Town of Farmington

1000 County Road 8

Farmington, New York 14425

**Agricultural Advisory Committee**

**Thursday, June 20, 2024 • 6:30 p.m.**

**MINUTES—APPROVED**

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

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

Peter Maslyn

John Marvin

Ronald Mitchell

**Committee Members Excused:** Charles Bowe

Denis Lepel

Doug Payne

William Boyce Jr. Michael Putman

**Town Representatives Present:**

Ronald L. Brand, Farmington Director of Development and Planning

Dr. Michael Casale, Farmington Town Board Member

**Guests:**

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

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

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

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

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

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

**2. CONTINUED DISCUSSION OF PROPOSED TOWN LAW:**

**AGRICULTURAL CONSERVATION OVERLAY DISTRICT (ACOD)**

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

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

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

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

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

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

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

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

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

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

Mr. Adams said those are separate issues.

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

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

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

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

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

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

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

Mr. Marvin said that land was purchased by Gerber.

Mr. Brand said it was not purchased by Gerber. Gerber is a homebuilder, if someone is looking to build a house then Gerber negotiates with the landowner. In this instance Scott DeHollander [the referenced Victor resident]purchased the whole farm after it had already been subdivided, he kept a parcel for himself on the corner, there was another one on Holtz Road, he now has five lots up there that he is going to sell for residential development. The lots have public water and, more than likely, will perc.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Adams said, are you talking about CRP?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Mitchell said, now I understand it better.

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

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

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

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

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

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

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

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

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

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

Mr. Casale said we are recommending.

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

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

Mr. Marvin said so this is just a suggestion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Capps said my knowledge of this is limited.

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

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

Mr. Adams said, how do you market that?

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

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

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

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

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

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

Mr. Maslyn said, “I don’t think they are exempt, are they?”

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

Mr. Adams said, you can’t build anything in this town without a building permit, however the inspection of ag buildings is somewhat less as I understand it than a full-blown building code inspection. If I build a cow barn as I understand it, it is somewhat exempt from some portions of the state’s building code.

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

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

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

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

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

Mr. Casale said was that state or County?

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

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

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

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

**3. REVIEW OF AGRICULTURAL ADVISORY COMMITTEE SECTION**

**OF THE TOWN WEBSITE**

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

**4. OTHER TOPICS**

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

**6. VISITORS’ COMMENTS**

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

**7. NEXT MEETING**

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

**8. ADJOURNMENT**

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

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

Respectfully submitted,

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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

Ruthven, Paula