ District.
- C. Accessory non-agricultural structures with the mapped RA-80, RR-80, RS-25, R-1-15, R-1-10, R-7.2, R-2, RMF, RB, NB, GB, GI and LI Districts, excluding private garages, shall have a maximum buildable area of 300 square feet and a maximum building height of 15 feet above existing grade. Accessory structures, excluding private garages, shall not be used for the purpose of storage of vehicles. Accessory structures shall conform to the style, color, and type of exterior finish on the principal structure or be a neutral type of exterior finish.

Section 14: Chapter 165, Article V, Section 65.1 Outdoor wood boilers, is hereby deleted in its entirety.

Section 15: Chapter 165, Article VI, Section 71 Excavation operations, sub-section A is hereby amended to read as follows:

- A. Excavation operations may be allowed as a special use permit in the RA-80, RR-80, LI and GI Districts upon the approval of a special use permit by the Planning Board.

Section 16: Chapter 165, Article VI, Section 72 Major home occupations, sub-section A is hereby amended to read as follows:

- A. It is the intent of this section to allow a variety of major home occupation pursuits as specially permitted uses in residential districts while recognizing the substantial governmental goal of preserving and maintaining the residential atmosphere, appearance and character of residential districts. A major home occupation may be allowed as a special permitted use in the RA-80, RR-80, RS-25, R-7.2, R-1-15, R-1-10, R-2, RMF and PD Districts. It is recognized that while major home occupation pursuits are specially permitted under the conditions provided for in this section, it is the primary purpose of this section to preserve and maintain the residential atmosphere, appearance, and character of residential districts. It is the stated intent that the special permitted major home occupation use will always be second and subordinate to the principal residential use of the premises and that the major home occupation will not harm other residential uses of the property or adversely affect neighboring premises. Under no circumstance shall a special permitted major home occupation become so extensive that it predominates the principal permitted residential use of the premises. It is further the intent of this section to establish specific performance standards and controls to limit major home occupations so as to minimize the adverse impacts a home occupation could have on a neighborhood or district and to assure that it does not become the predominant use of the property. Finally, it is the intent of this section to exclude family or group family day care as first defined in New York State Social Services Law, § 390, Subdivision 1, Paragraph (d) and (e), which are exempt from the provisions of this chapter, from having to comply with these regulations.

Section 17: Chapter 165, Article VI, Section 75 Kennels, sub-section A is hereby amended in its entirety to read as follows:

- A. Kennels may be allowed as a special permit use permit in the RA-80, RR-80 and GB Districts upon the approval of a special use permit and site plan approval by the Planning Board.

Section 18: Chapter 165, Article VI, Section 80 Public buildings, sub-section A is hereby amended in its entirety to read as follows:

- A. Public buildings and grounds may be allowed as a special use permit in the RA-80, RR-80, RS-25, R-1-15, R-1-10, R-2, RMF, NB, GB and LI Districts, as specified in Article IV of this chapter, upon the

approval of a special use permit and site plan approval by the Planning Board.

Section 19: Chapter 165, Article VI, Section 84.2 On-site-use wind energy systems, sub-sections A and F (2) (a) are hereby amended in their entirety to read as follows:

On-site-use wind energy systems may be allowed as a special use permit in the RA-80, RR-80, RS-25, GB, LI and GI Districts with the approval of a special use permit and site plan approval by the Planning Board.

F. (2) Height. On-site-use wind energy systems are to be located on a lot in the:

(a) RA-80 District shall not exceed a total height of 80 feet.

Section 20: Chapter 165, Article VI, Section 165-84.3 Special use permit and site plan approvals is hereby amended to read as follows:

Large-scale ground-mounted solar PV systems, as principal uses, may be allowed upon the issuance of a special use permit and site plan approvals that are granted by the Planning Board, upon lots located within the RA-80 District, the RR-80 District, the GB General Business District, the LI Limited Industrial District and the GI General Industrial District as further provided for in this section.

Section 21: Chapter 165, Article VI, Section 165-84.3.4 Criteria for accepting and approving application for site plan approval is hereby amended to read as follows:

D. Large-scale ground-mounted solar PV systems located in restricted business, commercial or industrial districts.

Such solar PV systems shall be set back an additional 110 feet from the minimum yard setback along all property lines that abut a lot located in the RA-80, RR-80 and other zoning districts permitting residential dwellings, or an IZ Incentive Zoning District. This additional setback dimension shall also apply to the front yard setback when the lot on the opposite side of the street is in a residential or an incentive zone district.

Section 22: Chapter 165, Article VI, Section 165-84.4 Agricultural/construction equipment repairs and painting operations is hereby amended to read as follows:

A. Agricultural/construction equipment repairs and painting operations may be allowed as a special permit use in the RA-80, RR-80, LI Limited Industrial and GI General Industrial Districts, and subject further to the following criteria contained below in this section.

H. The minimum lot or parcel size required for issuing a special use permit for an agricultural/construction equipment repairs and

painting operation on land located within the RA-80 or RR-80 Districts shall be five acres.

Section 23: Chapter 165, Attachment 1, Town of Farmington Schedule 1, Lot Area, Bulk and Coverage Requirements is hereby amended to read as follows:

Zoning District

A-80 is to be removed in the Table and replaced with RA-80

Under the Sub-heading

Yard Requirements

Minimum Building add a footnote 11

Setback Requirements

At the bottom of this Schedule under NOTES: add a footnote 11 at that reads...

11 Porches and/or decks additions attached to a principal structure that are located in the R 7.2 and R-1-10 Districts, may be permitted a Front Setback of 20 feet provided the structure is not enclosed as habitable living space. In the R-1-15, R-2 Districts porches and/or deck additions may be permitted a Front Setback of 40 feet in the R-1-15 District and 40 feet in the R-2 District provided the structure is not enclosed as habitable living space.

Add at the bottom of Schedule I add the following:

IZ Not Specific requirements to be established
Applicable by Town Board and Planning Board as
part of rezoning process

WEFD (add footnotes 1 & 10)

Minimum Lot Size for this district is 1 acre

Notes:

1 is to be amended to read ... See additional area requirements in Article IV for special permit uses and for the MTOD, MSOD and APOD Overlay Districts Uses.

Section 24: Chapter 165, Section 165-Attachment 3, Town of Farmington Schedule A, Stormwater Management Practices Acceptable for Water Quality is hereby deleted in its entirety. Reference shown in the General Code eCode 360 Library for the Town of Farmington for Chapter 165 Zoning is to delete Attachment 3 - Schedule A - Stormwater Management Practices Acceptable for Water Quality.

Section 25: Section 165-Attachment 3, Town of Farmington Schedule A, Stormwater Management Practices Acceptable for Water Quality is hereby deleted in its entirety. Reference shown in the General Code eCode 360 Library for the Town of Farmington for Chapter 165 Zoning is to delete Attachment 4 - Schedule B - Sample Stormwater Control Facility Maintenance Agreement.

Section 26: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 27: This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law number X of 2024, of the Town of Farmington, was duly passed by the Town Board on ,2024, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the Town of Farmington was duly passed by the on 2024, and was (approved) (not approved) (repassed after disapproval) by the and was deemed duly adopted on 2024, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the Town of Farmington was duly passed by the Farmington Town Board on 2024, and was (approved) (not approved) (repassed after disapproval) by on 2024. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on 2024, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the Town of Farmington was duly passed by the Farmington Town Board on 2024, and was (approved) (not approved) (repassed after disapproval) by the on 2024. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 2024, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the City of having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on 2024, became operative.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances. (15)

5. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law number of 2024 of the County of State of New York, having been submitted to the electors at the General Election of November

2024, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the Town

(Seal)

Date: _____

**TOWN OF
FARMINGTON**



TO: Town of Farmington Agriculture Advisory Committee

FROM: Ron Brand, Director of Planning & Development

DATE: March 15, 2024

RE: Draft Local Law regarding APOD Agricultural Protection Overlay District Regulations and other amendments to Chapter 165 (Zoning Law) of the Farmington Town Code.

This is an overview of the draft local law which is being submitted to the Town of Farmington Agricultural Advisory Committee to start its' review of the creation of the APOD Agricultural Protection Overlay District regulations and certain amendments to other sections of the Town Code that are being either amended or deleted. The level of detail contained in the attached document is different from the level of conceptual discussions that have been held with the Committee members recently.

The draft local law is formatted in accordance with state guidelines and, for those not familiar with those guidelines, you may wonder why all this verbiage is being provided, the majority of which may not be of interest to the Committee members. The answer is that in drafting a local law one has to follow the format established in the chapter(s) of the Town Code that is being amended. Keep in mind that some sections of the Town Code are quite old while others are more recent and, therefore, may read different.

The attached draft local law is 17 pages long. The last two (2) pages are boiler plate which need to be completed and attested to by the Town Clerk once the Town Board adopts the final version of the local law and before it is submitted to the Office of the Department of State in Albany.

Section 1:

The first section involves adding definitions which come from both the State Ag & Markets Laws and the other municipal codes that the Committee has been reviewing. Terms defining Agricultural Tourism, Barn, and Farm Operation. The draft law also deletes some terms which relate to Outdoor Wood Boilers which are now regulated by the DEC and no longer the town.

Section 2:

This section simply describes the various zoning districts and overlay districts that will be in the Town's Zoning Law. §165 -34.3 will be the new section for the APOD Agriculture Protection Overlay District.

Section 3:

This section amends the A-80 Agricultural District designation by changing it to RA-80 Rural Agricultural District which is intended to better coincide with the designation RR-80 Rural Residential District. This section also introduces the APOD Agriculture Protection Overlay District into the chapter of the Town Code. This designation (APOD) is the same as used in the Town of Canandaigua Zoning Law which the Committee previously received.

Section 4:

This section describes the changes being made to the Official Zoning Map, including changes to the map's legend, the delineation of the mapped districts and the APOD Overlay mapping. Please note that there is no attached map showing these changes being proposed.

Section 5:

This section exchanges the A-80 District designation with the proposed RA-80 District designations contained throughout this section of the Town Code. There is a new statement of intent, with other changes to the sections listed including: the introduction of a new special use permit for Drainage Contractor Operations and related equipment and storage buildings. [page 4, item D. (8)]; and item G. Additional provisions, on page 5, which introduces Chapter 126 of the Town Code (Individual On-site Wastewater Treatment Systems) and G.3. provisions governing the density of single-family development in areas where there are classified productive agricultural soils, criteria that supersedes the provisions listed above.

Section 6:

This section introduces the intent, purpose, designation of the APOD, lists the permitted uses, the permitted accessory uses, the special permitted uses, the dimensional requirements and guidelines for locating residential sites within the mapped APOD parcels.

Section 7:

This existing section of Chapter 165 (Rural Residential District) simply exchanges A-80 designations for RA-80 designations.

Section 8:

This existing section of Chapter 165 (Wind Energy Farms District) simply exchanges A-80 designation for RA-80 and for the APOD designations.

Section 9:

This existing section of Chapter 165 (Commercial Speech Signs) simply exchanges A-80 designation for RA-80.

Section 10:

This existing section of Chapter 165 (Temporary Promotional Displays [signs]) simply exchanges A-80 designation for RA-80.

Section 11:

This existing section of Chapter 165 (Keeping of Animals) simply exchanges A-80 designation for RA-80.

Section 12:

This existing section of Chapter 165 (Buffer area for certain abutting properties) simply exchanges A-80 designation for RA-80.

Section 13:

This existing section of Chapter 165 (Accessory Structures) clarifies that structures such as barns, silos and other agricultural buildings are exempt from the 15 foot requirement. It also exchanges A-80 designation for RA-80.

Section 14:

This section deletes from the Town Zoning Laws (Chapter 165) all regulations pertaining to Outdoor Wood Boilers. The definition change in Section 1 above identifies these regulations are now under the authority of the New York State Department of Environmental Conservation.

Section 15:

This existing section of Chapter 165 (Excavation Operations) simply exchanges A-80 designation for RA-80.

Section 16:

This existing section of Chapter 165 (Major home occupations) simply exchanges A-80 designation for RA-80.

Section 17:

This existing section of Chapter 165 (Kennels) simply exchanges A-80 designation for RA-80.

Section 18:

This existing section of Chapter 165 (Public Building) simply exchanges A-80 designation for RA-80.

Section 19:

This existing section of Chapter 165 (On-site Wind Energy Systems) simply exchanges A-80 designation for RA-80.

Section 20:

This existing section of Chapter 165 (Special Use Permits and Site Plan Approvals) simply exchanges A-80 designation for RA-80.

Section 21:

This existing section of Chapter 165 (Criteria for Large-scale Ground-mounted solar PV systems) simply exchanges A-80 designation for RA-80.

Section 22:

This existing section of Chapter 165 (Agricultural Construction Equipment) simply exchanges A-80 designation for RA-80.

Section 23:

This existing Attachment to Chapter 165 (Zoning Schedule) is being amended exchanging A-80 for RA-80, and adding foot notes to the Schedule.

Section 24:

This existing Attachment (Number 3) to Chapter 165 relates to Stormwater Management Practices which have been replaced in Chapter 138 making this attachment no longer valid.

Section 25:

This existing Attachment (Number 4) to Chapter 165 relates to Stormwater Management Practices Acceptable for Water Quality) has been replaced in Chapter 138 of the Town Code making this attachment no longer valid.

Section 26:

This is State Boiler Plate and cannot be changed.

Section 27:

This is State Boiler Plate and cannot be changed.

Hope this information helps everyone to better understand the format used in creating this draft Local Law.

Binder

1

12/23/24

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURAL ADVISORY COMMITTEE

Thursday, June 20, 2024 • 6:30 p.m.

MINUTES—APPROVED

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*
Peter Maslyn
John Marvin
Ronald Mitchell

Committee Members Excused:

Charles Bowe
Denis Lepel
Doug Payne
William Boyce Jr.
Michael Putman

Town Representatives Present:

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

Guests:

David Capps, 768 Hook Road, Farmington, N.Y. 14425

RECEIVED
TOWN CLERK'S OFFICE
TOWN OF FARMINGTON
2024 DEC 11 PM 7:28

1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION

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

The Town Clerk, the Committee members and Town staff were notified of the meeting on April 25, 2024. The meeting clerk notified the Canandaigua *Daily Messenger* newspaper on June 6, 2024.

The meeting date and time were posted upon the Town Hall Bulletin Board on April 26, 2024, and have remained posted.

A public notice of the meeting was published in the Canandaigua *Daily Messenger* newspaper “Bulletin Board” website events section beginning on June 06, 2024, and has remained posted.

2. **CONTINUED DISCUSSION OF PROPOSED TOWN LAW:
AGRICULTURAL CONSERVATION OVERLAY DISTRICT (ACOD)**

Mr. Adams introduced the name change from **AGRICULTURAL PROTECTION OVERLAY DISTRICT (APOD)** to **AGRICULTURAL CONSERVATION OVERLAY DISTRICT (ACOD)**. Mr. Adams proposed a review of the changes that had been made to the draft Local Law, dated June 20, 2024, that are shown in red and the cover memo that Mr. Brand had prepared in response to questions from Committee members.

Mr. Marvin said he thinks the group should instead consider the Agricultural Conservation Easement process. He, himself, does not understand all the details but believes that it sounds like a better plan.

Mr. Adams said your opinion is noted, but we are not going to stop at this point,

Mr. Marvin said no, let’s just consider alternatives; it seems we have tried similar programs in the past and I am not sure they have worked. The Town seems to have done a good job keeping the Farms north of the thru way.

Mr. Adams said most of that has been controlled by the Town.

Mr. Marvin said they have controlled it by controlling the infrastructure.

Mr. Adams said we have an action item here to make a conservation plan and I think we are doing that. Let’s review and make it palatable and present it to landowners. It has been a slow process and with Mr. Brand’s help we have a better understanding. He [Mr. Adams] would like to have another conversation with Lorna Wright at the Genesee Land Trust group. They have made the comment that this sort of AG protection doesn’t help the competitiveness of applications for conservation easements. He would like to ask them if this proposed change would have affected the outcome of the [recent] Payne easement award. He believes that some of the Payne ground has water access and commented that sort of thing makes the application more competitive because there is a greater development threat. He believes this can diminish the development threat because it is a layer of protection. We should ask for something in writing from them [Genesee Land Trust Group] before we roll this out. Although this is just their opinion, they are the ones more familiar with the competitive application process. They are also more familiar with the funds available and how the environmental protection funds are allocated. Our goal is to make this as good as we can make it and ultimately it will be presented at a public hearing and decided on by the Town Board. Ultimately our job is to be as versed in the process as we can so that we can field anticipated questions.

Mr. Marvin shared that the Cooley farm [on Holtz Rd] backed out of the Agricultural exemption about five or six years ago and the whole thing is now being subdivided for houses. Mr. Marvin is asking would this [the proposed overlay district] have come into play at that time? He thinks if they take it out of exemption this would not have been enacted.

Mr. Adams said this could have triggered the ACOD review process, the Agricultural Assessment is a separate issue. If someone anticipates subdividing, they could opt out of the Agricultural Assessment, but this is a separate issue. It is on the landowner to apply for agricultural assessments and the owner can opt out if they choose.

Mr. Marvin said, is there any succession down the road without doing something?

Mr. Adams said those are separate issues.

Mr. Marvin said there are a lot of separate issues.

Mr. Adams said this is attempting to preserve some of the soil resources for another generation should they desire.

Mr. Marvin said the reason that I am bringing this up is because the land next to me is owned by people out of state now. Gene Parker turned hers over to the next generation with hopes that one of the grandchildren would build a house there for the Poppenhusen memory. These are the reasons that I am on the fence with this. Can we say no to them?

Mr. Adams said No, this tries to guide them into subdividing with minimal impact. It does not stop the subdivision.

Mr. Adams said Mr. Brand did a nice job of answering questions that were raised. The first question, Does the overlay district protect farmland from zoning changes? No, a property owner can request a zoning change at any time.

Mr. Adams said the Overlay District is geared toward the conversion of farmland by landowners in sort of a one-off approach when they are subdividing a large parcel that is not connected to water or sewer. One of my big questions is, if a parcel of land is purchased by a developer, and that is basically what happened at Paddock landing.

Mr. Brand said, in reply to Mr. Marvin's statement above regarding land conversion along County Road 8 and Holtz Road that is what happened up here was that the entire 15-acre parcel was previously transferred by deed to a resident who lives in the Town of Victor. He took the land out of the Ag Exemption years ago to avoid having to pay a roll back penalty and is now subdividing the land.

Mr. Marvin said that land was purchased by Gerber.

Mr. Brand said it was not purchased by Gerber. Gerber is a homebuilder, if someone is looking to build a house then Gerber negotiates with the landowner. In this instance Scott

DeHollander [the referenced Victor resident] purchased the whole farm after it had already been subdivided, he kept a parcel for himself on the corner, there was another one on Holtz Road, he now has five lots up there that he is going to sell for residential development. The lots have public water and, more than likely, will perc.

Mr. Adams asked if this scenario would have triggered the overlay district?

Mr. Brand said, the overlay district pertains to strategic farmlands, these parcels were not within the mapped strategic farmland areas.

Mr. Marvin said they took it out of the Agricultural District.

Mr. Brand said taking it out of the Agricultural District does not affect it being identified as strategic farmland.

Mr. Adams said that the key component is whether the property is within the lines designated on the overlay district map. The boundaries for the overlay have already been drawn.

Mr. Brand said the lines were drawn back in 2017.

Mr. Adams said some of the Paddock landing property was also within the boundaries of the strategic protection area, but it was rezoned. So, if RA80 land gets rezoned does that take the property out of the overlay district?

Mr. Brand said that if this had been enacted and it was in the [ACOD] overlay district it wouldn't take it out, but they would have to address the criteria of how they are protecting and minimizing the loss of those agricultural soils. It was previously zoned both RR-80 and LI Limited Industrial and had been in the proposed Agricultural Conservation Overlay District, the ACOD as we are now calling it, they would have had to address the impact as part of the environmental record.

Mr. Brand said that we need to decide, based on the input that I got from you [referring to the questions and proposed changes to the draft Local Law] whether to move forward with this or pull it out [of the draft Local Law] while you [the Committee] continues to work on it. If we pull out the overlay regulations, then we are not answering the question that was raised when we did the farmland protection plan. What are we going to do to protect these strategic sites?

Mr. Marvin said I am coming back again to the idea of looking into the conservation easement at a state and federal level. I am not that familiar, but it is on the agriculture radio and TV network. It is a huge program in the Midwest and New England.

Mr Maslyn said that would not be up to the town, that it must be initiated by the individual landowners. We are trying to protect it [the more viable agricultural soils] from the Town side, and we have no control of the individual landowners. If an individual comes to us, we cannot tell them to transfer their ground into a conservation easement.

Mr. Marvin said, apparently there is a lot of interest out there.

Mr. Maslyn said people that are interested have had the opportunity to do that, the Paynes and the Gerlock's have done it.

Mr. Marvin said the easements are for 99 years. I am not as familiar as I want to be, but I am seeing it more and more.

Mr. Adams said, are you talking about CRP?

Mr. Marvin said no, it is on RFD [RFD-TV] all the time.

Mr. Adams said you are going to have to get it understood better to explain it here, so that we all can understand what you are talking about.

Mr. Marvin said, "I am wondering if we can talk with someone from that does understand it, like someone from the County, since most of it is done through the county.

Mr. Adams said first you need to get the exact name of what you are talking about. I don't even know what question to ask right now. I am wondering if you aren't confusing this with the Conservation Reserve Program [CRP] which is more of a five-year plan, and I am not sure what you are talking about.

Mr. Adams said to Mr. Brand you are getting testy about moving this along

Mr. Brand said there is pressure to move this along because there are other things in the local law that have a sense of urgency.

Mr. Adams said let's circle back to my question about the potential for the property to be rezoned. I understand that can still happen.

Mr. Brand said Absolutely. The basis for the rezoning of the Power property, in order to develop that property, they had to extend the public sewer lines and provide several other amenities to the Town.

Mr. Adams said, the cynical part of me says that the minute a parcel of farmland is purchased by a developer or speculator, its days are numbered. It can continue to be farmed for 10 years, until the owner thinks the time is right. The overlay project is not going to stop development. It is nudging it, it is nudging the people that want to subdivide and develop into doing it with the least amount of damage to the good farmland. It doesn't stop it but it kind of pushes development in a way that could potentially do less damage to the overall soil resource in the town. It is not a prohibition, but it offers some guidance that otherwise wouldn't be there. The trick is to make it as palatable as you can to landowners so that it doesn't look like a taking.

Mr. Adams said that he had asked a second question [reference to the cover memo]. Are the large-scale developments, the IZ projects a greater threat to farmland? I feel like this

[answer provided] is an incomplete answer, I mean we all know how this stuff gets done at the 50,000-foot level. I would say that when an IZ project like Paddock Landing [gets approved], a big chunk of farmland all at once, that is not just a few acres, of a subdivision out north of the Thruway or whatever, on a big parcel of land. So, I think the answer to that question is yes. It is also a reality, it is what is happening in this town, we are continuing to develop. A question that I would ask is how much more will our infrastructure support in the Town. You have kind of alluded to it from time to time that in some areas of the town, there is not capacity to add a lot more. When do we get built out or does that never happen?

Mr. Brand said one of the driving factors attracting development in the town has been the availability of a public sewer. We have a regional wastewater treatment plant located over in Victor. The plant is designed to support four million gallons per day, and we are currently at just about two million gallons per day. We must remember this facility supports parts of Victor, Farmington, and Canandaigua.

Mr. Adams said those other towns are going to have growth, it is all going to avail themselves of that other fifty percent of capacity, that is not currently utilized. The Town is on another plan right now to improve its water delivery.

Mr. Adams said, "We asked how the Poppenhusen property would have played out, I think that you provided a good answer. We have asked if conventional septic systems don't work.

Mr. Adams said I have another question from the top of page three [reference to cover memo]. The scenario where the overlay district is in play. The Planning Board says we don't want you to subdivide the good land we want you to subdivide over there on lower classified soils. But, oh, by the way, it also must be raised bed, because the lower classified soils almost by definition are more poorly drained. You know, any farmer knows that drainage is the number one criterion of the soil classification system. So, my question was, in the scenario where the Planning Board says landowner, we want you to build your houses over there, but you are going to have to put raised beds in, that looks like a taking to me because you have raised the cost. The landowner would just as soon do it on the class one and two soils where you can have a regular septic. I don't understand the answer. If the Planning Board determines that a raised bed is necessary and that it is not feasible to construct. Now you are changing my question. My question is, If the Planning Board says, develop there, use a raised bed and it is feasible is that a taking because the landowner would rather develop where he doesn't have to use a raised bed. Because you have raised his cost to subdivide that is where I am coming from.

Mr. Brand said the planning board could not mandate that the applicant had to move to the location that requires a raised bed system.

Mr. Adams said that diminishes the impact of this somewhat. Since you are saying that scenario is not going to happen

Mr. Brand said that if it is not feasible to relocate [development] on another portion of the site and the cost associated with a required raised fill system were proven to be excessive, The Planning Board will not demand it.

Mr. Brand said, keep in mind that the raised bed system is a design that some engineers would argue has a greater longevity than a conventional system. It is because a conventional system is not as likely to be maintained in the long term as a raised bed system will be to the property owner. Septic systems are not long-term solutions whether conventional or improved.

Mr. Adams said given all this, the likelihood of the planning board looking at a subdivision proposal and saying we would like you to cluster this over here is probably only going to play out if it still perc.

Mr. Brand said more than likely. It may still perc, but it may not perc at as fast a rate

Mr. Adams said then that it has setback implications and so on.

Mr. Brand said the other part of that is that if you have a rapid perc rate, you are not accomplishing what the system is designed for and are adding pollutants right into the groundwater.

Mr. Adams said I am most concerned with how this affects the pay out when it is enforced when the people are coming to the Town saying I want to do this or that and the Town says here is what we think you should do.

Mr. Mitchell said, “So, this statement is just a suggestion. Let’s say I want to develop some land and I went to the town and said that I wanted to develop this land, the town said okay, but we would rather you build it here, but more than likely you’re going to need a raised bed septic system. So, this actually becomes irrelevant then, right?”

Mr. Brand said right now, we have no guidance. Farmland is just as vulnerable as Industrial and other lands to rezoning and development, the difference being the loss of the viable resource base for agriculture.

Mr. Mitchell said, my question is that something that would be in there as the town would make a suggestion to the landowner to rather than use the prime farmland, suggest that they build on a different area of the property that may require the raised bed system?

Mr. Brand said Yes, you could ask the landowner to consider that, and as part of the environmental review you would say that you’re asking this because you have identified the need to protect the more valuable [agricultural] soils. However, keep in mind that you can go through the SEQR process, end up making a positive determination [adverse impacts upon the environment] and still build. That is one of the fallacies of SEQR.

Mr. Mitchell said, now I understand it better.

Mr. Adams said that is what we [the Committee] are here for. That is why I am nit picking scenarios. I think until we as a committee can answer those questions and look people in the eye and say, yes there is a procedure here that did not exist before, but the intention is to keep a critical mass of Farmable land in the town for the future. Do you want that or not? At the end of the day, that is really the question. There is some sentiment that the comprehensive plan recognizes the sentiment to protect farmland. When the rubber meets the road, you have got to get comfortable with stuff like this.

Mr. Marvin said, "I want to bring us back to a point that Billy [Boyce] brought up last meeting. You got 150 acres, and you take that [subdivide it] into three or however many lots. Who owns the other acreage, does that have to remain farmland? Are they going to keep breaking it down eventually?"

Mr. Adams said the original owners still own the rest of that land.

Mr. Casale said that has nothing to do with this Committee, it is up to the family/owners to determine who gets what.

Mr. Marvin said how much of that land goes with the individual lots under the conservation where they can build some houses?

Mr. Adams said that depends on several factors. Billy's questions were about the left-over land, again dependent on several factors and decisions would need to be within the zoning requirements.

Mr., Marvin is asking what happens to the land when our aging farmers pass on? Will the families continue to farm? It points back to conservation [easement program], if that was in effect it wouldn't become houses.

Mr. Maslyn said, if this [proposed overlay regulations] goes into effect at least we [the Committee] will get to have that conversation with them.

Mr. Casale said we can't prevent them [landowners] from doing anything they want to without having a sound basis. That would be a taking.

Mr. Marvin said according to this, I think we are trying to prevent them.

Mr. Casale said we are recommending.

Mr. Marvin said, "so this isn't set in gold?"

Mr. Adams said we can limit as far as road frontage, wells, etc. so we do limit it to a point.

Mr. Marvin said so this is just a suggestion.

Mr. Adams said Yes, it is a suggestion to change but we are mandating a process.

Mr. Brand said it is a process that has guidelines to protect something the community has identified as important to protect. Right now, we have an A80 District and an RR80 District. In those districts if you have soil that doesn't perc then you must have three hundred linear feet of highway frontage. Nobody has ever asked what is this [zoning dimension] based upon. Is that a taking?

Mr. Adams said to a point it is. Zoning is well established, and we are never going back from zoning. But at some level yes, it is a taking.

Mr. Brand said and we have had it for 35-40 years.

Mr. Adams said, and we defend it as public health because we want people to have groundwater that they can drink, we don't want the neighbor's septic to pollute the next guy's well. Now we have this thing, the basis is we are trying to protect the scarce [soil] resources. We would like to preserve farming in the town. It is the cost of living in a civilization, there are takings, and it is not completely free for all. Philosophically there are things that we give up to live in a community and not harm each other.

Mr. Maslyn said, if this [overlay regulations] goes through and someone comes forward with land that they would like to develop what is the path to that? Does that go to the planning board, and they [planning board] say we have got to have the Ag committee review this or does the planning board look at this enactment and say this is where it fits or doesn't fit?

Mr. Brand said the way this is written calls for the Ag committee to weigh in with comments and recommendations.

Mr. Adams said the planning board is the ultimate authority here, but they consult with this committee, and we provide input, and the planning board is the arbiter.

Mr. Maslyn said we provide input to the planning board or to that person?

Mr. Casale said both, the planning board refers asking for something written [that the town has in place] and that is where they would consult with this committee here. It is not going to force them [planning board] to do anything, but it gives the planning board something to look at as far as what is recommended [to protect the soil resource].

Mr. Maslyn said what I am wondering is if the planning board is going to give us information about what comes in front of us, or are our recommendations going to be just what do you think about that? Versus, here is a landowner, here is a planning board and here is a mediating committee.

Mr. Brand said the planning board already has the Ag Data statement that must be sent out to active farm operators and landowners in the County's Agricultural District or within five hundred feet of those districts' boundaries. It provides notice of pending development, but rarely does anyone express concerns to the planning board. As far as I am concerned this is a waste of time because nobody does anything with it.

Mr. Adams said it is not a waste of time, you have at least informed people and taken away their I didn't know argument.

Mr. Brand said the same could be said about these [overlay] regulations to take a second look at the impact on the loss of the soil resource.

Mr. Casale said they will use that [I didn't know argument] anyway.

Mr. Adams said, "I know, but you try, if you can say well, we sent out a notice and that ends the discussion. I raised a question about the length of the process and Ron's [Brand] response was that a lot of people come in not knowing the development process and that slows down because they aren't informed.

Mr. Brand said, in this scenario [the overlay process] the planning board gets an application and refers it to you [the Committee] without any of their comments and asks for your input on this as far as the loss of more viable agricultural soils and the impact upon farm operations is concerned. They [the planning board] are not either soils or farming experts. A side note here that [New York State] Town Law does provide for an additional member [be appointed to a planning board] if he/she is a full-time farmer.

Mr. Adams said we would see it [the referral] early in the process. My question is if this comes before us. How do we get land information so that we can opine?

Mr. Brand said you ask the Town Staff for the information that is available. What is the soil? Aerial photos, boundary lines, where are the wetlands, where are the water lines, etc?

Mr. Adams said this exercise was good work, you answered our stuff. Hal [Adams] asked if there were any other comments on the questions sheet. Hearing none, let's move on to the actual draft. I am not crazy about your definition of agricultural producers. The parlance of those of us that are in production agriculture. The producer is a farmer. A producer is not a landowner. This will confuse those of us that are farmers, Ag producers are farmers. We need to use a different word: they are landowners and own land being used in AG production. I don't have a good suggestion other than just landowners where it pertains.

Mr. Maslyn said it refers to Agriculture producers, so that's why you have got to define it. The next one in Agricultural Tourism says activities by agricultural producers.

Mr. Adams said only Ag producers do Ag tourism, not landowners, they don't do anything so there is a perfect case in point. The landowner is more of a passive party to agriculture. They own the land, they make it available, they make some income from rent. That is the end of their role.

Mr. Maslyn said the Agricultural producer could also be the guy that lives in Canandaigua that rents the land in Farmington.

Mr. Casale said you don't want to separate the landowner from the farmer, you want to separate the landowner who doesn't care about farming.

Mr. Adams said landowners who are not producers are a big deal in this town because so many of us actual producers are renting significant amounts of land to make our operations viable. I am not diminishing their importance, but I want the right name and the right definition.

Mr. Maslyn said, going back to what we were just talking about we cannot limit to residence of the town, the Agricultural producer could also be the guy that lives in Canandaigua that rents the land in Farmington. We don't want them to feel treated differently or segregated either. We want them to have the same opportunities. I am just in agreement with you that the verbiage is a little confusing.

Mr. Adams said somebody not in agriculture won't find an issue with this, but as I say, for those of us in agriculture, we have a well-defined idea of what a producer is.

Mr. Maslyn said I like that you input the verbiage including but not limited to on some of the examples listed in these overlay regulations.

Mr. Adams said, in the second sentence of the Agricultural Tourism definition, [in the revised preliminary working draft] it should read "Examples include, but are not limited to..."

Mr. Adams said, "I see that you added farm laborer dwelling units on page five under accessory uses, I think that is good.

Mr. Brand said we don't want to force farm labor to live in apartment style buildings, they should have the right to have their own separate dwelling units.

Mr. Adams, having no further questions, asked the group if they had any questions.

Mr. Maslyn asked why all the A's are highlighted?

Mr. Brand said this is a computer formatting issue that we need to resolve.

Mr. Adams asked said, "Under residential uses on page 10 on signs, do you really mean that a sign can't be more than three square feet on a side? That would be twenty-one inches by twenty-one inches.

Mr. Brand said, or one by three feet in size.

Mr. Adams, who is going to read that from the road.

Mr. Brand said that is the whole purpose of restricting commercial speech signage for a minor home occupation. A use that is not intended to attract passing motorists.

Mr. Brand said, “so what I am hearing is let’s tweak these few minor points, send it out to the committee and get your feedback and move forward with this?”

Mr. Adams said so procedurally you make these last little changes, we take another look at it and nod our head, and then what is the next step?

Mr. Brand said, when you nod your head, it means that it is okay to leave it in the draft local law the way that it is, and it gets introduced to the Town Board. Their next step would be to make a referral to the County, and then County Planning would refer it to the County’s Ag Enhancement Board. It will then go through the environmental review process, and there will be a public hearing on it.

Mr. Brand said that there may be others who say that three square foot signs [for minor home occupations] are not appropriate [at all] within a residential district, even though it has been appropriate [in the Town Code] for the last fifteen years. We may find what, if anything, has changed?

Mr. Adams said, I am pretty sure public comments will be on bigger issues than sign size. So, this is going to take a while.

Mr. Adams said Dave [Capps] is here with us tonight. He sent me some questions by email regarding farmworker housing. I said these questions would be best answered here. I did think that Dan [Delpriore] would be here tonight. So, his first question was from something that he read on Ag and Markets website about the permitting process for Agricultural buildings.

Mr. Capps said that he found these [references] online from various places that he put down here. I think this mostly centers around agritourism. It is [implied] to increase the profitability of farms because that seems to be the fundamental problem. Farmers work their whole lives, and they don’t have money to retire, so they sell their land to developers.

Mr. Adams said that is simply not true. Is it sometimes true? Yes. You are making it sound like that is everybody, Dave. Many farmers are doing well in this state and are turning their operations over to the next generation. You have a terribly jaundiced view of this.

Mr. Capps said, “I don’t see the next generation here.

Mr. Adams said there is where he [Mr. Maslyn] works, and Billy Boyce is a next generation farmer.

Mr. Capps said it seems there is a big transition in farming. A lot of people want to be in control of their own food supply, they don’t want to be going through manufacturers. As a farmer you are being told what you can sell your product for. It seems to be a very difficult business model. If you are producing all these crops and selling them to someone who takes them and puts them into a box of cereal and sells it for six bucks, and the farmer gets ten cents on each box it is not a pretty number. Agritourism is a way for the

farmer to go directly to the public and increase the farm's profitability and to bring the younger people into farming.

Mr. Adams asked, so what is the problem here?

Mr. Capps said, "I think there is a need for some definitions on how that could happen."

Mr. Marvin said we've got four or five farmers selling beef directly to the people.

Mr. Adams said, don't confuse Agritourism with Direct Market, those are two entirely different things. Rodas is direct marketing Maple syrup.

Mr. Capps said my knowledge of this is limited.

Mr. Adams said, "I am trying to help you. There is far more potential for direct market. Anybody with a garden and a farm stand is direct market and there is a huge appetite for that and there are a lot of people doing it."

Mr. Capps said we have a little bit of acreage and raise chickens, turkeys and geese.

Mr. Adams said, how do you market that?

Mr. Capps said, "Well we sell eggs at church.

Mr. Adams said that is direct marketing, but you are not inviting the public in to see how you do it. That is Agritourism, if you sell the experience, monetize the experience. You have people pay money to come experience life on the farm. Some people are successful at doing that.

Mr. Capps said we probably would like to do that, but we are trying to understand the rules and the laws surrounding that.

Mr. Adams said the town maybe weighs in a little bit, but I think the state has a lot to say on that.

Mr. Maslyn said, what was your question about housing?

Mr. Capps said, I read through the State's AGM Laws, and it talks a lot about the goal of promoting and protecting farming and it talks about agricultural buildings being exempt from building permits, I guess my question is, what is the procedure in Farmington if you build an agricultural building.

Mr. Maslyn said, "I don't think they are exempt, are they?"

Mr. Capps said, "Well, it says it, I have some references here for that."

Mr. Adams said, you can't build anything in this town without a building permit, however the inspection of ag buildings is somewhat less as I understand it than a full-

blown building code inspection. If I build a cow barn as I understand it, it is somewhat exempt from some portions of the state's building code.

Mr. Casale said the code officer still must see what you are putting up.

Mr. Adams said right, they still need to lay eyes on it, I believe there is also an electrical inspection. As I understand it some portions of the building code would not apply to a barn that would apply to a house. Yes, there are some exemptions that could be coming from Ag and Markets.

Mr. Capps said there are some references to farm worker housing and the health department.

Mr. Adams said, "I am not an expert on that. We provide some farm worker housing and most dairy farms that have any sort of immigrant labor are providing farmworker housing. We are subject to Public Health Regs and depending on their status here there may be other inspections involved if they are H2A workers. If H2A is involved the requirements are more stringent.

Mr. Maslyn said, when we built ours, on the day that we had it inspected, we had to have it furnished with the number of beds that were going to be in there. It is inspected for a specific number of beds, so we must have it fully furnished before they are inspected. There are five bedrooms, but we are only using three this year. We had to have them all fully furnished."

Mr. Casale said was that state or County?

Mr. Maslyn said it was state. It could be federal if it is an H2A program. So, I am not positive.

Mr. Adams said John Knopf [a Canandaigua resident and fulltime farmer] is trying to build farm worker housing over in Canandaigua right now. They [the Town] are having a heck of a time because the Town Code doesn't deal well with it. I don't pretend to know all the nitty gritty issues involved with it, but they are thrashing around trying to figure out how to make it fit. It is not a single-family dwelling. You're going to have a bunch of guys living in a house with a common area and a kitchen. It sounds like the town of Canandaigua was struggling to see how that fit within their zoning ordinance.

Mr. Capps said, "Does Ag and Market regulate that?"

Mr. Adams said that he could not definitively answer that. We have a house that we are using for farmworker housing. It is an existing structure and as part of their compensation housing is provided. The house meets all the building codes that any other house would. Lots of farms do it this way and some farms do build dedicated housing. There are a lot of different ways to skin that cat because if you are going to use immigrant labor, they need housing.

3. REVIEW OF AGRICULTURAL ADVISORY COMMITTEE SECTION OF THE TOWN WEBSITE

There was no discussion on this topic due to the Code Enforcement Officer not being in attendance.

4. OTHER TOPICS

Mr. Brand spoke with the County planning staff and was informed that they're waiting on the State Comptroller's Office to execute a contract with the county to start the Black Brook Black Creek Drainage Study. As soon as they get that they will ramp up a steering committee and start working on that study. I would say that it will take at least six months to get it underway.

6. VISITORS' COMMENTS

Mr. Capps has requested to be included on future emails for this committee.

7. NEXT MEETING

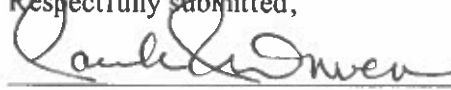
The next meeting of the Agricultural Advisory Committee will be held on **Thursday, August 8, at 6:30 p.m.** at Farmington Town Hall, 1000 County Road 8.

8. ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

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

Respectfully submitted,



Paula Ruthven

L.S.

**Farmington Agriculture Advisory Committee Members
Town Board Resolution #81-2024**

Hal Adams (*Chairperson January 1, 2024 to December 31, 2024*)

John Marvin Term expires 12/31/2025
Ronald Mitchell Term expires 12/31/2025
Michael Putman Term expires 12/31/2025

Hal Adams Term expires 12/31/2026
Charles Bowe Term expires 12/31/2026
Peter Maslyn Term expires 12/31/2026

William Boyce Jr. Term expires 12/31/2027
Denis Lepel Term expires 12/31/2027
Doug Payne Term expires 12/31/2027

Per Town Board Resolution #81-2024, February 13, 2024

E-mail Distribution:

Committee Members:

Adams, Hal
Bowe, Charles
Boyce Jr., William
Lepel, Denis
Marvin, John
Maslyn, Peter
Mitchell, Ronald
Payne, Doug
Putman, Michael

Town Board and Staff:

Ingalsbe, Peter
Holtz, Steven
Casale, Michael
Herendeen, Ron
Bowerman, Nate
Finley, Michelle

Brand, Ron
Delpriore, Dan
Gordner, August
Marvel, Carol
Ruthven, Paula

Bender

(2)

12/10/24

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURAL ADVISORY COMMITTEE

Thursday, August 8, 2024, • 6:30 p.m.

MINUTES—Filed with the 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*
Peter Maslyn
John Marvin
Ronald Mitchell
William Boyce, Jr.
Michael Putman

Committee Members Excused:

Charles Bowe
Denis Lepel
Doug Payne

Town Representatives Present:

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

Town Representative Excused:

Dan Delpriore, Farmington Town Code Officer

Guests: There were no guests attending this meeting.

RECEIVED
TOWN CLERK'S OFFICE
TOWN OF FARMINGTON
2024 NOV 26 PM 8:53

1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION

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

The Town Clerk, the Committee members and Town staff were notified of the meeting on April 25, 2024. The meeting clerk notified the Canandaigua *Daily Messenger* newspaper on June 6, 2024.

The meeting date and time were posted upon the Town Hall Bulletin Board on April 26, 2024, and have remained posted.

A public notice of the meeting was published in the Canandaigua *Daily Messenger* newspaper "Bulletin Board" website events section beginning on June 06, 2024, and has remained posted.

**2. CONTINUED DISCUSSION OF PROPOSED TOWN LAW:
AGRICULTURAL CONSERVATION OVERLAY DISTRICT (ACOD)**

Mr. Adams opened the meeting at 6:30pm.

Mr. Adams said Ron had provided a copy of the proposed amendments to the draft local law; what was in red is now black. A couple of little changes were suggested at the last meeting. They're not big changes. A couple of clarifications and definitions. I spent a little more time this afternoon. Comparing the old A80 to the RA80, I feel that I now better understand where our RA80 differs from the old A-80. I have a question, though: When we get to our RA-80, there is very little about it in this ordinance. I struggled to find very little difference at all. Can you tell me what I am missing in that RR80 designation?

Mr. Brand said that the current RR80 regulations aren't very different.

Mr. Adams said, "But we will continue to have an RR80 District that is essentially identical to the RA80. Is that correct?"

Mr. Brand said that is correct.

Mr. Adams said, I have another question on page 5 at the bottom, additional provisions under G, number 3 where we have a stipulation, where at least fifty percent (50%) of a site's surficial soil conditions are classified as prime agricultural soils (Class 1 and 2), soils of statewide significance (Class 3 and 4) then we will invoke the overlay district. My question is, 50 percent of a site, is the site a tax parcel?

Mr. Brand said Yes.

Mr. Adams said a tax parcel with farmland and wasteland, if it had fifty-one percent within swamp within the same tax parcel as the farmland, would not fall under this overlay district. Is that correct?

Mr. Brand said, yes and asked is that the way it should be?

Mr. Adams said, "I don't know, you are the one that wrote it, there must have been a thought.

Mr. Boyce asked how subdivisions play into calculating the percentage figure.

Mr. Brand said the lots are subdivided first.

Mr. Adams said there must have been some thought in that.

Mr. Brand said that the model came from one of the municipalities we looked at that had that language, and we had agreed to use that percentage. If you want to change it, let me know, and we can change it.

Mr. Brand said my take on this meeting was that we are only looking at the requested changes that have been made in red. Everything else was agreed upon at the last meeting.

Mr. Boyce asked if we could change the verbiage to exclude wetlands.

Mr. Brand said the courts have held that you must include the entire site, including wetlands, even though you can't develop those areas.

Mr. Adams said that this is a potential loophole. If we are all comfortable with the loophole, fine. It seems arbitrary to me, but all numbers are, to some degree.

Mr. Adams said, on page 7, 1st paragraph towards the bottom, there is a prohibition on farm-related structures on class 1-4 soils. This is permitted for principal use in the overlay district. My barns are built on class 1 soil. The practicality of that stipulation is that if you have farmland near or on the road and it is all class 1 soil, you will build it on the class 1 soil. As farmers we all anguish over wrecking good land to build facilities, but it happens. It is all about access and useability, and practical matters.

Mr. Brand asked Mr. Adams to continue reading the rest of the paragraph to see that this paragraph references permit requirements.

Mr. Adams said, on page 9, that there is a prohibition on wind energy farms, and further on again, there is an out on special use. Am I correct on that or not? This is a very explicit prohibition unless I am misreading this.

Mr. Brand said this has been in the code for years; the only change that was made is that it used to read zoned A-80, and now it reads RA-80.

Mr. Adams asked if there is an outright prohibition on wind energy and farms within the overlay district.

Mr. Brand said, no, it says those wind energy districts are to be created only on properties that are zoned RA-80.

Mr. Adams said provided they are not in the overlay district.

Mr. Brand said that is correct.

Mr. Adams said solar is not prohibited and is permitted to be used somewhere under one of those designations. So. The Town has taken a stance against wind. Continuing on that line, it continues to say, As the Agricultural Conservation Overlay District and upon the applicant obtaining subdivision plat and/or site plan approval from the Town Planning Board for the wind energy system, it doesn't continue on the next page.

Mr. Brand said that is because the only thing being changed in that section of the code is C1; there is also C2, C3, and so on.

Mr. Adams said that is all that he has. Does anybody else have anything? Ron wants to spend some time on the strategic farmland map, which will help us define which neighborhoods are in the overlay district.

Mr. Putnam said, If the land doesn't have an Agricultural Exemption, does that mean it is not in the district?

Mr. Brand said this is not related to the Agricultural exemptions.

Mr. Adams said the map is generated from the zoning office according to land that is getting the exemption.

Mr. Marvin said several years back, we worked on a map. In 2015, we each took our sections and identified working farms. That is still the one that they are using for this; it has never been updated.

Mr. Adams said that we took some land out at the last update of the AG district.

Mr. Marvin said I have had two of the parcels that I use that were in the AG district and taking advantage of the exemption, and both pulled out about three years ago. They are still Agricultural, and I am still farming them. They want to keep them zoned Agricultural, and I would still keep them as Agricultural.

Mr. Adams said the difficulty is getting that information. Correct me if I am wrong, but this is based on the Assessor's office data reported as getting exemptions.

Mr. Brand said No

Mr Marvin said this group identified these parcels.

Mr. Brand said we used your input as the experts who are using the land.

Mr. Adams asked how do you want to go about scrutinizing this map?

Mr Brand said one of the most important things we missed in editing the additions is on page 3 of the draft local law. I have added a phrase that clarifies that the overlay district that will be created is not based on the 2015 map; it is based on a map at the time of this zoning amendment that are being used for Agricultural production on the more viable agricultural soils.

Mr. Boyce said he was thinking of calling Joanne at USDA to see if she could provide something, but not everyone reports to them, either.

Mr. Adams said, in a controversy over whether a parcel is on or out, are you saying that we would have to look at historical evidence of whether the parcel was farmed at the adoption of this?

Mr. Brand said no. You should look at the zoning map. We have the main street overlay district and the major thoroughfare overlay district. This legislation talks about creating a third overlay district that has not been mapped yet. We are going to start to create that tonight, then send it to MRB, have them create the overlay map, and then you will review it for accuracy at our next meeting.

Gathering around the map, Mr. Brand points out that Hathaway's corners land is no longer farmed so that we can take that off. The property on the corner of County Rd 41 and 8 is not used for Agricultural production. There are two parcels that comprise the Paddocks Landing incentive zoning site that is being developed. We can also identify the area where the natural gas pumping station is located. Mr. Adams pointed out a parcel that he farms, but the owners do not claim an Agricultural exemption; Mr. Boyce pointed out a parcel that he is farming that is not claiming the Agricultural exemption.

Mr. Adams is interested in the areas adjacent to existing water and sewer; we need to keep those parcels in the overlay district. The parcels up in the hook area. The areas where we have infrastructure. Let's say a developer comes in and says they will extend the water and sewer using some of the unused capacity but we have enacted the overlay district and now someone wants to do an IZ project, how does that play out any differently than it would right now absent the overlay district?

Mr. Brand said I don't think that it would. The overlay district will protect the class 1-4 soils to the best of its ability. You need to know how much land is in 1-4 soils. The soil classes would be addressed in SEQR. They would only get incentive zoning if they took the less productive soils than the class 1-4 and developed them because otherwise that differs from what we are creating the district for.

Mr. Adams said Incentive Zoning looks like let's make a deal. If the developer comes in with the land and the Town says if you do this and this, we are good with it, and away we go, we rezone it and are off to the races.

Mr. Brand said, " We will take the small areas outlined in red on the map and show you what they look like. Those are the areas that we are trying to include in this overlay approach, to identify the strategic farmland parcels. If we find that we may have missed something from back in 2015 that you feel should be added as strategic farmland, like the parcel that Hal [Mr. Adams] mentioned, then we can look at that. If it is a small parcel with a minimal impact, why bother including it?

Mr. Adams said I have always struggled with this map because some of this pink area is woodland. Any farmer that owns a parcel designated as farmland that includes woodland needs to be considered before mapping. Mr. Adams believes that this map overstates the tillable land; but doesn't know by how much.

Mr. Brand asked if we need to include lands that are going into farmland preservation under the state Agricultural Protection Program. We do have some sizeable areas of productive farmland that the landowners have asked to protect. The question is, do we need to protect something that is already protected by the landowner's decision?

Mr. Adams said I reached out to the Land Trust, but I did not get a reply, and I did not get there again to talk to them. I sent an email a couple of weeks ago; I was asking for an opinion, and I sent a copy of the Overlay District to Lorna Wright. I did get a reply that she was out of the office, but I didn't get any other response. life got away from me, so I did not follow up. I would like to hear from Lorna and Doug Payne.

Mr. Brand said we have some legislation in the drafted local law that is being held up by a decision on this ACOD. If you are not ready to move forward, we will pull this out and continue discussion with the committee. We have some surety issues to address that were just brought to light, and we need to move forward on them to close a loophole.

Mr. Adams said he would like to get a consensus from the room.

Mr. Marvin said he is not against it [ACOD] and is not for it, but I printed off copies of the draft and have taken them to seven or eight of the local farmers, and the consensus from them has been that they want no part of it, and they plan to vote against it. They want to avoid being told what they can do or what their grandchildren can do. One of my concerns is that there is an awful lot of farm preservation coming in, and you will have some bad years on the farm. The only thing that will keep farming in Farmington is the profit money. We are going to have more and more small market farms. Two of them just started this year doing an excellent job.

Mr. Boyce said he is interested, but he is also concerned that if everything around him gets developed, he may need to sell and move to a less developed area. He is undecided.

Mr Putnam says yes, whether it's perfect or not perfect. It's a tough call, but I am going to say yes.

Mr. Mitchell said he is not a farmer, and his view from the outside is influenced by the idea that Ryan homes are selling for \$600,000. You can't find a house in Farmington unless you build one. Any homes that are listed sell in one or two days and they are selling for fifty and eighty thousand over the asking price. As an outsider looking in, farming is in danger, and we have to do something. My vote is in favor of this.

Mr. Maslyn said that he is leaning towards yes; I understand that if you go out and show this to farms, they will take it as a pretty big negative. If they were able to take the time to sit and read through it all you can see that it not tying hands it is a guidance tool. My biggest hang-up is whether it would affect any farms that wanted to put their farm into the state's farmland conservation easement. If this negatively impacts that, then that bothers me. If a farmer goes to the state with an interest in the conservation easement, would the state say, the Town is already protecting you, so why would you need to do this?

Mr. Brand said that was something that Hal [Mr. Adams] also had brought up.

Mr. Adams said he wants to get some reiteration from the land trust group.

Mr. Brand said the threat is going to be proximity to utilities. Suppose you are next to water and sewer lines and a major highway next to zoning that allows uses incompatible with farming. We have got potential, for example, all of that factored in, and it's not just the fact that you are trying to protect the environment by having regulations that guide the placement of homes on that land. Some of these areas that you are concerned about, quite honestly, if Lorna Wright were here, she would probably tell you that we don't believe land that isn't threatened at this time would be as competitive when compared to threatened lands in other municipalities. That is what the state is trying to curtail is the loss of these threatened farmlands.

Mr. Boyce said that if you are in the RA-80 in the overlay district, can you change the zoning? Would that remove the restrictions of being in the overlay district?

Mr. Brand said if you wanted to change the zoning from RA-80 to RS-25, there is no need to have the overlay district there anymore because you are not protecting anything that would be gone with the rezoning. If you have development plans and the Town Board feels that that is the right thing to do, then so be it. The first step to change the zoning of land is to propose development and to present your proposal to the town board.

Mr. Maslyn said homeowners that built their houses in the eighties and nineties because they had to buy extra land because they were on Agricultural land and they had to buy bigger lots and now its all scrub behind them and said looking back, if you had to go through this process you would have thought about building your house in a different

spot or doing something differently and now thirty years later having this scrub behind the house.

Mr. Brand said that if you decide tonight to move forward with this, it doesn't mean that if it gets to the point where we are ready to introduce it that it can't be pulled and taken out because of

whatever concerns may arise. I hope, John [Marvin], that any of those farm families that you mentioned would take the time to read this and take the time to look at the minutes and see all of the discussion that has gone into this and not just make a decision based on lack of knowledge.

Mr. Adams said getting people to invest effort and time is hard. If we get to that point, there will be a hearing. A tiny cohort of people are now making their livelihood from farming in the Town. This is going to matter to them as much as anybody.

Mr. Brand said this proposed legislation will also have to go to the County and weighed by the County's Agricultural Enhancement Board, and that it may even be weighed by the State Department of Agriculture and Markets if they feel there is something in there that shouldn't be there. So, you have those three entities overlooking what we have been working on for the past year before there's a public hearing by the Town Board on these amendments.

Mr. Adams said we were tasked with looking at more regulations to protect farmland, which were in both the farmland protection and comprehensive plans. We have now completed the task and developed a pretty good document. There will likely be pushback from John's contacts. I wonder whether they will really try to understand it and realize that this is more relaxed and relaxed than it might look on the surface. If we don't move it forward, he's going to say well, you guys don't really care about farmland protection. I am in between a rock and a hard place on this one. This is an innovative approach; it looks different from the other stuff that we have looked at. This is taking this whole business of the Town assuming the role of custodian of a scarce resource, I didn't read that in any of those other ones. This is an innovative approach, and hats off to that, but whether there will be buy-in from the landowners is another question entirely. Depending on where you stand, do you think the most important thing is to preserve the open space and farm viability in our Town, then you should probably support this, but if you feel that landowners' rights and options as overall farm viability diminishes in the Town, and I have said many times that we are on the downward trajectory, we are not preserving farming in the Town, it is slowly declining, I don't care what you do, it is for a variety of reasons. If that is where you are, you may want every option available to you for monetizing your farm.

In my opinion, Mr. Mitchell said, along with what you are saying, I have lived out here most of my adult life. I like the Town of Farmington. I like how it is; we want it to grow, but it has just exploded over the last five years. I am one of the culprits; I just built a house. I like the Town. I like the way that it is. Otherwise, I would have been somewhere

else. I have been living here since I came home from Vietnam in 1970. It is a good town, and the management is excellent. I look at you guys. You are the farmers, and you are trying to keep your livelihood going, but unfortunately, progress is catching up. It is growing so fast, and when they come to your son, your daughter, your nephew, niece, or whoever it is, and say I am going to give you five million dollars for that piece of land, it is hard to say no.

Mr. Casale said, "You can't. I come from Long Island. Nassau County and Suffolk County were all farms, and now there's nothing in a fifty-year period. You can't stop the development. I don't know if you can change that anywhere.

Mr. Mitchell said I am not saying change it; I am trying to say let's try to slow it down.

Mr. Casale said that's what this is all about; it is not prohibiting anybody from doing what they want. It may feel that way; it felt that way when you were a little kid. This Town is against farming; in all the years that I have been here, I have not seen that. Anything that we wanted to do, we tried to keep in the not-so-good for farming area. We have tried to stay in the southwestern area for the most part. It is almost impossible to stop development.

Mr. Marvin said that when I started farming, we worked right to the village of Fairport and the canal. We worked all that land, both sides of Turk Hill Road.

Mr. Casale said if they feel strongly about the Town, they have to forget about their pocketbook, and they will look at this and come up with something.

Mr. Marvin said there is another little factor that might enter in: they have been pushing on the national news that the birthrate population is down 28% in the last five years.

Mr. Maslyn said it's not just the US.

Mr. Adams said that if I am supposed to be taking a consensus, I am hearing more positive than negative. I cannot tell the town board that there is a complete consensus on the committee. However, there is a majority consensus that this is a reasonable proposal to move forward.

Mr. Brand said he would get the map; it will probably take two or three weeks to get that to you so that you know what we are talking about when we say overlay district area. If that causes some concern, call him [Mr. Adams] or me [Mr. Brand]. We will pull it and move forward. Right now, if we get it accepted and adopted by the end of the year, it will be a miracle.

Mr. Marvin said I would like to see you put it in plain English, take away the writing that Mr. Brand has worked hard on, and put it in plain English how it will affect your farm, my farm, and Billy Boyces farm long term. Take away the legalese that Mr. Brand has

worked hard on. Everyone I talked to said they don't want to be told what they can do with their land, which I have worked hard for.

Mr. Maslyn said that he agrees with Mr. Marvin that we need to start with a synopsis of why we are here and looking at this to begin with, what we are trying to accomplish, and what we think this will achieve.

Mr. Adams said the committee needs to be brought up to speed in layperson's terms of what this is. If we have that ready, we can use it for anybody.

Mr. Brand said he would like to suggest the next meeting be on October 10, 2024. This will give us the opportunity to see the overlay district map, to see the narrative of what this regulation is all about, and to give the Town the opportunity to take that time to make those amendments that we don't even have here yet, and that must be reviewed by the town attorney and others mentioned here tonight.

3. REVIEW OF AGRICULTURAL ADVISORY COMMITTEE SECTION OF THE TOWN WEBSITE

There was no discussion on this topic due to the Code Enforcement Officer not being in attendance.

4. OTHER TOPICS

Mr. Brand reported that we were told that we were awarded grant money from the state to do the Black Creek drainage study. I talked with Betsy Landry at County Planning this week, and they haven't heard anything as yet from the state.

Mr. Adams reported: I also want Lorna to follow up in writing or in person; we need to understand where she is coming from. When she says, well if you do this, you may hurt your chances of doing that. Well, on the other side of that coin. If we put this forward and there is such an outcry that nobody wants any protection, good luck getting any grants.

Mr. Boyce said that he would contact Joanne to see if she could make a map with whatever is active at USDA.

Mr. Brand reported that there have been ongoing public hearing sessions about a proposed solar farm on Commercial Drive, and the neighbors who will be living next door to this have voiced their opinions that solar farms belong in the rural areas of the town, not in industrial or commercial areas.

Mr. Adams said, "Their concerns mostly pertain to battery storage. What happens when that battery catches fire right next to a residential area?"

Mr. Brand replied the same thing as when an electric vehicle is being charged inside a garage and it catches on fire. You call the Fire Department. Dr. Casale said people don't realize what a fire hazard they [electric vehicles] are. Mr. Adams said there is a growing transition to electric vehicles.

Mr. Casale said all of the energy stuff is concerning. A slow transition is fine, but when you realize that in a year, you are not going to be able to run a gas line to your house, it's concerning.

Mr. Adams said the room was full that night, and there was an HOA involved. They are the Townhouses on the East side of Commercial Drive, [west side of Redfield Drive]. The town has proposed extending Commercial Drive all the way through from 96 to Collett. One of the issues is that if Commercial Drive is extended, it will be right in the backyards of some of those houses. It's close and not particularly well-buffered.

Mr. Brand said that, with Jonathan Orpin's blessing, from New Energy Works, he has agreed to swap some land with Sky Solar so they can shift the proposed extension of Commercial Drive to the West. He also noted that there were only two neighbors attending last night's public hearing. He also noted that upon review of recent townhouse sales in the neighborhood that those Townhomes appreciate between thirty and forty thousand a year.

Mr. Maslyn would like to put a plug in for this year's Fun on the Farm hosted by Hemdale Farm. We have many volunteer jobs if anyone wants to be a tour guide, tractor driver, or whatever. We are hosting a thousand school kids on Friday September 27th and we anticipate a large attendance on Saturday, September 28th. We are planning to have members of the local legislation present as well. We have flyers that I don't have with me tonight.

Mr. Brand said if you send us one electronically, we can distribute it along with the minutes, which will be posted to the town website. We can also include that in the Bi-weekly town ops report. Finally, if you have any posters, we can display one at the Town Hall. Just let me know.

6. VISITORS' COMMENTS

There were no visitor comments

7. NEXT MEETING

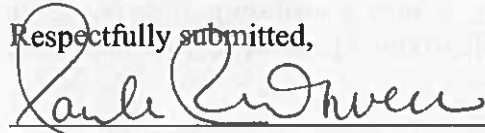
The next meeting of the Agricultural Advisory Committee will be held on the second Thursday, October 10, 6:30 p.m. at Farmington Town Hall, 1000 County Road 8.

8. 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,



L.S.

Paula Ruthven

**Farmington Agriculture Advisory Committee Members
Town Board Resolution #81-2024**

Hal Adams (*Chairperson January 1, 2024, to December 31, 2024*)

John Marvin Term expires 12/31/2025
Ronald Mitchell Term expires 12/31/2025
Michael Putman Term expires 12/31/2025

Hal Adams Term expires 12/31/2026
Charles Bowe Term expires 12/31/2026
Peter Maslyn Term expires 12/31/2026

William Boyce Jr. Term expires 12/31/2027
Denis Lepel Term expires 12/31/2027
Doug Payne Term expires 12/31/2027

Per Town Board Resolution #81-2024, February 13, 2024

E-mail Distribution:

Committee Members:

Adams, Hal
Bowe, Charles
Boyce Jr., William
Lepel, Denis
Marvin, John
Maslyn, Peter
Mitchell, Ronald
Payne, Doug
Putman, Michael

Town Board and Staff:

Ingalsbe, Peter
Holtz, Steven
Casale, Michael
Herendeen, Ron
Bowerman, Nate
Finley, Michelle

Brand, Ron
Delpriore, Dan
Gordner, August
Marvel, Carol
Ruthven, Paula

11/26/24

Agriculture

Binder

(13)



ONTARIO COUNTY Agriculture Enhancement Board

Robert McCarthy, Chairman

Draft Minutes Ontario County Agricultural Enhancement Board November 6, 2024

1. Call to order

Members Present

- Lisa Fitzgerald
- Tucker Kautz
- Dennine Leeson
- Jared Martin
- Jacob Maslyn
- Elizabeth Newbold
- Linda Phillips
- Joann Rogers

Members Excused

- Frank Fessner
- Tom Harvey
- Robert McCarthy (arrived 630)
- Andrew Wickham

Members Absent

- Kristin Hanggi

Guests

Ron Brand, T. Farmington Development Director; Hal Adams, Chair T. Farmington Agricultural Advisory Committee; Peter Maslyn, T. Farmington Agricultural Advisory Committee

2. Introductions

3. Motion to approve 7-29-24 minutes made by Lisa Fitzgerald, seconded by Dennine Leeson. **Motion Carried.**

4. New business

- a. Discussion on proposed Town of Farmington Agricultural Conservation Overlay District Local Law Farmington reviewed T. Ulysses, T. Chili also reviewing T. Gorham, T. Hopewell, T. Seneca as recommended by Planning Department.

Unique features of T. Farmington Agricultural sector include small field sizes and low number of farmers.

Proposed local law focused on process to interject consideration of preserving agricultural resource base in subdivision review process and incentive of allowing smaller lots and flag lot configuration to preserve farmland. Law not focused on limiting subdivision.

As a result of PDR activity in Farmington, 5 additional landowners considering. participation

AEB Member Comments

- I. Draft local law is a commendable effort.
- II. Asking questions regarding agricultural land preservation, pause in subdivision process, and referral to Agriculture Advisory committee are positive steps.
- III. Does Planning Board have knowledge to suggest how a landowner could alter subdivision plan to preserve agricultural land?
- IV. Has committee looked at map of MSG 1-4 soils? Have they tested process with real property info? Important before and after adoption of preservation tools to assess whether tool is meeting objective.

- b. Motion to recommend re-appointment of Lisa Fitzgerald and Elizabeth Newbold by Jacob Maslyn seconded by Lisa Fitzgerald. Motion Carried.
 - c. Appointment of 3 person nominating committee to identify active farmer to replace Kristin Hanggi. Jacob Maslyn, Tucker Kautz, and Lisa Fitzgerald to contact farmers and distribute press release and summary of position responsibilities.

 - d. Mini-grants
 - i. CCE Ag tourism website contract completed.
 - ii. Marcus Whitman sugar house contract completed.
 - iii. 2025 Award e-mails sent; contracts to be distributed soon.
5. Old business
- a. Annual agricultural district enrollment process
 - i. 2024 open enrollment November 1-30, web site updated, press, ag support orgs, and public notice sent.
 - b. Solar energy development
 - i. Reminder about Solar Resources for municipalities and ag land owners.
<https://ontariocountyny.gov/2042/Solar-and-Agriculture-Resources-for-Loca>
 - ii. New Resources- Cornell and Rutgers Agrivoltaic Production Research
<https://cals.cornell.edu/news/2024/08/farmer-first-approach-agrivoltaics-will-benefit-ny-food-energy-goals>
<https://agrivoltaics.rutgers.edu/>
 - iii. New resources on INSPIRE website include national map of agrivoltaic installations and financial calculator to compare costs and revenues
<https://openei.org/wiki/InSPIRE>
 - iv. New Resources posted to NYSERDA Ag and Solar webpage
<https://www.nyserda.ny.gov/PutEnergyToWork/Industry-Energy-Solutions/Agriculture/Agrivoltaics>
 - v. AgriTech newsletter regarding Ag and Solar co-location research – test plots with apple trees, grapes, fresh market vegetables Solar panels may soon power, protect apple orchards
 - vi. Potential for deferral of mitigation payments for conversion of MSG 1-4 areas if co-locate continued ag use.
6. Member reports and other business
- Deninne-Questions about changes to land in Agricultural District following lot mergers.
- Joanne – Nov. 15 is deadline for small grain crop reporting; landowners encouraged to include cover crops planted in this reporting. With no comprehensive new Farm Bill, federal government is doing program by program extensions/authorization of funds.
- Tucker – SWCD applying for and receiving larger grants and federal grants which require federal audits. Would like clearer communication to farmers and SWCD advance notice of municipal requests for updating soil worksheets. Important that assessors review worksheets; assessor and NYS AGM, not SWCD, are final arbitrator of land designated as for agricultural use. Also discussion

about some assessors' reluctant to include agriculture support land, like hedgerow which USDA wants to see included, in agricultural use area.

Elizabeth – PDR program is very well funded. Need for awareness of significant changes in PDR program – specialty crops/soils like vineyards now able to participate. With rolling applications, not competitive and less importance placed on development pressure. Important for farmers to have pre-application steps completed before announcement of funding availability. It often happens that land trust are more willing to partner on PDR applications when towns or counties are involved in initial farmer education, vetting, and pre-application efforts.

Jacob – in early 2025 will be offering 3-4 session beginning farmer training covering loans, mentorships, taxes, insurance, marketing, and other business topics. Also workshop on growing popular and specialty berries. Successful recent field day re growing buckwheat. Fun on the Farm hosted 1,500 students and 3,000 community member with 400 volunteers at Hemdale Farm. In 2026, Fun on the Farm will be at Lawnhurst Farms.

Linda -as a result of press release for Agricultural District open enrollment, opportunity to work w/ Jacob to set up interviews w/ 2 farmers about farming and farmland preservation. Will send link when available.

7. Next meeting

Look for Doodle Poll in December re January meeting

8. Adjournment

Motion to adjourn by Dennine Leeson seconded by Tucker Kautz. Motion Carried.

Burdick

CORRECTED (11)

12/23/24

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURAL ADVISORY COMMITTEE Thursday, October 10, 2024, • 6:30 p.m.

MINUTES—FILED WITH THE 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*
Peter Maslyn
John Marvin
Ronald Mitchell
William Boyce, Jr.
Michael Putman

Committee Members Excused:

Charles Bowe
Denis Lepel
Doug Payne

Town Representatives Present:

Ronald L. Brand, Farmington Director of Development and Planning
Dr. Michael Casale, Farmington Town Board Member
Dan Delpriore, Farmington Town Code Enforcement Officer

Guests: There were no guests attending this meeting.

RECEIVED
TOWN CLERK'S OFFICE
TOWN OF FARMINGTON
2024 DEC 19 PM 1:37

1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION

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

The Town Clerk, the Committee members and Town staff were notified of the meeting on August 28, 2024. The meeting clerk notified the *Canandaigua Daily Messenger* newspaper on October 2, 2024. The meeting date and time were posted upon the Town Hall Bulletin Board on or about August 28, 2024, and have remained posted.

A public notice of the meeting was published in the Canandaigua *Daily Messenger* newspaper “Bulletin Board” website events section beginning on October 02, 2024, and has remained posted.

2. UPDATE ON BLACK CREEK DRAINAGE STUDY

Mr. Adams: The first agenda item is Ron's Black Creek drainage study update.

Mr. Brand: At last month's Board of Supervisors meeting, they reported that the state had sent the contract for this project and that they were going to contact municipalities for their funding commitments. I don't know who the county will want to serve on this committee, but I hope that there will be some who live in the area and knows a little about Black Creek and Black Brook.

Mr. Adams: I own a piece of it.

Mr. Brand: I couldn't think of a better person.

Mr. Casale: Well, there you go. Then there's one right there.

Mr. Brand: So that's all I have to report. Previously, we had not heard anything. Now we have heard something. It is starting to move, and as you know, government is slow, but it gets there.

Mr. Adams: What is your best guess for when the actual movement might occur?

Mr. Brand: Well, getting the fact that we're getting towards this holiday season and everything else, I would suspect it will probably be the first of the year; that's my best guess.

Mr. Adams: That seems so quick. Yeah, we'll see.

Mr. Brand: The County Planner handling this project is Betsy Landry.

**3. CONTINUED DISCUSSION OF PROPOSED TOWN LAW:
AGRICULTURAL CONSERVATION OVERLAY DISTRICT (ACOD)**

Mr. Adams: The next item is a discussion on the overlay district. Ron provided us with a good map here, this good work, right here.

Mr. Brand: It's encouraging to hear that, and I appreciate that you asked for this. As I sat down to work on it, I discovered that there are some things here that we still need to discuss such as the Clustering Legislation that's already in place here. The town planning board is permitted to mandate clustering in areas where you're going to protect an identified natural resource, whether it's a wetland, flood plain, or other identified natural resource. So, one

thing that we do need to do is tweak that chapter a little bit to distinguish the agricultural soils that we want to conserve and not have this resource simply identified as open space. All too often, a lot of people look at farmland as being open space, and it's not.

Mr. Adams: which it is, but it's a special open space.

Mr. Brand: Basically, let's jump to the zoning map because it'll all come together behind you, there, and up here on the screen above you. You see the existing zoning, which is now shown in the green area as A-80. We're proposing to change that designation to RA-80 residential agricultural. The map also shows the Agricultural Conservation Overlay District lands, the identified strategic farmlands, shown in red. The overlay district lands are shown in proximity to the rest of the currently zoned A-80 or RR-80 lands.

Mr. Adams: So, the red does not jump out to you. Inside these lines where it's been hatched, that's the proposed overlay district.

Mr. Brand: It does show up better on the screen.

Mr. Adams: Yeah. And I brought this copy here if you want to go ahead and look at it. It's clearer than rendering it on the screen.

Mr. Putman: What are those pink colored districts?

Mr. Brand: That's the rural residential RR-80 District, looks salmon colored.

Mr. Adams: This RR-80.

Mr. Marvin: There's a Thruway, I guess.

Mr. Brand: So, the way this is laid out in the legislation is, I come to farmer Jones, and I say to farmer Jones, I want to buy 5 acres of land, I want to put a house on it, and farmer Jones's says well, where do you want to put it? Could you show me where you want to put it? I have a map drawn, farmer Jones agrees with it and I take it to the town, and they will rubberstamp it, and away we will go. That's how it used to be, but it's not that way anymore because we're not protecting the resource base. So, if I come into the town to see Dan [Code Enforcement Officer] and I've got a subdivision map and it's located on one of these strategic farmland sites, the first thing Dan will ask for is the soil map for that site, which has been prepared by the County Soil and Water Conservation Office. That map is used to identify where on the site the Class 1 through 4 soils are located. This map not only identified the soils classification on the site you're buying but on the balance of the site. These two maps then go to the Planning Board to start the approval process. Existing regulations say that for a cluster development to be approved by the Planning Board, you have to have two maps: one showing how you came up with your idea for development and another showing what it would look like if it were a clustered subdivision. What's the incentive to go through all this? Well, one of the incentives to the town is that we're conserving the natural resource base. Another incentive to the developer is that by showing

a flag lot, you don't need to have 300 feet of frontage off that lot to get a driveway. So, there is a savings resource right there. Secondly, you have the opportunity to design that site, and in most instances, it's going to be served by an on-site wastewater system. So, you design a septic system that could fit within that area you're going to develop. One of the things that you can do with a cluster development is instead of buying 40,000 square feet or 80,000 square feet, you could only have to buy 25,000 square feet of land. So, you don't need to lose a larger piece of good, unique soils to some non-farmer that's going to come in and eventually complain about your dust and order and everything else that goes on the adjacent farmland. I've been able to find nothing like this in New York State. But that's okay; we don't follow our lead. So, it's a process that will take a little more time to get accustomed to. Another part of these regulations involves a process that begins when you come in with the third lot from the effective date of enactment. Okay, it's not the third lot in history; it's the third lot from the date of the adoption and the filing of the Local Law with the Secretary of State. So, for practical purposes, it could be for example July 1, 2025. From that point on, when you get the third lot, then you have to lay out the whole project [a sketch for full buildout] because, at that point, you're starting to get into encroaching and taking away the continued viability of that farmland. So how can we preserve and protect that in the future?

Mr. Adams: Let's return to the scenario you started with that farmer Jones would sell one 5-acre lot. Tell me what happens there.

Mr. Brand: Okay, someone comes in wants 5 acres of land, and farmer Jones wants to sell it, okay, depending on where it is, you must go through the two map process if it's on strategic farmland.

Mr. Adams: Okay, because I'm confused a little bit about the language as I understood it, I thought it was that we didn't trigger the overlay district process unless we were subdividing three, so I'm struggling with the scenario where we're only going to subdivide once, to begin with, you know what I'm saying, the first guy that wants to buy a slice of land.

Mr. Brand: What you struggle with is the third lot triggers an additional level of detail.

Mr. Adams: Yes.

Mr. Brand: At the third proposed lot, it says you have to show what the rest of the site will look like.

Mr. Adams: Yes.

Mr. Brand: Okay, the first two lots don't require it.

Mr. Adams: So, farmer Jones can sell 5 acres to somebody to put a single dwelling on if that's the only subdivision.

Mr. Brand: That's correct. Someone comes in with a plot plan showing either a forty or eighty thousand square foot lot, or five acres, whatever it is, and if it's on one of those strategic lands, then you have to have an alternate design showing how you're going to protect a greater acreage of the mapped Class 1 through 4 soils.

Mr. Adams: Even if we're only making, we're only subdividing once.

Mr. Brand: It will be consistent from then on out; you can't say the first two and the other ten acres you don't care about.

Mr. Adams: That's not the way I understood it. I need to.

Mr. Brand: The three-lot thing may have confused you.

Mr. Adams: It's got me slightly confused; I'd like to see that, you know, get it pointed out to me. So that I can wrap my brain around it.

Mr. Brand: Okay.

Mr. Mitchell: So, if he sells one lot of 5 acres and it's not in the overlay, he still has to do what he was going to do when he put a subdivision in, am I correct?

Mr. Brand: He still must come in with his original design of the five acres, but he also has to provide an alternative design showing a flag lot with twenty-five thousand square feet instead of forty or eighty thousand square feet and have it gets reviewed by this board and the planning board. This review helps to determine why the one that saves more of the Class one through four soils shouldn't be provided. The chances are that most people when they want land, want 5 acres because they don't want somebody living next to them. If you're going to put a flag lot in and save that land for continued agricultural use, you have got a larger area that you're not going to have a neighbor close to you. The layperson doesn't stop to think about what they're doing by removing a larger area of the more viable agricultural soils.

Mr. Adams: Well, what if the lay person wants their little hobby farm and they need 5 acres for the horse or the chickens or whatever that we, you know, have other regs that require setbacks and a certain amount of land. You know, for that farmette kind of thing, which is a big deal right now. There's a lot of interest in that kind of thing. Okay, so this process is getting triggered quicker than I thought I understood.

Mr. Brand: But is that bothering you?

Mr. Adams: Not necessarily, but it is not how I thought it was worded. That's my issue.

Mr. Putman: If a guy is going to sell this five-acre lot, and he comes in, you look at it all over. Can you force them to move the five acres to here or back there?

Mr. Brand: The language for clustering allows you to show that you are protecting the Town's natural resources. Chances are the Planning Board will not end up doing that without deciding, at that point, that it meets the criteria listed. What the Planning Board has to do is establish their practice for future applications that they're going to go through the same process. We're not saying you can't sell 5 acres. However, we wish you would stop and think about what you are doing. I have heard for many, many months now from those around this table that you are concerned about losing your road frontage, having that eaten up, and then having to figure out how to get behind those new lots and have agricultural operations back there. We are trying to develop a scenario that protects a legitimate resource base that the town has been given the responsibility of being the steward of. To keep as much of that resource base conserved in a way that doesn't cause problems for adjacent neighbors or the local farming community. I think that we now need to push this envelope down the road and see what other agencies, whether it be county planning, the County Agricultural Enhancement Board, or the State Department of Ag and Markets, will say about this process. I want to know what they want.

Mr. Putman: The state and all that, they could come back and make you tweak it.

Mr. Brand: Absolutely. My goal is to have something in place that can also be endorsed by county and state agencies. I'm not doing it for myself. I'm doing it for the farmers and the land resources here. I've talked this over many, many times with others, like Dr. Robert King, up there in Monroe County. He wants to see something come forward and thinks this has merit.

Mr. Marvin: I'm just trying to think, like Hal says, one of the things though, what are the town or county or somebody's going to do to reimburse the landowner for sitting on that land? The only thing that will keep farming in Farmington is profit. I have talked with you guys many times, and if you go around, talk to the farmers, which I have taken time to do, and every one of them said no, we worked 1-2-3 and five generations. Bowes are five generations; he wonders what will happen to all that land. Jim Gray there and George Ayers and man, they're dead against us this. Jim says, no, this is my investment for my future, he says I'd love to sell it to a farmer if he can afford it. I'd be glad to sell to a farmer, but he will be out to make a profit. So, what do you tell him? My daughter has made huge money. She has her own company, and she's one of the owners of my farm. What is she going to tell you? She did buy land since she bought that one, her and her sisters, and they have an option on another parcel of land. What will we do to reward the landowners if they maintain this land? We brought this up years ago when they did the study and cost the return for tax dollars.

Mr. Brand: Following that logic, I have a piece of residential property that I would love to sell to McDonald's because I know they would pay me a lot more money for it, but that isn't ever going to happen. So why do you think something like that should happen here?

Mr. Marvin: What about your family? That's why I'm saying that.

Mr. Adams: Let me try to answer this because this is a question we will deal with when we do a public meeting. Here's my best shot at it is that this overlay district doesn't restrict the amount of development that can be done, it tends to push it and guide it off the best land, but the number of dwellings that would be permitted is the same as if we don't have the overlay district, but we don't trash as much land. So, somewhere in there is the idea that you will get reimbursed about the same and have residual land still.

Mr. Marvin: That brings up my question: what will happen to the residual land? Will that be worked, or will it grow up to trees like it is along Hook Road?

Mr. Brand: I'd love to hear your conversations you mention and how you explain these draft regulations to them.

Mr. Marvin: I will admit I don't understand the thing 90 percent. I'm about 60-70 percent. When you get all done, you'll still have farmland left.

Mr. Adams: Yes, that's the goal. That is the goal in this.

Mr. Marvin: But are we going to? All right, will my great-granddaughter be able to rent that farmland out to someone, or what will happen to it down the road?

Mr. Casale: How is that part of the conversation?

Mr. Brand: Well, he's looking for some form of financial assurance for future generations.

Mr. Casale: You are looking for assurance 50 years from now, 20 years from now, and 10 years from now. How do you do that? You can't.

Mr. Marvin: I don't know. I'm bringing that up to you.

Mr. Casale: You can't.

Mr. Marvin: Well, but he's trying to run this program, if I understand it.

Mr. Casale: We can't. You don't know what the economy will be like at the time.

Mr. Marvin: I agree, I agree.

Mr. Casale: You can't force upon an entity to protect what you have 20-30 years from now, and there's no way you can do that.

Mr. Marvin: Well, I agree. I agree. When I was a kid, there were 54 dairy farms in the town of Farmington, there's one now. We have a lot of veterinarians; they used to come to the farm.

Mr. Casale: Exactly.

Mr. Adams: Well, so John, maybe the answer is we don't do it, people develop with Big Lots, and there's no damn farmland left, and you just got your wish. There's no farming you know that may be the answer here.

Mr. Marvin: That is what I am saying. What is this going to preserve, or what is going to happen?

Mr. Adams: theoretically you are preserving some viable land that would still be farmed. The landowner still owns it, so they've gotten the compensation from development in a tighter area.

Mr. Marvin: what about if the owners do not live here, like, around the corner there, the Ernst Farm that has just divided up. Nathan lives here, but the daughters live out of state, and one is in Canada anyway, they don't want to own the land they want their money.

Mr. Casale: That's what happens.

Mr. Adams: Then they can sell the residual farmland.

Mr. Casale: Then it depends on what the market will give them. The town doesn't control the market.

Mr. Putman: What if you don't do this? They will just keep putting the lots up and down the road and leave the 20 acres behind it.

Mr. Adams: Which will grow up to woods.

Mr. Marvin: It happened on Hook Road and all these other roads. It's happened. I mean, I agree with you. I'd love to see farmland. There's no question I've been farming for 70 years, 71 anyway; I would love to see farming stay in Farmington, but is this? You know, you might be right, I'm not going to argue that point, Ron.

Mr. Adams: You're kind of arguing for development here. You're worried more about the landowner's ability to convert it well. And we're saying we'll let you convert to as many houses as you would without the overlay, but you'll have land left over.

Mr. Marvin: Well, we have the Bowe farm and he I believe is fifth generation. And I knew his grandfather and we picked up milk when I was a little kid. But anyway, if you go away back, you know, is there any succession down the road you don't know? I thought Charlie was going to come. This is the question I've got.

Mr. Adams: Leave that possibility open instead of letting this just become Victor. And there's no farming potential at all. I think that is the answer here. I can't believe I'm advocating for this thing; I really can't.

Mr. Marvin: I know I can't either because you're going out of farming, you have no succession.

Mr. Adams: But this is the conversation that will occur, so you might as well do it now. We're going to have this with all the major landowners, you know, people that are just residents of the town are going to think this is great, but the people that own the land, the big chunks of land are going to be full of questions and this is the discussion that is going to take place. I think you're going to have to ask these landowners. What do you really want? You can't have it both ways here. Do you want the potential for farming to continue or not? If you do, then maybe you want to consider this approach where we think we're still letting you get some development potential out of it but not take all the land.

Mr. Mitchell: Can I ask you this? My question is, if you have frontage the farmer wants to sell, 20 acres, whatever it is. But can he leave himself access to this farmland that's in the back? That's not going to grow into woods if you're farming it. I'm Not a farmer. I'm asking a question.

Mr. Adams: My answer to you would be that at least in the town of Farmington, we don't have big enough tracts of land that once you take away the frontage, it's not very viable anymore.

Mr. Mitchell: Okay, understood.

Mr. Adams: Not only is there an access issue, perhaps, but you've got a neighbor that now you're going to farm right up to their back line, you know, with your dust and your spray and your noise and all the things that we do in conventional farming that. The resident needs to think about it ahead of time. They have yet to experience it. They were on Long Island, and they just didn't know so it's not that simple the frontage most farmers are going to tell you the frontage is key. The minute the frontage goes, the viability of the rest of the farmland is much diminished. Unless it's an enormous piece and we don't have enormous plots of land in Farmington that's part of why we don't have 2000 cow dairies in the town of Farmington, the land base is not really suited for that like it is South and West in the county, where you can have 100-acre fields, we don't have those here.

Mr. Marvin: No more, no.

Mr. Mitchell: Now I understand it more because.

Mr. Adams: Well, and it's a good question. It's an excellent question. That's the best answer I can give you from a farmer's standpoint.

Mr. Maslyn: Yes, I mean, well, I think of it not just one house, but in the past, it's been 2 or 3 or 4 houses, and those lots were deep because we had to make them bigger. But then, if your farmers owned that land before or someone wants to rent land, you're not just dealing with one landowner; there are the backyards of three or four or five different people, and trying to work that out as a nightmare?

Mr. Casale: They just did that on 28 in Macedon and put that row of little houses in front of all that farmland. It's like the other two going up if you are going north towards 31. They get a whole bunch, and that's wasted. I mean, I never understood why people do that. I know the farmers want to sell it and make some money off it, but they've messed up behind. It's his land; you can't tell him what to do with it. It's still the legal aspect of it; you can't tell them you can't sell it because you're going to. Ideally, if he's thinking he's, you know, to protect that land, he would do something like what he mentioned or don't do it at all, but there's money to be made when you're dumping 20 grand a lot, and you got 10 of them. That's a lot of money for somebody.

Mr. Maslyn: I am trying to figure out what John's way of thinking about this is. I think the opposite way is that if you're subdividing and encouraging them to subdivide in the right spot, you're giving that landowner more options to do something with it down the road because it's hopefully still viable to sell as farmland. If that, you know, Jim Gray, get money. To sell it for what he wants for his farmland. Then, by doing this, he'll sell that option versus breaking it up so nobody wants to farm it. Then he doesn't have that option down the road to sell it for farmland and all this farmland in Farmington is not going to be developed.

Mr. Casale: No, we don't have the infrastructure for that. No, no. The infrastructure will cost you way more than your development contributes to the tax base.

Mr. Maslyn: Right. Well, some of it will, but hopefully, it's creeping out from where we're already developed and just not.

Mr. Casale: Yeah, but in the 20 years I'm here, it hasn't. I mean, I've seen that, and I don't see it creeping into most of our properties, including our farm properties. We've kept it there, and there are a lot of the reasons why the other areas have it is because of the cost of putting stuff under the Thruway. When we wanted to do the water on my side of town, it back then, it was going to be a \$5,000,000 note that we would have to carry for that little section. Each house was going to be anywhere from \$200 to \$600 a month to carry that note for 20 years just to get the water over there. And there's no way anybody's going to support that including the state won't let that happen. There are things out there that kind of lock us into farmland. Which is good if you want to preserve then you have a good basis there, because nobody's going to want to sell off, you know, 70 or 80 acres and put a development if you can't get sewer, you can't get water there and it's not. It's hard to get the water there, it really is.

Mr. Putman: Basically, the Thruway is a good barrier.

Mr. Brand: Depends on your philosophy.

Mr. Putman: If you're looking at preserving farmland, it's a good area.

Mr. Brand: We have, I think, basically one tunnel under the Thruway that we can put water pipes in or sewer lines. It doesn't take long to fill that capacity up. It's also very expensive and you're not going to get any more tunnels.

Mr. Casale: I was told when we moved here, talking about somebody coming in and being green about farming, by two people, my builder and my real estate agent, that you can't complain about farmlands if you're going to build a house here. There's no way you're going to go to town and say the tractors are too noisy, there's too much dust, forget about it. And so, we always accepted it, you know, not that it's a big problem. So there's no way. Yeah, but the people that we got introduced to told us that and okay we accepted it.

Mr. Adams: We've codified that with the right to farm, but smart people knew that even before we did it.

Mr. Casale: And the other thing that they told us is that you are going to get water on this side of town because when we first moved up there 24 years ago, they said they would be developing Palmyra a little bit more. They want to bring water in what we know. But whatever, we happen to have a good well, except I had to replace the pump a couple of months ago.

Mr. Adams: More questions? More comments. Ron, have you got anything? I do want to see clarification or at least get it clarified to me about this less-than-three-subdivision thing. I'm a little stuck on that, I'll admit, because that was my understanding, and now I'm hearing something slightly different, and I haven't read it or figured it out. When I read it, I need a little help there.

Mr. Brand: My understanding is from the effective date of this legislation; at the point you want to sell off the third lot. You've got to show the planning board a design for the balance of your land. So, the planning board can determine whether clustering is appropriate.

Mr. Adams: I understand. It's when I create the second lot, not the third, that was my question.

Mr. Brand: When you come in with the first lot that you're creating, which was basically to make two lots now, you show a design of what you want, and you show a design of what the class one through four soils are. Is there any alternative to the layout of that property?

Mr. Adams: I understand that process, but I didn't see any language there that told me it was triggered at that first subdivision. That's Dan. You're awfully quiet over there.

Mr. Delpriore: No, I'm just taking it all in.

Mr. Adams: How do you understand it?

Mr. Delpriore: So, my understanding is that I agree with Ron's statement that it doesn't matter if it's the second or third; we're going to look at class one through four soils with any subdivision.

Mr. Adams: In the overlay district.

Mr. Delpriore: But there's no additional, so any of the red areas we're going to look at the one through four to protect the farmland. But it's a little stricter when we get to that third one, and it kicks in more. We got to look at the clustering, and we need to look at soil, so that's my understanding. But we'll still look at it as soon as it comes in. The first thing I'm going to ask is if it's in one of those red areas. I want to see a soil map. I don't care if it's the first subdivision or the tenth.

Mr. Adams: Okay.

Mr. Delpriore: That's what we're going to look at now. If it's the third one, yes, we have to have both maps showing the understanding of what you want and then what clustering looks like.

Mr. Adams: So, what is our leverage on that first lot? You're going to review it, but how far can you push it?

Mr. Brand: You can push as far as saying to the person. Instead of having to acquire 40,000 square feet, you could perhaps develop 25,000 thousand, and it wouldn't cost you as much to buy, and you wouldn't be taking that much.

Mr. Adams: I'm saying there's an appetite out there for people who want 5 acres so they can have their chickens and horse, and it might be on 1 through 4 soils.

Mr. Brand: In those instances where you have animals, there are already existing zoning requirements for larger lots.

Mr. Adams: I understand that.

Mr. Delpriore: It's going to come to this committee. It will go to the planning board, and the farmer or whoever has that property can explain it to those boards if that makes sense to you. Those lands will still be used for those 1 through 4 soils and Ron is right horses don't need those, but if you have 5 acres, you must also farm some of them to support those animals. There might be reasons to still allow a normal lot to go through, but this allows us to have those conversations at least.

Mr. Adams: Yeah. OK.

Mr. Delpriore: Nobody's saying you're in your third subdivision; you've got to cluster. You've got to have a small lot. Nobody's saying that.

Mr. Adams: Yeah.

Mr. Delpriore: What we're saying is, let's take a look, what can we do? What can we provide? That's where this committee has to come in and say, OK, if somebody wants one of those five acres in the small farm, they will come to you guys and make a presentation. And you're going to say, Yep, this makes sense, or no, it doesn't. Your recommendation will then go to the planning board, and they will discuss it at that point.

Mr. Brand: I look at it more as an opportunity for the planning board to understand the effects of their actions. You know that right now, you're in an agricultural district, subdividing land, and you have to do an Ag data statement.

Mr. Adams: Yeah.

Mr. Brand: This is a state requirement 283-a of town law, and AG data statements must be sent to all adjacent farm property owners, whether they're farmers or somebody running it within a certain distance. That's a pain because I can honestly say that I don't ever recall having gone through that process, having sent those notices to those property owners about a pending subdivision, and not having anybody show up to care about what was happening. So why do you have something that you have to jump through hoops to do that nobody cares about? You need to make them care about it and be aware of it.

Mr. Delpriore: Ron's on the right path here with saying our planning board as much as they want to protect and do the right thing for the town. Regarding our Ag district, they're not the experts' you guys are. This triggers to help support that. And that's the message we need to have out there to the farmers: We're here, this group is here, and they can be part of this group. They can be at these meetings. They can; they're public meetings, and they have a say. Otherwise, if we don't make a change, these things will keep going through our planning board, and it will keep eating away at this property at least this gives you guys a voice in the game.

Mr. Adams: I'm smiling because Ed Hemminger has made the comment to me that we're going to have to understand.

Mr. Delpriore: No, I'm saying you guys are the experts when it comes to code, they look at me when it comes to farmland, we should be looking at you guys to give us your opinion, give us some direction. What makes sense? What do we need to do to protect these soils?

Mr. Adams: These soils, but yet the irony of this whole process is that the opponents, at least at the outset, are going to be the farmers, you know, that's, that's what John's telling us. He is saying that they're going to feel threatened by this.

Mr. Marvin: I meant unless we can explain.

Mr. Casale: They feel threatened, thinking that somebody will take something away from them in the future. Nobody's going to do that; we can't. They believe we should protect that nobody can take something away from them. We can't do that because we don't know what will happen in the future.

Mr. Delpriore: This is setting up a way to help.

Mr. Casale: To understand it.

Mr. Marvin: Initially, it didn't come to my mind that way. It was kind of something over our heads.

Mr. Delpriore: So, does that.

Mr. Marvin: It's getting a little better.

Mr. Marvin: I'm trying to explain it to the old ones, like the Sadlers, the Bowes, and Jim Gray.

Mr. Casale: What are you saying? You're saying so and so, so and so, and so and so, and we have not seen them at one meeting here.

Mr. Marvin: I agree.

Mr. Casale: I have not seen him at one meeting, so what are we supposed to know?

Mr. Adams: They're all going to show up at the hearing and you know how these things.

Mr. Casale: Why didn't they come and get this stuff out now so they can understand?

Mr. Adams: I know it's frustrating, but Mike, you've been doing governance long enough. You know it takes a crisis for people to come out.

Mr. Brand: Right now, the latest crisis is solar farms.

Mr. Marvin: You are going to see more. Have you seen that now they're planting crops under solar farms and installing solar units.

Mr. Casale: The administration is going to change the solar money. The billions of dollars that went to all these companies that they're playing with will go away.

Mr. Marvin: What's the cost?

Mr. Casale: How many? With the billions of dollars spent, how many stations have been put out for electric cars? Now, there are nine across the United States.

Mr. Marvin: Right. I agree it's going to change.

Mr. Casale: It will change, just like the windmills went away.

Mr. Marvin: Well, they didn't work here in New York.

4. REVIEW DRAFT AMENDMENTS TO TOWN'S OFFICIAL ZONING MAP

Mr. Adams: I don't want to limit the discussion, but I want to keep focused; the next agenda item is related. Ron, you're going to have to explain. In other words, do you want to go through what you put in this narrative point by point, or what are we getting at here with draft amendments to the zoning map?

Mr. Brand: The easiest way to deal with that is to ask: Do you have any questions about the memo? Do you think it's something that you're good to live with? Does it identify what you understand? You asked me to give it to you, and I did. I thought I had sent it out before, but I don't want to sit here tonight and go through four pages line by line, we will be here forever.

Mr. Marvin: But do we have anything to do with Genesee Land Trust? My understanding is that we have.

Mr. Adams: Oh, wait a minute. That's another one we will get to.

Mr. Marvin: Oh, I thought that's when you're. Oh, I'm sorry.

Mr. Adams: No, no, I'm on number three. So what? We're nodding our heads. Here is where the lines are drawn. The map itself looks familiar to the strategy. You took a couple of things out of this at our last meeting; we found a few things that didn't make sense anymore in the strategic farmland map. But otherwise, this is that map. But with more importance now, if it's going to become an overlay district, and then you've got an explanation here, which, as I say, is good, and I'm still learning things out of here. I wasn't aware of this business, but we required a residence on a parcel of land in order to recognize it as farmland. This number 13 on farm operations is classified as a permitted principal use even without a residential structure. OK, that was kind of new to me. That one hadn't sunk in either. You know that idea.

Mr. Brand: With the new RA-80?

Mr. Adams: You know that's a change. That's a zoning change there. The language defines these different zoning classifications, so even late in the game here, I'm seeing things that hadn't sunk in so read it carefully.

Mr. Putman: It's a good change.

Mr. Adams: oh yeah, I think it is, Mike. Yeah.

Mr. Putman: You can have a barn and whatever, but you don't have to live or have a house there.

Mr. Delpriore: That's been something I've noticed over my time here: We've had people who want to build a barn or some Ag structure. They don't have a principal structure, and that's a problem because we can't issue a permit for what we would consider an accessory structure. So, a barn would be an accessory to your principal structure. So that's an issue.

Mr. Adams: you can only do the accessory structure with a principal structure. Okay. See, I didn't understand that.

Mr. Delpriore: This really helps with that. If you buy a piece of property or have another adjacent piece, you want to build a barn to store equipment. Technically, I can only issue you a permit to do that now if you live there. A lot of farms have so much acreage, okay, so your house is here, and that barn is far away, but it's still on the same parcel. I can still consider that accessory, but the ones I'm talking about are that when your house is here across the road, you buy another parcel and want to put a barn up over there. I can't give you a permit for that. This is a separate parcel with a separate tax ID, so this fixes that. Yeah, it helps. It's a great change for the farmers.

Mr. Adams: And allows some flexibility.

Mr. Putman: Because of your example of buying another parcel and wanting to expand there, or let's say the parcels are 10 miles away, and you want to put a machinery building in there, or something like that.

Mr. Delpriore: What happens now is we start getting parcels all merged together so that we have that principal structure and now it's just that parcel gets bigger and bigger and bigger, which would fix it and that doesn't need to happen. You're right that there's a lot of detail in that memo that you guys should review.

Mr. Adams: Yes, and this is going to answer a lot of questions when we present it. This is going to be very helpful. Are we good with that? All right.

5. GENESEE LAND TRUST FOLLOW UP ON PDRS

The next item after several overtures is that I finally got a response from Genesee Land Trust because I raised this issue way back when they did a presentation, I think two years ago now, in this building to make the public aware of the farmland protection implementation grant process. I asked about protection for farmland because we knew we would get into this process. We were talking about an Ag Conservation district of some sort or another, and their response was that that might not be helpful to the competitiveness of somebody applying for a purchase of a development rights grant. I wanted to revisit that,

so I sent an e-mail in July and got ghosted. I sent another one, but I am still awaiting her response. I finally called, and here's what I finally got back.

Mr. Adams: I did not get a response from the Director of Genesee Land Trust, Lorna Wright. They have a farmland protection specialist, Amanda Grisa, who replied to me.

Mr. Casale: Yeah. The other one gave us the Lecture.

Mr. Adams: Lorna, they're great; I don't find fault.

Mr. Casale: No, I think that's the one that's.

Mr. Adams: Well, Amanda was at that meeting back when we held that meeting here. Amanda was the presenter. She was brand new; she'd only been with GLT a few months.

Mr. Casale: Yeah, but the other lady did the first one.

Mr. Adams: Well way back prior. Yes, there was another one further back in time, anyway. I sent her a copy of the code, and she reviewed it. She does not think it would have negatively affected the Hickory Lane Farm project. For example, I specifically asked if this would have changed the outcome of Payne's PDR application. Her answer is no. She said the only thing that she could think of looking over what we have is that if there's an increase in flag lots, the state might be concerned about neighbor relations between folks living in those houses and conflict with active farm operations. Still, she went on to say that is something the right-to-farm laws should take care of, but it is something that comes up in discussion with the state when they're reviewing site plans. So, you know that, but her answer was no, this isn't going to hurt the PDR process. She went on to say there are a few farms in Farmington that are interested in applying for grants in the next grant round. Once I meet with them and discuss their site plans and options, I would like to share those proposals with your committee so there is still some interest. I don't have any names or anything more, so I'm telling you exactly what she told me. She's blessing what we're doing here. I didn't read the first line. She said I think it is great that the town is trying to take a more active role in conserving its productive agricultural soil. So that is an endorsement.

Mr. Brand: I would have led right off with that finding.

Mr. Adams: It's an endorsement, so I wanted the question asked and answered. I wanted their opinion because there are going to be more grants. They do view the town as a prime area for more PDRs, and I do, too. So that's all I have on that.

Mr. Marvin: Can I add my travels? I ran across five that are interested, and some of them surprised me, but they were similar to what Doug Payne had said at the meeting. Another one said this is one way for me to pass down to the next two or three generations. Provide money for the ones not here and land for the rest. Yeah, the same way with my neighbors; they expressed interest and applied. There are five of them, and that surprised me. And once you talk to them, do you understand? It does make sense.

Mr. Adams: It is a tool for generational transfer. I mean, even.

Mr. Marvin: Right. Well, it's like yourself. It's, but it's a long-term, 99 years.

Mr. Adams: Well, yes, it is, and it's a one-timer, so it gets you through one generational transfer. Not necessarily the next one, but again, we're too far down the road for us to be worrying about, but it is a tool for that.

Mr. Marvin: I used it, I agree.

Mr. Adams: I mean Pritchard's, you know, it was a generational transfer there.

Mr. Adams: Next step, Ron.

Mr. Brand: Well, the next step is. Do you want to have one more meeting to look at that memo? I don't want to just keep pushing the can down the road. If you're not going to look at it, we can settle it tonight. But if you think you want time to study it again because you were looking for something that John Marvin could hand to the farmers and say, this is what it is all about.

Mr. Marvin: The first one scared us All, this is better, I agree

Mr. Brand: So far as the local law goes, it's getting to that time of year when you don't send a local law to Albany. The reason is we've been burned too many times in the past. If you do a local law in December, you give it a number for 2024 to get sent to Albany. They don't get around to doing anything with it until 2025, and they send it back to you and say you have to change the numbers. We have other things that we need; we will work on those. Maybe the town board wants to move forward with those other things and let this go a little longer and go to the next step, saying, okay, the AG advisory committee thinks there's merit to this let's go to the County Farmland Enhancement Board and run it by them and see what they think let's test drive it past county planning and see what they think. If it makes sense, then send it off to Albany, to Ag and Markets, before we do anything with it. If all of this coordination makes sense then come back next spring to the town board with the final. But it would be a separate local law from the other sections that we need to do.

Mr. Putman: I can't see handing that memo to a bunch of Farmers or whatever landowners who aren't familiar with what's been going on and who aren't going to understand anything out of it.

Mr. Marvin: I agree; we need to have an example there.

Mr. Putman: I think we need a person to stand up and explain it because when you start reading that, your eyes just glass over.

Mr. Adams: All right, so how are we going to accomplish that?

Mr. Marvin: show the example of a farm, it doesn't have to be individual, it could be, say, you've got 160 acres, which used to be the legal thing, and you've got a next generation and show what you can do with it through your plan.

Mr. Adams: So, you want a generic example

Mr. Marvin: Right, that's a no-brainer to me; explain how it can be passed on in different ways. There's not just one way. There are two or three ways you're showing us.

Mr. Brand: none of this has to do with the transition.

Mr. Adams: The example would have to be about here's a subdivision example. That's about as far as you could go. We've kind of had that discussion here tonight.

Mr. Marvin: You brought me in a little further, not much.

Mr. Adams: Well, crafting something in words will be challenging. No matter how well we do it, to Mike's point, there will still be questions, and, by far, we would be better off having a face-to-face discussion with the concerned citizens.

Mr. Casale: You'll have one piece of paper and five people reading it in five different versions. That's the way it goes, which is normal.

Mr. Adams: Exactly. Exactly. You can do your very best and write your best. But yes, I agree with you that everybody's going to interpret differently.

Mr. Marvin: Because it's never been done before.

Mr. Adams: Yeah, Other than handwritten invitations to the next meeting.

Mr. Brand: Well, we can't even get some of our board members here.

Mr. Adams: And we don't get all the board, that's true

Mr. Casale: I am here I have been to every one of them.

Mr. Brand: You're not a member of the board; you are an advisor.

Mr. Casale: Oh, you're talking about this board's members. Oh, yeah, I know. I noticed. A few are away tonight.

Mr. Mitchell: Can I interrupt the second?

Mr. Adams: You can, Ron.

Mr. Mitchell: I am sitting here listening and trying to get all this into my head so I can get everything out correctly. I don't ever remember anything coming up about selling your land 10 years from now from the beginning of when I sat down here.

Mr. Marvin: That's what we're trying to bring up.

Mr. Mitchell: There isn't anything in this that has anything to do with what's going to happen to my offspring

Mr. Casale: That was just the point before: We don't know. And we can't have people think that the municipality can fix that for the next several generations; we can't do that.

Mr. Mitchell: This document doesn't state that, though.

Mr. Casale: those are hypothetical situations. We will try to save farmland by doing this.

Mr. Mitchell: So, from what I understand, in reality, we're trying to protect the farmers and the property. You know, and when the farmer says, " I got 40 acres of land that I want to sell, they're going to build houses on it. They see Dan, and Dan says, OK, well, I can give you a permit, but you need to do all of this stuff. And that's what this document says. It has nothing to do with what will happen 20 years from now. Am I correct in my assumption?

Mr. Adams: Yeah, you may lead the discussion.

Mr. Casale: What is recommended and decided now can influence things in the future, but you can't guarantee them. Farmers generally want some kind of guarantee for their property later on, and we can't do that.

Mr. Adams: We are calling this a conservation district. We're trying to conserve our resources for the future. Right, it's that essence, that's what this is about.

Mr. Mitchell: When the subject keeps going back to inheritance and all this, that's not the case. That's not what this document states.

Mr. Marvin: No, but that's in the farmer's mind.

Mr. Adams: Yeah. But yes, John's right, it is.

Mr. Mitchell: Now, I understand. I. Understand.

Mr. Adams: It is in the landowners' minds.

Mr. Casale: That's what you said before, and that's when I said we can't, we can't get to that point because we don't know.

Mr. Adams: But we can give an example.

Mr. Casale: So, we're going to have to kind of guide things in that direction,

Mr. Marvin: We don't hold them to it, but if you're pushing them in that direction.

Mr. Casale: You need them to come to meetings and sit down and talk.

Mr. Adams: I know and it's not my nature to start a phone tree calling, you know. Please, please, please come to the meeting.

Mr. Marvin: We've got to get more interest here.

Mr. Adams: So, what's your? What's your pleasure? Do you want to try it one more time? Is it going to look just like this again? Do you want to take a step forward? What?

Mr. Marvin: Can I add to your idea? Let's have another meeting and invite the larger landowners we know, like Sheldon's.

Mr. Adams: Are you going to be the invite guy? They're all listening to you.

Mr. Marvin: Because I'm the old man.

Mr. Adams: I'm in the delegating when I can.

Mr. Marvin: I know, but I mean no. Send them a notice or something.

Mr. Adams: We could identify a handful of key major landowners and send a letter. Is that a crazy idea? I'm throwing that out there. And just thinking out loud. We do publicly notify you. They're in the newspaper, and we're on the website. We do all those things, but nobody shows up.

Mr. Casale: Are you saying to handpick like some people?

Mr. Adams: So, you don't like the idea?

Mr. Casale: If you want to invite everybody, that's all.

Mr. Adams: How many letters do you want me to send?

Mr. Casale: You have a handle on who would be interested?

Mr. Marvin: There are about five or six large landowners. They'll complain if they don't understand completely.

Mr. Casale: And then there's a number there. That's the number I mean, Hale knows them all.

Mr. Brand: So, Let's think about this. John goes out and he talks to those 5 or 6 landowners. If five, or they all say, I'd be willing to come and have that roundtable session and discuss this, okay? Because you go to those six, and they say, I want to see something in writing. And then, only one shows up.

Mr. Adams: We do have something in writing, right?

Mr. Putman: If John goes out and talks to these five or six people and invites them to come to the meeting, it's a public meeting, so as you know, we're going to have a public meeting, are you in violation of what you're thinking, that you should have invited everybody?

Mr. Casale: You would give your notice, but if he's out and about and sees so and so here come to the meeting, those five or six people come, so it's almost like a personal invite. So, you don't have to have that letter in your hand. You know these people go and talk to them, so you invite everybody.

Mr. Brand: It's better if it works that way because then it's not the town picking the lower fruit off the tree.

Mr. Adams: Okay. All right. All right. So that's all right. We've answered the question we'll have to solicit in person. We're not going to send out any sort of official invite that picks and chooses. I'm listening to you. It's okay. That's a safer approach. It takes more work. I mean, I don't want to go visit six guys. I'm still farming full-time.

Mr. Brand: You are looking at something realistically that's going to be January.

Mr. Adams: Well, the next meeting date is the next item, and I was getting. There. Well, you know, and I said that from the standpoint. Yeah. What's the next meeting again? Of these five or six farmers you're talking about, it's just like that. They don't want to be coming to a Meeting when they're trying to harvest.

Mr. Adams: Let me throw one more thing out there. Could we send this to the county using its present form? Before we've taken the pulse of our chosen few.

Mr. Brand: I will contact Linda Phillips and explain what we're doing. I wonder whether she's the liaison to the county Farmland Protection Board or not. But have an opportunity to present this idea to the Ag Enhancement Board; and if it made sense to them, come back to this board and say, hey, I think it's the best thing since sliced bread or forget it

Mr. Adams: So, an actual presentation to that committee is that you're what you're suggesting.

Mr. Brand: Why not?

Mr. Adams: I hadn't thought of that, but why not? It could be done. I went and drove them crazy at one meeting a year ago.

Mr. Brand: I just want to know if we had some members of the board, our committee here, who wanted to go along and have a roundtable discussion and say, you know, we have been wrestling this thing to death since 2015. We think we've got a solution. What are your thoughts? Would a couple of you be willing to take an evening and go meet with the county and have that discussion?

Mr. Maslyn: I think it would be a good idea to get their feedback and see if there are holes in it.

Mr. Adams: I'm willing to go live houses. Are we not going to meet till January? Is that in the recommendation of the director of planning?

Mr. Brand: My recommendation is we separate out the Ag overlay district. We move forward with the rest of the regulations. Have this be separate local law next year. In the meantime, go to the county, run the ideas by them and go from there.

Mr. Adams: So, in other words, we will go ahead and create RA-80.

Mr. Brand: Yes, and not include section 6 or whatever it was. That is the actual overlay district rating.

Mr. Delpriore: The reason is that there are a lot of other things that need to be adjusted in the code, and this is something we've talked about before. If this is going to continue, we have to separate it, fix the other issues in the code, and then bring this back online. It will probably be spring, but that will get through the county through public hearings and all that where the other things in the code will have a public hearing, but it will probably go very quickly.

Mr. Mitchell: Under agreement, I think we should proceed and go forward with this part of it, yeah.

Mr. Adams: Well, okay. I mean, we don't really have a say other than we are sort of endorsing RA80.

4. OTHER TOPICS

There were no other topics.

6. VISITORS' COMMENTS

There were no visitor comments.

7. NEXT MEETING

The next meeting of the Agricultural Advisory Committee will be held on TO BE DETERMINED, **6:30 p.m.** at Farmington Town Hall, 1000 County Road 8.

8. ADJOURNMENT

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

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

Respectfully submitted,



L.S.

Paula Ruthven

**Farmington Agriculture Advisory Committee Members
Town Board Resolution #81-2024**

Hal Adams (*Chairperson January 1, 2024, to December 31, 2024*)

John Marvin Term expires 12/31/2025
Ronald Mitchell Term expires 12/31/2025
Michael Putman Term expires 12/31/2025

Hal Adams Term expires 12/31/2026
Charles Bowe Term expires 12/31/2026
Peter Maslyn Term expires 12/31/2026

William Boyce Jr. Term expires 12/31/2027
Denis Lepel Term expires 12/31/2027
Doug Payne Term expires 12/31/2027

Per Town Board Resolution #81-2024, February 13, 2024

E-mail Distribution:

Committee Members:

Adams, Hal
Bowe, Charles
Boyce Jr., William
Lepel, Denis
Marvin, John
Maslyn, Peter
Mitchell, Ronald
Payne, Doug
Putman, Michael

Town Board and Staff:

Ingalsbe, Peter
Holtz, Steven
Casale, Michael
Herendeen, Ron
Bowerman, Nate
Finley, Michelle

Brand, Ron
Delpriore, Dan
Gordner, August
Marvel, Carol
Ruthven, Paula

Report to the Farmington Town Board on the activities and work of the Agricultural Advisory Committee (AAC) for 2024

The committee met 6 times in 2024. Participation by two thirds of the members was good, however, 3 individuals missed all of the meetings.

A majority of the committee's time this year was spent discussing and formulating new policy with the goal of conserving farmland and enhancing farm viability in the Town. This work was done to fulfill an action item specified in the Town Farmland Protection Plan and Comprehensive Plan. Zoning changes and implementation of an overlay district were chosen as the best approach. The minutes of AAC meetings provide considerable detail of our discussions. The culmination of this work is a draft Agricultural Conservation Overlay District. The AAC has scheduled its first meeting of 2025 for Thursday, January 23, at 1pm. It is hoped that an afternoon meeting time may entice interested land owners to join in a discussion of the ACOD proposal. ✓

In November, 2 committee members and Ron Brand made a preliminary presentation of the draft ACOD to the Ontario County Ag. Enhancement Board---the proposal was favorably received.

The AAC was pleased to learn that the New York State Department of Ag. and Markets approved funding to the Genesee Land Trust for the purchase of development rights on land owned by Hickory Lane Farm. This is the second Farmland Protection Implementation Grant to occur in our town.

The committee also learned that long-awaited funding for the Black Brook/Black Creek drainage study has been approved.

Early in 2024, John Robertella, long-time clerk of the AAC, retired from that position, and was replaced by Paula Ruthven. The committee would like to express their appreciation for John's many years of dedicated service.

The Town Director of Development and Planning continues to keep our committee apprised of ongoing and proposed projects in the Town.

The Agricultural Advisory Committee looks forward to continued work with Town leadership in 2025.

Respectfully,

Henry Adams, Chairperson