

MINUTES

GENESEE COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

Monday, February 12, 2018

A meeting of the Genesee County Agricultural and Farmland Protection Board was held on Monday, February 12, 2018 at 7:00 P.M. in the Large Conference Room of Genesee County Building No. 2. Members in attendance: Mr. Donn Branton; Ms. Jan Beglinger, Ms. Janette Veazey-Post, Ms. Shelley Stein, Mr. Greg Torrey, and Mr. Felipe Oltramari. Staff present were: Mr. Derik Kane and Mr. Jared Elliott

The Meeting was called to order at 7:04 PM

Approval of Minutes

A motion to approve the meeting minutes from April 17, 2017 was made by Ms. Stein, seconded by Ms. Beglinger and carried unanimously.

Agriculture and Food Production Focus Group

Mr. Kane presented the County Comprehensive Plans new Agriculture and Food Production focus groups monitoring report. A discussion was had by who would take the lead on carrying out several of the priorities listed in the report.

** See attached monitoring report

Old/New Business

Mr. Oltramari distributed the draft memo sent over by Clark Patterson Lee regarding the list of projects needed for the next phase of the water project to commence. These projects all must go through environmental review before work can start and a number of them will need to be reviewed by this board as they impact lands enrolled in the Agriculture Districts.

Mr. Oltramari notified the board that the annual enrollment period for the AG Districts is currently underway until February 24th. Forms are available at the County Planning Dept., at Soil and Water, at the Clerk's Office, at Real Property, and on the county website.

Mr. Branton brought up the issue of contractor stakes/flags, which denote where utilities are buried, being left behind and creating hazards for the local farmers. Mr. Branton believes a policy should be created to ensure contractors remove the flags once work is completed. Ms. Veazey-Post stated that Farm Bureau already has language about prohibiting the use of metal stakes/flags, allowing only the fiberglass ones. This language could possibly be amended to ensure that stakes are removed upon work completion.

A motion was made to adjourn by Ms. Stein, seconded by Mr. Oltramari and carried unanimously. Meeting adjourned at 8:25 PM.

MINUTES

GENESEE COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

Monday, April 16, 2018

A meeting of the Genesee County Agricultural and Farmland Protection Board was held on Monday, April 16, 2018 at 7:00 P.M. in the Large Conference Room of Genesee County Building No. 2. Members in attendance: Mr. Donn E. Branton, , Ms. LuAnn McKenzie, Mr. Steven Boldt, Ms. Jan Beglinger, Ms. Janette Veazey-Post, Ms. Shelley Stein, and Mr. Felipe Oltramari. Staff present: Mr. Derik Kane and Mr. Jared Elliott. Additionally, Ms. Ellen Parker from Wendel was present.

The Meeting was called to order at 7:02 PM

Membership

Mr. Branton noted that there is a Board Vacancy which must be filled by a Farmland Preservation representative. As per the board's request Mr. Kane will reach out to the WNY Land Conservancy and/or Farmland Trust for a potential candidate to fill this position.

Approval of Minutes

A motion to approve the meeting minutes from February 12, 2018 was made by Ms. Stein for approval, seconded by Ms. McKenzie, and carried unanimously.

Town of Alabama Ag & Farmland Protection Plan

Mr. Oltramari stated that this board must provide comments and approve the Farmland Protection plans for the Towns of Alabama and Oakfield before they may be submitted to the State for review. Mr. Oltramari stated he had already submitted the County Planning Depts. comments and that the consultant will be amending the plan accordingly as well as creating a few new maps which had not been included up to that point. In response, Ms. Parker from Wendel presented the new map (#9) which denotes areas which could be utilized in a potential PDR program. Wendel will provide the County with an updated map packet, and these maps will be included in the joint appendices of the Towns of Alabama and Oakfield's Agriculture & Farmland Protection Plans. Mr. Branton mentioned a change was needed in the glossary as the Town of Alabama's plan incorrectly states 'Town of Oakfield'. Ms. Stein listed a number of other needed amendments including: other sections which list the wrong municipality; additional farmer owned collaboratives and grant programs which should be listed; and the inclusion of Genesee County Soil and Water as a support agency for farmers. Ms. Beglinger stated that where the document mentions Agricultural districts, pertaining to zoning districts, it should be specified as such in order to avoid confusion with NY Ag and Markets district program. Ms. Stein voiced concern over the large amount of work listed in the Town of Alabama's plan compared to the low number of active volunteers/representatives to carry it out.

A motion to approve with modifications was made by Ms. Stein, seconded by Mr. Boldt and carried unanimously

Town of Oakfield Ag & Farmland Protection Plan

The board members stated that a number of the amendments previously discussed in the Town of Alabama's plan also apply to the Town of Oakfield's plan. Ms. Stein pointed out a possible formatting issue or omission which may need to be examined further by the consultant. A discussion was then had regarding the tone of the Town of Oakfield's plan, which tends to come off as less of an action driven plan and more of a consolidation and support of the already existing planning documents the Town has adopted. Ms. Stein also pointed out that unlike the plan created for Alabama that the Town of Oakfield's plan feels generic in tone and could apply to any other municipality. Ms. Parker and Mr. Oltramari both discussed how that may have been the result of specific directives put forward by representatives from the Town of Oakfield, who had requested that entire sections be omitted from the draft after it was reviewed. Mr. Oltramari then asked about the lack of a picture for the plans cover which Ms. Parker confirmed that Wendel will be searching for a new image to use. Mr. Oltramari asked the consultant how likely she thinks it is for the municipalities to pass the Right to Farm Law mentioned in the plan. Mr. Oltramari continued by pointing out that all municipalities other than Elba have not previously passed the Right to Farm Law as they tend to be covered by the Agricultural District program. The major difference between that program and the Right to Farm Law is the lack of dispute resolution between farmers and other property owners. This lead into a discussion by the board regarding the disclosure of properties enrolled in the Ag program, and how this disclosure is often buried into the closing papers and not at the beginning of the sale process.

A motion to approve with modifications was made by Ms. Veazey-Post, seconded by Ms. Beglinger and carried unanimously

Old/New Business

a. Agriculture and Food Production Monitoring Report

Mr. Kane stated that the Agriculture and Food Production Monitoring Report, which this board helped draft and update, was presented to the Comprehensive Plan Steering Committee on Friday, March 2nd. Mr. Kane stated that a copy of the monitoring report had been sent to all members of this board but that he will resend it again for everyone's review.

b. Solar Farms/ GAM Presentation

Ms. McKenzie inquired whether the four solar farms that had been constructed in the Town of Batavia are operational yet. The consensus is that they do not appear operational as snow is visible on top of the panels which would have melted off with the energy generated. This led into a discussion about the service agreements between the solar companies, property owners, and municipalities. Ms. McKenzie noted that the Town of Stafford is currently considering banning these solar farms. Mr. Oltramari stated that he will be presenting to GAM this Thursday, April 19th about the land use issues that need to be addressed in the municipalities' code before these solar farms can be constructed. Additionally, the topic of how these solar farms impact property assessments, how/whether to tax these solar farms, and the possibility of the GCEDC creating a PILOT to offset costs if municipalities opt out the tax exemptions for renewables will be addressed at a later presentation. Ms. McKenzie asked whether there are other municipalities considering banning these solar farms, which Mr. Oltramari stated he has not heard of any other municipalities considering doing so.

c. Tire Recycling.

Mr. Boldt brought up the issue of tire recycling and presented cost estimates he has received from Geiter Done of WNY. Mr. Elliot of Soil and Water discussed the tire recycling program they ran last year. Soil and Water received a one-time grant to recycling tires which a contractor charged \$270 a ton to remove. Mr. Boldt stated the current quotes he received are close to \$300 a ton. Ms. Stein and Mr. Elliot then discussed a possible program Soil and Water may lead where Genesee County Highway Dept. will rent a grinder for their own work then allow Soil and Water to utilize it for a tire shredding program. The hope is that this will eliminate the size issue which is one of the main issues currently preventing contractors from accepting the tires. Mr. Kane stated that the County Comprehensive Plans Utilities and Technology Focus group met that day and that he will include this issue in their monitoring report. Ms. Stein inquired whether there is an opportunity to team up with GLOW Solid Waste to do a grant application, possibly through the CFA process, to handle this increasing issue.

The next meeting was set for Monday, July 16th.

A motion was made to adjourn by Ms. Stein, seconded by Ms. Beglinger and carried unanimously. Meeting adjourned at 8:05 PM.

MINUTES

GENESEE COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

Monday, October 15, 2018

A meeting of the Genesee County Agricultural and Farmland Protection Board was held on Monday, February 12, 2018 at 7:01 P.M. in the Large Conference Room of Genesee County Building No. 2. Members in attendance: Mr. Donn Branton, Ms. LuAnn McKenzie, Ms. Janette Veazey-Post, Ms. Shelley Stein, Mr. Steven Boldt, Mr. Greg Torrey, and Mr. Felipe Oltramari. Staff present were: Mr. Derik Kane; Ms. Molly Cassatt and Mr. Tim Welch from Soil and Water.

The Meeting was called to order at 7:01 PM

Old/New Business

a. Town of Alabama Water District # 2, Phases 3A, 3B and 4

Mr. Oltramari discussed the notice of intent letter received for Town of Alabama Water District # 2, Phases 3A, 3B and 4, and distributed maps showing the proposed water districts. Mr. Oltramari then notified the board that the Planning Department received feedback from Bob Somers of NYS Agriculture & Markets who advised that lateral restrictions be enacted not only by the Town of Alabama, but additionally by the Towns of Batavia and Oakfield. Ms. McKenzie inquired whether the lateral restrictions are a countywide restriction. Mr. Oltramari clarified that lateral restrictions refer to the Ag District program, while the County Smart Growth plan is a separate program which pertains to automatic hookups to the water system within defined Development Areas. Mr. Torrey asked whether the properties where lateral restrictions may be applied could be removed from the Ag District in the next eight year review and then connect to the water system. Mr. Oltramari confirmed that they could. Ms. Stein then asked whether a large portion of the properties where these lateral restrictions would be applied fall outside the Smart Growth Plans Development Areas. Mr. Oltramari confirmed that most of these properties would in fact fall outside the Development Area boundary.

A motion was made by Mr. Boldt to support the proposed water districts. The motion was seconded by Ms. Veazey-Post with the conditions that: 1) Lateral restrictions be put into effect by NYS Dept. of Ag & Markets on any agricultural district; 2) In addition to the Ag & Markets requirements regarding the restoration of severed drainage improvements and access ways, hydrants and valve boxes shall not be placed directly in agricultural fields and that the project engineers work closely with both the County Soil and Water Conservation District staff and landowners in order to identify and restore the existing drainage improvements affected by this project; 3) that all Utilities and Contractors flags be removed upon the project's completion. With these requirements the motion carried unanimously.

b. Water Hookup in the Town of Stafford

Mr. Kane advised the Board that a water hookup application was received in August for a proposed new residential development in the Town of Stafford. Upon reviewing the application and confirming with the property owner, Mr. Thomas Englerth, it was determined that the proposed project is for farm workforce housing. Based on this information the committee agreed that the project is a sound agricultural use and therefore exempt from this process and should receive an automatic hookup to the water system.

c. Town of Byron Comprehensive Plan

Mr. Oltramari stated he had forwarded the document to the Board for their review and that the Planning Department was pleased with the quality of the document as well as the fact that it was largely drafted by the local committee. Mr. Oltramari additionally stated it was important that the drafted document strongly advocates for agriculture in light of some recent development proposals within the municipality. Ms. Stein asked whether there should be an issued endorsement from this board for the plan. Mr. Oltramari replied that while the Board may do so if they desired that it is unnecessary as it will be reviewed by the County Planning Board, where recommendation may be given before the plan could be adopted.

d. Route 77 at Ledge Road Intersection Improvement Project

Mr. Oltramari stated that the NYS DOT sent a letter regarding a proposed roundabout being constructed at the Rt. 77 and Ledge Road intersection. Mr. Oltramari continued by stating that the State DOT is requesting feedback from farmers as to when would be the most optimal six week period to shut down access. Ms. Veazey-Post stated she has already provided feedback regarding an import access point for their farm on Ledge Road. She expressed their willingness to coordinate with DOT to access the nearby fields during whenever construction is to take place. Additionally Ms. Veazey-Post stated that the Town of Oakfield will be requesting that the detours be limited only to main roadways. Mr. Oltramari then discussed the reasoning for the creation of a roundabout is the resulting decrease in number of serious car collisions. Ms. Stein stated that these roundabout need to be able to accommodate large farm equipment. Mr. Oltramari stated that comment could be submitted as part of the design review of the project which will occur at a later point. Mr. Oltramari asked what the impacts to farmers would be if they had to wait the entire 6 weeks to harvest which Ms. Veazey-Post answered that the quality would be greatly diminished.

e. Triannual review of Smart Growth Plan

Mr. Oltramari stated that letters to all municipalities regarding the start of the Smart Growth process will be sent out in the coming weeks. As part of this process meetings and presentations may be set up to educate the respective boards on the program. Mr. Oltramari noted that the mailings were slightly delayed in hopes that the last water agreements could be finalized before this process began.

f. GGSG Countywide Resiliency Plan

Mr. Oltramari advised the board that the county was awarded a grant through NYS' Office of Smart Growth for a resiliency plan which would continue the efforts started in the Green Genesee Smart Genesee (GGSG) plan. This plan will focus on the north-eastern portion of the county (LeRoy, Bergen, Byron, Elba).

g. Eight year review of Ag District #3

Mr. Kane stated that the eight year review of Ag District #3 will take place in 2019 but that the department has already begun the process in order to save on the anticipated increase in printing cost of the mailings. Mr. Kane advised the board that roughly 700 separate property owners will be receiving the application materials, along with roughly 35 property owners who are currently enrolled in the Agricultural tax exemption program. Mr. Kane then reminded the board that based on the recent changes in the Ag Law that a special meeting of this board will need to take place in March of 2019.

h. Solar Farms

Mr. Oltramari informed the board that there is a large scale solar project being proposed for the Towns of Byron and Elba. This solar farm would cover over 1,500 acres and generate 280 megawatts of power, making it the largest in the state. This would be Genesee County's first Article 10 project (anything over 25 megawatts). Mr. Oltramari stated that a project of this size will have an impact farmland in some fashion, especially as it lies within two of the top agriculturally producing towns in the county. Mr. Oltramari then advised the board that although the details for the project are still to come, that all Article 10 projects are State sited. He continued to state that this will be a multi-year process and ultimately the decision is made by a State appointed seven member board, of which only two seats are reserved for local representation. Mr. Oltramari continued to state that other than siting, issues such as PILOTS/ tax abatements and incentives, as well as infrastructure issues (such as new sub-stations, and

battery installations) would need to be addressed within this process. The fact that Ag & Markets now treat solar farms as permanent conversion of farmland was also brought up as part of this discussion.

PDR Presentation by Dave Bojanowski- Genesee Valley Conservancy

Dave Bojanowski, Farmland Preservationist from Genesee Valley Conservancy, gave a presentation on the Purchase of Development Rights (PDR) programs that exist within NYS. Mr. Bojanowski stated that there are several grants, with awards upwards of \$2M, to purchase lands where there are: 1. High quality soils; 2. Land is operated by viable farm operation (will look at latest innovations and expansion, undergoing succession planning, etc.); 3. Have some defined development pressure.

Mr. Bojanowski explained that a land trust will then purchase the development rights of the identified land and extinguish those rights in perpetuity (the rights cannot be traded nor sold in the future). Annually a local committee typically will select the top 3 proposals for PDR's and submit them to the Land Trust for the States consideration.

The highest pay out of for a State PDR project is 87.5% on the awarded amount. The program requires that 12.5% of the cost of the development right be forfeited by the owner as a "donation". This required "donation" however is tax deductible over fifteen years. Mr. Bojanowski acknowledged that there is a potential way to get 100% of the valued development rights if a Federal and State program are paired together but pointed out that it is very difficult to achieve and overly cumbersome, to the extent that it is not beneficial to pursue. Mr. Bojanowski continued by explaining how the development value is determined by a certified appraiser, who has an expertise in restricted use appraisals. Mr. Bojanowski also explained that these State grants pay for transaction costs (appraisals, title work, lawyer fees, close out easements for utilities, etc.) for the PDR. Additionally, a certain percentage of the money is required to be reserved for a stewardship fund (minimum of \$10k reserved per project).

Mr. Bojanowski discussed how there is often a misconception that a PDR program is a method to aid a struggling farm operation. The fact is that the State considers these PDR's as agricultural economic development investment and thus are intended for expanding or enhancing farm operations and not to save at risk farms from bankruptcy. Mr. Bojanowski continued to explain that since the state views PDR's as an economic development tool that there are certain amounts of development which are allowed so as not to negatively impact the farm operation. Examples of allowed development are: industrial windmills; drilling for natural gas; solar arrays that cover 2% or less of the land, etc. Additionally, development on the

farmstead is allowed without required review from the PDR manager. Outside the farmstead 10% of the land may contain buildings for farm operation (2% by right, the remaining 8% must be reviewed for appropriateness by the land trust).

Ms. McKenzie inquired whether the Smart Growth plans limitations to water hookups impacts the development valuation of the properties. Mr. Bojanowski explained that access to water is one of the main factors which contribute to an increase valuation, along with road frontage and proximity to highways.

Mr. Bojanowski stated that Genesee County falls outside of his organizations coverage area, which is limited to the Genesee River Watershed. He continued by stating that there are options outside of land trusts for managing these PDR programs, with several Soil and Water districts and Counties being the appointed managers throughout the state. The board raised the question as to why the Genesee Valley Conservancy does not represent Genesee County even though 1/3 of the county falls within the Genesee River Watershed (Black and Oatka Creek). Mr. Bojanowski stated he would examine their service area maps and raise this issue to the Conservancy. However, he stressed that they are limited financially and workload wise.

Mr. Oltramari spoke to the fact that it may be the opportune moment to start a PDR program in light of the adoption of the updated County Agricultural Farmland Protection Plan, which lists PDR's as a priority action to explore; but the lack of a defined manager of the program is an issue. Mr. Bojanowski stated that there would need to be a strong participation from multiple agencies in order for a PDR program to be successful and a land trust should not be relied upon to do all of the work. Additionally, he stressed that for the program to be successful it should be done aggressively. Otherwise it will have little impact on actually preserving farmland and the curbing development pressure.

Mr. Boldt inquired whether the lands need to be farmer owned. Mr. Bojanowski stated that there must be a farm operation on the land; if the land owners are not the farmers they may enter an agreement and be co-listed on the application.

Mr. Bojanowski mentioned that as of this year there was a PDR program that is targeted only to dairy farm operations and there is talk of a program which is intended to protect lands connected to drinking water sources. The Board agreed that this may be an opportunity for the western portion of our county.

Membership

Mr. Kane informed the board that there is still a vacancy for an "Agriculture Protection

Specialist”. All of the respective agencies which were contacted were unable to commit to this board position at this time.

A motion was made to adjourn by Ms. Stein, seconded by Ms. Veazey-Post and carried unanimously. Meeting adjourned at 8:59 PM.