

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ORDINANCE COMMITTEE

Wednesday October 20, 2021, at 9:00 AM

Rev. 11/7/2021

MEETING REPORT

MEETING CALLED BY: GARY DAVIS

COMMITTEE MEMBERS: GARY DAVIS CHUCK OYLER TOM SCHWARTZ
JOHN CASEY

SECRETARY: KIMBERLY BURKARD

GUESTS: TERRY FENNELLY ROBERT DICARLO DAVE EMERY

TOWN STAFF: DOUG FINCH SHAWNA BONSHAK

PRIVILEGE OF THE FLOOR

Mr. Davis opened the meeting at 9:02 am.

PRIVILEGE OF THE FLOOR

COMMITTEE BUSINESS

Agricultural Protection Overlay District

- Mr. Davis opened the discussion on the Agricultural Protection Overlay District draft and welcomed the guests Robert DiCarlo (Agriculture Committee Chairman) and Dave Emery (Zoning Board).
- Mr. DiCarlo shared that the Ag Committee was concerned about the continued “creep” of development into productive agricultural areas and they wished to have some way to give the Committee a chance to protect farmland. He said that when developers wished to build within the Strategic Farmland Protection Area on good farmland that there was nothing to stop them. And so, the Agriculture Committee looked into creating an overlay district to protect some of the larger/better farmland parcels.
- Mr. Finch gave some additional background information. The 2003 Comprehensive Plan started the identification of the Town’s agricultural areas (AR1, AR2). The 2011 Comprehensive Plan Update #1 goal was to support, protect, and develop agriculture. The Agricultural Enhancement Plan was developed and adopted in 2016 which created the Agriculture Committee and the Strategic Farmland Protection Area. In 2017 there was an update of codes that harmed the promotion and protection of agriculture. While the Strategic Farmland Protection Area was defined and mapped, there was no way to stop development in that area. It was only a line on the map. Mr. Finch further noted that the new overlay draft was designed to promote and protect farming in the strategic area.
- Mr. Finch clarified that the new overlay would not restrict the sale of land for purposes other than agriculture. He continued that it referred to the further subdivision of parcels.

From the Overlay draft:

Prior to approval by the Planning Board, proposals of subdivision of land of seven acres or greater in the Agricultural Protection Overlay District shall demonstrate:

(1) The proposed subdivision application has been reviewed by the Town of Canandaigua Agriculture Advisory Committee; and

(2) The Planning Board shall find that the proposed subdivision does not cause a loss of valuable agriculture lands or the applicant has demonstrated an action to advance agriculture protection in the Town of Canandaigua and the proposed action has been approved by the Agriculture Advisory Committee.

Mr. Finch explained that this means that subdivision may be permissible with approval if there has not been a loss of valuable agricultural land **or** there has been an advancement made for agriculture, as determined by the Planning Board. That advancement can be varied and was purposely left open. Such advancements may include but is not limited to a contribution made to the agriculture PDR program or perhaps it is a farming operation that the revenue will benefit.

- All applications referred to the Agriculture Committee get an in depth analysis including soil, yields, etc. to determine if it is valuable agriculture land.
- Mr. DiCarlo commented that developments can make it harder to farm as nearby home owners won't want the smells, noise, etc. associated with farming. Mr. Finch said that the Paddleford Greenway and the Strategic Farmland Protection area include the largest farming operations in the Town. He also noted that the Agricultural Enhancement Plan included feedback from many farmers in the Town.
- Mr. Schwartz noted that there are fewer large and small farming operations in the Town and a balance must be taken not to restrict the best use of the property by the owners.
- Mr. DiCarlo commented that "Prime if Drained" farmland also takes into account the soil type. Mr. Emery questioned the soil ratings as well as the need to follow other communities (ex. Victor and Fairport) with these restrictions that will unduly burden landowners. He also noted the development creep across the Farmington town line.
- Mr. DiCarlo said that the key element to preserve farmland is the willingness of someone to farm the land and added that development creep especially into good farmland locations does discourage farming. He also said that succession planning is needed and often not handled well in farming operations.
- Mr. Finch clarified that the Ag Overlay does not prohibit anyone from developing the property, selling the property, or doing something other than agriculture with the property. All the Ag Overlay asks is if there is a loss of valuable agriculture land or something has been done to advance agriculture—and most specifically, if there has been a subdivision. The overlay really is for dealing with a proposed housing development—which is still possible if there is a finding that valuable agriculture land is not lost or something has been done to advance agriculture. Mr. Finch also noted that while the Town won't run water/sewer in some areas, the developers can put in these and that the onus would be on developers, not the sellers, to demonstrate the advancement of agriculture.
- Most of the underlying zoning is AR2 requiring 2-acre minimum for development and conservation subdivision could be used in these areas which would convert a portion of the property to fallow green space instead of agricultural land.
- Fees that would have to be paid to advance agriculture are set by the Town Board every January.

- Mr. Schwartz noted that “vacant land” and farmland are very different and that vacant land is growing. He also said that zoning is used to funnel development to the areas that the Town wants developed.
- Mr. Casey noted that there were already significant hurdles in key areas to development with the Comprehensive Subdivision Environmental Enhancement Plan. There are 1 or 2-acre minimums in the areas being discussed currently. He questioned if current zoning may be adequate to force development into other areas. Mr. Finch noted that this and a 5-acre minimum used in other communities could create more vacant acres.
- Larger and adjacent parcels are easier to farm.
- Mr. Emery noted that his property on New Michigan Road is designated “HEL” and that is restrictive for farming and government subsidies. He questioned if the designation of “prime farmland” was accurate.
- Mr. Finch said that the overlay would give the Ag Committee the opportunity to review each application.
- Mr. DiCarlo will take information from this meeting back to the Ag Committee for further review as he believes more discussion and review is required. Mr. DiCarlo will schedule a joint meeting or invite Ordinance members to the next Ag Committee meeting. Mr. Finch suggested that the Ordinance Committee should see one of the reviews that the Ag Committee has preformed.

Upcoming Meetings:

November 1, 2021 @ 9:00 am

Adjournment @ 10:00 am