Town of Farmington

1000 County Road 8

Farmington, New York 14425

**Agricultural Advisory Committee**

**Thursday, January 23, 2025, • 1:00 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.*

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**Committee Members Present:**  Henry Adams, *Chairperson*

Charles Bowe

Doug Payne

Peter Maslyn

John Marvin

Ronald Mitchell

**Committee Members Excused:**  Denis Lepel

William Boyce, Jr.

Michael Putman

**Town Representatives Present:**

Ronald L. Brand, Farmington Director of Development and Planning

Dan Delpriore, Farmington Town Code Enforcement Officer

**Guests:** Bob Bowe, Dave Bowe, Jim Gray, Janet Martz, Cody Padgham, Ric Padgham, Kate Crowley, Tom Payne, Tim DeLucia,

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**1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION**

Mr. Adams called the meeting to order at 1:00 p.m.

The Town Clerk, the Committee members and Town staff were notified of the meeting on December 18, 2024. The meeting clerk notified the Can­an­daigua *Daily Messenger* news­paper on December 18, 2024. The meeting date and time were posted upon the Town Hall Bulletin Board on or about December 18, 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 December 18, 2024, and has re­mained posted.

Mr. Adams: So, good afternoon, everyone. This is our meeting of the Ag Advisory Committee for 2025. Let's let the committee introduce themselves. We are not all here, Let's just go ahead.

Mr. Mitchell: Ron Mitchell.

Mr. Maslyn: Pete Maslyn, Farmington Townline Rd, and Hemdale Dairy.

Mr. Adams: I'm Hal Adams. Run that Black Brook farm and Ag.

Mr. Marvin: John Marvin, Fox Rd.

Mr. Bowe: Charles Bowe, Bowe Farms.

Mr. Adams: Thank you. Mike, are you online? Mike Putnam is recovering from a surgical procedure, and I asked him if he wanted to zoom in.

Mr. Delpriore: At this point, I do not see anybody online.

Mr. Adams: OK, all right.

**2. APPROVE MINUTES FROM PREVIOUS MEETING:**

Mr. Adams: The minutes for the last meeting, which was October 10, 2024, have been filed with the Town Clerk so we'll jump into the body of the meeting.

**3.** **CONTINUED OVERVIEW OF HOW WE ARRIVED AT THIS STAGE OF THE PROCESS**

Why are we here? We're here because this committee was charged with the task that was part of the Farmland Protection plan of the Town, which was adopted back in 2016. That Farmland protection plan is also part of the Town's comprehensive plan, which was approved by the Town Board in 2021. Is that right, Ron?

Mr. Brand Yes.

Mr. Adams: The 2021 comprehensive plan has a goal statement among many. I will paraphrase it, fostering agricultural viability and protecting agricultural land resources. That's one of the goals of many laid out in that plan. More specifically, this committee was tasked with implementing the Farmland Protection plan and evaluating the adoption of zoning amendments to support the findings of that plan. So, evaluating zoning amendments is what we've been doing for over a year now in earnest. Every meeting last year was devoted to that process, and now we're at a point where we are seeking some reaction from residents, particularly residents who will be most affected by this. Through the Comprehensive Plan process, we did surveys, and they consistently showed public support and resident support within the Town for supporting farm viability, preserving open space, and retaining the rural character of the Town. So that drives some of the goals that end up in the plan. More specifically, at a high level, the goal of the policy we're going to talk about today is to minimize the loss of productive farmland in the Town to rural development by using some additional town input in the process of subdivision. The map is up, and the lands affected by these changes appear on the strategic farmland map, which is part of the comprehensive plan. It's map #8; if you want to refer to the comprehensive plan, you can find it on the town website, and we will probably be referring to it when Ron gives us his presentation. In essence, what we're proposing is an agricultural conservation overlay district. The overlay district calls for the planning board, and this committee's review of subdivision applications on the lands delineated in the strategic farmland map. Briefly, the process would require the landowner who is seeking the subdivision to have the soils on that parcel identified by productive capacity; we are focusing on soil classifications one through four, which are the most productive soils. That is a classification done by the state of New York; it is not something we invented here. Suppose your land is getting an Ag exemption through the Ag district law. In that case, you already have that information because you have to have those soil classifications that determine how much your exemption is, so in the vast majority of cases a landowner seeking subdivision already has that information. If they're not in the district, they would have to get that from soil and water. So given that, the planning board and this committee, which is advisory only, remember, would review the proposal and possibly make suggestions of alternative site plans that could achieve the goal of the person seeking a subdivision but maybe lose less good soil in the process, to put it plainly. That process would require planning board approval, and it would also allow the planning board to invoke cluster zoning regulation instead of the conventional zoning we have now, which actually is more flexible; it allows different frontages and different setbacks to achieve the amount of subdivision that a landowner was looking for. We will get into more detail. I am an amateur here, but I'm trying to paraphrase. Also, the language we're considering, if the subdivision resulted in more than two parcels, it would require the landowner to provide us what we call a complete build-out plan, or in other words, what the ultimate subdivision of a parcel would look like and that is subject to the state SEQR process, environmental review. How am I doing so far, Ron?

Mr. Brand: You're getting an A+ from here.

Mr. Adams: All right. The legal basis of this, which I think it's important, that the town is taking here if we adopt it, is that the town becomes a custodian of a scarce and valuable resource, which in this case is soil classifications, one through four. There's precedent for that in water quality, air quality, those kinds of things. So that is the legal stance that the town is taking to make the basis for this. I know there are different viewpoints on this, and the goal today is for you to understand this well enough that you have a good, considered opinion of it. Certainly, one viewpoint, as I think back on the surveys, is that some people will say this is a pretty forward-looking policy that might help slow Farmington turning into the Town of Victor. You have to recognize that we have strong development pressure in this town and, as I said earlier, an interest in preserving some of the rural character of the town. On the other hand, if you're a landowner, you may view this as a hindrance to monetizing your farmland asset. We've tried hard not to make this proposal much of a hindrance. I think you could also have a more agnostic look at all this. If you're a farm operator in this town, you are likely farming land that you own, and you are also farming land that you rent. You may look at this as a way to keep a critical mass of farmland for your operation, but at the same time, it may provide a little more guidance on what you can do with your land going forward. I think it's important for us to think about factors that are preserving farmland in the town already. If you own farmland in the Ag District, you're getting the Ag exemption, which is quite a favorable tax treatment. It provides quite a bit of tax relief. Our committee held a meeting on that topic about a year and a half ago, and that kind of drove the point home that the farmland is treated very favorably. I would also tell you that as we keep revaluing land in the town, the Ag exemption will look more attractive because it keeps you out of the effects of the market. Even just farm-to-farm sales are going up. Another factor that certainly comes into play in this town is its town policy not really to extend water and sewer into the whole town; we've got areas where we provide those services, and going back to the comprehensive plan, there is language in there that it's not town policy to try and extend those infrastructures everywhere. And, of course, water and sewer certainly encourage development. On the other hand, the town is encouraging development in the southwest quadrant, so it's been the town's policy to guide development in one area and keep open space in other parts. And then lastly, in defense of this policy, and this is more Hal Adams's opinion than anybody else's, the vibrancy of farming in this town is not of the same caliber as other parts of this county, where we've got large, very aggressive dairy operations and vegetable operations that compete for land. They compete against development very well. I don't see that as being so much of a factor here in our town. So that might be an argument for the town trying to have a little more policy to be certified. To wrap up, as I said, we spent last year working on this at the beginning of the process. We more or less surveyed the rest of the state and municipalities to see what they were doing for farmland conservation. It runs the spectrum; some towns have adopted a right-to-farm law like we have here. That is, it basically addresses nuisance complaints against farming and runs the whole spectrum to a town that was actually using transfer development rights. This is complicated and cumbersome, with real money involved, and it is kind of a process to approve development. So, we, didn't go anywhere near that. I will tell you that the proposal we have in front of us now has had a preliminary review by the Ontario County Ag Enhancement Board. It will have to be reviewed formally should we choose to recommend it to go forward. We've also run it by the Genesee Land Trust because it was a question of whether this sort of law would reduce the competitiveness of applications for conservation easements, and their answer was no, it does not. To sum it up, I would characterize this proposal, I would say that it mandates a process; it does not mandate an outcome. The way I look at it, there is considerable flexibility and give and take in the process. To go forward here, after today or when this committee recommends the proposal to the town board again, we are only very \* inaudible\* here. This proposal would be subjected to formal county and state reviews and then be considered by the town board. Now, we didn't print the proposal out; I would, just for information, do a couple of different things. If you want to get the minutes of this meeting and the actual language of this proposal attached to our minutes, go to the town website, hit the department's category, and then find the button for Ag Advisory Committee minutes, and it's all there. You can download it, you can read it online, or you can do whatever. I believe the other place you would be interested in going is if you want to read the existing town code, then go to the Building Planning and Zoning button, and at the very bottom of that site, there's the availability of the town code and zoning laws. You can access all of that stuff. At this point, I'm going to turn the presentation over to our Director of Planning, Ron Brand. Ron will get into more detail, and he has some slides where we will walk through a generic example of what our existing zoning allows in our agricultural areas and what this proposal would do differently. All right, Ron.

Mr. Adams: We have our Town Code Enforcement Officer, Dan Delpriore here. He's also had input into the language of the proposal because if it's adopted, he would have to implement it.

**4.** **PRESENTATION ON THE PROPOSED AGRICULTURAL CONSERVATION**  **OVERLAY DISTRICT (ACOD) REGULATIONS AND OTHER SECTIONS OF A**  **PROPOSED LOCAL LAW AMENDING PORTIONS OF THE FARMINGTON**  **TOWN CODE, ZONING LAW- HAL ADAMS, ADVISORY COMMITTEE AND**  **TOWN STAFF.**

Mr. Brand: Good afternoon, everybody. Thank you for coming out. We picked a good day to have the meeting. It isn't snowing and blowing, and it's even getting above 10° out there, so it's heating up. I would also like to introduce Tim DeLucia, who is here in the audience today. Tim is a member of the Town Planning Board. The Planning Board has looked at various rules and regulations affecting what we are talking about today, and they will play a very active role in the future when regulations. As Hal has said, we have spent a considerable amount of time debating the pros and cons of how best to respond to the goals of the comprehensive plan and the Farmland Protection Plan. Going back a little bit in history, we had the farmland protection plan guided by staff at the State Ag & Markets, and they are the ones that basically directed us to identify the strategic farmlands in this community, and we did that on the map which is part of that plan. So now that we've identified those strategic farmlands, what will we do to conserve them from development? We looked at several zoning examples from communities across the state, as Hal said, the various Municipalities and how they approach this issue, some more aggressively, some less. None of them address the purpose of regulating and protecting the resource base. If we don't conserve the resource base what are we protecting? What are we conserving? So, as you may know previously and for some time now, Ag & Markets has a provision in their rules and regulations that says anytime there's development of farmland, subdivisions, and things of this nature, that necessitates an Ag Data Statement notice sent to adjacent landowners and farmers in the area. But it really doesn't do anything; nine times out of ten nobody shows up. The farmer who rents the land doesn't show up because he doesn't want to be saying things that could upset his lease agreement, and, therefore, the notice is really not accomplishing what the state's intentions were, and that is to bring to the attention of the planning board the impact of development occurring in these areas. So, we have zeroed- in on protecting the soil resource base, and that's further focused on protecting the soils classified one through four, the most prime soils and the more unique soil classification. So, with all that said, other things that aren't apparent in these regulations, maybe I'll summarize them a little bit. There is a state provision called SEQR, which the state mandates the Planning Board or any agency to take into consideration. One of the irons in that criteria is, what's the effect of this action on continued farming? We are trying to accomplish a positive effect with these regulations by identifying and making the public more aware of these rules and regulations to conserve those class one through four soils. The other part of the equation is as you start subdividing land on your property, you start triggering the DEC and Department of Health rules and regulations. I will tell you that a new state regulation is now in effect at the State Health Department, which takes charge of realty subdivisions. Where you have five or more lots being subdivided and where those lots have to have raised fill on-site wastewater treatment systems. The memo I received yesterday from the State Health Department says they're not approving subdivision lots with raise-fill systems. So, if the State Health Department disapproves, there is nothing that we can do here at the local level to deal with it. The other part I think we need to focus on is that it's no longer a simple process of extending utilities into rural areas. We've tried for many years to get water extended into the eastern portion of town, only to have it rejected by the state comptroller, and the landowners also rejected it when they saw what the bill would be for providing public water service over a 20–30-year period. It's something that we all have to keep in the back of our minds that there are these governing rules and regulations that we have no say on. So, let's move forward here with this proposal. This map shows the green and orange areas: the RR-80 and current A-80 zoning districts. One of the things that we are proposing is changing the A-80 Agriculture zoning district designation and making it our RA-80 Rural Agricultural District. The minimum lot sizes stay the same, and the regulations governing the dimensions depend upon whether you have 150 feet of lot width frontage, or 300 feet of frontage. There's no other impact other than recognizing that the rural agricultural area of the town has provisions in it that allow residential development. Currently, the A-80 is identified as only agricultural. Only when you get into the regulations, you see that it also allows residential use. Within that green area and some of that orange area [reference made to a draft zoning map] are where the strategic farmland sites are shown. These parcels come from the Farmland protection plan mapping done with Ag & Markets, reviewed by everybody, adopted by the town board, and serve as the basis for the proposed agriculture conservation overlay district. In the conservation overlay district process, if you have land on one of those strategic farmland sites, the proposed Agriculture Conservation Overlay District comes into play. And let's walk through this scenario with the mapping examples provide you today so that you understand that we are not unnecessarily restricting these lands' from development. We're actually providing an incentive to allow development to occur at a lower density than the 40,000 square feet minimum lot size that currently exists today. By the way, those 40,000 square foot lots and the 80,000 square foot lots, I have been here 20-plus years, and they were here long before me, and nobody can explain why. It's perceived that to have a minimum lot size of 150 feet in width and 40,000 square feet in area that there will be no long-term effects upon the environment. Then if the site doesn't perc, you have to have 300 feet in width and 80,000 square feet in lot area. There are no standards [variations in lot dimensons] that the state health department has come out with that we are aware of that say you need this much land. So, it's basically a lot frontage issue that we're dealing with. The other thing involved here is that we are trying to conserve the road frontage development to the greatest possible extent since this area has always been the easiest to develop. Over time, this pattern just eats up the frontages and limits access to the interior portion of the lands that you are working. So, Dan [Delpriore], could you throw the first concept up on the screen please. Behind me, you have a lot of 60 Acres. Why did we take 60 Acres? That is the median lot size for ownership in the A-80 and RR-80 districts. With 60 acres of land, the town's long-standing requirement continues to be the minimum lot width must have a ratio to the lot depth of 1 to 2 ½ so that you don't end up with long narrow bowling alleys that you can't do anything with. So, we show a 60-acre parcel, with 1000 feet of frontage which means you have to have 2500 feet of depth to come up with 60 acres. I know that all the parcels aren't perfect rectangles and this concept does not necessarily meet everybody's needs, but it is an example of how we start with a lot configuration. The next slide shows the mineral soil groups. We pick these class one through four mineral soil groups. Throw it over the land to identify their locations. This follows the same process, as you do when Soil and Water Conservation Service does the mapping for your Ag exemptions. As you can see, this property has soil groups one through four located in the front portion of the property, which is nearest to the road and they are inconsistent across the property. Still, it takes up a majority of the land across the property’s frontage. So, that lot configuration has some things that the Ag Conservation Overlay District is attempting to address. The next slide shows that under the existing regulations, 300 feet wide lots on soils that don't perc, you can get 2 three -hundred-foot-wide lots across the frontage, leaving a 400-foot strip if you choose to go into that remaining 400-foot strip that'll leave you 100 feet to access the rear portion of your lot which, in this instance, is approximately 50 acres land. The next slide shows that if you do have good perking soils you can put in a standard septic system, then the lots go down to 150 feet in width, and we are showing here five lots, each of which are 150 feet wide, which leaves 250 feet on the end for access to the interior portion of the property. So those scenarios show what the existing zoning regulations are today. The next slide begins to identify some of the incentives these proposed overlay district regulations provide. And one incentive is that the 80,000 square feet or 40,000 square feet dimensions don’t change for your proposed development unless the site contains the class one through four soils. In that instance you can have lots with a minimum of 25,000 square feet in area provided we can show a standard septic system operation. These lots are roughly 100 feet wide by 250 feet in depth. Then, in this scenario here, lots 2 through 7, those six lots would be located in the rear portion of the property, away from your prime soils. They would have access provided by a 20-foot-wide strip used for a common [shared] driveway and go back to these lots located here. The next slide shows how you could have a combination. One of those lots wouldn't perc, so it is 300 feet wide. Three of the lots would perc; they are 150 feet wide. In the rear of your parcel, you have six additional lots. OK, all within the legal limits of the cluster provisions being afforded by the overlay district regulations. Right now, flag lots are not allowed in the town's zoning code. We are proposing to make flag lots legal in the overlay district where it is shown to conserve the class one through four soils. As Hal [Adams] has stated, we've taken this concept to the County Ag Enhancement Board. Before the committee stuck their necks out on the line too far, they wanted their thoughts looked at by the County’s farmland protection members and County Planning Staff. They came back very favorably with their comments. The representative from the Finger Lakes Land Trust, commented basically saying that it [the overlay approach] sounds so obvious, why hasn't somebody thought of this before? You know, we're conserving the natural resource; we're not restricting anything other than conserving this resource. So, we took that very positive statement, and Pete [Maslyn], you were there as well—step in if I misspoke about anything. So, we've got some direction from the County and now we're looking to hear your concerns and answer your questions about things that we don't see but need to see. It's a process that the committee members want to complete, before putting a final draft up for the Town’s formal adoption process. So now, what are your thoughts?

**5.** **PUBLIC COMMENTS – TO BE ADDRESSED TO THE COMMITTEE**

Mr. Adams: This is certainly a time for questions. It's taken us a long while to understand all of it, so I don't expect people who are seeing and hearing it for the first time to understand it all. So, fire away. What don't you understand?

Mr. Brand: What don't you like? What do you like?

Mr. Adams: I'd rather have questions before we form opinions. That's a personal bias. Thank you.

Mr. Gray: So, the first question I have, my understanding, is OK, you want to sell off a lot. Somebody looks at it and says, this looks like class 1 through 4 soil where do I go from there. We should consider building it somewhere else on the lot, not there. What if that isn't acceptable to the buyer? Is this a recommendation or saying you cannot do it?

Mr. Brand: It's an evaluation process. It's an educational process. It's a process intended to show that the town has taken minimal relief to regulating the conversion of these productive soils, by pointing out to the unknown buyers that taking these class one through four soils may affect the balance of the farming operations. Is that what you really want? I mean, most people tell us that they want to keep the farm in Farmington and we're trying to figure out a way of doing that without penalizing you, the landowners or the farmers renting from the landowners through this process. Now, if it shows that there is no other feasible alternative available to what the applicant wants, then the planning board has satisfied SEQR. It [the Planning Board] has tried to protect the more productive farmland soils to the extent practical, and the resolution for approving moves forward. It's a process that basically says, just because somebody unknowingly wants to develop this open piece of land doesn't mean that they wouldn't be able to have an alternate location that in the long run would conserve what they also want to keep, and that is a larger area of the more productive agricultural soils. Does that answer your question?

Mr. Gray: I think so. It's more of an evaluation process and a recommendation by the town, not a mandate.

Mr. Brand: That's right.

Mr. Adams: Yes, my words would be this is a process that says. Jim, have you considered this as an alternative, and then we talk about it. I mean, the authority here is the Planning Board. You know, they say yay or nay on all subdivisions, but the woman from Finger Lakes Land Trust at the Ontario County Board said it well. She said, this just makes you stop and think, and that is the intent here, to make all the stakeholders stop and think, well, OK, maybe we are wrecking some farmland, maybe we could do this? The buyers are happy, we continue to have viable farming adjacent which if they're buying there anyway, probably they're not opposed to. As I said earlier, it mandates a process, it doesn't mandate an outcome. Really good question.

Mr. Adams: Other thoughts?

Mr. Adams: Kate, how are you? Good to see you here.

Ms. Crowley: You too, Hal. Thank you for inviting us. Kate Crowley, Herendeen Road. So, a couple of things. This also has to be balanced with other attributes on that property, and my question is: Is the process also going to look at things like steep slopes and other things that help to provide that rural character?

Mr. Adams: Well, Ron alluded to the fact that in subdivisions and through complying with the State’s SEQR process, the DEC could weigh in on how close could be to a wetland. You know, there are regs in that regard. There are limitations on building on slopes and so on. So yes, but that's not new, this proposal does not change that, that stuff exists already. Is that correct? I've been getting two nodding heads over there [reference to staff at side table]; those regulations are in place.

Ms. Crowley: OK. And so that's similar to what I remember from my time on the Conservation Board in Victor. So, the second question to build on is how do you incentivize this? Because if I look at what we would do on the last side, it's going to be much more expensive to build in the back of that lot, and so has there been discussion about incentivizing this type of building?

Mr. Adams: Yes, there's been discussion about that because, yes, you can conjure up scenarios where, sure, it would be more expensive. The answer is that I don't believe the planning board would ever say, well, you've got to do it the most expensive way. If the expense is prohibitive, that enters the discussion of what's feasible or not, you know. As there's give and take between the person seeking to subdivide and the planning board. So, that is certainly not the intent to make it so restrictive, so it has to be really expensive. So now keep in mind that we're looking at a very generic hypothetical example; no parcel looks like that, and we know that. I spent time reading through the existing cluster zoning code that is already in place in the town. It provides a lot of flexibility to work with the natural features and the attributes of whatever parcel they're considering. There's quite a bit of flexibility there. Yeah, Dan.

Mr. Delpriore: So, the only real comment I want to add to this is that it goes right off of what Hal mentioned, which is flexibility. Right now, how the code reads is very black and white. For the A-80 or the RR-80, you have to have so much frontage, and then it goes off of the septic system that you can get down to 150 feet of frontage. When an application comes to me, that's all I'm looking at to make it so it can move forward. With this kind of regulation, all of a sudden, that opens up the ability to now look at that plan and what makes the most sense, and not only rule it on road frontage, and that's the big take away I think that you guys need to understand is that nobody is saying that, we have to do it this way, but the current code does say that. It says that you need 300 feet of frontage or 150 if you have the reduction; there's no way around that. Going back to what Hal just said, if we can go over to clustering, that gives us flexibility. Now we can look at those steep slopes and we can look at the 1 through 4 soils, which is obviously the most important thing that we're talking about today for farming. But yes, this gives us a little more flexibility, and I think that is the big takeaway. Code usually doesn't have flexibility it's very black and white. This is written in a way to sort of give that gray area of , hey, can we have a conversation? That's why it goes through multiple boards. Well, all subdivisions go through the planning board still, then also it's now asking for this Advisory Board to give a report back to planning to say, hey, yeah, we looked at different options. Maybe it still comes back to the planning board, and you say we have looked at all the options, and nope, what we propose is the best that we can come up with, or maybe it's a different proposal that comes back.

Mr. Adams: This committee sits in a unique spot. We advocate for farming, and we also advocate for land ownership. It's a mixed role in terms of where you land. All of us who own land are very protective of our rights as landowners, right? You know we're all sensitive to that. What we're worried about is what I would call, and I'll get shot down for this, but indiscriminate development, shall we say. Just bear with me with that word when just not enough thought goes into the impact of remaining land after a subdivision occurs. So, we're trying to inject that thoughtful process into it. A related question that came up at the committee is, is this going to take a lot longer? The reply that I get from the planning department is that most subdivision delays happen because landowners don't know the process that exists right now and get the steps in the wrong order. If you want a subdivision proposal to get done, first, you come here and find out what you need to do before you run off and hire a surveyor. And so, I don't think we're going to lengthen the process significantly.

Mr. Gray: So, I guess a question on this cluster zoning. Does the cluster zoning then give you more flexibility for things like set back requirements from buildings. Do you have some flexibility in that regard?

Mr. Delpriore: Absolutely.

Mr. Gray: I know Hal knows my opinion on this. The biggest destruction of farmland I've seen in this town is setback requirements. When you're selling off a piece of land, and you have farm buildings, you have to have these huge setback requirements that encompass large amounts of acreage that end up turning into woodchucks and hedgerows, and, you know, and brush.

Mr. Delpriore: I go back to my comment about being black and white. You're absolutely correct. The code is clear that if you subdivide right now, we have to have so many feet from Ag structures to subdivide. If we go clustering in this kind of presentation that they're talking about, yeah, I'm not saying it goes away; it is considerably better.

Mr. Adams: Yeah, there's many times when you'd like to adhere to a natural boundary that already exists, whether it's a hedgerow or you know a stream, or who knows what. Yeah, you'd like the flexibility to use those things and ruin less farmland in the process.

Mr. Brand: Yeah, the language in 278 of the town law says that the planning board is granting the authority to waive the requirements of the zoning regulations as long as you are protecting a resource or something that has been deemed important for the community. Right now, we have things identified that are important community, like scenic vistas, and we don't have any provisions that prohibit that development, but we don't have any criteria in there that conserve to the extent practical the class 1 through 4 soils. We can show we're doing that for the planning board and can use that power of 278 to reduce that unnecessary setback that you're concerned about, Jim.

Mr. Delpriore: That's only in a cluster.

Mr. Gray: My next question only clusters.

Mr. Delpriore: They can't use that town law in the other districts. So, we have to get it over to clustering to allow them the authority to do that.

Mr. Brand: And you'll see on the zoning map up there that there are sites that are identified as 278 Town Law where the Planning Board establishes special zoning criteria as part of subdivision or site plan approval. So, it's not blanketed; everybody isn't entitled to it, and you have to earn it.

Mr. Adams: So, I've got, and I would encourage you to look this up, but I've got a copy of Chapter 144, which is a subdivision of lands, part of the existing town code right here, and the second item, the purpose of this code says the town board finds that certain lands may not lend themselves to conventional development as designated by their zoning district. This section is established to enable and encourage flexibility of design in the development of land and in such a manner as to list the most appropriate use, preserve natural and ecological qualities of environmentally sensitive lands, and preserve larger areas of open space, both for recreation and Environmental Conservation uses. This is town code already, again, this is not new. That's the language that currently exists, but that's just to show you that right out of the chute, the cluster zoning, the intent is to work with the unusual circumstances that we have lots of in this town, let's face it.

**6.** **NEXT STEPS IN THE FORMAL ADOPTION PROCESS – ADVISORY**   **COMMITTEE AND TOWN STAFF**

Mr. Brand: Is there anyone else with questions? I would like to ask Dan to explain to everybody here how you can tell your friends and neighbors who aren't able to be with us today, and how they can view this meeting online in the comfort of their living room to hear what was discussed and to understand where we're at.

Mr. Delpriore: As Ron alluded, everything we discussed today was recorded, and the slides that are up there we're in the middle of a Zoom meeting. We will turn that meeting into a YouTube recording, and the town does have a YouTube channel that has all our meetings, but we will also share this as one of our presentations that will be up as soon as we post it, which will probably be in a day or so. I would say next Monday at the latest, it will be available for viewing, and if you go on YouTube and look for the Town of Farmington, our page will come right up, and it will display on the list in order that we upload them. When I put this one in, it will be at the top, but when another meeting happens, this will move its way down, and it will be there indefinitely because we do not take them down, per the town's policy. They will always be available for you guys to go back and listen to or share with anybody who wasn't here to listen to the information discussed today. If questions do come up, we're available here Monday through Friday by e-mail or phone. To try to answer those for you, or obviously, the board up here is also available as well to try to answer those questions the best that we can. The other thing that Hal mentioned earlier is that the meeting minutes will also be posted on the town's website. If you didn't want to listen to the recording and you wanted to go back and read something, they will be posted after they are approved.

Mr. Marvin: Hal, can I bring up something?

Mr. Adams: Absolutely.

Mr. Marvin: Yeah, I wanted to bring it up; I assume that if you have an Ag exemption on your farmland, now, that's going to override this new plan. So, you have to either take it out, five years from the Ag, or you got to pay back so many years, plus interest. That's state law. I think it's going to override this one if you're going to do more than that.

Mr. Adams: What John is referring to here is converting farmland that's currently getting an Ag exemption but is subject to a five-year clawback if it's converted to non-Ag use.

Mr. Marvin: Just so they can understand, I think that's going to override.

Mr. Adams: That's a separate issue, John; it's a taxation issue; we are not doing anything in the realm of taxation.

Mr. Marvin: No, but it should be out there.

Mr. Adams: Is there anything else from the committee?

Mr. Mitchell: No, I'm. Good.

Mr. Adams: Well, we should be, right? We spent enough time on it.

**7.** **NEXT COMMITTEE MEETING DATE TIME AND LOCATION – HAL ADAMS**

Mr. Brand: If I could, the committee has got a meeting coming up February on 20th here in this room at 6:30. The purpose of that meeting is to hear and learn of some lands that want to be considered for a Purchase of Development Rights Grant being developed by the Genesee Land Trust and the State Department of Agriculture and Markets.

Mr. Adams: Yeah, there are two applications for conservation easements that Genesee Land Trust is working with. You guys may not know this, this is hot news that we will be reviewing at our next meeting on February 20th.

Mr. Brand: The reason I bring this up is that this gives you, basically, almost a month to consider what you've heard here today and to look at what's online; if you have questions about things, please let me know, I can send you copies electronically. However, I just as soon not have to cut down a forest to make paper copies. If there is anything you want, hopefully, you can let the committee members know at that point. Oh, I got thinking about this. What about? How does this relate to what you're doing? It would allow us to move forward one way or another with giving this thing back to the process for formal adoption is referred to, which means SEQR means going to the County Planning Board, going to the County Ag Advisory Committee, perhaps going from the Ag Advisory Committee to Ag & Markets to review. So, you know it's not going to happen overnight. It will be a process that we'll take one step at a time, but we think we're ready to take that first step and we want to hear from you as to whether we're going to be able to do it or not. We really appreciate your coming out today and for your input. I turn it back to you, Hal.

Mr. Adams: If there's nothing else from any other visitors, we're not making a recommendation today, but that time is rapidly approaching. We're planning the next meeting on February 20th. The 3rd Thursday is our normal meeting time: 6:30 pm, in the main meeting room. Sorry, Jim, this might be the only afternoon meeting.

Mr. Gray: Thank you for this and for inviting us.

Mr. Brand: I thought we had this so he could zoom in from Florida while he was having his afternoon break.

Mr. Adams: Well, clearly, he's not in Florida. So, all right. Great. If there's nothing else, call it a day.

Mr. Brand: Thank you.

Mr. Adams: Thank you all.

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

**8. ADJOURNMENT**

The meeting was adjourned at 1:58 p.m.

Respectfully submitted,

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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