

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

AGRICULTURAL ADVISORY COMMITTEE

April 14, 2022, at 6:00 PM

Rev. 5/6/2022

MEETING REPORT

MEETING CALLED BY: BOB DICARLO, CHAIR

COMMITTEE MEMBERS: BOB DICARLO TIM RILEY LINDA PURDY
RAY HENRY GARY JONES

SECRETARY: KIMBERLY BURKARD

TOWN STAFF: DOUG FINCH

GUESTS:

CALL TO ORDER

- Mr. DiCarlo opened the Zoom meeting at 6:07 pm.

REFERRALS

- Planning Review Committee Referrals:
 - No referrals

NEW BUSINESS

- **Agricultural Protection Overlay District Draft**
 - Mr. Finch introduced the committee to the resources/maps in the Oriana Conference Room.
 - Mr. Finch and Mr. DiCarlo met and discussed agricultural protection. Mr. Finch noted that being too restrictive to the landowner might not be the way to go but instead having the town limit their decisions on infrastructure in the specified area would be a better way to go. Mr. DiCarlo agreed that the first attempt at protecting agricultural land was too restrictive and did not get much support. He continued that the best way to protect farmland was to have someone farm the land and reduce the development creep into those areas. He added that with less sewer and water in those areas development was less likely to occur.
 - Mr. Finch talked about the area identified in the last meeting. (See hand drawn highlighted area from last meeting below.)
 - Mr. Finch noted that you have to have sewer to put in a housing development. He then noted the map with all the sewer lines in the town (in conference room). The RTE 5&20 corridor, that is west of Town Hall, is not in a sewer district, does not have any sewer lines, and there is no sewer envisioned for that area. He also added that Centerfield (not an official hamlet) does not have sewer.

- Mr. Finch continued that the proposal would be for a local law that prohibits the Town Board from expanding sewer into the Strategic Farmland Protection Area. Mr. DiCarlo commented about shrinking the area impacted. Mr. Finch answered that he had left it broad so that there could be a conversation by the committee about that. Mr. DiCarlo mentioned that in discussion with Planning Board members, that they prefer smaller areas as it really helps them when considering plans.
- Mr. Finch said that some of the Padelford Brook Greenway was protected via a PDR.
- Area highlighted in the last Ag Committee meeting shared:



- Mr. Finch shared the map of public and protected lands, which is dated 2017 (in conference room). It will need to be updated with additional PDR parcels.
- Green areas are prime soils and the largest concentration of those are in the RTE 5&20 corridor west of Town Hall.
- Mr. DiCarlo asked if this overlay was made, would the Strategic Farmland Protection Area (SFPA) go away. Mr. Finch said it didn't have to as it was part of the adopted Agricultural Enhancement Plan. It is a defined area and not a zone or overlay. Mr. Reily asked for better definition of area. Mr. Finch noted that there is no sewer in the highlighted area and there are some water lines along RTE 5&20, Cooley Rd, Co Rd 32, and RTE 21.
- Mr. Reily asked what roads would bound the area. There was discussion about specific farms and farming on leased lands happening in highlighted area.
- Mr. Finch suggested Co Rd 30 as the northern boundary. Discussion about other roads to be considered as boundaries. Rossier Rd suggested as a southern boundary.
- Mr. Finch asked if the area should include areas not in the SFPA or just the prime soils in the SFPA that are in the bounded area. Mr. Finch noted that when LaBella created the SFPA map, they tried to follow the prime soils as much as possible. Mr. Reily asked what lands are under significant pressure from development—including those near proposed sewer. Mr. DiCarlo said protection from sewer running from the east would be needed. Mr. Finch said that the hamlet of Cheshire is nearby and there has been mixed opinions for the need to have sewer there. There

was discussion about farms near to Cheshire and the less than prime soils are near Cheshire.

- Mr. Reily noted trying to assess the political climate and not overreaching in the changes they were proposing. Mr. Finch noted that was an issue with the original overlay attempt. The feedback on that one was that it had too many restrictions. Asking the Town Board to put into town code, that the Town Board must think twice before running utilities in the identified area would not be necessarily restricting a private landowner right's. This does not stop a developer from putting in housing if they are going to pay for the sewer installation. Market conditions are challenging as they have historic lows in housing supply with 110-120% above listing price currently with no forecasted reduction until double-digit interest rates are reached. Mr. Finch shared that supply was decreasing over the last twelve years even before the pandemic (in the Northeast) and it dropped further in March 2020 and December 2020. In our area the demand for housing is far greater than the supply. The factors include increasing population, population shifting out of cities, remote work, money invested in real estate, and supply chain issues complicating new home construction. Rochester/Finger Lakes supply index is even lower than the Buffalo and Syracuse areas. It is thought that this is a 10-15 year trend—and we are in year two. Mr. Finch commented that if a developer can build 50 homes and sell them for \$300/\$400/\$500,000, then they might want to spend \$1-2 million to run a sewer line.
- Mr. Reily asked how likely some of this is given topography and the possible need for pumping stations. He gave an example of a pumping station needed for water in a location and that was estimated at \$1,000,000. Mr. Finch said that sewer requires lift stations, pump stations, force mains, etc. Market conditions will dictate how viable the area would be.
- Mr. Finch said that sewer was envisioned for the Miller-Piercebrook area on RTE 21 even in the 2016 Master Plan. He noted that it would be easy for developers to build on the east side of RTE 21. He noted that the west side was more challenging but a developer could run a sewer line across the street. Grade issues can be mitigated with deep sewer lines.
- Mr. Reily asked how likely development would be there. Mr. Finch answered that “all the tools in the toolbox” would effect that including, zoning (AR2) with 2-acre minimums, water/sewer lateral restrictions, and Scenic Viewshed Overlay. If these tools were not available, you would have housing popping up everywhere.
- Mr. Reilly asked about the sewer system's capacity. Most of the town's sewer (except for very northern end) feeds into the county distribution system which goes back into the city's wastewater treatment facility which Mr. Finch believes has 60% capacity left.
- Mr. Finch shared the example of Davidson Landing which is below Co Rd 16. Grinders and lift stations were required to get the sewage to the sewer main on Co Rd 16. But because multi-million dollar homes were planned, it was possible. Mr. Reilly commented that people are not going to build multi-million dollar homes in the middle of an ag district.
- Ms. Purdy suggested Rossier Road as the southern boundary. This boundary would be north of Cheshire. Co Rd 30 would be the northern boundary. The SFPA red line crosses RTE 5&20 at the Town Hall Complex and follows RTE 21 south. There may be a slight overlap with the Strategic Forest Protection Area.
- Mr. Finch will update the map to define the specific area based on this conversation.
- There was discussion on the 4/11/2022 Agricultural Protection Overlay District document.

The following section of Town of Canandaigua Town Code would be new and created:

Town of Canandaigua
Agricultural Protection Overlay District

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§ 220- 33.2 **Intent.**

It is the intent of this article to encourage a viable farming economy and community and to promote agriculture in the Town of Canandaigua by creating an overlay district of parcels seven acres or more in all areas identified as part of the Town of Canandaigua’s Strategic Farmland Protection Area. Farms provide jobs and support the local economy, fresh foods and rural character and scenic landscape while requiring fewer community services. Furthermore, farms maintain wildlife habitat and other natural resources. This article seeks to sustain these important contributions provided by local farms to residents of the Town of Canandaigua.

- Seven acres specified because that is where the Ag exemption kicks in.
- Mr. DiCarlo shared a question from Mr. Soberon: “he was concerned about the ability to subdivide land in that area so it became less than seven acres.” Ms. Purdy noted the concern was for subdividing into multiple parcels. Mr. Finch said that was a zoning issue which they were trying to stay away from. The agriculture – residential zoning in the area is a 2-acre minimum and there is a minimum number of road frontage for it to be subdivided. If it was a 7-acre parcel, the most you could get out of it would be three lots. There is the potential of 2-3 houses being built (on septic systems).

§ 220- 33.2.2 **Purpose; effect on inconsistent provisions.**

A. This article is enacted pursuant to the authority and power granted by Municipal Home Rule of the State of New York, Chapter 62 of Consolidated Laws, Article 16, in conformance with the Town's Comprehensive Plan and Agricultural Enhancement Strategy, to promote public health, safety, comfort, convenience, economy, natural, agricultural and cultural resources, aesthetics and the general welfare and for the following additional purposes:

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- (1) To encourage agriculture to continue and prosper and to avoid regulating agricultural uses in a manner that unreasonably restricts or regulates farm structures or farming practices.
- (2) To encourage other economic activities such as forestry, recreation, vineyards, orchards, and tree farming, as well as the support services and industries that add value to these uses, such as wood products and tourist facilities.
- (3) Provide an opportunity to balance growth and a viable farming economy with resource protection.
- (4) Coordinate the Town of Canandaigua Comprehensive (Master) Plan, Agriculture and Open Space Preservation Study, Open Space and Recreation Needs Assessment Report, Agricultural Enhancement Strategy and other applicable Town, county, state, federal and regional plans and programs.

§ 220- 33.2.3 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

AGRICULTURAL OVERLAY DISTRICT

That portion of the Town of Canandaigua, which is constituted of parcels of seven acres or more identified as part of the Strategic Farmland Protection Area according to the defined area of the Farmland Protection Priorities and Parcel Rating Map known as Canandaigua Agricultural Enhancement Plan (adopted by the Town Board December 2016) labeled Map 7: Strategic Farmland Protection Area prepared November 10, 2016.

§ 220-33.2.4 **Right to engage in agricultural practices.**

A. Any owner or possessor of real property covered by this chapter, as well as those employed, retained or

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otherwise authorized to act on behalf of such individual, may lawfully engage in agricultural practices, within the Town of Canandaigua at any and all such times and in all locations as are reasonably necessary to conduct agriculture.

B. There shall exist a presumption that no agricultural use that conforms to all relevant federal, state or local statutes, rules and regulations or ordinances and which does not pose a direct threat to public health and safety shall constitute a public nuisance, nor shall any such use be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property.

§ 220-33.2.5 **New infrastructure improvements.**

A. Any decision to expand public water or sewer lines should consider limiting, minimizing, or mitigation of the expansion of water or sewer services to avoid those areas in the Agriculture Protection Overlay District.

B. Any expansion of publicly owned water or sewer lines in the Agriculture Protection Overlay District must be approved by the Town Board of the Town of Canandaigua.

- Mr. Finch noted that the Red-Lined version will include the sections that have been removed.
- Mr. Reily asked what 220-33.2.4 B means. Mr. Finch said it was language from Ag & Markets that says agriculture should be allowed as long as it does not go against other regulations, is a nuisance, or goes against public safety. Instead of the word “shall” it should be “which” in that paragraph. Mr. Finch will change the wording.
- The Red-lined version was shared:

The following section of Town of Canandaigua Town Code would be new and created:

**Town of Canandaigua
Agricultural Protection Overlay District**

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- (1) To encourage agriculture to continue and prosper and to avoid regulating agricultural uses in a manner that unreasonably restricts or regulates farm structures or farming practices.
- (2) To encourage other economic activities such as forestry, recreation, vineyards, orchards, and tree farming, as well as the support services and industries that add value to these uses, such as wood products and tourist facilities.
- (3) Provide an opportunity to balance growth and a viable farming economy with resource protection.

~~(4) Provide residential developments in a manner that preserves the rural character of the Town while respecting, conserving and enhancing agricultural opportunities.~~

~~(5) Coordinate the Town of Canandaigua Comprehensive (Master) Plan, Agriculture and Open Space Preservation Study, Open Space and Recreation Needs Assessment Report, Agricultural Enhancement Strategy and other applicable Town, county, state, federal and regional plans and programs.~~

~~(6) Ensure consistency between the Town's land use policies and the New York State Agricultural Districts Law, Chapter 25AA of the Agriculture and Markets Law, by ensuring that farms are treated fairly and are not unreasonably regulated.~~

~~B. The provisions of this article supersede inconsistent provisions of the Town Code.~~

§ 220- ~~33.2.3~~ **Definitions.**

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~~AGRICULTURAL PRACTICES~~

~~Those practices which are feasible, lawful, inherent, necessary, reasonable, normal, safe, and typical to the industry or unique to the products as they pertain to the on-farm production, processing and marketing of agricultural products. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop protection methods, manure application, composting and construction and use of farm structures, fences and roadside stands.~~

~~AGRICULTURAL PRODUCTS~~

~~Those products that include but may not be limited to the following:~~

- ~~A. Field crops, including corn, wheat, rye, barley, hay, potatoes, and dry beans;~~
- ~~B. Fruits, including apples, peaches, grapes, cherries and berries;~~
- ~~C. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions;~~
- ~~D. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;~~
- ~~E. Livestock and livestock products, including cattle, sheep, hogs, goats, equids (e.g., horses, donkeys), poultry, camelids (e.g., llamas, alpacas), ratites (e.g., ostriches, emus), farmed deer or buffalo, fur-bearing animals, wool-bearing animals, milk, cheese, eggs and furs;~~
- ~~F. Apiary (beekeeping) operations;~~
- ~~G. Woodland products, including maple sap, logs, lumber, posts and firewood;~~
- ~~H. Christmas trees derived from a managed Christmas tree operation, whether dug for transplanting or cut from the stump;~~
- ~~I. Aquaculture products, including fish, fish products, water plants and shellfish;~~
- ~~J. Woody biomass, which means short rotation woody crops raised for bio-energy, and shall not include farm woodland; and/or~~
- ~~K. Horse boarding and equine operations.~~

~~AGRICULTURAL TOURISM~~

~~Agriculturally related accessory uses that are subordinate to the growing of crops or the raising of~~

~~livestock, designed to bring the public to a farm on a temporary or continuous basis, such as U-pick farm sales, retail sales of agricultural products, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, farmland and facility tours, horticulture nurseries and associated display gardens, cider pressing, classes or workshops, or wine or cheese tasting.~~

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~~**AGRICULTURE**~~

~~The use of land, farm buildings and equipment that contribute to raising, training and boarding of livestock or horses, and the production, preparation and marketing of agricultural products.~~

~~**FARM**~~

~~Land, farm buildings and equipment used for the production, maintenance, preparation and marketing of agricultural products such as livestock, dairy, equine, poultry, fur-bearing animals, aquaculture, apiculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations used primarily for the raising of agricultural or horticultural products or commercial boarding and equine operations.~~

- o A lot of previous content, limitations, and definitions were removed to simplify the document and narrow the focus.

~~**FARM BUILDING**~~

~~Structures such as barns, commodity sheds, farm worker housing, garages, direct farm markets, silos, manure storage facilities, stables, poultry houses and greenhouses used primarily for the production, processing or marketing of agricultural products.~~

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~~**FARMERS MARKET**~~

~~Markets open to the public, operated by a governmental agency, a nonprofit corporation, or one or more farmers, at which:~~

- A. ~~At least 75% of the products sold are agricultural products or value-added agricultural products; and~~
- B. ~~At least 75% of the vendors regularly participating during the market's hours of operation are producers, or family members or employees of producers.~~

~~**FARM SIGN**~~

~~A sign erected for a limited period of time for retailing and marketing agricultural products and/or agricultural tourism, that is, seasonally for a period not exceeding two weeks before such items are~~

~~offered and terminating when such items are no longer offered.~~

~~**FARM STAND**~~

~~A structure from which are sold predominantly agricultural products and related goods to the general public.~~

~~**FARM WORKER DWELLING**~~

~~A structure that is clearly accessory to an agricultural operation and occupied by farm workers employed on the premises and which may include such workers' families.~~

~~**HORSE BOARDING**~~

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~~The raising, breeding, training, boarding or sale of equids or providing care, housing, health related services and training to such animals kept on the premises.~~

~~**LIVESTOCK**~~

~~Farm animals such as cattle, sheep, hogs, goats, equids (e.g., horses, donkeys), poultry, chickens, turkeys, ducks, geese, camelids (e.g., llamas, alpacas), ratites (e.g., ostriches, emus), farmed deer or buffalo, fur-bearing animals, wool-bearing animals raised for home use or for profit.~~

~~**RURAL BUSINESS**~~

~~An occupation, profession, or commercial use that is customary, incidental or secondary to the agricultural use of a property and is consistent with the character of the neighborhood.~~

~~**VALUE-ADDED AGRICULTURAL PRODUCTS**~~

~~An enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product produced on the farm to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming or packaging, education presentation, activities and tours~~

§ 220-33.2.4 **Right to engage in agricultural practices.**

- A. Any owner or possessor of real property covered by this chapter, as well as those employed, retained or otherwise authorized to act on behalf of such individual, may lawfully engage in agricultural practices, ~~farm direct marketing and agricultural tourism~~ within the Town of Canandaigua at any and all such times and in all locations as are reasonably necessary to conduct agriculture. ~~For any agricultural practice, in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs and procedures in the farming industry, as well as to advances resulting from increased knowledge and improved technology.~~
- B. There shall exist a presumption that no agricultural use that conforms to all relevant federal, state or local statutes, rules and regulations or ordinances and which does not pose a direct threat to public health and safety shall constitute a public nuisance, nor shall any such use be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property.

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A. Any decision to expand public water or sewer lines should consider limiting, minimizing, or mitigation of the expansion of water or sewer services to avoid those areas in the Agriculture Protection Overlay District.

B. Any expansion of publicly owned water or sewer lines in the Agriculture Protection Overlay District must be approved by the Town Board of the Town of Canandaigua.

- This last section would be clearly defined based on the conversation in this meeting.
- This last section would prevent the Planning Board, for example, approve a development from going into the area without the Town Board first approving the expansion of water and sewer lines into the area.
- Mr. Finch will update document per the committee's discussion and bring it back to the next meeting. Mr. DiCarlo said that they would then vote on the draft to advance the proposed code. The code can be further changed in the future but it would have to go through the same process with the Town Board holding a public hearing on it.
- Ms. Purdy noted that development pressure will increase per the housing shortage discuss earlier. There was a discussion about the difficulty of purchasing homes in the area. Mr. Finch noted that Ontario County is doing a housing analysis that can include affordable housing, current conditions, housing markets, farm labor housing, etc. A substantial number of people are living in hotels, motels, and that type of housing. Some are people who sold their house and moved into an apartment but rent increased and they can no longer afford that. There is a domino effect occurring.
- This code would help Planning Board and committees like the Ag Committee when reviewing projects to try to stay out of the protection area.
- "Tools" in the "toolbox" would include this code that says the Planning Board cannot approve a development without the Town Board approving sewer going in first. Town Board could also strike this code if they chose to or not adopt it but it forces the conversation.
- Mr. DiCarlo shared another comment from Mr. Soberon. He proposed that if someone wanted to sell their land that the first right of refusal be given to someone that wants to use it for agricultural purposes. There was discussion about how that would not work. Mr. Finch said that could be part of the conversation happening at the Conservation Easement Team. This team could promote other opportunities like TDR, publically owned land, privately owned conservation easements, and things like the first right of refusal. The team is in need of a team leader. The Conservation Team will look for programs that could be adopted by the town. The conservation could include farmland, natural resource protection, forest protection area, and more. It could include these and various different avenues for each. Mr. Soberon's idea would be something for that team to discuss.
- Town news from Mr. Finch: June 18th ribbon cutting on Motion Junction, YMCA is under construction, and new video/digital billboards will be going up in the first week of June. Old YMCA to be repurposed into possibly housing.

ADJOURNMENT AND NEXT MEETING

Adjournment @ 7:12pm. Next Meeting, May 12, 2022, 6pm