

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

AGRICULTURAL ADVISORY COMMITTEE

February 10, 2022, at 6:00 PM

Rev. 3/6/2022

MEETING REPORT

MEETING CALLED BY: BOB DICARLO, CHAIR
COMMITTEE MEMBERS: BOB DICARLO TIM RILEY
SECRETARY: KIMBERLY BURKARD
TOWN STAFF: SARAH REYNOLDS DOUG FINCH
GUESTS: EDWARD CERMAK

CALL TO ORDER

- Mr. DiCarlo opened the Zoom meeting at 6:02pm.

REFERRALS

- Planning Review Committee Referrals:
 - No referrals

NEW BUSINESS

- **Agricultural Overlay and TDR Program**
 - Mr. DiCarlo expressed a desire to protect farmland from development creep but to balance that with property owners' rights. There was an interest in a TDR program as a possible solution.
 - Mr. Finch asked if the development creep into agricultural areas was the issue most concerning to the committee. Mr. DiCarlo agreed and said the desire was to protect the best lands and most viable soils being actively farmed rather than all existing farmland. Mr. Finch asked if there was a desire to refer to the Strategic Farmland Protection area or parcel-by-parcel.
 - Mr. Riley noted that parcel-by-parcel would take a long time. Mr. Riley expressed concern about development along RTE 21 corridor in the south of the Town. He also questioned what the community wants to see and commented that the Morrell development was in the center of an agriculture cultural area which would be in conflict with the development.
 - Mr. Finch shared the Strategic Farmland Protection Area (SFPA) map and noted the white areas in the area that designated parcels that were not prime farmland or were not in active agricultural operation.
 - Mr. Finch asked if there was a change in the what the committee was looking to address—prime farmland instead the SFPA. Mr. DiCarlo answered that the SFPA is a large area and he would not be opposed to changing things as SFPA is just a line on a map. Mr. Finch said that the Agriculture Enhancement Plan (2016)

mapped each parcel to with farmland soil characteristics (prime farmland, farmland of statewide importance, etc.).

- Mr. Finch asked if the Committee wanted to protect the prime soils in the SFPA. Mr. DiCarlo said to also consider size as the larger parcels would be more at risk of development. Mr. Finch added that development can happen over the span of many years. Mr. Finch also said that the new NYS PDR program tends to lend itself to the larger parcels more and that developers are to more often buy, for example, 35 acres than 300 hundred acres. He suggested protecting both the large farming operations and smaller parcels at risk for development.
- Mr. Finch said conservation projects are one of the five goals for 2022 and protecting those with high natural resources, agriculture included, would be part of that. He also noted an example of landowners in the SFPA wishing to be done with agriculture and selling property to developers. Mr. Finch said that both education and investment in programs by the Town may be required to deal with the loss of farmland to development.
- Mr. Finch noted that a TDR program has “sending” and “receiving” areas. Example: the Padelford Brook Greenway where development right are sent away from that area and received in the MUO-1 (which is now the Uptown area). Because of Form Base Code, there is no incentive to do a TDR with the Uptown area. He noted that perhaps, the receiving area could be the MUO-2 (north of the Padelford Brook Greenway) or MUO-3. A “land bank” is also a possibility. Mr. Finch said that developers would be interested in parcels with water and sewer so much of the SFPA is self-limiting as they do not have those. Mr. Finch noted an area in the southern part of the SFPA (western portion, south of RTE 5&20) that because of terrain would limit any public water and sewer access. The area he noted that was of most concern was the RTE5&20 corridor that has much prime farmland in it. He suggested it as a key area to concentrate efforts on.
- Mr. Reily agreed that area and south along RTE 21 would be key areas to protect from development. He wants to see more protection for these identified areas.
- Mr. DiCarlo asked about how to incentivize landowners to keep land in agriculture.
- Mr. Finch highlighted an area on the SFPA map:



- Mr. Finch asked if, for the future of the community, it was important to preserve agriculture in the highlighted area including influencing private property owner rights.
- Mr. Finch answered Mr. Reily's question about the Padelford Brook Greenway. He said it was established before the SFPA as a way to preserve the prime if drained soils and some of the Town's larger farming operations which were also investing in putting in tiles to drain the land. He said that the highlighted area has some of the most natural prime soils in the Town.
- Mr. Finch answered Mr. DiCarlo's question and said that the policy and restrictions in the highlighted area could be made tighter relative to property owner rights. He said a political decision would be needed to protect those soils. He also noted that there could be a modified TDR which would require developers wanting to build in that area to put money into the Open Space Fund. Zoning, a special district, or special designated area are also possibilities. He suggested a Town program that could give benefits to landowners continuing agriculture in the area may also be possible.
- Mr. Finch noted that Ag & Markets understands the Town's desire to protect the SFPA and Padelford Brook Greenway and that past PDRs have been quite successful. He continued that the highlighted area has the most prime soils in the Town with the least protection. The risk for development is high as there are water and sewer in some of the area.
- Ms. Reynolds noted that the green areas on the SPFA map indicate not only prime farmland but also land that is actively being farmed.
- Mr. DiCarlo said that there were probably 3-4 farmers in the highlighted area doing the majority of the farming.
- Mr. Finch said that the SFPA map was adopted by the Town Board and any modifications would need to go through them. The map created during the meeting could be a starting point for conversation with the Town Board asking them if they are receptive to the committee advancing a proposal to provide stronger protection for agriculture in this area.
- Ms. Reynolds added that one of the PDR questions is if the property falls within a protection area. She is concerned about moving SFPA lines in case there are PDR applications that would be left out if lines were redrawn. Mr. Finch suggested that the SFPA and Padelford Brook lines would not change. There would just be an increased focus in the highlighted area. Ms. Reynolds added that in NYS and Federal PDR programs, the percentage of prime soils and soils of importance is another key question. She said that these programs also ask questions on soil type percentage, actively farmed percentage, etc. and so these programs may be useful to help identify key lands to be conserved.
- Mr. Finch said the Town has been very careful to not run new sewer and water lines not in the SFPA.
- Mr. Finch suggested that if the land in the highlighted area is to be preserved, it has to be through both regulations and financial means. The TDR could then be introduced for that specific area. This would be a sending area and perhaps MUO-2 or MUO-3 could be the receiving area. Another possibility would be to have the receiving area be the TDR bank to receive the funds. Mr. Finch also suggested that if development was to occur in the highlighted area that the development would need to meet whatever zoning regulations and policies were set plus there would be a contribution to the TDR bank that would be used to extinguish development rights to another property in the same area. He also noted that if there are no water or sewer run in this area, that development and thereby the TDR bank would be low.

- Mr. DiCarlo asked what the next step would be to move this along. Mr. Finch suggested introducing this concept to the Ordinance Committee for feedback. This highlighted area is more narrowly focused than the previous Agriculture Overlay work and it has the greatest concentration of prime soils. Mr. Finch said that development creep in this area is probably still ten years away so this is an opportune time to put measures in place.
- Mr. Reily said that the protection in this area would protect not only soils but a culture and way-of-life plus the agricultural revenue of the area.
- Mr. Finch said that for the Ordinance Committee presentation, that it would be key to explain the rationale behind the protection plus the regulatory and financial (TDR) aspects.
- Mr. Finch questioned to what level would landowner rights be impacted in the area. Example: would it be next to impossible to sell property for a development? Or do you accept that this might happen?
- Mr. Finch offered to work with Mr. DiCarlo to write up something and get a date with the Ordinance Committee. He also offered that the original Ag Overlay may have had a hard reception because it was too large of a portion of the Town. A more simplified area may have better success but protecting private landowner rights will be a key issue. Mr. DiCarlo said financial incentives for landowners would be important. Mr. Finch said that the question of, “why should we be subsidizing the farms?” will need to be answered. He continued by saying that this is a way to make sure that there is agriculture in the Town 100 years from now. Mr. Reily said that the climate change and current events may make this land even more key to be farmed in the future especially with farming practices that will by necessity, need to change.
- Ms. Reynolds suggested that this may be the Ag Committee’s contribution to a larger conservation effort to protect stream buffers with willing landowners, forested land, etc. What if this is part of a larger program to protect natural resources with financial incentives making it more than just protecting farmland? She continued that loss of farmland is part of the overall problem of loss of undeveloped land. Mr. Reily suggested that pressure is here now and asked if she thought this was more manageable than an ag only effort. Ms. Reynolds said there was a new program from the NY that will protect 75%+ forested parcels. She suggested criteria that would identify if the developer needed to contribute to a fund. Mr. Finch said that the Strategic Forest Protection Area was noted in the Ag Overlay meeting with the Ordinance Committee and the pushback was private landowner rights. He wondered if it was because the Ag Overlay spanned over too broad of an area. He believed that the highlighted area is more succinct and has the unique prime soils concentration that it may be received differently. He noted that the Strategic Forest Protection Area combined with the SFPA overlays most of the Town.
- Mr. Reily noted that if the highlighted area has no sewer and water run, it may also protect the land to the south of it.
- Mr. Finch suggested a phased approach may also be useful: ask the Town Board not to expand any sewer or water lines in the highlighted area. He said a property owner can initiate a petition for that but the Town Board will not initiate action to expand those services. He noted that while it is a small step, it has nothing to do with landowners’ rights. He suggested that financials could be the next phase and then the regulatory, though these may go hand-in-hand.
- Mr. Reily noted his experience with a petition for water and that his monthly cost of the associated bond would be \$500/month. This could be a strong deterrent. Mr. Finch said that there are current talks with the people of Cheshire about

running sewer there and wondered if that could foster more development. Mr. Finch said that there are “lateral restrictions” and that in the future when reviewing referrals, the Ag Committee could request that the Planning Board/Town Board implement lateral restrictions to prevent future extensions of sewer/water lines.

- Mr. Finch offered the possibility of the Ag Committee presenting to the Town Board about the continued creep of development.
- Mr. DiCarlo will follow up with Mr. Finch to develop some work.
- Mr. Finch said that there is possible value in combining with other projects and activities in the Town as a means of elevating the quality of the life we enjoy in the Town as open space is a fundamental piece of the quality of life that all residents enjoy. Mr. Reily noted many snowmobile riders used trails across ag properties—which would vanish with development. Mr. DiCarlo noted a survey of residents that thought preserving ag land was important.
- Mr. Finch said the LDC concept mapping exercise had a high percentage of respondents noting agriculture as important—this included city residents. The LDC has six initiatives—one of which is to foster and support the agricultural community. The LDC lets the Town completely manage extinguishing development rights on property but Mr. Finch suggested that perhaps the LDC could provide more assistance to the Town. Ms. Reynolds suggested that the LDC could help find buyers, that wish to farm, for agricultural property. Mr. Finch built on that idea and suggested “affordable farming” where some agency helps to keep farmland affordable for future generations. Funding is an issue but there are programs for new farmers and perhaps this initiative could work in concert with that. Mr. Reily noted veterans programs for getting into farming.
- Mr. Reily said that there is much competition for land to lease and asked Mr. DiCarlo if more farmers would make it harder to lease land. Mr. DiCarlo answered that the efforts discussed would target land that was going to leave production.
- Mr. Finch said that the Town has an Open Space Fund to which the Town Board contributes to on a mostly an annual basis. That fund has been used in the past to help with the PDR extinguishment of development rights. Mr. Finch said that the Town can purchase land, retain title to the land, and lease that land out for agricultural purposes. He suggested the possibility of creating a program where the Town looks at the fee title on endangered parcels—most specifically in the highlighted area—and leasing it back out for agriculture. The Town owns land on Buffalo Street Extension and leases it out for agricultural purposes.
- The Open Space Fund has specific rules for how the money can be used and subsequently the land purchased with it. Farming, as in the Buffalo St. Ext. property, is in keeping with the Open Space Fund.
- Mr. Finch noted that there is a desire to give public access to as much of the Town owned land as possible and there may be agricultural land where that access does not work. Mr. Reily offered that a public trail through an agricultural area may help give value back to the community. Mr. Finch followed up with suggesting that the Ag Committee could look at Town owned parcels to see if there is an opportunity to farm on any of them.
- Mr. Reily suggested following up on restricting lateral extension of water and sewer.

ADJOURNMENT AND NEXT MEETING

Adjournment @ 7:13pm. Next Meeting, March 10, 2022, 6pm