

**CITIZENS' IMPLEMENTATION COMMITTEE**

**May 03, 2022, at 9AM**

Rev. 5/15/2022

**MEETING REPORT**

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**Meeting Called by:** Shawna Bonshak, Chair

**Committee Members:** Oksana Fuller (R)      Doug Finch      Chuck Oyler (R)  
Shawna Bonshak      Sarah Reynolds      Patti Venezia  
Tom Schwartz      Sal Pietropaolo      Karen Parkhurst

**Secretary:** Kimberly Burkard

**Guests:** Dick McCaughey      Adeline Rudolph (R)      Robert Lacourse (R)  
Robert DiCarlo      Kelly LaVoie (R)

R=Remote

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**CALL TO ORDER**

- Ms. Bonshak opened the meeting at 9:00AM and greeted guests.

**NEW BUSINESS**

- **Ag Committee Master Plan Update w/ R. DiCarlo**
  - Mr. Finch introduced the current efforts that the Ag Committee has been working on:
    - The Ag committee has been reviewing the creation of an agricultural protection overlay district.
    - The Agricultural Enhancement Plan and the Strategic Farmland Protection Area (SFPA) was created in 2016. (SFPA map: [http://www.townofcanandaigua.org/documents/files/Strategic%20Farmland%20Protection%20Area%20Map\\_2016%20Ag%20Plan.pdf](http://www.townofcanandaigua.org/documents/files/Strategic%20Farmland%20Protection%20Area%20Map_2016%20Ag%20Plan.pdf))
    - The zoning was never changed for the SFPA and there are no limitations on what could be done in the area. The SFPA identifications concentrations of prime soils and soils of state-wide significance plus the larger farming operations. These are also areas where farming is generally good for the region and town and also have PDR's (protection of development rights parcels).
    - SFPA map identifies the SFPA area (in red borderlines) and the Padelford Brook Greenway (PBG) (in green borderlines). The PBG was adopted in 2015 and is 10,8000 acres and includes many of the largest farming operations. PDR applications have been focused on this area.
    - The Ag Committee started, 1-2 years ago, talking about putting more teeth into the zoning relative to the SFPA. Some of this conversation has

included questioning if private landowner rights were being taken away if there was increased protection in the SFPA—which is a large area. A proposal was forwarded to the Ordinance Committee last year but there wasn't a lot of support for enacting broad legislation and zoning restrictions for the entire SFPA area especially since it seemed to encroach on private landowners' rights.

- Map shared:



- Conversation shifted to looking to protect the area of the town with the most prime soils and soils of statewide significance farmland (as defined NYS Dept. of Ag. & Markets & USDA). The red-hand drawn circle above highlights that area.
- The Ag Committee is looking to recommend that the Town Board adopt code that would ask the Town Board to be involved in any consideration/approval of water or sewer in that area designated.
- The area identified was Co Rd 30 south to Rossier Road, west of RTE 21 and east of the municipal boundary that is already in the SFPA and is 7+ acres.
- This would be a new Agricultural Protection Overlay District and a very simple law.
- Mr. DiCarlo reported:
  - The area identified includes better soils and larger parcels plus PDR's were already in place in other areas like the PBG. The area is also at risk for development.
  - Mr. DiCarlo also noted that he was not supportive of laws that took away landowner rights and that having more deliberate consideration of utilities in the area should slow development creep.
- Mr. Finch continued:
  - 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 Agricultural Protection Overlay District.

- Any expansion of publically owned water or sewer lines in the Agricultural Protection Overlay District must be approved by the Town Board.
- This means that if a developer wants to subdivide and create a subdivision in that identified area, the Planning Board has the authority to grant the subdivision. Town code says that if it is for four+ lots, it must have public sewer. So before the Planning Board can grant that subdivision for a major subdivision, the Town Board would have to authorize the expansion of the sewer. This extra step makes the Town Board make a conscious decision in the process of subdivision in this specified area of prime farmland.
- Ms. Rudolph asked why this area was not included in the PBG. Mr. Finch answered that the PBG was the first attempt at the strategic farmland protection area and it focused on the largest farming operations and the Padelford Brook watershed. Less than a year later, the Agricultural Enhancement Plan was created. Ms. Rudolph also asked about sewer being run into the Piercebrook Subdivision and if the Planning Board was the one to approve sewer and water with how things currently work. Mr. Finch answered that the Piercebrook Subdivision is on the east side of RTE 21 and it would not be impacted by the proposed law. Hypothetically speaking, if it was in the area, most of the parcel is already in an Ontario County Sewer District. Hypothetically, if the developer wanted to expand to the other side of the road, the west side of RTE 21 and into the farmland there, the Planning Board wouldn't be prohibited from granting approval as long as the Town Board approved running the sewer line over there.
- Ms. Parkhurst asked if a developer could buy "prime if drained" farmland and have "free reign" over development. Mr. Finch answered that that is no different than anywhere in the town currently and that many farmers, including those in the north end, have invested much money in drainage tiles for those parcels. Hypothetically, if someone wanted to develop those parcels they could.
- Mr. Finch gave an example of the Taylor Farm on Canandaigua-Farmington Townline Rd. which is 300'ish acres. There is sewer across the street from it. It is in the SFPA and the PBG. Could a developer do a Conservation Subdivision there? Yes. Sewer is a factor in the cost of development. The developer would pick up that cost as part of the subdivision. A comment about higher grade (in location on Middle Cheshire) needing expensive lift and pump to be installed for sewer was made.
- Ms. Parkhurst asked about the Notre Dame property. Mr. Finch said that 60 acres (of the 100) were active farmland. He noted that there is sewer there and it is in AR2.
- Mr. DiCarlo noted that the Ag Committee has had some discussion on solar and that they are looking forward to moving forward on the Agricultural Protection Overlay. He mentioned speaking with Bob Lacourse on solar regulations. Current zoning is that solar cannot go on viable farmland or cause the loss of viable farmland. Solar is a risk for loosing farmland. There are financial incentives for it. Mr. Finch explained that the Planning Board has to issue a special use permit for solar. Before the Planning Board can do that, it must find that there is not a loss of viable agriculture land—it is referred to the Ag Committee. Monks Rd example where the Ag Committee found the land suitable for solar but another example where the developer was looking to take up a lot of prime farmland was not recommended. Mr. Finch noted the intent was to allow solar farms in the scrublands on the edges of farm fields and the law needs to be updated but finding the balance is key. Mr. Schwartz added that solar can help farmers support the rest of their farms with the needed revenue. He noted the Monks Rd example where

the land was eroding in waterways and was not suitable for farming. He continued that there is great variability in land types in the town and that it may benefit the community and farmer to have solar.

- Mr. DiCarlo added that solar and farming needs do not always fit well together. He feels there is a place for it on some of the poorer land.
- Ms. Rudolph wants land being reviewed for solar to be reviewed against the Scenic Viewshed Overlay. The Planning Board is required to do that as part of SEQR. Ms. Bonshak added that it would also be reviewed by the ECB.
- Ms. Parkhurst asked if there are farmers open to developers in the identified area. Mr. DiCarlo said that there are probably three farms working most of the land but there are landowners and a perhaps a couple of retirement age farmers there without an exit strategy/family that puts that land at higher risk. Ms. Bonshak noted that there is also leased land—Mr. DiCarlo said that there is the risk of that land not being rented to farmers. Ms. Bonshak said the 30-acre parcel on Hickox Rd that is for sale was being leased. Mr. DiCarlo said that the listing price and other land that might be available is well above what a farmer could pay for it.
- Ms. Parkhurst said that some elderly farmers may wish to retire on money made by selling land.
- Mr. Finch said that the proposal would protect the identified area from the Town of Canandaigua’s expansion of water and sewer. He noted that the Hiccox Rd parcel is outside of the area and is wide open for development. He said other conservation programs would need to be used there to give financial incentive. The Conservation Team will be lead by Sarah Reynolds.
- Mr. Finch said that the proposed law would be very specific to the area identified. The Planning Board could not create a major subdivision without the Town Board approving sewer. He noted that as long as all the zoning criteria is met, that the Planning Board would be hard pressed to not say “yes” to a development. The Town Board has more power to say no and there is little recourse against that. Mr. Finch noted that this is just one piece that also requires the support of utilities, conservation programs, the fiscal ability to do that, etc. This is a starting point.
- Mr. Lacourse added that solar companies are not considering every parcel as they need ones located next to high tension wires for the solar farms to work efficiently and this would target a relatively small number of farms. Mr. Lacourse would like to create an overlay to identify the potential areas that the solar farms would be interested in and then mitigate the risk from there. Ms. Reynolds noted electric as being on ONCOR and one could see if there was additional information there. Mr. Lacourse said that in the recent town run Solar training (4/22), that the presenter said that NYS had already accomplished their solar percentage goal and that the goal is being raised.
- The Ag Committee will review the draft proposal before sending it to the Ordinance Committee.
- Ms. Parkhurst noted that the Town Board is an elected group that will follow the wishes of the population.
- Ms. Reynolds added that this plan seems inline with the Comprehensive Plan and priorities.
- Mr. Finch said that the Ag Committee takes all referrals very seriously and they provide detailed soil information so that the Planning Board can make a decision. Ms. Reynolds agreed and provided examples of the careful consideration the Ag Committee makes on each referral. She added that they make thoughtful and practical recommendations. They are passionate about proposed changes that would restrict access to fields for a farmer. The town code/Development Office

criteria requires that the Ag Committee review an application if certain criteria are checked. The Ag Committee is also per town code.

- Ms. Reynolds says that the Ag Committee's mission is to implement the Agricultural Enhancement Plan and review the referrals for the loss of viable agricultural land.
- Mr. Schwartz said that solar can help subsidize farming operations and make it possible for farming to continue.
- Mr. Finch said that the Ag Committee is very passionate about public education with regards to agriculture—including school programs. Ms. Parkhurst noted a high-school, county-wide Workforce program to introduce various professions. Ms. Reynolds added that 3<sup>rd</sup>-graders get a field trip to Mr. DiCarlo's farm.
- Mr. McCaughey said that the farmland in the Finger Lakes is some of the best in the US.
- Mr. Schwartz said that farmland being actively farmed, through successive different surveys, continues to diminish. There are not the economies of scale to make farming economically viable here. Ms. Parkhurst discussed the support of regional agricultural products.
- Ms. Reynolds said that NY Ag & Markets are now looking at smaller acreage to support as farm stands and other small-scale agriculture will continue to grow. PDR's are now more supportive of smaller operations.
- The Ag Committee will review the proposal at their upcoming meeting before forwarding it to the Ordinance Committee.
- There was discussion about the difficulties of sharing agricultural information.

#### **ADJOURNMENT AND NEXT MEETING**

**Adjournment @ 9:58 AM**

**Next Meeting, May 17, 2022, 9AM**