

# **Town of Parma Agricultural & Farmland Protection Plan**



**April 6, 2009**

# Acknowledgements

The following people have provided invaluable assistance in the preparation of the Town of Parma Agricultural Preservation Plan:

## Members of the Farmland & Open Space Committee

- Scott Copey (Chair)
- Pat Buskey
- Marilyn DeMeyer
- Don Green
- Tim Harner
- Rick Holdon
- Tim Thomas

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- Honorable Joseph E. Robach, State Senate
- Honorable Steve Hawley, Member of Assembly

## Monroe County Legislature Representatives

- Robert Colby
- Richard Yolevich

## Planning Consultant

- Barbara Johnston, AICP, Stuart I. Brown Associates

## **Approvals**

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|---|------------------|
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| Parma Town Board:                                       | April 7, 2009    |

# Town of Parma Agricultural & Farmland Protection Plan

## Table of Contents

|     |   |    |
|-----|---|----|
| A.  | Introduction and Methodology .....  | 1  |
| B.  | Farmland and Agricultural Resources .....   | 1  |
| C.  | Value of Farmland to Community .....  | 7  |
| D.  | Extent of development pressure on farmland .....  | 7  |
| E.  | Overview of existing plans, programs and regulations.....   | 9  |
| F.  | Issues and Opportunities .....  | 10 |
| 1.  | Residents support long-term protection of agricultural industry .....   | 11 |
| 2.  | Limited availability and high cost of land make it difficult for farmers to find sufficient land to lease for agricultural production ..... | 11 |
| 3.  | Competition for land affects farmers’ long-term planning .....  | 11 |
| 4.  | Residences in close proximity to farm operations lead to neighbor conflicts .....   | 11 |
| 5.  | Nearby population centers represent market for agricultural products.....   | 12 |
| 6.  | Proximity to processing markets benefits cash crop and dairy producers .....  | 12 |
| 7.  | Certain zoning provisions may unreasonably restrict farm operations.....  | 12 |
| 8.  | Availability of public sewers and water service increase pressure to develop farmland for non-agricultural uses .....                       | 13 |
| 9.  | Subdivision design can minimize conflicts and preserve farmland.....  | 13 |
| 10. | Residential development may require more in services than it raises in property taxes   | 13 |
| G.  | Farmland proposed for protection.....   | 14 |
| 1.  | Establish target number of acres that would comprise “critical mass” of farmland .....  | 14 |
| 2.  | Impact on Town if these lands were developed.....   | 14 |
| 3.  | Delineate both “conservation” and “development” areas in the Town.....  | 17 |
| H.  | Evaluation of potential agricultural preservation techniques available to local governments   | 17 |
| 1.  | Local “Right to Farm” Law .....   | 17 |

# Town of Parma Agricultural & Farmland Protection Plan

|    |   |    |
|----|---|----|
| 2. | Conservation Easements/ Purchase of Development Rights .....  | 18 |
| 3. | Zoning Techniques.....  | 20 |
| a. | Zoning Districts.....   | 20 |
| b. | Density Averaging/ Conservation Subdivisions.....   | 20 |
| c. | Incentive zoning .....  | 21 |
| d. | Transfer of Development Rights .....  | 22 |
| 4. | Infrastructure Management.....  | 22 |
| 5. | Tax Relief Programs .....   | 24 |
| 6. | Promotion and Public Information.....   | 25 |
| I. | Strategies and Recommendations .....  | 26 |
| 1. | Re-establish and repurpose the Farmland and Open Space Committee to empower it to implement the recommendations of this Plan and to update the Plan every 3-5 years.....  | 26 |
| 2. | Enact zoning revisions that would remove provisions that hinder standard agricultural practices that are protected by the NYS Agricultural Districts Law and would allow for a variety of agricultural practices and related business. ....   | 26 |
| 3. | Consider rezoning additional land to AC Agricultural Conservation.....  | 27 |
| 4. | Establish a clearer and stronger mechanism in the Town’s incentive zoning provisions, or establish a Transfer of Development Rights program, to encourage the private purchase of conservation easements to productive agricultural land in exchange for the right to build at a higher density elsewhere in the Town. .... | 27 |
| 5. | Establish a public education program to publicize the value of farming to the community and improve public understanding of farm practices.....   | 28 |
| 6. | Establish a mechanism to mediate disputes between farmers and non-farming neighbors   | 29 |
| 7. | Utilize the subdivision review process to ensure that the design of the residential development in proximity to active farmland minimizes the long-term impact on agricultural operations.....  | 29 |
| 8. | Provide information to farmers and landowners regarding existing tax relief programs and private techniques to keep land in agriculture. ....   | 30 |
| 9. | Manage water and sewer extensions and hook-ups to reduce development pressure on farmland .....   | 30 |

# Town of Parma Agricultural & Farmland Protection Plan

|   |    |
|---|----|
| 10. Establish a dedicated fund for the purchase of land and/or easements (development rights).....  | 31 |
| 11. Establish criteria and procedures and apply for funding from NYS for Purchase of Development Rights (PDR).....  | 31 |
| 12. Support programs and initiatives of other agencies and organizations that encourage conservation practices and the retention of land for agriculture..... | 32 |
| J. Implementation Strategy.....   | 34 |

## List of Figures

1. Drainage
2. Prime Agricultural Soils
3. Active Farmland
4. Agricultural Parcels
5. Rented Farmland
6. Housing Development Trends
7. Sewer and Water Lines
8. Availability of Public Sewer and Water – Single Family Dwellings
9. Zoning Districts and Agricultural Districts
10. Agricultural Suitability Ratings
11. Parcel Ratings – Other Criteria
12. Priority Preservation Areas and Existing Zoning

# Town of Parma Agricultural & Farmland Protection Plan

## List of Appendices

- A. Residents Survey Report
- B. Summary of Monroe County Agricultural and Farmland Protection Plan – 1999
- C. Agricultural Provisions in the 1989 Town of Parma Master Plan
- D. Review of Agricultural Provisions in the Town of Parma Regulations
- E. Overview of Existing Plans, Programs and Regulations
- F. Implementation Tools – Supporting Materials
  - 1. Sample Local Right to Farm laws
  - 2. Sample Administrative Procedures for Municipal Purchase of Development Rights Programs
  - 3. NYS Law Authorizing Towns to Acquire Easements
  - 4. NYS PDR Grant Program application and information – 2008
  - 5. Agricultural Data Statement – Monroe County
  - 6. Promotional Programs – Farm to School; Grow Monroe; Pride of New York and other State Programs
  - 7. Transfer of Development Rights – Sample Regulations





# Town of Parma Agricultural & Farmland Protection Plan

## A. Introduction and Methodology

The Town of Parma created the Farmland and Open Space Protection Committee in 2007. One of the Committee's first actions was to undertake a resident survey, which was conducted in July 2007. In 2008, the Town of Parma received a \$25,000 grant from the NYS Department of Agriculture and Markets to prepare an Agricultural and Farmland Protection Plan. In 2008, the Town of Parma retained the consulting firm of Stuart I. Brown Associates to assist in the preparation of the Plan.

The following members of the Committee participated in the preparation of the Plan:

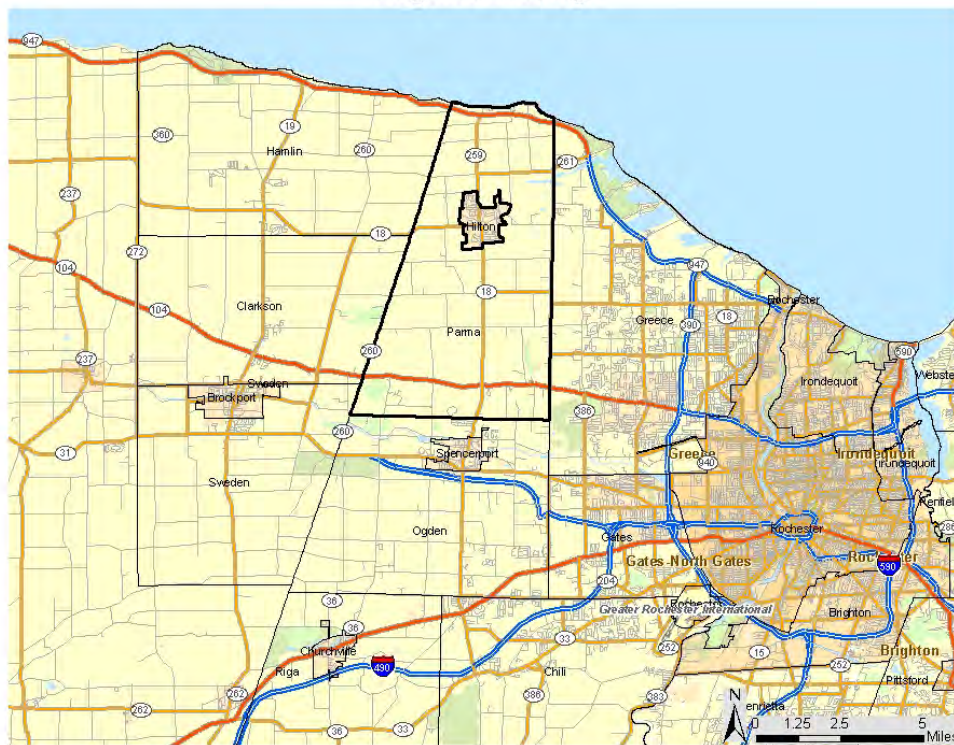
|                     |             |
|---------------------|-------------|
| Scott Copey (Chair) | Tim Harner  |
| Pat Buskey          | Rick Holdon |
| Marilyn DeMeyer     | Tim Thomas  |
| Don Green           |             |

## B. Farmland and Agricultural Resources

### Overview of existing farms and farmland

Parma is primarily a rural and agricultural town situated northwest of the city of Rochester, NY.

Regional Setting



## Town of Parma Agricultural & Farmland Protection Plan

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The Town of Parma includes the Village of Hilton, which is located in the north central part of the Town. Schools and business are located in the Village, which represents the center of community activity. NYS Route 104 (Ridge Road), passes through the southern portion of the Town and provides access to numerous highway-oriented recreational, retail and service businesses. Other major thoroughfares include: NYS Route 18, which passes through the Village of Hilton and connects Rochester with Niagara Falls; NYS Route 259, a north-south route that bisects the Town and Village; NYS Route 261 in the northeastern corner of the Town; NYS Route 260, which forms the southwestern border of the Town; and the Lake Ontario Parkway, which extends east-west near the lake shore.

The historic hamlet of Parma Center, located at the intersection of NYS Route 18 and 259, retains some small business uses.

Agriculture is the town's leading industry and most prominent land use.

### **Topography, Drainage and Soils**

Gentle topography and a tempered lakeside climate combined with prime soils create an ideal environment for cultivation of high quality farm products. Elevations range from 249' above sea level at the Lake Ontario shoreline to 550' in the southern part of town. Large areas of the town are generally level, with gently rolling terrain to provide adequate drainage. Few steep slopes (15% or more) exist in the town, and are generally associated with stream banks.

Salmon Creek flows from the southwest corner of the Town north, through the Village of Hilton and northeast into Lake Ontario. State-regulated wetlands are located throughout the Town, with large areas located in the southern part of the Town and along streams. Figure 1 depicts drainage basins and hydrologic features.

Class 1 and 2 prime agricultural soils make up roughly 80% of Parma's total land area, with another 16% considered to be soils of statewide significance. (SOURCE: Computed from GIS maps.) (See Figure 2: Prime Agricultural Soils.)

### **Active farms**

The Farm Service Agency reported informally to the Committee in 2007 that approximately 8,235 acres in the Town of Parma acres are actively farmed by commercial farmers. This figure is consistent with the estimate of 8,188 acres of active farmland and other open land that may be available for agricultural production which was calculated from aerial photographs and is depicted in Figure 3: Active Farmland. Active farmland occupies approximately 33% of the total land area of the Town.

A full 28% of the town's total land area is identified with an agricultural real property classification code (100-series) as defined by the NYS Office of Real Property Services. Roughly half of this farmland is classified as field crops and truck crops and 20% is classified for dairy or livestock. (See Figure 4: Agricultural Parcels.) Numerous other parcels are farmed that have non-agricultural classifications.

## Town of Parma Agricultural & Farmland Protection Plan

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Notable farm families in the Town and an estimate of the amount of land they own or rent include Eichas (1400 acres), Greenwell (1180 acres), Adams (146 acres), Burch (158 acres), Martin (189 acres), Haslip (176 acres), Kelly (136 acres), Zarpentine (95 acres) and DeMeyer (96 acres.)

The larger farmers in the Town rely on land that they rent from other landowners. Figure 5 depicts the location of some of the larger farmland parcels that are rented by farmers for agricultural production.

### Types of farms

According to information provided informally to the Committee by the USDA Farm Service Agency in 2007, there are approximately 18 large-scale farm operations in the town. The large-scale commercial farms that are active in the town include dairy and livestock, hay, grain, vegetable, and fruit. Fruit orchards, predominantly apples, pears, and peaches, have historically been a part of Parma's landscape and economy.

In addition to large-scale farm operations, a significant amount of land is occupied by small or part-time farming operations – typically defined as generating less than \$50,000/ year in sales. Several small farms in Parma raise horses, alpacas, llamas, or goats or cultivate specialty crops. These small farms contribute to the agricultural character of the town and support the agricultural economy through the purchase of supplies and services, and by running farm stands. Roadside stands generate and retain local dollars.



Statistics for the Hilton and Spencerport zip codes (See tables and graphs on the following page), which cover land in the Town of Parma, indicate that farms in the Parma area produce grains, vegetables, fruits and berries, and nursery crops.

### **Economic contributions of Parma farms to local and regional economy**

Farms in and around the Town of Parma generate millions of dollars in sales each year through the production and sales of farm products. As documented in the 2002 Census of Agriculture, there were nine farms in the Parma area (Hilton and Spencerport zip codes) with more than \$250,000 in sales, 18 with sales of \$50-249,000 and 104 with sales of up to \$50,000. The graphs on the following page summarize agricultural statistics from the 2002 Census of Agriculture. Based on these figures, it is estimated that Parma farms generate more than \$7 million annually.

Agriculture also generates economic impacts from businesses that provide services or goods to farmers and from businesses that process, transport or resell farm products. These include: retail businesses that sell equipment, fertilizer, seeds and other inputs; providers of financial, technical, and engineering services; construction contractors; trucking companies; processing plants; and retail sales of farm products.

# Town of Parma Agricultural & Farmland Protection Plan

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Statistics from the 2002 Census of Agriculture

## Town of Parma Agricultural & Farmland Protection Plan

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Agricultural operations in Parma contribute jobs to the local economy. The Census of Agriculture reports that approximately 75 farmers in the Parma area (Hilton and Spencerport zip codes) earn their principal income from farming. The 2000 Census estimated that 91 Parma residents were employed in agriculture or forestry in 1999. A total of 63 residents were reported to be farmers or farm managers and 28 were employed in support occupations. These figures do not include the seasonal labor that is employed by most farms to assist with harvesting.

The Monroe County Agricultural and Farmland Protection Plan, which was completed in 1999, estimated that the economic multiplier for agricultural sales is between 3 and 11. It estimated the total economic value created from agricultural wages and expenditures on supplies and services, in addition to the value of the agricultural products, at more than \$20 million.

Several farm operations have diversified their operations to offer agricultural-related entertainment. Kelly's Farm Market is the largest, with an apple-oriented theme. Zarpentines operates an annual corn maze, hay wagon rides, and pancake breakfast. Such diversification helps farm families supplement their income from agricultural production.



Several other farms have seasonal stands that offer fresh produce to residents and visitors. The 2002 Census of Agriculture reported that 24 farms in the Parma area offered direct market sales.

Several local businesses provide products and services that support agricultural operations. These include Napa Auto Parts, Country Max, Hilton Hardware and others. Agriculture contributes significantly to the success of these businesses.

## **C. Value of Farmland to Community**

The Residents' Survey, conducted in 2007, demonstrates strong community support for efforts to protect farmland. Of the 30% of residents who responded to the survey, a total of 94.4% agreed that "it is important to preserve farmland and open space in Parma." Similarly, 94.0% stated that they "support the town in efforts to preserve farmland and open space." A copy of the survey report is included in Appendix A.

## **D. Extent of development pressure on farmland**

### **Population Trends**

Parma currently has around 15,000 residents, of which roughly 6,000 live in the Village of Hilton. (Source: US Census of Population and Housing, 2000). The Town of Parma, outside the Village of Hilton, experienced its largest growth period during the 1960s. Since 1970, the population has increased at a moderate pace, with the largest increase occurring between 1990 and 2000, when the population increased by 3.6% (see Table 1).

Population projections prepared by the Genesee/ Finger Lakes Regional Planning Council anticipate the Town's population to increase by 3.2% during the 2000s and by 2.5% between 2010 and 2020. Future population will depend on the housing market, the availability of land for development, and land use regulations of the Town of Parma.

| <b>Table 1</b>                                       |                   |             |             |             |             |                  |             |             |             |
|--|-------------------|-------------|-------------|-------------|-------------|------------------|-------------|-------------|-------------|
| <b>Historic and Projected Population</b>             |                   |             |             |             |             |                  |             |             |             |
| <b>Town of Parma (Outside the Village of Hilton)</b> |                   |             |             |             |             |                  |             |             |             |
| <b>1960-2040</b>                                     |                   |             |             |             |             |                  |             |             |             |
|  | <b>Historical</b> |             |             |             |             | <b>Projected</b> |             |             |             |
| <b>Year</b>  | <b>1960</b>       | <b>1970</b> | <b>1980</b> | <b>1990</b> | <b>2000</b> | <b>2010</b>      | <b>2020</b> | <b>2030</b> | <b>2040</b> |
| <b>Total Population</b>                              | 4,943             | 8,308       | 8,434       | 8,657       | 8,966       | 9,257            | 9,488       | 9,681       | 9,838       |
| <b>Percent Change</b>                                |                   | 68.1%       | 1.5%        | 2.6%        | 3.6%        | 3.2%             | 2.5%        | 2.0%        | 1.6%        |

Source: Genesee/ Finger Lakes Regional Planning Council, 2003

Some of the Town's population growth is related to the rapid growth of Parma's immediate neighbor to the east, the Town of Greece, which has doubled in population since the 1960 Census to nearly 100,000. As formerly rural areas in Greece were developed, many Greece residents and would-be Greece residents moved to Parma to escape or avoid suburban sprawl. With this trend came a demand for new residential development in Parma, and the subsequent pressure to develop Parma's farmland.

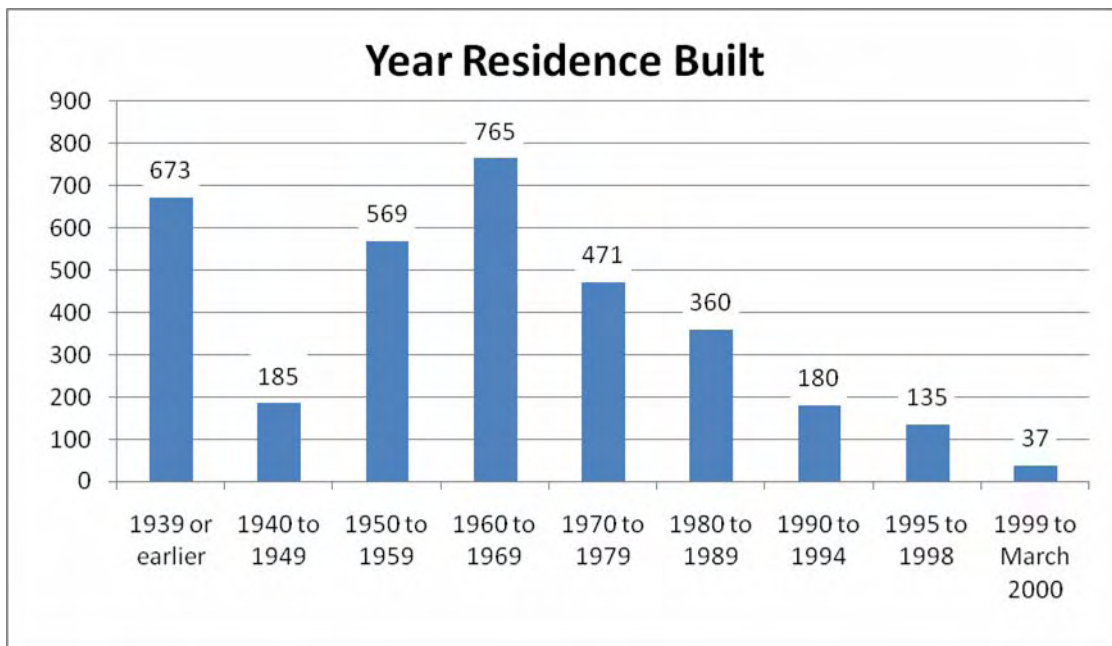
## Town of Parma Agricultural & Farmland Protection Plan

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Parma is considered an “outer ring suburb” because of its location between the heavily populated and urbanized Greece and the rural and agricultural communities of Hamlin, Clarkson, and Sweden. This is a key position in the countywide land use pattern with respect to containing suburban sprawl and protecting farmland in northwestern Monroe County.

### Housing Trends

According to the 2000 Census, more than one-half of all housing units in the Town of Parma were constructed in the 1960s or later. Fewer than 20% were constructed before 1939. Nearly 90% of all housing units are single family dwellings.



SOURCE: 2000 Census of Population & Housing, U.S. Census Bureau

New housing development has occurred throughout the Town. Most residential development has occurred along existing roads; however, several residential subdivisions have been developed, primarily in areas that have access to public sewers. Figure 6 illustrates the residential development patterns that have occurred during the past few decades.

### Sewer and Water

The availability of sanitary sewers and water service has made Parma’s farmland more prone to development. A sanitary sewer trunk main was constructed through the Village of Hilton in the early 1970s. The sewer was constructed to serve Hilton and other towns to the west and transports sewage to Monroe County Pure Waters’ Northwest Quadrant Treatment Plant in neighboring Greece. Figure 7 depicts the location of the interceptor sewer.



## Town of Parma Agricultural & Farmland Protection Plan

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Through the 1980s and 1990s more than 600 building lots were approved (Village excluded) in the sewer's immediate service area. Figure 8 illustrates that dwellings with access to public sewer service are located near the sanitary sewer lines in the Village of Hilton and the Hilton-Brockport Interceptor line.

An additional 500 dwelling units are proposed to be constructed in the southern part of town, contingent upon the extension of a separate sewer coming in from neighboring Greece. There is potential for sewer service near West Ridge Road.

Public water service is widely available in the town from the Monroe County Water Authority. Figure 7: Sewer and Water Lines depicts the size and location of existing lines.

The locations of dwellings in Parma that have access to public water are depicted in Figure 8. Roads that do not have public water include portions of Bennett Road, Curtis Road, Moul Road, Hill Road, Spencer Road, Trimmer Road and Draffin Road. The availability of public water makes land more attractive for development.

### Zoning

The Town of Parma zoning regulations permit single family residences, among other uses, in the Agricultural Conservation, Rural Residential, Medium Density Residential, High Density Residential, Waterfront and Townhouse Residential districts. Permitted densities range from one house per 12,000 sq. ft. in the High Density Residential district to one house per 2 acres in the RR zone and one house per 3 acres in the Agricultural Conservation district. Existing zoning district boundaries are depicted in Figure 9.

## E. Overview of existing plans, programs and regulations

Several existing plans, programs and regulations provide the context for this Town of Parma Agricultural Preservation Plan. The Monroe County Agricultural & Farmland Protection Plan, completed in 1999, recommended a series of actions to be undertaken by municipalities to address land protection, economic viability of agriculture and public education. A summary of these recommendations are included in Appendix B.

The Town's 1989 Master Plan included several recommendations intended to support the continued viability of agriculture. A summary of these provisions are included in Appendix C.

The Master Plan also designated those areas considered most suitable for agricultural conservation as well as those more suited to rural residential development and higher density development. Development areas were so designated based, in part, on the availability of sewer service and the demand for new residential development in those portions of the Town that adjoin the Town of Greece. The 1989 Master Plan formed the basis of comprehensive zoning revisions that were completed in the 1990s and continues to guide Town policy regarding suitable locations for conservation and development. A review of the Town's zoning regulations revealed that several provisions are inconsistent with guidelines established by the NYS

## Town of Parma Agricultural & Farmland Protection Plan

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Agricultural District program. Specific recommendations for zoning changes are included in Appendix D.

Numerous other programs administered by State, Federal and private entities address environmental protection, economic development, tax relief, the promotion of locally-grown products and other issues that affect farming and agriculture in Parma. Descriptions of these programs and the agencies that work with farmers in Parma are included in Appendix E.

## F. Issues and Opportunities

### SWOT Analysis/ Summary

An analysis of Strengths, Weaknesses, Opportunities and Threats (SWOT) relating to agriculture was conducted in cooperation with the Farmland and Open Space Committee and public meetings. “Strengths” and “weaknesses” are generally intrinsic to the community; “opportunities” and “threats” come from outside the community. The following table summarizes the SWOT analysis.

|  |   |
|--|---|
| <b>Strengths</b> <ul style="list-style-type: none"><li>• High quality agricultural soils</li><li>• Agricultural heritage (orchards)</li><li>• Public support for agriculture</li><li>• Farm markets and roadside stands</li><li>• Economic value (value-added, jobs)</li><li>• Proximity to markets, especially for fresh products (fruits, vegetables)</li><li>• Proximity to processing plants</li><li>• Availability of fresh water</li></ul> | <b>Weaknesses</b> <ul style="list-style-type: none"><li>• Cost/ availability of leasing land for agricultural production</li><li>• Residential development in close proximity to working farms</li></ul>  |
| <b>Opportunities</b> <ul style="list-style-type: none"><li>• Increased interest in “buying local” may expand market opportunities</li><li>• Town and State funding for purchase of development rights</li></ul>  | <b>Threats</b> <ul style="list-style-type: none"><li>• Development pressure increases cost of land, reduces availability of land for agricultural production</li><li>• Extension of public sewers would increase development pressure</li><li>• Market for residential development leads to speculative holding of land</li><li>• Regional processors and distributors may cease operations</li></ul> |

### **Analysis of Issues and Opportunities**

The following narrative presents an analysis of the issues and potential opportunities that were identified during the planning process. This narrative briefly describes alternative approaches that may be available to address the issues or take advantage of the opportunities; these are described in more detail in Part G. The strategies identified in Part H of this Plan are designed to address the issues and take advantages of the opportunities identified below.

#### **1. Residents support long-term protection of agricultural industry**

The results of the Residents' Survey conducted by the Town of Parma in 2007 confirm that residents strongly support Town efforts to retain farmland for continued agricultural use. The extent of community support represents an opportunity for the Town to undertake initiatives that would support agriculture and result in permanent protection of farmland. However, it will continue to be important for the Town Board to inform and involve the public in the consideration of specific proposals.

#### **2. Limited availability and high cost of land make it difficult for farmers to find sufficient land to lease for agricultural production**

During the course of the study, several farmers seeking to expand their operations have indicated that it has been difficult to find land at an acceptable cost to lease for agricultural production. Some land is being held by development companies which have plans to construct residential development. Farmers may count on selling land for development to finance their retirement.

The availability of land protected by conservation easements would enable farmers to purchase or lease land at an affordable price.

#### **3. Competition for land affects farmers' long-term planning**

Although the housing market slowed in 2008, land in Parma remains attractive for residential development. A significant portion of the land used for agricultural production in Parma is not owned by the farmer who works it. Farmers who lease land that is being held for future development find it difficult to plan for crop rotations, as the land may not be available on a long term basis.

The Town needs to identify its long-term objectives and identify those areas that should be targeted for growth and conservation. Techniques that may be applied include revising zoning district boundaries and regulations and limiting hookups to water and sewer lines.

#### **4. Residences in close proximity to farm operations lead to neighbor conflicts**

Residences located near farm operations are sometimes affected by noise, dust and odors associated with standard agricultural practices. Tensions may build between farmers and their non-farming neighbors, making farming more difficult. Even though most farming practices are

## **Town of Parma Agricultural & Farmland Protection Plan**

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protected by Agricultural District regulations, and although people who purchase land in Agricultural Districts are notified that there may be noise, dust and odors associated with living in the vicinity of active farmland, neighbor conflicts can inhibit farming practices.

Improving public awareness of farm practices and the importance of agriculture to the community may help promote understanding among non-farm neighbors. Farmers may be able to communicate more effectively with their neighbors about the need for certain practices and to be flexible when possible (such as avoiding spreading manure during certain weekends.)

If disputes continue, a local grievance committee may be able to diffuse the situation before it becomes necessary to bring in mediators from outside. Many local right-to-farm laws include provisions to establish such a committee to review and mediate disputes. The committee would need to be comprised of both farmers and non-farming residents and should receive training in dispute resolution.

### **5. Nearby population centers represent market for agricultural products**

Farmers in Parma benefit in several ways from their proximity to the regional population center of the City of Rochester and its suburbs. This advantage has increased in recent years as a result of recent trends toward more eating locally-grown foods. High fuel costs combined with consumer demand for locally-grown products have encouraged retailers to purchase more products from local farms.

Parma farmers currently take advantage of their proximity to consumers. Fruit and vegetable farmers in Parma market their seasonal farm-fresh produce directly to consumers from roadside farm stands and farm markets. Zarpentines and Kelly's Farm Market offer recreational activities to encourage visitors. Zarpentines, Kelly's, Burch Farms and Barnes Christmas Trees participate in the "Grow Monroe" program which promotes local agriculture.

### **6. Proximity to processing markets benefits cash crop and dairy producers**

Several major processors and distributors purchase products from farms in Monroe and neighboring counties. Despite some prominent recent plant closings, the regional agricultural economy continues to support a variety of regional processors and distributors. Rising fuel costs provide an advantage to producers located close to processors.

### **7. Certain zoning provisions may unreasonably restrict farm operations**

The NYS Agricultural District law (NYS Agriculture & Markets Law, Article 25AA, Section 305-a) states that local governments "shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened." Several provisions of the Town of Parma's zoning regulations have been identified as unreasonably restrictive as they may be applied to specific farms located within Agricultural Districts. These provisions address minimum lot sizes and setbacks for farms and farm buildings, maximum size of farm buildings, commercial horse boarding operations and farm labor housing. A detailed review of the agricultural provisions of

the Town's zoning regulations, as well as specific recommendations for changes, is included in Appendix D.

Certain uses, such as recreational activities or retail sales, may be characterized as permitted accessory uses to farm operations. Unless there are health and safety requirements, zoning regulations may not unreasonably restrict such operations on farms within a designated Agricultural District.

### **8. Availability of public sewers and water service increase pressure to develop farmland for non-agricultural uses**

The availability of public water service, and especially public sewer service, make land more attractive to develop for residential and other non-agricultural purposes. Lands located near such infrastructure can be developed at higher densities, which results in higher land values and less likelihood that the land will be available on a long-term basis for agricultural use.

### **9. Subdivision design can minimize conflicts and preserve farmland**

The subdivision of farmland into residential lots can impact the agricultural land that is being subdivided as well as adjoining farmland. Thoughtful design of the subdivision can help to reduce future conflicts between farmers and non-farm neighbors and may be able to incorporate the preservation of land as part of the subdivision review process. Effective buffers between the residential lots and adjoining farms can help to avoid neighbor conflicts. "Density averaging" or "conservation subdivisions," as described in H.3.b, "density averaging" can result in permanent protection of farmland at no cost to the Town.

The Town of Parma Subdivision Regulations (Chapter 130 of the Town Code) currently empowers the Planning Board to require density averaging, in accordance with NYS Town Law Section 278, to preserve natural and scenic resources. The Planning Board should also have this authority in cases where the subdivision adjoins or involves prime agricultural soils or an active farm.

### **10. Residential development may require more in services than it raises in property taxes**

Several studies of municipalities throughout the northeastern United States have concluded that residential development generally increases the need for government services and that the increased property taxes associated with such development do not cover the cost of such increased services. Many of these studies estimated that a new house would need to be assessed at \$250,000 or higher in order to "pay its own way."

Increased costs of services associated with residential development are predominantly due to the cost of educating school children. Other costs that tend to rise with increased population are associated with public safety and the maintenance of infrastructure.

## **G. Farmland proposed for protection**

### **1. Establish target number of acres that would comprise “critical mass” of farmland**

The Town has developed a rating system to be used to evaluate farm parcels that may be considered for permanent protection. The rating system utilizes the following criteria:

- 1) Viability for agricultural production (Soil suitability; Location within County Agricultural District)
- 2) Development pressure (Availability of public water and/or sewer; location near Village of Hilton or Town of Greece)
- 3) Buffers environmental resources (contains or adjoins Class 1, 2, or 3 wetlands; within the Salmon Creek watershed; contains federally designated wetlands; within designated flood hazard zone)

A set of three maps characterizes each parcel with more than 20 acres based on its score; a fourth map combines all three ratings. (See Figures 10 and 11) The criteria and methodology used to develop these maps are summarized on the following two pages.

A total of 95 parcels received the highest rating for agricultural viability, based on the presence of prime and important agricultural soils and location within an Agricultural District. These parcels comprise a total of 6,094 acres and are owned by 78 different owners. The total assessed value of the land in these parcels (excluding the buildings) is \$8,793,150.

### **2. Impact on Town if these lands were developed**

Assuming full build out at the densities permitted by current zoning, a total of 5,481 houses could be built on the 6,094 acres of farmland that received the highest rating for agricultural value.

| Zoning District | Acres of Priority Farmland | Dwelling Units Permitted Per Acre | Projected Build-Out |
|-----------------|----------------------------|-----------------------------------|---------------------|
| HD              | 355                        | 3.5                               | 1,242               |
| MD              | 1,243                      | 2.0                               | 2,486               |
| RR              | 902                        | 0.5                               | 451                 |
| AC              | 3,948                      | 0.33                              | 1,302               |
| <b>Total:</b>   | <b>6,448</b>               |                                   | <b>5,481</b>        |

Figure 12 depicts the location of highly rated agricultural parcels in relation to existing zoning districts.

## GIS Parcel Ranking Criteria

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**A. GIS data:** Provided by Monroe County Department of Environmental Services, GIS Division.

**B. GIS software:** ESRI's ArcGIS Desktop, version 8.3

**C. General Methodology:** GIS software and data were used to perform a series of analyses against tax parcels in the town. The base tax parcel data used was provided by Monroe County Department of Environmental Services, GIS Division and contained attributes from the Monroe County Department of Real Property Services.

The analysis was separated into 3 general categories; Agricultural Value, Development Pressure, and Environmental Features. A fourth and final ranking was compiled by combining the results of the first 3 analyses. This combined ranking represents the town's target areas for farmland preservation.

**D. Assumptions:**

1. Parcels under 20 acres in size were not considered.
2. Attributes, or GIS layers, were selected based on availability of data.
3. For each attribute considered, a score was assigned based on whether or not a particular parcel met the criteria.
4. Scores were decided by the Committee based on their collective perception of the importance of the individual attributes.

**E. Agricultural Value Ranking**

1. Purpose: Identify and prioritize prime farmland based on known characteristics.
2. Attributes and Methodology:
  - a) Monroe County Agricultural District boundaries: parcels identified as being in the district were assigned 6 points.
  - b) Adjacency to Monroe County Agricultural District: parcels within 2000 feet of the district were assigned 8 points. Parcels adjacent to the district were given a higher score based on the Committee's opinion that they may be more susceptible to development pressure, and because they represent an opportunity to expand the district in a contiguous or nearly contiguous way.
  - c) Agricultural Conservation (AC) zoning district boundaries: parcels within this zoning district were assigned 7 points. It was the Committee's opinion that this zoning district represents the town's 1989 Master Plan's intention to maintain agricultural use in these areas.
  - d) Prime Farmland Soils:
    - (i) Parcels containing only Class 2 soils were assigned 5 points. [revised February, 2009]
    - (ii) Parcels containing Class 1 soils were assigned 10 points. [revised February, 2009]
    - (iii) Parcels containing no Class 1 or Class 2 soils were given 0 points.
  - e) Soils of Statewide Significance: Parcels containing Soils of Statewide Significance were assigned 3 points. [revised February, 2009]
  - f) 5 points were added for farmland that was contiguous with other high-value farmland. High-value farmland was considered that which ranked in the upper 1/3 of the point distribution after completing the above criteria. [added February, 2009]

## GIS Parcel Ranking Criteria (cont'd)

### F. Development Pressure Ranking

1. Purpose: Identify and prioritize parcels that are under development pressure.
2. Attributes and Methodology:
  - a) Parma Zoning District Boundaries: based on the Committee's opinion that these areas of town are more likely to be susceptible to development pressure due to a higher expected return-on-investment for developers.
    - (i) Parcels in the Medium Density (MD) were assigned 3 points.
    - (ii) Parcels in the High Density (HD) residential zoning districts were assigned 5 points.
  - b) Adjacency to Village of Hilton: parcels within ¼ mile of the Village of Hilton/Town of Parma municipal boundary were assigned 3 points based on the Committee's opinion and observations of development pattern in the town. The Committee also placed value on maintaining a defined boundary between town and village, in the interest of community character.
  - c) Adjacency to Town of Greece; parcels within 1 mile of the Town of Parma/Town of Greece municipal boundary were assigned 5 points based on the Committee's opinion and observations of increased development, and development pressure in this area.
  - d) Public water service: parcels within 1000 feet of a Monroe County Water Authority water main were assigned 3 points based on the Committee's opinion that public water service makes a property easier and more likely to be developed. At the same time, the score assigned recognizes that water service is widely available in the town.
  - e) Sanitary sewer availability: parcels NOT within 1000 feet of a public sewer were assigned 10 points based on the Committee's general understanding that areas of town that have sewers may be the logical place for expanding development. These areas have been referred to in discussion as the "sacrificial lamb" in terms of the town's overall development patterns. [revised February 2009]

### G. Environmental Features Ranking

1. Purpose: Identify and prioritize parcels based on the existence of key environmental features.
2. Attributes and Methodology:
  - a) Adjacency to public land: parcels adjacent to public land were assigned 5 points
  - b) Waterfront access: parcels adjacent to Lake Ontario, Salmon/West Creeks were assigned 10 points. Parcels within the New York State Department of State's LWRP or coastal boundary were assigned 5 points.
  - c) Water quality:
    - (i) Parcels containing recognized streams and tributaries were assigned 3 points.
    - (ii) Parcels located with in the Salmon Creek watershed were assigned 7 points.
    - (iii) Parcels containing wetlands identified in the National Wetlands Inventory were assigned 2 points.
    - (iv) Parcels containing Class 1, 2, and 3 wetlands regulated by the State of New York were assigned 3, 2, and 1 points respectively.
  - d) Drainage and flooding: parcels containing 100-year floodplains, as identified by the Federal Emergency Management Agency were assigned 2 points.
  - e) Habitat: parcels located within 1 mile of the Lake Ontario shoreline were assigned 5 points. The area within 1 mile of the Lake Ontario shoreline has been identified by the Rochester Birding Association and the Genesee Land Trust as having significant value to migration song birds.



### 3. Delineate both “conservation” and “development” areas in the Town

Land located in the Town’s existing HD High Density zoning district has the greatest potential for development that is served by public sewers. The Town should designate these areas for high density residential use and focus efforts for preservation in other areas.

Some of the priority farmland is located in the MD Medium Density zoning district. The boundaries of this district should be altered to include land along the south side of Curtis Road in the AC district.

Most of the highly rated agricultural parcels are located in the Agricultural Conservation District, which designates agriculture as a priority use. However, high quality farmland, as well as land within the County Agricultural District, is located in the MD Medium Density zoning district along the south side of Curtis Road and Consider rezoning the following areas:

- south of Curtis Road, west of North Ave to the Town line
- the area bounded by Manitou, Curtis, Moul and Lighthouse Roads
- the area bounded by Manitou, Parma Center, Burritt and Butcher Roads

## H. Evaluation of potential agricultural preservation techniques available to local governments

Several tools and techniques are available to local governments, individual landowners and private organizations to help meet the goal of retaining farmland and encouraging the continued viability of agriculture.

### 1. Local “Right to Farm” Law

The Town of Parma currently implements “right to farm” provisions included in New York State Agricultural District Law, which require purchasers of land within Agricultural Districts to be notified that noise and odors may be associated with standard agricultural practices. However, the Town of Parma has not adopted a local “right to farm” law.

Local “right to farm” laws typically clearly state the town’s policy in support of farming, define “generally accepted agricultural practices,” and affirm a farmer’s right to employ such practices. The laws also include a statement that farm practices may include odors, noise and other activities.

Such a law often establishes a local “grievance” procedure to resolve complaints between farmers and non-farm neighbors. A local committee consisting of local farmers as well as non-

## Town of Parma Agricultural & Farmland Protection Plan

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farming residents, may be formed to hear and resolve complaints. Municipalities may appoint an existing committee, such as the Farmland Protection Board, to act as the Grievance Committee.

Local examples of “right to farm” laws include the Town of Sweden, which states the Town policy and requires notations on subdivision plats consistent with NYS Agriculture District Law, and the Town of Eden, which establishes an informal grievance committee to provide advisory opinions to parties when there are conflicts between farmers and non-farm neighbors. Copies of these local laws, as well as a model prepared for Yates County, are provided in Appendix F.

## 2. Conservation Easements/ Purchase of Development Rights

### Private, voluntary conservation easements

Landowners may place farmland under a permanent conservation easement to be held and monitored either by the Town of Parma or by a private land trust or other non-profit organization. The donation of easements may be helpful to some families in estate planning, as the value of the donated easement can be claimed as a tax deduction. Donation of easements provides permanent protection of farmland and open space at no cost to the town. Landowners would decide voluntarily to donate.

The Genesee Land Trust, based in Rochester, is a private, non-profit land trust that accepts donations of property or development rights and works with individual landowners and community leaders to protect land resources. The Genesee Land Trust has been working with the Town of Parma to provide information to landowners about the option of donating conservation easements.

### Public purchase of development rights

Purchase of Development Rights is a public program which purchases the development rights from willing landowners and results in a conservation easement being placed on the land that prohibits future development. The value of development rights is calculated as the difference between the value of the land for agricultural purposes and its value for development. A permanent conservation easement typically restricts future development on the parcel to agricultural buildings only.<sup>1</sup> Ownership of the parcel does not change. The easement holder, which is either the Town or a private land trust, is responsible for ensuring that the property is not developed. The owner may continue to farm the parcel, and/or sell it.

When development of a property is limited due to a permanent conservation easement, the assessment on the property must take into consideration the impact of the easement on the value of the property. This may result in reduced property taxes for the owner. However, in practice, properties that are receiving an agricultural use value assessment would continue to be assessed based on the agricultural value rather than the market value of the property.

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<sup>1</sup> A copy of the current easement used by New York State in its PDR program is provided in Appendix F.4.

## Town of Parma Agricultural & Farmland Protection Plan

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PDR programs are regarded as fair to landowners, who receive fair market value for the development rights. The property remains privately owned and is assessed at a value that reflects its limited use. Such programs achieve permanent protection of farmland and open space.

Some municipalities have established Town purchase of development rights programs that are funded by bond issues. State and federal grant funding is also available to support the purchase of development rights to farmland.

State funding for PDR presents an opportunity for municipalities to partner with landowners to obtain up to 75% of the cost of purchasing development rights. Either the Town or the landowner may provide the matching funds. Some landowners agree to sell their development rights for less than the appraised amount (known as a “bargain sale”), thereby donating the difference and often claiming a tax deduction for the amount donated.

In order to allocate these funds in a manner that is fair to all interested landowners and focused on the priorities of the Town, the Town needs to establish a process to solicit, review and evaluate potential projects.

In addition, the Town needs to determine how much it is prepared to contribute toward the matching funds required for purchase of development rights and to establish a fund. Assuming per acre costs between \$1,000 and \$2,000, the Town would need to expend between \$250,000 and \$625,000 to permanently preserve 1,000 acres of farmland in the Town if NYS grant funds are obtained, or up to \$2.5 million if no grant funds are obtained. The projected cost per acre incorporates miscellaneous costs such as surveys, appraisals, easement preparation, and enforcement fees.

| <b>Potential Cost for Purchase of Development Rights</b> |               |              |                                     |
|--|---------------|--------------|-------------------------------------|
| Acres preserved  | Cost per acre | Total Cost   | Cost to Town with NYS providing 75% |
| 1000   | \$ 1,000      | \$ 1,000,000 | \$ 250,000                          |
|  | 1,200         | 1,200,000    | 300,000                             |
|  | 1,500         | 1,500,000    | 375,000                             |
|  | 1,800         | 1,800,000    | 450,000                             |
|  | 2,000         | 2,000,000    | 500,000                             |
|  | 2,500         | 2,500,000    | 625,000                             |
| 1500   | \$ 1,000      | \$ 1,500,000 | \$ 375,000                          |
|  | 1,200         | 1,800,000    | 450,000                             |
|  | 1,500         | 2,250,000    | 562,500                             |
|  | 1,800         | 2,700,000    | 675,000                             |
|  | 2,000         | 3,000,000    | 750,000                             |
|  | 2,500         | 3,750,000    | 937,500                             |
| 2000   | \$ 1,000      | \$ 2,000,000 | \$ 500,000                          |
|  | 1,200         | 2,400,000    | 600,000                             |
|  | 1,500         | 3,000,000    | 750,000                             |
|  | 1,800         | 3,600,000    | 900,000                             |
|  | 2,000         | 4,000,000    | 1,000,000                           |
|  | 2,500         | 5,000,000    | 1,250,000                           |

## Town of Parma Agricultural & Farmland Protection Plan

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As the NYS grant program historically has funded only one-third of the applications it has received, the Town should be prepared to purchase development rights in some cases without the benefit of NYS funding.

The Town should work with Monroe County to utilize grant funds allocated to the Town of Parma from Monroe County for open space protection for either the outright purchase of development rights or to match a State grant for farmland protection.

### **3. Zoning Techniques**

#### **a. Zoning Districts**

Two alternative zoning approaches are to 1) establish a new agricultural protection zoning district that designates farming as the primary, preferred land use and that limits non-agricultural development and 2) to establish an overlay zoning district that would apply additional requirements or eases certain restrictions that would otherwise apply to the base, or underlying, zoning district or districts.

The boundaries of a standard agricultural protection zoning district should encompass large contiguous areas of active farms and prime agricultural soils. The boundaries of an overlay district may be referenced to parcels included in the County Agricultural District or they may be determined by other criteria identified by the Town.

An agricultural protection district – either an overlay or a standard zoning district – would incorporate regulations to support farm operations and encourage the continued viability of farming. Such regulations may allow smaller setbacks for agricultural buildings or fewer restrictions on horse boarding operations than would apply in the AC or other zoning district. They may also allow for a range of businesses to be established in conjunction with a farm operation. The minimum lot size may be based on the size of the smallest viable farm unit -- such as 25 to 40 acres. Regulations may require density averaging or use a “sliding scale” to limit the number of dwellings permitted. The regulations may also specify maximum (as well as minimum) lot sizes for non-farm development. Such a district may allow farm-related businesses and home-based businesses.

Agricultural protection zoning designates certain areas of the Town as priority locations for farming. Such a designation may also be used to support the purchase of development rights, transfer of development rights or incentive zoning.

#### **b. Density Averaging/ Conservation Subdivisions**

Density averaging, also known as clustering or conservation subdivisions, allows residences to be built on smaller lot sizes than typically permitted by zoning, provided that the average density of the original parcel is not increased. For example, if zoning requires a maximum density of 1 dwelling per 10 acres, a farm of 100 acres would be entitled to develop up to 10 dwelling units. If the 10 dwellings were built on a total of 20 acres of the parcel (with an average lot size of 2 acres), 80 acres would remain open (see diagram on the right, below.) The smaller lots should be sited in locations that are least suitable for farming, and that offer the most appealing views of

## Town of Parma Agricultural & Farmland Protection Plan

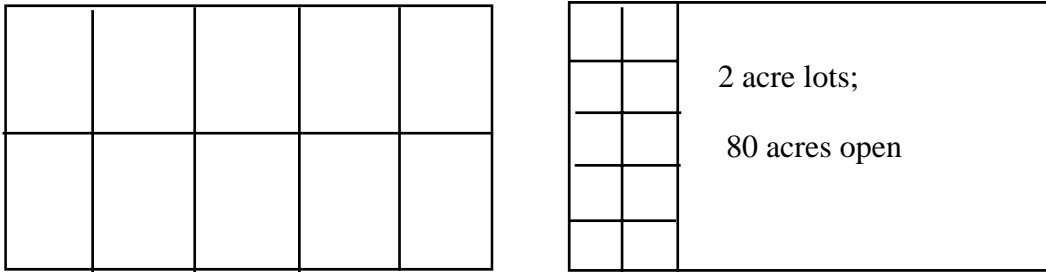
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open space and natural resources. Design of the subdivision should include buffers between the new residential development and the remaining farmland. A conservation easement would be placed on the remaining 80 acres to prevent future development.

### Density Averaging Example

#### 100 acres - 10 building lots

10 acre lots



#### c. Incentive zoning

Incentive zoning may be used to encourage the private acquisition of agricultural conservation easements or to collect money toward a public fund to purchase such easements (development rights). Municipalities must designate an area or areas in which higher densities or more intensive uses may be permitted, provided that the applicant offers certain amenities that would meet specified community needs. Acceptable amenities may include the private purchase of conservation easements on farmland or cash to be used in a purchase of development rights program.

Incentive zoning is fair to the owners of land to be preserved, as a developer must purchase the development rights at fair market value in order to obtain a density incentive. The technique does not diminish the development potential of land to be developed.

The technique is fairly easy for the Town to administer, as the developer and the owner of the farmland or open space arrange the transaction privately. Once the developer demonstrates that land will be preserved, he is entitled to the density bonus on the property to be developed.

This technique has virtually no cost to the Town, and would result in the permanent protection of farmland or open space through a conservation easement. However, the designation of areas suitable for higher density needs to be balanced with an analysis of the carrying capacity of local infrastructure. Infrastructure analysis needs to be required at an early stage in the development review process to identify any constraints to the utilization of incentives.

In addition, a specific formula is needed. For example, if a developer purchases the development rights to a 90-acre parcel in the Agricultural Conservation zoning district, where zoning requires 3 acres per dwelling, the developer would be entitled to a bonus of up to 30 dwelling units. If the bonus density were applied to a 90-acre parcel in the MD District, where 20,000 sq. ft. per dwelling unit is required, the maximum number of units permitted would be approximately 210

## Town of Parma Agricultural & Farmland Protection Plan

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instead of 180. The actual number of additional units permitted would need to be determined based on the actual number of lots that could be accommodated on the parcel in the AC district. This number would be determined upon review of a conceptual lot layout that shows proposed streets and excludes any undevelopable land.

### d. Transfer of Development Rights

Municipalities are authorized by Section 261-a of NYS Town Law to establish Transfer of Development rights provisions in their zoning regulations. Such provisions encourage owners of land in designated conservation or “sending” areas to voluntarily sell their development rights for use in land located in designated “receiving” areas. Developers who propose projects within the “receiving” areas are entitled to develop at a higher density than would otherwise be permitted by zoning.

Transfer of Development Rights provisions need to establish the locations of the sending and receiving areas, specify how many additional dwelling units may be permitted in the receiving tract and establish procedures to administer the transfer and enforce the conservation provisions. For example, the owner of 90 acres in Parma’s Agricultural Residential zoning district, which allows one house per 3 acres, may sell her 30 development rights to develop an additional 30 dwelling units on land in the MD or HD district. With TDR, the number of dwelling units permitted on a 10-acre parcel in the HD district would increase from 35 to 65.

The Town may consider requiring TDR as a condition of approving a townhouse or senior housing development in the MD or HD districts that proposes a higher density of development that would otherwise be allowed.



90 acres of farmland in the AC zoning district yields 30 development rights



With TDR, the number of dwelling units permitted on a 10-acre parcel would increase from 35 to 65 in the HD district or from 20 to 50 in the MD district.

## 4. Infrastructure Management

Tools available to municipalities to minimize the impacts of sewer and water line extensions on agricultural land include the use of Agricultural Data Statements and lateral restrictions.

## Town of Parma Agricultural & Farmland Protection Plan

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### Notice of Intent Process

Section 305 of the Agricultural Districts law requires local governments, before extending a water or sewer line that would serve non-farm structures within an Agricultural District, to file a

preliminary and a final Notice of Intent with the NYS Department of Agriculture and the County Agricultural & Farmland Protection Board. The law states:

Any ... local government ... which intends to construct, or advance a grant, loan, interest subsidy or other funds within a district to construct, ... water or sewer facilities to serve non-farm structures, shall use all practicable means in undertaking such action to realize the policy and goals set forth in this article, and shall act and choose alternatives which, consistent with social, economic and other essential considerations, to the maximum extent practicable minimize or avoid adverse impacts on agriculture in order to sustain a viable farm enterprise or enterprises within the district.

The Notice of Intent (NOI) must set forth:

- A description of the proposed action and its agricultural setting
- The agricultural impact of the proposed action, including short-term and long-term effects
- Any adverse impacts on agriculture that cannot be avoided
- Alternatives to the proposed action
- Any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed action
- Mitigation measures proposed to minimize the adverse impact of the proposed action on the continuing viability of farms within the district
- Any aspects of the proposed action which would encourage non-farm development

A preliminary notice must be filed before the municipality issues a determination of significance pursuant to the State Environmental Quality Review Act (SEQR). The final notice must be filed at least 65 days prior to the construction or advancement of public funds. The commissioner has 45 days from receipt of the final notice to determine whether the action may have an unreasonably adverse effect on farm viability, and may take an additional 60 days to review the proposed action and issue findings.

The commissioner of agriculture may propose reasonable or practical alternative actions that would minimize or avoid the adverse impact of the proposed action on agriculture. The

## Town of Parma Agricultural & Farmland Protection Plan

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municipality or funding agency may either accept the proposed alternative or certify that other actions have been taken to minimize impacts on agricultural operations.

### Lateral Restrictions

Often, as an outcome of the Notice of Intent process, a municipality will adopt a resolution that restricts hookups for non-farm structures to a new water or sewer line that extends into an Agricultural District. Typical language for such a resolution is:

#### **LATERAL RESTRICTIONS RESOLUTION**

WHEREAS, the [municipality] has created the [name of water district] pursuant to Town Law for the express purpose of providing public water supply to residents [geographic extent of water district]; and

WHEREAS, as part of the land area within the [name of water district] is also within the [name of Agricultural District]; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within the [name of Agricultural District]; and

WHEREAS, the New York State Department of Agriculture and Markets has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural Districts,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to limit connections to the public water supply only to existing non-farm uses and to farm related uses within that portion of [name of water district] which is also within the limits of the [name of Agricultural District].

The restriction on hookups would apply to non-agricultural structures for as long as the property is located within an Agricultural District.

### **5. Tax Relief Programs**

Farming utilizes large amounts of land but does not demand proportionally large expenditures from local governments. In response to this situation, New York State has established programs to reduce property taxes on farmland that meets certain eligibility requirements.

- **Agricultural Use Assessments** base property taxes on the value of the land as farmland, rather than its value for development. Eligible farms located within certified Agricultural Districts, as well as farms outside a District that meet certain requirements, may receive Agricultural Use Assessments. Agricultural Use Assessment is also available to landowners who rent the property to an eligible farmer.



## Town of Parma Agricultural & Farmland Protection Plan

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The NYS Department of Agriculture & Markets has established a formula to determine the Agricultural Use value of property based on soil types and projected crop yields. In areas where the land is valuable for development purposes, the agricultural use value will be much lower than the market value, resulting in significantly lower property taxes. However, in areas where farming is the “highest and best use” of the property – where a farmer is likely to pay as much for the land as anyone else - the agricultural use value is the same as the market value.

- New York State has established the **Farmers School Property Tax Credit** program for eligible farmers to receive refunds of up to 100% of School taxes on up to 350 acres of agricultural land, and 50% of School taxes on acreage in excess of 350 acres. To be eligible for this tax credit, farmers must earn at least 2/3 of their income in excess of \$30,000 from farming. The credit may be claimed in the farmer’s annual NYS tax return.
- Farm worker housing is exempt from property taxes, provided that the facility meets all safety and health standards set by the State building code and the NYS Department of Labor.
- Renovation of a historic barn for continued agricultural use qualifies for a property tax exemption.
- Certain property and services used in agricultural production is exempt from sales tax. Farmers need to complete Form ST-125.

### 6. Promotion and Public Information

Several State and regional programs have been established to promote local products and raise public awareness of the contributions of the agricultural industry. These programs include:

- “Grow Monroe” and “Pride of New York”, administered by Monroe County and NYS Department of Agriculture and Markets, respectively. These programs offer labeling and promotional materials to participating farmers and encourage consumers to purchase locally grown products.
- Farm to School program, administered by the NYS Department of Agriculture and Markets. This program connects farmers who are interested in selling products to schools with schools who are interested in purchasing local products. The program also encourages schools to integrate food system concepts into the curricula and supports the development and marketing of healthy products targeted for children.

Information on these programs is included in Appendix F-6.

## **I. Strategies and Recommendations**

This section identifies the strategies and recommended actions that should be carried out by the Town to implement the Agricultural & Farmland Protection Plan. The tables that accompany each recommended action identify the time frame for completion, the entity with primary responsibility for carrying out the action, the anticipated cost and potential funding sources.

- 1. Re-establish and repurpose the Farmland and Open Space Committee to empower it to implement the recommendations of this Plan and to update the Plan every 3-5 years.**

|                            |                             |
|----------------------------|-----------------------------|
| Time Frame:                | Immediate (within one year) |
| Responsible Agency:        | Town Board                  |
| Estimated Cost:            | Minimal                     |
| Potential Funding Sources: | Not applicable              |

- 2. Enact zoning revisions that would remove provisions that hinder standard agricultural practices that are protected by the NYS Agricultural Districts Law and would allow for a variety of agricultural practices and related business.**

- a. Establish an Agricultural Protection Overlay District that encompasses land located in County Agricultural Districts as well as land with prime agricultural soils. The regulations for this district should incorporate the following provisions:
  - A statement of purpose that expresses the Town’s policy to encourage agriculture and related businesses
  - Setback and minimum lot size requirements for farms that are consistent with those for other uses.
  - No restrictions on the maximum size of new agricultural buildings
  - An exception to the restrictions on horse boarding for “commercial horse boarding operations,” as defined in NYS Agriculture & Markets Law
  - Provisions for farm worker housing (without distinction between “permanent” and “temporary”) in all districts
  - Provisions to accommodate non-traditional agricultural operations, such as hydroponic techniques

## Town of Parma Agricultural & Farmland Protection Plan

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- Provisions to permit farm-related businesses such as food service and entertainment, when not strictly part of the farm operation, with a special permit.
  - A requirement that density averaging be used in conjunction with residential subdivisions when it would effectively retain farmland for continued agricultural use.
  - Require effective buffers between agricultural land and non-farm uses as part of site plan and subdivision review.
- b. Clarify the distinction between “keeping or boarding of horses” and “animal boarding.”

|                            |  |
|----------------------------|--|
| Time Frame:                | Immediate (within one year)            |
| Responsible Agency:        | Town Board                             |
| Estimated Cost:            | \$2,000 - \$5,000 for zoning revisions |
| Potential Funding Sources: | Town budget                            |

### 3. Consider rezoning additional land to AC Agricultural Conservation

- a. south of Curtis Road, west of North Ave to the Town line (currently zoned MD)
- b. the area bounded by Manitou, Curtis, Moul and Lighthouse Roads (currently zoned RR)
- c. the area bounded by Manitou, Parma Center, Burritt and Butcher Roads (currently zoned RR)

|                            |  |
|----------------------------|--|
| Time Frame:                | Immediate (within one year)            |
| Responsible Agency:        | Town Board                             |
| Estimated Cost:            | \$2,000 - \$5,000 for zoning revisions |
| Potential Funding Sources: | Town budget                            |

### 4. Establish a clearer and stronger mechanism in the Town’s incentive zoning provisions, or establish a Transfer of Development Rights program, to encourage the private purchase of conservation easements to productive agricultural land in exchange for the right to build at a higher density elsewhere in the Town.

## Town of Parma Agricultural & Farmland Protection Plan

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- a. Identify areas in the Town that could accommodate additional density that may be transferred from agricultural land. For example, designate areas within the HD High Density zoning district that have access to public sewer service as “receiving areas.”
- b. Specify how many acres of farmland must be permanently protected through private conservation easement per additional dwelling unit allowed. For example, to permit an additional 30 dwelling units in a development in the HD High Density zoning district, the developer would be required to purchase the development rights to a 90-acre parcel in the Agricultural Conservation District that could accommodate 30 houses.

|                            |                             |
|----------------------------|-----------------------------|
| Time Frame:                | Immediate (within one year) |
| Responsible Agency:        | Town Board                  |
| Estimated Cost:            | \$1,600 - \$3,000           |
| Potential Funding Sources: | Town budget                 |

**5. Establish a public education program to publicize the value of farming to the community and improve public understanding of farm practices.**

- a. Publish regular advertisements in the PennySaver and/or newspaper
- b. Issue press releases to publicize accomplishments of area farms
- c. Issue a quarterly newsletter to communicate progress on agricultural and farmland protection to Town residents.
- d. Organize tours of farm operations
- e. Set up farm displays and education booths at all Parma functions, including the Town of Parma Summer and Winter Days, Hilton Fireman’s weekend, Apple fest weekend and others
- f. Partner with the Parma Recreation Dept. to start courses through their Community Classes. Some ideas here would be classes about PDR, something from County Soil & Water, a course from AFT, FDA or other agencies to get those agencies info out to the public on a constant basis.
- g. Work with Hilton Central schools to begin educational classes within the school district. Such programs would increase awareness of how food is produced and how farms operate, and would encourage children to consider agriculture as a career.
- h. Set up a promotional NW Farmer’s Market during major events, such as the Hilton Apple Fest, the fireman’s parade, Spencerport Canal Days or Hamlin’s Wheel fest.

## Town of Parma Agricultural & Farmland Protection Plan

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Publicize produce as well as livestock of different farms in the area. Aim for a County or State fair atmosphere.

- i. Coordinate with and help to promote the Grow Monroe program. For example, encourage farms to participate in the program, include a link on the Town’s website, and promote the program at local events.
- j. Communicate and coordinate agricultural promotion and farmland protection efforts with neighboring municipalities
- k. .

|                            |  |
|----------------------------|--|
| Time Frame:                | Immediate (within one year); Ongoing   |
| Responsible Agency:        | Farmland Protection Committee, in cooperation with Cornell Cooperative Extension, Farm Bureau and other agencies |
| Estimated Cost:            | Varies   |
| Potential Funding Sources: | Town budget  |

### 6. Establish a mechanism to mediate disputes between farmers and non-farming neighbors

- a. Enact a local Right to Farm law which establishes a Committee empowered to mediate disputes
- b. Appoint a liaison to the Town Board (possibly a member of the Committee) who would meet with farmers and landowners, coordinate public education efforts, and facilitate other farmland protection programs and initiatives

|                            |                                      |
|----------------------------|--------------------------------------|
| Time Frame:                | Immediate (within one year); Ongoing |
| Responsible Agency:        | Town Board                           |
| Estimated Cost:            | To be determined (Attorney’s costs)  |
| Potential Funding Sources: | Town budget                          |

### 7. Utilize the subdivision review process to ensure that the design of the residential development in proximity to active farmland minimizes the long-term impact on agricultural operations.

- a. As part of subdivision review, require effective buffers to minimize conflicts between new residential development and farm operations.

## Town of Parma Agricultural & Farmland Protection Plan

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- b. Work with farmland owners who intend to subdivide a portion of their property to plan for the entire parcel. Encourage the use of “density averaging” and the creation of “conservation subdivision” to locate house lots in areas that would least impact current and future farm operations. (See Conservation Subdivision example in Appendix E.)
- c. Encourage the Planning Board to require density averaging when it would result in the protection of a significant amount of viable farmland.

|                            |  |
|----------------------------|--|
| Time Frame:                | Immediate (within one year); Ongoing   |
| Responsible Agency:        | Planning Board; training, consultation and farmer liaison from Farmland Protection Committee |
| Estimated Cost:            | None   |
| Potential Funding Sources: | Not applicable   |

### 8. Provide information to farmers and landowners regarding existing tax relief programs and private techniques to keep land in agriculture.

- a. Provide information to farmers and landowners regarding tax relief programs that are available to landowners.
- b. Maintain copies of brochures and other information in the Town Hall on estate planning, land trusts, and other programs.
- c. Ensure that the Town Assessor and other officials who work regularly with farmers and farmland owners have up-to-date information about the availability of tax relief programs for farmer and farmland owners and options for private land conservation.

|                            |  |
|----------------------------|--|
| Time Frame:                | Immediate (within one year); Ongoing         |
| Responsible Agency:        | Town Assessor; Farmland Protection Committee |
| Estimated Cost:            | None   |
| Potential Funding Sources: | Not applicable                               |

### 9. Manage water and sewer extensions and hook-ups to reduce development pressure on farmland

- a. When water and sewer lines are extended through farmland, the Town Board should adopt a resolution that restricts hookups on farmland that is within the County Agricultural District and that has been receiving an agricultural use exemption. The

## Town of Parma Agricultural & Farmland Protection Plan

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restriction would be in effect for as long as the land is located within an Agricultural District. Water and sewer hookups for agricultural purposes would be permitted.

|                            |   |
|----------------------------|---|
| Time Frame:                | Ongoing                                   |
| Responsible Agency:        | Town Board; Farmland Protection Committee |
| Estimated Cost:            | None                                      |
| Potential Funding Sources: | Not applicable                            |

- b. Limit the size of sewer mains extended from the main trunk to the minimum needed to serve existing business and high density residential (MD, HD, PD-SR, Townhouse) zoning districts.

|                            |   |
|----------------------------|---|
| Time Frame:                | Immediate (within one year); Ongoing                                      |
| Responsible Agency:        | Town Board; Planning Board; Farmland Protection Committee (advisory role) |
| Estimated Cost:            | None  |
| Potential Funding Sources: | Not applicable  |

### 10. Establish a dedicated fund for the purchase of land and/or easements (development rights).

Establish a dedicated fund for the purchase of land and/or easements (development rights). Estimate an appropriate amount to dedicate to such a fund. Recommend a mechanism for financing such purchases. The amount of the fund should be directly related to the number of acres targeted for protection.

|                            |  |
|----------------------------|--|
| Time Frame:                | Immediate (within one year); Ongoing   |
| Responsible Agency:        | Farmland Protection Committee (outreach, education, applications); Town Board (dedicated fund) |
| Estimated Cost:            | To be determined   |
| Potential Funding Sources: | County, State grants; Bonds  |

### 11. Establish criteria and procedures and apply for funding from NYS for Purchase of Development Rights (PDR).

- a. Establish the criteria that the Committee will use to evaluate landowner proposals for potential PDR applications. Criteria should include:

## Town of Parma Agricultural & Farmland Protection Plan

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- Competitiveness under the NYS rating system
  - Willingness of owner to accept “bargain sale” as all or part of the local cost
  - Consistency with Town preservation priorities, based in part on the parcel rating system created by the Committee.
- b. Contact all farmland owners to provide general information about Purchase of Development Rights program and the Town’s interest in sponsoring a grant application to the NYS Department of Agriculture & Markets. This may be done through a direct mailing and supplemented with a public forum. Indicate that there is funding available in the Town budget to match State funds and explain the Town’s criteria for selecting proposals to sponsor. As the State’s grant applications have typically been due in September, the outreach to landowners should occur early in 2009.
- c. Provide more specific information about PDR’s to landowners and farm families who express interest in the program. Involve representatives from a land trust or other organization with expertise in these programs.
- d. Work with the landowner(s) who best meet the criteria to prepare and submit applications for funding to NYS Department of Agriculture & Markets for Purchase of Development Rights.

|                            |  |
|----------------------------|--|
| Time Frame:                | Immediate (within one year); Ongoing   |
| Responsible Agency:        | Farmland Protection Committee (outreach, education, applications); Town Board (dedicated fund) |
| Estimated Cost:            | To be determined   |
| Potential Funding Sources: | County, State grants; Bonds  |

### **12. Support programs and initiatives of other agencies and organizations that encourage conservation practices and the retention of land for agriculture.**

Assist the Soil & Water Conservation District (SWCD) and other agencies to publicize conservation and other programs. Maintain brochures and other information at the Town Hall.

For example, the Monroe County SWCD is encouraging landowners within the Parma Beach and Braddock Bay watersheds to participate in its Agricultural Environmental Management (AEM) program. The Town can help encourage participation by publicizing the program.



## Town of Parma Agricultural & Farmland Protection Plan

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|                            |                               |
|----------------------------|-------------------------------|
| Time Frame:                | Ongoing                       |
| Responsible Agency:        | Farmland Protection Committee |
| Estimated Cost:            | None                          |
| Potential Funding Sources: | Not applicable                |

## J. Implementation Strategy

### Administrative Framework

The Town Board should empower the Farmland Protection Committee to implement those recommendations of this Plan that are not assigned to another entity.

One or more members of the Farmland Protection Committee should be designated to act as a “farmer liaison”. This person/group would cultivate one-on-one contacts with the farming community and governing bodies and would be able to answer questions and identify sources of assistance. Duties would include the following:

- Maintain communications with the farming community asking them their needs.
- Advise other boards regarding farming needs and concerns. Refer these boards to appropriate sources for information and advice.
- Act as point of contact and mediator for neighbor/farming concerns. As Parma does not have a record of bad relations between farmers and neighbors, most issues are likely to be resolved here.
- Work with local retailers, restaurants and institutions as well as farmers to help bring local crops to local markets.
- Educate the public regarding local farming issues.
- Attend town, planning and zoning board meetings to monitor actions that may affect farmers; respond on behalf of farmers when needed at meetings.
- Understand these documents to assist farmers with answers and solutions.
- Coordinate the recommended public education activities. This would be a constant, ongoing, process after the plan is adopted.
- Nurture relationships among farmers and between farmers and Town officials and between the Town and various federal, state and county agencies that are involved in agricultural support activities.
- Act as the conservation easement/ PDR consultant for the town. Coordinate from public education, assist farmers with in depth questions, set up meetings, refer farmers to the appropriate experts as needed to explore the PDR process and prepare.

### **Funding Sources**

This section provides guidance to the Town Board regarding the various funding sources available to implement the Plan.

#### **Capital Reserve Fund**

A Town may create a Capital Reserve Fund that is dedicated to the purchase of land and/or conservation easements (development rights.) A Capital Reserve Fund is authorized by GML Article 11, Section 6-c and allows a municipality to accumulate funds for major purposes over a period of more than one year. If the fund specifies the parcels or interest in parcels to be acquired, a permissive referendum is required to create the fund. If the fund is created for purchase of properties or development rights in general, no permissive referendum is required to create the fund but a permissive referendum will be required before utilizing the funds for a specific purchase. The fund may be financed through annual appropriations.

#### **Bonds**

The Town may issue bonds to finance the acquisition of land and/or development rights. Bonds may be used to finance the establishment of a fund for the purchase of land and/or development rights. If the bond will be financed over a period of more than five years, a permissive referendum is required.

#### **Public hearing required**

Before using public funds, whether from a Reserve Fund or Bond, to purchase a particular property or development rights, the Town must publicize and hold a public hearing.

#### **Subdivision Fees**

The Town is authorized to collect cash in lieu of parkland as part of the approval for a land subdivision. However, such funds must be deposited into a fund to be used exclusively for park, playground or other recreational purposes. While the funds may be used for the acquisition of property, the property needs to serve public recreation purposes.

#### **Private Donations**

The Town may accept donations of land or easements, or money to be used to purchase land or easements.

#### **Grants**

Federal, State or County grants may be used to purchase farmland or development rights.

- The Town of Parma has received an allocation of \$250,000 from Monroe County to be used for the protection of open space. These funds may be used as part of the local match for a State Purchase of Development Rights project, to purchase development rights

## Town of Parma Agricultural & Farmland Protection Plan

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directly from a Parma landowner or to implement other farmland protection and agricultural support programs.

- New York State's Farmland Protection Implementation Grant Program provides up to 75% of the cost of purchasing development rights to farmland. Funds are awarded to municipalities on a competitive basis. Between the program's inception in 1996 through 2007, New York allocated more than \$144.5 million from the Environmental Protection Fund for farmland protection projects, assisting local governments and their project partners in 28 counties to help protect 63,700 acres on 276 farms. Application forms and other materials relating to this grant program are included in Appendix F.4.
- The Federal Farm and Ranch Lands Protection Program provides matching grants for the purchase of development rights. While these funds were not eligible to be used as part of the match for a New York State grant, it is expected that changes in the program resulting from the passage of the 2008 Farm Bill will reestablish the opportunity to use Federal funds as a match.

### Formal Approval Process

In accordance with the requirements of its contract with the NYS Department of Agriculture and Markets, the plan was referred to the Monroe County Agricultural and Farmland Protection Board for approval. The Monroe County Agricultural & Farmland Protection Board approved the Plan at its meeting on January 27, 2009. The Parma Town Board held a public hearing on the proposed plan on February 3, 2009 and continued to receive comments through April 7, 2009. The Town Board formally approved the Plan on April 7. This document must be formally approved by the NYS Department of Agriculture and Markets the plan before the Town will receive final reimbursement from the NYS Department of Agriculture and Markets.

## APPENDIX A

### Farmland & Open Space Preservation Survey Results - Town of Parma Summary Report

#### Methodology

The Town of Parma Farmland & Open Space Preservation Survey was distributed in July 2007. Approximately 6,300 surveys were mailed to every property owner in the Town. The survey was also available on-line.

#### Respondents

A total of 1,686 people responded to the survey. This represents a response rate of 29.4%.

A total of 51.3% of the respondents were between the ages of 46 and 65; 23% were over age 65 and 18% were between 36 and 45. Only 5.5% were between 26 and 35 and less than one percent were under age 25.

A total of 1,155 respondents (68.5%) resided in the Town outside of the Village; 448 (26.6%) were Village residents. A total of 51 respondents (3%) resided along the lake shore and 118 (7.0%) resided south of Ridge Road.

#### Importance of Preserving Farmland and Open Space

A total of 94.4% of all survey respondents believe that “it is important to preserve farmland and open space in Parma.” Similarly, 94.0% stated that they “support the town in efforts to preserve farmland and open space.” There was no significant difference of opinion between Village residents and residents of the Town outside the Village.

#### Relative Preservation Priorities

Survey respondents were asked to rate the importance of various agricultural and open space resources. All resources identified were considered important by the respondents. The average rating ranged from 7.5 for “Promote active and passive recreational areas” to 9.4 for “Preserving natural streams and watersheds.” Responses from Village residents and residents of the Town outside the Village were nearly the same.

“Preserving natural streams and watersheds” received the highest rating (9.42 out of 10) followed by “Preserving natural habitats of migratory birds, plants and animals” and “Preserving natural wetlands and woodlands”(both with 9.14 out of 10.) Many written comments mentioned wildlife sightings and expressed support for protecting water quality and wildlife habitats.

“Preserving farmland and encourage local farming” received a rating of 9.01 out of 10. Many written comments noted that Parma is an agricultural community and encouraged residents and the town to support local farming operations.

“Preserving local historic resources” received a rating of 8.58 out of 10. Few respondents commented specifically on historic resources, although many mentioned concerns about the appearance of “historic” Ridge Road and the proliferation of used car lots.

“Promote waterfront access along Lake Ontario and town creeks” received a rating of 7.95 out of 10. Many written comments referred to a past opportunity to purchase lakefront land that was not approved by voters. Others expressed dissatisfaction with large homes that block views of the lake.

“Promote public active and passive recreational areas” received a rating of 7.48 out of 10. Many written comments stated that the Town had sufficient parkland. Many commenters praised the existing Town Park. There were numerous statements in opposition to the proposed soccer complex for the Greece Cobras, although there were also a few statements in support of the complex. Some commenters indicated that new parkland would be suitable if it were nature-oriented and passive. Several noted that they did not understand what “passive recreation” means.

### Perceptions of Open Space and Development

The survey asked residents to estimate the percentage of the Town that is actively farmed and that which is developed. A total of 41% of residents thought that between 21-40% of the Town is farmed, and 30% thought that 41-60% is farmed.

A total of 37% thought that the extent of development is 21-40%; 35% of respondents thought that the Town is 41-60% developed.

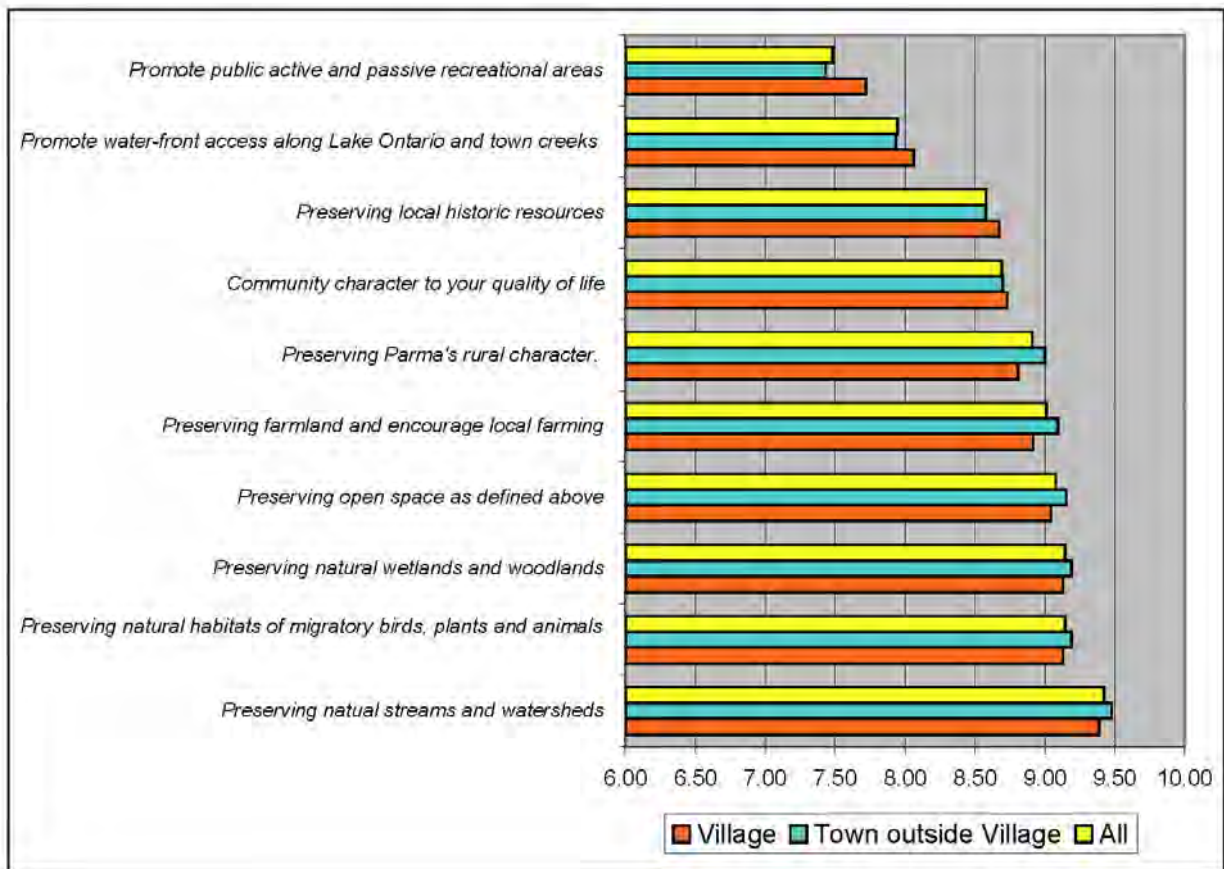
### Written Comments

Based on the written comments from respondents to the Residents’ Survey, the following observations may be made regarding residents’ perceptions and opinions regarding agriculture and farmland preservation.

- **Fiscal impacts of development and land preservation.** While many residents acknowledged that land preservation is generally beneficial to a community’s tax base, because farms do not require many community services, compared to housing, others saw housing development as contributing to the tax base and potentially resulting in lower taxes.
- **Address link between farmland protection and development policies.** Many residents are critical of the pace of development in Parma, particularly of housing development. Others indicated that an appropriate balance of new development and conservation should be pursued. The goals of protecting farmland, open space, and wildlife habitat are linked to slowing the pace of development
- **Support economic viability of farming.** Many respondents acknowledge that farming is a business and needs to be profitable in order to continue. Several suggested providing additional tax breaks to farmers who continue to keep land in agricultural use. Several suggested that residents should purchase more local farm products
- **Respect landowner rights.** Several acknowledge that farmers may need to sell land to finance retirement and oppose programs that would limit landowners’ options.

## Farmland Open Space Survey Results Town of Parma

| <i>Please rate the following based upon how important each item is to you (1-10)</i> | All  | Town<br>outside<br>Village | Village |
|--|------|----------------------------|---------|
| Preserving natural streams and watersheds  | 9.42 | 9.48                       | 9.39    |
| Preserving natural habitats of migratory birds, plants and animals                   | 9.14 | 9.19                       | 9.13    |
| Preserving natural wetlands and woodlands  | 9.14 | 9.19                       | 9.13    |
| Preserving open space as defined above   | 9.08 | 9.15                       | 9.04    |
| Preserving farmland and encourage local farming                                      | 9.01 | 9.09                       | 8.92    |
| Preserving Parma's rural character.  | 8.91 | 9.00                       | 8.81    |
| Community character to your quality of life  | 8.69 | 8.70                       | 8.73    |
| Preserving local historic resources  | 8.58 | 8.58                       | 8.67    |
| Promote water-front access along Lake Ontario and town creeks                        | 7.95 | 7.94                       | 8.06    |
| Promote public active and passive recreational areas                                 | 7.48 | 7.43                       | 7.72    |



## Summary of Written Comments

- Appears to be overwhelming support for efforts to retain Parma's rural character, including farmland and wildlife habitats.
- Concern about continued housing development, traffic congestion.
- Don't want to become like Greece.
- Concern about imposing restrictions on landowners.
- Concern about high taxes.
- Suggestions to reduce taxes for landowners who keep their land open.
- Need to help farmers make farming economically viable.
- Opposition to soccer complex.
- Opposition to "McMansions" along the lakeshore.
- Sense that there are enough parks, especially for sports. Some support for passive, nature-oriented parkland. Concern about cost of maintaining parkland.
- Support for increased public access to Lake Ontario.
- Some opposition to using tax dollars to purchase development rights to farmland.
- Expressed need to reduce taxes
- Some support for more industrial/ commercial development to add to property tax base.
- Opposition to too many used car lots and other "eyesores" along Ridge Road.
- Some support fishing on Salmon Creek.
- Some support for well-designed development.
- Variety of opinions regarding lot sizes. Some say lots should be 1-2 acres or up to 5 acres. Others say 5-acre lots are a waste of space. Several commenters don't like "high density" subdivisions.
- Support for interconnected walkways/ bike paths.
- Concern about pesticide spraying.
- Support Kelly's, Zarpentines, DeMeyer's
- Praise for Town Park.
- Provide canoe/ kayak access to Salmon Creek.
- Some support for sewers along lakeshore to protect water quality.
- Some support for purchasing former railroad corridor.
- Concern about pesticide spraying.
- Support Village downtown business district and other small businesses.



## APPENDIX B

### Excerpts from the Monroe County Agricultural & Farmland Protection Plan - 1999 Recommendations for Municipalities

Monroe County completed an Agricultural & Farmland Protection Plan in 1999. The Plan included goals were to preserve farmland and promote the agriculture industry. The Plan includes an inventory and analysis of farmland and agriculture and recommended a set of actions to achieve the Plan's goals.

The following narrative summarizes the recommendations that were proposed to be carried out by municipalities.

#### **Farmland Preservation and Protection**

- Encourage farmland owners to enroll their land in Agricultural Districts at the time of district renewal.
- Target Class I soils and the leading Class II soils for both protection and profitability efforts when the landowner wishes to participate in such efforts.
- As required by State Agricultural Districts Law (Article 25AA), Town Law, and Village Law, ensure that zoning regulations applying to farming and agriculture are consistent with Article 25AA.
- As required by Article 25AA, Town Law, and Village Law, ensure that municipal comprehensive plans and related policies that apply to agriculture are in conformance with Article 25AA and also take into consideration the recommendations in this plan.
- Municipalities currently using farmland preservation techniques such as PDR, conservation easements, cluster development, and comprehensive plans promoting agriculture, should continue to do so.
- Evaluate purchase of development rights (PDR) programs. If PDR programs are established, consider placing emphasis on purchasing the development rights on field crop land, vacant agricultural land, and truck crop land, and on other lands containing Class I and the leading Class II soils where owners of these lands which to participate in this program. Conservation easement programs are another option for protecting these lands from nonfarm development.
- Evaluate the potential to use other farmland preservation techniques such as conservation easements and cluster development.
- Utilize LESA to identify wetlands, floodplains, open space, historic sites, land in conservation easements, and land involved in PDR. When feasible as part of a communitywide development strategy, take this into consideration when zoning land for

agricultural use and when identifying land for agricultural use in comprehensive plans to help “round out” areas for agriculture, and help provide a buffer between farm and nonfarm development. Meet with core farmers in the community to obtain their input on proposals.

- When feasible as part of a communitywide development strategy, zone lands adjacent to agricultural districts for the types of industrial use which are deemed most compatible with farming operations.

### **Economic Development/Viability/Marketing**

- Support efforts to insure an adequate labor supply, including improvements to the Federal Guest Worker Program, and, if feasible, the development of local programs to help increase the supply of trained local labor.
- Evaluate the benefits of undertaking cost of community service studies using the methodology incorporating economic multiplier effects, and use the results to assist in land use planning.

### **Education**

- Inform community residents of municipal efforts to preserve and promote farmland, and “package” efforts into a coordinated, pro-active program
- In conjunction with Monroe County, promote public awareness of agriculture by placing signs at town boundaries indicating, for example, “An Agriculture-Friendly Community”
- Encourage assessors to attend educational and training programs related to assessment and classification of agricultural land
- support efforts to develop training opportunities for assessors to improve understanding of agriculture-related assessment practices.

In addition, the following educational programs were recommended to be established or continued by Cornell Cooperative Extension and the Monroe County Farm Bureau:

- Agricultural awareness - to inform officials and the public of the benefits of the industry and the implications resulting from the loss of the industry.
- Promote coalitions between the environmental and farm communities.
- Compatible highway development - to inform highway officials of the importance of roads to farming operations, and to develop coordination on such matters as access to farm fields, drainage, and participation in design of proposed highway improvements in farming areas.

- Good neighbor relations - to advise farmers on what they can do to promote better relations with their nonfarm neighbors in an effort to reduce nonfarm neighbor complaints.
- Farmland preservation techniques - to create a better understanding amongst municipal officials and farmers of the various techniques available to preserve and protect farmland (ideally, offered prior to initiating agricultural zoning, PDR and other preservation programs).
- Include representatives of such organizations as the American Farmland Trust, Genesee Land Trust, Mendon Foundation and others to explain the role non-profits can play in farmland preservation.
- Agricultural districts and agricultural assessment programs - to make farmers more aware of the benefits of and differences between the programs.
- Estate and business planning for farmers.

## Appendix C Parma Master Plan – Agricultural Provisions

### **Evaluation of Comprehensive Plan provisions**

The 1989 Town of Parma Master Plan acknowledges that agriculture is the dominant land use. In 1989, farmland and cropland accounted for 40% of the land area, approximately 10,950 acres. A total of 5,789 acres were in the Agricultural District. The plan noted that acreage in the Ag. District had increased from 5,176 in 1984.

The Master Plan also acknowledged the significant of agriculture to the local and regional economy. It reported that agricultural operations consisted of dairy, vegetable, fruit and apple farms. It noted the historical importance of orchards, which contributed to the once-flourishing canning industry in Hilton.

### Land Use Policies relating to agriculture

1. Conserve viable working farmland in recognition of the community and regional contributions of farming and agri-business
2. Develop an environment encouraging good farmers with adequate resources to remain in farming, including neighbor relations, property taxation policies and town regulations
3. Development in rural and agricultural areas should occur on lands either unsuitable for farming or on lands where conflicts would be minimal.
4. The goal of preserving agricultural lands will be actively pursued by the Town throughout the planning period. The Town will develop and implement innovative approaches to maintaining viable agriculture including conservation easements, various zoning techniques such as 281 (cluster) zoning, purchase and transfer of development rights and public education.
5. Discourage the placement of public sanitary sewers and other utilities and services that would encourage growth in those areas of the Town designated as agricultural on the land use plan.
6. Residential development proposed for agricultural areas should be limited to low density, single-family units and located so as to minimize potential loss of prime agricultural soils or the disruption of agricultural operations.
7. Support State and County programs, such as the agricultural districting program, which are aimed at the protection of established viable agricultural areas.

### Residential policies

#7: Residential densities shall be based upon compatibility with existing development patterns, impact on established agricultural resources and operations, availability of public water and sewer facilities, accessibility and natural constraints.

#8: The majority of the Town will remain rural in character through the planning period, with low density, single-family residences and agricultural land.

#10: Zoning in rural and agricultural areas shall be based on, among other factors, the goal of maintaining an overall low density and reducing the pressure for premature subdivision of agricultural and rural lands.

#11: Provide for the use of Section 281 of the Town Law (average density development) to allow for smaller lots in rural/ agricultural areas at an underlying low density, thereby conserving farmland and open space.

#12: Provide for a transition area between large scale agricultural operations and higher density residential development.

### Land Use Plan

The Land Use Plan (see Figure 4) includes an Agricultural Conservation designation, which represents areas that should be considered for continued agricultural operations as well as low density residential development. These areas have soils suitable for agriculture and were mostly within the County Agricultural District. They did not have sanitary sewer service and extension of sewer service was seen as unlikely during the planning period. In addition, soils in these areas are generally poor for on-site septic systems.

Densities of 3-5 acres per dwelling are recommended. Lot size would depend on compliance with health regulations pertaining to septic systems. Clustered designs could reduce lot size to one acre, with remaining lands used for continuing agricultural operations or conservation and open space.

Lot design needs to be addressed to avoid long, narrow lots, such as 5-acre lots with 200 feet of road frontage.

## Review of Town of Parma Regulations

### Zoning Provisions Pertaining to Agriculture

- The stated purpose of the Agricultural Conservation (AC) District is “to regulate land use, which includes working farmland, fallow land, woodland and wetland areas, for low-density residential development in a manner to support agricultural operations, to preserve open spaces and to conserve the natural environment.” The purpose should be clarified to specify agriculture as the primary use and residential uses as secondary.
- The Town zoning regulations permit agricultural operations “by right” in all zoning districts, with some restrictions:
  - In the AC, RR, MD, HD and WF districts, the following conditions apply:
    - Buildings in which farm animals are kept or agricultural products handled must be at least 150 feet from the front lot line and at least 100 feet from a side or rear property line
    - Storage of waste or products from agricultural operations must be 100 feet from any lot line
    - Temporary sales of farm products are permitted, provided that any structures are at least 25 feet from the edge of the roadway and a suitably graded 1200 sq.ft. area is provided for customer parking
    - A minimum of 5 acres is required.
  - In the RB, GC, HC and I zones, no new agricultural buildings with a capital cost exceeding \$10,000 may be constructed.
- Keeping horses is allowed as an accessory use in the AC, RR, MD and HD districts, subject to the following conditions:
  - Boarding horses that do not belong to the landowner requires a special use permit from the ZBA. Specific criteria for granting such a permit are not provided
  - Size of structures is limited to 6,000 sq. ft. and 15% of the rear yard area
  - Stables must be set back 150 feet from the front lot line and 100 feet from any side or rear boundary line.
  - Fencing a minimum of 4 feet high and maximum of 10 feet high shall enclose the animals

Agricultural Preservation Plan – Town of Parma  
**Review of Town Regulations**

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- Minimum lot size of 2.5 acres for 1-2 horses, 5 acres for 3-5 horses. An additional acre per horse for 6-10 horses, and an additional ½ acre per horse for 1+ horses.
- Limitation on size of accessory buildings does not apply to farm operations.
- Temporary housing to support an individual agricultural operation is permitted with a special use permit in the AC, RR, MD and HD districts, subject to the following criteria:
  - Justification of need, such as full time employment by occupant with the agricultural operation
  - Occupied only during planting, growing and harvesting season
  - Not to be used, leased or rented to a person who is not affiliated with the agricultural operation
  - Located on the same parcel as the agricultural operation
  - Comply with State Codes.
  - Have approved septic system or connection to public sewer
  - Driveway to a public highway
  - One parking space per housing unit
  - Anchored to concrete pad or attached to a building foundation
  - Separate storage area of 1600 cubic feet.
  - Located on a portion of the farm that causes least disruption to farming operations
  - Land area not to exceed 5% of total lot area
  - Meet front, side and rear setbacks for principal buildings in the AC zone
- Agricultural crops may not exceed 3 feet in height or obstruct vision within 50 feet from the edge of the pavement at a road intersection
- Storage of animal waste is exempt from the prohibition on solid or liquid waste storage or disposal without the permission of the Town Board
- Customary agricultural practices are exempt from the prohibition on dumping
- One of the criteria for approving a special use permit for dumping is whether the activity will render land unproductive or unsuitable for agricultural purposes.
- Fence regulations

Agricultural Preservation Plan – Town of Parma  
**Review of Town Regulations**

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- No permit is required for fences associated with an agricultural use
- Open fences are permitted, as necessary, to restrain livestock

**Consistency with NYS Department of Agriculture & Markets Guidelines**

NYS Agricultural Districts law states that local governments “shall not unreasonably restrict or regulate farm operations within agricultural districts ... unless it can be shown that the public health or safety is threatened.” The NYS Department of Agriculture and Markets provides guidance and reviews local laws upon request to determine if a provision is “unreasonable.”

Some of the provisions in Parma’s zoning regulations may be determined to unreasonably restrict farming practices if they were challenged by a farmer. For example, the restriction on building a structure valued at more than \$10,000 in a General Business district, if it were applied to a farm operation, could be held to be invalid.

Horse boarding is considered to be an agricultural practice according to the NYS Ag. District Law if the operation utilizes 7 acres or more, boards a minimum of 10 horses and receives \$10,000 in gross income from fees from boarding or other agricultural products. A horse boarding operation that meets these requirements and is located within the Agricultural District may be exempted from the requirement to apply for a special use permit, the maximum building size and the limitation on the number of horses per acre.

Other provisions of Parma’s local regulations have been challenged by farmers. These include provisions against barking dogs, fencing and commercial operations.

**Recommended Changes**

The following narrative summarizes the changes that are recommended to the zoning regulations to ensure consistency with NYS Agriculture & Markets guidelines.

Agricultural Conservation District

- Revise Purpose to expressly support agriculture as a priority use
- Specify that businesses that are accessory to a farm operation are permitted (i.e., food service, entertainment, retail sales)
- Remove the provision requiring a property line setback for storage of agricultural materials.
- State that the storage of waste materials needs to meet EPA and NYS Department of Health guidelines.



Agricultural Preservation Plan – Town of Parma  
**Review of Town Regulations**

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- Delete the minimum lot size requirement for a farm operation
- Make setback requirements for animal housing consistent with setback requirements for other types of buildings, except that a setback of 150 feet from any well or waterbody should be required for animal housing and storage of animal waste.

Restricted Business (RB) District

- Eliminate the requirement that limits the capital cost of new agricultural structures to \$10,000.

Farm Worker Housing

- Eliminate the terms “seasonal” and temporary
- Allow farm worker housing in any district that permits agriculture
- Eliminate the requirement that farm worker housing be located on the same parcel as the agricultural operation.

Animal Boarding/ Horses

- Incorporate a provision that provides an exception for operations located in a County Agricultural District that meet the definition of “farm” established by NYS Agriculture & Markets

Zoning Map

- Revise the boundaries of the Agricultural Conservation zoning district to include additional land where farming is a predominant use. Consider rezoning the following areas:
  - south of Curtis Road, west of North Ave to the Town line
  - the area bounded by Manitou, Curtis, Moul and Lighthouse Roads
  - the area bounded by Manitou, Parma Center, Burritt and Butcher Roads

## Overview of Existing Plans, Programs and Regulations

### Agricultural District Program

The Agricultural District Program offers a range of protections to farmers. Farmland in Parma is part of Monroe County's Northwestern Agricultural District (#5). This district was created initially in 1976. The renewal process was initiated in 2008; as of October 2008, the District renewal had not been formally approved by Monroe County and New York State. The district contains 37,641 acres. Inclusion in an Agricultural District denotes a commitment on the part of the County and the landowner to retain the use of such land for agriculture.

The Agricultural District Program includes the following provisions to protect farmers:

- Agricultural use value assessments: Eligible farmland is assessed at its value for agricultural production, rather than at its full market value. If land that received the agricultural exemption is sold for non-farm purposes, the landowner must repay the amount of property taxes saved over the life of the District, up to 8 years.
- Protection from local regulations that would restrict farm practices.
- Protection from public acquisition of farmland through "eminent domain." Before a local or county government may undertake a project that affects land within an Agricultural District, it must submit a "Notice of Intent" to the County Agricultural and Farmland Protection Board and the NYS Department of Agriculture and Markets for consideration of the impacts on agriculture.
- Protection from nuisance suits (right-to-farm provisions). A person who buys property within an Agricultural District must be notified about the possible presence of noise or odors associated with farm practices and acknowledge receipt of this notice in writing.

### State & Federal Environmental Protection Programs

Several State and federally funded programs provide financial incentives and technical assistance to farmers and farmland owners to encourage the installation of "best management practices" (BMPs) that incorporate environmental protection into agricultural practices. These techniques are designed to protect the natural environment from contaminants that may be associated with agricultural activities. Environmental management goals include reducing the amount of stormwater that leaves a farm site, managing fertilizer inputs to match the amount taken up by crops, and providing safe storage and application of pesticides. Although such practices may be expensive to install and maintain, they frequently result in lower costs for fertilizer, decreased soil erosion, and improved pest control.

State programs that support environmental management on farms include:

- Agricultural Environmental Management (AEM)
- Agricultural Nonpoint Source Abatement and Control

Federal conservation programs, which may be altered or renamed as the 2008 Farm Bill is implemented, include:

- Environmental Quality Incentives Program (EQIP)
- Conservation Reserve Program (CRP)
- Conservation Reserve Enhancement Program (CREP)
- Conservation Security Program (CSP) and
- Wildlife Habitat Incentives Program (WHIP).

Summaries of these programs are provided at the end of this Appendix.

### **Tax Relief Programs**

Farming utilizes large amounts of land but does not demand proportionally large expenditures from local governments. In response to this situation, New York State has made established programs to reduce property taxes on farmland that meets certain eligibility requirements.

**Agricultural Use Assessments** base property taxes on the value of the land as farmland, rather than its value for development. Eligible farms located within certified Agricultural Districts, as well as farms outside a District that meet certain requirements, may receive Agricultural Use Assessments. Agricultural Use Assessment is available to landowners who rent the property to an eligible farmer.

The NYS Department of Agriculture & Markets has established a formula to determine the Agricultural Use value of property based on soil types and projected crop yields. In areas where the land is valuable for development purposes, the agricultural use value will be much lower than the market value, resulting in significantly lower property taxes. However, in areas where farming is the “highest and best use” of the property – where a farmer is likely to pay as much for the land as anyone else - the agricultural use value is the same as the market value.

New York State has established the **Farmers School Property Tax Credit** program for eligible farmers to receive refunds of up to 100% of School taxes on up to 350 acres of agricultural land, and 50% of School taxes on acreage in excess of 350 acres. To be eligible for this tax credit, farmers must earn at least 2/3 of their income in excess of \$30,000 from farming. The credit may be claimed in the farmer’s annual NYS tax return.

Farm worker housing is exempt from property taxes, provided that the facility meets all safety and health standards set by the State building code and the NYS Department of Labor. Renovation of a historic barn for continued agricultural use also qualifies for a property tax exemption.

Certain property and services used in agricultural production is exempt from sales tax. Farmers need to complete Form ST-125.

### **“Right to Farm”**

Farming practices sometimes result in neighbor complaints or, in more extreme cases, lawsuits. Non-farm neighbors may consider certain agricultural practices to be objectionable, such as noise from farm equipment, dust from harvesting, odors from animal housing or manure storage, or pesticide applications. Techniques to address neighbor relations include local “Right-to-Farm” laws and notification provisions.

The NYS Agricultural District law establishes a procedure to define “sound agricultural practices.” Upon request of a farmer or neighbor, a representative from the NYS Department of Agriculture and Markets will investigate the practice and determine whether it is “sound.” If a party brings a nuisance suit against a farmer for a practice which is determined to be “sound”, the person bringing the suit must pay all legal costs to the farmer.

The NYS Agricultural District Law also includes provisions to notify purchasers of property of potential farming impacts. When property located within a certified Agricultural District is purchased, the buyer must sign a statement acknowledging that:

"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances."

Local “Right to Farm” laws often include provisions for settling disputes between farmers and non-farming neighbors. An appointed committee may be empowered to mediate the dispute, or mediation could be assigned to a specialized organization trained by New York State’s network of Community Dispute Resolution Centers (CDRCs).

### **Land Preservation Programs**

Programs that result in permanent preservation of farmland for continued agricultural use include public Purchase of Development Rights and the acquisition of conservation easements by private land trusts. These programs are voluntary and typically provide the landowner with payment equal to the difference in the value of land for development and its value for continued agricultural use.

New York State administers a Purchase of Development Rights program that provides up to 75% of the cost of acquiring permanent easements to viable farmland. Since the inception of this program in 1996, the Department has awarded nearly \$80 million to protect approximately 36,000 acres on 200 farms in 18 counties.

The U.S. Department of Agriculture also administers a Purchase of Development Rights program, the Farm and Ranch Lands Protection Program, which was reauthorized as part of the 2008 Farm Bill. Federal funds may be available to provide the local match for a State PDR application.

Conservation easements may also be conveyed privately to a land trust or other qualified conservation organization. A conservation easement is a legal document written in the form of a deed, in which a landowner permanently restricts the future development of real property for the purpose of preserving or maintaining the scenic, open, historic, agricultural, or natural condition, character, significance or amenities of that property. Once a conservation easement is attached to a property, the property may be sold, subject to the restrictions defined in the easement. The restrictions placed by the easement will also affect the value of the property for property tax assessment purposes.

Temporary Easements may protect land for a period of time. Several municipalities have established programs that reduce property taxes for farmland owners who agree to leave land undeveloped for a specified period of time. Typically, these parcels are not eligible for agricultural use assessments. If the land is developed prior to the end of the period, the landowner pays a penalty which goes into a fund for purchase of land or easements.

### **Agricultural Economic Development Programs**

Farmland can continue to be utilized for agricultural purposes only as long as the business of farming remains viable. Publicly funded programs aimed at encouraging investment in farming include loans, technical assistance, research and grants.

The **Grow NY Enterprise Program** is a joint initiative of the Governor's Office for Small Cities (GOSC), Empire State Development Corporation (ESDC) and the Department of Agriculture and Markets (NYSDAM), which dedicates \$3 million annually to increasing the demand for and expanding the use of New York's agriculture and forest products. The primary objective of the program is to provide funds to local governments who in turn use the dollars to assist qualifying businesses who undertake activities resulting in the creation of job opportunities for low- and moderate-income persons. (Source: <http://www.agmkt.state.ny.us/GNYRFP.html>)

The New York State Department of Agriculture and Markets operates several programs aimed at improving the economic viability of farming:

- The "Pride of New York" program assists food producers and retailers by promoting the sale of New York produced food and food products. The program provides marketing

materials and assistance and conducts promotional activities which highlight New York State's many exceptional products. (See: <http://www.prideofny.com>)

- The Farm to School program encourages school districts to purchase fresh produce directly from local farmers. School districts must follow certain guidelines in order to participate in the program. (See [http://www.prideofny.com/farm\\_to\\_school.html](http://www.prideofny.com/farm_to_school.html))
- A program to assist farm operators and agricultural cooperatives developing business plans or implementing part(s) of an existing business plan that will enhance the profitability and/or environmental compatibility of their farm operations.
- NYS Department of Agriculture & Markets will reimburse producers for up to \$750 toward the cost of obtaining organic certification (see <http://www.agmkt.state.ny.us/AP/Organic/reimbursement.html>) and for obtaining documentation of Good Agricultural Practices, which is required by many retailers (see <http://www.agmkt.state.ny.us/rfps/GAP/2009%20GAP%20application-FINAL%201.16.09.pdf>)

Programs funded by NYS Agriculture & Markets in the past include:

- grants to provide promotional support for farmers' markets in New York State.
- a matching grant program for the development, implementation or expansion of programs, projects, activities or events which will promote New York State food and agriculture through agri-tourism. For the purposes of this program, agri-tourism is defined as any food or agriculture related program, project, activity or event taking place at a farm or other food or agriculture related location(s) that will attract visitors to promote and enhance the public's understanding and awareness of New York food, farms, and agriculture.

The NYS Energy Development Agency (NYSERDA) administers programs to encourage energy conservation and the use of sustainable energy sources in agricultural operations. (See <http://www.nyserda.com/Programs/Agricultural/default.asp>) These programs include:

- financial assistance to farmers interested in installing alternative or sustainable energy facilities, such as a wind-powered or bio-fuel-based electricity generator.
- NYSEDA offers cash incentives to install wind-energy systems, solar electric systems, and energy-saving equipment. It provides technical assistance to farms and other facilities through energy audits to reduce energy consumption.
- NYSEDA's Agricultural Waste Management Program focuses on farms under pressure to control contaminants from manure. To meet these challenges, farms are partnering with NYSEDA to evaluate a variety of potential technological solutions, innovative

business structure, and community waste management systems that could improve system economics and farm profitability. Technologies being evaluated include:

- Anaerobic digestion of manure
- On-site production of electricity from digester biogas
- Composting of manure and digested solids.

## **Organizations that assist farmers and farmland owners**

### **Soil & Water Conservation District**

The Monroe County Soil & Water Conservation District has been actively involved in assisting farmers evaluate, install and improve conservation management practices since the District formed in 1954. In conjunction with evolving state and federal funding opportunities, District and NRCS technical staff have assisted many farmers with planning and implementation of conservation practices.

The Monroe County SWCD has identified the following natural resources concerns relating to farming:

- Cropland erosion control
- Loss of farmland to development
- Lake Ontario shoreline protection relating to water quality impacts
- Water quality impacts by nutrient, pesticide and sediment runoff from cropland

Conservation programs administered by the SWCD include:

- Agricultural Environmental Management (AEM)
- Agricultural Nonpoint Source Abatement & Control Grant Program
- Identifying soil types as basis for agricultural use assessments

### **Cornell Cooperative Extension**

Cornell Cooperative Extension of Monroe County provides technical assistance to farmers. Teams of experts have been assembled on a regional basis to address issues Lake Ontario Fruit Program Team provides researched-based information on Integrated Pest Management, Cultural Practices, Business Management and Economics, and Harvesting and Marketing. The Northwest Dairy, Livestock and Fieldcrops Team organizes educational programs to help producers:

- Enhance the sustainability of their businesses.
- Enhance profitability and other aspects of economic performance of their businesses.
- Practice environmental stewardship.
- Enhance employee well-being and satisfaction.

- Provide safe, healthy agricultural products in ways that are safe to farm owners and their families, farm employees and their families, and neighbors.
- Provide leadership for enhancing relationships between the agricultural sector and the general public.

The Lake Plains Vegetable Program provides specialized information to vegetable, potato, and dry bean growers and allied industry.

### **MCC Agriculture and Life Sciences Institute**

The Agriculture and Life Sciences Institute at Monroe Community College, directed by Robert King, provides advocacy on land use issues, marketing education, academic instruction and skills training.

As part of its advocacy mission, Institute faculty assist farmers, landowners, municipalities and authorities with interpretation of land use policy, planning, regulations, laws and ordinances.

Marketing education is designed to help landowners and farmers realize viability/sustainability of their land or business through effective use of the land or business. Institute staff:

- assists town, county and state municipalities in developing and implementing plans to help protect farmland and make operations viable.
- promotes agricultural economic development, including value-added processes and marketing strategies
- interprets, educates and assists landowners, farmers, and municipal officials on agricultural district laws and agricultural value assessments.
- assists first responders on farm security and agro-terrorism concerns, and partners with other MCC divisions, including the Homeland Security Management Institute and the Public Safety Training Facility to provide such assistance and training.

Skills training includes workshops held at MCC facilities, on-location consultations, Webcast seminars, direct television conferences, and training sessions using other innovative technologies and approaches. Recent high school graduates and others interested in entering the agricultural field may be able to study in traditional degree and certificate programs, credit and noncredit courses.

### **USDA Natural Resources Conservation Service (NRCS)**

The Natural Resources Conservation Service (NRCS) was established pursuant to Public Law 103-354, the Department of Agriculture Reorganization Act of 1994, (7 U.S.C. 6962. The mission of NRCS is to provide national leadership in a partnership effort to help people conserve, improve, and sustain the Nation's natural resources and environment.



NRCS technical experts help land managers and communities take a comprehensive approach in planning the use and protection of soil, water, and related resources on private and non-Federal lands, in rural, suburban, urban, and developing areas. NRCS assistance to individual landowners is provided through soil and water conservation districts, which are units of local government created by state law. NRCS works in partnership with the State conservation agency and other State and local agencies to deliver a wide range of programs necessary to enhance our natural resources.

#### Financial Assistance Programs

- Conservation Security Program
- Environmental Quality Incentives Program (EQIP)
- Wildlife Habitat Incentives Program (WHIP)
- Forestry Incentives Program (FIP)

#### Easement Programs

- Farm and Ranch Lands Protection Program
- Wetlands Reserve Program
- Grassland Reserve Program
- Conservation Reserve Program

#### Other Programs

- Conservation Operation & Technical Assistance
- Watershed and Flood Prevention Operation
- Emergency Operations
- Resource Conservation & Development Program
- Grazing Lands Conservation Initiation
- Plant Materials Program
- Urban Resource Partnership Program

#### USDA Farm Service Agency (FSA)

The Farm Service Agency (FSA) administers several programs that assist farmers and farmland owners, including Conservation Reserve Program (CRP), disaster assistance and loans, as well as outreach, education and analysis of laws and regulations. The FSA works closely with NRCS, SWCD and Cooperative Extension to administer many of these programs.

SOURCE: <http://www.fsa.usda.gov>

## Monroe County Farm Bureau

The New York Farm Bureau is a private organization that advocates politically on a broad range of issues. Its structure encourages participation among members at the local level through County chapters. The website of the Monroe County Farm Bureau indicates that the organization “works to promote public policy that protects an owner's right to use land” and “believes that a strong, viable agricultural industry benefits the economy, local communities and consumers.” More information is available on the Monroe County Farm Bureau website, <http://www.nyfb.org/monroe/index.html> and the New York Farm Bureau website: <http://www.nyfb.org/whatisfb.htm>

## USDA Rural Development

USDA Rural Development administers several grant programs that provide assistance to farmers, municipalities and institutions, including the following Rural Business-Cooperative Service programs:

- Grant funds to help independent agricultural producers enter into value-added activities. Awards may be made for planning activities or for working capital expenses
- Rural Economic Development Loan and Grant (REDLG) program

SOURCE: <http://www.rurdev.usda.gov/rbs/busp/rbeg.htm>

## Environmental Management and Conservation Program Summaries

### Agricultural Environmental Management Program (AEM)

The New York State Agricultural Environmental Management Program, which is administered by the County Soil & Water Conservation District , consists of five "tiers":

- **Tier 1:** The initial baseline survey of operation, including farm type, number and type of animals, identification of common farm management practices, and future plans for farm.
- **Tier 2:** A detailed assessment of each farm management practice, including waste management, soil management, petroleum storage, barnyard management, and other categories.
- **Tier 3:** In this planning phase, information that is collected in the Tier 2 phase is ranked according to environmental impact potential. Tier 3 includes **tract level** plans (Tier 3A); **nutrient management**, plans (Tier 3B); and **whole farm** plans (Tier 3C).

- **Tier 4:** The implementation phase, where conservation practices are installed or constructed in order to address the areas of concern that have been identified.
- **Tier 5:** The practices are evaluated for effectiveness in addressing problem.

The program was designed to implement provisions of the federal Clean Water Act. The local team includes USDA NRCS, FSA, and Cooperative Extension. It is overseen by a Statewide AEM Steering Committee and the Statewide Conservation Committee.

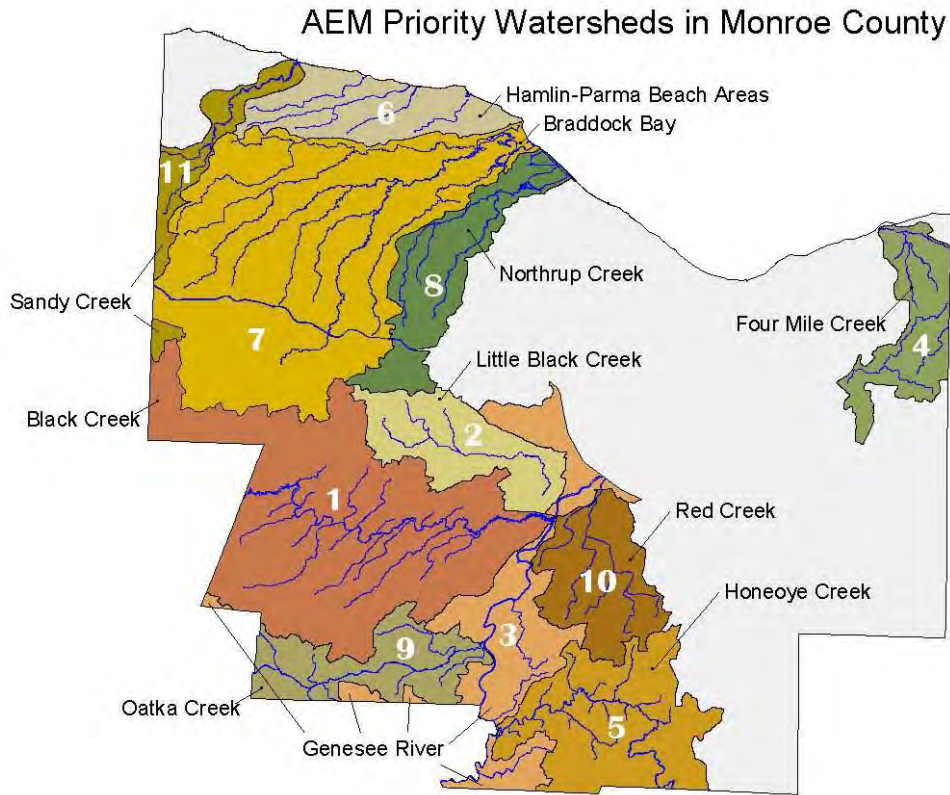
The program provides cost-sharing for conservation measures. Farmers and farmland owners who install approved practices reduce their liability for nutrients or other substances that may flow to surface or groundwater. (See: <http://www.nys-soilandwater.org/aem/index.html>).

Priority areas are defined by watershed. Monroe County designated the Black Creek watershed as its first priority, due to concerns about phosphorous from agricultural and municipal sources and a requirement to implement a Total Maximum Daily Loading (TMDL) plan.

In 2008, the Monroe County SWCD is focusing on farms in the Hamlin/ Parma Beach watershed (Priority #6). According to the AEM Strategic Plan 2005-2010, 95% of agricultural land use in the Hamlin-Parma Beach Areas may pose threat to water quality of NYSDEC protected streams and the Lake Ontario shoreline. Farming operations in the watershed include orchards, grain, cabbage (8000 acres), and green manure crops. Total cropland in the watershed is estimated by the District to be approximately 13,000 acres.

The Braddock Bay watershed (Priority #7) was scheduled to be addressed beginning in May 2008. In the Braddock Bay watershed, which includes Salmon Creek, agriculture is suspected of contributing to impaired boating and fishing, and to stressed bathing and fish propagation. (1996 NYSDEC PWL) Agricultural land use in the watershed includes grain, fruit, vegetables, livestock, and tree farm.

The Northrup Creek Watershed (priority #8) is of local interest due to potential agricultural impacts on Northrup Creek, Long Pond and the Lake Ontario shoreline. Agricultural activities occurring within the Northrup Creek watershed may be contributing to the nutrient, sediment and silt loading that has impaired aesthetics and stressed fishing in the creek. (1996 NYSDEC PWL) Also, Long Pond continues to have issues with nutrients and impaired bathing, aesthetics and boating. While municipal and urban runoff may be the primary contributors, the need exists to look closely at all potential sources, including agriculture.



Source: AEM Strategic Plan 2005-2010

## **Agricultural Nonpoint Source Abatement & Control Grant Program**

Nonpoint Source pollution is caused by rainfall or snowmelt, moving over and through the ground, which picks up and carries natural and human-made pollutants and deposits them into lakes, rivers, wetlands, coastal waters, or groundwater. These pollutants include:

- Excess fertilizers, herbicides, and insecticides from agricultural lands and residential areas;
- Oil, grease, and toxic chemicals from urban runoff and energy production;
- Sediment from improperly managed construction sites, crop and forest lands, and eroding streambanks;
- Salt from irrigation practices and acid drainage from abandoned mines;
- Bacteria and nutrients from livestock, pet wastes, and faulty septic systems.

A grant program established in 1994 by the State of New York assist farmers in preventing water pollution from agricultural activities by providing technical assistance and financial incentives. County Soil & Water Conservation Districts apply for the competitive grants on behalf of farmers and coordinate funded activities. Grants can cost-share up to 75% of project costs or more if farm owners or operators contribute, in the following two areas:

- Planning; funds awarded to conduct environmental planning
- Implementation; funds awarded to construct or apply management practices

The New York State Soil & Water Conservation Committee and the Department of Agriculture & Markets coordinate the statewide program and allocate funds provided by the NYS Environmental Protection Fund on a semi-annual basis. Since the program began in 1994 more than \$50 million has been awarded to 53 Soil & Water Conservation Districts across the state to help farmers reduce and prevent agricultural sources of Nonpoint Source (NPS) Pollution.

Source: <http://www.agmkt.state.ny.us/rfps/ANSACPR15/Round%2015%20RFP.pdf>

## **Conservation Reserve Program (CRP)**

The Conservation Reserve Program (CRP) was authorized under the Food Security Act of 1985, Title XII, P.L. 99-198. It is administered by USDA's Commodity Credit Corporation (CCC) through the Farm Services Agency (FSA). Technical assistance is provided by the NRCS. The CRP encourages farmers to voluntarily plant permanent areas of grass and trees on land that needs protection from erosion, to act as windbreaks, or in places where vegetation can improve

water quality or provide food and habitat for wildlife. Eligible producers must enter into contracts with the CCC lasting between 10 and 15 years. In return they receive annual rental payments, incentive payments for certain activities, and cost-share assistance to establish the protective vegetation. The CRP has been expanded in the past few years to also include a "Continuous Sign-up" element along with the regular annual sign-up periods.

The Conservation Reserve Program in New York has attracted participants from throughout the state with over 55,000 acres enrolled in the program as of October 1, 1999. Most of this land has been seeded to permanent grasses, including native warm-seasoned grass species. In addition, the removal of New York's most erosive and least profitable cropland from production has reduced erosion by 288,000 tons statewide and has improved the net returns to cropland still in production. Total Federal expenditures for the program were about \$3 million generating \$3.7 million in local sales statewide and creating 37 new jobs across the state.

SOURCE: [www.fsa.usda.gov](http://www.fsa.usda.gov)

### **Conservation Reserve Enhancement Program (CREP)**

CREP is a federal-state natural resource conservation program designed to address state and nationally significant agricultural related environmental problems. Under CREP, program participants receive financial incentives from USDA to voluntarily enroll in the Conservation Reserve Program (CRP) in contracts of 10- to 15-years. Participants remove marginal pastureland or cropland from agricultural production and convert the land to native grasses, trees and other vegetation. CRP is authorized by the Food Security Act of 1985, as amended.

The New York's CREP helps farmers address erosion and nutrient runoff on 30 million acres of land within New York's 12 major watersheds. Retiring highly erodible cropland and planting it to protective vegetation will enhance water quality and provide shelter, nesting areas and food for many species of wildlife. Buffers planted along stream banks and rivers will filter phosphorus, nitrogen and sedimentation from the waterways. The Lake Ontario Direct Drainage Watershed is one of the watersheds targeted in New York.

The goals of the New York CREP are to:

- Reduce annual nutrient loads of phosphorus by 73,000 pounds, nitrogen by 29,000 pounds per year and sediments from 109,000 tons per year;
- Reduce the potential for animal waste to enter streams and rivers;
- Establish tree buffers adjacent to 4,598 stream miles and 473,457 acres of surface waters; and
- Establish grass and trees on areas that recharge drinking water supplies for cities and towns.

Eligible conservation practices include planting grasses or trees on erodible soil or establishing wildlife habitat and protecting streams with filter strips, grass waterways and buffer plantings.

SOURCE: [www.fsa.usda.gov](http://www.fsa.usda.gov)

### **Environmental Quality Incentives Program (EQIP)**

The Environmental Quality Incentives Program (EQIP), which was created through the 2002 Farm Bill and is administered by the USDA-Natural Resources Conservation Service (NRCS), is intended to promote agricultural production as well as environmental quality through cost-sharing of conservation practices.

EQIP includes two types of payments, cost-share and incentive. Incentive payments are flat rate payments used to encourage a producer to perform land management practices. Participants will receive an incentive payment in the first year of implementation, and are required to carry out the practice for 3 years. Cost-share payments are primarily for structural conservation practices. Cost-share payments are at fixed amounts for each practice, based on 50% to 75% of the state average cost. Limited Resource Producers will be eligible for up to 90% cost-share based on state average costs.

A current Comprehensive Nutrient Management Plan (CNMP) is required prior to application for any agricultural waste practices that address manure storage, milkhouse waste, silage leachate, barnyards, composting or nutrient management. CNMPs developed with EQIP incentive payments must be completed by a NYS Certified Nutrient Management Planner.

SOURCE: <http://www.nrcs.usda.gov/PROGRAMS/EQIP>

### **Wildlife Habitat Incentives Program (WHIP)**

The Wildlife Habitat Incentives Program (WHIP) is authorized by Section 387 of Title III of the Federal Agriculture Improvement and Reform (FAIR) Act of 1996. The purpose of the program is to develop habitat for upland wildlife, wetland wildlife, threatened and endangered species, fish and other types of wildlife. Objectives of the program are to provide technical, educational, and financial assistance to eligible landowners to address the protection of wetlands, wildlife habitat, and related concerns on their land.

SOURCE: <http://www.nrcs.usda.gov/programs/whip>

### **Conservation Security Program**

The CSP is a voluntary program that provides financial and technical assistance to conserve and improve soil, water, air, energy, plant and animal life on tribal and private working lands—cropland, grassland, prairie land, improved pasture and rangeland, as well as certain forested land that is an incidental part of an agriculture operation.

The CSP has a unique role among USDA conservation programs. It identifies and rewards those farmers and ranchers who meet the highest standards of conservation and environmental management on their operations, creates powerful incentives for other producers to meet those same standards of conservation performance on their operations, and provides public benefits for generations to come.

SOURCE: Natural Resources Conservation Website: <http://www.nrcs.usda.gov/programs/csp>



## Appendix F.3

### **NYS General Municipal Law**

S 247. Acquisition of open spaces and areas.

1. Definitions. For the purposes of this chapter an "open space" or "open area" is any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. For purposes of this section natural resources shall include but not be limited to agricultural lands defined as open lands actually used in bona fide agricultural production.

2. The acquisition of interests or rights in real property for the preservation of open spaces and areas shall constitute a public purpose for which public funds may be expended or advanced, and any county, city, town or village after due notice and a public hearing may acquire, by purchase, gift, grant, bequest, devise, lease or otherwise, the fee or any lesser interest, development right, easement, covenant, or other contractual right necessary to achieve the purposes of this chapter, to land within such municipality. In the case of a village the cost of such acquisition of interests or rights may be incurred wholly at the expense of the village, at the expense of the owners of the lands benefited thereby, or partly at the expense of such owners and partly at the expense of the village at large as a local improvement in the manner provided by article twenty-two in the village law entitled local improvements.

3. After acquisition of any such interest pursuant to this act the valuation placed on such an open space or area for purposes of real estate taxation shall take into account and be limited by the limitation on future use of the land.

4. For purposes of this section, any interest acquired pursuant to this section is hereby enforceable by and against the original parties and the successors in interest, heirs and assigns of the original parties, provided that a record of such acquisition is filed in the manner provided by section two hundred ninety-one of the real property law. Such enforceability shall not be defeated because of any subsequent adverse possession, laches, estoppel, waiver, change in character of the surrounding neighborhood or any rule of common law. No general law of the state which operates to defeat the enforcement of any interest in real property shall operate to defeat the enforcement of any acquisition pursuant to this section, unless such general law expressly states the intent to defeat the enforcement of any acquisition pursuant to this section.

Figure 1

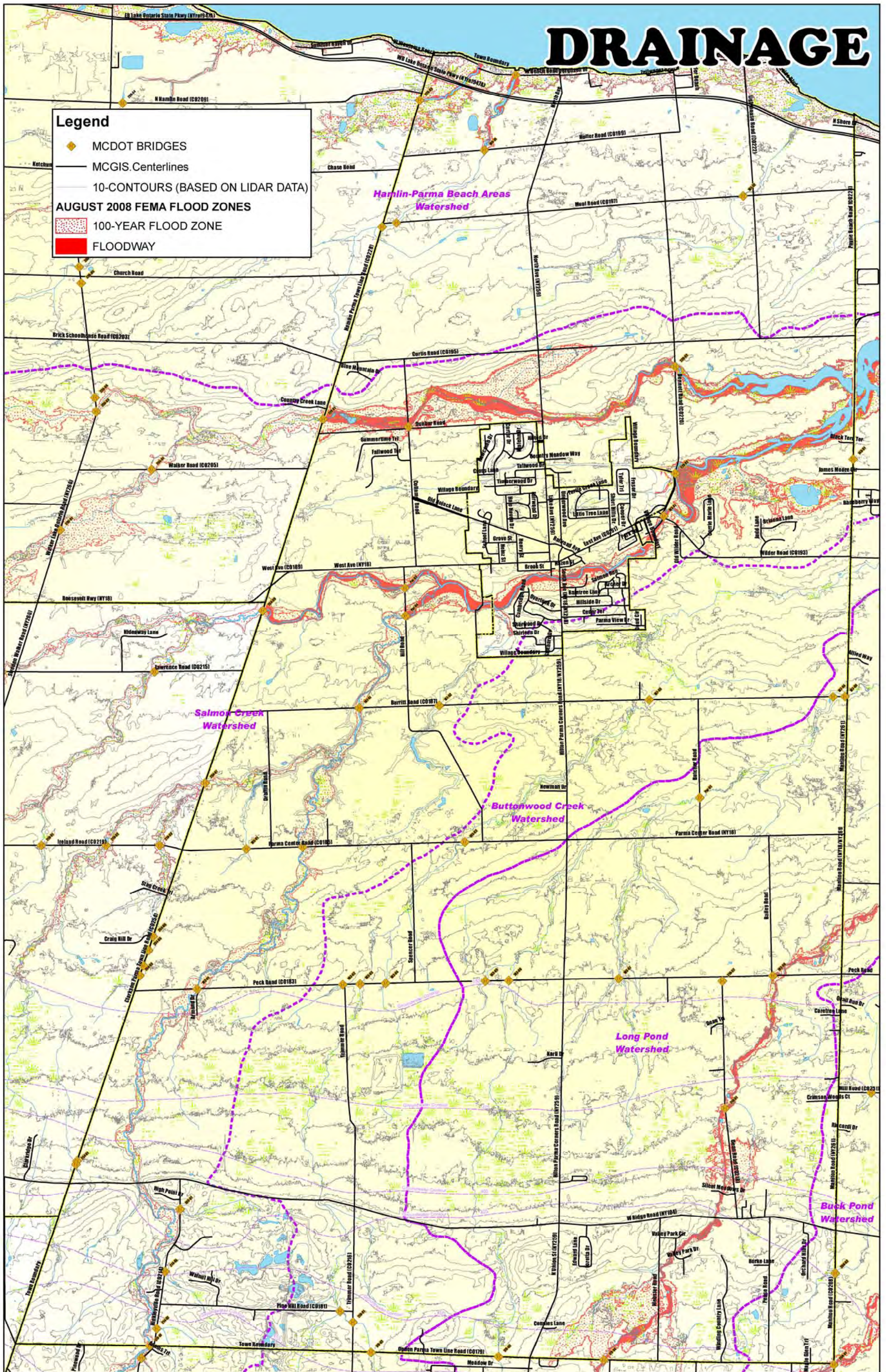
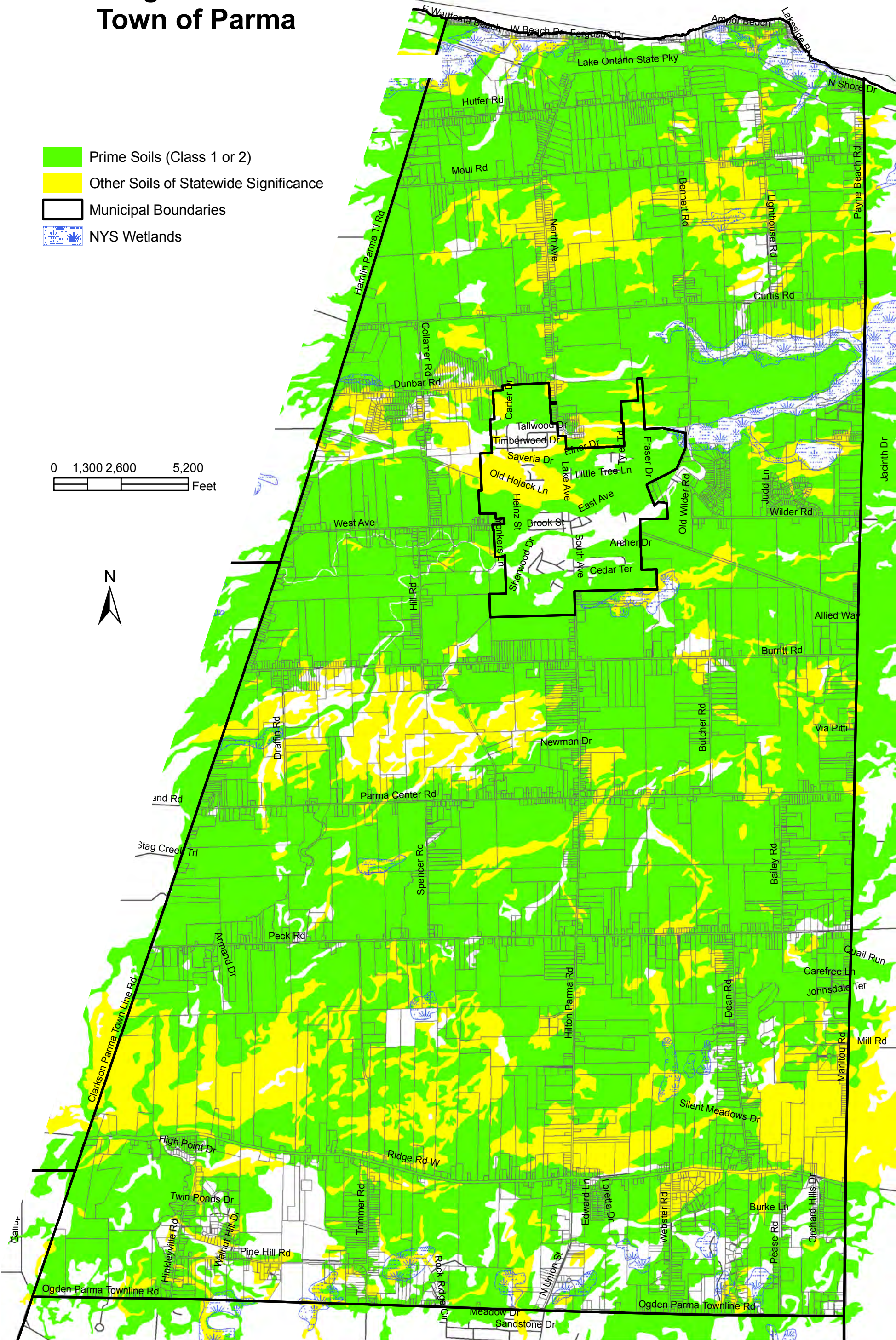


Figure 2

# Prime Agricultural Soils Town of Parma





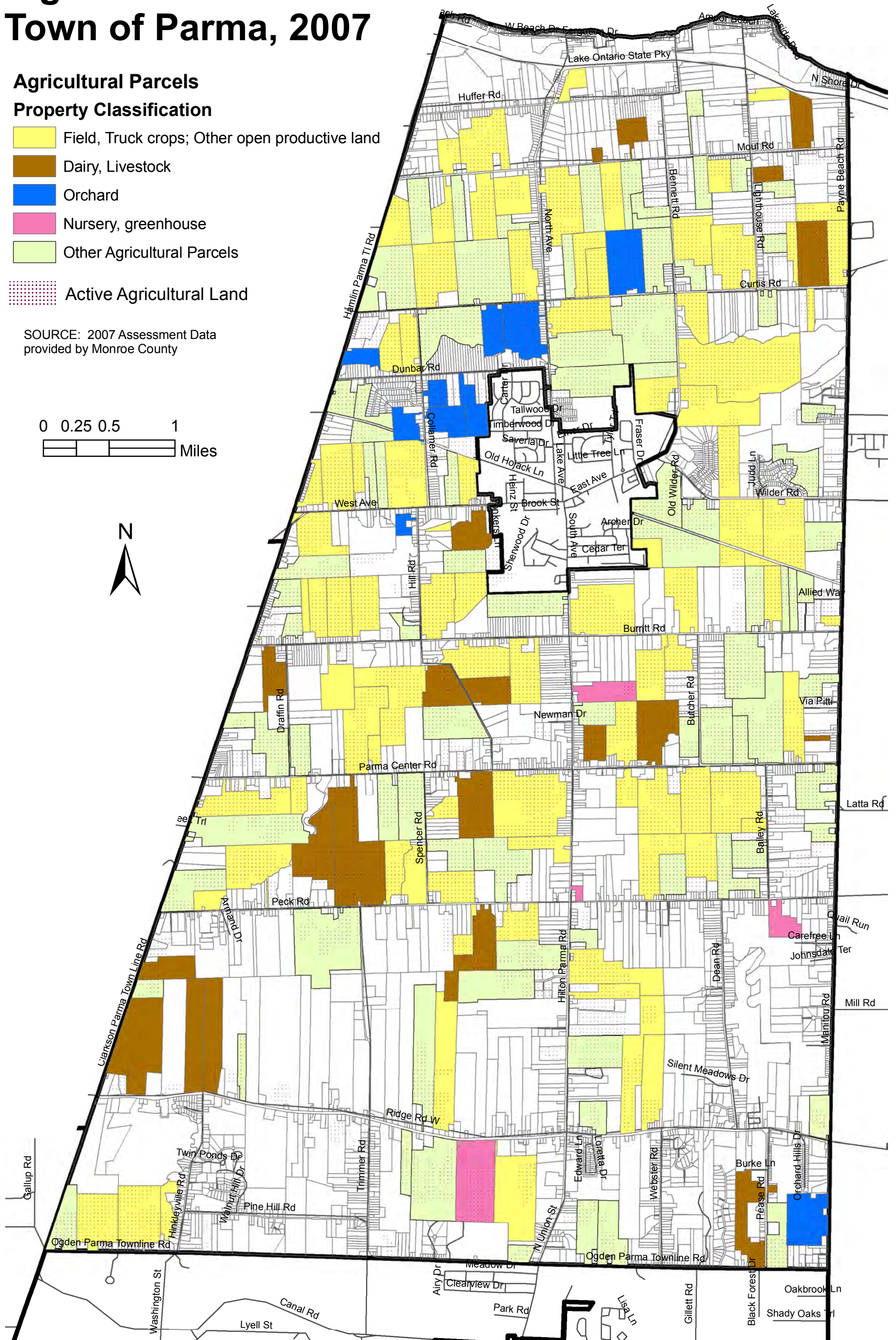
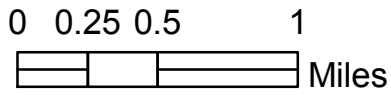
# Agricultural Parcels Town of Parma, 2007

## Agricultural Parcels

### Property Classification

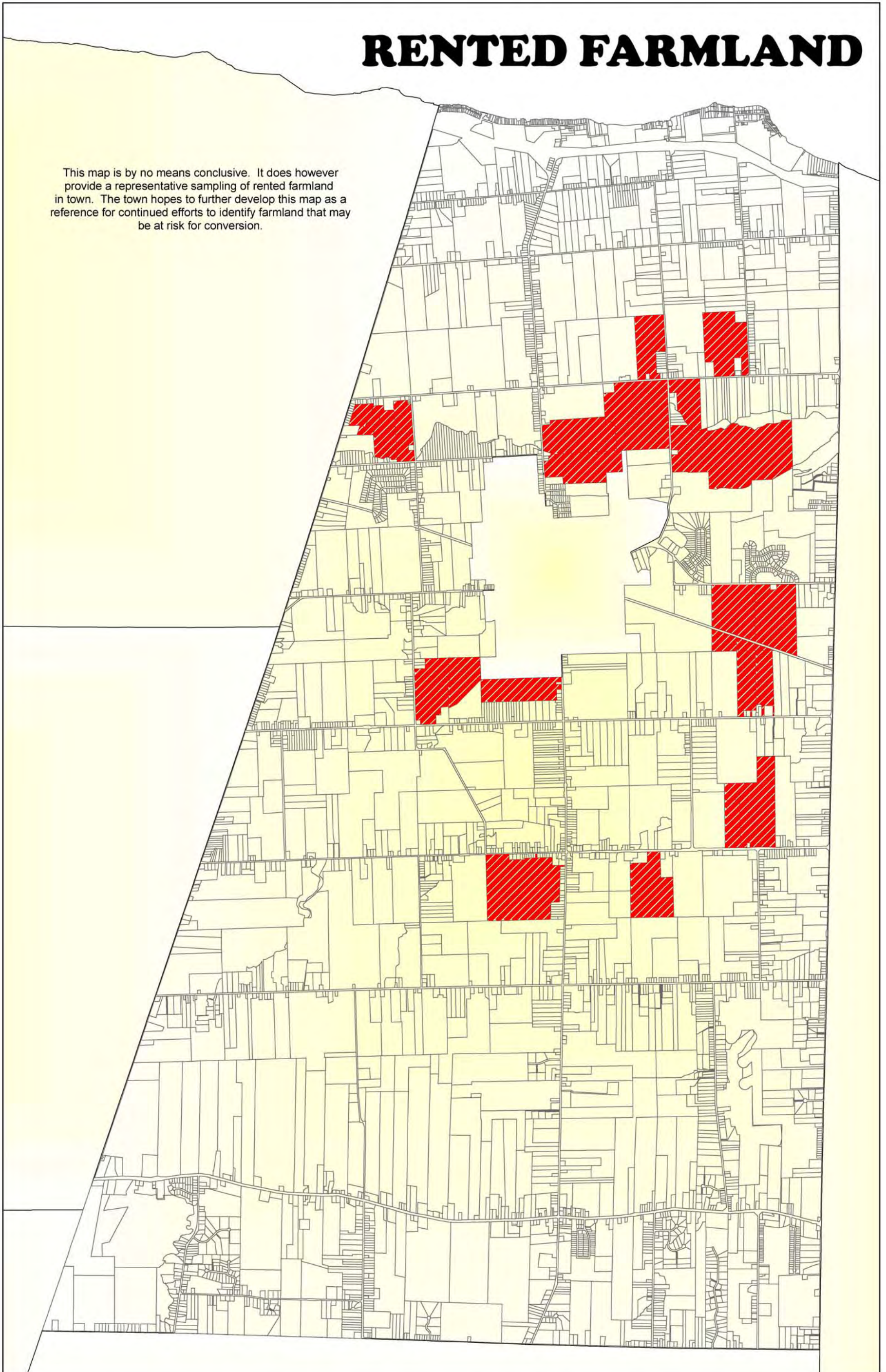
- Field, Truck crops; Other open productive land
- Dairy, Livestock
- Orchard
- Nursery, greenhouse
- Other Agricultural Parcels
- Active Agricultural Land

SOURCE: 2007 Assessment Data provided by Monroe County



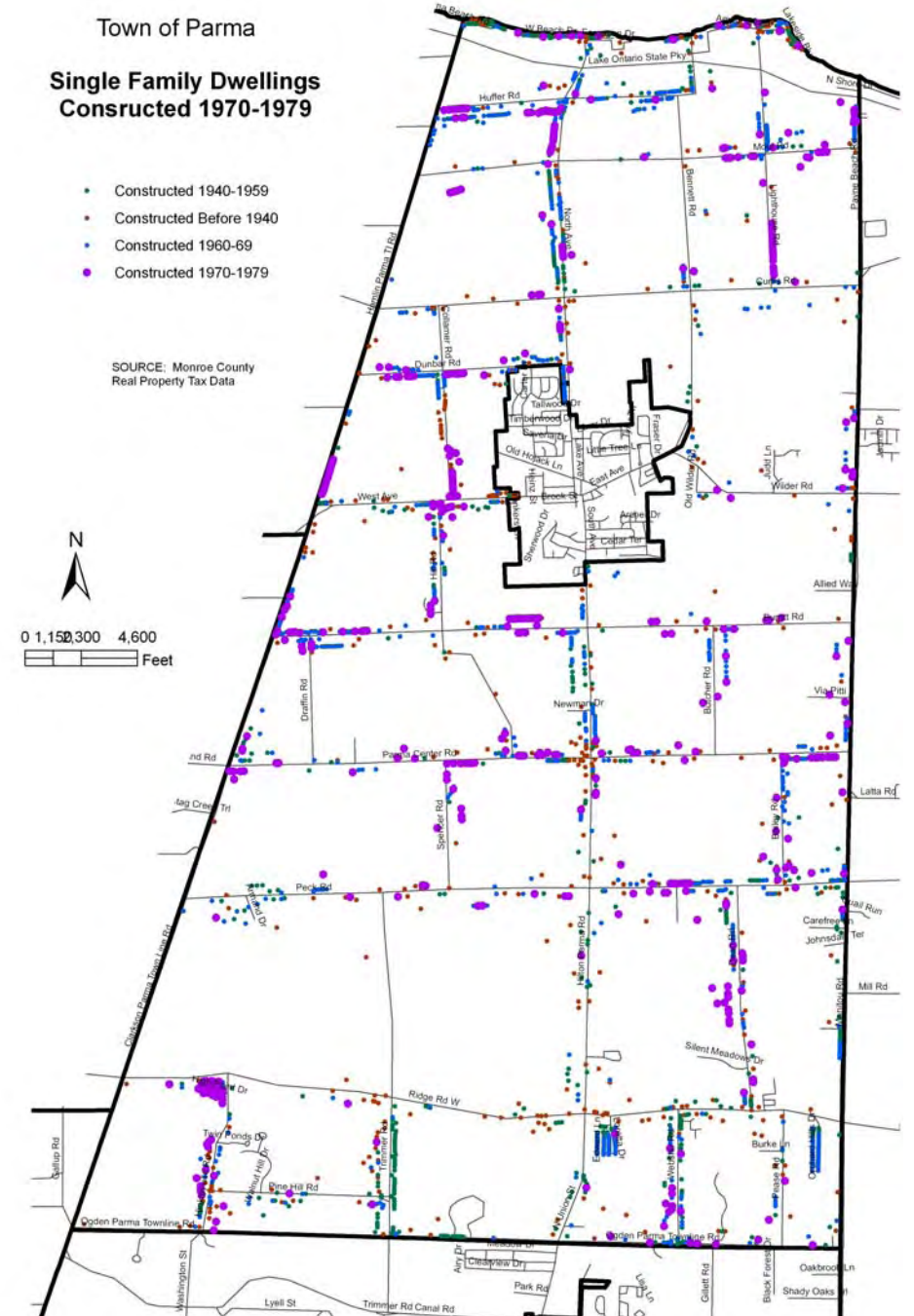
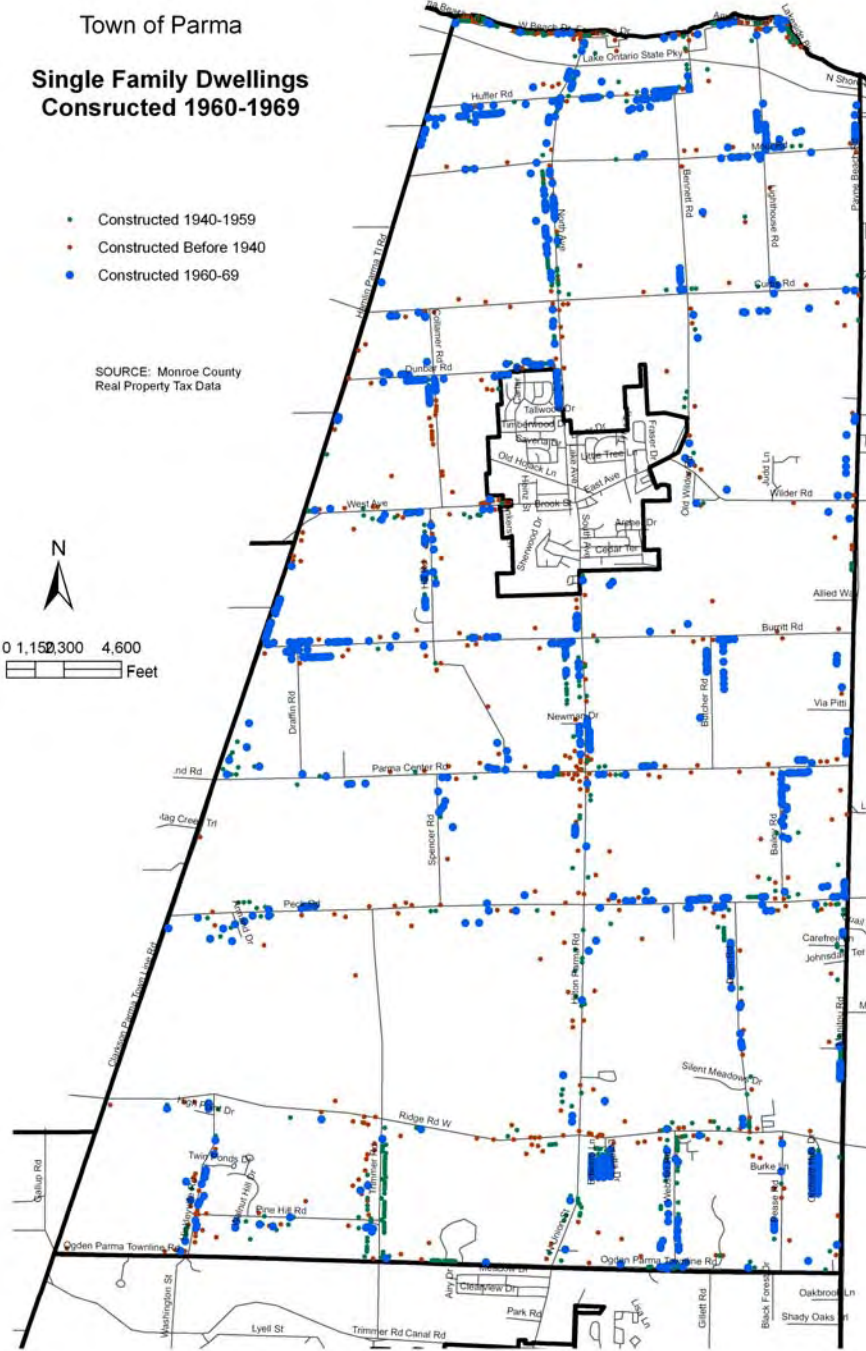
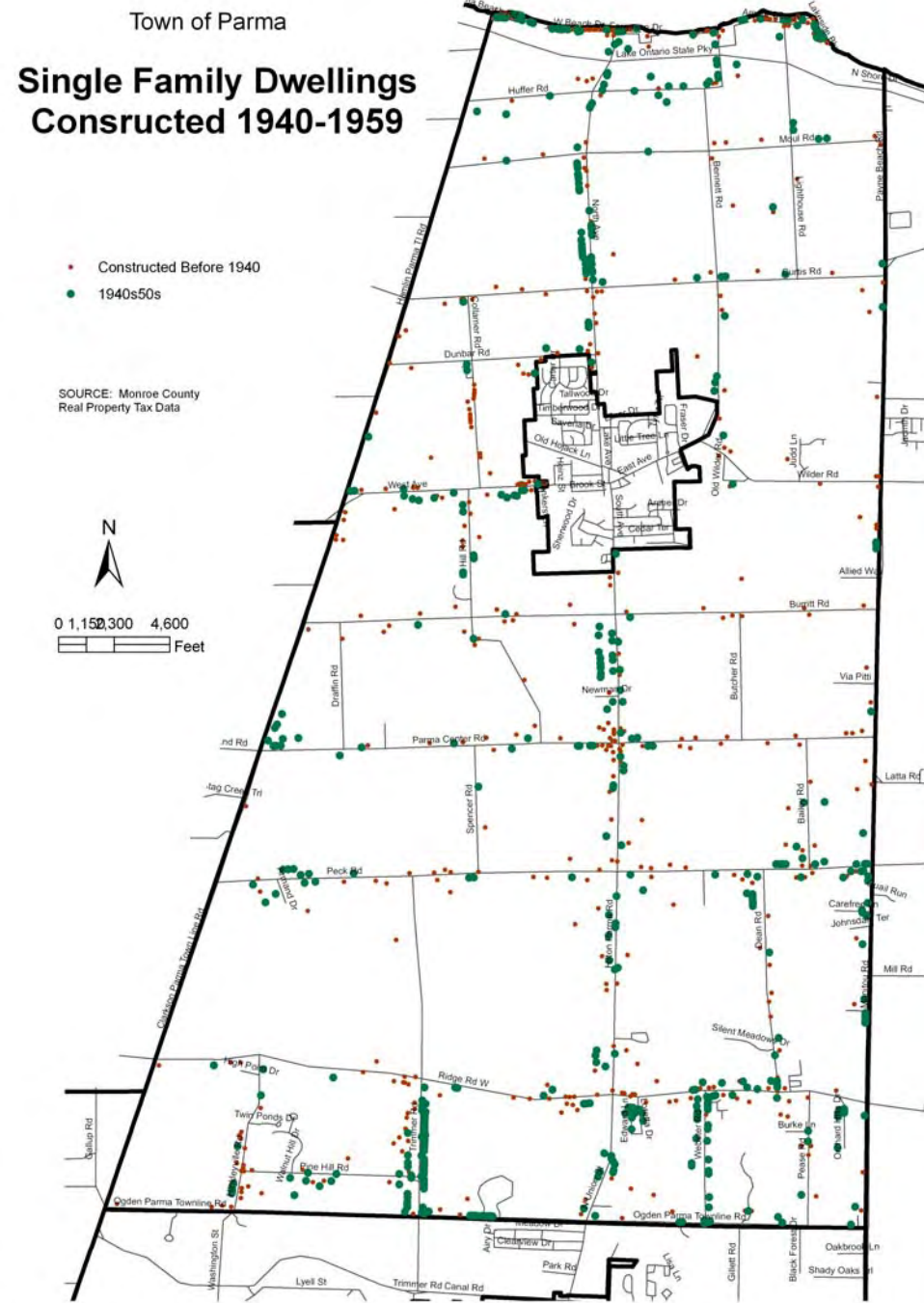
# RENTED FARMLAND

This map is by no means conclusive. It does however provide a representative sampling of rented farmland in town. The town hopes to further develop this map as a reference for continued efforts to identify farmland that may be at risk for conversion.

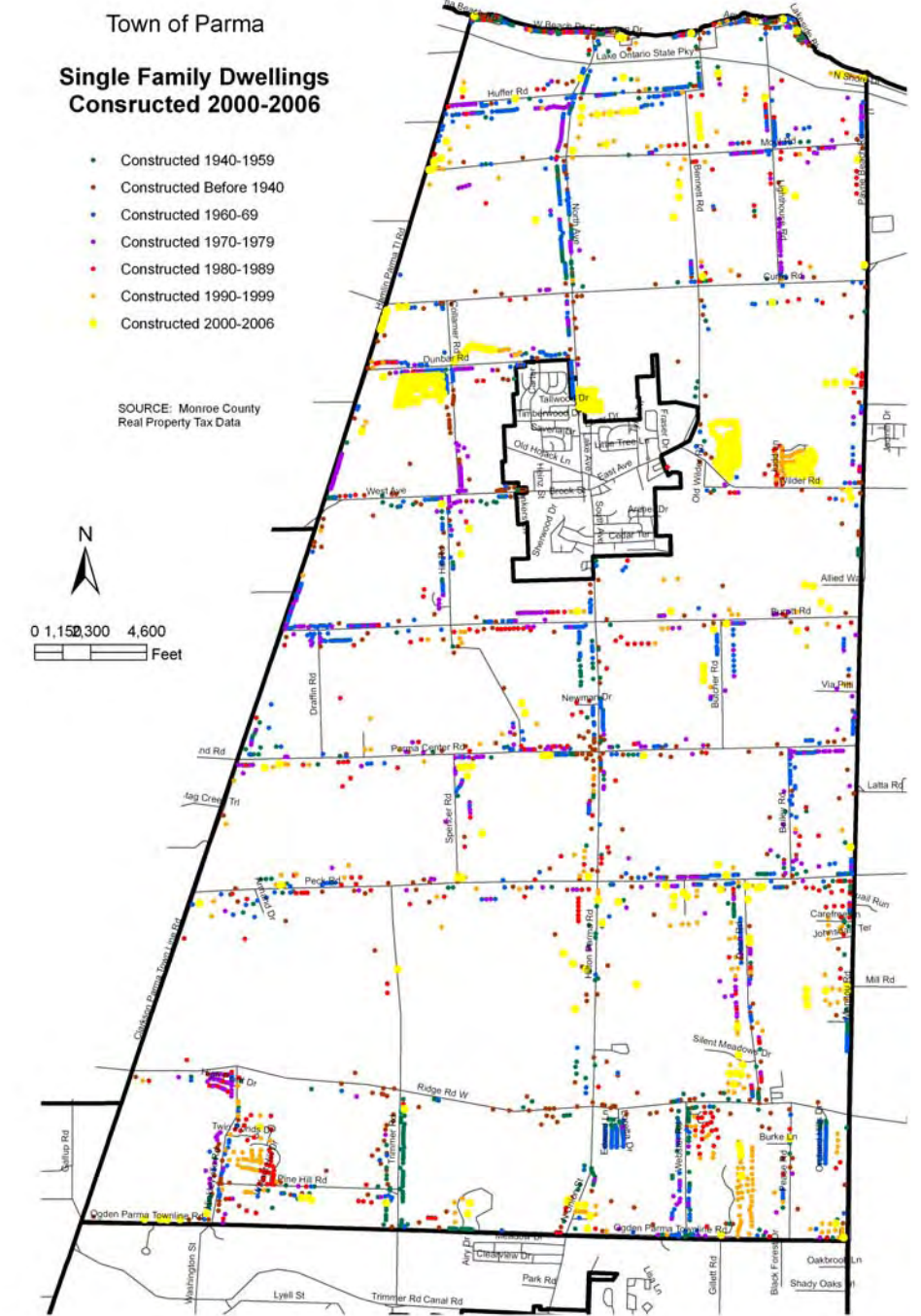
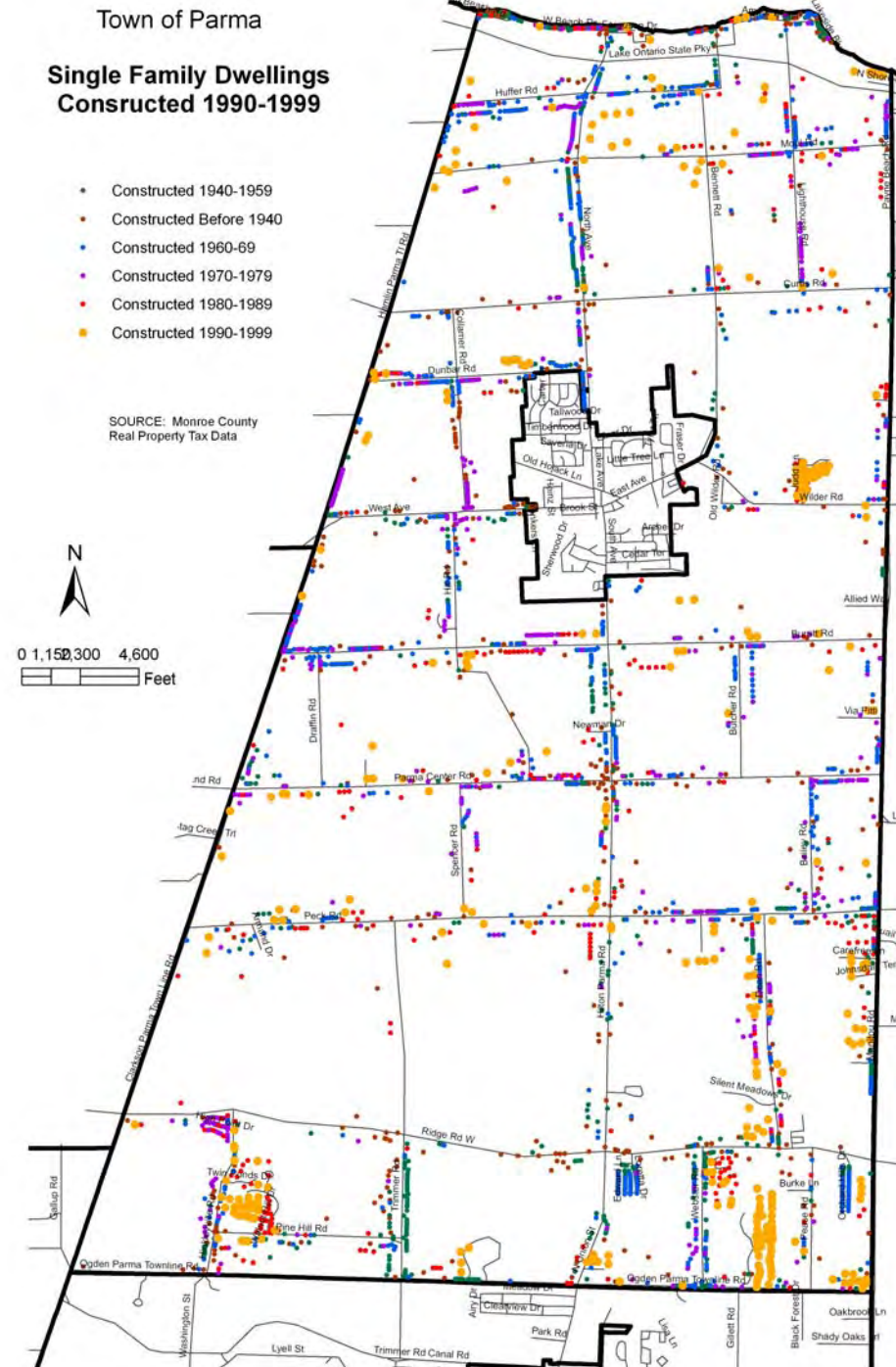
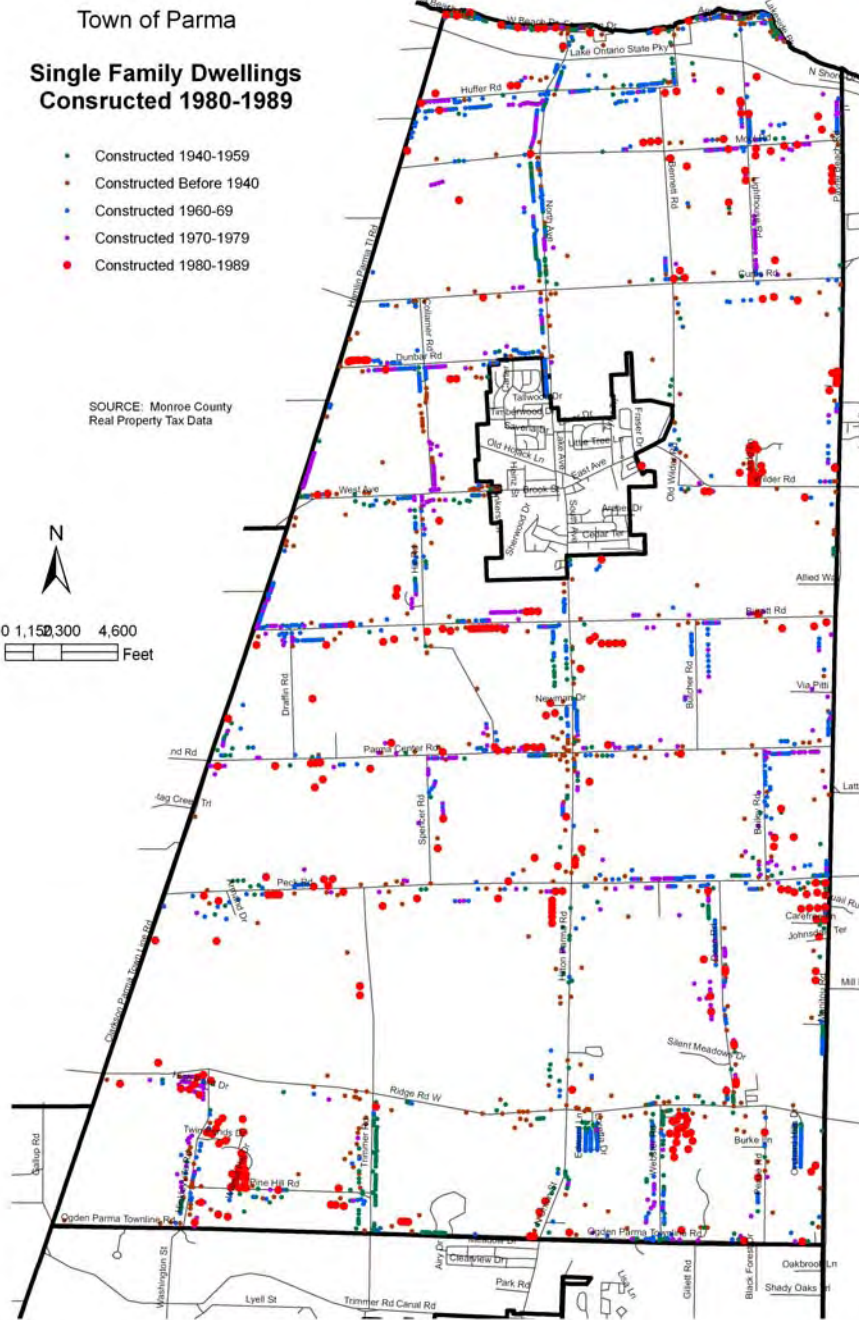


# Town of Parma Agricultural & Farmland Protection Plan

## Housing Development Trends



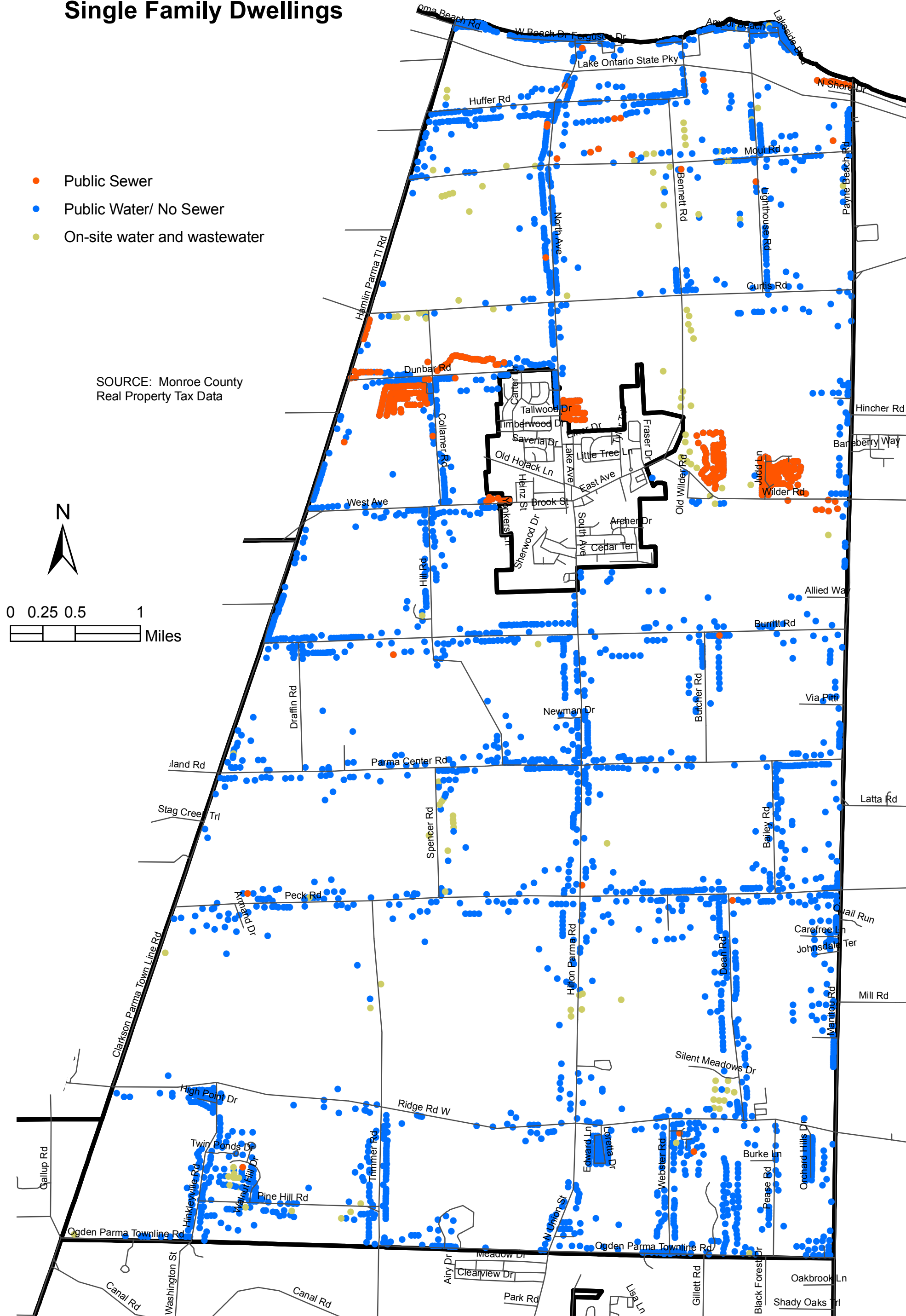
# Housing Development Trends (cont'd)




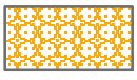

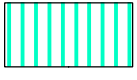
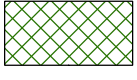



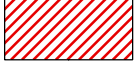




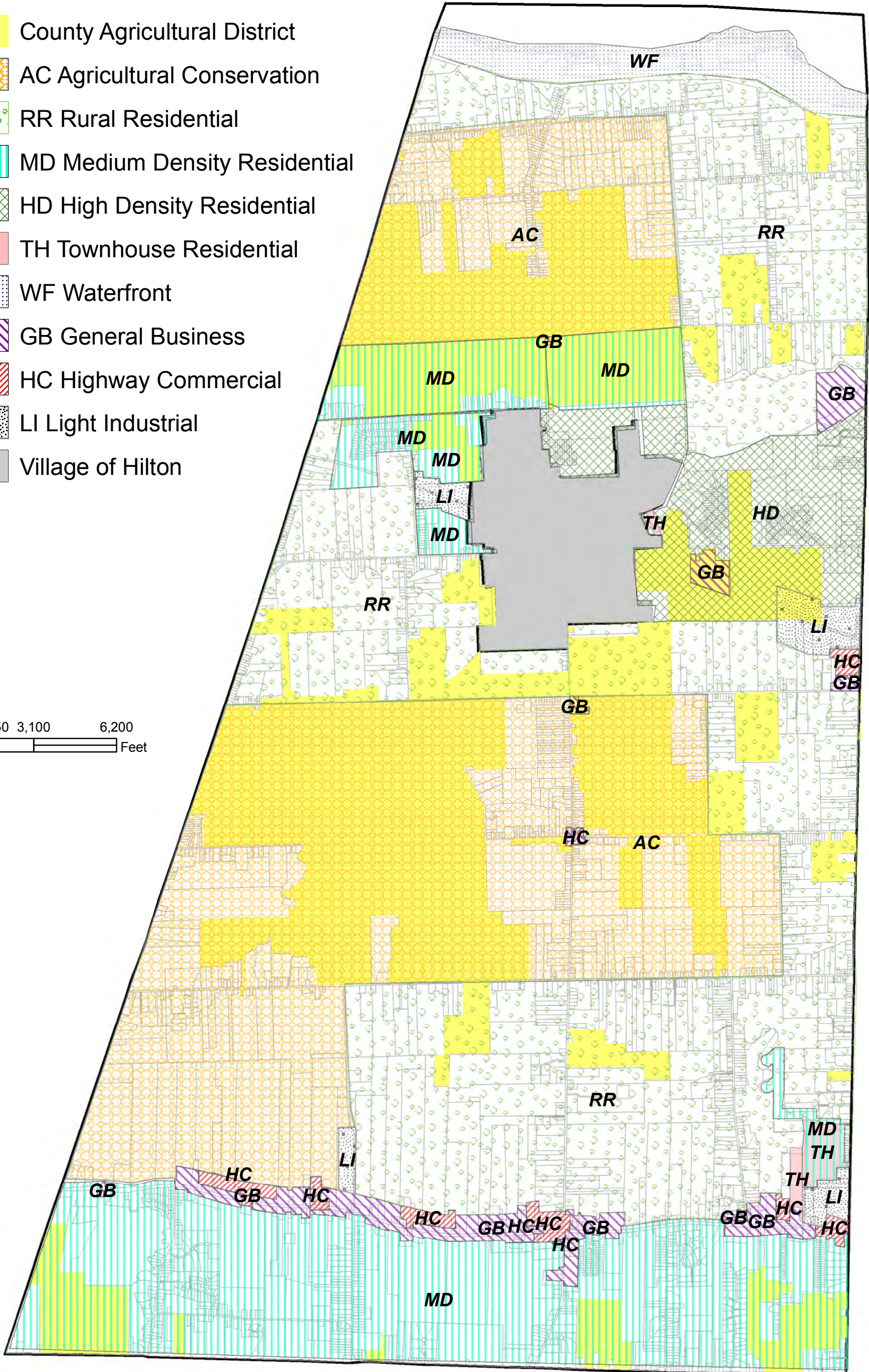
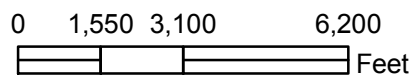


# Availability of Public Sewer and Water Single Family Dwellings

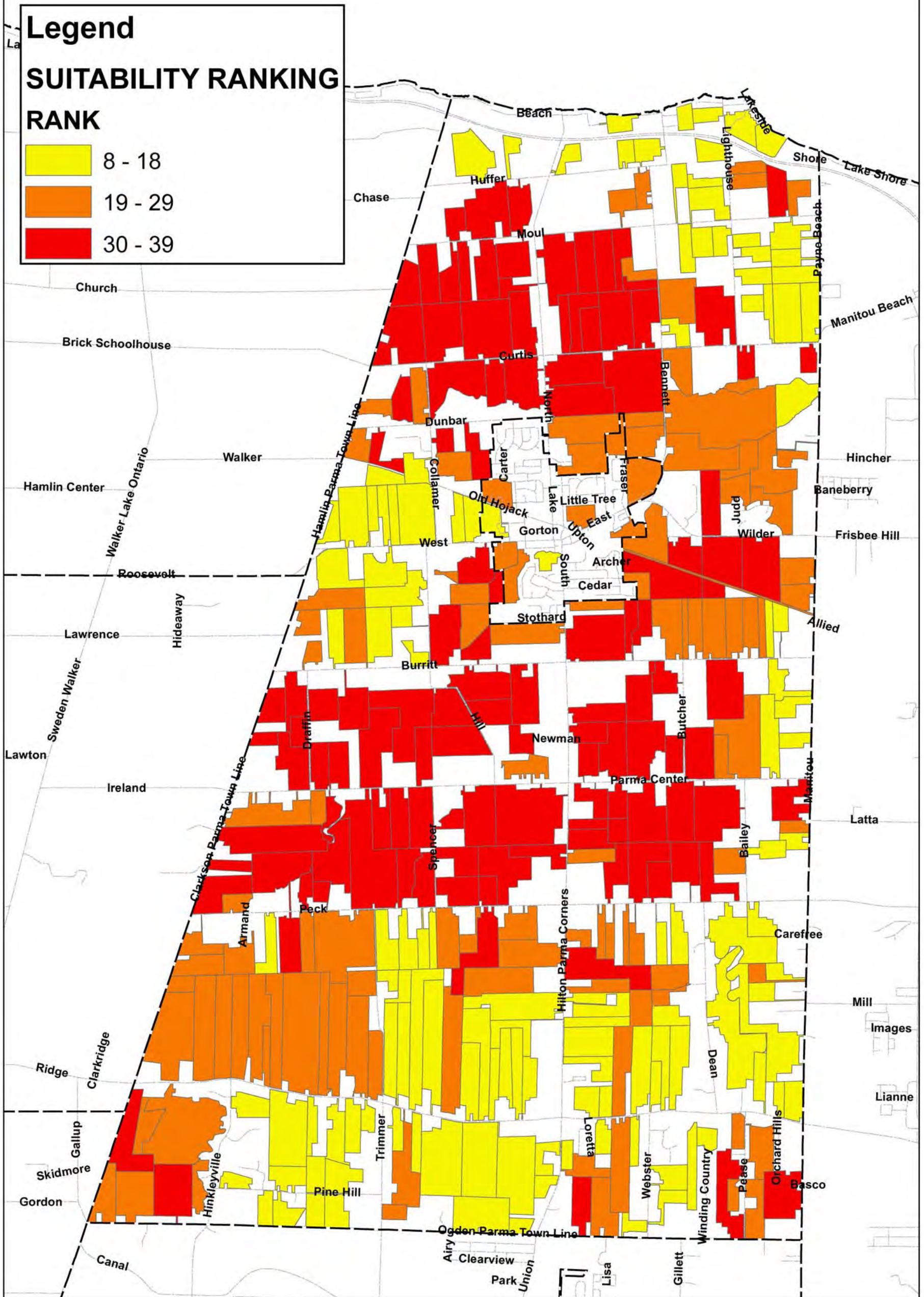


# Zoning and Agricultural District Town of Parma

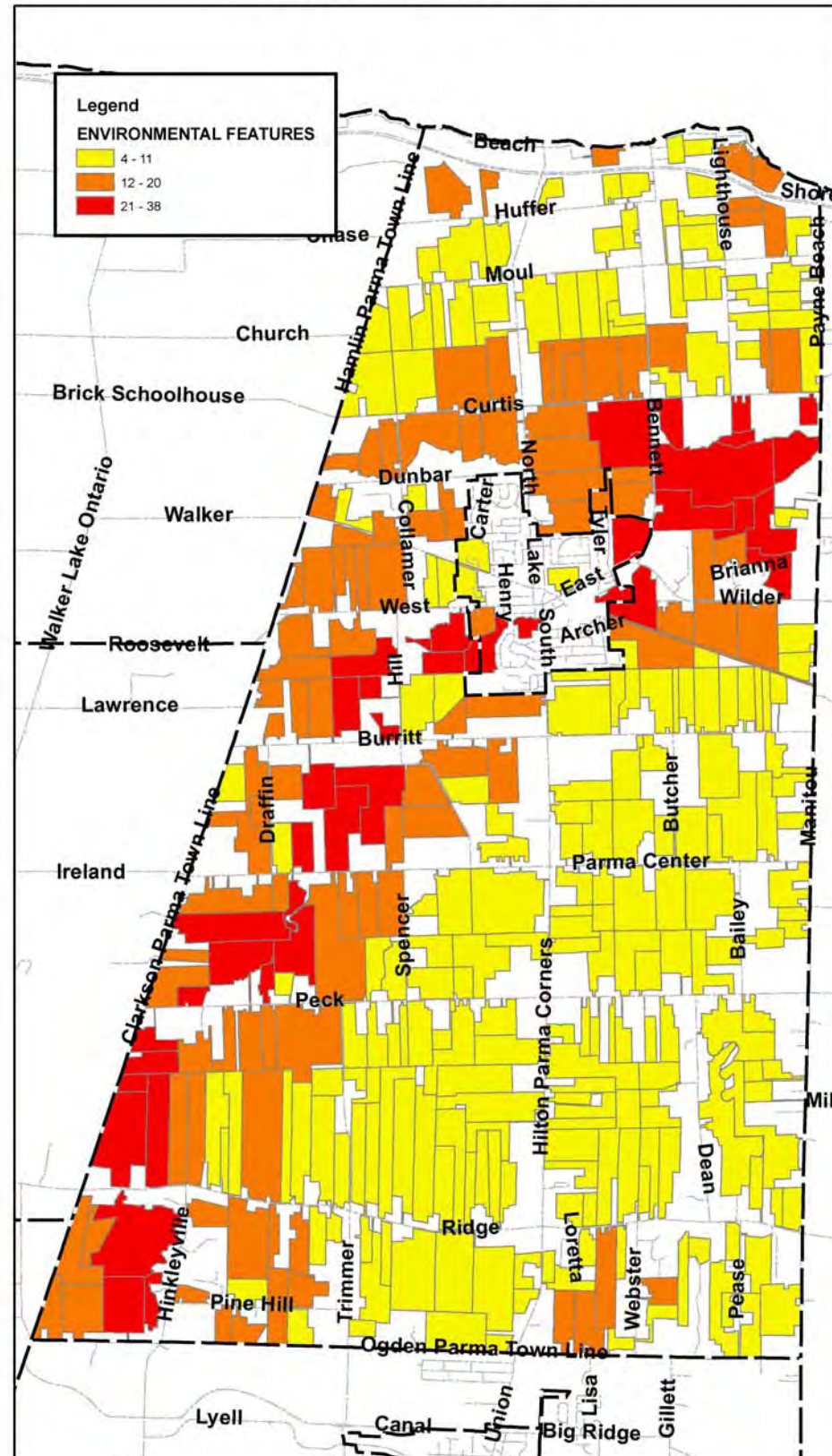
-  County Agricultural District
-  AC Agricultural Conservation
-  RR Rural Residential
-  MD Medium Density Residential
-  HD High Density Residential
-  TH Townhouse Residential
-  WF Waterfront
-  GB General Business
-  HC Highway Commercial
-  LI Light Industrial
-  Village of Hilton



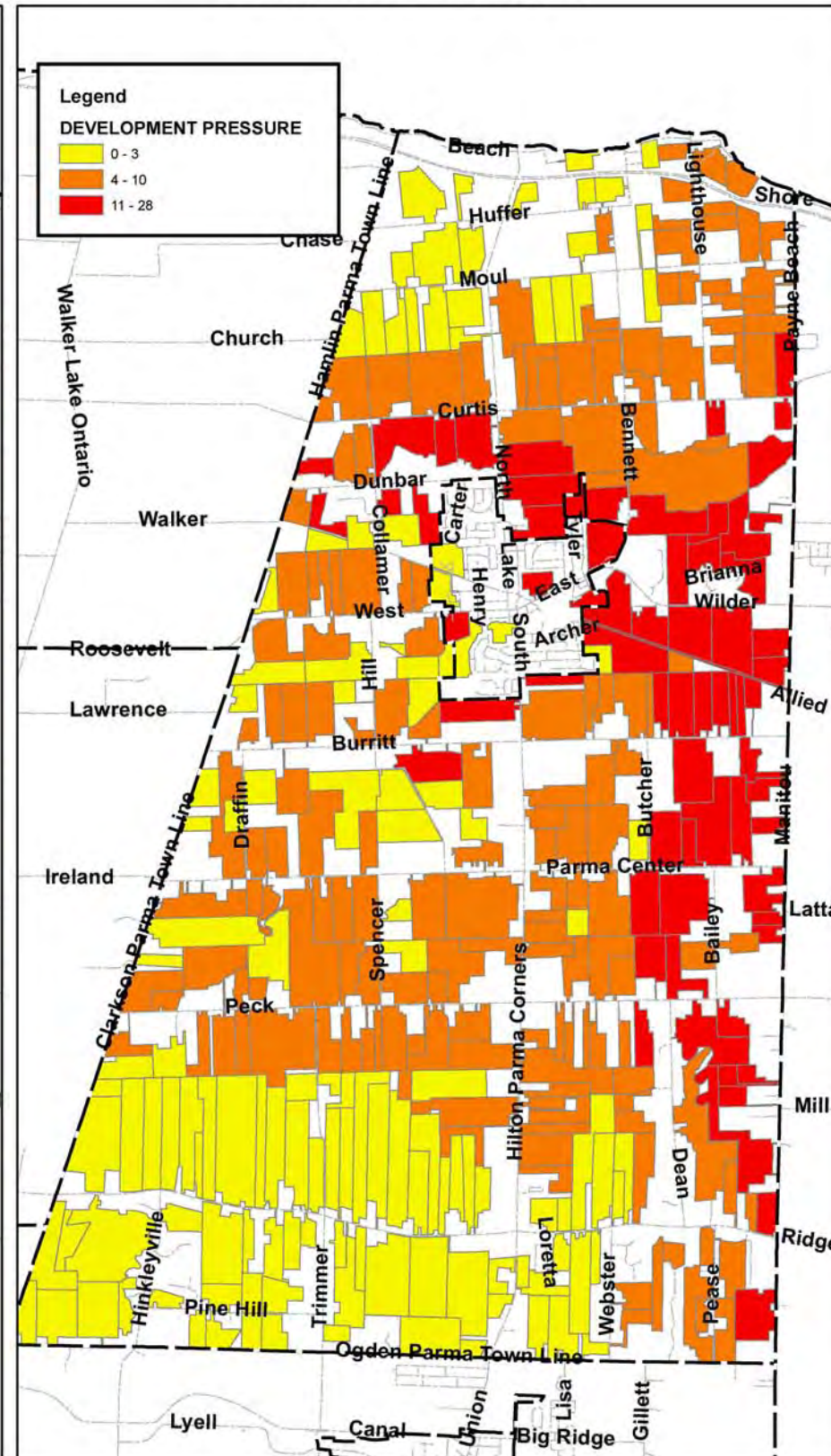
# AGRICULTURAL SUITABILITY



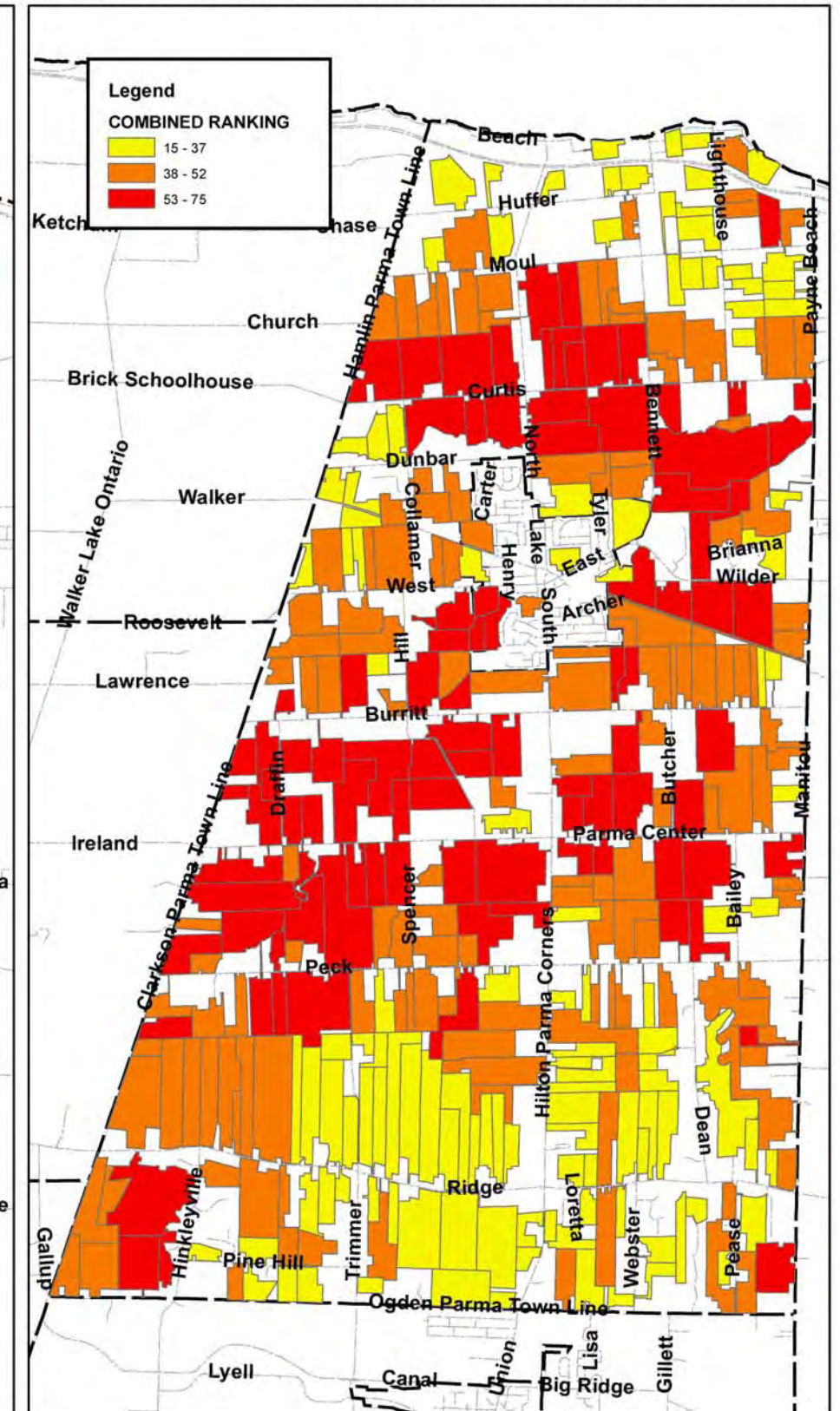
# ENVIRONMENTAL FEATURES



# DEVELOPMENT PRESSURE



# ENVIRONMENTAL FEATURES, DEVELOPMENT PRESSURE, AND AGRICULTURAL SUITABILITY



# Priority Preservation Areas and Existing Zoning

- High Agricultural Rating
- High Combo Rating/ Not High Ag Rating
- Zoning Districts

