

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.

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 Makets, 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,

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