

Agricultural District #5 & #6

Monroe County, New York
2025 Agricultural District Review



Prepared for:
The Monroe County Legislature

Prepared by:
The Monroe County Agricultural and Farmland Protection Board

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Monroe County Agricultural District #5 & #6

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1.0 INTRODUCTION

Article 25AA, “Agricultural Districts,” of the New York State Agriculture and Markets Law (AML) provides counties with the opportunity to create agricultural districts for the purpose of protecting and promoting the agriculture industry. Section 303-a(1) of the AML provides for a county legislature body to review an agricultural district 8 years after its creation, and recommend continuation, termination or modification of the district. Monroe County Agricultural Districts are reviewed on an eight-year basis to determine consistency with their intended purposes. The Monroe County Western Agricultural District Number 5 has an anniversary date of December 19th.

This report describes the Monroe County Western Agricultural District #5, located in the Towns of Chili, Clarkson, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden, and Wheatland. A list of parcels comprising the existing district is included as *Appendix A*. This report also contains an overview of the review process, a listing of proposed modifications to the Western Agricultural District, a discussion of the review factors that are required in Article 25AA for district reviews, and a recommendation to continue the District with modifications.

2.0 REVIEW PROCESS

The agricultural district review process is documented in Sections 303-a of Article 25AA. The process calls for the county agricultural and farmland protection board to prepare a report concerning various factors and make a recommendation to the county legislative body regarding the district. The review is a participatory process that also includes citizens within and adjacent to the district and encourages landowners to review and to provide direct input in the final makeup of the district. During the review process a landowner may request to add land to or remove land from a district. Adding land to and/or removing land from a district result in a modified district. Finally, input is also solicited from municipal officials, core farmers, and local agribusiness.

Agricultural and farmland protection boards are established pursuant to Section 302 of Article 25AA. A responsibility of the board is to ensure that agricultural interests are considered during the review process. The knowledge of this board on the review factors enables them to inform the county legislative body on the benefits and value associated with agriculture, both as a land use and as an integral part of the county’s economy.

The process for this renewal is as follows:

After receiving notification from the state that the review should be undertaken, the county legislative body publishes a legal notice announcing that the review is underway and that the municipalities in the district and the public have 30 days to submit requests for district modification to the county legislative body. The review considers the needs of the farmers in this area and the development goals and objectives of the municipalities within the agricultural district, and the County’s development goals and objectives for the area of the County in which the district is located.

At the end of the 30-day period, the requests received by the county legislative body are forwarded to the agricultural and farmland protection board for review. The Board uses these communications along with other pertinent information to develop a recommendation on the district. This recommendation is then forwarded to the county legislative body for action.

The county legislative body holds a public hearing at a location readily accessible to the district to present the recommendation and to obtain any final comments. If necessary, the legislative body revises the recommendation following the public hearing and typically acts to continue and/or modify the district. This recommendation is then forwarded to the New York State Department of Agriculture and Markets (NYSDAM) for district certification. The review process ends when the county receives a district certification notice from NYSDAM.

3.0 DISTRICT #5 - DISTRICT REVIEW

After receiving notification from NYSDAM that the review of the Western Agricultural District #5 should be undertaken, the Monroe County Legislature published a legal notice announcing that Monroe County's Western Agricultural District No. 5 is underway and that the municipalities in the Districts and landowners have 30 days to submit requests for District modification to the county legislative body (see affidavits of the 30-day review period and public hearing notices in *Appendix B*).

Staff from the Monroe County Agricultural and Farmland Protection Board (AFPB) gathered information about agriculture in the District per Section 303-a of Article 25AA of the NYS AML, discussed below. AFBP members considered the proposed District boundary modifications and the factors in Section 303-a that are required to be included in the review process and recommended modifying and continuing the Western District #5.

3.1 Proposed District Boundary Modifications

The proposed district boundary modifications are based on landowner requests to have parcels added to or removed from the District. A list of requests is included as Appendix C and proposed modifications are shown on the Map. Modifications to the Western Agricultural District are summarized in Table 1.

Requests to add land to the District total approximately 00 acres; proposals to remove land from the District total approximately 110 acres. The modifications would result in a net decrease of approximately 00 acres from the Western Agricultural District.

Inclusions

<u>Town</u>	<u>Acres</u>	
Parma	170.17	Three farm operations, vegetables, wheat, corn, animal, start-up
Greece	1.00	Support ground, parcel is homestead to farming operation.
Chili	62.53	Vegetables, corn, wheat, Christmas trees.
Clarkson	123.31	Three farm operations, vegetables, wheat, corn, animal, start-up
Sweden	88.71	One farm operation, landowner lease, hay, vegetables, tree fruits
Wheatland	91.25	One farm operation, landowner lease/startup, hay, animals
Total	536.97	

All 17 parcels (536.97 acres) are considered supportive of the intent of the District. Hence, the Monroe County Agricultural and Farmland Protection Board recommend the addition of these 17 parcels to the Western Agricultural District #5.

Exclusions

<u>Town</u>	<u>Acres</u>	
Gates	15.3	Existing farm operation, poultry, tree fruit

The Monroe County Agricultural and Farmland Protection Board does not recommend the removal of this parcel from the Western Agricultural District #5 since the landowner requested that this parcel stays in the agricultural district given that the land is predominantly viable in an agricultural use and is in Monroe County's public interest for supporting the local agricultural industry.

Upon the completion of the 2016 review of the Western Agricultural District, the physical area was calculated at 94,077 acres. Currently available data from Monroe County Real Property Service (January 2025) indicates there are 96,475 acres in the District. Approximately 537 acres were proposed to be added and none were recommended to be removed in 2025 as part of the annual addition and district review process described in Section 303-a and 303-b of Article 25AA. Therefore,

the size of the Western Agricultural District #5 under consideration for 2025 is 96,475 acres plus 537 acres in proposed modifications for a total of **97,012 acres**.

Table 1. Proposed Agricultural District #5 Modifications Summary

Town	Add		Remove	
	Parcels	Acres	Parcels	Acres
Chili	1	3.96		
Clarkson	6	123.31		
Greece	1	1.0		
Parma	3	170.17		
Sweden	2	88.71		
Wheatland	4	91.25		
Total to add or remove	17	537		
District acreage (January 2025)	96,475			
Net change (acres)	537			
2025 total (acres)	97,012			

3.2 Consideration of Review Factors

Section 303-a 2b of Article 25AA lists the factors that the AFPB are to consider in reviewing an agricultural district. The following text represents the results of the consideration of these factors as they relate to the review of the Western Agricultural District #5.

(1) The nature and status of farming and farm resources within the Western Agricultural District, including the total number of acres of land and the total number of acres of land in farm operations in the District

The crops that comprise the largest acreage in the district are corn, wheat, soybeans, dry beans, and hay. Tree fruits, cabbage, sweet corn, winter squash and peas are grown primarily as processing and fresh market vegetables comprise the second largest acreage of crops produced. Several dairy farms are in the district. Competitive pressures, retirement of operators, shortages of skilled labor and the costs of equipment associated with replacement and updating continue to influence farm management decisions and succession planning. Several large farm parcels have been solar generation. A current trend has been the proposal and establishment of small-farm operations with niches in animal, vegetable, and herb enterprises within the district.

Farm operations continue to be a significant land use within the district. Continued volatility of commodity prices and rising opportunity costs of a non-farm economy (solar) are presenting challenges and incentives to the district's farmers to convert their land into an alternative use. Since the last review, commodity prices continue to fluctuate but have remained relatively stable for planning purposes. Operating expenses have continued to increase, causing profit margins to be squeezed. Historically, capital replacement (facilities and equipment) tend to be tied to commodity prices. Large farm operations continue to borrow on their equity or sell assets (land) to generate cash flow for operating expenses and capital. Increasing equipment and other fixed costs continue

to encourage some farmers to spread fixed costs over a larger number of acres in order to achieve an economy of scale.

Discussions with farmers have indicated that given recent commodity prices both mid and large size farms are willing to make replacement and upgrade capital investments that will enable them to remain competitive in the local, national and international marketplace. Generally, commodity and vegetable prices continue to be competitive with the rising opportunity costs of a non-farm economy except for solar generation. New York State (Finger Lakes Regional Economic Development Council) policy continues to emphasize food and agriculture as a key economic growth pillar that resulted in more flexibility in zoning codes for agricultural use, additional marketing and funding opportunities for existing and beginning farmers, and visibility to locally based agriculture. All of these factors provide an impetus and incentive for landowners to consider lands in an agricultural use.

(2) The Extent to which the Western Agricultural District has achieved its original objectives.

The majority of the land in the district is farmed with a slight decline in total farm numbers. Many farm operators rent farmland and have stabilized or slightly reduced the amount of farmed acreage. As shown in Table 1, acreage in the district continues to expand; this is because most farm landowners perceive protection and privileges provided by the district. Both farmers and municipal officials indicate that the agricultural district has helped them manage and mitigate complaints concerning zoning, agricultural practices and land use issues given a venue for addressing concerns and complaints. The legal protections, review and planning processes, provided by the agricultural district law, have had a favorable impact on reducing complaints and incidents of conflicting land use.

Agricultural land continues to be subdivided and converted to non-farm uses especially solar in all towns. Nearly all development has been low-density residential development. Almost 50% of farmers rent acreage from aging landowners who are passively involved in production agriculture. These landowners indicate a desire to own farmland and are able to do so by receiving agricultural assessment values. Agricultural assessments significantly help mitigate severe economic pressure to convert agricultural land to non-farm uses.

(3) Extent to which Monroe County and local municipal comprehensive plans, policies and objectives are consistent with and support the Western Agricultural District.

Monroe County Agricultural and Farmland Protection Planning and Implementation Efforts

An update to the Agricultural and Farmland Protection Plan is underway and expected to be completed during 2025. The Monroe County Agricultural and Farmland Protection Plan includes an inventory, analysis and recommendations concerning the disposition of agricultural lands throughout the County as well as within all agricultural districts. Sweden has a right to farm law, while the towns of Hamlin, Chili, Wheatland, Parma, and Ogden have adopted farmland protection plans as part of their comprehensive plans. Overall, these town farmland protection plans are consistent with the County-wide plan. Upon participatory assistance from the County, every town except Gates has either updated or included language within their comprehensive plans to further protect and promote agriculture and implement conservation easements within their jurisdictions. The town of Parma has a permanent conservation easement for agricultural use within its jurisdiction.

Several training, awareness and economic development efforts include BOCES agricultural program at Springdale Farms, Monroe CCE regional team and local programming efforts, Monroe

Community College programs including Grow Monroe, and Agriculture and Food Studies Certificate, and Monroe County SWCD mapping, AEM, stormwater and pond management programs. Workshops on succession planning, farmland protection and zoning updates have been provided to municipalities, farmers, and landowners by multiple in county agencies including the Monroe County Department of Planning and Development. Generally, all municipalities have been involved in promoting agriculture through participation in farm markets, agricultural education, agricultural awareness, discussions with local farmers, and consultations with agricultural subject matter experts regarding interpretations and implementation of zoning and building codes.

Monroe County Comprehensive Plan

The conceptual plan for Monroe County's development pattern is contained in the Land Use Element of the adopted Monroe County Comprehensive Development Plan (1975). The Plan recommends that a limited portion of the district would be needed for urban development through the year 2000. The population increase projected for this area has yet to be realized, hence there should be ample land for development needs outside the district. Areas that have water, sewers, and a good transportation system should be targeted to receive the development that accompanies development expansion in this area. Areas that cannot readily support the various conditions required for development without significant outlays of public monies to provide improvements should be isolated from development and targeted for other non-intensive uses such as agriculture. The Western Agricultural District has had a positive influence on the County's comprehensive plan in that it reinforces the plan's land use recommendations for this portion of the County. An update to the County Comprehensive Plan is underway and expected to be completed in 2026.

Monroe County Capital Improvements in the Western Agricultural District

When public road, sewer, and water projects traverse farmland, the agricultural district regulations place limitations and conditions on these projects that help minimize their impact on the land. Thus, in this context and from an agricultural perspective, the Western Agricultural District has a positive influence on the capital improvement projects.

Monroe County Department of Environmental Services (MCDES)

Monroe County DES did a review of project activities in the Western Agricultural Districts #5 between 2016 and 2025 and the following projects were undertaken during that time:

- 30" Hilton-Brockport Interceptor – Town of Clarkson – 2018
- Coldwater Road Culvert Improvements – Town of Gates
- Cole Avenue and Long Pond Road Sewer Upgrade – Town of Gates
- Gates Planned Unit Development Project – Town of Gates (approved 2024)
- Gate Wood Heights- Phase 2, Section 4 – Town of Gates
- Emerald Point Sections 1, 2, 3 and 3A – Town of Gates
- Golden Oaks Subdivision, Sections 2 thru 5 – Town of Gates
- Parkview Place – Sect 2 and 3 – Town of Gates
- Villas at Coldwater – Sect. 2 through 5 – Town of Gates
- Greenwood Townhomes Section 1 and 2 – Town of Chili
- King Forest Section 6A & 6B – Town of Chili
- Parkview Place Section 1 – Town of Gates
- Rose Hill Estates Sections 1 thru 4 – Town of Chili
- Vista Villas Section 2 – Town of Chili (pending approval)
- Greenwood Park, Section 1 & 2 – Town of Chili
- Union Street Industrial Park Sewer Extension – Town of Chili

- Chili Center Redevelopment, Phase 1 – Town of Chili (pending approval)
- Carriage House Sect 3 – Town of Chili
- 1064 Scottsville Rd/Fastrac – Town of Chili
- Gilead Pond Sub/King Rd – Town of Chili
- Chili Community Center Redevelopment – Town of Chili
- American Packaging Sewer Extension 100 APC Drive (Beaver Road) – Town of Chili
- 90 Shepard Rd/Amazon – Town of Ogden
- West Whitter Patio Homes Section 2 & Section 3 – Town of Ogden

Capital Improvement Projects:

- Southwest Pump Station Improvements – Town of Chili – 2016
- Timpat Pump Station Improvements – Town of Gates – 2016 and 2017
- NWQ WWTP Aeration System Improvements – Town of Greece – 2020
- GCO Pump Station Improvements – Town of Chili – 2025
- NWQPWD - NWQ WRRF Electrical Improvements – Town of Greece -- 2025

Monroe County Department of Transportation (MCDOT)

Monroe County DOT did a review of project activities for roads, bridges and culverts that were constructed in the Western Agricultural District #5 between 2015 and 2025 and the following projects were undertaken during that time:

Year	Town	Location
2017	Wheatland	Bowerman Road Bridge, rehabilitation
2017	Ogden	Stony Point Road Culverts (2), rehabilitation
2018	Webster	Phillips Road (Schlegel to Lake Rd), improvements
2018	Parma	Burritt Road Culvert, rehabilitation
2018	Riga	Griffin Road Culvert, replacement
2019	Parma	Clarkson Parma Townline Road Bridge, rehabilitation
2020	Webster	Salt Road Bridge, reconstruction
2020	Scottsville	North Road (rte 386 to 383), rehabilitation
2025	Hamlin	Redman Rd Bridge, replacement
2025	Hamlin	North Hamlin Road Bridge, rehabilitation
2025	Riga	Attridge Road Culvert, replacement

In addition, the following projects are currently planned within the Western District as per the proposed 2026 -2031 Monroe County Capital Improvement Program:

Year	Town	Location
2026	Hamlin	Walker Road Bridge, replacement
2026	Parma	Peck Road Culvert, replacement
2026	Hamlin	Jacobs Road Bridge, replacement
2026	Hamlin	Moscow Road Bridge, replacement

Monroe County Water Authority (MCWA)

The Monroe County Water Authority did a review of newly installed water main facilities located partially or wholly in the Western Agricultural District #5. The MCWA does not extend water mains for new customers -- the installation of new facilities is the responsibility of the municipalities. The MCWA reviewed and approved the following projects and took them into the water system once completed:

- Water Districts, where the Town in consultation with their engineer create a water district to bring a water main to existing properties and residences:

Year	Municipality	Street
2018	Parma	Clarkson Parma TL Rd
2020	Chili	Chili Ave
2020	Hamlin	Redman Rd
2020	Hamlin	Roosevelt Hwy
2020	Wheatland	George St
2020	Wheatland	Main St
2020	Wheatland	State St
2020	Riga	Buffalo Rd
2021	Sweden	Lake Rd S
2021	Sweden	Country View Ter
2022	Sweden	N Lake Rd
2022	Sweden	Beadle Rd
2022	Sweden	LaDue Rd
2023	Chili	Golden Rd

- Developer Main Extensions, where the water main is installed by a developer or property owner to serve a property that was not previously supplied with water:

Year	Town	Street
2015	Chili	Lucia Cir
2015	Clarkson	Stag Creek Trl, West Ave, Amenity Dr
2015	Gates	Frank Di Mino Way
		Arboreta Ave; Bramantle Ter; Colonnade Ter, River Oak Dr; Hillbridge
2015	Greece	Dr, Wood Musket Trl, Kittling Ridge Ln
2015	Hamlin	Country Creek Ln
2016	Clarkson	Brook Meadow Trl, Linas Way, Calebs Trl
2016	Gates	Marway Cir
2016	Ogden	Fern Way, Manitou Rd
2016	Spencerport	Canal Rd
2017	Chili	Allandale Dr, Scottsville Rd, Carriage House Ln
2017	Gates	Foxwood Trl
2017	Greece	Clara Rose Ct
2017	Hamlin	Beehler Ln, Rath Ln
2017	Ogden	Green Spring Ln
2018	Chili	Beaver Rd
2018	Gates	Golden Oaks Way, Lyell Ave
2018	Greece	Guinevere Dr, English Meadow Dr
2018	Ogden	Kingsford Ln, Hunters Crossing Trl, Land Re Way
2018	Parma	Forest Ridge Trl, White Face Cir; Blue Mountain Dr, Country Village Ln
2018	Riga	Buffalo Rd
2019	Chili	Spring Flower Dr, Brook Rd
2019	Gates	Cedar Cove Trl
2019	Greece	Forest Glen Dr
2019	Ogden	Stamber Dr, Willow Wind Trl
2019	Parma	Fallwood Ter
2019	Sweden	Ledgestone Pass
2020	Chili	Mulcahy Blvd; Etherington Cres
2020	Greece	Latta Rd, Catania Ct, Willnick Cir, Avery Park Ln
2021	Chili	Christopher Way, Christina Dr
2021	Churchville	Spotts Cir

2021	Gates	Les Harrison Dr W, Timber Creek Trl
2021	Greece	Murano Trl; Bellasera Trl, Greymere Rd, Lilian Ln, Falkirk Pl
2021	Ogden	St Lucie Dr, Spring Water Ln
2021	Parma	Sand Dunes Trl
2021	Spencerport	S Union St
2022	Chili	Gage Gardens, Flinton Run, Trade Crt. Names Rd. Chili Ave
2022	Greece	Vanderbilt Ln; Valachi Dr; Drumcliff Way; Whistlers Cove Ln, Ridge Rd W, Manitou Beach Rd, Black Bear Run
2022	Ogden	John Maries Way, Julia Rose Dr
2022	Parma	Giovanni Ln, Future Road; Brianna Ln; Carmelas Way; Manitou
2022	Wheatland	River Rd
2023	Chili	Union Square Blvd, International Blvd
2023	Clarkson	Edmunds Rd
2023	Gates	Brooks Ave, Beahan Rd
2023	Greece	Dirienzo Dr, Fairbourne Pk, Rodeo Dr
2023	Ogden	Emma Grace Ln, Emerald Landing Dr, Cobalt Dr
2023	Sweden	4th Section Rd, Wood Trace, Etna Trl
2024	Chili	McFarren Ter, Clattenburg Ct, Union St
2024	Gates	Mile Crossing Blvd Everclay Dr, Rumford Rd, Ella Ave; Jade Creek Dr, Mt Cassino Dr,
2024	Greece	Lantana Ln
2024	Ogden	Maries Way, Luna Ln

Currently, there are no new construction projects proposed to be under taken by the MCWA within the Western Agricultural District.

Municipal Comprehensive Plans

Agriculture is a recommended land use and the intent of the district is both complimentary and consistent in the municipal comprehensive plans of all towns. The district renewal process provides citizens, the agriculture community and local officials the opportunity to discuss and strengthen the impact that the district offers to each municipality. Agricultural district regulations require municipal planning to be reviewed and consistent with the intent of the agricultural districts program. The villages of Brockport, Churchville, Hilton, Scottsville, and Spencerport were not extensively reviewed in this report as villages do not contain significant agricultural land use. However, villages have been a strong advocate and very supportive of local agricultural use especially during site plan review, establishment of farmers markets, and promoting agricultural awareness.

The comprehensive plans for the Towns of, Chili, Greece, Gates, Wheatland, Parma, Hamlin, Clarkson, Ogden, Riga and Sweden have been periodically reviewed regarding their consistency with the purpose and intent of the district and recognize agriculture as a land use. All but the Town of Gates has large tracts of land devoted to cropland.

Generally, all municipalities;

1. Encourage the renewal of agricultural districts and support provisions of the Agricultural District Law.
2. Discourage the placement of public sanitary sewers and other utilities and services that would encourage growth in those areas of the towns designated as agriculture on land use plans.
3. Limit residential development proposed for agricultural areas to low density, single family units and located so as to minimize potential loss of agricultural soils or the disruption of agricultural operations.

4. Encourage development in rural and agricultural areas to occur on lands either unsuitable for farming or on lands where conflicts would be minimal.
5. Prevent enactment of nuisance laws that would interfere with normal agricultural activities.
6. Encourage citizen understanding of the economics of agricultural production and land use.

All but one town supervisor indicates an understanding of agriculture and the impact of commodity prices, increasing equipment costs, shortages of labor and increasing land costs due to urban encroachment continue to entice farmers to sell land for non-agricultural uses. All town officials appear to advocate landowner participation in the agricultural district program and indicate that the continued implementation of the previously mentioned policies will enable a slowdown of the rate and level of land being converted to non-agricultural uses and further the objectives of comprehensive plans.

Several comprehensive plans continue to encourage innovative planning techniques to preserve farmland. Riga, Wheatland, Chili, Ogden, Parma, and Sweden favor the use of conservation easements and to develop a purchase of development rights program.

Over time, all comprehensive plans have been reviewed regarding their consistency with the purpose and intent of the District. All plans except Gates and Greece recommend that the vast majority of land included in the District as well as the proposed additions, remain rural with agriculture and low density residential as the preferred land uses and contain policies designed to retain and support agriculture as the principal land use in the District.

The Towns of Hamlin, Chili, Ogden, Parma and Wheatland have farmland protection plans as part of their Comprehensive Plans. These farmland protection plans recognize the importance of and seek to preserve and promote agriculture as a use and provide reference information and serve as a guide to local actions that can be taken to support agriculture and retain farmland. The plan is intended to be used as a guide by the Town Planning Board and Zoning Board of Appeals in the review of development proposals that may affect farmland and conservation of land resources in the Town, and by the Town Board as a guide to financial and regulatory actions.

Although several town comprehensive plans recommend the continuation of farming and maintenance of the rural character throughout the vast majority of the District located in a town, these plans also take into account the possibility of development within the District and suggest that if it were to occur, that it would be a business/industrial mix.

The Western Agricultural District has had a positive and mitigating influence on municipal and county comprehensive plans, regulations, ordinances and laws as they relate to land use recommendations and implementation of municipal policy.

When public road, sewer, and water projects traverse farmland, the District's regulations encourage oversight and tend to place limitations and conditions on these projects that help mitigate adverse impacts on affected agricultural lands. Thus, in this context and from an agricultural perspective, the District has had a significant and positive influence on capital improvement projects.

Although public water projects continue in the District, historically, the presence of public water has not had a significant impetus of development in the County and this District. However, sanitary sewer is much more likely to attract and influence the nature of development, especially if the sewer line is a gravity line versus a force main line. Thus, the expansion and nature of sewer lines within the Town of Chili is likely to have an adverse impact on nearby farmlands. However, nearby farms may be able to capture the potential demand for locally grown agricultural products associated with these developed uses.

The presence of the District and active farm operations has resulted in agriculture being a recommended land use in municipal comprehensive plans and in this context the District has also had a positive influence. Although agricultural district regulations call for municipal planning to be consistent with the intent of the agricultural districts program, at times, municipalities plan and zone land for nonagricultural uses in districts.

Impacts of Nonagricultural Development on District

In all towns, the prevailing non-farm development pattern in the District appears to be mostly single family homes along road frontage. This pattern is associated with an increased likelihood of nonfarm neighbor complaints about farming practices. As noted previously, most complaints have been resolved based on mediation and reference to agricultural districts law and opinions. Municipalities require a disclosure notice which helps to provide early notification to nonfarm neighbors that they are likely to experience effects from farming operations, thereby, helping to minimize complaints.

Several large tracts of farmland within several municipalities are for sale at the time of this report with intentions for development.

The Towns of Wheatland and Hamlin anticipate additional single-family residents, however, the rate and level of development has been well below that of adjacent towns and counties. The Town of Wheatland is exploring extending sewer lines from the Village of Scottsville sanitary system. Scottsville has merged its wastewater treatment facility with Monroe County Department of Environmental Services.

(4) Degree of coordination between local laws, ordinances, rules and regulations that apply to farm operations in Western Agricultural District and their influence on farming.

All towns have laws and policies regarding agriculture within their municipalities. The Towns of Ogden, Parma and Sweden have a right-to-farm ordinance. Most zoning codes (mostly residential zoning), do not prohibit agriculture. However, an intensive conflict has arisen regarding a Town of Gates farm operation which has been interpreted as in conflict with local zoning and/or ordinances.

Although farmland protection planning often recommends the creation of agricultural zoning for agricultural areas to encourage farming, only Parma and Chili, have attempted to adopt a comprehensive agricultural zoning code. Historically, farmers, large lot landowners and public and appointed officials generally do not support the creation of a comprehensive agricultural zoning code within respective municipalities. Municipalities promote the use of the Agriculture Data Statement (ADS) to assess and communicate the impacts of potential non-farm development proposed on land that is part of an active farm in the district or is proposed for land which is within 500 feet of an active farm in the district.

Potential conflicts with municipal codes include: minimum lot size, limitations on the sale of farm products, limitations on noise and types of agricultural activities. Following is a closer examination of several municipalities with the District.

Evaluation of Land Use Regulations

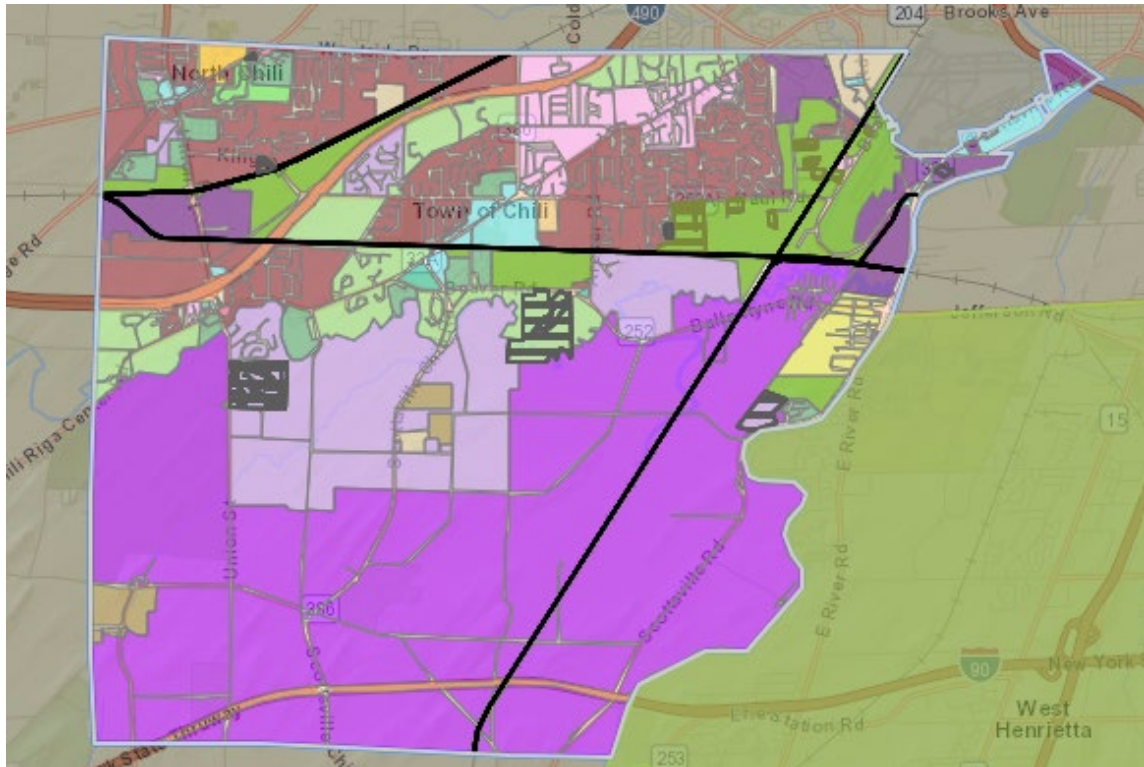
Town of Chili

The Town of Chili zoning regulations are codified as [Chapter 500](#) of the Town Code.

Most of the farmland in Chili is within the AC Agricultural Conservation zoning district (dark purple in the map below). Some farms and land in NYS-certified Agricultural Districts are in the R-1-15 Residential Single Family zoning district (dark green) and the PRD Planned Residential district (light purple.)

The Zoning Map is reproduced below from a screen shot of the Town's [interactive zoning map](#).

Town of Chili Zoning Map



1. Do local land use regulations unreasonably restrict standard farm practices?

a) The definition of farming should be broad enough to include all types of farming.

The Town's zoning regulations define agriculture and related uses as follows:

- **AGRIBUSINESS** - Agriculture or farming engaged in as a large-scale business operation including the production, processing, and/or distribution of agricultural products.
- **AGRICULTURAL BARN** - A farm building used solely and directly for the storage of agricultural materials or products or equipment or other agricultural purposes.
- **AGRICULTURE or FARMING** - The use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities, and provided further that the above uses shall not include the operation of a feed lot or other commercial feeding of animals or the manufacturing or processing of agricultural products as a principal use

b) Agriculture should be permitted "as of right" in all areas of the Town where it occurs.

In the AC Agricultural Conservation District, the list of permitted uses includes:

- Agriculture and farm operations as first defined within Article 25-AA of the New York State Agriculture and Markets Law.
- Commercial greenhouses (that occupy not more than 30% of an actively farmed parcel of land), nurseries, forest and wildlife preserves, (on land not being used as a part of any established agricultural operation).
- Farm labor housing. Detached, single-family dwelling units, as regulated by the New York State Uniform Code, the New York State Office of Housing and Urban Development and the Monroe County Department of Health, may be permitted on the same lot/parcel where other farm structures are located, provided such unit/ are occupied by a farm labor employee and their immediate family. A detailed site plan is not required for the first farm labor employee dwelling unit to be erected on a lot/parcel of land that is related to an established farming operation. However, a detailed site plan is required to be approved by the Planning Board for a second or more farm labor employee dwelling unit(s) to be erected on land that is part of an established farming operation. Such dwelling unit(s) shall be sited in such a manner as to cause the least disruption to established agricultural operations occurring on the farm lot/parcel. Each such type of dwelling unit shall have a minimum of 850 square feet of habitable floor area. Each such dwelling unit shall be an independent living unit having separate eating, living, laundry and bathroom facilities. At least one of the farm labor housing tenants must be legally employed by the farm operator and their primary place of employment shall be the farm on which the farm labor dwelling unit either is located, or adjacent land owned by the farm labor housing tenant's employer.

Permitted accessory uses include, "On an agricultural related lot/parcel within the AC District, those customary accessory uses to the established agricultural/farm operation are allowed."

c) Zoning requirements for specific agricultural practices should be based on public health and safety.

In the RA Agricultural Conservation District, the minimum lot area for a farm is 10 acres, with the following exception: "Land under 10 acres that will qualify as land used in agricultural production, provided an annual gross sales or \$50,000 or more of agricultural products [§ 304(4) Agriculture and Markets Law]. Minimum acreage for an equine operation shall be seven acres."

In the RA district, "Any building housing livestock or any noxious commodity shall not be located closer than 100 feet to any lot line, except when abutting another use district. In such instances, the minimum distance shall be 200 feet."

Based on guidance prepared by NYS DAM, setbacks from lot lines may be unreasonable as applied to farm operations in certified Agricultural Districts Law. Reasonable setbacks related to health or safety would specify distance from a waterbody or drinking water source. As applied to certain farm operations, the required setbacks from lot lines may be found to be unreasonable by NYS DAM.

d) A special use permit should not be required for agricultural uses or farm practices.

In the AC Agricultural Conservation District, a special permit is required for, “Confined or concentrated animal feeding operation (CAFO) as may be further regulated by the New York State Department of Environmental Conservation and or New York State Agriculture and Markets.”

***Recommendations:** Consider eliminating the requirement for a special permit for CAFOs and allow them with the requirement that they comply with all applicable NYS DEC regulations.*

- e) **Site plan review requirements should be limited to those that protect public health and safety.**

Agricultural uses do not require site plan review.

2. Do land use regulations accommodate agriculture-related business on farms?

As the Town’s definition for “farm operation” references the definition in NYS Agricultural Districts Law, it includes on-farm retail, packing, packaging and agritourism operations which would be considered “practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise.”

3. Do land use regulations accommodate non-agricultural secondary business on farms?

Business uses that are not directly related to the agricultural operation must be located in a Business or Industrial zoning district.

4. Do land use regulations include considerations of agricultural impacts as part of development review?

The Town’s criteria for reviewing special use permits and site plan review do not include provisions to consider potential impacts on adjoining or nearby agricultural operations.

***Recommendation:** Incorporate provisions into site plan review and special permit criteria that require applications to delineate farm access roads, drainage infrastructure, and other agricultural resources within and adjoining the proposed development.*

5. How well do land use regulations direct development away from high quality farmland?

Land use regulations allow residential development in the same zones as those that permit agriculture and do not limit development in areas with high quality farmland.

The Town’s Incentive Zoning provisions allow for increased residential density and other incentives in exchange for certain amenities, including, “Preservation, to the greatest extent possible, of prime and/or unique classified agricultural soils for farm operations.

6. Do subdivision regulations include provisions to minimize impacts on farm operations?

Subdivision regulations are not codified with the Town Code and were not reviewed.

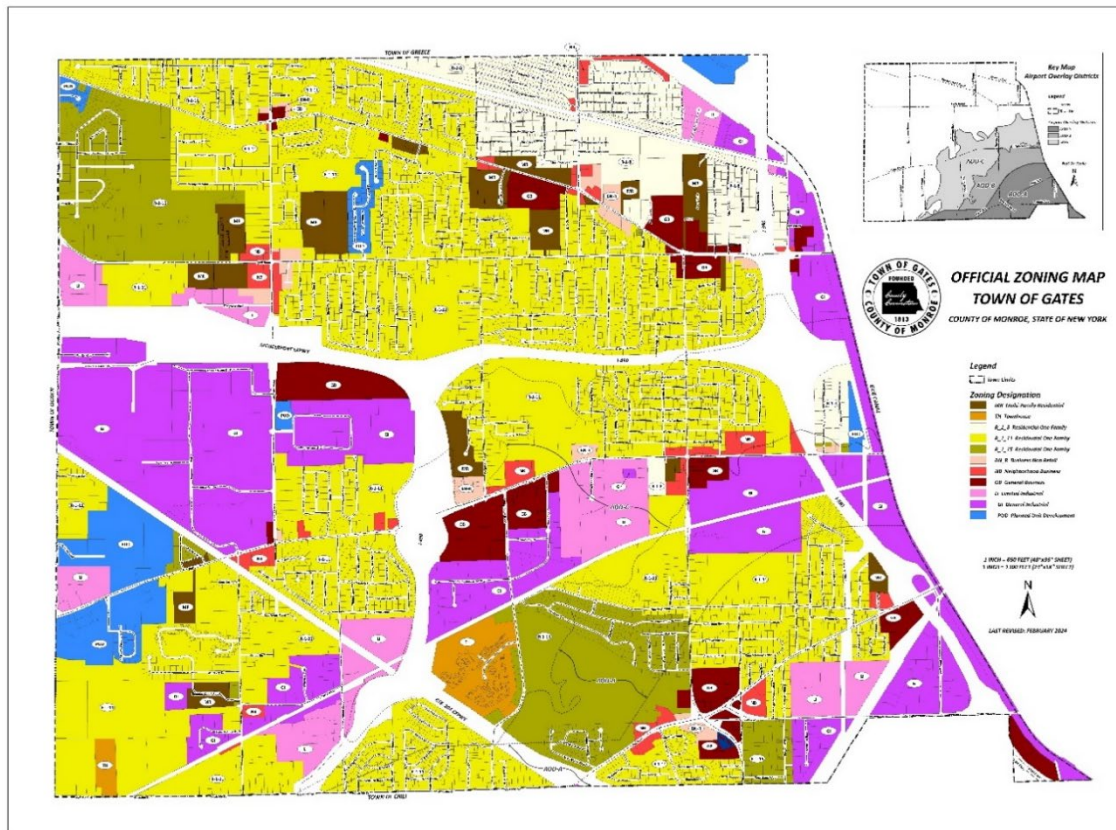
Town of Gates

The Town of Gates zoning regulations are codified as Chapter 190 of the Town Code. Agricultural parcels and lands within NYS-certified Agricultural Districts in the Town are located in the R-1-11 zoning district (nursery on Buffalo Road) and R-1-15 zoning district (15-acre parcel on Lyell Road).

Farmland may be within the Floodplain Overlay district. The Zones below apply to agricultural lands within the Town of Gates:

Zoning District	Label
Floodway District	FW
Floodplain Overlay District	FPO
Single-Family Residence District	R-1

Town of Gates Zoning Map



1. Do local land use regulations unreasonably restrict standard farm practices?

a) The definition of farming should be broad enough to include all types of farming.

The Town's Code defines "agriculture or farming" as follows:

- **AGRICULTURE OR FARMING** - The use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities, and provided further that the above uses shall not include the operation of a feed lot or other commercial feeding of animals or the manufacturing or processing of agricultural products as a principal use.

This definition is broad and encompasses the various processes and procedures that constitute normal farm practices. It also includes accessory uses related to agriculture and farming.

b) Agriculture should be a permitted use in all areas of the Town where it occurs.

Agriculture is permitted in different intensities depending on the zone.

Permitted uses in the R-1 Residence Districts include “farming, excluding animal husbandry and breeding and the storage of manure”. The exclusion of animal husbandry may be unreasonable as applied to farm operations within a NYS-certified Agricultural District. The Floodway Overlay District applies to lands along Little Black Creek. Development within the Floodway District Zone requires site plan approval and review by the United States Army Corps of Engineers or Town Engineer. Although these areas do not appear to include any agricultural uses, the list of permitted uses in the Floodway Overlay District include the following agricultural uses:

- General farming, including but not limited to the growing and raising of trees, shrubs, vines, berries, vegetables, nursery stock, hay, grains and similar food and fiber crops, pasturing and grazing;
- Animal husbandry, including the breeding and raising of cattle, sheep, horses, goats, pigs and rabbits; and
- Temporary and/or seasonal stands for the sale of agricultural products grown, raised or produced on the premises.

c) Zoning requirements for agricultural uses should be based on public health and safety.

While the Town’s prohibition of animal husbandry and breeding, and manure storage, in the R-1 Residence Districts may be intended to minimize odor and noise concerns for nearby properties, it may be unreasonable as applied to a farm operation within a NYS-certified Agricultural District that is using standard farming practices. Reasonable design standards would be appropriate to separate animal housing and manure storage from streams and public water supplies.

***Recommendation:** No changes are recommended to zoning regulations. However, the Town should limit enforcement where the regulations would unreasonably restrict a farm operation within a NYS-certified Agricultural District.*

2. Do land use regulations accommodate agriculture-related and other business on farms?

In the R-1 Residence Districts, uses allowed with a Conditional Use Permit from the Town Board include, “Sale of agricultural products, limited to those products grown on the site in question and only during the harvesting season.” As applied to a farm operation within a NYS-certified Agricultural District, requiring a Conditional Use Permit may be unreasonably burdensome.

3. Do site plan review criteria and subdivision regulations require considerations of potential impacts to adjoining or nearby farmland as part of development review?

The Site Plan Review requirements in the Town Code do not require applicants to identify or note agricultural uses/operations on or adjoining lands subject to an application. As the Town of Gates is nearly completely built-out and little farmland remains, subdivision of farmland is not a significant issue.

***Recommendation:** Add provisions to require consideration of potential agricultural impacts during the review of proposed site plans and special use permits.*

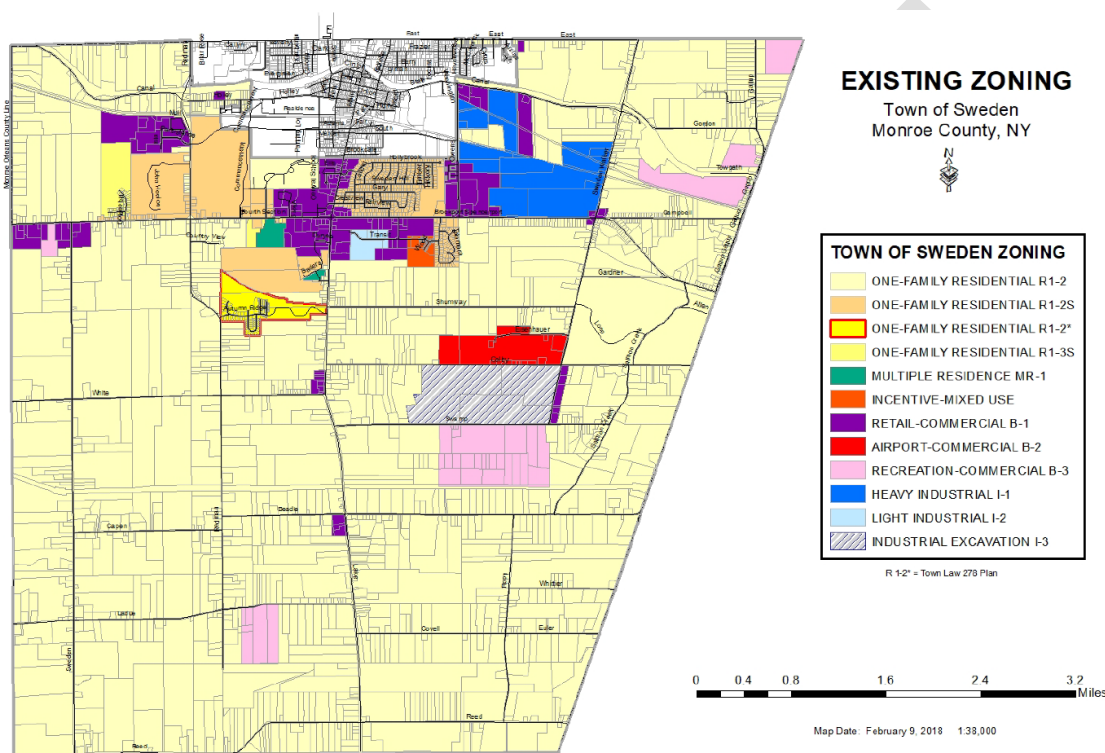
4. How well do land use regulations direct development away from high quality farmland?

Zoning Districts that permit agriculture and farming also permit single-family dwellings as-of-right and other uses through a conditional use permit.

Town of Sweden

The Town of Sweden zoning regulations are codified as [Chapter 175](#) of the Town Code. Virtually all of the farmland in Sweden is within the R1-2 One-Family Residential zoning district. The Zoning Map is reproduced below.

Town of Sweden Zoning Map



1. Do local land use regulations unreasonably restrict standard farm practices?

a) The definition of farming should be broad enough to include all types of farming.

The Town's zoning regulations define agriculture and related uses as follows:

- **FARM.** Any parcel of land containing at least 10 acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits, and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.
- **ROADSIDE STAND.** The offering of agricultural products raised only on the premises from which they are sold.

b) Agriculture should be permitted in all areas of the Town where it occurs.

In the R1-2 One-Family Residential District, as well as in the R1-2S and R1-3S districts, the list of permitted uses includes:

Customary agricultural operations; provided, however, that no storage of manure or odor- or dust-producing substance, nor barns used for housing any animals other than traditional domesticated pets, shall be permitted within 100 feet of any property line.

The term “customary agricultural operations” is not defined in the zoning regulations. The term “farm” is defined, but this term is not used in the list of permitted uses.

Recommendation: *Expand the definition of “farm” to include all types of farming. Use the term “farm” in the list of permitted uses. Incorporate appropriate setbacks and other limitations but state that they would not apply to farm operations within certified Agricultural Districts that are eligible for protections under NYS Agricultural Districts Law.*

c) Zoning requirements for specific agricultural practices should be based on public health and safety.

Zoning regulations that apply to the RR and R zoning districts require setbacks of 100 feet from lot lines for animal housing and manure storage. Based on guidance prepared by NYS DAM, setbacks from lot lines may be unreasonable as applied to farm operations in certified Agricultural Districts Law. Reasonable setbacks related to health or safety would specify distance from a waterbody or drinking water source.

“Agricultural pursuits within an established state agricultural district” are exempt from lighting requirements. (§175-29.E.(5))

d) A special use permit should not be required for agricultural uses or farm practices.

Agricultural uses do not require special use permits.

e) Site plan review requirements should be limited to those that protect public health and safety.

The Town’s zoning regulations grant the Planning Board authority to review and approve site development plans for all uses that require a building permit except for single-family detached dwelling units. Farm buildings do not require a certificate of occupancy. (§175-13.) but do require a building permit from the Town. (§175-25.D(4).)

2. Do land use regulations accommodate agriculture-related business on farms?

The Town’s definition for “farm” does not clearly include agriculture-related businesses on farms, such as retail sales, processing, packing, packaging, or agritourism activities.

The Town regulates signage relating to sale of agricultural products in §175-30.C.(17):

Signs advertising the name, location and type of agricultural products sold shall be allowed to be placed off site pursuant to each of the following:

- (a) Products sold shall be grown on a farm located at the location of the sale.
- (b) Products shall be directly linked to the product grown.
- (c) Signs shall be placed no longer than the season pertaining to such product.
- (d) Signs shall be limited to six square feet

3. Do land use regulations accommodate non-agricultural secondary business on farms?

Business uses that are not directly related to the agricultural operation must be located in a Business or Industrial zoning district.

4. Do site plan review criteria and subdivision regulations require considerations of potential impacts to adjoining or nearby farmland as part of development review?

The Town’s criteria for reviewing special use permits and site plan review notes that the Planning Board shall comply with requirements for agricultural data statements where applicable.

Subdivision regulations are not codified with the Town Code and were not reviewed.

Recommendation: Incorporate provisions into site plan review and special permit criteria that require applications to delineate farm access roads, drainage infrastructure, and other agricultural resources within and adjoining the proposed development.

5. How well do land use regulations direct development away from high quality farmland?

Land use regulations allow residential development in the same zones as those that permit agriculture and do not limit development in areas with high quality farmland.

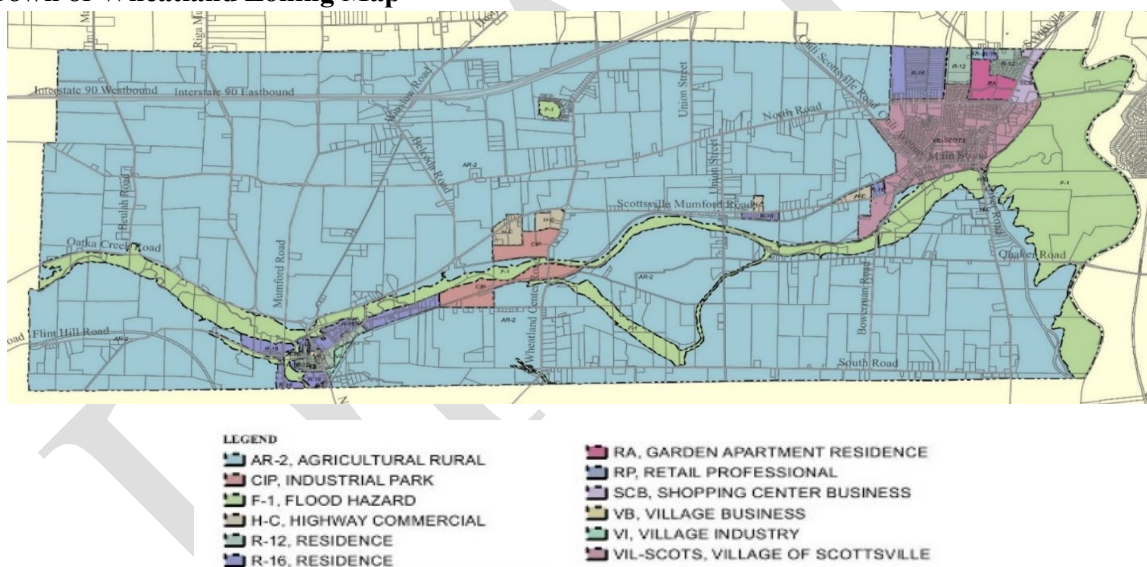
The Town's Incentive Zoning provisions allow for increased residential density and other incentives in exchange for certain amenities, including conservation of agricultural lands.

Town of Wheatland

The Town of Wheatland's zoning regulations are codified as Chapter 130 of the Town Code. The majority of the Town is zoned Agricultural Rural. Agricultural lands in the Town of Wheatland are mostly within the AR-2 Agricultural Rural, the F-1 Flood Hazard zoning districts. Portions of farm parcels are within other residential, business or industrial zoning districts.

As per the Town's Code, the purpose of this zone is to balance fostering normal agricultural operations with low-density residential uses.

Town of Wheatland Zoning Map



1. Do local land use regulations unreasonably restrict standard farm practices?

a) Agriculture should be a permitted use in all areas of the Town where it occurs.

Agriculture and animal husbandry are listed as permitted uses in the Flood Hazard and AR-2 Agricultural Rural Zones. Additionally, §130-13 states that, "Agriculture may be initiate, continued and/or expanded on land in a state-certified agricultural district regardless of what zoning district the land has been placed in by the Town of Wheatland.

It should be noted that §130-10 contains a footnote referring to §130-12A that appears to prohibit agriculture uses in undersized lots in the AR-2 district. This instance is the sole reference to §130-12A in the Town Code and related provisions/details appear to be absent.

b) The definition of farming should be broad enough to include all types of farming

The Town Code defines the following agriculture and agriculture-related terms:

- AGRICULTURE - Agricultural practices cover a large variety of activities: field crops, fruits, vegetable, horticultural specialties, livestock, agricultural products, Christmas trees and forest products. Land used in agricultural production means not less than 10 acres of land used in a single operation in the preceding two years for the production for sale of a product.
- ANIMAL HUSBANDRY - The raising or keeping of one or more cows, cattle, horses, mules, hogs, sheep, goats, donkeys, oxen, or other similar animals, or the raising or keeping of more than four animals or combination of; ducks, chickens, rabbits, geese, quail, chinchillas, mink, or any similar small animals, excluding dogs and cats and household animals. Such uses include the pasturing, feeding, and sheltering of such animals.
- ANIMAL HUSBANDRY, COMMERCIAL - Animal husbandry, as defined herein, on a farm and incidental to a farm use or as a stand-alone commercial enterprise located within a state-certified Agriculture District.
- ANIMAL HUSBANDRY, PRIVATE - Animal husbandry, as defined herein, for personal use of the property owner, not for any commercial enterprise, and as an accessory to the principal use.

The definition of “Agriculture” encompasses the range of typical farm practices. The statement defining “land used in agricultural production” is not clear but appears to define agriculture as excluding parcels smaller than 10 acres. but do explicitly mention farm market stands or roadside stands.

Regulations for Accessory buildings and uses (§130-23) regulate “all forms of animal husbandry except the keeping of animals as household pets:”

- (a) All shelters provided for livestock, fowl or furbearing animals shall be at least 100 feet from any property line, except that an existing shelter may remain and be added to, provided that the addition shall not encroach on a required yard.
- (b) The disposal of animal wastes shall be provided for in such a manner as to prevent any nuisance or sanitary problems

Town Code Chapter 43, Article II, Regulation and Control of Animals, requires setbacks of 100 feet from any property line for “shelters provided for livestock, fowl or furbearing animals.” §43-23 requires setbacks of 50 feet for the same shelters.

Recommendations:

- *Modify definition of “Agriculture” to exclude statement about 10 acres.*
- *Revise §43-22 to remove the second sentence: “All shelters provided for livestock, fowl or furbearing animals shall be at least 100 feet from any property line, on an appropriately sized lot, except that an existing shelter may remain and be added to, provided that the addition shall not encroach on a required yard” as this statement is inconsistent with the provisions in §43-23.*

- c) **Zoning requirements for agricultural uses should be based on public health and safety**
§43-23 of the Town Code also requires setback of 100 feet from an manure storage or livestock shelter from any private well and requires that animal waste shall be disposed to prevent any nuisance or sanitary problems. These provisions are reasonable as they help protect public health.

- d) **A special use permit should not be required for agricultural uses or farm practices.**

The Table of Use Regulations lists “Greenhouse, plant nursery” as a use allowed with a special exception permit in the F-1 and AR-2 zoning districts. The requirement for a special use permit may be unreasonably burdensome if applied to a farm operation within an Agricultural District that qualifies for protection under NYS Agricultural District Law.

e) Site plan review criteria for agricultural facilities should be limited to those that protect public health and safety.

Except for greenhouses and plant nurseries, which require site plan review and a special use permit, site plan review does not appear to apply to agricultural uses.

2. Do land use regulations accommodate agriculture-related business on farms?

The Town’s zoning regulations define “Accessory Use, Building or Structure” as “A subordinate use, building or structure customarily incidental to and located on the same lot occupied by the main use, building or structure.” It may be subject to interpretation by the Town’s zoning officer what types of agriculture-related businesses are considered “accessory” to a farm parcel.

“Major home occupations” require a Special Exception approval. It should be noted that the definition for “Home occupation” explicitly refers to “nonagricultural businesses”.

3. Do land use regulations accommodate non-agricultural secondary business on farms?

Secondary businesses may be allowed as a home occupation.

4. Do site plan review criteria and subdivision regulations require considerations of potential impacts to adjoining or nearby farmland as part of development review?

Criteria for site plan or special exception approval do not include review of potential impacts to agricultural lands and operations.

Farm operations are not explicitly mentioned in the subdivision regulations.

Recommendation: Add provisions to require consideration of potential agricultural impacts during the review of proposed site plans, special use permits and subdivisions.

(5) Recommendations to Continue, Terminate or Modify District #5

Based on the viability of agriculture as both an industry and land use within the proposed district and the continued development pressure, it remains prudent to promote an economic climate that minimizes and mitigates land speculation and accounts for any adverse impact of development. Therefore, the AFPB strongly recommends the renewal and modification of the Western Agricultural District #5.

The Western District #5 continues to provide benefits to member farmers and agricultural landowners that wish to keep their land in farming. This fact is evidenced by continued landowners requesting acreage to be added to the district. Thus, in order to preserve and support the continuation of agriculture in the western portion of the county, the Monroe County Agricultural and Farmland Protection Board recommend the renewal and modification of the Western Agricultural District #5.

The AFPB also recommends the consolidation of the Eastern District #6 into the Western District #5, to be known as Monroe County Agricultural District #5. Doing so will increase the efficiency of the 8-year review process for County Staff, Land Owners, and the Towns and Villages of Monroe County while also reducing the confusion that occurs from multiple district reviews within Monroe County.

4.0 DISTRICT #6 - DISTRICT REVIEW

After receiving notification from NYS DAM that the review of the Eastern Agricultural District #6 should be undertaken, the Monroe County Legislature published a legal notice announcing that the review is underway and that the municipalities in the District and the public have 30 days to submit requests for District modification to the county legislative body (see affidavits of the 30-day review period and public hearing notices in Appendix B).

Staff from the Monroe County Agricultural and Farmland Protection Board (AFPB) gathered information about agriculture in the District per Section 303-a of Article 25AA of the NYS AML, discussed below. Members of the Monroe County Agricultural and Farmland Protection Board (AFPB) considered the proposed District boundary modifications and the factors in Section 303-a that are required to be included in the review process and recommended modifying and continuing the Eastern District #6.

4.1 Proposed District Boundary Modifications

The proposed Eastern Agricultural District #6 boundary modifications are based on landowner requests to have parcels added to or removed from the District. A list of requests is included as Appendix C and proposed modifications are shown on Map 2. Modifications to the Eastern Agricultural District #6 are summarized in Table 1. **Requests to add land to the District total approximately 122 acres; proposals to remove land from the District total approximately 216 acres. The modifications would result in a net decrease of approximately 95 acres from the Eastern Agricultural District.**

Inclusions

<u>Town</u>	<u>Acres</u>	
Henrietta	23.06	One parcel, start-up, second parcel to merge with existing parcel
Mendon	65.1	One parcel start-up operation
Penfield	57.5	One parcel for lease, animal agriculture, hay, pasture
Rush	142	Three parcels, wheat, corn, soybean; one parcel support ground.
Total	287.66	

All 8 parcels (287.66 acres) are considered supportive of the intent of the District. Hence, the Monroe County Agricultural and Farmland Protection Board recommend the addition of these 8 parcels to the Eastern Agricultural District #6.

Exclusions

<u>Town</u>	<u>Acres</u>	
Pittsford	129.56	Two parcels, Development purposes
Rush	5.73	Owner request, no interest in agriculture
Total	135.29	

In the Town of Pittsford, one owner with a parcel of 83.96 acres requested removal of land from the Eastern Agricultural District for the purposes of building single-family homes. In the Village of Pittsford, one owner of 45.6 acres from the District for the purposes of future development. In the Town of Rush, one owner of a parcel of 5.73 acres requested the land be removed due to no interest in agriculture. Hence, the Monroe County Agricultural and Farmland Protection Board recommends

the removal of these parcels (135.29 acres) from the Eastern Agricultural District since these lands are no longer intended for agricultural use or supportive of farming activities within the District.

Upon the completion of the 2015 review of the Eastern Agricultural District, the physical area was calculated at 46,037 acres. Currently available data from Monroe County Real Property Service (January 2025) indicates there are 46,994 acres in the District. Approximately 288 acres were proposed to be added and 136 acres to be removed in 2025 as part of the annual addition and district review process described in Section 303-a and 303-b of Article 25AA. Therefore, the size of the Eastern Agricultural District #6 under consideration for 2025 is 46,994 acres plus 153 acres in proposed modifications for a total of **47,147 acres.**

Table 2. Proposed Agricultural District #6 Modifications Summary

Town	Add		Remove	
	Parcels	Acres	Parcels	Acres
Henrietta	1	23.1		
Mendon	1	65.1		
Penfield	1	57.5		
Pittsford			2	129.5
Rush	3	142.0	1	5.7
Total to add or remove	6	288	3	135
District acreage (January 2025)	46,994			
Net change (acres)	153			
Proposed 2025 total	47,147			

4.2 Consideration of Review Factors

Section 303-a 2b of Article 25AA lists the factors that the AFPB are to consider in reviewing an agricultural district. The following text represents the results of the consideration of these factors as they relate to the review of the Eastern Agricultural District #6.

(1) The nature and status of farming and farm resources within Eastern Agricultural , including the total number of acres of land and the total number of acres of land in farm operations in the District

The Eastern Agricultural District consists of predominantly agricultural land and other land not well suited for residential and commercial development such as wetlands and flood plains. There is significant amount of woodland within the boundaries of the proposed District and it contains the land holdings of several of Monroe County’s major commercial farm operations which provide a significant economic contribution to the local economy. The farms also contribute to the diversity of employment opportunities provide a significant amount of land to the open space inventory.

Farm operations continue to be a significant land use within the District. The number and composition of the operations in other enterprises, such as cash crops, orchards, horse, and fresh

market has remained constant with several startup operations. The distribution of farms over ranges of capital investment in farm operations has remained constant.

(2) Extent to which the Eastern Agricultural District has achieved its original objectives

Well over 50 percent of the land in the Eastern Agricultural District is actively farmed. Based on informational meeting with farmers and landowners during a public information meeting held in the Town of Pittsford in March 2025; one-on-one visits; and telephone conversations with code officers and town supervisors, nuisance issues, zoning codes and the threat of non-conforming uses continue to be major concerns. The impact of residential development continues to instigate hardships on production practices, especially in terms of drainage and noise, odor and dust complaints. Almost all farmers and landowners indicate that farm operations in the Eastern District benefit from the continued support of the District. The Agricultural Districts Law assists in managing complaints and providing clarity on policy issues and enforcement of laws, rules, regulations, and ordinances at both the town and county level.

Since the last review, the growth of new residential development continues to be slow albeit at a moderate pace. Much of the farmland that remains within the District boundaries is owned and/or leased by economically viable and competitive farm operations. Most of the remaining farmland is expected to be used for agricultural purposes or for low-density residential development, primarily along road frontages.

(3) Extent to which Monroe County and local municipal comprehensive plans, policies and objectives are consistent with and support the Eastern Agricultural District

Monroe County Agricultural and Farmland Protection Planning and Implementation Efforts

An update to the Agricultural and Farmland Protection Plan is underway and expected to be completed during 2025. The Towns of Henrietta, Perinton and Rush have Farmland Protection plans. The Town of Pittsford, Mendon, and Penfield mention the importance of agricultural as a use within their comprehensive plans. Both the County and Town plans include an inventory, analysis, and recommendations concerning the disposition of agricultural lands throughout the County and each town as well as within the District. Overall, Town plans are consistent with the County-wide plan. Upon participatory assistance from the County, every town has updated and or clarified their comprehensive plans to further protect and promote agriculture and implement purchase of development rights (PDR) within their jurisdictions. The Towns of Henrietta, Perinton, Pittsford, Rush and Webster have purchase of development rights (i.e. permanent conservation easements) within their jurisdictions.

Monroe County Comprehensive Plan

The conceptual plan for the County's development pattern is contained in the Land Use Element of the adopted Monroe County Comprehensive Development Plan (1975). The Plan recommends that a limited, if any, portion of the District would be needed for urban development through the year 2000. There is ample land available for urban development needs outside the proposed modified agricultural district area. The land that has water, sewers and a good transportation system would be targeted to receive the development that accompanies the expansion of the county. Areas that cannot readily support the various conditions for development without significant outlays of public monies to provide improvements would be isolated from development and targeted for other non-intensive uses such as agriculture. The Eastern Agricultural District has had a positive influence on the County's Comprehensive Plan in that it reinforces the Plan's land use recommendations for this portion of the County. An update to the County Comprehensive Plan is underway and expected to be completed in 2026.

Monroe County Capital Improvements in Eastern Agricultural District #6

When public road, sewer, and water projects traverse farmland, the agricultural district regulations place limitations and conditions on these projects that help minimize their impact on the land. Thus, in this context and from an agricultural perspective, the Eastern Agricultural District has a positive influence on the capital improvement projects.

Monroe County Department of Environmental Services (MCDES)

Monroe County DES did a review of project activities in the Eastern Agricultural Districts #6 between 2016 and 2025 and the following projects were undertaken during that time:

- Top Golf Interceptor Reroute – Brighton (pending approval)

Capital Improvement Projects:

- John Street Pump Station Improvements – Town of Henrietta – 2016 and 2017
- South Central Trunk Sewer Improvements – Town of Henrietta – 2025

Monroe County Department of Transportation (MCDOT)

Monroe County DOT did a review of capital project activities for roads, bridges and culverts that were constructed in the Eastern Agricultural District #6 between 2015 and 2025 and the following projects were undertaken during that time

Year	Town	Location
2015	Webster	Basket Road (Schlegel to Lake Rd), improvement
2017	Webster	Lake Road (Pellett Rd to 250), improvements
2018	Mendon	West Bloomfield Road Culvert, replacement
2018	Webster	Phillips Road (Schlegel to Lake Rd), improvements
2018	Pittsford	East Street Culverts (2), replacement
2018	Henrietta	Brooks Road Culvert, replacement
2019	Pittsford	Mendon Center Road (canfield to calkins), reconstruction
2020	Henrietta	Middle Road Culverts (2), replacement
2020	Webster	Salt Road Bridge, reconstruction
2022	Penfield	Salt Road (Atlantic Ave to plank Rd), rehabilitation
2023	Henrietta	Middle Road (Erie station Rd to Lehigh station), improvement
2025	Henrietta	East River Road (I-90 to Ward Road), improvements

In addition, the following projects are currently planned within the Western District as per the proposed 2026-2030 Monroe County Capital Improvement Program

Year	Town	Location
2026	Mendon	Boughton Hill Road Culvert, replacement
2026	Mendon	Miles Square Road Bridge, replacement
2026	Mendon	Taylor Road Bridge, replacement
2027	Mendon	West Bloomfield Road Culvert, replacement
2028	Webster	Phillips Road, improvements (Rt 104 to Schlegel Rd)

Monroe County Water Authority (MCWA)

The Monroe County Water Authority did a review of newly installed water main facilities located partially or wholly in the Eastern Agricultural District #6. The MCWA does not extend water mains for new customers -- the installation of new facilities is the responsibility of the municipalities. The

MCWA reviewed and approved the following projects and took them into the water system once completed:

- Water Districts, where the Town in consultation with their engineer create a water district to bring a water main to existing properties and residences:

Year	Town	Location
2018	Mendon	Smith Rd
2018	Mendon	W Bloomfield Rd
2019	Webster	Shangri-La Ln
2019	Webster	Drumm Rd
2019	Webster	Pellett Rd
2019	Webster	Vosburg Rd
2019	Webster	Herman Rd
2023	Henrietta	Middle Rd

- Developer Main Extensions, where the water main is installed by a developer or property owner to serve a property that was not previously supplied with water:

Year	Town	Location
2015	Brighton	Sylvia St, Crittenden Rd, Westfall Rd
2015	Henrietta	John St, Hendrix Rd
2015	Penfield	Lynx Ct, Fox Hunt Cir, Armetale Luster, Maryview Dr, Waybridge Ct, Mayers Garden
2015	Perinton	Axel Rim Trl, Basin View Dr, Thornell Rd, Jefferson Rd, Horizon Hill Ter, Rockdale Mdws
2015	Pittsford	Aden Hill, Coventry Rdg , Cherry Hills Dr , Ravenna Cres
2015	Webster	Dawns Mist Lndg
2015	Webster	Houston Dr, Hills Pond Rd, Houston Dr , Hills Pond Rd, Whiting Rd, Apricot Ln, Creek Field Dr
2016	Brighton	Clinton Ave S, Cos Grande Hgts, Reserve View Blvd
2016	Henrietta	Fall Creek Trl , Country Cove Trl, Fair Ave, Fox Field Ln, Hidden View, Mossy Oak Cove, Red Creek Dr, Coneflower Dr, Lehigh Station Rd, Long Trail Ln, Middle Rd, Gainsborough Pl, Bradgate Pk, Candleford Hts
2016	Mendon	Boughton Hill Rd
2016	Penfield	Penfield Rd, Panorama Trl, River Birch Ln, Summit Crest Cir, Brandt Point Dr
2016	Perinton	Ritter Ln, Ashery Ln, Aldrich Glen, Turk Hill Rd
2016	Pittsford	Copper Woods, Greenpoint Trl
2016	Webster	Pine Lakes Trl, Bannerwood Dr, Hillspring Ter, Train Stop Run
2017	Henrietta	Parkglen Dr, Willowford Rd, Thames Dr
2017	Penfield	Stoneledge Way, Plank Rd, Knightbridge Cir
2017	Perinton	Copper Beech Run, Coghlan Ln, Wilbury Rd
2017	Pittsford	Escena Rise
2017	Webster	Rosa Cir, Lilla Ln, Halesworth Ln, Phillips Rd
2018	Brighton	Brighton Henrietta TL Rd, Winton Rd S, Willard Ave
2018	Henrietta	Becker Rd
2018	Mendon	Old Stable Way
2018	Penfield	Capstone Rise, Silverlace Way, Miyah Dr
2018	Perinton	Pittsford Victor Rd, Moseley Rd
2018	Pittsford	W Jefferson Rd
2018	Webster	Ridge Rd, Woodsvie Dr, Schlegel Rd
2019	Brighton	E Henrietta Rd
2019	Henrietta	Harvest Ridge Trl, York Bay Trl, Martin Rd
2019	Penfield	Crowne Pointe Dr
2019	Perinton	Whitney Rd E
2019	Pittsford	Black Wood Cir, Taylors Rise
2019	Pittsford	Maple St
2019	Webster	Anna Cir, Shallow Brook Ter, Pathway Ln, Abigayle Way, Tall Birch Trl

2020	Henrietta	Silvarole Dr, Candleford Hts, Clay Rd, Hylan Dr, Calkins Rd, Planters Row, Glastonbury Cir
2020	Penfield	Shady Rock Rd, Scribner Rd, Jackson Rd, Parker Hill Dr
2020	Pittsford	Clover St
2020	Webster	Lake Rd, County Line Rd, Providence Dr, Quail Creek Trl, Grand Meadows Way, Salt Rd
2021	Henrietta	W Henrietta Rd, Wiregrass Pkwy, Hidden Vw, MArissa Beth Way, Brian Ln, Mossy Oak Cv, Chatwood Ln
2021	Penfield	Seawatch Trl, Panorama Trail S, Dumais Ln, Watersong Trl
2021	Perinton	Wilkinson Rd, Fairport Nine Mile Pt Rd, Smeraldo Pt
2021	Pittsford	Skylight Trl
2021	Rush	Perry Hill Rd
2021	Webster	Alyssa Way, Milano Trl, Sistene Way, Carbella Ct, Coastal View Dr, Terra Verde Way, Creeks Edge Dr, Timberland Ct, Lake Point Dr
2022	Henrietta	Miracle Mile Dr
2022	Honeoye Falls	Miner St , Chase Meadow Trl
2022	Mendon	Pittsford Mendon Rd
2022	Penfield	Robert Michaels Run, Birch Forest Dr, Tall Castle Ln, Christine Cir, Ariana Way
2022	Perinton	Pittsford Palmyra Rd
2022	Pittsford	Mendon Rd
2023	Brighton	Monroe Ave
2023	Henrietta	E River Rd
2023	Mendon	Mendon Green Ln, W Bloomfield Rd
2023	Penfield	Atlantic Ave, Crossroads Village Trl
2023	Perinton	Ayrault Rd, Noahs Bluff
2023	Pittsford	Canterbrook Meadows, Bridleridge Farms, Pittsford Henrietta Townline Rd
2023	Webster	Hackberry Way, Arrowwood Trl, Thyme Dr
2024	Brighton	E Henrietta Rd
2024	Henrietta	Nevins Rd , Trailhead Rd, Scottsville W Henrietta Rd , Kingsbarn Rd , Royal Aberdeen Ln
2024	Penfield	Whalen Rd
2024	Perinton	Eagle Hollow Dr, Terra Verde Way , Bellora Way, Paperback Ln, Hazelhead Ln, Queens Cross Ln

Currently, there are no new construction projects proposed to be under taken by the MCWA within the Eastern Agricultural District.

Municipal Comprehensive Plans

Since their jurisdictions include lands within the Eastern Agricultural District, the comprehensive plans of the Towns of Brighton, Henrietta, Mendon, Penfield, Perinton, Pittsford, Rush, and Webster and the Villages of Honeoye Falls and Pittsford were reviewed regarding consistency with the purpose and intent of the District. Generally, all plans recommend that the vast majority of land included in the District, as well as the proposed additions, remain rural with agriculture and low density residential as the preferred land uses. Additionally, each plan contains policies designed to retain and support agriculture as the principal land use in the District.

Although agricultural district law suggests municipal planning to be consistent with the intent of the agricultural districts program, municipalities plan and zone land for nonagricultural uses in agricultural districts. The presence of the Eastern Agricultural District and farming in general has resulted in agriculture being promoted as a land use in all municipal comprehensive plans and the District has a positive influence on these plans. However, the presence of the District has not influenced any agricultural lands to be rezoned from rural residential to agricultural, which would be the strongest zoning designation consistent with the agricultural districts program's intent.

Impacts of Nonagricultural Development on District

Prevailing non-farm development continues to be predominantly single family homes. However, the Towns of Henrietta (north of the Thruway) and Webster continue to have significant commercial and industrial development, effectively creating centers of retail and food service. This significantly exacerbates traffic and drainage issues and encourages residential development. Several forms of tract-type housing were built in Henrietta (south of the Thruway) and Webster. For the Towns of Pittsford, Penfield, Perinton and Mendon, residential development is primarily in the form of infill. For Pittsford, the availability of large parcels available for residential development has significantly declined. Mendon residential development can effectively be described as large to medium size lot development.

Commercial, industrial, and residential land-use is prevalent in the District and potentially increases the likelihood of nonfarm neighbor complaints about farming operations. Neighbor complaints received in all towns have been resolved based on the provisions of the agricultural districts law such as the state mandated disclosure notice to provide early notification to nonfarm neighbors that they are likely to experience effects from farming operations and modifications and discretion when interpreting existing zoning codes as they relate to an agricultural use.

Nonfarm development continues to impact farming and should be monitored as part of the implementation and update process for the Monroe County Farmland Protection Plan as well as town comprehensive plans.

(4) Degree of coordination between local laws, ordinances, rules and regulations that apply to farm operations in Eastern Agricultural District and their influence on farming

All municipalities provide rules, regulations and laws that impact an agricultural use within the Eastern Agricultural District. Generally, municipal zoning codes, (mostly residential zoning), do not prohibit agriculture. However, multiple conflicts (i.e. Mendon, Penfield, Perinton, Rush, Webster, and Village of Pittsford) have arisen regarding farm operations engaged in an activity to be deemed non-agricultural. The Towns of Pittsford, Mendon, and Rush have adopted various versions of a Right to Farm Law to address and mitigate these concerns.

All municipalities have been contacted, offered trainings, and received additional information about state assistance payments offered by NYSDAM in order to amend municipal laws affecting agricultural lands and remove unreasonable restrictions affecting agricultural lands and farm operations. At the time of this writing, the towns of Henrietta, Rush, Mendon, and Pittsford have indicated an interest in applying for assistance funding to update municipal code.

Although the Monroe County Farmland Protection Plan recommends the creation of agricultural zoning for agricultural areas as to encourage agriculture and food related uses, no municipalities within the Eastern Agricultural District have proposed a comprehensive agricultural zoning code. As noted in the last review report (2015), most farmers, large lot landowners, and public and appointed officials do not fully support the creation of a comprehensive agricultural zoning code within respective municipalities. Rather, they tend only to support agricultural zoning in regards to allowable buildings or implications for reduction in tax assessments and or fees associated with an agricultural use.

All municipalities in the District are expected to use the Agriculture Data Statement (ADS) to assess and communicate the impacts of potential nonfarm development proposed on land that is part of an

active farm in the District or is proposed for land that is within 500 feet of an active farm in the District. The municipal board reviewing the proposed nonfarm development must determine, based on information provided in the ADS and by adjacent farmers, whether the proposed development will conflict with present and future farming operations, and if so, determine appropriate mitigation measures.

The following information highlights potential conflicts with municipal codes requiring minimum lot size, limitations on the sale of farm products, limitations on noise and types of agricultural activities. Over the course of the annual additions and past ag district reviews, municipalities have been contacted regarding the importance of reviewing and modifying existing code in the interests of protecting and promoting agriculture as a land use and being consistent with Agriculture and Markets Law.

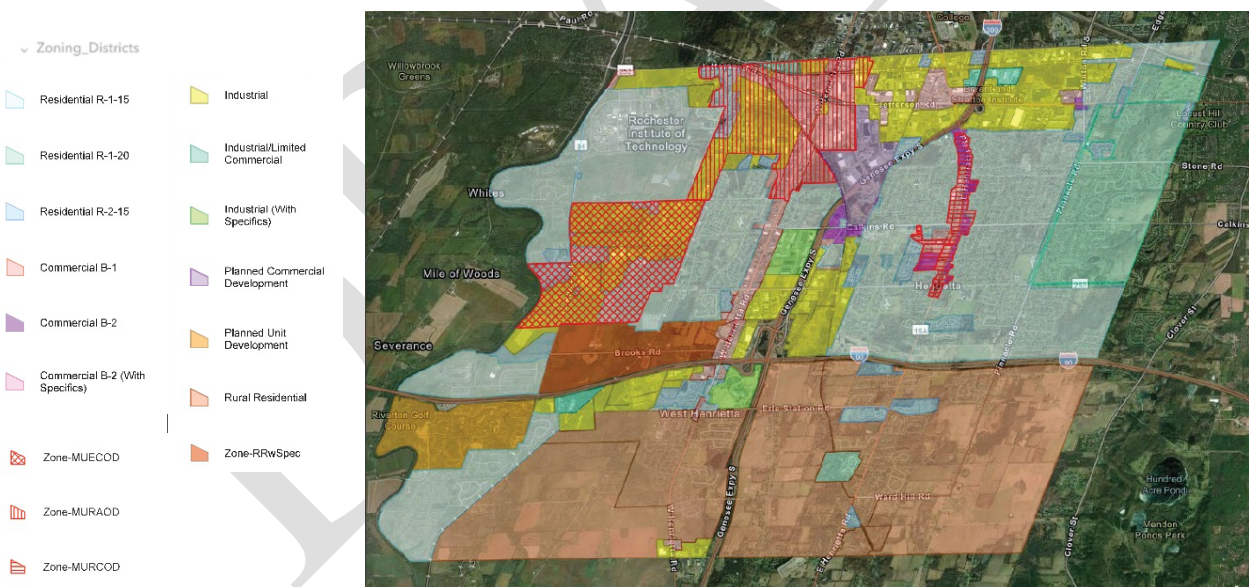
Evaluation of Land Use Regulations

Town of Henrietta

The Town of Henrietta's zoning regulations are codified as Chapter 295 of the Town Code. Zoning Districts that apply to agricultural lands in the Town include the Residential Districts R-1-20 and Residential R-2-15, Rural Residential District RR 2, Industrial district, and Commercial district B-1.

The Zoning Map is reproduced below from the Interactive Map downloaded on 3/18/25 from the [Town website](#).

Town of Henrietta Zoning Map



1. Do local land use regulations unreasonably restrict standard farm practices?

a) The definition of farming should be broad enough to include all types of farming.

The Town's zoning regulations define agriculture and related uses as follows:

- AGRIBUSINESS - Activities conducted on a farm that are dependent upon an agricultural operation, including, but not limited to, on-farm bed-and-breakfasts, farm stay programs, U-pick operations, seasonal events, pumpkin patches, farm breweries,

farm cideries, farm distilleries and farm wineries, and offering to the public, or to invited groups, the sale of agricultural products, education, recreation or active involvement in the farm operation. An agribusiness activity may be conducted in an accessory structure where the use is secondary to the primary farm use on a property. The Alcoholic Beverage Control Law (ABC Law) provides the standards which must be met for farm brewery, cidery, winery and distillery licenses.

- AGRICULTURAL AND FARMLAND PROTECTION - The preservation, conservation, management or improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production
- AGRICULTURAL BUILDING - A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public
- AGRITOURISM - Activities conducted by a farmer on-farm for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of agriculture, farming and farm life
- CANNABIS PRODUCTION, MAJOR - Based on licenses from the New York State Cannabis Law, an establishment involving the cultivation and/or processing of cannabis, including Tiers 2, 3, and 4 under a cultivator license, a business with a processor license that processes cannabis from other cultivators, and/or a business with a distributor license that distributes cannabis from other cultivators
- CANNABIS PRODUCTION, MINOR - Based on licenses from the New York State Cannabis Law, an establishment involving the cultivation and/or processing of cannabis, limited to a microbusiness license or to Tier 1 under a cultivator license.
- COMMERCIAL HORSE BOARDING OPERATION - An agricultural enterprise, consisting of at least seven acres and boarding at least 10 horses, regardless of ownership, that receives \$10,000 or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production.
- COMPOSTING, AGRICULTURAL - The on-farm processing, mixing, handling or marketing of organic matter converted into compost, mulch, or other organic biomass products in order to process such farm's agricultural waste or otherwise for use at the farm, including where either a) the source organic matter is generated on the farm where the composting is taking place, or b) the source organic matter is generated off-farm but utilized on-farm, all as more fully defined at New York Agricultural and Markets Law, Article 25-AA, Section 301.
- COMPOSTING, MULCHING OR OTHER ORGANIC BIOMASS CROPPING - The on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm-generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm-generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products

of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials

- CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS - Shall be defined as defined in § 301 of the New York Agriculture and Markets Law (AML)
- FARM or FARM OPERATION. Shall be defined as defined in § 301 of the New York Agriculture and Markets Law (AML)
- FARM STAND or FRUIT AND VEGETABLE STAND. An incidental and subordinate activity of a farm, nursery or greenhouse involving seasonal retail sale of primarily locally raised agricultural products, and may include activities in which retail customers pick or select their own produce from the fields or growing areas.
- FARM WOODLAND; FOREST FARMING OPERATION. The land used for the production of woodland products intended for sale, including but not limited to logs, lumber, posts and firewood. Farm woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products.
- FARM or FARM OPERATION - Shall be defined as defined in § 301 of the New York Agriculture and Markets Law (AML).
- FARM STAND or FRUIT AND VEGETABLE STAND - An incidental and subordinate activity of a farm, nursery or greenhouse involving seasonal retail sale of primarily locally raised agricultural products, and may include activities in which retail customers pick or select their own produce from the fields or growing areas
- FARM WOODLAND; FOREST FARMING OPERATION - The land used for the production of woodland products intended for sale, including but not limited to logs, lumber, posts and firewood. Farm woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products
- GREENHOUSE, GARDEN NURSERIES or NURSERY (EXTERIOR) - A place where trees, shrubs, vines and/or flower and vegetable plants are propagated or grown for a period of at least six months and/or where flowers and vegetables of an annual variety are germinated before being offered for sale and transplanting. (This definition shall not encompass those retail establishments that buy most of their horticulture stock wholesale, not propagating it themselves).
- STABLE, PRIVATE - An accessory structure in which horses are kept for private use and not for hire, remuneration or sale
- STABLE, PUBLIC - A building in which any horses are kept for remuneration, hire or sale

The Town's zoning references Section 301 of NYS Agriculture & Markets Law, which includes the following definitions:

2. "Crops, livestock and livestock products" shall include but not be limited to the following:
 - a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
 - b. Fruits, including apples, peaches, grapes, cherries, berries, and tree nuts.
 - 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, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.
 - f. Maple sap.
 - g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
 - h. Aquaculture products, including fish, fish products, water plants and shellfish.
 - i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.
 - j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.
 - k. Actively managed log-grown woodland mushrooms.
 - l. Industrial hemp as defined in section five hundred five of this chapter.
 - m. Cannabis when cultivated in accordance with the cannabis law.
3. "Farm woodland" means land used for the production of woodland products intended for sale, including but not limited to logs, lumber, posts and firewood. Farm woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products.
11. "Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this section, a "timber operation" as defined in subdivision fourteen of this section, "compost, mulch or other biomass crops" as defined in subdivision seventeen of this section and "commercial equine operation" as defined in subdivision eighteen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

b) Agriculture should be permitted “as of right” in all areas of the Town where it occurs.

In the Rural Residential District, the list of permitted uses includes:

- Farm and farm operations as defined under the State Agriculture and Markets Law (see § 295-2, Word usage and definitions).
- Farm stands and fruit and vegetable stands.
- Commercial and private stables.
- Farm woodland; forest farming operation.
- Agribusiness and agritourism, subject to obtaining a special use permit. Such uses are allowed only as a subordinate use to the primary farm operation, and such subordinate use shall terminate upon the cessation of the farm operation
- Commercial composting, subject to obtaining a special use permit

In the R-1 Residential District, the list of permitted uses includes, “Farms, greenhouses, plant nurseries and customary agricultural operations in connection therewith, but excluding within 100 feet of any lot line any stabling of a farm animal, storage of manure or other odor- or dust-producing substance or use.”

Farm operations are not listed as permitted uses in the Business or Industrial zoning districts. Farm operations that were in operation before zoning was established are allowed to continue as pre-existing non-conforming uses.

§295-42. Animals in residential districts prohibits keeping farm animals in residential zoning districts. However, the regulation specifically exempts farms from this requirement: “Notwithstanding the foregoing, nothing herein contained shall prohibit the raising or harboring of domestic animals or poultry on any farm within the Town of Henrietta within the definition of the term ‘farm.’” Similarly, regulations that require a license for raising backyard chickens (§295-52.3) exempt keeping chickens on a farm.

Regulations on Fires and Open Burning (Town Code §121-3.G) allow for burning of organic agricultural wastes on lots larger than 5 acres and agricultural burning otherwise permitted by NYS DEC regulations.

Recommendation: Clarify that farm operations that meet the threshold for protection under NYS Agricultural Districts Law are permitted uses in all districts, including Business and Industrial zoning districts.

c) Zoning requirements for specific agricultural practices should be based on public health and safety.

Zoning regulations that apply to the RR and R zoning districts require setbacks of 100 feet from lot lines for animal housing and manure storage.

Based on guidance prepared by NYS DAM, setbacks from lot lines may be unreasonable as applied to farm operations in certified Agricultural Districts Law. Reasonable setbacks related to health or safety would specify distance from a waterbody or drinking water source.

d) A special use permit should not be required for agricultural uses or farm practices.

Agricultural uses do not require special use permits.

e) Site plan review requirements should be limited to those that protect public health and safety.

The Town’s zoning regulations grant the Planning Board authority to review and approve site development plans for all uses that require a building permit except for single-family detached dwelling units. It is not clear whether agricultural facilities require a building permit and site plan review. Commercial and industrial facilities as part of a farm operation may be subject to site plan review and approval.

2. Do land use regulations accommodate agriculture-related business on farms?

As the Town’s definition for “farm and farm operation” references the definition of “farm operation” in NYS Agricultural Districts Law, it would include “practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise.” This would accommodate a range of processing, packing retail, agri-tourism and other agriculture-related enterprises on the farm.

“Farm stands and fruit and vegetable stands” are listed permitted uses in the Rural Residential zoning district.

In the B-1 Commercial and the PCD Planned Commercial Districts “Fruit or vegetable stands” and “other roadside stands” require a special use permit.

3. Do land use regulations accommodate non-agricultural secondary business on farms?

Business uses that are not directly related to the agricultural operation must be located in a Business or Industrial zoning district.

4. Do site plan review criteria and subdivision regulations require considerations of potential impacts to adjoining or nearby farmland as part of development review?

The Town Planning Board is responsible for the review and approval of both site plans and special use permits. The Town's Site Plan Review criteria include requirements for buffers between agricultural and non-agricultural uses. For proposed agricultural uses located outside a certified Agricultural District, a 100-foot setback to adjacent properties is required "for any part of such agricultural use which is materially odorous."

For proposed projects located adjacent to an existing agricultural use, "it shall be the responsibility of the proposed use to provide a sufficient setback against any materially odorous condition that may be a part of the agricultural use." (§295-60.E.(7)). Site Plan Review criteria do not include provisions to consider potential impacts on adjacent agricultural operations from a proposed development.

Regulations for large-scale solar projects require decommissioning plans to "demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction, including, where applicable, made suitable for agricultural use as existed prior to construction."

Subdivision approval regulations are within the Town's Code. While "agriculture" is not explicitly mentioned in these regulations, provisions regarding Cluster development are described could have the effect of conserving agricultural land(s) by concentrating residential lots.

Recommendations:

- *Incorporate provisions into site plan review and special permit criteria that require applications to delineate farm access roads, drainage infrastructure, and other agricultural resources within and adjoining the proposed development.*
- *Incorporate criteria to ensure that farmland proposed to be protected as part of a cluster subdivision is designed to be viable for continued agricultural use.*

5. How well do land use regulations direct development away from high quality farmland?

Land use regulations allow residential development in the same zones as those that permit agriculture and do not limit development in areas with high quality farmland.

Town of Penfield

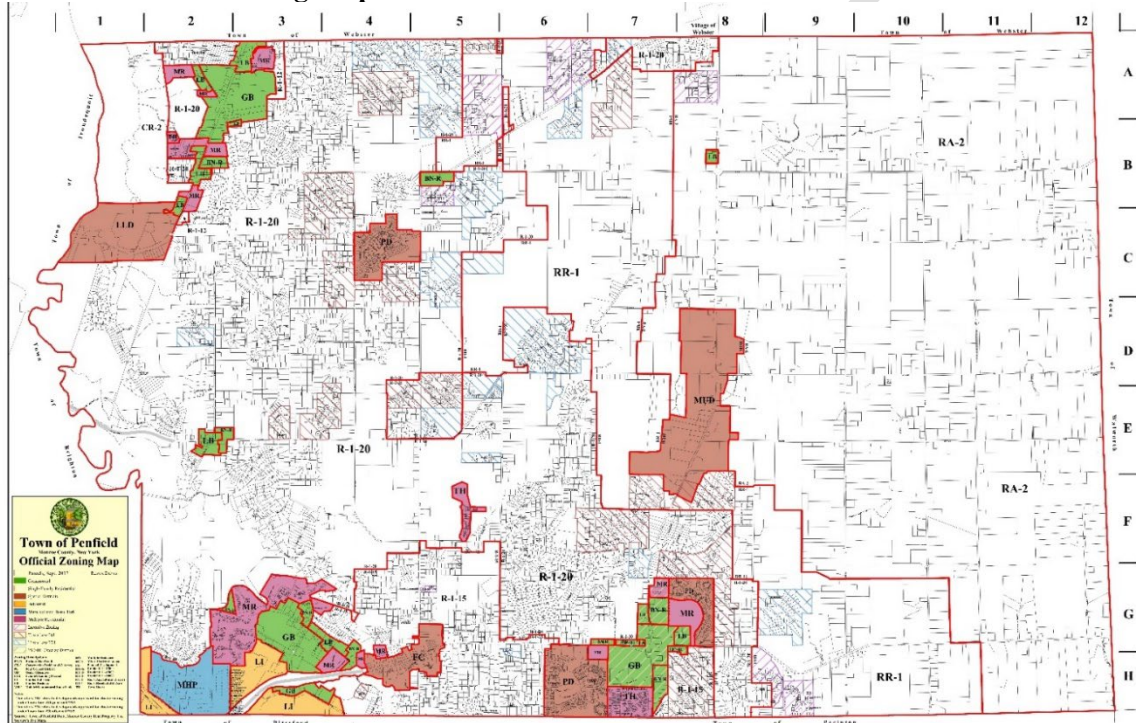
The Town of Penfield Zoning and Land Use Regulations are codified as Chapter 250 of the Town Code. Six single-family residential zoning districts and eight Overlay Districts apply to lands where agriculture occurs.

	Label
Single-family residential Districts	Rural Agricultural District
	RA-2
	Conservation Residential District
	CR-2
	Rural Residential District
	RR-1
Overlay Districts	Residential 1-12
	R-1-12
	Residential 1-15
	R-1-15
	Residential 1-20
	R-1-20
Overlay Districts	Historic Preservation Overlay District
	HPOD
	Routes 250/441 Overlay District
	TFOD

Wetland Protection Over Lay District	EPOD(1)
Steep Slope Protection Overlay District	EPOD(2)
Woodland Protection Overlay District	EPOD(3)
Floodplain Protection Overlay District	EPOD(4)
Watercourse Protection Overlay District	EPOD(5)

The five Environmental Protection Overlay Districts within the Town each regulate a specific natural resources but specifically exempt “Customary agriculture, except structural activities” from the permit requirements and regulations.

Town of Penfield Zoning Map



1. Do local land use regulations unreasonably restrict standard farm practices?

a) Agriculture should be permitted in all areas of the Town where it occurs.

The list of permitted uses in Penfield’s single-family residential zoning districts (R-1-12, R-1-15, and R-1-20) include “customary agricultural operations.”

b) The definition of farming should be broad enough to include all types of farming.

The definition of “customary agricultural operations” includes a range of livestock and animal agricultural uses as well as farm structures and roadside stands.

- Customary Agricultural Operations - The use of a parcel of land of five acres or more for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures and roadside stands within the prescribed limitations and the storage of necessary equipment. It includes also the use of a parcel of land of less than five acres, except that on such parcels, the raising of fur-bearing animals, livery or boarding stables, dog kennels and the raising of livestock and poultry for sale and

slaughter is excluded and therefore prohibited. No housing of poultry or stabling of livestock or storage of manure or other odor- or dust-producing material shall be allowed within 100 feet of any lot line. When, in conjunction with the customary agricultural operation, the lodging for hire of more than four persons is prohibited, in no event shall customary agricultural operations be construed to mean, be, include, or authorize within the Town natural gas and/or petroleum exploration activities, natural gas and/or petroleum extraction activities, a land application facility, a natural gas and/or petroleum exploration, extraction or production wastes disposal/storage facility, a natural gas and/or petroleum extraction, exploration or production wastes dump, or any other explicitly prohibited use.

- The definition excludes “the raising of fur-bearing animals, livery or boarding stables, dog kennels and the raising of livestock and poultry for sale and slaughter” on lots smaller than five acres. As NYS Agriculture & Markets Law protects farm operations within certified Agricultural Districts, regardless of lot size, from unreasonable restrictions, the five-acre size requirement described in the above definition should not apply to lots that include a farm operation within a NYS-Certified Agricultural District that meets the threshold for protection under NYS Agricultural Districts Law.

c) Zoning requirements for agricultural uses should be based on public health and safety.

Within the definition of “customary agricultural operations” is a required setback for poultry, livestock, manure, and other odor or dust generating material: “No housing of poultry or stabling of livestock or storage of manure or other odor- or dust-producing material shall be allowed within 100 feet of any lot line.” This setback, as well as the minimum five-acre lot size for animals, is also within the Dimension Requirements of the single-family residential district:

- Any building housing livestock or any noxious commodity shall be no nearer than 100 feet to any lot line.
- No barn, silo, water tower or tank or other farm building or structure on a farm shall be greater than 100 feet in height or be located less than 100 feet from any property line.
- Any lot housing livestock shall be at least five acres in size.

For parcels that are part of farm operations within certified Agricultural Districts and protected by Agriculture & Markets Law, setbacks from lot lines may not be appropriate as they do not directly relate to health and safety.

d) A special use permit should not be required for agricultural uses or farm practices.

No agricultural uses require a special use permit.

e) Site plan review requirements for agricultural facilities should be limited to those that protect health and safety.

The Town does not appear to require site plan approval for agricultural facilities. Commercial and industrial facilities as part of a farm operation may be subject to site plan review and approval.

2. Do land use regulations accommodate “value added” and other agriculture-related business on farms?

As roadside stands and farm markets are specifically included in the definition for “customary agricultural operations,” these uses are permitted in the zones where agriculture occurs, subject to compliance with size, storage, setback, and display regulations of §250-7.18. As these regulations are connected to health and safety (i.e., traffic and vehicular circulation) they are not overly burdensome.

The requirements for roadside stands limit sellable products to only agricultural products sold on the seller's premises within the Town. This requirement may be overly restrictive as applied to farm operations eligible for protections under NYS Agricultural Districts Law, as sellers may farm land outside the Town boundary.

The Town of Penfield Zoning regulations include definitions for the following agriculture-related and agriculture business uses:

- Active Orchards
- U-Pick Operations

By defining these uses separately, it may be interpreted that the above uses are not included in the definition for "customary agricultural operations" and therefore are not permitted or considered agricultural because they are not explicitly referenced or mentioned. These uses are not listed as permitted uses in any district and the zoning regulations do not specify dimensional requirements or other regulations for these uses.

Recommendations:

- *Establish standards for roadside stands that do not limit products sold to those grown the seller's premises within the Town.*
- *Add "orchards" and "U-Pick Operations" to the definition of "customary agricultural operations".*

3. Do land use regulations accommodate non-agricultural secondary business on farms?

Non-agricultural business that are not part of "customary farming operations" are only permitted in a "Business" or "Industrial" district.

Recommendation: *Consider accommodating non-agricultural secondary businesses on farms, subject to criteria to limit impacts on roadways and neighboring properties, as a special permit use.*

4. Do land use regulations include considerations of agricultural impacts as part of development review?

While the Town zoning regulations do explicitly require evaluation of proposed developments on agriculture, the Town does indicate on its website that Agricultural Data Statement Forms are to be completed in accordance with Section 283-a of New York Town Law.

Recommendation: *Incorporate provisions into site plan review and special permit criteria that require applications to delineate farm access roads, drainage infrastructure, and other agricultural resources within and adjoining the proposed development,*

5. How well do land use regulations direct development away from high quality farmland?

All zones that permit agriculture also permit single-family dwellings.

6. Do subdivision regulations include provisions to minimize impacts on farm operations?

Subdivision regulations, codified in Article XI of Chapter 250 of the Town Code, do not include any specific provisions to consider impacts on agricultural uses and support infrastructure.

The subdivision regulations allow for cluster subdivision development, which could have the effect of conserving agricultural land(s) by concentrating residential lots and preserving open space for agriculture. However, the regulations do not include specific criteria to ensure that

the open space preserved as part of a cluster subdivision would be viable for continued agricultural use.

Recommendation: *Incorporate criteria to ensure that farmland proposed to be protected as part of a cluster subdivision is designed to be viable for continued agricultural use.*

(5) Recommendations to modify and continue Eastern Agricultural District #6

Based on the strong viability of agriculture within the Eastern Agricultural District #6 and continued development pressure, a need still exists to ensure that a favorable economic climate continues so that land speculation and adverse impacts due to development are minimized or mitigated. The Eastern Agricultural District #6 continues to provide needed benefits and protection to member farmers and agricultural landowners who wish to continue farming.

Based on the information discussed in this report, the Agriculture and Farmland Protection Board strongly recommends the modification of the Eastern Agricultural District #6 and recommends the consolidation of the Eastern District No. 6 into the Western District No. 5, to be known as Monroe County Agricultural District No. 5. Doing so will increase the efficiency of the 8-year review process for County Staff, Land Owners, and the Towns and Villages of Monroe County while also reducing the confusion that occurs from multiple district reviews within Monroe County.

5.0 MONROE COUNTY LEGISLATURE RECOMMENDATION

A public information meeting, a 30-day review and comment period and a public hearing were held to discuss the District with landowners (see supporting documentation in Appendix B). An environmental review for this action is included as Appendix D and indicates there are no significant adverse environmental impacts associated with the District. District #5 and #6 boundary modifications, based on public input and the review factors discussed in Section 3.2 and Section 4.2 were reviewed by the Agricultural and Farmland Protection Board. The AFPB recommends the modifications to the boundaries of District No. 5 and No. 6, as well as a recommendation to consolidate Eastern Agricultural District #6. into Western Agricultural District #5, to enhance the efficiency and administration of the agricultural district program in Monroe County. The Monroe County Legislature reviewed the information and the Board's recommendations and recommends the consolidation of the Agricultural District #6 into District #5 and continuation of the Monroe County Agricultural District #5 for another eight years with the following modifications:

- Addition of the twenty-five (25) parcels and the removal of the three (3) parcels from, the Monroe County Agricultural Districts No. 5 and No. 6. The modifications result in a net increase of 537 acres for a total of approximately 97,012 acres in Monroe County's Western Agricultural District #5; result in a net increase of 153 acres for a total of approximately 47,147 acres in Monroe County's Eastern Agricultural District #6.
- Consolidation of the Monroe County Western Agricultural District #5 and Eastern Agricultural District #6 to form the Monroe County Agricultural District #5. The total acreage of the new consolidated District #5 is 144,159 acres.

The Monroe County Legislature Resolution is included as Appendix F.