

SUMMARY OF MEETING March 16, 2009

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Town of Bethlehem Agricultural and Farmland Protection Plan Study Advisory Committee Meeting



SUMMARY OF MEETING March 16, 2009 **Bethlehem Town Hall Room 101 – 7:00 PM**

Attendance

Members:

Lynn Dente, George Leveille, Stuart Lyman, Nancy Neff, Charles Preska, Robert Verstandig, Giles Wagoner

Staff/Consultants:

Robert Leslie (Town), Deborah Kitchen (Town), Liz Brock (AFT)

Public:

Kevin Helm, Linda Jasinski

Meeting Summary

The January 26, 2009 meeting summary was discussed and approved. It will be posted on the Town's website. Mr. Leslie noted that a copy of the summary of landowner/renter interviews was sent to each of the interviewees.

Review Town of Bethlehem Zoning Law Chapter 128-99 - Schedule of Uses

The Schedule of Uses chart was distributed to committee members for review and comment. Mr. Leslie noted that the purpose for reviewing the document is to identify uses that compliment agriculture but may not be allowed in certain districts. The committee would first identify specific uses that should be considered and then determine whether or not the use should be allowed in a specified zone. In doing so, the committee will consider whether the use should be allowed on parcels located within an agricultural district and whether the parcels have access to public infrastructure. Before proceeding, it was noted that generally 30% of the agricultural lands are located in the Residential A district, 29% in the Rural district and 27% in the Rural Light Industrial district. The remaining agricultural properties are mostly found in the Rural Hamlet and Rural Riverfront districts.

The following uses were discussed as they relate to agriculture/agri-tourism activities:

- Agriculture, agriculture use – add Agri-tourism
- Agri-tourism – if defined, should include commercial kitchen
- Animal Hospital – livestock
- Bed and breakfast – expand definition to allow for activities
- Bulk storage of materials - modify to allow for agricultural products
- Cold storage
- Commercial bakery
- Commercial recreation – allow for picnic areas/pavilions, trails, and possibly hunting
- Conservancy – including picnic grounds and cottage industries
- Day Camp/Vacation Camp
- Fabrication shop - farm equipment
- Farm equipment rentals, sales and repair
- Food processing establishment, i.e., cheese
- Garage, commercial storage – to allow for use of existing structures no longer needed for agriculture
- Grain storage, processing and distribution – clean up definition
- Greenhouses should be listed as a specific use or included as an agriculture use
- Heavy equipment

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- Home occupation as defined – why not allowed in all districts? – why site plan requirement?
- Junkyard – review regulations and expand definition if need be to allow agriculture exemption for storage of equipment that is kept for parts
- Kennel – allowance could be based on acreage
- Library, museum or art gallery
- Lumberyard, mill
- Nursery
- Public Utilities
- Restaurant - commercial kitchen
- Riding academy - close proximity to clientele
- Service business - incorporate some of the uses into definition of home occupation, i.e. advertising & mailing, beauty salon
- Slaughter plants, packing houses, etc. - allow for mobile businesses/docking stations in more than one zoning district
- Telecommunications facilities - reevaluate height restrictions

Town staff will review the list of uses generated by the Agriculture and Farmland Protection committee and provide technical assistance with determining the best way to incorporate the recommendations - either by modifying the use definitions and/or adding footnotes to specific uses listed on the Schedule of Uses chart in order to alleviate confusion or inconsistency when the law is interpreted. Mr. Leveille stated that the Town's zoning code definition for Agriculture is intended to be consistent with NYS Dept. of Agriculture & Market's definition.

Additional follow up will be needed by staff with regard to following items identified in the Town's Zoning Law & Use Chart:

- Garage, commercial - listed as a use but not defined in the zoning law
- Parking Garage - listed as a definition but is not included on the use chart
- Public Utilities - listed as a use but not defined in the zoning law
- Religious camp or retreat – listed as use but not defined in the zoning law – *Ms. Kitchen questioned why religious camps/retreats are regulated but not churches.*
- Service business – review definition and incorporate some of the uses into definition of home occupation, i.e. advertising & mailing, beauty salon

Review Draft Agricultural and Farmland Protection Plan - Goals and Recommendations 03/11/2009

Mr. Leveille stated that the Plan should contain a description of the conditions that lead up to the goals and recommendations. He also suggested that the document contain more tangible actions and the recommendation to establish an Agricultural Advisory Committee be considered a high priority.

GOAL -Assist and support in resolving issues causing adverse impacts on agriculture and farmland:

Mr. Leveille suggested that the first sentence be changed to include farmers and owners of agricultural lands shared challenges and issues faced in owning and working land in the Town of Bethlehem. Dr. Lyman recommended that the term "encroachment" be defined.

RECOMMENDATION - Improve communications between farmers and the Town Police Department:

Mr. Leveille suggested that the Agricultural Committee and/or staff establish a rapport with the Town's Police Department and develop a memorandum of understanding of items that may need to be communicated or understood with regard to agriculture practices. Mr. Wagoner stated that the Town Police Department had been invited to participate in a recent meeting at the Stanton Farm, which included representatives from NYS Department of Transportation, Cornell Cooperative Extension and the NYS Police to discuss the NYS Vehicle and Traffic Law as it relates to agriculture. The Town's Police Department was not represented at the meeting. Mr. Leveille noted the Report should include a summary of the topics discussed at the meeting to serve as an example of communication between farmers/agricultural landowners and police.

RECOMMENDATION - Develop a dispute resolution process: Mr. Leslie reported that he had spoken with the Town's attorney and was informed that the Town did not have the resources, nor was it equipped,

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to handle landowner disputes. The Town could, however, produce information including tax maps and surveys and the action item could be updated to state that the Town would provide assistance and produce record information upon request. Ms. Brock noted that in light of the proposed update, the information would no longer need to be requested by both of the affected parties.

RECOMMENDATION - Create an Agricultural Advisory Committee and establishing parameters for its use: It was noted that the parameters would include meeting on a monthly basis and reviewing proposed planning Board projects. Mr. Leveille suggested that all documents referred to the Development Planning Committee (DPC) be forwarded to the Agriculture Advisory Committee at the same time they are sent to the Planning Board regardless of whether the project is located within 500 feet of an agricultural district. He believes this will help to streamline the review process and avoid adding additional regulations because agricultural properties may be impacted in ways that the DPC and Planning Board may not be aware of.

RECOMMENDATION - Explore opportunities for remedial actions where drainage from existing development and infrastructure negatively impacts farmland: Mr. Leveille stated that he believes there is a good faith effort on the part of the Town to remedy problems through ordinary maintenance – but to go back and unwind 40 years of mistakes would put a burden on the public that cannot be born. The Town's engineering division and highway department should continue to provide guidance and assistance to identify the cause of the problem and a possible solution for it. The Town can help to protect agriculture and preserve open space by providing assistance with drainage issues. Mr. Leveille suggested that the action item include a way to explore opportunities to fund projects that are causing adverse impacts on agriculture. The Town has discussed a Generic Environmental Impact Statement for new development where a portion of the funds could be used to mitigate drainage problems, or purchase land for preservation.

RECOMMENDATION - Make landowners aware and/or promote the land division review process: The action item will be to encourage the Department of Economic Development and Planning to continue to provide landowners with information about their option to apply for a land division rather than a minor subdivision. The information could be shared via Town newsletters or the Bethlehem Report.

GOAL - Support economic opportunities for farms and businesses that complement agriculture: The term value-added kitchen should be defined. It was noted that the Town should support agriculture as a business – especially in light of its goal to preserve farmland.

RECOMMENDATION - Allow for signage to promote farm businesses: It was noted that §128-59 of the Town Zoning Law allows agricultural “businesses” to place one temporary sign in an off-site location. The committee agreed that the number of signs should be increased to four.

RECOMMENDATION - Explore opportunities for the Bethlehem Industrial Development Agency to invest in agricultural businesses: It was noted that the types of assistance should be identified and conveyed to the Agency.

RECOMMENDATION - Encourage the Town Board to include agricultural representation on town boards and committees such as the Planning Board and Zoning Board of Appeals: Mr. Leslie expressed that it was unclear how this recommendation benefits agriculture. Ms. Neff noted that 1/7 of the land in Town is located in an agricultural district and she believes that 1/7 of the decisions made by the seven member Planning Board should be representative of that portion of the community that owns 1/7 of the acreage in Town.

Mr. Leveille stated that he feels it is the Town Board's prerogative to make appointments and the AFPP committee should not be making this recommendation. He suggested a statement to be included in the narrative that NYS Town law supports the appointment of an agricultural member to a Town Planning Board if an agricultural district lies within the Town. The committee has also recommended that an advisory committee be put together and receive information about proposed projects which could be better than appointment to the Planning Board. The Town Board would appoint a chairperson to provide advice on specific issues. Ms. Neff stated that a representative of the agricultural community serving as a member of the Planning Board negates the need for an Agricultural Advisory Committee. The

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recommendations should reflect the committee's willingness to work cooperatively with elected officials to advance the diverse agenda of the community. Ms. Neff does not think the Town Board will be threatened or surprised by the recommendation because it was made to the Board in the past. Ms. Brock noted that advisory committees have no regulatory power and are only useful if they are used. She suggested that the recommendations be presented to the Town Board members. Mr. Leveille does not believe this recommendation will benefit agriculture in Town. He recommends that the committee develop action items that point to success. Ms. Neff stated that the Town accepted the grant money and established the Agriculture and Farmland Protection Plan committee to develop the recommendations. If the Town Board had a pre-conceived idea of what the plan was going to include there would be no point in establishing the AFPP committee. She felt the AFPP committee has a responsibility to the agricultural community to provide input on a plan that represents the things they would like to see happen in the Town. Mr. Wagoner believes that the words - recommend and encourage - are not adversarial. The committee tabled discussion of this recommendation to the following meeting.

RECOMMENDATION - Develop and adopt a Town of Bethlehem Right to Farm Law: It was noted that the action could help to institutionalize the importance of agriculture in the community.

RECOMMENDATION - Research and consider the development of a term conservation easement program: It was noted that the step to identify eligible parcels ... would include the words "in cooperation with willing landowners". The action item – to research term easement / tax abatement programs for agricultural landowners - will be assigned to the Department of Economic Development & Planning.

RECOMMENDATION - Develop amenity/incentive zoning to assist in preserving farm and agricultural lands: It was noted that this method could be identified as a community benefit - amongst other things.

RECOMMENDATION - Provide education regarding existing Purchase of Development Rights (PDR) programs (Federal and State) and support applications as they arise: It was noted that a PDR program should not be developed in and of itself, but if a landowner comes forward and expresses an interest in submitting an application to the state, the Town would provide resources and/or staff time to assist with the application. Ms. Neff noted that all agricultural is considered open space although not all open space is agriculture. She has compared the PDR recommendation in the AFPP Plan against the one that appears in the CACC – Open Space Assessment Report and they are inconsistent. She prefers the wording used in the AFPP Plan and requests that the AFPP committee members receive a copy of the CACC materials related to open space so that they can be discussed at a future AFPP committee meeting.

Follow-up

Obtain updated version of NYS Dept. of Agriculture definition for Agriculture to find out what has changed and whether or not it includes greenhouses

Prioritize Recommendations

Provide AFPP committee with the CACC Report

Prepare draft Agriculture and Farmland Protection Plan

Next Meeting

The next meeting will be held on Monday, April 20, 2009 at 7:00 p.m. in Room 101

Respectfully submitted: Deborah Kitchen