



ONTARIO COUNTY Agriculture Enhancement Board

Frank Fessner, Chairman

MINUTES

Ontario County Agriculture Enhancement Board Wednesday March 26, 2025

Members Present

Frank Fessner
Lisa Fitzgerald (A 6:20)
Tom Harvey
Tucker Kautz
Dennine Leeson
Fred Lightfoote
Jared Martin

Jacob Maslyn
Joann Rogers
Fernando Soberon
Andrew Wickham

Members Excused

none

Staff

Linda Phillips

1. Call to order – Chair Frank Fessner called meeting to order at 6 pm.
2. Introductions including new member Fernando Soberon, of dairy consulting firm Standard Nutrition and also a member of Town of Canandaigua Agricultural Advisory Committee and a small farmer and returning member Fred Lightfoote, now serving as an active farmer member affiliated with Lightland Farms.
3. Approval of minutes of 1/22/25 meeting: Motion made by Drew Wickham and Seconded by Tom Harvey. Approved. Attached revised minutes include motion to recommend to Board of Supervisors inclusion of requested property in OC Agricultural District #1 omitted from draft minutes.
4. New business
 - a. Reviewed property characteristic and a sample letter of support for 3 Proposed Farmland Protection Implementation Grant (FPIG) program applications for Purchase of Development Rights (PDR)/Conservation Easement (CE). Motions to draft, circulate for review, and submit FPIG application letters of support.
 1. Sadler Brothers Farm
Farm consists of 10 parcels is 3 locations in northern Farmington. Three properties in 2 locations are proposed for inclusion in Conservation Easements.

All properties proposed for inclusion in Conservation Easement are zoned A-80 and in Ontario County Agricultural District #1. Most adjacent Ontario County properties, except as noted, are also in OC Agricultural District #1.

Areas proposed for inclusion in Conservation Easement

- a) CE 1: 171 acres in 2 parcels on south side of Fox Road (purple outline on map) east of Sheldon Road

Soils include prime farmland including Ontario loam and Palmyra gravelly loam and some areas of 8 to 15 percent slope that are farmland of statewide important. Adjacent land use includes residential uses to the east and west along Fox Road, to the north across Fox road, and to the east. To the west and south are lands used for field crops and to the south is

- b) CE 2: 75 acre parcel on the north side of Allen Padgham Road west of CR 8

Soils include prime farmland Palmyra gravelly loam, Palmyra gravelly sandy loam, areas with 8 to 15 percent slope designated as farmland of state wide importance, some Carlisle muck, and some additional areas of not prime farmland.

There is adjacent residential development along the frontage of Farmington Road and Sheldon Road to the west not in OC Agricultural District #1. Land use to the south across Allen Padgham Road includes agricultural fields and a wetland and floodplain area associated with Trap Brook. There is a small area of wetland extending north from Allen Padgham Road on the inclusion parcel near the western property boundary. Residential properties along CR 8 to the east are in OC Agricultural District #1. Properties to the north in Wayne County appear wooded or in agricultural use in OnCor.

Motion to draft, circulate for review, and submit FPIG Letter of support for Sadler Farms. Motion made by Jacob Maslyn. Seconded by Fred Lightfoote. Approved.

2. Fresh Ayr Farm

Farm consists of 6 parcels east and west of CR 28 south of SR 96. Two properties with 174 acres are proposed for inclusion in conservation easement. All properties are zoned A-80 and in Ontario County Agricultural District #1. Soils are prime farmland Schoharie silty clay loam 0 to 3 and 3 to 8 percent slope. Adjacent land uses include residential and agricultural uses to the west and north along SR 96, and off CR 28 to the south. There is a golf course to the east.

Areas proposed for inclusion in Conservation Easement:

90 acres on east side of CR 28 with 15 acres frontage designated as future farmstead
84 acres on west of CR 28 with 14 acres including CR 28 frontage & 12 acres including SR 96 proposed for future development area

Discussion regarding grant requirement for designation of farmstead area if such does not exist on conservation easement property and encouragement to designate rural enterprise area for non-farm development such as home occupation that does not meet definition of farm. Discussion of Round 20 timeline. Expect funding announcement in May 2025, allocation of western NY designated regional funds within 2 week, and likely funding of additional projects from pooled funds not allocated by other regions.

Motion to draft, circulate for review, and submit FPIG application letter of support for Fresh Ayr Farm. Motion made by Fred Lightfoote. Seconded by Tucker Kautz. Approved.

3. Brocklebanks Farm/Bzdick-Kinsella property

Option to buy 272 acres south of Canandaigua-Farmington Townline Road and east of New Michigan Road they have leased and place in Conservation Easement. The property is zoned AR-2 Agricultural Rural Residential and in Ontario County Agricultural District #1. Most soils are prime farmland if drained Odessa silt loam and Odessa silty clay loam. Properties to the east and to the north of Canandaigua Farmington Town Line Road are developed with residential uses. The residentially developed subdivision to the east off Staplegate Drive is still in OC Agricultural District #1. To the south is farmland under conservation easement held by Finger Lakes Land Trust.

Motion to draft, circulate for review, and submit FPIG application letter of support for Brocklebanks Farm. Motion made by Fernando Soberon. Seconded by Fred Lightfoot. Elizabeth Newbold, as representative of FLLT, abstained from voting and left room for vote. Approved.

Excerpts from NYS AG & MKTS FPIG Guidance

The 2018 Guidance document: *Developing a Land Plan for an Agricultural Conservation Easement* provides the following information regarding the land plan and conservation easement:

- Provide opportunities for active, economically viable Farm Operations on protected farmland now and in the future.
- Establish adequate flexibility for farmers operating on protected farms to grow, adapt and change to new market conditions.
- Create opportunities for farmers to own protected farms with the ability to develop housing for farm families and farm labor, agricultural buildings and structures that support rural businesses compatible with agriculture.
- Reduce the likelihood of conflicts between farmers operating on protected farms and their non-farm neighbors.
- Facilitate the protection of natural resources in a manner compatible with commercial Farm Operations, consistent with the provisions of the Agricultural Districts Law and reasonably within the stewardship capacity of the conservation easement holder.

The guidance document also includes the following:

- “proposed [conservation easement] projects are not *unreasonably restrictive* of Farm Operations in contravention of the Agricultural Districts Law.
- Defined use areas include the Farm Area, Farmstead Area, and New/multiple Farmstead Area, and Resource Protection Areas.
- The model easement allows up to 5 percent of the Farm Area to be used for agricultural buildings and other impervious agricultural improvements without permission of the conservation easement holder. Permission is required for future development for agricultural purposes of an additional 5 percent of the Farm Area.

The full guidance document is available here:

<https://agriculture.ny.gov/land-and-water/farmland-protection-implementation-grants-program#:~:text=The%20Farmland%20Protection%20Implementation%20Grants,farmland%20protection%20plans%2C%20including%20those>

- b. FY 2026 Mini-grants solicitation materials distribution by March 27, 2025
 Circulate application, guidelines, flyer, and evaluation criteria updates with June 16, 2025 submission deadline . In the past, application materials have been distributed via CCE and SWCD newsletters, directly to other ag support orgs (OC Ag Society, Farm Bureau, etc.) to all school district superintendents, and to those individual school staff teaching about or with interest in agricultural education. At the request of a supervisor on the Board of Supervisors Planning and Environmental Quality Committee which approves mini grant contracts before they go the Board of Supervisors, this year the mini grant application materials will also go to all supervisors.

Discussion – Send directly to Supervisors, not as info item in Board packet.

Motion to authorize distribution of AEP implementation grant materials for FY 2026 funds. Applications due June 16, 2025.

- c. Draft Notice of Intent for solar project near northeast corner of New Michigan Road and CR 30 (Tax Parcel # 69.00-1-54.410)

Proposed property is in Padelford Greenway and near 1,300 acres of permanently preserved farmland and several other proposed solar projects that have been reviewed unfavorably by Town of Canandaigua Agriculture Advisory Committee. -Property is zoned AR-2 Agricultural Rural Residential -2. The . Canandaigua defines 4 tiers of solar energy systems. Tier 1 and Tier 2 systems, with a capacity of up to 1 MW AC used on-site and not more than 8 acres of facility area, are allowed by special use permit in the AR 2 district. Commercial and larger Tier 3 and 4 solar systems also require a special use permit and are only allowed in the I Industrial and CC Community Commercial zoning districts or as part of an Incentive Zoning proposal. The Town of Canandaigua has received a use variance application to consider the solar energy system as a public utility, which has different standards than other types of use variances.

Since AEB meeting, I received correspondence from NYS Ag & Markets Senior Environmental Analyst regarding their comments on the draft NOI and the AEB received e-mail comments from member Tom Harvey on the draft site plan.

AEB will have 30 days from when NYS Ag & Markets deems NOI complete to provide formal response letter.

- 5. Old business - none
- 6. Member reports and other business

Lisa Fitzgerald – Excited for warm weather.

Fernando Soberon – Glad for opportunity to serve. Has grazing contracts at 3 solar farms in West Bloomfield and had one contract canceled when project changed hands as it proceeded through approval/construction/operation phases. Grazing only viable within solar project fence. Typical contract requires commitment to keep grass less than 16". Has had some difficulty with operator improperly seeding for grazing. Use for grazing likely to require some weedwacking to control invasive species in initial years. Projects vary in size; in some cases can keep a flock rotating on a parcel for a full season and in other cases the animals need to be moved from site to site to avoid overgrazing.

T. Canandaigua solar law requires decommissioning plan with decommissioning bond though not explicit inflation escalator for bond.

Fred Lightfoote – Glad for opportunity to serve.

Drew Wickham – Nothing to report.

Jacob Maslyn – Scheduling spring field days. Emma Wilson and Amy Prya in 50 classrooms for Agriculture Literacy week. Working on OC Emergency Management Plan section re household and farm animals and other ag related preparation, response, and recovery planning. Plan to attend Ontario County Fair July 22-26, 2025 and NYS Fair August 20, September 1, 2025 Cornell AgriTech 2025-2030 Strategic Plan

<https://cornell.app.box.com/s/lbpqcd9d5srcd5fm9sgca032c0xpe0uh>

Elizabeth Newbold – Prepping applications for Farmland Protection Implementation Grant Round 20; expect announcement in May 2025.

Tom Harvey - If lease ends before decommissioning, responsibility would fall to landowner/farmer, not solar operator. County Planning working on County Emergency Management Plan and Continuity of Operations Plan. Two of 3 farm labor housing projects done; thirds to be complete by end of year. Working on RFP for Black Brook watershed modeling to assess how to reduce flooding of agricultural lands along Black Brook in Canandaigua, Farmington, and Manchester. OC Economic Development secured \$200,000 advanced grant funds in conjunction with vacant rental property program to allow timely reimbursement of owner expenditures on vacant rental unit rehabilitation.

Joann Rogers - Dairy margin cover now available; continuing with crop reporting; emergency commodity assistance for 2024 crops available even if didn't crop report. Subject to federal hiring freeze with current open positions; best to call and check on availability of staff before visiting.

Jared Martin – Nothing to report.

Tucker Kautz - Federal funds through inflation reduction act on hold. Planning for use of \$8-9 million for storage covers/methane flare and finalizing allocation of OC portion of eastern finger lakes grant funds for Ontario County. Submitted 11 water quality improvement grants. New employee Jeremy Paris, experienced tech.

Dennine Leeson – Court case February 2025 NYS model for assessing solar developments ruled unconstitutional due to systematic underassessment based on discounted cashflow which did not count state grants as income. Unsure whether NYS will develop new model or leave assessment to individual local assessors.

Tucker/Tom – Problems with NYS DEC implementation of new wetland regulations including long backlog of jurisdictional determinations and on-going potential overreach related to removing land from agricultural production as a result of requests for on-site riparian zone water quality practices.

7. Next meeting Tuesday August 12, 2025
8. Adjournment Motion made by Tom Harvey. Seconded by Fred Lightfoote. Approved.