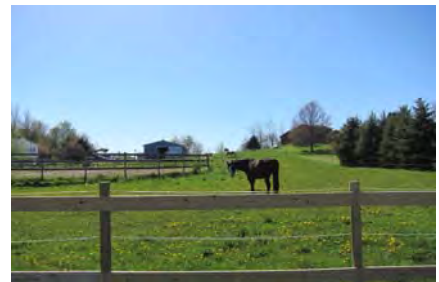


AGRICULTURAL & FARMLAND PROTECTION PLAN



March 2012

Town of Perinton



Acknowledgments

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

Farmers and Farmland Owners

- Participants in public meetings, stakeholder interviews

Perinton Town Board

- James Smith
- Patricia Knapp
- Carolyn Saum
- Joseph LaFay
- Peg Havens

Perinton Town Staff

- Thomas Beck
- Michael Doser
- Eric Williams

Monroe County Agricultural and Farmland Protection Board

NYS Department of Agriculture & Markets

- John Brennan

Agency Representatives

- Robert King, Director, College of Agricultural & Life Sciences, Monroe Community College
- Monroe County Soil & Water Conservation District

Planning Consultant

- Barbara Johnston, AICP, Stuart I. Brown Associates



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Andrew M. Cuomo
Governor

Darrel J. Aubertine
Commissioner

July 20, 2012

Honorable James E. Smith
Town Supervisor
Town of Perinton
1350 Turk Hill Road
Fairport, New York 14450

RE: Municipal Agricultural and Farmland Protection Plan

Dear Supervisor Smith:

We have concluded our review of the Town of Perinton's Agricultural and Farmland Protection Plan which was adopted by the Town Board on April 11, 2012 and approved by the Monroe County Agricultural Protection Board on March 22, 2012. Pursuant to Section 324-a of the Agriculture and Markets Law, and consistent with the legislative intent of Article 25-AAA of the AML to promote local initiatives for agricultural and farmland protection, I approve the plan.

I commend the Town Board for their initiatives and effort in developing the plan.

The plan contains a number of very good recommendations including a proposal to assign the Town of Perinton Conservation Board and Town staff joint responsibilities in implementing key recommendations in the plan. The Department specifically encourages the Town to implement the following plan recommended actions:

Consider revising Town zoning code to include the recommendation that agricultural land protection and retention be identified as an additional objective of the "open space preservation" zoning district and provide additional support to agricultural operations by adding "agriculture" to the list of permitted uses in the RT-1.2.5 and RT 2.5 zoning districts.

The Town is encouraged to consider empowering the Town Planning Board to require conservation (clustered) subdivisions, with incentives, which would result in the protection of additional high quality farmland in the Town.

Honorable James E. Smith
Page 2
July 20, 2012

Revise or update zoning definitions to clearly define the term agriculture and revise the list of permitted uses in the agricultural zoning district to include farm stands, farm markets, home occupations, riding stables, or horse boarding operations and agricultural enterprise including agri-tourism and agricultural support businesses.

Explore drafting local enabling legislation for establishing a transfer of development rights (TDR) program to protect the remaining farmland in the Town. This Smart Growth technique could compliment the extensive range of tools instituted by the Town to protect the remaining farmland in the Town.

Continue to work with Monroe Community College Department of Agricultural and Life Sciences to devise specific steps to incorporate the use of local foods in area schools, restaurants and institutions.

This Plan is the fourth municipal Agricultural and Farmland Protection Plan being completed in Monroe County and represents an important opportunity for the Towns and the Villages to join together through an "Agricultural Summit" to identify specific steps to strengthen the agriculture industry in your County.

We look forward to working cooperatively with you in furthering the protection and development of farm operations and agricultural resources in the Town of Perinton.

Thank you for your continued support of New York agriculture.

Sincerely,



Darrel J. Aubertine
Commissioner
Department of Agriculture & Markets
of the State of New York

Cc: Maggie Brooks, County Executive
Jeffrey R. Adair, President, County Legislature
Robert Colby, Chair, County Agricultural and Farmland Protection Board
Michael Doser, Director, Town Code Enforcement & Development
Robert King, Senior Agricultural Specialist, Agriculture & Life Sciences-MCC

Town of Perinton Agricultural & Farmland Protection Plan

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Town of Perinton Agricultural & Farmland Protection Plan

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Town of Perinton Agricultural & Farmland Protection Plan

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Town of Perinton Agricultural & Farmland Protection Plan

A. Introduction and Methodology

The Town of Perinton initiated work on its Agricultural & Farmland Protection Plan in order to identify alternative ways to keep active farmland open. This document includes an inventory of farmland in the Town, an assessment of the development pressure on farmland, evaluation of strategies to retain farmland, and recommended actions to retain priority farmland and support agriculture in the Town. This document also includes a more detailed inventory, assessment and build-out analysis of farmland located in the southeast area of the Town.

The objective of this plan is to provide reference information to Town officials regarding the farmland resources in the Town as well as a guide to local actions that can be taken to support agriculture and retain farmland. This document is intended to be used as a guide by the Town Planning Board and Zoning Board of Appeals in the review of development proposals that may affect farmland, by the Conservation Board in promoting conservation of land resources in the Town, and by the Town Board as it a guide to financial and regulatory actions.

In 2010, the Town received a \$25,000 grant from the NYS Department of Agriculture and Markets to support the preparation of the Plan. In 2010, the Town of Perinton retained the consulting firm of Stuart I. Brown Associates to assist in the preparation of the Plan.

1. Landowner Meetings

In January 2011, the Town invited all farmers and farmland owners to participate in a focus group meeting to kick off the planning process. The meeting was facilitated by Barbara Johnston, Senior Planner with Stuart I. Brown Associates. Participants were encouraged to discuss the future of farming in the Town and identify opportunities and concerns.

2. Farmer Interviews

The Town's consultant interviewed several farmers and farmland owners during the course of the planning process, including Chip Ellsworth, Mary Sandman, Gene Wagner, Thomas Sheridan, Robert Chase, and Warren Peters.

3. Conservation Board

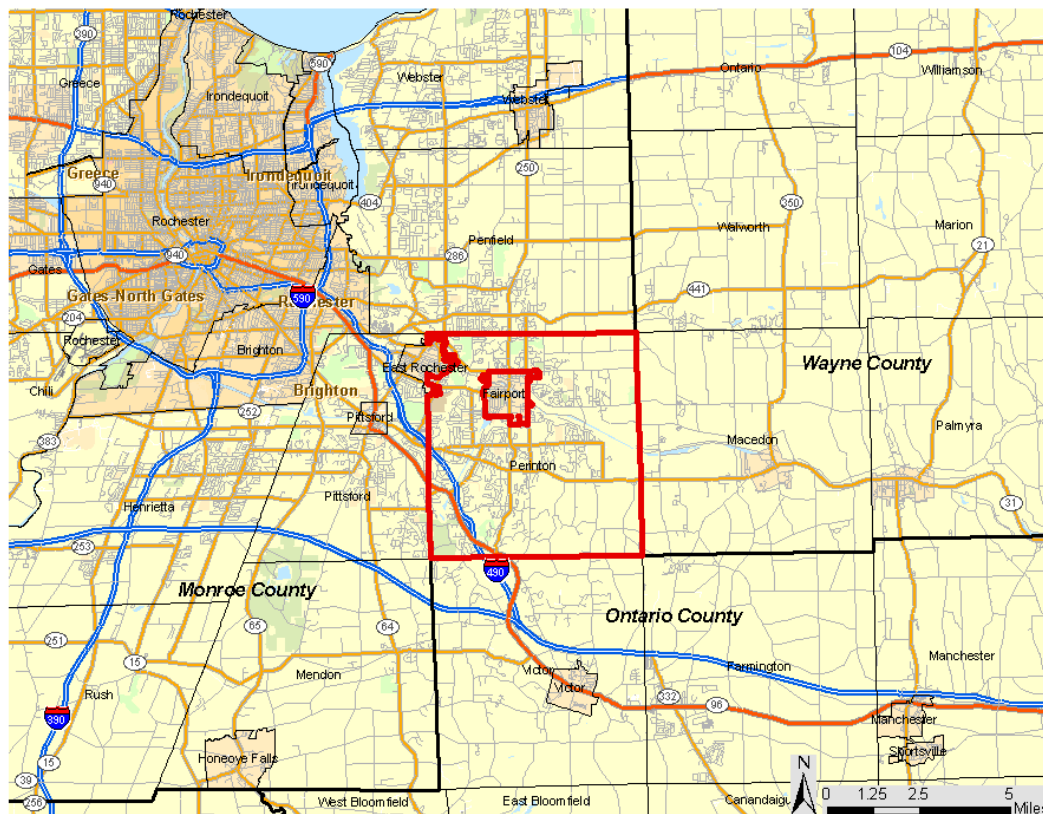
The Town Conservation Board reviewed maps and discussed policies relating to agriculture and farmland at its meeting on May 31, 2011.

B. Farmland and Agricultural Resources

1. Community Description

Perinton is a predominantly suburban community situated southeast of the city of Rochester, in the southeastern corner of Monroe County, NY. Wayne County is to the east and Ontario County to the south of Perinton. The Village of Fairport is located at the center of the Town. The population of the Town in 2010, according to the U.S. Census, was 46,462, including 5,353 people who resided in the Village of Fairport.

Regional Setting



I-490 passes through the southwestern part of the Town and connects to the NYS Thruway (I-190.) Other major highways include New York State Route 31, which traverses east-west through the center of the Town, and NYS Route 250, which connects NYS Route 96 at the southern part of the Town, north through the Village of Fairport, the Town of Penfield and the Village of Webster. The Hamlet of Egypt is located in the eastern part of the Town at the intersection of NYS Route 31 and Aldrich Road. The Hamlet of Bushnell's Basin is located in the southwestern part of the Town, along Route 96 and the Erie Canal.

The Town is largely developed. Approximately 49% of the Town's land area consists of residential parcels. The 19,709 housing units counted in the 2010 Census are predominantly single family homes. Several complexes of multi-family dwellings and townhouses, as well as

Town of Perinton Agricultural & Farmland Protection Plan

Areas of commercial and office uses are found in areas adjacent to the Village of Fairport, along Route 31 near Route 250 and around the Hamlet of Egypt, along Route 31F, and along Route 96 in and around Bushnell's Basin.

A total of 508 acres of parkland are located in the Town of Perinton. These include both Town and County parks. The Town also has an extensive network of trails, including multi-use trails and walking trails.

All of the farmland in Perinton is located in the eastern part of the Town.

2. Topography and Drainage

The topography of the Town is characterized by undulating hills formed by glacial deposits as well as valleys and wetlands that formed along the paths of Thomas Creek, Irondequoit Creek and White Brook. The highest point in the Town is at Baker Hill in the south-central area of the Town, which is more than 900 feet above sea level. The lowest point, at 370 feet above sea level, is in the valley formed by Irondequoit Creek in the northwestern portion of the Town.

Most of the Town is within the watershed of Irondequoit Creek, which flows northerly through Perinton toward Irondequoit Bay. The Erie Canal extends for 7.3 miles through the Town of Perinton, passing through the Village of Fairport and the Hamlet of Bushnell's Basin.

3. Active Farmland

Approximately 1,672 acres in the Town of Perinton are actively farmed, based on an analysis of aerial photographs taken in 2009 by New York State. This land represents approximately 8% of the total land area of the Town. (See Map 1: Active Farmland). Although the amount of farmland in the Town is low, the remaining farmland in Perinton is located primarily in the southeast and northeast corners of the Town, near farmland in the more rural towns of Macedon to the east and Victor to the south. Many of the farmers in the Town of Perinton also work land in these adjoining Towns.

Farmland in the Town of Perinton is located on 96 individual tax parcels, which comprise 3,246 acres in farm parcels and are owned by 64 different persons or organizations. Most of these parcels are coded in the Town's tax rolls as agricultural. Some of these parcels are coded as vacant or residential, but include land that appears in aerial photographs to be used as cropland or pasture. Map 2: Farm Parcels by Property Classification depicts the farm parcels by their property classification code. The table on the following pages lists of all of the farm parcels in the Town.



1. Farmland north of Furman Road (view toward the east)

Farm Parcels - Town of Perinton

Assessment Information and Protection Status

Assessment Information					Ag. District	Town PDR	Town Term Easement Program (as of 2011)			
Print Key	Parcel Location	Owner1	Owner2	Property Class.			Acres	TYPE	TERM	YEAR
140.04-1-13.2	4467 Carter Rd	Jayne, Thomas U	Jayne, Julia S	117	35.15	F	15	2026	35	31.15
140.04-1-13.3	Huber Rd	Masterson, Laura M		105	68.18	F	5	2016	68	68.18
140.04-1-14	2518 Huber Rd	George, Clinton P	George, Barbara F	280	6	F	5	2016	6	4
140.04-1-15.11	Huber Rd	George, Clinton P Jr.	George, Barbara	105	30.24	F	5	2016	30	27.24
140.04-1-38.1	Huber Rd	Masterson, David	Masterson, Laura	105	17.18	F	10	2016	17	17.18
140.04-1-39	250 Fellows Rd	Pride Mark Homes Inc		240	24.59					
140.04-1-4	200 Fellows Rd	William Metrose LTD	Builder/Developer	105	29.78					
140.04-1-40	Fellows Rd	Pride Mark Homes Inc		311	0.46					
140.04-1-44.1	Fellows Rd	Peters, Warren C	Peters, Elizabeth M	170	32.64	F	15	2022	32	32.64
140.04-1-5	Fellows Rd	Hart, Thomas		314	7.2					
141.03-1-1.3	4383 Carter Rd	Scheirer, David C	Scheirer, Suzanne E	311	2					
141.03-1-10	922 Furman Rd	Wagner, Doris		100	17.19	F	15	2026	17	16.44
141.03-1-11.001										
141.03-1-12.11	923 Furman Rd	Bortle, Charles		210	3.83	F	5	2014	3	1.83
141.03-1-12.12	959 Furman Rd	Bortle, Lucy F		120	14.65	F	5	2014	14	11.15
141.03-1-12.13	Furman Rd	Bortle, Lucy F		120	11.65	F	5	2014	11	11.65
141.03-1-12.15	Furman Rd	Osborne, Victor B Jr.	Osborne, Ruth C	120	8.4	F	5	2014	8	8.4
141.03-1-12.16	Furman Rd	Bortle, Lucy F		120	0.5	F	5	2014	0	0.56
141.03-1-12.17	937 Furman Rd	Hilton, Connie L	Hilton, Brian S	120	11.93	F	5	2014	11	11.93
141.03-1-14.111										
141.03-1-16.2	Furman Rd	Brown, Timothy E		105	21.96	F	9	2012	21	21.96
141.03-1-17.1	Furman Rd	Brown, Timothy E		105	8.9	F	9	2012	8	8.9
141.03-1-2.1	4394 Carter Rd	Ewbank, Dale	Ewbank, Martha	241	29.8	F	20	2026	29	24.8
141.03-1-2.2	Carter Rd	Wagner, Gordon	Wagner, Dorothy	105	16.34	Y				
141.03-1-22.1	Carter Rd	Wagner, Gordon	Wagner, Dorothy	105	42.97	Y				
141.03-1-3.1	Carter Rd	Town of Perinton		300	90.1					
141.03-1-5	678 Furman Rd	Wagner, Gordon	Wagner, Dorothy	112	63.04	Y				
141.03-1-6.2	Furman Rd	Wagner, Gordon	Wagner, Dorothy	105	9.83					
141.03-1-9.11	249 County Line Rd	Gingello, Leonard C Jr.		241	39.06					
141.04-1-10	1041 Furman Rd	Porter, Russell D	Porter, Barbara A	240	10					
141.04-1-11.21	985 Furman Rd	Bosso, Anthony F		210	5.82					
141.04-1-11.22	989 Furman Rd	Bosso, Anthony F		314	6.55					
141.04-1-13	255 County Line Rd	LenMar Inc		241	10.81					
141.04-1-6.21	County Line Rd	Kohl, Kathleen M		117	53.58	F	15	2012	10	9.81
153.02-2-9	4711 Carter Rd	Irwin, Russell D	Irwin, Sharon P	240	33	F	10	2020	53	48.58
154.01-1-10	2396 Whitney Road East	William Metrose LTD	Builder/Developer	120	14.9					
154.01-1-12.11	2383 Whitney Road East	William Metrose LTD	Builder/Developer	105	48.37					
154.01-1-12.12	Whitney Road East Rd	Town of Perinton		300	31.58					
154.01-1-53.1	186 Wakeman Rd	Provinski, William J	Provinski, Darlee S	210	22.04					
154.01-1-54	184 Wakeman Rd	Krause, James F	Krause, Rebecca	240	16.3	F	5	2012	22	17.5
154.02-1-1.11	2500 Whitney Road East	Fien, Douglas D	Fien, Colleen E	117	25.18	F	10	2018	16	14.3
154.02-1-1.21	545 County Line Road	Zefting, Donald A	Zefting, Gwen L	210	5					

SOURCE: Assessment and easement information provided by the Town of Perinton

Farm Parcels - Town of Perinton

Assessment Information and Protection Status

Assessment Information										Town Term Easement Program (as of 2011)					
Print Key	Parcel Location	Owner1	Owner2	Property Class.	Acres	Ag. District	Town PDR	TYPE	TERM	YEAR	Total Acres	Easement Acres			
154.02-1-3	2495 Whitney Road East	Jackson, Thomas I		105	5.03			F	10	2016	5	5.03			
166.06-3-60	1329 Turk Hill Rd	Hewes, James E	Hewes, Sandra M	100	40			F	5	2014	40	38			
166.09-2-5	Ayrault Rd	Ellsworth, J	Ellsworth, Irving	120	40										
166.14-1-55	1492 Turk Hill Rd	Ellsworth, Irving F	Ellsworth, Marcella	112	95.2										
167.03-1-10.111	Aldrich Rd	Town of Perinton		300	160.33										
167.03-1-11		Rochester Gas & Electric		870	34.6										
167.03-1-6.1	146 Aldrich Rd	Miller & Bochanelli	Development LLC	241	24.05										
167.04-1-4	Pittsford Palmyra Rd	Hoysic, Christopher L	Hoysic, Eileen M	105	43.4										
167.13-1-1	Ayrault Rd	Demuth, Fannie N		120	23.25	Y		F	8	2013	23	23.25			
167.13-1-11	Aldrich Rd	O'Neill, Daniell J III	O'Neill, Pamela	311	4.2										
167.13-1-14	Aldrich Rd	Demuth, Fannie N		240	50.68	Y		F	8	2013	50	47.36			
167.13-1-2	Ayrault Rd	Torrens, Donna L	Torrens, Long	320	1.2										
167.13-1-7	Aldrich Rd	O'Neill, Daniel J III	O'Neill, Pamela	311	4.2										
180.01-1-12	Pittsford Palmyra Rd	Town of Perinton		300	35										
180.01-1-14	1942 Turk Hill Rd	JDL Equine Inc		117	125.52	Y	PDR								
180.01-1-15	2112 Turk Hill Rd	Town of Perinton		240	57.7										
180.03-1-13	2334 Turk Hill Rd	Holmes, Robert W	Holmes, Ellen	170	61.5			F	12	2015	61	59.5			
180.03-1-28.1	2287 Turk Hill Rd	Colaruotolo, Antionette M	Colaruotolo, John	421	36.46			F	10	2018	36	29.73			
180.03-1-29	Garnsey Rd	Colaruotolo, Antionette M	Colaruotolo, John	152	14.96										
180.03-1-7.2	2160 Turk Hill Rd	Masci, Iginio	Masci, Karen	240	11			F	5	2016	11	7.1			
180.04-1-10	10 Bluhm Rd	Bezek, Matthew	Bezek, Linda J	240	16.77			F	15	2020	16	15.77			
180.04-1-71.11	719 Thayer Rd	Wohlrab, Carol B	Wohlrab, David	240	21.35			F	5	2014	21	19.35			
180.08-1-3.111	Pittsford Palmyra Rd	P M Development	of Rochester LP	105	39.94										
181.01-1-14.2	23 Pannell Cir	Palomaki Farms LLC		170	15.82										
181.01-1-32.1	Victor Rd	Fairport Central	School District	105	88.39										
181.01-1-35	Pannell Rd	Allen, Robert C	Allen, Beverly H	241	32.57										
181.01-1-6	Pittsford Palmyra Rd	Keenan, John		105	46.42			F	15	2021	46	46.42			
181.02-1-1	Pittsford Palmyra Rd	Keenan, John		105	66.3			F	15	2021	66	65.8			
181.02-1-10	Pittsford Palmyra Rd	Crossbridge Community	Church Inc.	320	10										
181.02-1-2	8146 Pittsford Palmyra Rd	Crossbridge Community	Church Inc.	312	6.1										
181.03-1-12	Pannell Rd	Long, Phillip	Long, Donald	105	10.1										
181.03-1-13.1	Pannell Rd	Torrens, Donna L	Long, Phillip & Donald	105	33			F	6	2012	33	33			
181.03-1-13.2	Pannell Rd	Torrens, Donna Lee		314	8										
181.03-1-30.1	270 Wilkinson Rd	Lent, Floris A		241	33.3			F	15	2021	33	23.3			
181.03-1-30.2	Wilkinson Rd	Fulreader, Rufus E	Fulreader, Ostrum G	322	17			F	15	2026	17	17			
181.03-1-33	Pannell Rd	Chase, Robert W	Chase, John C	120	83.06	Y	PDR	F	30	2015	83	81.56			
181.03-1-34	Pannell Rd	Rochester Gas & Electric		870	64.35										
181.03-1-35	Victor Rd	Martin, David K		105	40.3			F	15	2026	40	40.3			
181.03-1-36.2	Wilkinson Rd	Fulreader, Rufus E		320	29.18										
181.04-1-2	Pannell Rd	Sorbello, Leonard J		210	33.4			F	11	2019	33	30.4			
181.04-1-3	Wilkinson Rd	Sheridan, Thomas P		105	90			F	5	2015	90	90			
194.01-1-22.1	960 Thayer Rd	Pickering Family Partnership	Sheridan, Arlene	241	117.98	Y		F	15	2026	117	105.98			

SOURCE: Assessment and easement information provided by the Town of Perinton

Farm Parcels - Town of Perinton

Assessment Information and Protection Status

Assessment Information					Ag. District	Town PDR	Town Term Easement Program (as of 2011)				
Print Key	Parcel Location	Owner1	Owner2	Property Class.			Acres	TYPE	TERM	YEAR	Total Acres
194.02-1-17	865 Victor Rd	Webb, Gary W	Webb, Pamela B	240	11.1		F	10	2020	11	9.6
194.02-1-18.1	6766 Spring Creek Dr	Webb, Gary W	Webb, Pamela B	105	10.56		F	10	2015	10	10.56
194.02-1-20.1	916 Thayer Rd	Pickering, Wayne B		210	5	Y	F	15	2011	5	2
194.02-1-20.21	Thayer Rd	Pickering Family	Partnership	322	101.12	Y	F	15	2026	101	101.12
195.01-1-1	568 Victor Rd	Haynes, Nancy Jane	De Muth, Linda Elizabeth	100	104.42	Y	F	15	2026	104	97.42
195.01-1-10	Wilkinson Rd	DeSevn, John Peter		105	30.3						
195.01-1-13.1	753 Pannell Rd	Bumpus, Irma C		100	62						
195.01-1-23	433 Ryan Rd	Martin, Carvel B	Martin, Lana L	100	42		F	15	2016	42	40.5
195.01-1-34.11	800 Victor Rd	Aldridge, Charles A	Aldridge, Timothy S	105	53.33						
195.01-1-34.12	Victor Rd	Keck Road, LLC		314	3.47						
195.01-1-34.2	Victor Rd	De Rue, Gary L		105	69.85		F	5	2013	69	69.85
195.01-1-9.1	639 Pannell Rd	Greene, Carl V	Greene, Mary H	105	54.6						
Totals:					3,246.06	13	3	46		1,574	1,498.10

Town of Perinton Agricultural & Farmland Protection Plan

Notable farm families in the Town and an estimate of the amount of farmland they own include:

- Wagner Farms along Furman and Carter Roads (148 acres)
- Ellsworth farm along Turk Hill and Ayrault Roads (136 acres)
- Chase Farm on Pannell Road (81 acres)
- DeMuth along Ayrault and Aldridge Roads (74 acres)
- JDL Equine along the east side of Turk Hill Road (128 acres)
- Keenan (118 acres)
- Colaruotolo (Casa Larga vineyards) along the west side of Turk Hill Road (51 acres).

Many of the farm parcels in the Town are leased for agricultural production by the larger commercial farmers in the Town. Most of the rented land is used to produce field crops such as corn, soybeans, and/or hay.

4. Types of Farms

For the purpose of this report, a “farm” is any parcel that produces agricultural products for sale and/ or related services such as horse boarding. The term “commercial farm” is a large-scale operation that appears to support the farm operator’s principal income.

Farms and farm operations are defined in NYS Agriculture & Markets Law, Article 25AA Section 301 as “Land used in agricultural production” is defined as “not less than seven acres of land used as a single operation.....for the production.....of crops, livestock or livestock products.....” “Farm Operation” is defined as “the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise.....” Farmland identified in this plan includes farms that meet the threshold established by NYS Agriculture & Markets Article 25AA as well as small, part-time farms that contribute to the open space of the Town.

Farms in the Town of Perinton produce both animal products and crops. The large-scale commercial farms that are active in the town produce vegetables (Chase, Wagner), sheep and other livestock (Ellsworth) and grain (Ellsworth, Chase). Horse breeding and boarding are conducted by JDL Equine on Turk Hill Road, Up the Creek Farm and the Kohl Farm on Monroe Wayne County Line Road. Equine operations are considered to be agricultural operations according to the NYS Department of Agriculture and Markets. Nursery and horticultural crops are cultivated at Twin Oaks Greenhouses on Pannell Circle and the Tim Brown tree farm. A vineyard associated with the Casa Larga winery is located on Turk Hill Road.

Most of the larger commercial farms grow field crops in a rotation of corn, soybeans and hay or wheat. Livestock farm operations include calves, beef cattle, sheep and a few small poultry/ egg operations. Vegetables are primarily grown to be sold fresh in season at farmer’s markets and roadside stands.

Several small farms in Perinton raise horses or cultivate specialty crops. These small farms – typically defined as generating less than \$50,000/ year in sales – contribute to the agricultural

Town of Perinton Agricultural & Farmland Protection Plan

character of the town and support the agricultural economy by purchasing supplies and services from agricultural support businesses and by operating retail farm stands.

Statistics for the Fairport zip code (see tables and graphs on the following page), including most of the farms in the Town of Perinton and some in the Town of Penfield, document the variety of crops produced by farms in Perinton.

5. Economic Contributions of Perinton Farms

Farms in and around the Town of Perinton generate millions of dollars in sales each year through the production and sales of farm products. As documented in the 2007 Census of Agriculture, there were six farms in the Perinton area (Fairport zip code) with more than \$250,000 in sales, seven with sales of \$50-249,000 and 27 with sales of up to \$50,000. All of the farms with more than \$250,000 and six of the seven farms with \$50-249,000 in sales sold primarily crops; the others sold livestock and/or their products. Of the 27 farms with sales of less than \$50,000, 21 sold crops and six sold animals or their products. The graphs on the following page summarize agricultural statistics from the 2007 Census of Agriculture.

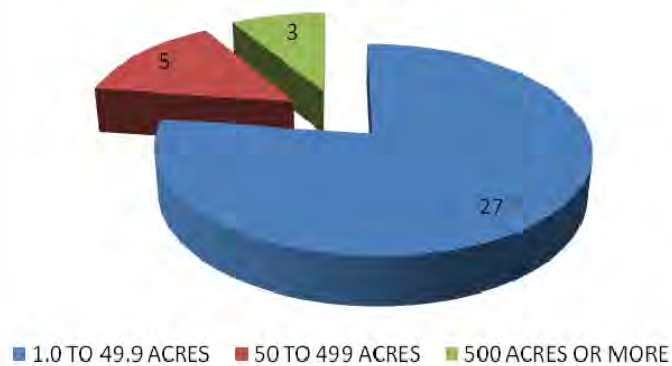
Agriculture also generates economic impacts from businesses that provide services or goods to farmers and from businesses that process, transport or resell farm products. These include: retail businesses that sell equipment, fertilizer, seeds and other inputs; providers of financial, technical, and engineering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

Agricultural operations in Perinton contribute jobs to the local economy. The Census of Agriculture reports that approximately 25 farmers in the Perinton area (Fairport zip code) earn their principal income from farming.

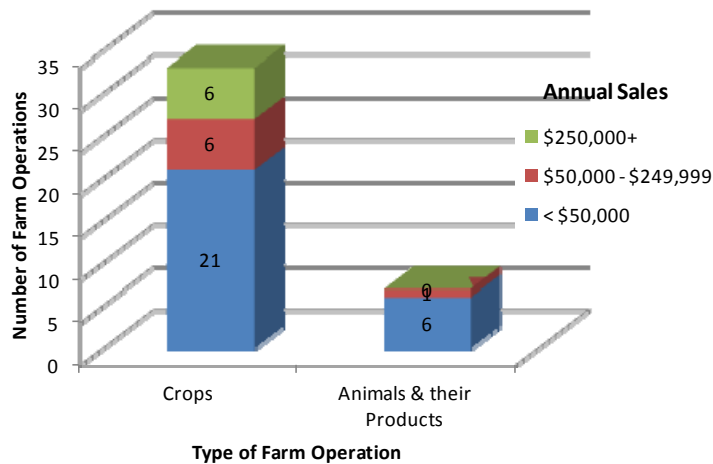
The Monroe County Agricultural and Farmland Protection Plan, which was completed in 1999, estimated that the economic multiplier for agricultural sales is between 3 and 11. It estimated the total economic value created from agricultural wages and expenditures on supplies and services, in addition to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

2007 Agricultural Statistics for the 14450 (Fairport) Zip Code

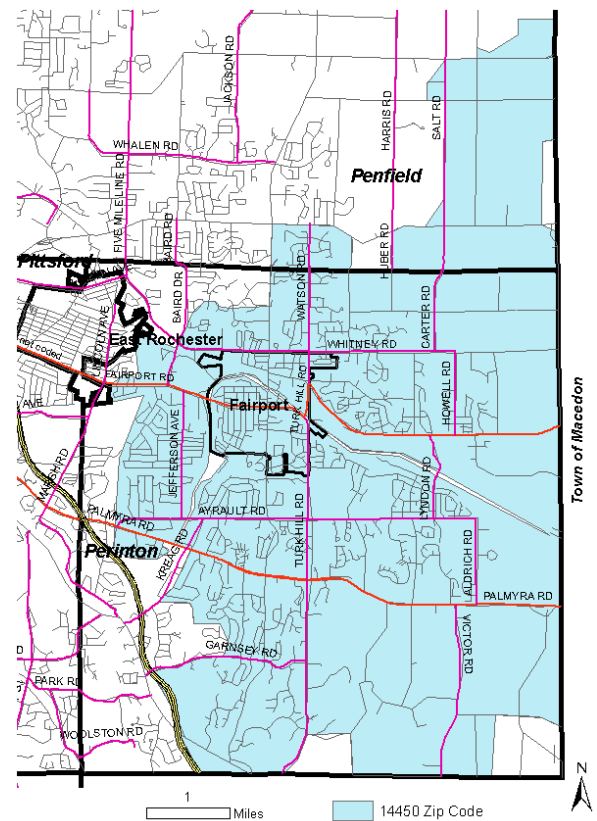
Farm Operations by Acres Harvested



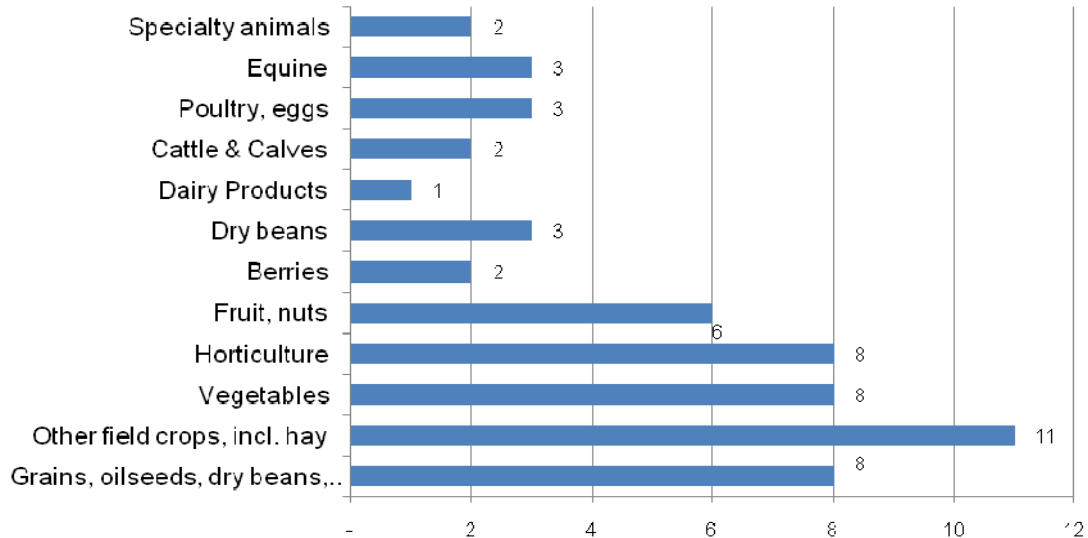
Farm Operations by Annual Sales



Land in 14450 (Fairport) Zip Code



Farm Operations with Sales by Type of Commodity



SOURCE: USDA National Agricultural Statistics Service, 2007 Census of Agriculture



2. Chase farm stand on Pannell Road

Several Perinton farms have seasonal stands that offer fresh produce to residents and visitors. These include the Chase Farm Market on Pannell Road and the Ellsworth market on Turk Hill Road. The 2007 Census of Agriculture reported that seven farms in the Perinton area offered direct market sales.

Some Perinton farmers sell produce at the Fairport Farmers Market. This market, located at Village Landing in downtown Fairport, is open every Saturday from May through November. Only produce, food products and crafts that are made locally may be sold at the market.

Value-added products and mixed uses also contribute to the regional economy and help to support agricultural operations. For example, the Casa Larga Winery hosts events that complement the production of grapes and wine.

Town of Perinton Agricultural & Farmland Protection Plan

6. Agricultural Soils

Of the active 1,672 acres of actively farmed cropland or pasture in the Town of Perinton, 1,356 acres (81%) comprise prime agricultural soils or other soils of Statewide significance. These areas of actively farmed land that utilize prime and important agricultural soils represent the most significant agricultural land resources in the Town. Map 3 depicts the prime and important agricultural soils in the Town.

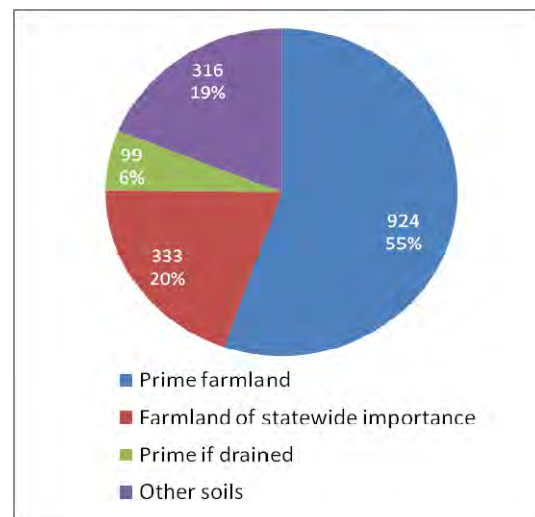
Prime farmland soils identified by the USDA Natural Resource Conservation Service (NRCS) are defined as follows:

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, range-land, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Additional “farmland of statewide importance” is defined by NRCS as:

land, in addition to prime and unique farmland, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops. ... Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable.

	Acres	% of Total
Prime farmland	924	55.3%
Farmland of statewide importance	333	19.9%
Prime if drained	99	5.9%
Other soils	316	18.9%
Total:	1,672	100.0%



C. Farmland Targeted for Protection

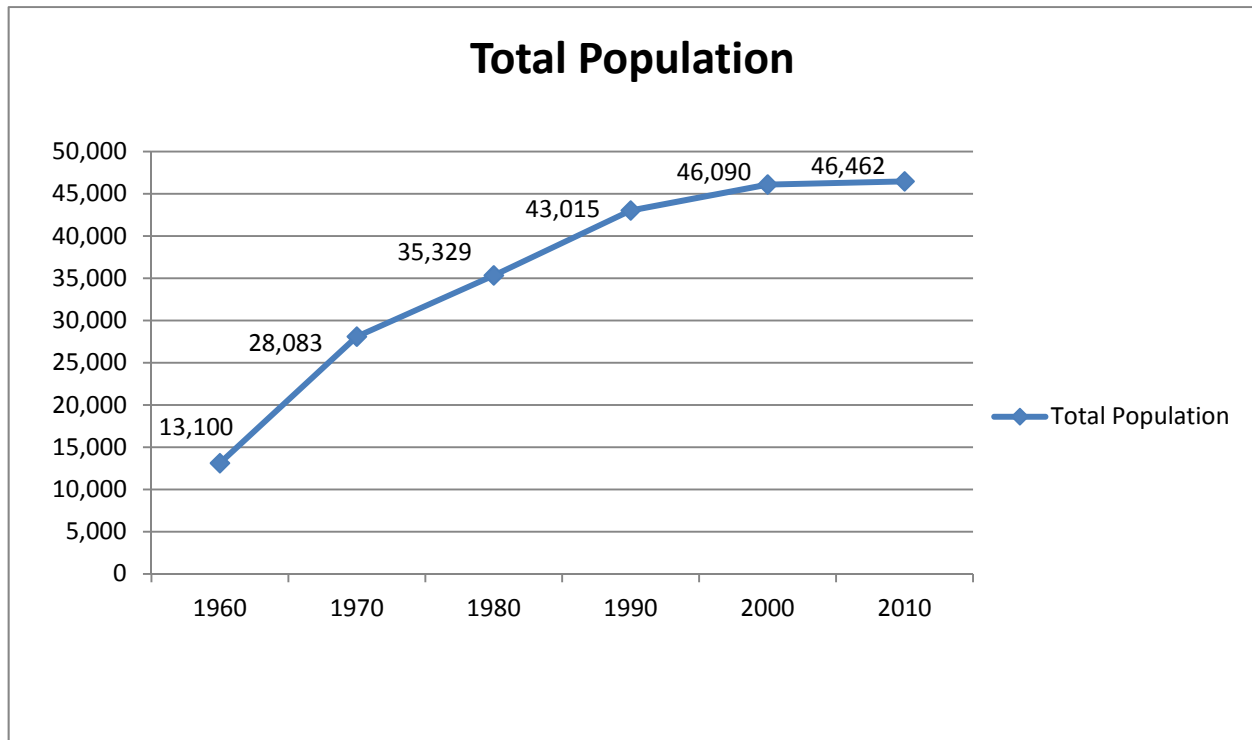
The farmland in Perinton that represents the highest priority for long-term protection include all lands that are currently used for agricultural production, as shown on the aerial photograph in Map 1. Map 4 depicts the location of these areas and should be used by Town boards as a reference when reviewing development proposals and in implementing strategies for the long-term protection of these lands. This map includes lands that have already been protected through purchase or acquisition of development rights.

D. Extent of Development Pressure on Farmland

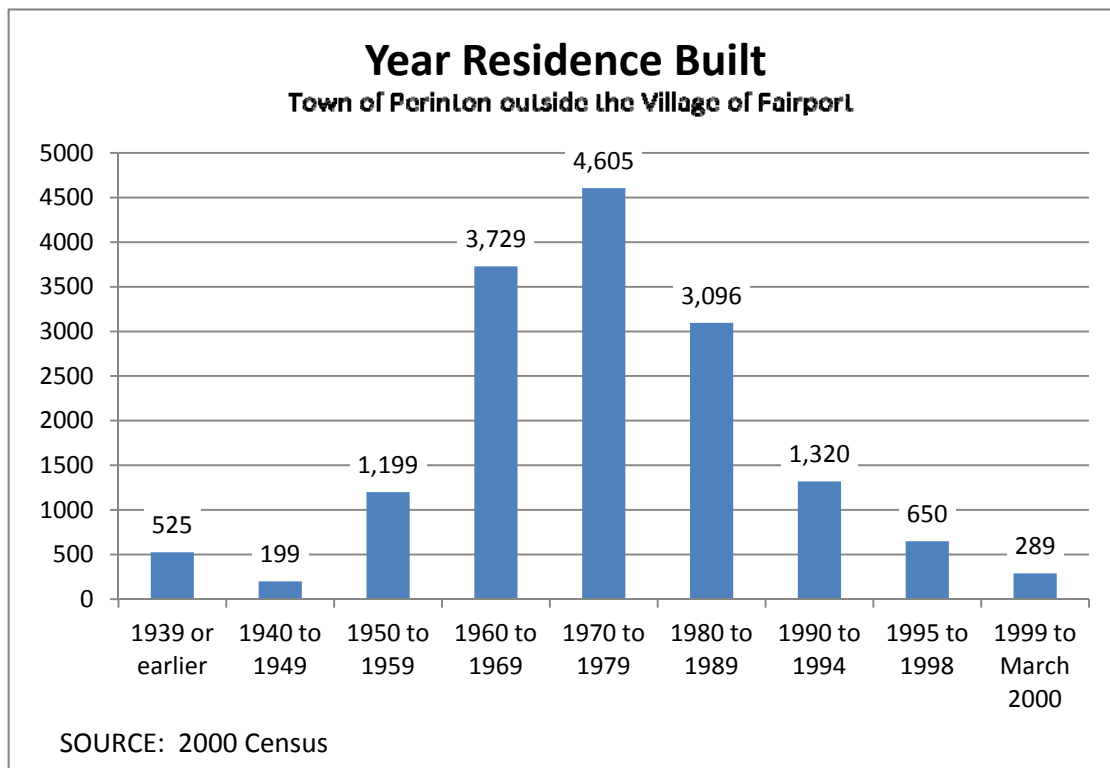
Population and Housing Trends

According to the 2010 Census, Perinton's population is 46,462, of which 5,353 live in the Village of Fairport. (Source: US Census of Population and Housing, 2010). The Town of Perinton, outside the Village of Fairport, grew rapidly during the 1960s, 1970s and 1980s. Growth continued at a moderate pace during the 1990s but has slowed considerably during the 2000s. Part of the reason for a slower growth rate is the housing market, but a larger explanation is that most of the land that has public sewers available and few development constraints has already been developed. The remaining open land in Perinton does not have public sewer service available and much of it has natural constraints to development, including steep slopes and poor drainage.

Town of Perinton Agricultural & Farmland Protection Plan



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



Sewer and Water

Public water service is available throughout the Town from the Monroe County Water Authority. Public sewer service is available in most of the Town, although large areas in the southeast and northeast corners of the Town are not served by public sewers. The Town does not anticipate that sewer service will be extended to these areas in the foreseeable future.

Figure 8 in the Town's recently completed Comprehensive Plan (see Appendix F) depicts the locations of existing sewer districts.

Zoning

The following table lists the zoning districts in the Town where the existing farms are located, and the allowable residential densities. :

Zoning District	Permitted residential densities
Residential B	One dwelling per 14,400 sq. ft.
Residential Transition 1-2-5	One dwelling per 2 acres (1 acre if both public water and sewer are available; 5 acres if neither public water nor sewer are available)
Residential Transition 2-5	One dwelling per 2 acres if only public water or both public water and sewer are available; 5 acres if neither public water nor sewer are available
Residential Sensitive	One dwelling per 5 acres
Restricted Business	Residential development not permitted
Industrial	Residential development not permitted

The Town of Perinton also administers an environmental protection overlay district called a Limited Development District (LDD) which further restrict the density of development in areas that have steep slopes or are susceptible to moderate or heavy flooding and ponding.

Map 5 depicts farm parcels in relation to existing zoning.

Potential Development

Residential development represents the most significant threat to farmland in the Town. It is estimated that, at full build-out, approximately 800 additional units of housing could be built on farmland in the Town of Perinton. Areas zoned for higher density and where sewer and water are available could be developed into traditional subdivisions. Other areas are more likely to be developed in larger lots or clustered subdivisions. It would likely take more than 20 years for full build-out to occur.

E. Overview of Existing Plans, Programs and Regulations

Several existing plans, programs and regulations provide the context for this Town of Perinton Agricultural & Farmland Protection Plan. This section provides an overview of the impact of these plans, programs and regulations on the long-term viability of agriculture in the Town.

1. Monroe County Agricultural & Farmland Protection 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 is included in Appendix A.

2. Agricultural District Program

The Agricultural District Program was established by New York State to provide certain protections and benefits to farmers and farmland owners. Counties may establish and certify Agricultural Districts in order to make these benefits available to farmers. 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. In Monroe County, Agricultural Districts are reviewed every eight years, although landowners may request that property be added to the District during the annual 30-day addition period in April and May.

During the 2007 review period, the Southeastern Agricultural District #4 was combined with the Northeastern Agricultural District #3. The new consolidated district Eastern Agricultural District (#6) contains 37,407 acres in the Towns of Henrietta, Mendon, Penfield, Perinton, Pittsford, Rush and Webster. It was approved in 2008 and is in effect until October 12, 2015. This District includes most of the productive farmland in Perinton.

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. ***Agricultural use assessment is also available to owners of eligible farmland that is not located within an Agricultural District. Applications for agricultural use assessment must be filed each year.***
- Protection from local regulations that would restrict farm practices. The NYS Department of Agriculture & Markets can bar the implementation, on a case-by-case basis, of local land use and other regulations that unreasonably restrict standard farm practices.

Town of Perinton Agricultural & Farmland Protection Plan

- 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.

Parcels that are included in an Agricultural District are depicted in Map 6.

3. Town Comprehensive Plan

The Town’s recently completed an update to its Comprehensive Plan includes strong policy statements in support of agriculture and farmland protection. The Plan’s Future Land Use map designates land in the northeast and southeast parts of the Town for “Low Density Residential and Agriculture. The Plan states:

The Future Land Use Plan recommends the retention and preservation of remaining agricultural uses and open space. This area is intended to maintain a predominantly rural residential and agricultural character. The Town should encourage and support agricultural enterprises with some large lot residential uses allowed when developed in a manner that is sensitive to the rural character, natural features, and existing farmlands.

Development that negatively impacts active agricultural parcels or natural resources should be avoided. Appropriate land uses within this land use classification include farming operations; parks; outdoor recreation facilities; farm support businesses; and large-lot residential.

The Future Land Use map is included as Figure 6 in the Comprehensive Plan.

4. Town Zoning Regulations

A review of the Town’s zoning regulations recommends several changes that would provide additional support for agricultural operations and avoid potential conflicts with guidelines established by the NYS Agricultural District program. Specific recommendations for zoning changes are included in Appendix B.

5. Term Easement Program (“Lease of Development Rights”)

Since 1975, the Town of Perinton has administered a voluntary term easement program to encourage landowners to keep farmland and other open space undeveloped for a specified period of time. (See brochure describing the program in Appendix C.) The Town offers two types of easements – open space and farmland. Both types of easements require that the land remain undeveloped; the agricultural easement requires that the land be farmed. The Town Assessor considers the impact of the easement on the value of the land for tax purposes. As a result, property taxes may be reduced by up to 90% for a 15-year easement on actively-farmed land.

If the easement is broken or cancelled, a penalty is charged to the landowner and the property tax savings for the past five years must be repaid. The funds are placed into the Town’s Open Space Acquisition Reserve Fund. This fund has been used to purchase nearly 800 acres of land and development rights.

A total of 1,498 acres are temporarily preserved as active farmland under this program. (See Map 4).

6. Town Purchase of Farmland and Development Rights

The Town of Perinton has used its Open Space Reserve Fund to purchase development rights to farmland as well as farmland that it leases for agricultural use. Map 7 depicts the location of properties that have been permanently protected.

The fund was created in accordance with NYS Town Law Sec 247. Each purchase is subject to a permissive referendum.

To date, the Town has purchased land or development rights at the following locations

Development Rights:

Owner	Location	Acres of development rights purchased
Chase Farm	Pannell Road	77
JDL Equine	Turk Hill Road	120
Wagner Farm	Carter Road	41
	Total:	238 acres

Town of Perinton Agricultural & Farmland Protection Plan

Purchased land leased for agricultural use:

Former Owner	Location	Notes
Allen	Pannell Road	Purchased for natural resource value (wetlands.) Portion leased for agricultural production.
Clouser	Furman and Carter Roads	10-year lease to Wagner approved July 2010
Jensen	Turk Hill Road	Portion leased to JDL Equine. Crescent Trail traverses parcel.

7. Other Programs

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 Perinton. Descriptions of these programs and the agencies that work with farmers in Perinton are included in Appendices C and D.

F. Issues and Opportunities

An analysis of Strengths, Weaknesses, Opportunities and Threats (SWOT) relating to the long-term viability of agriculture in the Town was conducted in conjunction with a meeting of farmers and farmland owners in the Town on January 25, 2011. “Strengths” and “weaknesses” are generally intrinsic to the community; “opportunities” and “threats” come from outside the community.

The following narrative addresses the issues and opportunities relating to the long-term viability of agriculture in the Town of Perinton include:

- Markets
- Land availability
- Potential for farm succession
- Drainage
- Public education and neighbor relations
- Government regulations, taxes and fees

The following narrative presents an analysis of the issues and potential opportunities that were identified during the planning process.

1. Proximity to Markets

Many of the farmers in Perinton, especially those who produce fresh fruits and vegetables, benefit from proximity to customers for these products. Increasing consumer demand for local food also benefits Perinton farmers.

Perinton farm products are sold at the Fairport Farmers Market as well as the Rochester Public Market. The Chase and Ellsworth farms operate on-site farm stands to sell products directly to consumers.

Agritourism may offer additional potential for economic diversification. Tie-ins to the Finger Lakes wine trails, Erie Canal and other tourist attractions could help to support Perinton farms

2. Access to Supplies and Support Services

As the existing farms in Perinton are largely located in the northeast and southeast corners of the Town, they have relatively easy access to providers of farm supplies and services that are located in the more rural Wayne and Ontario counties.

3. Dependence on Rented Land

The larger farm operations in the Town, especially those which produce field crops such as corn, soybeans, hay and wheat, lease land from other landowners. Although many of the landowners who lease land for agricultural production benefit from tax incentives associated with the Town's term easement program, rented land is more vulnerable in general to development pressure than land that is owned by the farm operator.

4. Limited Land Availability

Some of these farms would benefit from access to additional land. However, virtually of the open land in Perinton that would be suitable for agricultural production is currently farmed. Some Perinton farmers do work land in the neighboring Towns of Macedon and Victor.

A further reduction in the land available for agriculture in Perinton would negatively impact these farm operations. Conversion of land for residential and other development is the most serious threat to the availability of farmland in the Town.

5. Protected Land

The availability of land that is permanently protected by conservation easements, as well as land owned by the Town of Perinton and leased to farmers for agricultural production, provide on-going opportunities for continued agricultural production in the Town.

6. Farm Succession

Although some of the farm operators in the Town of Perinton have plans to pass the farm on to a younger generation in the same family, others do not. Farmland owned by families that do not include a younger generation in the business is more likely to be converted to residential or other development.

However, there is interest among young farmers in establishing farm operations in suburban Monroe County. For example, in early 2011, a farmer who leases land in the Town of Victor contacted Town representatives to determine whether farmland may be available for sale. Land that is protected by permanent conservation would be more affordable to such new farmers.

7. Drainage Concerns

Some of the farmers interviewed expressed concern about ponding on farm fields as a result of poorly functioning drainage systems. The Town and the Monroe County Soil & Water Conservation District continue to work with landowners and farmers to evaluate and address these concerns.

As an example of that continued cooperation, the Town recently worked in conjunction with the Monroe County Department of Transportation to remove debris from a road culvert that restricted the flow of a stream channel and affected a local farmer's pasture field. Although the drainage is generally slow in this area due to flat topography, the work completed at the road culvert has improved this situation.

In an effort to lessen the impacts on local drainage systems, the Town of Perinton requires applicants who propose significant new development projects to submit stormwater pollution prevention plans that ensure the rate stormwater run-off will not exceed that of pre-construction levels. Also, the Town of Perinton regularly maintains its stream corridors through the removal of fallen trees, debris blockages and litter.

8. Neighbor Relations

Several farmers report occasional problems with trespassing on farm property. They have found people snowmobiling, cross country skiing, picking crops and even cutting down trees on private farm properties without permission. Some residents or visitors may have the impression that the open land in the Town is publicly owned.

Although some of the Town's noted trail network passes through active farms, trail users are not likely to be those who trespass on or damage farm property. The Crescent Trail Association, a not-for-profit organization comprised of volunteers who plan, manage, and maintain footpaths in Perinton, continually educates trail users to stay on marked trails and respect private property.

9. Public Education

The general public has little awareness of the benefits that continued agricultural production provides to the community. These benefits include:

- the economic impact of agriculture as an industry
- the production of local food
- lower cost of community services as compared to residential development
- scenic views of open land

G. Inventory and Assessment of Development Potential in Southeast Perinton

The Southeast Perinton Farmland and Open Space Assessment analyzes the potential impacts of future development of farmland located in the southeast quadrant of the Town of Perinton. This report includes an inventory of farm parcels, an analysis of future development potential, and an assessment of the potential impact on the community of the future development of existing farmland. As a majority of the remaining farmland in the Town of Perinton is located in the southeast quadrant, this assessment will help to focus the Town's preservation efforts on the farmland in this area, using the techniques identified in the Town's Agricultural and Farmland Protection Plan.

1. Study Area Description

For the purpose of this study, the southeast quadrant includes land located south of NYS Route 31 and along and east of Turk Hill Road. A list and map of the farm parcels included in the southeast area for the purpose of this study are included as Attachment 1.

Farmland located in the southeast part of Perinton consists of 1,572 acres in 34 parcels owned by 30 different entities. This represents 35% of the farm parcels in the Town, and 48% of the land in farm parcels.

A total of 754 acres in the southeast quadrant are actively farmed. This represents 45% of the 1,672 acres of actively farmed land in the Town.

A total of 19 of the 46 parcels in the Town with farmland term easements (41%) are located in the southeast quadrant. Two of the three parcels to which the Town has purchased development rights are located in the southeast quadrant.

2. Farmland Inventory

An inventory of the farmland located in the southeast quadrant of the Town, provided as Attachment 2, includes the following information about each farm parcel:

- Parcel number and size
- Ownership
- Location
- Agricultural use
- Conservation status
- Development potential
- Scenic value

The inventory includes maps of the active farmland on each farm parcel, which was delineated from aerial photos, as well as aerial "bird's eye" views of each property. Where farmland is

visible from public roads, photographs are included to document the scenic value of these properties.

3. Protected land

Three farm parcels in southeastern Perinton with a total of 253 acres have been permanently protected from future development through purchase by the Town of Perinton. Two of these parcels are located north and south of land owned by JDL Equine on Turk Hill Road and one is the former Allen parcel located south of NYS Route 31 near the eastern boundary of the Town. These parcels include approximately 52 acres of active farmland that are leased to neighboring farmers for agricultural production.

The Town has also purchased the development rights to two farms located in the southeast quadrant. These include 41 acres of farmland located on Pannell Road that is owned by Robert Chase and used to raise vegetables, berries and field crops, and 120 acres along Turk Hill Road that is owned by JDL Equine and used for the production of field crops in support of an equine operation. A total of 111 acres of active farmland are located on these two parcels.

4. Development potential

Zoning

All of the farm parcels in the southeastern part of Perinton are zoned for residential uses. The development potential of farm parcels was estimated based on density of residential development allowed by the existing zoning and the presence of Limited Development Districts. A map of farm parcels overlaid onto the zoning and LDD classifications is included in Attachment 2. Parcels protected by conservation easements (JDL Equine and Chase) were assumed to have very limited development potential as specified in the individual easements.

Utilities

None of the farm parcels in the southeast quadrant of the Town are served by public sanitary sewer service. Expansion of the sanitary sewer system to these unserved areas is not planned by the Town and is not recommended in the Town's recently updated Comprehensive Plan. As development in these areas will continue to require on-site septic systems, low densities will be necessary to ensure that wastewater is satisfactorily processed on individual lots.

Future Development Potential

Based on the densities allowed by zoning and the restrictions imposed by the Limited Development Districts, approximately 350 residential units could potentially be built on existing farm parcels in the southeastern quadrant of Perinton. This represents an increase of 1.8% from the 19,709 housing units reported in the 2010 Census. However, due to the limited market for new residential development in areas without public sewer service, it would take many years for such development to take place, even if no action were taken by the Town of Perinton to protect additional land.

Town of Perinton Agricultural & Farmland Protection Plan

Based on tax parcel data, of the 1,612 new residences constructed in the Town between 1990 and 2009, a period of 19 years, only 117 were constructed in areas that do not have public sewer service available. This represents an average of only 6 new houses per year. At this rate, assuming that all six dwellings per year are constructed in the southeast quadrant and all farm parcels are made available for development, full build-out would occur in almost 60 years.

While some of the slow pace is due to the condition of the overall housing market during much of the 2000s, it also results from the difficulty in developing the remaining open land in Perinton. As noted in the inventory, many of the farm parcels have limitations due to natural constraints and lack of public utilities that lower the marketability of this land for development. The presence of steep slopes and areas that are susceptible to flooding, as well as the electric transmission lines that traverse several of these properties, limit the viability of some parcels for residential development, especially to the full extent that may be permitted by the Town's current underlying zoning.

In addition, several of the farm parcels include substantial residences or homesteads. For many of these residences, the farmland is integral to the residential property and is unlikely to be divided into a separate lot for future residential development.

4. Impact of potential development

Fiscal Impact

In general, residential development leads to increased demand for public services and facilities such as schools, infrastructure, parks and public safety. Studies completed for other municipalities in New York State have concluded that the property taxes paid by typical new residential development are less than the cost of services financed by property taxes. (See additional information in Attachment 3.) In contrast, farms and other open land require fewer services. As a result, the property taxes paid on these properties, even when reduced by farm use exemptions, are typically less than the cost of services provided to these properties on average.

Traffic

Additional residential development on existing farmland in southeastern Perinton would increase traffic on neighboring streets and the Town's collector and arterial roads. According to the Institute of Transportation Engineers (ITE) Trip Generation 7th Edition, each single-family detached housing unit generates an average of 9.57 trips per day, or an average of 1.01 trips during the evening peak-hour on the adjacent roadway. Based on this average, full build-out would result in 3,350 new trips per day, and 354 trips during the evening peak hour. A detailed traffic impact study would be required to project the distribution of trips and the potential impact on specific roadways, intersections and neighborhoods.

Community Character

The conversion of the remaining farm parcels in the Town of Perinton to residential development would have a significant negative impact on the character of the community. Views of farmland along Turk Hill, Thayer, Victor, Wilkinson, Pannell, Daley and Ryan Roads contribute to the

Town of Perinton Agricultural & Farmland Protection Plan

Town's quality of life. The protection of scenic resources is one of the major goals of the Town's recently updated Comprehensive Plan. ("Goal 2: Natural, scenic and historic resources shall be given maximum possible protection and celebrated as part of Perinton's unique quality of life.")

Those farms located along the more highly traveled roads have greater benefit, as they are seen by more people and generate few vehicular trips. Turk Hill Road and NYS Route 31 are major corridors, carrying more than 10,000 cars per day. As a Monroe County highway, Victor Road functions as a collector. The other roads in southeast Perinton carry predominantly local traffic.

5. Conclusions and Recommendations

The inventory of farm parcels in southeastern Perinton and the analysis of potential development and its impacts will help the Town to apply the implementation actions recommended in the townwide Agricultural and Farmland Protection Plan on farm parcels in the southeast quadrant. In particular, the permanent protection of farm parcels through conservation easements should be a priority for farmland in the southeast quadrant of the Town.

As funds become available, the Town should purchase conservation easements from interested landowners through the Town's Open Space Acquisition Capital Reserve Fund and/or work with landowners to apply to New York State Department of Agriculture & Markets for purchase of development rights. The Town should also encourage protective easements to be placed on land as a condition of development approval, either as part of a conservation easement or incentive zoning. (See recommendations #2, 4, 5c and 5d of the Agricultural & Farmland Protection Plan.)

As it evaluates actions that would permanently protect particular parcels of agricultural land, the Town should consider:

- 1) the potential for non-farm development
- 2) the long-term viability of the farmland for continued agricultural use
- 3) the potential impact of potential development on community character, including traffic and scenic views.

The information provided in this assessment will guide Town officials in applying these considerations. As the Town considers specific conservation actions for individual properties, additional detail regarding parcel attributes and the potential impacts of conservation and development will be required.

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. 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 Perinton 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 works with several towns in Monroe and neighboring counties 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.¹ 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.

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

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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.

New York State's PDR program has provided grants of up to 75% of the cost of purchasing development rights. The landowner or another entity such as the Town 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. The Town has worked with Perinton farms in recent years to apply for these funds, but none of the previous applications were successful.

New York State's program has been funded by the Environmental Protection Fund. The program was suspended while its administrators work with previous grantees to complete easement purchases. Future opportunities for New York State to purchase of development rights to farms in Perinton will depend upon action by the NYS Legislature and Governor to provide sufficient funding.

Town Purchase of Land and Development Rights

As noted in Section E, the Town of Perinton has purchased the development rights to 277 acres of farmland in the Town. In addition, the Town leases land that it owns to farmers for agricultural uses.



2. 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 applies 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 existing zoning districts. 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

Town of Perinton Agricultural & Farmland Protection Plan

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. Conservation Subdivisions (Clustering)

Conservation subdivisions, also known as clustering, allow residences to be built on smaller lot sizes than would otherwise be permitted by zoning, provided that the number of units that could be constructed on the parcel with a conventional design is not exceeded. The Town of Perinton’s zoning regulations currently authorize the Planning Board to approve or require clustered subdivisions in the RT and RS districts where such designs would effectively protect significant natural resources. (See Town Code § 208-6.)

Typically, an applicant would design a conventional subdivision for the site, with all of the lots meeting the minimum lot size, in order to determine the number of dwelling units that could be accommodated. The conservation features to be protected are delineated next, and the house lots laid out on the remaining lands.

To apply this technique to retain agricultural land, the highest quality farmland is delineated as conservation areas and houses are placed in woods or along slopes. While house lots are sited in locations that are least suitable for farming, these locations often offer the most attractive views and/or appealing wooded lots. The subdivision design should incorporate buffers between the new residential development and the remaining farmland. A conservation easement would be placed on the farmland to prevent future development.

A hypothetical conceptual design of a conservation subdivision is provided on the following pages. To demonstrate that a conservation subdivision can effectively preserve agricultural land, a hypothetical subdivision was laid out on a 90-acre parcel that includes approximately 44 acres of actively farmed land.

The parcel is located in the Residential Transition 2-5 zoning district, which requires a minimum of two acres per dwelling where public water is available. The parcel also includes approximately 41.4 acres in a Limited Development District:

Slopes of 15% or greater:	16.9 acres
High Susceptibility to Flooding & Ponding:	17.3 acres
Moderate Susceptibility to Flooding & Ponding	17.2 acres

The Town’s zoning requires that lots that include LDD land have a minimum of five acres.

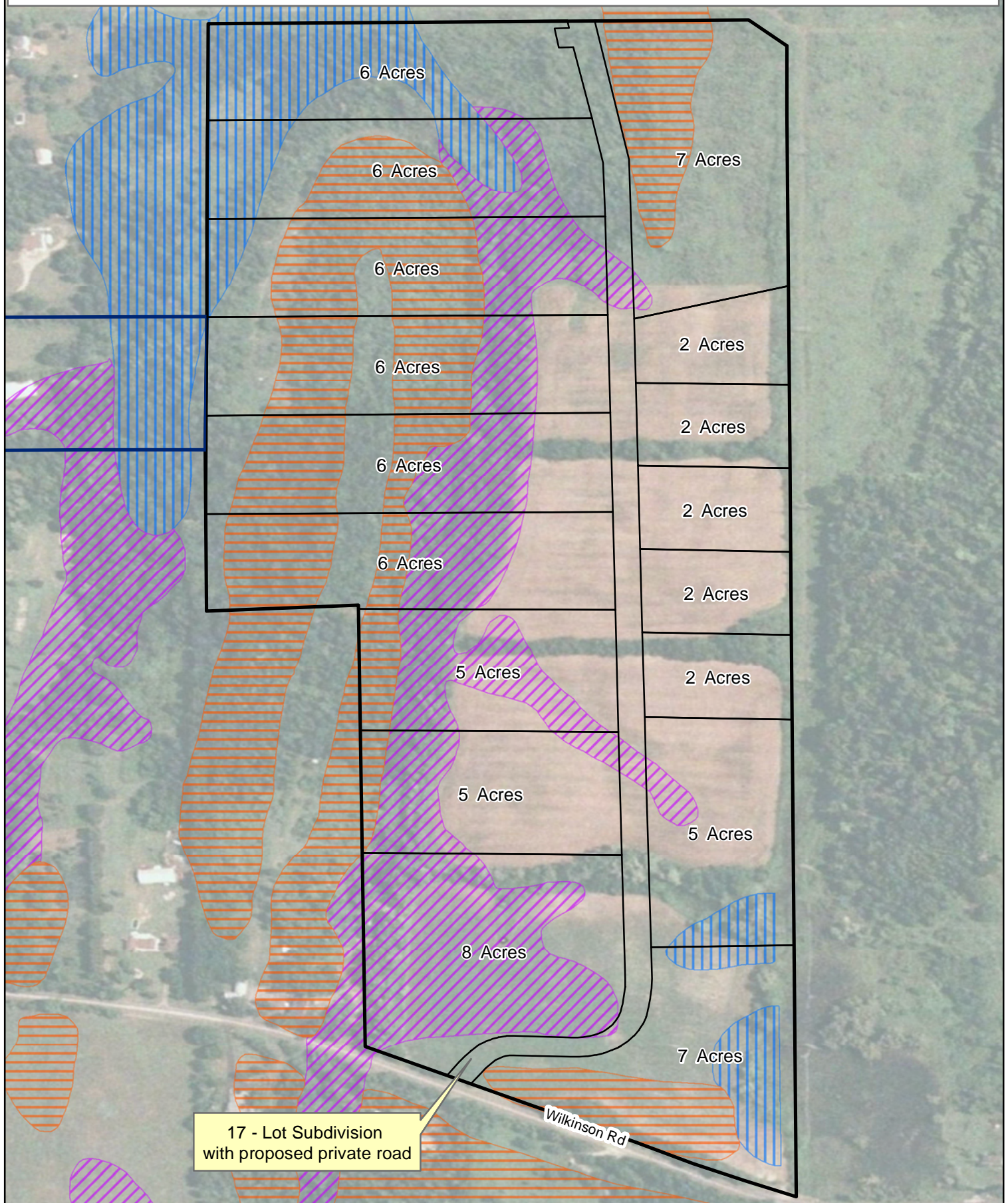
Hypothetical Conservation Subdivision

Conventional Layout to Determine Maximum Number of Lots

Y:\Perinton Town\210634 Ag Plan\GIS maps\ConceptualSubdiv.mxd

Limited Development Districts

- High Susceptibility to Flooding & Ponding
- Moderate Susceptibility to Flooding & Ponding
- Slope 15% or Greater



Hypothetical Conservation Subdivision

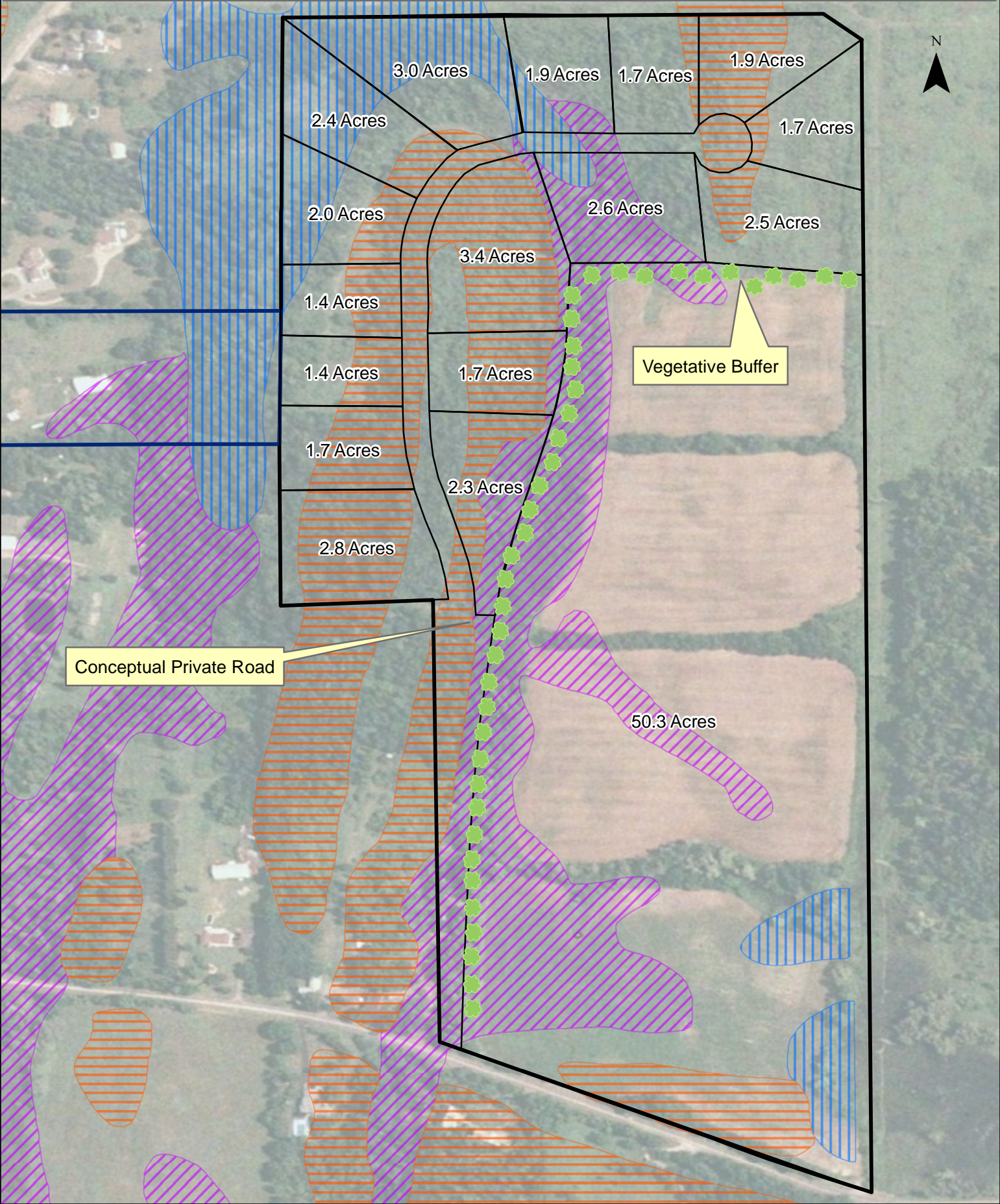
Cluster Layout of 17 Lots

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0 100 200 400 Feet

Limited Development Districts

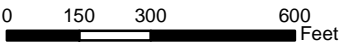
- High Susceptibility to Flooding & Ponding
- Moderate Susceptibility to Flooding & Ponding
- Slope 15% or Greater



Hypothetical Conservation Subdivision

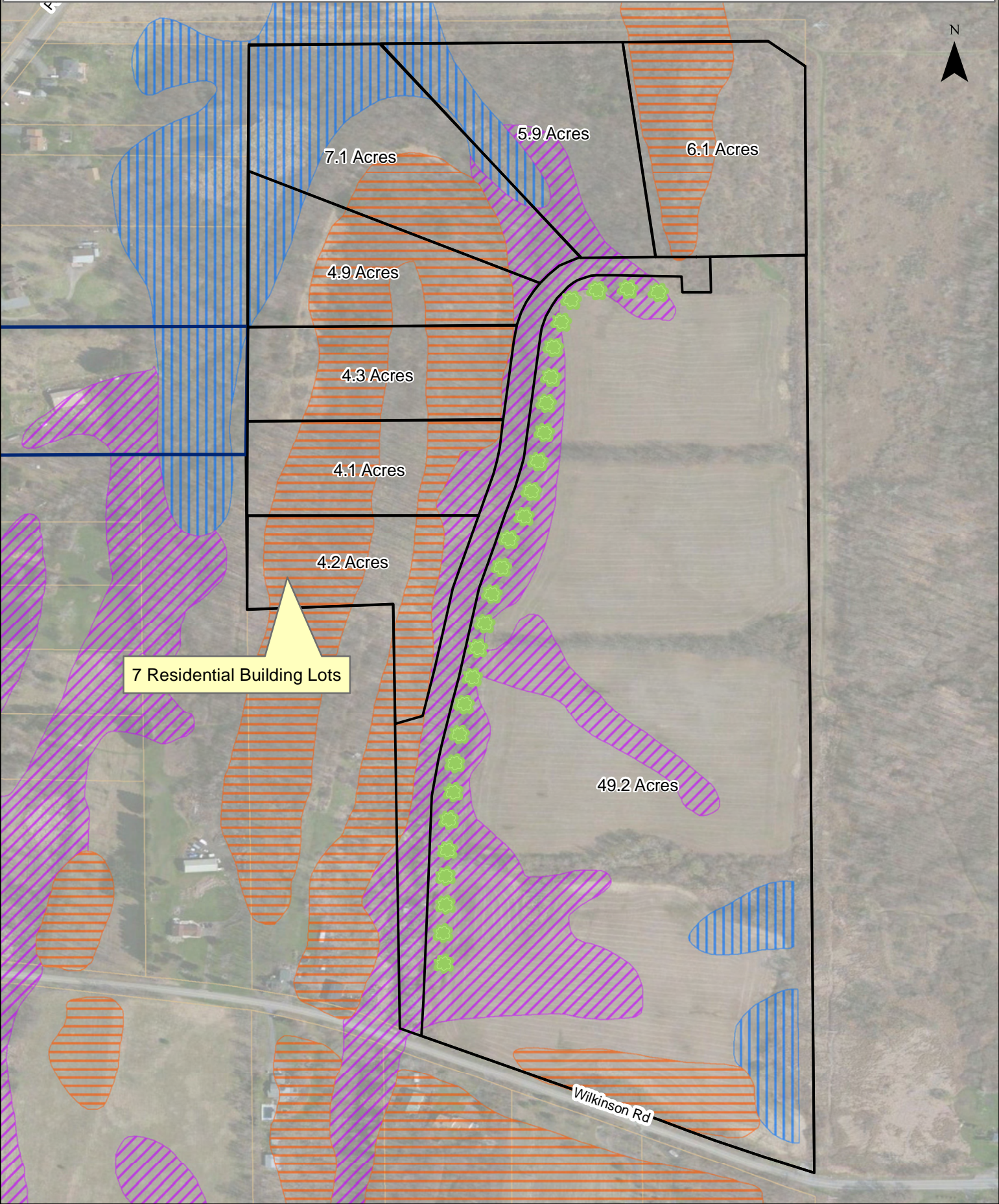
Eight-Lot Subdivision Preserving Farmland

Y:\Perinton Town\210634 Ag Plan\GIS maps\ConceptualSubdiv_3rdLayout.mxd



Limited Development Districts

- ConceptParcels_3rd
- High Susceptibility to Flooding & Ponding
- Moderate Susceptibility to Flooding & Ponding
- Slope 15% or Greater



Town of Perinton Agricultural & Farmland Protection Plan

In the first conceptual subdivision plat, each lot conforms to zoning requirements for a traditional subdivision. Each lot that includes some LDD land is a minimum of five acres. Other lots are a minimum of two acres. Where lots include some LDD land, at least one acre must be outside of any LDD. A new private road would provide access to the lots. This layout establishes that a maximum of 17 lots could be created from the parcel. Lot sizes range from two to eight acres.

The second conceptual plat is designed to retain the existing farm field for continued agricultural use, while maximizing the number of residential lots. A total of 16 new house lots, ranging in size from 1.4 to 3.0 acres, are located on land that overlooks the farm field. The farmland is located on a separate 50-acre parcel that would be protected by a permanent conservation easement. A private road provides access to the residences.

The third conceptual plat creates eight new residential lots that range in size from 4.2 to 7.1 acres. The farmland is retained in a 49.2-acre lot. This design assumes that buyers are more likely to seek larger lots in a more “country” setting.

c. Incentive Zoning

The Town’s Open Space zoning provisions, which were adopted pursuant to NYS Town Law Section 261-b (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). The Town would need to amend its Open Space zoning regulations to specifically encourage its use for the protection of farmland.

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. A developer who demonstrates that land will be preserved would be entitled to the density bonus on the property to be developed.

Use of this technique would result in the permanent protection of farmland or open space through a conservation easement at virtually no cost to the Town.

3. 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.

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.

4. 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.

Town of Perinton Agricultural & Farmland Protection Plan

- 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 D.

5. Local “Right to Farm” Law

The Town of Perinton currently implements some of the “right to farm” provisions included in New York State Agricultural District Law. For example, it requires developers to prepare an Agricultural Data Statement when a project may impact farm properties within a County Agricultural District (see forms in Appendix E.). However, the Town of Perinton has not adopted a formal “right to farm” law.

Local “right to farm” laws typically clearly state a municipality’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-farming residents, may be formed to hear and resolve complaints. Municipalities may also appoint an existing committee, such as the Planning Board or the Conservation Board, to act as the Grievance Committee.

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. Designate Town staff, potentially in conjunction with the Conservation Board to monitoring the implementation of 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. As funds are available, continue to utilize the Open Space Acquisition Capital Reserve Fund to purchase the development rights to high-quality farm parcels.**

Time Frame:	Ongoing
Responsible Agency:	Town Board
Estimated Cost:	To be determined
Potential Funding Sources:	Easement penalties; Town budget; Bonds

- 3. Continue to administer the term easement program for farm parcels.**

Time Frame:	Immediate (within one year); Ongoing
Responsible Agency:	Town Board; Conservation Board
Estimated Cost:	None
Potential Funding Sources:	NA

Town of Perinton Agricultural & Farmland Protection Plan

4. Work with the NYS Department of Agriculture & Markets to identify farm parcels that may be suitable for the State's Purchase of Development Rights program

- a. Encourage greater consideration of small vegetable farms, which can be profitable near population centers and are vulnerable to development pressure.

Time Frame:	Immediate (within one year); Ongoing
Responsible Agency:	Conservation Board (outreach, education, applications); Town Board (dedicated fund)
Estimated Cost:	None
Potential Funding Sources:	NA

5. Revise Town zoning regulations to provide additional support to agricultural operations.

- a. Add agriculture to the list of permitted uses in the RT-1.2.5 and RT 2.5 districts. (Town Code Sec. 208-36 and 37)
- b. Add provisions to require buffers between new residential development and existing farmland. (Town Code Sec. 208-25)
- c. Incorporate provisions to encourage the use of conservation subdivisions (clustering) to protect high quality farmland. (Town Code Secs. 208-36, 37 and 38)
- d. Add “the retention of productive agricultural land” to the list of objectives of the Town’s Open Space Preservation (incentive zoning) provisions (Town Code Sec. 208-51)
- e. Exempt agricultural structures from Site Plan Review (Town Code Sec. 208-53)

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board
Estimated Cost:	None – can be accomplished by Town staff
Potential Funding Sources:	NA

6. Utilize the subdivision review process to minimize the impact of residential development on agricultural operations.

- a. Empower the Town Planning Board to require conservation (clustered) subdivisions when it would result in the protection of a significant amount of high quality farmland.
- b. As part of subdivision review, require effective buffers to be incorporated into the design of residential subdivisions that abut farmland in order to minimize conflicts between new residential development and farm operations.

Time Frame:	Immediate (within one year); Ongoing
Responsible Agency:	Town Board; Planning Board; Conservation Board
Estimated Cost:	None
Potential Funding Sources:	Not applicable

7. Revise the Town's building permit fee schedule to create a category for agricultural buildings, separate from commercial structures.

Time Frame:	Immediate (within one year)
Responsible Agency:	Town Board
Estimated Cost:	None – can be accomplished by Town staff
Potential Funding Sources:	NA

8. Continue to publicize the value of farming to the community and improve public understanding of farm practices.

- a. Encourage Fairport schools to incorporate activities that increase awareness of how food is produced and how farms operate.
- b. Work with Monroe Community College and Cornell Cooperative Extension to promote the Grow Monroe program. For example, encourage farms to participate in the program and include a link on the Town's website.
- c. Communicate and coordinate agricultural promotion and farmland protection efforts with neighboring municipalities

Time Frame:	Immediate (within one year); Ongoing
Responsible Agency:	Town Staff and Conservation Board, in cooperation

Town of Perinton Agricultural & Farmland Protection Plan

	with Cornell Cooperative Extension, Farm Bureau and other agencies
Estimated Cost:	Varies
Potential Funding Sources:	Town budget

9. Support the direct marketing of farm products to the public.

- a. Maintain zoning provisions that allow farm markets as accessory uses to farms.
- b. Publicize the availability of local farm products on the Town's web site.
- c. Work with the operators of the Fairport Farmers Market to ensure that Perinton farmers have the opportunity to participate.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Town Staff and Conservation Board
Estimated Cost:	None
Potential Funding Sources:	Not applicable

10. Support programs and initiatives of other agencies and organizations that encourage effective conservation practices.

Work with the Monroe County Soil & Water Conservation District and the Natural Resources Conservation Service to encourage farmers to participate in conservation programs such as Agricultural Environmental Management (AEM).

Time Frame:	Ongoing
Responsible Agency:	Town Staff; Conservation Board
Estimated Cost:	None
Potential Funding Sources:	Not applicable

11. Continue to manage drainage facilities on Town property where feasible to prevent ponding on agricultural land.

- a. Continue to remove debris as needed from the drainageways north of Ayrault Road to maintain acceptable stormwater flows. Work with Monroe County Department of Transportation as needed to remove debris from the culvert under Ayrault Road near the pump station.
- b. Continue to require that new development be designed in such a way as to ensure that stormwater runoff after construction does not exceed pre-construction levels. Address drainage problems in developed areas in a manner that does not impact existing farmland.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Department of Public Works
Estimated Cost:	To be determined
Potential Funding Sources:	Town budget

12. Encourage the development and maintenance of equestrian trails in the Town.

- a. Encourage private landowners to work together to establish dedicated equestrian trails that are separate from the footpath network that is administered by the Crescent Trail Association.
- b. Support efforts to enact statewide limitations on liability for landowners with equestrian trails on their properties.

Time Frame:	Ongoing
Responsible Agency:	Town Board; Department of Public Works
Estimated Cost:	None
Potential Funding Sources:	Not Applicable

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

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; Town Conservation Board
Estimated Cost:	None
Potential Funding Sources:	Not applicable

J. Implementation Strategy

Administrative Framework

The Town Board should designate Town staff to monitor the implementation of this Plan. The Conservation Board may also play a role in conjunction with Town staff. Town representatives should maintain contacts with the farming community and be able to answer questions and identify sources of assistance. Duties would include the following:

- Maintain communications with the farm operators and farmland owners.
- Advise other boards regarding issues relating to agriculture and farmland protection. Refer these boards to appropriate sources for information.
- Maintain information about conservation programs available to farmland owners, as well as information on estate planning and land conservation programs.
- Work with local retailers, restaurants and institutions as well as farmers to help bring local crops to local markets.
- Coordinate the recommended public education activities.

Formal Approval Process

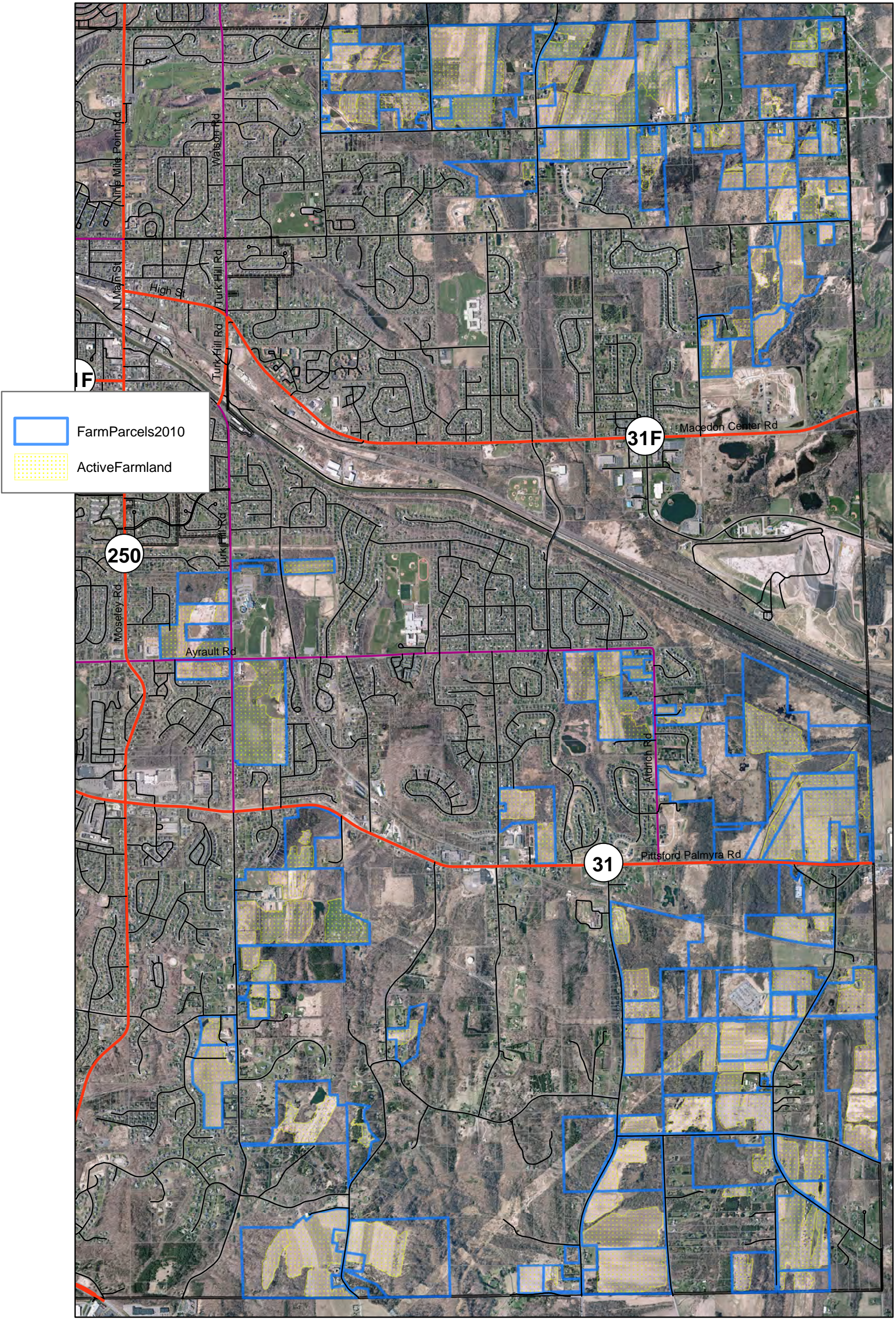
In accordance with the requirements of its contract with the NYS Department of Agriculture and Markets, the plan was referred to the Monroe County Agricultural and Farmland Protection Board for approval. The Monroe County Agricultural & Farmland Protection Board approved the Plan at its meeting on March 22, 2012. The Perinton Town Board held a public hearing on the proposed plan on December 14, 2011. Following formal approval by the Perinton Town Board, the Plan will be submitted to the Commissioner of Agriculture & Markets for final approval.

Town of Perinton Agricultural & Farmland Protection Plan

List of Maps

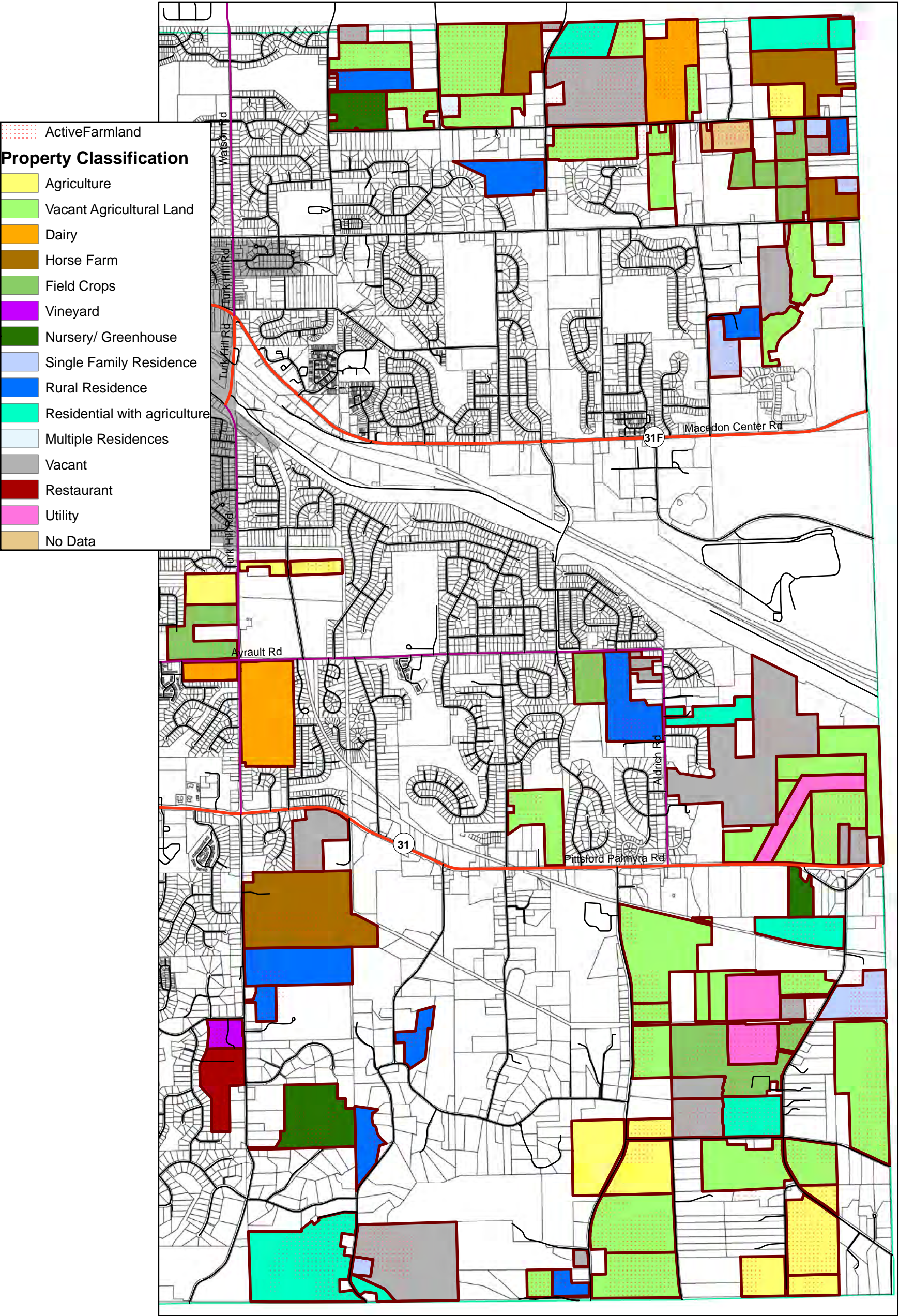
1. Active Farmland with Aerial Photos
2. Farm Parcels by Property Classification
3. Prime and Important Agricultural Soils
4. Farmland Suitable for Protection
5. Farm Parcels and Town Zoning Districts
6. Farm Parcels and Protection Status
7. Streams, Wetlands and Active Farmland

Active Farmland Eastern Perinton



DRAFT: June 2011

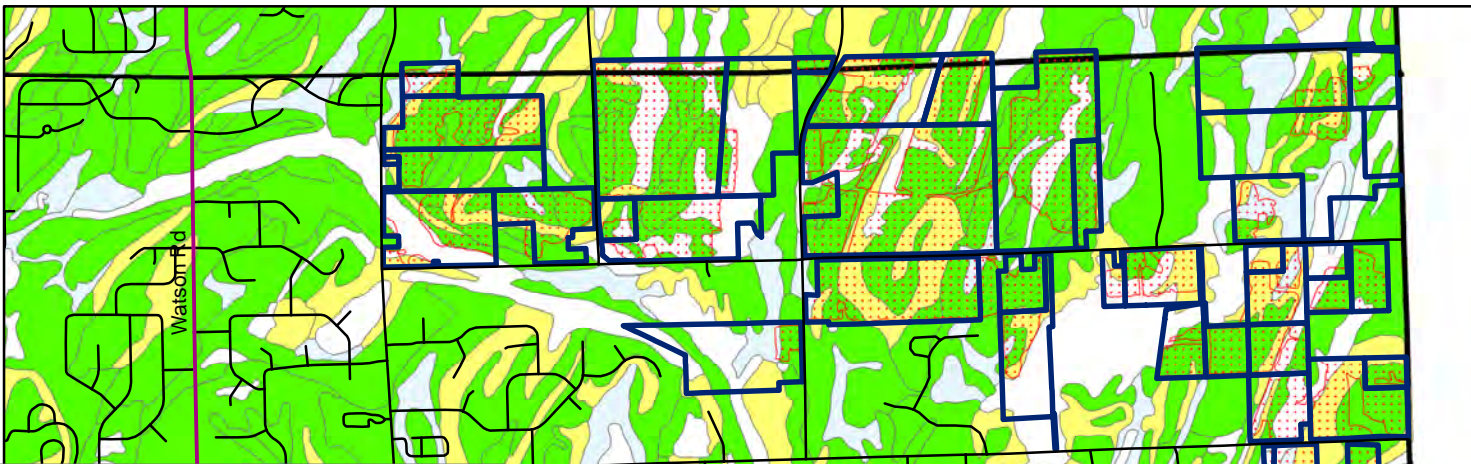
Farm Parcels by Property Classification Eastern Perinton 2011








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Miles

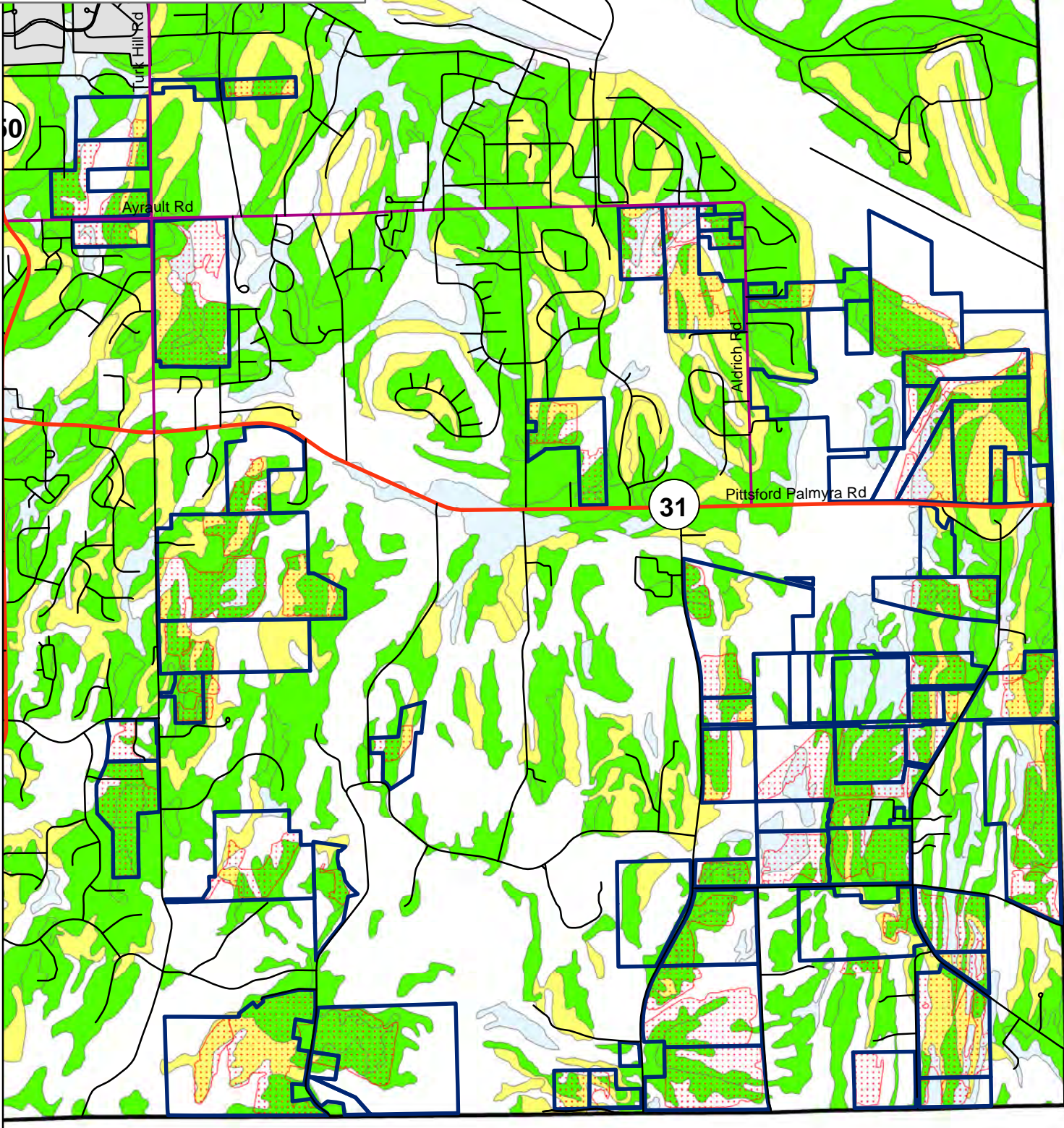
DRAFT: June 2011

Prime Agricultural Soils Eastern Perinton



Agricultural Soils Classification

-  All areas are prime farmland
-  Farmland of statewide importance
-  Prime farmland if drained
-  Farm Parcels
-  ActiveFarmland

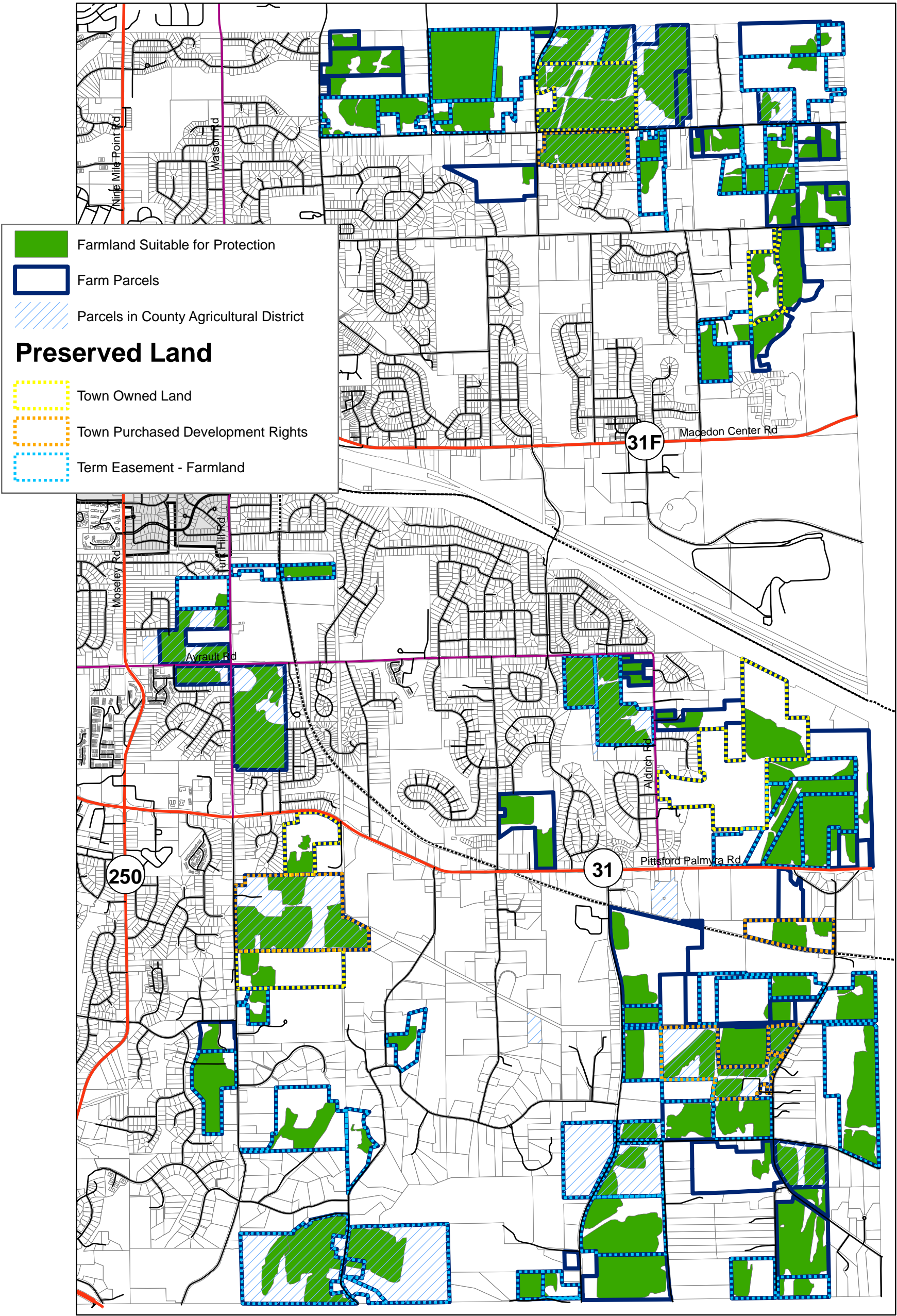


0 0.25 0.5 1 Miles

DRAFT: June 2011

Farmland Suitable for Protection

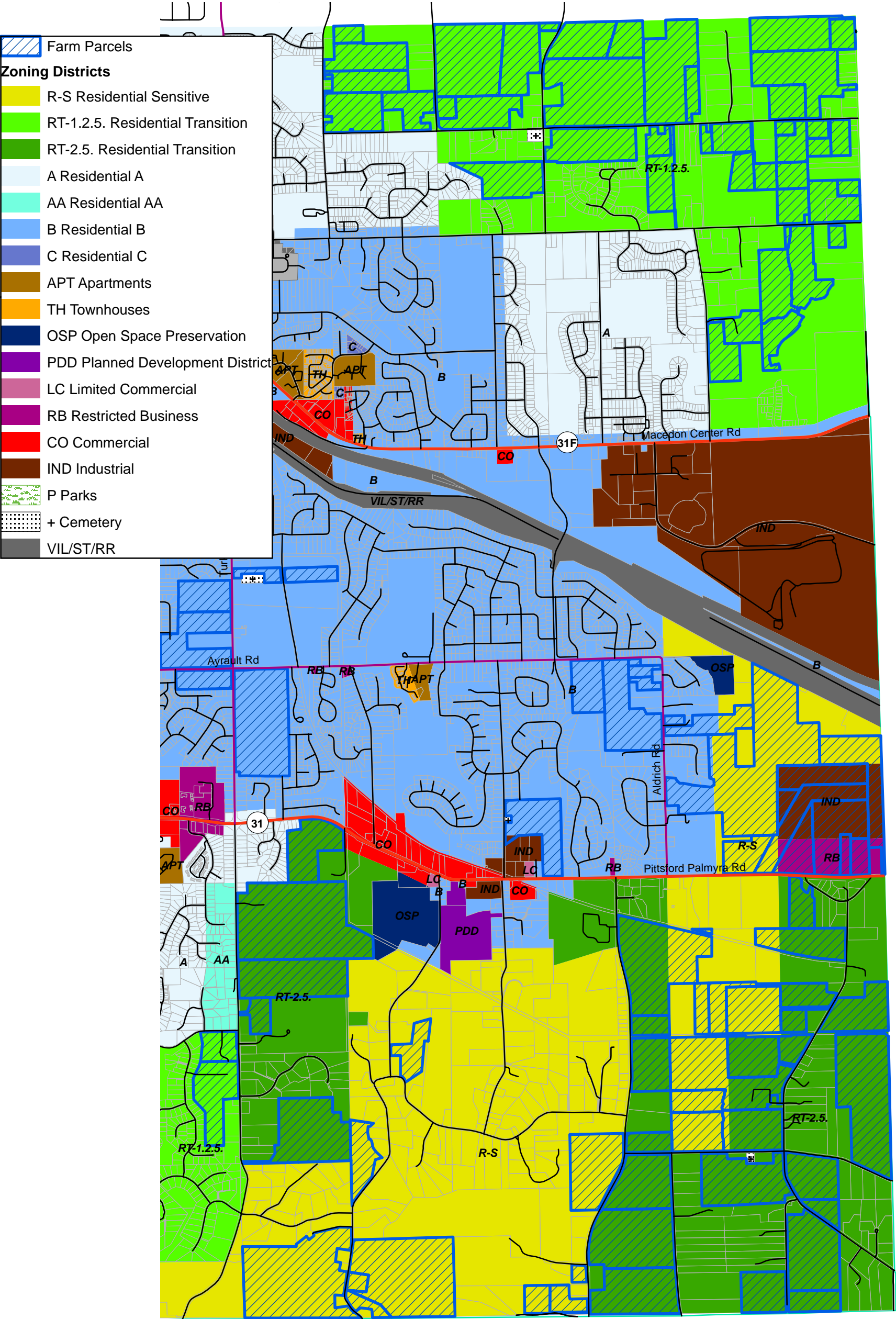
Eastern Perinton



0 0.25 0.5 1 Miles

DRAFT: June 2011

Farm Parcels and Zoning Eastern Perinton 2011



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Miles


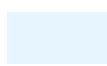

DRAFT: August 2011

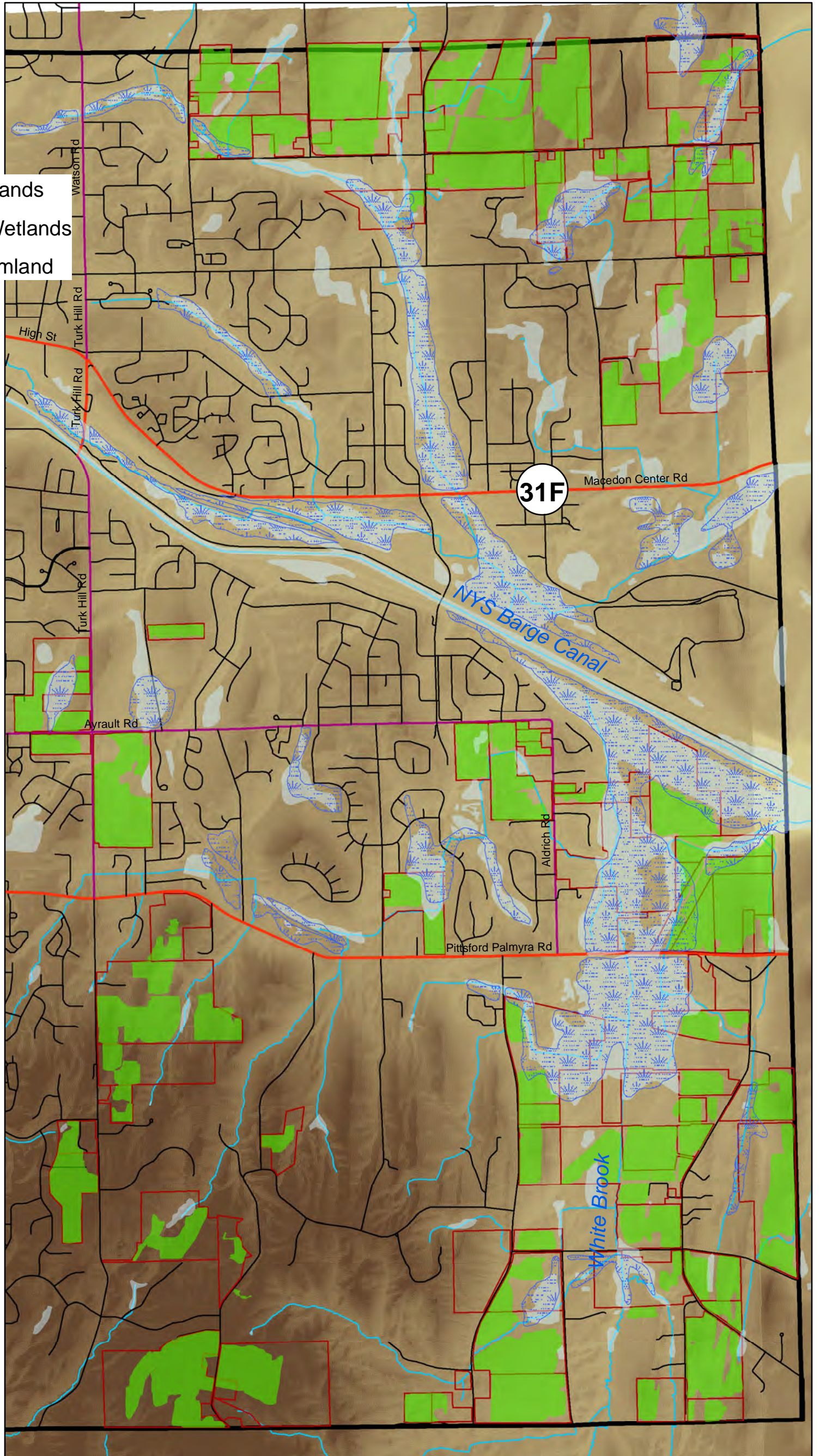
Perinton Agricultural & Farmland Protection Plan

Streams, Wetlands and Active Farmland

Eastern Perinton

Map 7

-  NYS Wetlands
-  Federal Wetlands
-  ActiveFarmland



0 0.25 0.5 1
Miles

Town of Perinton Agricultural & Farmland Protection Plan

List of Appendices

- A. Summary of Monroe County Agricultural and Farmland Protection Plan – 1999
- B. Review of Agricultural Provisions in the Town of Perinton Zoning Regulations
- C. Overview of Existing Plans, Programs and Regulations
 - Town of Perinton Conservation Easement Brochure
- D. Farm Product Promotion Program Materials
 - Grow Monroe
 - Pride of New York
 - Other State Programs
- E. Perinton Agricultural Data Statement Form
- F. Comprehensive Plan Maps
 - a. Figure 4: Existing Land Use
 - b. Figure 6: Future Land Use
 - c. Figure 8: Public Services and Utilities
 - d. Figure 12: Topography
 - e. Figure 13: Hydrography
- G. Inventory of Farm Parcels – Southeast Perinton
 - Key Map: Inventory of Farm Parcels; Zoning Districts and Limited Development Districts
 - List of Farm Parcels in Southeastern Perinton
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- H. Cost of Community Services Studies
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 - Sample Study – Town of Aurora

Town of Perinton Agricultural & Farmland Protection Plan

APPENDIX A

Summary of Monroe County Agricultural and Farmland Protection Plan – 1999

APPENDIX A

Excerpts from the Monroe County Agricultural & Farmland Protection Plan 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 wish 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.

Town of Perinton Agricultural & Farmland Protection Plan

APPENDIX B

Review of Agricultural Provisions in the Town of Perinton Zoning Regulations

APPENDIX B - Review of Agricultural Provisions in the Town of Perinton Zoning Regulations

Excerpts from Town of Perinton Code, Suggested Changes and Comments

CUSTOMARY HOME OCCUPATIONS

An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use. This shall be understood to include the professional office or studio of a physician, dentist, teacher, artist, architect, engineer, accountant, musician, chiropractor, podiatrist, lawyer, manufacturer's representative, real estate salesman or broker, travel agent, insurance agent, business consultant and other services of a professional nature. The office or studio must be located in the dwelling in which the practitioner resides and does not occupy more than 30% of the total floor area of the residence. Not more than one employee may be used. No other offices shall be located on the premises, nor shall any other profession be practiced or conducted on the premises. Any instruction given or professional services or care rendered shall be to one student, patient, client or customer at a time.

Adequate off-street parking must be provided and maintained on the premises. The area of the building, exclusive of the portion used for such office, shall conform to the minimum requirements as provided in this chapter. There shall be no display of goods or advertising other than an accessory sign as provided in the Sign Law of the Town of Perinton.

Editor's Note: See Ch. 174, Signs.

Permission to conduct such use, or other similar uses, must be secured by special permit from the Board of Appeals after a public hearing. The Board of Appeals may determine if the proposed use comes under this section.

FARM

A unit of land having more than five acres and used for cultivation, pasture or other customary agricultural purposes. *[Amended 10-13-1977 by L.L. No. 7-1977]*

GREEN SPACE

The area of the site not consisting of buildings, structures, pavement or other impervious surfaces which are left in their natural state, planted, seeded or landscaped, including areas which may be incorporated into an approved recreation, water quality or buffering plan. Green space shall not include foundation or small isolated parking island plantings. In the instance where open space on the parcel is conveyed to the Town as part of the development, such area shall be utilized in the determination of the percentage of green space.

[Added 5-9-2001 by L.L. No. 4-2001]

INCENTIVES

Adjustments to the permissible density, area requirements and open spaces of the Local Zoning Law of the Town of Perinton adopted June 22, 1954, and any amendments thereto; these adjustments may incorporate two or more noncontiguous parcels of land.

[Added 3-10-1993 by L.L. No. 3-1993]

OPEN SPACE PRESERVATION ZONING

The system by which specific incentives are granted to applicants pursuant to this section on condition that specific physical, social or cultural benefits or amenities inure to the community.

[Added 3-10-1993 by L.L. No. 3-1993]

APPENDIX B - Review of Agricultural Provisions in the Town of Perinton Zoning Regulations

Excerpts from Town of Perinton Code, Suggested Changes and Comments

WAREHOUSE

Any structure adapted to or used for the storage of goods, materials and/or merchandise.
[Added 2-8-1984 by L.L. No. 1-1984]

WAREHOUSING

The business of receiving and storing goods, materials and/or merchandise.
[Added 2-8-1984 by L.L. No. 1-1984]

§ 208-11 Nonconforming uses.

A.

Any nonconforming use now lawfully existing may be continued only on the premises and in the buildings and structures where it now exists, except that new farm buildings for the housing of farm animals, produce and farm machinery only may be erected on any farm existing at the date of the adoption of this Zoning Chapter, provided that any such building erected hereafter shall be located not less than 100 feet from the nearest road and not less than 75 feet from the nearest side or rear lot line of the nearest adjoining owner.

Comment [bj1]: Setbacks may be considered unreasonably restrictive by NYS Ag & Markets per Ag District law.

§ 208-14 Application of regulations.

C.

Fences, walls and hedges.
[Amended 9-23-1998 by L.L. No. 2-1998 ; 6-24-2009 by L.L. No. 1-2009]

- (7) Where land is used and occupied as a farm, such open-style fences as shall be necessary to restrain livestock shall be permitted as needed.

F.

Junkyards. Junk- or scrapyards, automobile wrecking yards and the storing, sorting and baling of scrap metal and rags are prohibited in all districts. Any such uses which were legally permissible prior to the date of adoption of this chapter, but are prohibited uses thereafter, shall be discontinued and removed or changed to conforming uses within three years from the date of the adoption of this chapter.

Comment [bj2]: Junkyard is not defined

M.

Exterior mechanical devices to be enclosed. All exterior mechanical devices, such as commercial refuse containers, ventilating and air-conditioning units (except window and wall units) shall be screened or enclosed from ground view.
[Added 10-13-1977 by L.L. No. 7-1977]

T.

The outside storage of construction materials, construction dumpsters, portable or temporary storage units or construction equipment may have a negative impact on the adjoining properties and is limited by these regulations.
[Added 4-14-2010 by L.L. No. 3-2010]

- (1) Portable on-site deliverable storage units (PODS) are permitted to be on a property for a period of time not to exceed 30 days per calendar year.

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- (2) The use of roll-off dumpsters on residential properties is limited to a duration of 30 days, or for 45 days if there is an active building permit on the property. On nonresidential property the use is limited to the period a permit is active on the property and the location is required to be at the rear or sides of the building, if at all possible.
- (3) Only one portable on-site deliverable storage units (PODS) or roll-off dumpster shall be located on a residential property at a time.
- (4) The Planning Board may approve the outside storage of materials as part of a site plan approval for nonresidential properties.
- (5) The above regulations do not apply to activities related to farming operations, as such are defined within the New York State Agriculture and Markets Law.

§ 208-17 Subdivisions.

- A. No subdivisions of lands which shall be subject to the provisions of § 334 of Article 9-A of the Real Property Law or § 89 of the Public Health Law, as the same may be amended or transferred to other laws or sections, shall be hereafter made until the map or plat and plans therefor shall have been submitted to and approved by the Planning Board and a copy of such map or plat and plans filed in the office of the Building Department.
[Amended 10-13-1977 by L.L. No. 7-1977]
- B. No lot in any such subdivision shall be sold and no building shall be erected upon any lots of such subdivision unless such lot is located upon a street or highway laid out in the subdivision, which connects with a highway, nor until the owner or subdivider shall have complied with the provisions of this chapter and all statutes of the County of Monroe and the State of New York applicable thereto.
- C. No building shall be erected upon any other lot or plot of land unless such lot or plot is located upon a street or highway, except that in a case provided for in § 280-a of the Town Law, the Board of Appeals, or the Planning Board as part of subdivision approval, may make such variance or exception as may seem advisable under the circumstances in accordance with the provisions of that section.
- D. All streets or highways hereafter laid out or dedicated to the Town shall be at least 60 feet in width; and no such street or highway shall be so dedicated until a map or plat of the same shall have been submitted to and approved by the Planning Board and a copy thereof filed in the offices of the Department of Building and Housing. The Planning Board shall have the power before granting such approval to increase the width or change the location of any such street or highway, taking into consideration the probable traffic requirements, topography of the land and other factors affecting the particular situation. No street or highway shall be accepted for dedication unless the same shall have been suitably improved to the satisfaction of the Town Board or a satisfactory performance bond to ensure installation of the same has been filed with the Town pursuant to § 277 of the Town Law.
- E. Each subdivision must comply in all respects with the Subdivision Regulations of the Town.

Editor's Note: See Ch. 182, Subdivision of Land.

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§ 208-22 Storage of materials.

No materials of any kind shall be stored in any district, except for the construction of structures to be actually erected upon the premises where such materials are stored within one year from the beginning of such storage and **except for farm produce and farm machinery**, unless a permit therefor shall be obtained from the Board of Appeals.

§ 208-23 Keeping of animals.

No animals, birds, fowl or poultry shall be housed or kept on any **nonfarm residential premises** except customary household pets. Such pets shall be housed in such a manner as not to create an annoyance to surrounding properties. Dogs housed on said premises are subject to the Dog Control Ordinance of the Town of Perinton and all applicable state laws regulating and licensing animals.

Editor's Note: See Ch. 78, Animals, Art. I, Dogs.

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§ 208-32 Class B District.

The following regulations shall apply to the Class B District:

A. Uses permitted. The following **uses** are permitted:

Comment [bj3]: Agriculture not a permitted use.

- (1) Single-family detached dwelling which may have an attached or detached private garage.
- (2) Two-family detached or semidetached dwelling with an attached or detached garage may be approved by the Planning Board if the developer applies for the same with concept subdivision approval and if the applicant has received a special permit from the Town Board, as provided for in § [208-54](#) of this chapter. The buildings must be in harmony with and complementary to the single-family residences provided for said subdivision. Applicants shall notify neighboring property owners within 500 feet of the boundary of these proposed subdivisions at least one week and not more than three weeks prior to the scheduled Town Board hearing for the special permit. [Amended 10-28-1981 by L.L. No. 5-1981; 11-12-1986 by L.L. No. 6-1986; 2-11-2004 by L.L. No. 1-2004]
- (3) The conversion of an existing dwelling from a one-family to a two-family dwelling or the construction of a two-family detached or semidetached dwelling on a preexisting lot may be permitted upon a special permit from the Zoning Board of Appeals as provided in § [208-54](#) of this chapter. If a special permit is granted, applicants building new units or modifying the exterior of existing structures must obtain site plan approval from the Planning Board. [Added 11-12-1986 by L.L. No. 6-1986; amended 10-26-1994 by L.L. No. 7-1994]
- (4) Public buildings and grounds. (See § [208-8](#), Definitions.)
- (5) One-story accessory building. (See § [208-14C](#) herein.) [Amended 2-12-1992 by L.L. No. 1-1992]
- (6) All uses as permitted and regulated in Townhouse Districts under § [208-34](#) herein.
- (7) Customary home occupation. (See § [208-8](#), Definitions.)

B. Size of lot.

- (1) If the lot will not be served by sanitary sewers:
 - (a) The minimum width of the lot for single-family dwellings shall be 100 feet and the minimum area shall be 20,000 square feet. [Amended 11-9-1978 by L.L. No. 8-1978]
 - (b) Corner lots shall have a minimum width of 130 feet and a minimum area of 22,750 square feet.
 - (c) The minimum width of the lot for two-family dwellings shall be 125 feet and the minimum area shall be 21,875 square feet.

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(d) The minimum width of a corner lot for two-family dwellings shall be 150 feet and the minimum area shall be 26,250 square feet.

(2) If the lot will be served by sanitary sewers:

(a) The minimum width of the lot for single-family dwellings shall be 90 feet and the minimum area shall be 14,400 square feet.

(b) Corner lots shall have a minimum width of 120 feet and a minimum area of 19,200 square feet.

(c) The minimum width of a lot for two-family dwellings shall be 110 feet and the minimum area shall be 17,600 square feet.

(d) The minimum width of a corner lot for two-family dwellings shall be 130 feet and the minimum area shall be 20,800 square feet.

C. Size of building.

(1) The minimum ground area of a main single-family structure shall be:

(a) One-story building: 1,000 square feet.

(b) One-and-one-half-story building: 850 square feet.

(c) Two- or two-and-one-half-story building: 750 square feet.

(2) The minimum ground area of a main two-family structure shall be:

(a) One-story building: 1,800 square feet.

(b) One-and-one-half-story building: 1,300 square feet.

(c) Two- or two-and-one-half-story building: 1,100 square feet.

D. Setbacks.

(1) The minimum front setback shall be 50 feet, the minimum side setback 15 feet and the minimum rear setback 15 feet.

(2) On corner lots, the minimum setback from each highway shall be the same as the front setback from each highway.

(3) If the lot will be served by sanitary sewers, the minimum side setback shall be 12 feet instead of 15 feet.

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(4) Single-family semidetached dwellings may have one zero-foot side yard. [Added 10-28-1981 by L.L. No. 5-1981]

§ 208-25 Buffer areas for certain abutting properties.

[Amended 2-12-1992 by L.L. No. 1-1992]

A. Where a lot containing public buildings or grounds or a lot in any Townhouse, Apartment, Restricted Business, Industrial or Commercial District abuts a lot in a Residential AA, A, B or C, Residential Transition 1-2-5, Residential 2-5 or Residential Sensitive District, the side and rear setbacks for such lot containing public buildings or grounds or such lot in a Townhouse, Apartment, Restricted Business, Industrial or Commercial District on said abutting line shall be bordered by a buffer area to be erected along said property line as part of site plan approval by the Planning Board.

A.B. Where new residential development abuts property that has been utilized for agricultural production during the past year, a buffer shall be incorporated into the residential development that effectively limits access from residences to farm fields. Acceptable buffers may include natural features such as streams or tree plantings or fences. The Planning Board shall determine whether the proposed buffer is of sufficient size, width, height and/ or configuration to ensure that it would be effective in limiting access to farm fields from the new residential development..

Excerpts from Town of Perinton Code, Suggested Changes and Comments

§ 208-32 Class B District.

The following regulations shall apply to the Class B District:

A. Uses permitted. The following uses are permitted:

- (1) Single-family detached dwelling which may have an attached or detached private garage.
- (2) Two-family detached or semidetached dwelling with an attached or detached garage may be approved by the Planning Board if the developer applies for the same with concept subdivision approval and if the applicant has received a special permit from the Town Board, as provided for in § 208-54 of this chapter. The buildings must be in harmony with and complementary to the single-family residences provided for said subdivision. Applicants shall notify neighboring property owners within 500 feet of the boundary of these proposed subdivisions at least one week and not more than three weeks prior to the scheduled Town Board hearing for the special permit.
[Amended 10-28-1981 by L.L. No. 5-1981 ; 11-12-1986 by L.L. No. 6-1986 ; 2-11-2004 by L.L. No. 1-2004]
- (3) The conversion of an existing dwelling from a one-family to a two-family dwelling or the construction of a two-family detached or semidetached dwelling on a preexisting lot may be permitted upon a special permit from the Zoning Board of Appeals as provided in § 208-54 of this chapter. If a special permit is granted, applicants building new units or modifying the exterior of existing structures must obtain site plan approval from the Planning Board.
[Added 11-12-1986 by L.L. No. 6-1986 ; amended 10-26-1994 by L.L. No. 7-1994]
- (4) Public buildings and grounds. (See § 208-8, Definitions.)
- (5) One-story accessory building. (See § 208-14G herein.)
[Amended 2-12-1992 by L.L. No. 1-1992]
- (6) All uses as permitted and regulated in Townhouse Districts under § 208-34 herein.
- (7) Customary home occupation. (See § 208-8, Definitions.)

B. Size of lot.

- (1) If the lot will not be served by sanitary sewers:
 - (a) The minimum width of the lot for single-family dwellings shall be 100 feet and the minimum area shall be 20,000 square feet.
[Amended 11-9-1978 by L.L. No. 8-1978]
 - (b) Corner lots shall have a minimum width of 130 feet and a minimum area of 22,750 square feet.
 - (c) The minimum width of the lot for two-family dwellings shall be 125 feet and the minimum area shall be 21,875 square feet.
 - (d) The minimum width of a corner lot for two-family dwellings shall be 150 feet and the minimum area shall be 26,250 square feet.
- (2) If the lot will be served by sanitary sewers:

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- (a) The minimum width of the lot for single-family dwellings shall be 90 feet and the minimum area shall be 14,400 square feet.
 - (b) Corner lots shall have a minimum width of 120 feet and a minimum area of 19,200 square feet.
 - (c) The minimum width of a lot for two-family dwellings shall be 110 feet and the minimum area shall be 17,600 square feet.
 - (d) The minimum width of a corner lot for two-family dwellings shall be 130 feet and the minimum area shall be 20,800 square feet.
- C. Size of building.
- (1) The minimum ground area of a main single-family structure shall be:
 - (a) One-story building: 1,000 square feet.
 - (b) One-and-one-half-story building: 850 square feet.
 - (c) Two- or two-and-one-half-story building: 750 square feet.
 - (2) The minimum ground area of a main two-family structure shall be:
 - (a) One-story building: 1,800 square feet.
 - (b) One-and-one-half-story building: 1,300 square feet.
 - (c) Two- or two-and-one-half-story building: 1,100 square feet.
- D. Setbacks.
- (1) The minimum front setback shall be 50 feet, the minimum side setback 15 feet and the minimum rear setback 15 feet.
 - (2) On corner lots, the minimum setback from each highway shall be the same as the front setback from each highway.
 - (3) If the lot will be served by sanitary sewers, the minimum side setback shall be 12 feet instead of 15 feet.
 - (4) Single-family semidetached dwellings may have one zero-foot side yard.
- [Added 10-28-1981 by L.L. No. 5-1981]

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§ 208-36 Residential Transition 1-2-5. [Added 4-13-1988 by L.L. No. 2-1988]

A. Purpose and locational criteria. The purpose of this district will be to encourage large-lot residential development in areas where conditions of the environment, availability of utilities and surrounding land use patterns dictate that residential densities and the amount of land covered by impervious surfaces remain low. Generally these are areas farther from commercial/service centers, acting as transition between conventional suburban residential development densities and rural densities, and where both sewer and water are expected.

B. Uses permitted. The following uses are permitted:

Comment [bj4]: Farms not a permitted use

- (1) A single-family detached dwelling, which must have a two-car private garage.
- (2) One-story accessory building. (See § 208-14G herein.) [Amended 2-12-1992 by L.L. No. 1-1992]
- (3) Customary home occupation. (See § 208-8, Definitions.)
- (4) Public buildings or grounds (see § 208-8, Definitions), excluding convalescent centers, hospitals and other group quarters not located in an existing single-family home.

C. Dimensional requirements.

- (1) For purposes of this district, minimum lot sizes shall be determined by the utilities available to serve the development. Dimensional requirements shall be similarly established. Lands with both public sewer and water shall be developed at a minimum conventional lot size of one acre, land without both sewer and water shall be developed with minimum lot sizes of five acres, and land with water only shall be developed with minimum conventional lot sizes of two acres.
- (2) The following table establishes the dimensional requirements of this zone:

Utilities Available				
	Dimension	Sewer and Water	Water Only	No Sewer or Water
	Size (acres)	1	2	5
	Width at setback line			
	Standard (feet)	150	200	240
	Corner (feet)	180	200	240
	Setback			
	Front (feet)	90	100	140
	Side (feet)	30	30	30
	Rear (feet)	30	30	50

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Utilities Available				
	Dimension	Sewer and Water	Water Only	No Sewer or Water
	Width at street line (feet)	120	160	200

D. Use of § 278 of the Town Law (clustering). [Amended 10-26-1994 by L.L. No. 7-1994]

- (1) The use of § 278 of the Town Law is permissible in this zone. The following table establishes the dimensional requirements for clustered lots in this zone. Public water is required to reduce the minimum lot size below two acres. Public sewer and water are required to reduce the lot size below one acre.

Utilities Available			
	Dimension	Sewer and Water	Water Only
	Size (square feet)	20,000*	43,560
	Width at setback line		
	Standard (feet)	100*	150
	Corner (feet)	150*	180
	Setback		
	Front (feet)	70*	90
	Side (feet)	15*	30
	Rear (feet)	15	30
	Width at street line (feet)	100*	120
*NOTE: This dimension may be reduced by the Planning Board for near- or zero-lot-line-style housing, where the development meets the special clustering conditions and design guidelines of the zone.			

- (b) Clustering shall result in the reservation of land from development. Larger lots or open spaces created by the use of § 278 shall be treated in one of the following manners:

- [1] Dedication to the public.
- [2] Reservation from development with land held in common by a community association.

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[3] Restrictive covenants on LDD lands and other lands designated by the Planning Board to enhance the open space or agricultural qualities of the development to minimize land disturbance and to maintain natural open space or agricultural land values.

(c) Clustered lots shall be placed on the land such that they are visually and functionally separated from other nonclustered lots in the development or designed such that the appearance from surrounding properties is similar to nonclustered lots and achieve the design guidelines of the district.

(d) A maintenance and environmental management plan shall be submitted for all nonpublic reserved open space or agricultural lands.

(e) Clustering shall not be permitted where, in the opinion of the Planning Board, upon advice of the Conservation Board, the concentration of individual sewage disposal systems may impair ground- or surface waters.

(f) Clustered lots shall not be allowed to front on arterial or collector streets.

(g) If open space is intended to be used for agricultural production, adequate buffers shall be incorporated into the development design to minimize the potential for conflicts between farming uses and residential neighbors.

E. Size of building. The minimum ground area of the main structure shall be:

- (1) One-story building: 1,400 square feet.
- (2) One-and-one-half-story building: 1,200 square feet.
- (3) Two- or two-and-one-half-story building: 1,000 square feet.

F. Design guidelines: special conditions.

- (1) Development of lots along the frontage of collector streets shall be discouraged. Larger minimum lot frontages and encouragement of lot development on the interior of the sites with access off of private drives is preferable to lots each having access onto existing or proposed Town and county roads.
- (2) House placement on lots should consider the visual perception of the development from adjoining developments, adjoining lots and roadways.
- (3) Lots less than five acres in size should be able to meet the minimum lot size, setback and width requirements without encroaching upon LDD lands.
- (4) Shared driveways and private roads may be favorably considered where they result in the wider spacing of houses on the lots and less impervious surfaces for public roadways.
- (5) Open space linkages shall be provided to adjoining designated open space lands to maintain continuity, wherever possible.
- (6) The Planning Board may reduce front setbacks on two-acre or larger lots where construction of the access driveways would unnecessarily disturb the landscape and other design guidelines of this district can still be met.

G. Preexisting nonconforming lots. Nonconforming lots in existence or having received preliminary subdivision approval by the Planning Board shall be eligible for development. The

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setbacks applied to these lots shall be those of the residential district lot size which most closely approximates the size of the preexisting nonconforming lot.

§ 208-37 Residential Transition 2-5. [Added 4-13-1988 by L.L. No. 2-1988]

A. Purpose and locational criteria. The purpose of this district will be to encourage large-lot residential development in areas where conditions of the environment, availability of utilities and surrounding land use patterns dictate that residential densities and the amount of land covered by impervious surfaces remain low. Generally these are areas farther from commercial/service centers, acting as transition between conventional suburban residential development densities and rural densities, and where public water but not sanitary sewers are expected.

B. Uses permitted. [Amended 2-12-1992 by L.L. No. 1-1992] The following uses are permitted:

- (1) A single-family detached dwelling, which must have a two-car private garage.
- (2) One-story accessory building. (See § 208-14G herein.)
- (3) Customary home occupation. (See § 208-8, Definitions.)
- (4) Public buildings or grounds (see § 208-8, Definitions), excluding convalescent centers, hospitals and other group quarters not located in an existing single-family home.

C. Dimensional requirements.

- (1) For purposes of this district, minimum lot sizes shall be determined by the utilities available to serve the development. Dimensional requirements shall be similarly established. Lands with both public sewer and water or public water only shall be developed at a minimum conventional lot size of two acres, and land without both sewer and water shall be developed with minimum lot sizes of five acres.
- (2) The following table establishes the dimensional requirements of this zone:

Utilities Available				
	Dimension	Sewer and Water	Water Only	No Sewer or Water
	Size (acres)	2	2	5
	Width at setback line			
	Standard (feet)	160	200	240
	Corner (feet)	200	200	240
	Setback			
	Front (feet)	100	100	140

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Utilities Available				
	Dimension	Sewer and Water	Water Only	No Sewer or Water
	Side (feet)	30	30	30
	Rear (feet)	30	30	50
	Width at street line (feet)	160	160	200

[Amended 10-26-1994 by L.L. No. 7-1994]

- (1) The use of § 278 of the Town Law is permissible in this zone. The following table establishes the dimensional requirements for clustered lots in this zone. Public water is required to reduce the minimum lot size below two acres. Public sewer and water are required to reduce the lot size below one acre.

Utilities Available			
	Dimension	Sewer and Water	Water Only
	Size (square feet)	30,000	43,560
	Width at setback line		
	Standard (feet)	100	150
	Corner (feet)	150	180
	Setback		
	Front (feet)	70	90
	Side (feet)	15	30
	Rear (feet)	15	30
	Width at street line) (feet)	100	120

- (2) Special conditions: clustering.
- (a) In considering the number of lots permissible under § 278, LDD (Limited Development District) lands shall be counted at a gross density of one unit per five acres, according to § 208-48.
 - (b) Clustering shall result in the reservation of land from development. Larger lots or open spaces created by the use of § 278 shall be treated in one of the following manners:

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[1] Dedication to the public.

[2] Reservation from development with land held in common by a community association.

[3] Restrictive covenants on LDD lands and other lands designated by the Planning Board to enhance the open space or agricultural qualities of the development, to minimize land disturbance and to maintain natural open space or agricultural resource values.

(c) Clustered lots shall be placed on the land such that they are visually and functionally separated from other nonclustered lots in the development or designed such that the appearance from surrounding properties is similar to nonclustered lots and achieve the design guidelines of the district.

(d) A maintenance and environmental management plan shall be submitted for all nonpublic reserved open space or agricultural lands.

(e) Clustering shall not be permitted where, in the opinion of the Planning Board, upon advice of the Conservation Board, the concentration of individual sewage disposal systems may impair ground- or surface waters.

(f) Clustered lots shall not be allowed to front on arterial or collector streets.

E. Size of building. The minimum ground area of the main structure shall be:

(1) One-story building: 1,400 square feet.

(2) One-and-one-half-story building: 1,200 square feet.

(3) Two- or two-and-one-half-story building: 1,000 square feet.

F. Design guidelines: special conditions.

(1) Development of lots along the frontage of collector streets shall be discouraged. Larger minimum lot frontages and encouragement of lot development on the interior of the sites with access off of private drives is preferable to lots each having access onto existing or proposed Town and county roads.

(2) House placement on lots should consider the visual perception of the development from adjoining developments, adjoining lots and roadways.

(3) Lots less than five acres in size should be able to meet the minimum lot size, setback and width requirements without encroaching upon LDD lands.

(4) Shared driveways and private roads may be favorably considered where they result in the wider spacing of houses on the lots and less impervious surfaces for public roadways.

(5) Open space linkages shall be provided to adjoining designated open space lands to maintain continuity, wherever possible.

(6) The Planning Board may reduce front setbacks on two-acre or larger lots where construction of the access driveways would unnecessarily disturb the landscape and other design guidelines of this district can still be met.

G. Preexisting nonconforming lots. Nonconforming lots in existence or having received preliminary subdivision approval by the Planning Board shall be eligible for development. The

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setbacks applied to these lots shall be those of the residential district lot size which most closely approximates the size of the preexisting nonconforming lot.

§ 208-38 Residential sensitive district. [Added 4-13-1988 by L.L. No. 2-1988]

A. Purpose and locational criteria. The purposes of this district are to:

- (1) Assure that lands identified in the Comprehensive Plan as having exceptional environmental values are developed with minimal disturbance to the environment.
- (2) Maintain low density in areas with poor transportation networks and physical constraints to development.
- (3) Assure compatible types and densities of development.
- (4) Encourage innovation in subdivision design.

B. Uses permitted. The following uses are permitted:

- (1) One single-family dwelling per lot which must have a two-car garage.
- (2) One-story accessory building to single-family dwelling.
- (3) Customary home occupations.
- (4) Agriculture and normal accessory buildings for agricultural purposes which meet the standards set forth in § 208-11A.
- (5) Public buildings and grounds, as defined in this chapter, shall not be permitted, except in accordance with § 208-12 or 208-13.

C. Dimensional requirements. The following table establishes the dimensional requirements of the zone:

Dimension	Requirement	
	Size (acres)	5
	Width at setback line	
	Standard (feet)	240
	Corner (feet)	240
	Setback	
	Front (feet)	140
	Side (feet)	30
	Rear (feet)	50
	Width at street line (feet)	200

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D. Use of § 278 of the Town Law (clustering). [Amended 10-26-1994 by L.L. No. 7-1994]

- (1) The use of § 278 of the Town Law is permissible in this zone. Public water is required to reduce the minimum lot size below five acres. The minimum lot size allowed under these provisions is one acre, with density for the overall development being computed at one unit per five acres.
- (2) The following table establishes dimensional requirements for § 278 developments:

Dimension	Requirement	
	Size (acres)	1
	Width at setback line	
	Standard (feet)	150
	Corner (feet)	180
	Setback	
	Front (feet)	100
	Side (feet)	30
	Rear (feet)	30
	Width at street line (feet)	120

C. Use of § 278 of the Town Law (clustering). [Amended 10-26-1994 by L.L. No. 7- 1994]

- (1) The use of § 278 of the Town Law is permissible in this zone. Public water is required to reduce the minimum lot size below five acres. The minimum lot size allowed under these provisions is one acre, with density for the overall development being computed at one unit per five acres.
- (2) The following table establishes dimensional requirements for § 278 developments:

F. Size of buildings. The minimum ground area of the main structure shall be:

- (1) One-story building: 1,400 square feet.
- (2) One-and-one-half-story building: 1,200 square feet.
- (3) Two- or two-and-one-half-story building: 1,000 square feet.

G. Special conditions: clustering. [Amended 10-26-1994 by L.L. No. 7-1994]

- (1) In considering the number of lots permissible under § 278, LDD (Limited Development District) lands shall be counted at a gross density of one unit per five acres.

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- (2) Clustering shall result in the reservation of land from development. Larger lots, agricultural land or open spaces created by the use of § 278 shall be treated in one of the following manners:
 - (a) Dedication to the public.
 - (b) Reservation from development with land held in common by a community association.
 - (c) Restrictive covenants on LDD lands and other lands designated by the Planning Board to enhance the open space or agricultural qualities of the development to minimize land disturbance and to maintain natural open space or agricultural values.
- (3) Clustered lots shall be placed on the land such that they are visually and functionally separated from other nonclustered lots in the development or designed such that the appearance from surrounding properties is similar to nonclustered lots and achieves the design guidelines of the district.
- (4) A maintenance and environmental management plan shall be submitted for all reserved nonpublic open space or agricultural lands.
- (5) Clustering shall not be permitted where, in the opinion of the Planning Board, upon advice of the Conservation Board, the concentration of individual sewage disposal systems may impair ground- or surface waters.
- (6) Clustered lots shall not be allowed to front on arterial or collector streets.

G. Design guidelines: special conditions.

- (1) Development of lots along the frontage of collector streets shall be discouraged. Larger minimum lot frontages and encouragement of lot development on the interior of the sites with access off of private drives is preferable to lots each having access onto existing or proposed Town and county roads.
- (2) House placement on lots should consider the visual perception of the development from adjoining developments, adjoining lots and roadways.
- (3) Lots less than five acres in size should be able to meet the minimum lot size setback and width requirements without encroaching upon LDD lands.
- (4) Shared driveways and private roads may be favorably considered where they result in the wider spacing of houses on the lots and less impervious surfaces for public roadways.
- (5) Open space linkages shall be provided to adjoining designated open space lands to maintain continuity, wherever possible.
- (6) The Planning Board may reduce front yard setbacks on two-acre or larger lots where construction of the access driveways would unnecessarily disturb the landscape and other design guidelines of this district can be met.
- (7) All grading and drainage plans for development in this district and tree cutting for purposes other than routine landscape maintenance shall be reviewed by the Town Engineer and Conservation Board to ensure that disturbance of the landscape is minimized, in accord with Chapter 119, Sediment Control, of the Perinton Town Code.

APPENDIX B - Review of Agricultural Provisions in the Town of Perinton Zoning Regulations

Excerpts from Town of Perinton Code, Suggested Changes and Comments

- H. *Editor's Note: Former Subsection H, Critical environmental area designation, was repealed 3-28-1990 by L.L. No. 2-1990.*

Site plan approval. Site plan approval shall be obtained when any of the following occur within this district: [Amended 5-12-1993 by L.L. No. 7-1993]

- (1) Construction of a new dwelling unit.
 - (2) Enlargement of an existing structure by greater than 500 square feet.
 - (3) Any construction requiring an area variance, except that a variance for an accessory building not more than 400 square feet will not require a site plan. [Amended 8-11-1993 by L.L. No. 10-1993]
 - (4) Any construction or activity which will encroach upon a Limited Development District.
 - (5) Construction of a deck or addition to an existing deck when the new construction is greater than 500 square feet.
- I. Preexisting nonconforming lots. Nonconforming lots in existence or having received preliminary subdivision approval by the Planning Board shall be eligible for development. The setbacks applied to these lots shall be those of the residential district lot size which most closely approximates the size of the preexisting nonconforming lot.

Editor's Note: Former Subsection J, Preexisting nonconforming lots, which duplicated the provisions of Subsection I and which followed this subsection, was repealed 2-12-1992 by L.L. No. 1-1992.

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Excerpts from Town of Perinton Code, Suggested Changes and Comments

ARTICLE VIII Limited Development District (§ 208-46 — § 208-50)

[Amended 10-26-1994 by L.L. No. 6-1994 ; 10-13-1999 by L.L. No. 3-1999]

§ 208-46 District established.

- A. Recognizing that variations in terrain, hydrology, susceptibility to flooding and soil conditions exist throughout the Town of Perinton, there are hereby established Limited Development Districts (LDD) which shall supersede area, density, setback and other provisions for residential districts under Article [VI](#) and all other zoning districts under Article [VII](#) of this chapter.
- B. Because of these physical variations in the character of the land, different areas are intrinsically suited for different types and intensities of development. Development must be directed by the intrinsic character of the land in order that the health, safety, welfare and property of the citizens of the Town be protected and preserved. Proper and appropriate development is required to preserve water and air quality, preserve fish, wildlife and plant habitat, prevent the irretrievable loss of natural resources and maintain the aesthetic character of the community. These positive benefits are described in more detail in the Natural Resources Inventory prepared by the Perinton Board for the Conservation of the Environment, hereinafter referred to as the "Conservation Board."

§ 208-47 Determination of district boundaries.

- [A.](#) The limits of an LDD shall be determined by its soil, vegetation, terrain and hydrologic characteristics. The basic identifying factors are set forth in the Planning Inventory of the Town of Perinton prepared by the Monroe County Planning Council in 1967. In particular, reference is made to the following maps therein:

Map Number	Title
2	Glacial Geology
3	Soil Associations
4	Soil Characteristics in Relation to Flooding and Ponding
5	Suitability of Soils for Industrial and Commercial Development
6	Suitability of Soil for Installation of Underground Utilities
7	Soil Stability of Depths Three to Six Feet
8	Topography and Watersheds
10	Natural Factors Affecting Development
16	Soil Survey

APPENDIX B - Review of Agricultural Provisions in the Town of Perinton Zoning Regulations

Excerpts from Town of Perinton Code, Suggested Changes and Comments

B. Identifying factors are also referred to in a report prepared by the planning staff of the Monroe County Planning Council (now the Monroe County Department of Planning and Development) entitled "Comprehensive Plan Town of Perinton, Monroe County, New York, 1967-1985," with particular reference to maps therein being:

Map Number	Title
6	Drainage Plan
7	Soil Characteristics in Relation to Erosion

D. The limits of such districts shall be determined by the Town in consultation with the Conservation Board, only after more detailed maps based on actual field conditions are provided by applicants, and shall include those areas where any one or more of the following conditions exist: [Amended 8-22-2001 by L.L. No. 6-2001]

- (1) Slopes equal to or exceeding 15%.
- (2) Areas within the one-hundred-year floodplain or floodway as identified in the most recent Flood Insurance Rate Map or Flood Insurance Study, Town of Perinton, New York, Monroe County, prepared by the Federal Emergency Management Agency.
- (3) Areas prone to inundation by water on a recurring basis or exhibiting a high water table. These areas are identified by any of the following:
 - (a) Areas where the majority of the vegetation is comprised of species identified as "facultative (FAC)," facultative wet (FACW), or obligate (OBL) hydrophytes, as shown in the National List of Plant Species that Occur in Wetlands: Northeast (Region I), published by the United States Fish and Wildlife Service, and the presence of soils identified in the New York Hydric Soils and Soils with Potential Hydric Inclusions, published by the Soil Conservation Service. In areas devoid of vegetation, areas actively or recently farmed, or areas in excess of five acres where the use of vegetation alone leads to ambiguous results, the presence of soils identified in the New York Hydric Soils and Soils with Potential Hydric Inclusions, published by the Soil Conservation Service, or a history of recurring ponding or flooding may be used to define district boundaries.
 - (b) Areas regulated as freshwater wetlands by the State of New York under Article 24 of the Environmental Conservation Law.
 - (c) Areas included in the National Wetlands Inventory as prepared by the United States Department of the Interior or meeting the criteria established by the United States Department of the Interior to delineate such wetlands.
- (4) Areas where the general soil condition is unstable or where foundation instability presents a potential hazard.
- (5) Stream corridors. The area designated shall be the New York State Department of Environmental Conservation classified freshwater streams as defined in 6 NYCRR, Part 701, and the area within a horizontal distance of 10 feet from the top of the bank as determined by the seasonal high-water mark along the sides of said streams.

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- E. If an area has been disturbed by human activity such that the criteria listed in § 208-47D cannot be used to determine the district boundaries, then the map "Natural Factors Affecting Development" shall be used to determine the boundaries.
- F. The following areas are excluded from the LDD:
 - (1) Areas which meet the criteria for an LDD but which are both small and isolated from other LDD areas. The determination as to whether an area is small and isolated shall be made by the Planning Board or official empowered to approve a plan after consultation with the Conservation Board and shall be based on the specific characteristics of the site and the extent to which designation will achieve the purpose of the LDD Ordinance. As a general guideline, an area is "small" if it can be contained in its entirety within a circle with a diameter of 50 feet. It is "isolated" if it is more than 25 feet from any other area which meets the criteria for an LDD.
 - (2) Areas which at one time met the criteria for an LDD, but no longer meet the criteria due to disturbance by human activity, where such disturbance took place prior to July 1974, or was in accordance with an approved subdivision or site plan.

§ 208-48 Permitted uses.

The following uses shall serve as guidelines for permitted uses within an LDD, provided that they do not require structures, the creation of impervious surfaces, excavation, fill or storage of materials and equipment:

- A. Agricultural uses such as general farming, dairying, grazing, Christmas or nursery tree farming or reforestation.
- B. Open space, trails and recreational uses such as wildlife study, hiking, hunting and fishing, provided that no extensive grading or road construction is required.
- C. Lawns, gardens and play areas that may be associated with nearby residential uses.
- D. Cutting and removal of dead or individual trees for the purpose of maintaining the health or viability of a woodlot or for safety.

§ 208-49 Conditional uses.

The following uses and their accessory uses may be permitted when authorized in accordance with this Article VIII and § 208-50, Special requirements:

- A. Nonhabitable structures associated with permitted uses.
- B. Single-family dwellings and their appurtenant utilities and accessory structures. The minimum lot size shall be five acres. Lots partially within an LDD may be less than five acres, provided that:
 - (1) There exists a contiguous area on the lot outside the LDD which meets the area requirements of the underlying zoning district; and
 - (2) There is minimal or no disturbance of the LDD, and that disturbance is for the purpose of providing access and utilities to the lot.

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Excerpts from Town of Perinton Code, Suggested Changes and Comments

- C. Roads, to the minimum extent required to access permitted and conditional uses, bridges, utility transmission lines, underground utilities, pipelines and water retention or detention facilities.
- D. Any cutting or removal of trees in excess of that specified in § 208-48D.
- E. Nonresidential uses, provided that no structures are built within the LDD and a special permit is granted by the Town Board. Mitigation will be required at a 2:1 ratio and shall be specifically outlined as part of the special permit application in accordance with § 208-50.

§ 208-50 Special requirements.

- A. Any use within an LDD not in § 208-48 requires compliance with the provisions for site plan review pursuant to § 208-53. When reviewing a site plan, the Planning Board shall also consider:
 - (1) The impact of the proposal on the objectives outlined in § 208-46.
 - (2) The extent to which the plans submitted for approval include specific measures which preserve the value and function of the LDD and the extent to which those measures will continue to preserve the value and function of the LDD, both during construction and thereafter. These specific measures shall perform in spite of normal variations in execution, scheduling, weather, site conditions or other variations which can affect the performance of those measures.
- B. When a project proposes a nonresidential use that requires mitigation for disturbance of the LDD, the applicant shall submit a mitigation plan to the Town for its review. When mitigation is proposed, the Town shall consider:
 - (1) The value of the LDD area proposed to be disturbed.
 - (2) The extent of disturbance.
 - (3) Alternatives to disturbance.
 - (4) The effectiveness of the mitigation plan.
 - (5) The public value of the mitigation.
- C. The Town shall use the New York State Department of Environmental Conservation classification of freshwater streams, the soils surrounding the stream corridor, the quantity and velocity of flow in the stream and the potential for fish propagation, to establish a hierarchy of streams suitable for the applicability of mitigation.
- D. No site preparation, alteration or construction shall commence until final site plan approval has been granted and any and all permits required by other agencies have been issued.
- E. Any plan which, if executed, would disturb or impact an LDD shall be referred to the Conservation Board for review. For that portion of the LDD affected by the plan, the Conservation Board shall identify those attributes which require protection, special treatment or mitigation. The Conservation Board may make recommendations for that protection, special treatment or mitigation.
- F. In order to achieve the objectives of this article, a board or official empowered to approve a plan may require mitigation or special conditions which will further protect or enhance the LDD. In determining what the appropriate mitigation or conditions shall be, the Town

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shall consider the value of the LDD in protecting water quality, habitat, protection from erosion and effect upon the overall site drainage. These factors shall be considered in conjunction with the development plans, consistency with the Town-wide goals, the need for such development, the potential for success of the mitigation and the need for long-term protection from future encroachment within the LDD.

ARTICLE IX Open Space Preservation/Planned Development Districts (§ 208-51 — § 208-52) [Added 3-10-1993 by L.L. No. 3-1993 ; amended 8-27-2003 by L.L. No. 3-2003]

§ 208-51 Open Space Preservation.

- A. Legislative intent. The Town Board of the Town of Perinton, consistent with Town Law § 261-b, hereby determines that it is appropriate to make adjustments to permissible density and area requirements for the specific purpose of preserving open space at the minimum cost to the citizens of the Town of Perinton.
- B. In order to carry out this intent, an application for an open space preservation project shall address the following objectives:
 - (1) The preservation and enhancement of the natural features of the site.
 - (2) The accommodation of land uses and physical site arrangements which are not contemplated under conventional zoning but which would further the development goals of the Town.
 - (3) The creation of more usable open space and/or recreation area.
 - (4) The preservation of trees, scenic vistas, outstanding natural topography and geologic features, the retention of productive agricultural land and/or the prevention of soil erosion.
 - (5) The provision of a more desirable environment than what would be possible through the strict application of existing zoning.
 - (6) The promotion of the general health, safety and welfare of the Town.
- C. Where open space preservation is deemed appropriate through the rezoning of land to an open space preservation district by the Town Board, the use and dimensional specifications elsewhere in the zoning regulations are herein replaced by an approval process in which an approved open space preservation plan becomes the basis for continuing land use controls.
- D. Application procedure. An application in the form of a letter of intent and two concept plans, one showing conventional development of the tract(s) and one showing the proposed open space preservation development, should be submitted to the Town Board. Not fewer than 15 copies shall be provided for distribution and review. The Town Board, upon receipt of an application, and as part of its review, shall refer the application to the Planning Board and to the Conservation Board for their review and recommendation.
- E. The Planning Board's report and recommendations to the Town Board should consider the following:

APPENDIX B - Review of Agricultural Provisions in the Town of Perinton Zoning Regulations

Excerpts from Town of Perinton Code, Suggested Changes and Comments

- (1) The suitability of the tract(s) for the general type of open space **or farmland** preservation proposed, the physical characteristics of the land and the relation of the proposed development to surrounding existing and probable future development.
- (2) The adequacy of major roads, utilities and other facilities and services to serve the development.
- (3) That the proposal is conceptually sound and that it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, hiking trail system and drainage system.
- (4) The Town's Comprehensive Plan and/or other plans or policies used to guide development in the Town.

F. The Conservation Board's report and recommendations should consider all pertinent environmental issues.

G. When required by § 239 of the General Municipal Law, the application shall be copied to the Monroe County Planning Department for its review. The Town Board and/or Planning Board may also refer the application to the Town Engineer as well as other local and county officials, representatives of federal and state agencies and consultants as deemed appropriate.

H. The application shall explain and show the following information:

- (1) The location and extent of all proposed land uses, including development areas and open spaces, with areas shown in acres.
- (2) All interior streets, roads, access easements and their planned private or public ownership, as well as all points of access and egress from existing public rights-of-way.
- (3) An area map showing adjacent parcels; that portion of the applicant's property under consideration; all properties, zoning districts, subdivisions, streets, access easements, watercourses and other significant natural and built features within 500 feet of the applicant's property; and all uses of abutting lands.
- (4) The area water, sanitary and storm sewer systems with proposed points of connection and their impact on existing systems.
- (5) A description of the manner in which any common areas that are not to become publicly owned are to be maintained, including open space, streets, lighting and other considerations relevant to the proposal.
- (6) A narrative description of any covenants, grants of easement or other restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.
- (7) A written statement by the applicant setting forth the reasons why, in his opinion, the proposal would be in the public interest and would be consistent with the Town's goals and objectives.
- (8) A generic environmental impact statement pursuant to the provisions of 6 NYCRR 617.15 (to be paid for by the applicant) to accompany a long form environmental assessment form (EAF) which addresses at least the following:

APPENDIX B - Review of Agricultural Provisions in the Town of Perinton Zoning Regulations

Excerpts from Town of Perinton Code, Suggested Changes and Comments

(a) The impact on community resources, including roads, traffic, sewers, water supply, public utilities, schools, emergency services, waste disposal and fire protection.

(b) The impact on the natural environment, stormwater management (including quantity and quality), groundwater, streams, wetlands, significant filling and grading and aesthetics.

I. The Town Board shall then hold a hearing to consider the application for open space preservation.

- (1) The Town Board may grant open space preservation zoning only after finding that the open space has community value and that the development area has adequate resources and public facilities, including transportation, water supply, waste disposal and fire protection, to handle the density being proposed. The Town Board must also determine that there will be no significant environmentally damaging consequences and that the development area incentives or bonuses are compatible.
- (2) If the Town Board grants open space preservation zoning, the Zoning Map shall be so revised. The Town Board may, if it feels it necessary, in order to fully protect the public health, safety and welfare of the community, attach to its zoning resolution any additional conditions or requirements for the applicant to meet. If the applicant refuses to accept the conditions outlined, the Town Board shall be deemed to have denied approval. The Town Board shall also determine in each case the appropriate density and area requirements for the individual projects and shall consider any recommendation on the same from the Planning Board. **In no case shall such density exceed the amount that would have been permitted under conventional zoning for the total amount of land which is being considered.** The determination of land use density shall be documented, including all facts, opinions and judgments justifying the proposed project.
- (3) Public hearings shall be held on any application submitted pursuant to this article, and public notice shall thereby be given thereof by the publication in the official newspaper of such hearing at least five days prior to the date thereof

J. Once Town Board approval is given for open space preservation zoning, the applicant shall submit his application to the Planning Board for preliminary and final subdivision and/or site plan approval pursuant to this chapter and Chapter 182, Subdivision of Land, of the Perinton Town Code.

K. Required modifications during subdivision approval. If in the subdivision or site plan review process it becomes apparent that certain elements of the application, as it has been approved by the Town Board, are unfeasible and in need of modification, the applicant shall present a proposed solution. The Town Board shall then determine whether or not the modified plan is still in keeping with the intent of the zoning resolution.

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Excerpts from Town of Perinton Code, Suggested Changes and Comments

ARTICLE X Site Plan Approval and Special Permits (§ 208-53 — § 208-54)

§ 208-53 Site plan review.

A. Prior to issuing a building permit for the construction of a building, change of use of a building, change to an existing site plan or for a building where the site plan approval has expired, on a lot in any district, **except for one-family dwellings or two-family dwellings in approved subdivisions outside of the Residential Sensitive Zoning District**, the Director of the Building Department shall refer the site plans for construction on such lot to the Planning Board for its review and approval. Within a Residential Sensitive Zoning District site plan approval in accordance with § 208-38H and 208-53J of this Code is required. Except for one-family dwellings or two-family dwellings in approved subdivisions, no building permit or certificate of occupancy for a change in use of an existing premises shall be issued except in accordance with standards and procedures set forth in this section.

[Amended 10-13-1977 by L.L. No. 7-1977 ; 11-12-1986 by L.L. No. 6-1986 ; 2-12-1992 by L.L. No. 1-1992 ; 12-27-2006 by L.L. No. 9-2006]

B. Application for preliminary site plan approval. Any preliminary application for site plan approval shall be made in writing to the Building Department and shall be accompanied by the following information, prepared by an engineer, architect, landscape architect or surveyor duly licensed by the State of New York according to each person's particular discipline: *[Amended 10-13-1977 by L.L. No. 7-1977]*

Comment [bj5]: Exempt agricultural structures as well?

Town of Perinton Agricultural & Farmland Protection Plan

APPENDIX C

Overview of Existing Plans, Programs and Regulations

- Town of Perinton Conservation Easement Brochure

Appendix C

Overview of Existing Plans, Programs and Regulations

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 information and technical assistance to farmers. Teams of experts have been assembled on a regional basis to address issues:

- The Cornell Vegetable Program serves the vegetable, greenhouse, potato, and dry bean industries within a 9 County region in western New York. It provides research-based information to assist farmers produce and market vegetable crops profitably and in an environmentally safe manner.
- 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.

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- 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.

Other educational programs administered by Cornell Cooperative Extension of Genesee County include a directory of agritourism and direct market sales outlets and “Agriculture in the Classroom” activities. More information is available at the website: <http://mycce.org/monroe>

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

Town of Perinton Agricultural & Farmland Protection Plan

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 designed 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.

Town of Perinton Agricultural & Farmland Protection Plan

New York/ 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>

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.

The County Soil & Water Conservation District (SWCD) administers the following programs that support environmental management on farms:

- Agricultural Environmental Management (AEM)
 - Technical assistance and cost sharing for qualified projects
 - Priorities are established by watershed in accordance with the Monroe County SWCD’s AEM Strategic Plan for 2009-2014. The Irondequoit Creek Watershed, which includes most of the Town of Perinton, will be targeted in 2011-2012. Projects that would improve the quality of stormwater that drains into Thomas Creek or White Brook are most likely to receive priority for cost sharing.
- Agricultural Nonpoint Source Abatement and Control Program
 - This program provides funding to SWCDs for AEM and other best management practices that will protect water quality in priority watersheds. Applications for Round 17 funding are due December 6, 2010.

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Several Federal Farm Bill Programs are administered through the Natural Resources Conservation Council (NRCS). Most of these programs require landowners to apply for lease payments in exchange for a commitment to install conservation practices.

- Environmental Quality Incentives Program (EQIP)
- Conservation Reserve Program (CRP). Administered by Farm Service Agency with technical assistance provided by USDA Natural Resources Conservation Service (NRCS) and
- Conservation Reserve Enhancement Program (CREP)
- Conservation Security Program (CSP) and
- Wildlife Habitat Incentives Program (WHIP)

- Agricultural Management Assistance Program (AMA). One of the primary goals of AMA is to assist agricultural producers in mitigating risk through production diversification or installation of conservation practices. In New York, this program will focus on practices that improve irrigation efficiency.

OPEN SPACE FOR PERINTON



CONSERVATION EASEMENTS

OPEN SPACE FOR PERINTON

THE CONSERVATION EASEMENT

People want to live in Perinton for many reasons. The Town is a good place to live. It is convenient to job centers. It has an excellent school system and a well-managed, active recreation program. But, most of all, Perinton has ideal land for homes - land that is exceptionally scenic, with lots of wooded hills and rolling fields.

Many of Perinton's first suburban residents came here to escape the crowded urban environment of the city, but the city has followed. In a few cases, not much thought was given to the need to preserve some of Perinton's original character - the very environmental quality that attracts people to the Town.

Open space conservation is more than aesthetics. There are other needs for open space in Perinton. Urban open space areas can help to meet basic human needs for places to relax or play, to meet with friends and neighbors, to enclose neighborhoods so they can be easily identified as social communities, to link homes with shopping centers so they can be safely reached by walking or cycling.

Rural areas with valuable mineral, agricultural and forest lands need to be set aside for sand, gravel, food and timber production - especially when the future supplies of these goods from other areas are becoming more and more uncertain.

Finally, many open lands in Perinton play important parts in the ecological system - they absorb flood waters, prevent soil erosion, provide habitat for wildlife, help cleanse the air of pollutants and

moderate the climate by providing shade and windbreaks. They help to reduce dust and noise pollution, and provide visual relief from the often cluttered urban landscape.

GOALS:

Our commitment is to the citizens of Perinton, those who will live here in future years. On your behalf, we are dedicated to keeping Perinton as a community of people who have a sensitive relationship with the land. Open land is a part of our lives, and we are all part of the Perinton environment. What we do with our lands will symbolize our concern with human needs, our concern with nature, our concern with the air, the water, the plants and the animals which we all need to survive and grow.

We believe there is opportunity for anyone to work or live in Perinton, regardless of race or creed, with personal choice the only limitation.

We believe in Perinton's future as a suburban community, and we welcome development interests who have respect for the intrinsic and aesthetic character of the land.

We are also concerned with our lands which represent valuable areas of rural resource. We want to maintain farming and forest production as a viable way of life. We believe urban and rural interests can coexist in harmony but that Perinton's future urban growth should be related to the capability of the land.

We believe that our neighborhoods and communities should be separated as distinct areas instead of mindless extensions of urban sprawl.

We believe that parks and recreation areas should be closely related to neighborhoods and communities - places people can walk or cycle to, rather than drive.

We believe commercial and employment centers should be screened from, but linked to, residential areas.

We believe in urban development that minimizes disturbance to the land - neighborhoods with trees, streams and soils left intact.

We believe in a variety of open space forms - formal squares and parks, informal areas, rural and rustic landscapes.

We believe in Open Space for Perinton.

Perinton Conservation Board

PERINTON'S CONSERVATION EASEMENT PROGRAM

What exactly is Perinton's definition of a Conservation Easement? Our local law is based on Section 247 of New York's General Municipal Law, which allows a locality to "acquire by grant the easement to land within such a municipality". Such acquisition of easement would be for the "preservation of open spaces and areas" which would "maintain or enhance the conservation of natural or scenic resources".

The owner, in granting a Conservation Easement to the Town, agrees to retain the character and use of the land as it presently is for the term of the easement. He cannot develop the land, or build on it. We also

make a distinction between just leaving the land as it is and actively engaging the land in agriculture. The owner can, in the latter case, additionally agree to actively farm the land for the duration of the easement. The owner does not grant public access to the land or give up any of his rights as a private landowner.

The Town, in its half of the bargain, grants preferential tax treatment to land under Easement. A clause in the law states that any assessed value placed on the land must take into account and be limited by the limitation on the future use of the land.

Many programs have attempted to preserve land forever and failed. While Perinton's Easement Program has not provided a long term solution to open space needs, it has certainly provided a workable, effective, and short to medium term program. The cost has been very small and there have been direct benefits. Farming has remained viable due to the reduced tax burden and development has been slower and more orderly because of the existence of easements. The program has been in existence since the early 70's and is unique in New York State.

Should easements be canceled, property owners are required to pay back tax benefits they have received as well as a penalty amount. The Town Board has set up a reserve fund for open space acquisition in which all Conservation Easement penalties are placed. This has helped to provide monies for acquisition of significant environmental areas which the Town might not otherwise have been able to obtain. Land acquisitions to date include: Indian Hill, a 35- acre parcel of land overlooking much of Perinton, located on Pittsford-Palmyra Road just east of Turk Hill Road; the Clouser property, a 90-acre parcel located at the intersection of Furman and Carter Roads; the Diedrich property, a 60-acre parcel located on Howell Road; the Atkin property, a 122-acre parcel located on Aldrich Road; a 36-acre

parcel north of the Town Hall; a 29-acre parcel on Little Spring Run; and a 23-acre parcel on East Whitney Road; the Jensen property (development rights), 100 acres on Turk Hill Road; and the DeWitt property, a 58 acre parcel also on Turk Hill Road; the Wagner property (development rights) to 42.97 acres on Carter Road; the Wagner (development rights) to 70 acres on Furman Road; the Chase Farm (development rights), 77 acres on Pannell Road.

In 2011 Perinton has over 80 Conservation Easements on 105 parcels, in effect encumbering a total of 2,920 acres which is approximately 13% of the total acreage contained in the Town.

Open space is an important component of our quality of life. Perinton's Conservation Easement Program has played a vital role in our effort to preserve this important asset and to retain the quality and character which have become synonymous with Perinton.

Perinton's Conservation Easement Law reads as follows:

103-1 TITLE

This chapter shall hereinafter be known and cited as the "Conservation Easement Law of the Town of Perinton".

103-2 PURPOSE

It is the purpose of this chapter to provide for the acquisition of interests or rights in real property for the preservation of open space and areas which shall constitute a public purpose for which public funds may be expended or advanced after due notice and a public hearing, by which the Town of Perinton 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 acquire "open space" or "open area" as the same is defined in 103-5 herein.

103-3 LEGISLATIVE AUTHORITY

In accordance with Section 247 of the General Municipal Law of the State of New York, the Town Board of the Town of Perinton has the authority to acquire such interests or rights in land. Pursuant to the above authority, the Town Board has prepared and adopted this chapter setting forth standards to be followed in the acquisition of such interest.

103-4 APPLICABILITY

This chapter shall apply to the entire area of the Town of Perinton, excluding those areas within the corporate limits of the Villages of East Rochester and Fairport.

103-5 DEFINITIONS

For the purpose of this chapter, the terms used herein are defined as follows:

OPEN SPACE or OPEN AREA - Any space or area characterized by natural scenic beauty or 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 the 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. There is no minimum size required for a parcel to be placed under a conservation/agricultural easement; however, the parcel must

be suitable for further development, so that the limitation on development during the easement time period provides a benefit to the town.

103-6 PROCEDURE FOR GRANTING EASEMENT

- A. **Proposal by owner.** Any owner or owners of land may submit a proposal to the Conservation Board of the Town of Perinton for the granting of interests or rights in real property for the preservation of open spaces or areas. Such proposal shall be submitted in such manner and form as may be prescribed by such Conservation Board and shall include a survey map and metes and bounds description of the proposed area. The owner shall pay to the town a fee as shall be set from time to time by the Town Board which shall be deemed a reasonable sum to cover the costs of administration, no part of which shall be returnable to the applicant.

- B. **Review by Conservation Board.** Upon receipt of such proposal, the Conservation Board shall investigate the area to determine if the proposal would be of benefit to the people of the Town of Perinton and may negotiate the terms and conditions of the offer. If the Conservation Board determines that it is in the public interest to accept such a proposal, it shall recommend to the Town Board that it hold a public hearing for the purpose of determining whether or not the Town should accept such proposal.

- C. **Public hearing by Town Board.** The Town Board shall, within 45 days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a place within the Town of Perinton. At least 10 days notice of the time and place of such hearing shall be published in a paper of general circulation in such town, and a written notice of such proposal shall be given to all adjacent property owners and to any municipality whose boundaries are within 500 feet of the boundaries of said proposed area, to the Monroe County Planning Council and to the school district in which it is located.
- D. **Determination.** The Town Board, after receiving the reports of the Conservation Board and the Monroe County Planning Council and after such public hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety. An easement for agricultural/farming purposes, with the attendant tax benefits, may be granted only after the Town Board makes a finding that the parcel will be used for bona fide agricultural production.
- E. **Recording agreement.** If such proposal is adopted by the Town Board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the Monroe County Clerk's Office.
- F. **Cancellation.** Said agreement may not be canceled by either party. However, the owner or owners thereof may petition the Town Board for cancellation upon good cause shown, and such cancellation may be

granted only upon payment of the penalties provided in 103-8 herein.

103-7 VALUATION FOR TAXATION

After acquisition of any such interest pursuant to this chapter, the valuation placed upon such area for purposes of real estate taxation shall take into account and be limited by the limitation on the future use of the land.

103-8 PENALTY FOR VIOLATION OR CANCELLATION

If there is a substantial violation of the terms and conditions of the conservation easement agreement or if said agreement is canceled by the Town Board upon petition, the then owner or owners of said property must pay to the Town of Perinton the following amounts:

- A. All taxes granted abatement under and pursuant to the conservation easement agreement, said taxes to include the state, county, town, school districts and all special improvement districts and other taxing units to which the property is subject. Said back taxes shall be limited as follows: Any easement broken before its 11th year will be subject to a five-year maximum roll back; an easement broken between its 11th and 15th years will be subject to a four-year maximum roll back; an easement broken at its 16th year or later will be subject to a three-year maximum roll back; plus
- B. The penalty assessed on the basis of the previous year's tax abatement multiplied by a factor equal to the term of the easement divided by the current year of the easement. This factor shall not exceed five.

TWO TYPES OF EASEMENT:

In applying for the Easement, the applicant should state whether his easement will be:

- A. **Conservation Easement** - the applicant agrees that land under easement will not be developed, built upon, or otherwise changed during the term of the easement.
- B. **Conservation Easement (Farming Purposes)** - the same as (A.) except that the applicant additionally agrees that the land under easement shall be principally and actively used for farming purposes for the term of the easement.

Land covered by a Conservation Easement may be sold at any time, but the terms and conditions of the easement shall continue until its expiration.

DURATION OF EASEMENT:

Easements are being accepted with a minimum term of five (5) years. There is no maximum term.

VALUATION FOR TAXATION:

The Assessor is legally required to "take into account and be limited by the limitation on the future use of the land" resulting from the Easement. The following table of Tax Assessment is presently in use. This table is not part of the law.

% of pre-easement value remaining taxable

<u>Years</u>	<u>Conservation</u>	<u>Farming</u>
5	75	40
6	65	32
7	56	28
8	48	24
9	41	20
10	35	17
11	30	15
12	26	13
13	23	12
14	21	11
15	20	10
16	19	
17	18	
18	17	
19	16	
20	15	
21	14	
22	13	
23	12	
24	11	
25	10	

EXCEPTIONS:

If the applicant wishes to exclude certain parcels from the easement, these should be discussed and agreed to with the Conservation Board.

It will be required that parcels which include a principal dwelling and farm buildings exclude a small parcel of a few acres encompassing these buildings and designate that area as an exception to the easement.

CANCELLATION OF EASEMENT:

The easement may be canceled by applying to the Town Board. At the time of such cancellation, or if the terms of the easement have been violated by the landowner, the Town will assess roll-back taxes and a penalty as outlined in Section 103-8 of the Conservation Easement Law. The penalty shall be assessed against all the land under easement, except in the case of the death of a sole owner in which case the penalty will be assessed only against that portion which is to be developed or changed in use within one year of the date of death. Thereafter, the penalty and back taxes will be levied upon the land under easement. The penalty decreases with the length of time the easement holder has been in the easement. This encourages the easement holder to stay in the program as long as possible. The table shown on the following page illustrates the penalty provision.

(Applied to the previous year's tax reduction)

		Current Year of Easement														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
E A S E M E N T	15	5.0	5.0	5.0	3.8	3.0	2.5	2.1	1.9	1.7	1.5	1.4	1.3	1.2	1.1	1.0
	14	5.0	5.0	4.7	3.5	2.8	2.3	2.0	1.8	1.6	1.4	1.3	1.2	1.1	1.0	
	13	5.0	5.0	4.3	3.3	2.6	2.2	1.9	1.6	1.4	1.3	1.2	1.1	1.0		
	12	5.0	5.0	4.0	3.0	2.4	2.0	1.7	1.5	1.3	1.2	1.1	1.0			
	11	5.0	5.0	3.7	2.8	2.2	1.8	1.6	1.4	1.2	1.1	1.0				
	10	5.0	5.0	3.3	2.5	2.0	1.7	1.4	1.3	1.1	1.0					
	9	5.0	4.5	3.0	2.3	1.8	1.5	1.3	1.1	1.0						
	8	5.0	4.0	2.7	2.0	1.6	1.3	1.1	1.0							
	7	5.0	3.5	2.3	1.8	1.4	1.2	1.0								
	6	5.0	3.0	2.0	1.5	1.2	1.0									
5	5.0	2.5	1.7	1.3	1.0											
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	

Town of Perinton Agricultural & Farmland Protection Plan

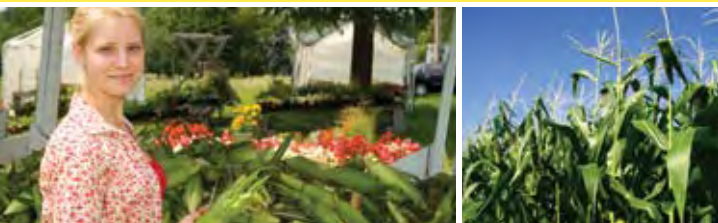
APPENDIX D

Farm Product Promotion Program Materials

- Grow Monroe
- Pride of New York
- Other State Programs



The GROW MONROE program promotes the benefits of **buying local** and highlights the wide variety of fresh produce and other agricultural products that can be found right here in **Monroe County**.



Buying local benefits everyone in Monroe County at several levels:

Individuals who choose to buy local produce purchase fresh-from-the-field products, grown by people they can get to know and trust.

Our **environment** is protected because products do not need to be shipped hundreds or even thousands of miles, reducing drastically the products' carbon footprint.

Our **economy** is strengthened for every resident of Monroe County. Our money stays in our county—that's good for all of us.

All of this is accomplished while supporting Monroe County **farmers** who offer highly desirable local products. Each purchase allows them to grow their businesses and preserve the farming heritage so many of us cherish.



Learn a Growing Profession

Careers in Agriculture

The study of today's agriculture involves a lot more than farming. It includes management, engineering, biology, economics, renewable energy, and food science, to name just a few areas. The Agriculture and Life Sciences Institute at Monroe Community College is leading the way to a more sustainable future.



Multiple resources for agricultural education:

- Agricultural workforce training
- Pathways to an agriculture degree at Cornell University
- Advocacy and advancement of local agriculture

For more information about careers in agriculture, please contact the Admissions Office at MCC:
585-292-2200 admissions@monroecc.edu



AGRICULTURE AND LIFE SCIENCES INSTITUTE

Agriculture and Life Sciences Institute
Monroe Community College
1000 E. Henrietta Road
Building 8, Room 312
phone: 585-292-2065
email: rking@monroecc.edu



Enjoy Monroe County Agriculture





Buying Local: It's good for all of us.

A Smart Choice for Your Family, the Environment and Our Economy

When you go green by purchasing locally grown produce, you're voting with your dollars in support of Monroe County agriculture. Discover our year-round bounty and the surprising variety of local agricultural products.

Smart "Buy-Local" choices:

- Provide tasty and nutritious fresh fruits and vegetables
- Reduce ecological costs of shipping from distant growers
- Strengthen Monroe County's economy

Local Agriculture Grows Our Economy

Sales of Monroe County farm products generate nearly \$120 million for our economy each year. Agriculture supports thousands of area jobs—many of them on farms as well as related occupations, from food processing to veterinary services. In so many ways, agriculture is an investment with big returns for Monroe County.

Monroe County supports and values agriculture:

- Our county is home to successful national food brands
- Our farms offer a wide range of quality products
- Our county supports a wide variety of ag-related employment opportunities

www.growmonroe.org

The Future of Farmland

Monroe County is home to more than 600 farms and over 100,000 acres of farmland. More than a quarter of the land is dedicated to agriculture. Farms are a vital part of our economy and quality of life. And yet, Monroe County loses 700 acres of farmland each year to development. Once developed, farmland is lost forever. Your support can have meaningful impact on farmland preservation.

How the Agriculture and Life Sciences Institute at Monroe Community College helps preserve farmland:

We assist farmers, landowners and municipalities to protect and promote farmland by:

- Interpreting existing land-use policies
- Guiding comprehensive planning processes
- Consulting on drafting land-use ordinances
- Assisting with farmland protection plans

Monroe County Farms Map

With over 600 farms located in Monroe County, no matter where you live you are sure to find fresh produce and other agricultural products grown nearby.



Local Produce Availability

Enjoy a wide variety of fresh produce grown right here in Monroe County!

Harvest period Availability period

	January	February	March	April	May	June	July	August	September	October	November	December
VEGETABLES												
Cabbage												
Corn												
Herbs												
Onions												
Peas												
Potatoes												
Pumpkins												
Radishes												
Rhubarb												
Squash, Summer												
Squash, Winter												
Tomatoes												
Zucchini												
FRUIT												
Apples												
Blueberries												
Peaches												
Raspberries												
Strawberries												

Local dairy, honey, and maple syrup are generally available all year long, not to mention seasonal favorites like flowers, nursery stock, and Christmas trees.



GROW *new york*

Enhancing the economic vitality of New York's food and agriculture industry

ENVIRONMENTAL STEWARDSHIP

WHO:

Farm operators

5 TIERS OF AEM:

1. Document good practices.
2. Identify areas of concern.
3. Develop farm plan.
4. Implement farm plan.
5. Evaluate effectiveness.

WEB SITE:

<http://www.nys-soilandwater.org>



New York's Agricultural Environmental Management (AEM) program serves as a national model of how a proactive, voluntary, incentive-based approach can successfully result in protecting and enhancing the State's soil and water resources, while meeting the economic needs of New York's diverse agricultural industry. The AEM partnership of local, state and federal agencies, environmental groups, private sector businesses and farmers, provides technical, educational and financial assistance to develop and implement conservation plans to address issues such as pesticide use and nutrient management. This program will fund up to 87.5 percent of the total cost of eligible projects.

AEM offers large and small farms a solution for complying with regulatory requirements, while advancing water quality objectives and meeting business goals on the farm. Using AEM's five-tiered process, farmers work with a team of local AEM resource professionals to develop and implement effective and profitable farm plans. The five tiers include:

- ★ Tier I - survey current activities, future plans and potential environmental concerns
- ★ Tier II - document current environmental stewardship and identify and prioritize areas of concern
- ★ Tier III - develop a conservation plan addressing areas of concern, tailored toward the goals for the individual farm
- ★ Tier IV - implement the plan, utilizing available financial, technical and educational assistance
- ★ Tier V - perform evaluations to ensure the protection of the environment and farm viability

New York State Department of Agriculture and Markets

1 Winners Circle, Albany, NY 12235 1-800-554-4501 <http://www.agmkt.state.ny.us>



QUALITY ASSURANCE

WHO:

Farm operators

PRODUCE QUALITY:

- Third-party certification services for the produce industry
- More info: call 518-457-4492

EGG QUALITY:

- Voluntary program to minimize *Salmonella enteritidis* in shell eggs
- More info: call 518-457-3502

CATTLE HEALTH:

- Disease prevention program that develops farm-specific herd health plans
- Website: <http://nyschp.vet.cornell.edu>
- More info: call 518-457-3502

New York leads the way with programs to assist production agriculture in maintaining the utmost level of quality through voluntary, incentive-based initiatives.

★ PRODUCE QUALITY ASSURANCE PROGRAM

The Produce Quality Assurance Program (PQAP) provides third party verification services for growers, packers, shippers and receivers. Developed to minimize the potential for microbiological contamination of New York State produce and to ensure continued quality, PQAP certification verifies that products sold are produced and/or packed under the safest means practicable.

★ EGG QUALITY ASSURANCE PROGRAM

The New York State Egg Quality Assurance Program (NYSEQAP) is a voluntary program that helps egg producers implement recommended best management practices to minimize *Salmonella enteritidis* (SE) contamination of shell eggs. Currently, over eighty percent of the commercial shell eggs produced in New York State come from NYSEQAP certified farms.

★ CATTLE HEALTH ASSURANCE PROGRAM

The New York State Cattle Health Assurance Program (NYSCHAP) is an integrated disease prevention program that utilizes a team of advisors to develop a farm-specific herd health plan. The objective is to increase herd health, while assuring food safety and promoting environmental stewardship. The cooperative approach to NYSCHAP involves participation from the producer, herd veterinarian, nutritionist, and consultants.

New York State Department of Agriculture and Markets

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PRIDE OF NEW YORK

WHO:

Producers, processors, packers and retailers of New York food and agricultural products

OBJECTIVE:

Enhance consumer demand and increase sales for New York State grown and produced products

PRODUCT QUALIFICATION:

- Products must be either grown or processed in New York State, and
- Meet program standards

RETAILER QUALIFICATION:

- Willing to commit space and promotional resources to *Pride of New York* products

MORE INFO:

Call the Pride of New York Program at the Department at 518-457-7229 or visit the Department's website

Surveys show that consumers are more likely to buy a local product if it is comparable in price and quality to an imported product. In response to the food industry and consumer demand, the Department of Agriculture and Markets has developed a promotional program that identifies and encourages the sale of New York State food and agricultural products. That program is entitled Pride of New York.

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 does so by providing marketing materials and assistance, and by conducting promotional activities which highlight New York State's many exceptional products.

Regardless of the size of your business or promotional budget, Pride of New York is a cost-effective way to give your product and business a competitive edge. Participation in the Pride of New York Program will

- ★ help customers more easily identify products produced in New York State;
- ★ help retain existing customers who value local and New York State products; and
- ★ help ensure product quality to New York consumers.

Currently, Pride of New York is recognized on a long list of products that are either produced or manufactured in New York State. They include:

Dairy Products	Maple Syrup
Fruits & Vegetables	Beef, Poultry & Meats
Christmas Trees	Wines
Jams, Jellies & Relishes	Baked Goods & Candies

Supporting local businesses improves the economy for all New Yorkers. We invite you to assist us in our efforts to promote New York State food and agriculture by joining the Pride of New York Program today.

New York State Department of Agriculture and Markets

1 Winners Circle, Albany, NY 12235 1-800-554-4501 <http://www.agmkt.state.ny.us>



MARKET ENHANCEMENT

WHO:

Agricultural producers and food manufacturers

WHAT:

Marketing assistance on the local, state, national and international levels

SERVICES AVAILABLE:

Direct:

- Farmers' Market Nutrition Program
- Farm Fresh Guide
- Farmers' Market Grant

Domestic:

- State & National Trade Shows

International:

- Market research
- Liaison with USDA Foreign Agricultural Service
- International market development funds
- International representation

MORE INFO:

Call the Department at 518-457-7076 for additional information and promotional materials. Browse the Farm Fresh Guide on the Department's website.

Marketing has recently gained increased attention in the food and agriculture industries. The Department of Agriculture and Markets administers numerous programs, organizes activities and provides services, which assist the industry in expanding existing markets and developing new ones on various marketing levels.

★ DIRECT MARKETING

The Farmers' Market Nutrition Program provides checks to low income, nutritionally at-risk families enrolled in the Women, Infants, and Children (WIC) and Senior Meal Programs, which are redeemable for fresh produce at more than 200 participating farmers' markets statewide. The Department also publishes the "Farm Fresh Guide," a bi-annual directory available in print and on the web, that lists and describes farm stands, u-pick operations and other direct marketing outlets throughout the state.

★ DOMESTIC MARKETING

To assist New York food and agriculture producers in obtaining national representation for their products, the Department is extremely active in participating in and/or providing New York pavilions at numerous trade shows and other promotional events throughout the country.

★ INTERNATIONAL MARKETING

In the international marketplace, the Department provides buyers with information about sourcing products from New York State. The Department also disseminates trade leads to New York companies, conducts market research and development activities, and fosters communication between industry and USDA's Foreign Agricultural Service.

Through the Market Access Program (MAP) Branded Program, the Department is also able to secure matching funds for international market development and promotion. New York companies receive approximately \$1.25 million in funds annually to advertise and promote their products around the world.

New York companies are also represented in generic international marketing activities such as trade shows, in-store promotions and trade missions in the following regions of the world.



New York State Department of Agriculture and Markets

1 Winners Circle, Albany, NY 12235 1-800-554-4501 <http://www.agmkt.state.ny.us>

BUSINESS DEVELOPMENT

WHO:

Agricultural producers/businesses in New York State

OBJECTIVE:

- Provide technical assistance and regulatory guidance, streamlining agricultural business development
- Communicate with both the public and private sectors

RELATIONSHIPS WITH:

Empire State Development Corp.
Local Agricultural Development Specialists
NY Agri-Development Corp.
NYS Dept. of Environmental Conservation
NYS Dept. of Health
NYS Dept. of Transportation
NYS Energy Research and Development Authority
NYS Office of Parks & Recreation
NYS Public Service Commission
NYS Tax and Finance
USDA Rural Development
USDA Farm Service Agency
US Small Business Administration

MORE INFO:

Call the Department at
518-457-7076

Have you developed a business plan or marketing strategy for your existing business? Are you looking to expand your business or seeking to access new and improved technologies? Would you like to make your business more efficient and competitive?

If so, we can help! The New York State Department of Agriculture and Markets now provides assistance to help agricultural producers and food processors locate public and private funding for business development or expansions. In addition to other services described in this folder, we also offer business development, expansion and diversification assistance by:

- ★ Evaluating laws, rules, and regulations to determine industry impact and to assure implementation in a manner that does not place unnecessary hardship on agriculture producers or food processors;
- ★ Helping individual businesses to overcome obstacles during the permitting process;
- ★ Assisting with implementing cost saving procedures while maintaining regulatory compliance and economic viability;
- ★ Providing an information exchange process between the agricultural and food processing industry and regulatory agencies;
- ★ Offering guidance in addressing technical questions;
- ★ Aiding with business plan development and review; and
- ★ Serving as a comprehensive, one-stop-shop for agricultural business development.

The Department works closely with a number of state and local agencies and organizations to provide comprehensive information and assistance. Through these partnerships, the Department provides important connections to other valuable programs and resources.

Our expansive contacts throughout state government and the agricultural industry will not only provide you with technical assistance, but will help you overcome bureaucratic obstacles that you may encounter.

Let us help! Contact the New York State Department of Agriculture and Markets today with your ideas for improving the agriculture and food industries.



New York State Department of Agriculture and Markets

1 Winners Circle, Albany, NY 12235 1-800-554-4501 <http://www.agmkt.state.ny.us>

WORKFORCE DEVELOPMENT

WHO:

Agricultural workers and employers

WORKFORCE TRAINING:

- 30-40 hours of training; half in class and half “hands-on”
- Many courses offered in Spanish

CHILD DEVELOPMENT:

- Available for children of farmworkers
- Includes health and dental care for children
- Meals and transportation provided
- Age appropriate activities
- Follows Head Start guidelines

MORE INFO:

- For the AWCP Program, contact your local Cooperative Extension Office or the Department.
- For ABCD Day Care, contact the NYS Federation of Growers' and Processors' Association at 518-346-6447 or the Department.

Help Wanted.

These are two words that many businesses are becoming all too familiar with. For years now, the Department of Agriculture and Markets has been working to help farmers find an adequate and skilled workforce by providing professional training and day care for your current and future employees. Take a closer look at these two programs. They may be the answer you have been looking for.

★ AGRICULTURAL WORKFORCE TRAINING

The New York State Agricultural Workforce Certification Program (AWCP) has increased the number and improved the skills of agricultural workers in New York State by providing training and employment placement to individuals seeking specialized commodity based farm employment. Since 1992, AWCP has graduated more than 4,000 men and women with a placement rate exceeding 90 percent.

An AWCP program usually takes place on a college campus or Cooperative Extension office, and is between 30 and 40 hours in length, with half classroom training and half job shadowing, or “hands on” training. New curricula are constantly being developed. If your community has a workforce development need in the production agriculture or food processing areas, contact the Department to discuss arranging a new course. Here are some of the current course offerings, many of which are offered in Spanish.

Dairy Manager

Herdsperson

Milker

Crop Manager

Nursery Specialist

Sheep Shearer

Landscape Technician

Equine Specialist

Equipment Repairer

AWCP graduates are in demand, so put your request in early or explore the possibility of starting a training program in your area, if one does not already exist.

★ AGRIBUSINESS CHILD DEVELOPMENT & DAY CARE

The New York State Agribusiness Child Development Program (ABCD) serves children of farm workers across the state. The program currently serves between 1,500 and 1,800 children per year in 11 licensed child care centers and 25 to 30 licensed day care homes from which the ABCD purchases services. New sites are being added to help serve more children in more areas of New York State.

Children from six weeks of age to six years are eligible for the services provided by ABCD. Comprehensive child development services, including health and dental care, meals, transportation, and age appropriate educational and physical activities are provided to each child, including services for children with disabilities. The program utilizes Head Start guidelines, which require extensive parental involvement.



New York State Department of Agriculture and Markets

1 Winners Circle, Albany, NY 12235 1-800-554-4501 <http://www.agmkt.state.ny.us>

FUNDING OPPORTUNITIES

WHO:

Farmers, agribusinesses, food processors and research institutions

GRANT FACTS:

- Most grants require a cost-share that can include cash or in-kind services
- Could fund up to 75% of your project, depending on individual grant

APPLICATION PROCESS:

1. The Department will issue funding availability, usually through a Request for Proposals (RFP), announcing the application requirements, criteria and deadlines.
2. Interested parties can obtain a copy of the RFP by contacting the Department via telephone or website.
3. Complete and return application by deadline specified on the RFP.
4. If appropriate, applications are scored and competitively ranked.

MORE INFO:

Call the Department at 518-457-2713 or visit the Department's website at www.agmkt.state.ny.us

We have the resources that could address your needs for capital improvements, market feasibility, new product development, farm market enhancement, or assist with the purchase of development rights on farmland. The Department of Agriculture and Markets has numerous funding opportunities that help individual businesses and the agricultural industry become stronger and more profitable. So, take a look at what we have and see which ones fit you and your business.

★ AGRICULTURAL RESEARCH AND DEVELOPMENT GRANTS

To keep pace with global marketplace competition, this grant offers funding for projects which promise positive economic results, such as new product development; alternative production, processing, distribution, and marketing technologies; the introduction of new technologies; and organizational approaches that further develop the industry.

★ FARMLAND VIABILITY GRANTS

Designed to help maintain farmland as a working landscape, this program funds the development of farm viability plans and the implementation of projects which contribute to farm profitability and sound environmental management. Grant funds may be used by a county to implement a portion of its agricultural and farmland protection plan or may be used by an individual farm to develop or implement a business management plan.

★ FARMERS' MARKET DEVELOPMENT GRANTS

To encourage the creation of new farmers' markets or the improvement of existing ones, this grant may be used to assist in the construction, reconstruction, expansion, rehabilitation or physical improvement of a market, including assistance for engineering or architectural designs.

★ ENTERPRISE PROGRAM

Provides gap financing funds for agricultural business development/expansion or for construction of publicly owned facilities/infrastructure which are necessary to accommodate production agriculture or agribusiness development.

★ NON-POINT SOURCE ABATEMENT & CONTROL GRANTS

Helps farmers protect New York's lakes, streams and rivers from agricultural runoff by awarding Soil and Water Conservation Districts funding to correct and prevent water pollution from farms through the development of water quality assessments, runoff buffers and waste management systems.

★ FARMLAND PROTECTION GRANTS

To help put a stop to the conversion of farmland into irreversible commercial and residential properties, this program helps protect farmland by awarding grants to towns and counties for developing farmland protection plans and for the purchase of farm conservation easements or development rights.

GROW
new york



New York State Department of Agriculture and Markets

1 Winners Circle, Albany, NY 12235 1-800-554-4501 <http://www.agmkt.state.ny.us>

Town of Perinton Agricultural & Farmland Protection Plan

APPENDIX E

Perinton Agricultural Data Statement Form

Appendix E

NOTICE OF PENDING APPLICATION
Project involving land requiring an Agriculture Data Statement

This notice is being sent to you, an identified owner of land containing a farm operation or the operator of a farm operation with boundaries within five hundred feet of a parcel of land proposed for Site Plan, Subdivision, Special Use Permit or Use Variance approval before the Town. This notice is being sent in accordance with the provisions of Section 283-a of the State of New York Town Law.

_____ is proposing _____ at
(Applicant Name) (Proposed Action)

_____ tax account no. _____
(Street Location)

The _____ Board of the Town of Perinton will conduct a public hearing on this application on _____, 200__ at 7:30 P.M. in the Perinton Town Hall, 1350 Turk Hill Road. Should you have any questions regarding this application, you may review the proposal at the Building Department Office at the Town Hall Monday through Friday 9:00 a.m.-5:00 p.m., or call the Building Department Office at 223-0770.

If you have comments regarding this application, they will be received by the Planning Board at the public hearing or they may be submitted to the Board in writing prior to the meeting.

Town of Perinton Agricultural Data Statement

Project application number _____

In accordance with Section 283-a of the New York State Town Law, the Town of Perinton will use the data in this statement to assist in evaluating the impacts of proposed development projects, subdivisions or special use permits on farm operations within the Agricultural Use Districts.

A. Name of applicant: _____

B. Mailing address of applicant: _____

C. Description of the proposed project: _____

D. Project location: _____
(give street address, distance and direction from nearest cross street)

E. Tax account number _____

F. Total number of acres involved in the project _____
(total acreage in tax account Or in all involved tax accounts)

G. Total number of acres to be disturbed, altered, divided, effected _____

H. Is any of the site currently used for agriculture? _____ Yes _____ No

If so, how many acres are involved? _____ acres, and what type(s) of agriculture currently take place on the site? _____

If no, is the site within 500 feet of an agricultural operation within the District? _____
(information is available on the location of the operations within the district)

I. Who is currently farming the site? _____
Does this person own the site? _____ Yes _____ No, rent the land

K. Generally describe the topography of the site _____

L. Does the site contain any Limited Development District? _____ Yes _____ No
(Section 148-80 of the Town of Perinton Code)

M. Following development, what is the intended use of the remainder of the land? _____

Who will retain ownership of the remainder of the site? _____

N. Please describe the existing ground cover on the site _____

Describe the site drainage _____

(include information on any field tiles, streams, flood plain areas and changes to the site drainage)

O. On an existing tax parcel map indicate the parcel(s) that contain the site and all properties within 500 feet of the boundaries of the site that contain agricultural activity. For any identified agricultural sites within 500 feet, identify the owners or operators and describe the operations on those properties. For example, livestock, field crops, orchards, nursery and greenhouses. Provide detail for each of the identified subtypes, where applicable. Tax map and parcel ownership information is available at the Town of Perinton Building Department or Assessors Office.

Signature of individual completing form _____ Date _____

(FOR TOWN USE ONLY)

Referred to Monroe County Planning _____ Yes _____ No, if no state reason _____

Date of referral _____ County referral number _____

Signature of Official Accepting form _____ Date _____

Town of Perinton Agricultural & Farmland Protection Plan

APPENDIX F

Comprehensive Plan Maps

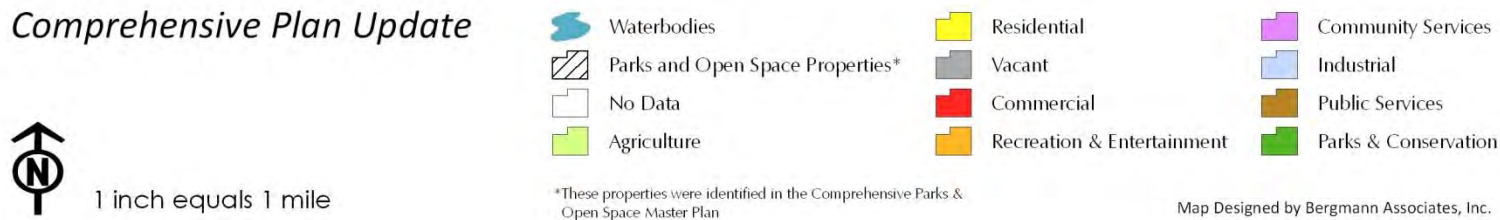
Figure 4: Existing Land Use

Figure 6: Future Land Use

Figure 8: Public Services and Utilities

Figure 12: Topography

Figure 13: Hydrography





Town of Perinton Comprehensive Plan Update



Figure 6: 2021 Future Land Use Plan

- | | | |
|--------------------------------------|---|-------------------------|
| Town Parks and Open Space Properties | Low Density Residential and Agriculture | Mixed Use Area |
| Town Development Rights | Suburban Residential | Commercial |
| Parks | Multifamily Residential | Planned Non-Residential |
| Light Industrial | Medium Density Residential | Office Mixed Use |

1 inch equals 1 mile

Map Designed by Bergmann Associates



Town of Perinton

Comprehensive Plan Update

FIGURE 8: Public Services & Utilities



1 inch equals 1 mile



Ambulance Locations



Fire Department Locations



Sanitary Sewer Districts



Bushnell's Basin Fire Department



East Rochester Fire Department



Egypt Fire Department



Fairport Fire Department



Penfield Fire Company



Fairport Municipal Commission



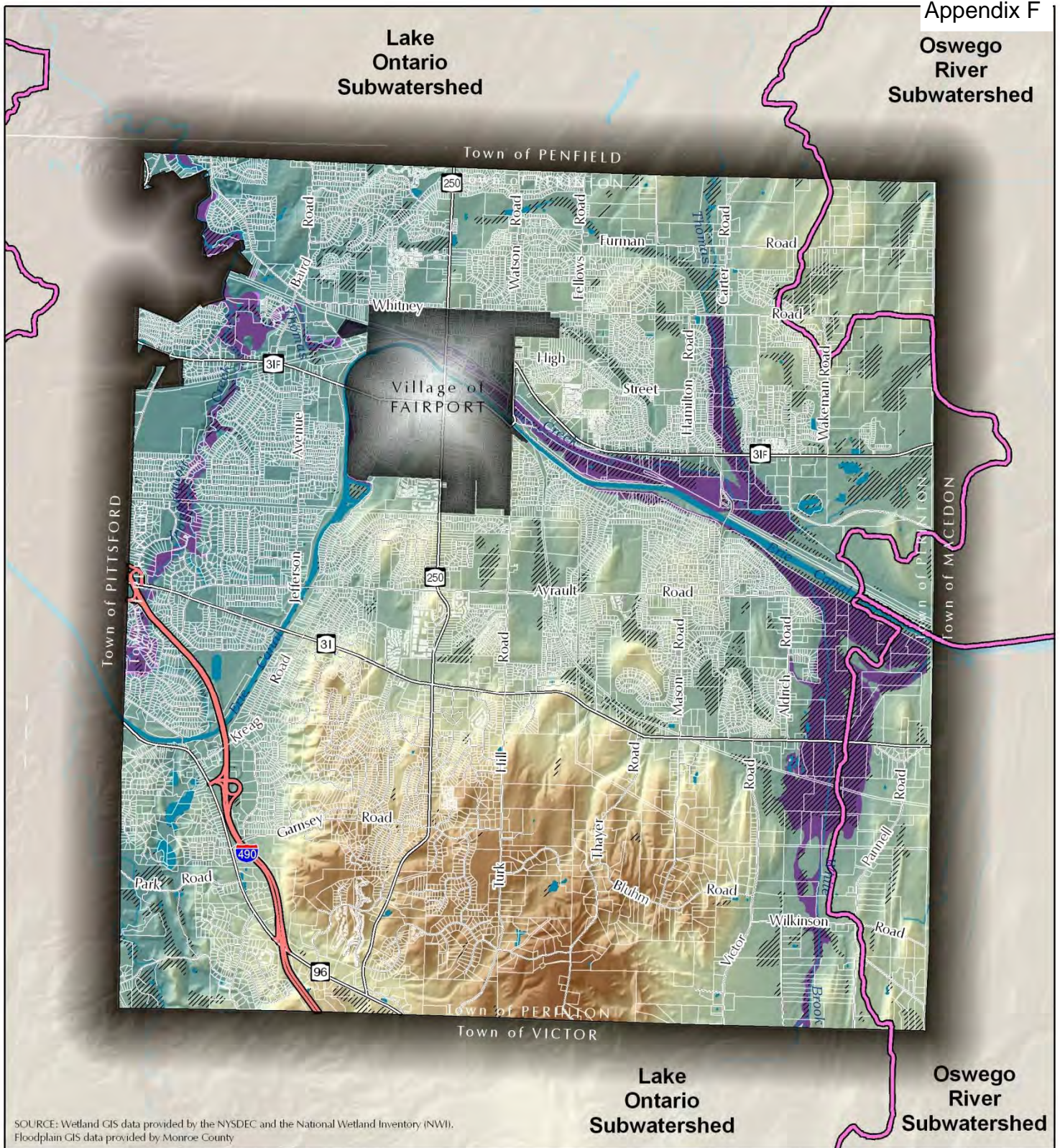
Town of Perinton

Comprehensive Plan Update



1 inch equals 1 mile

FIGURE 12: Topography



Town of Perinton Comprehensive Plan Update

FIGURE 13: Hydrography

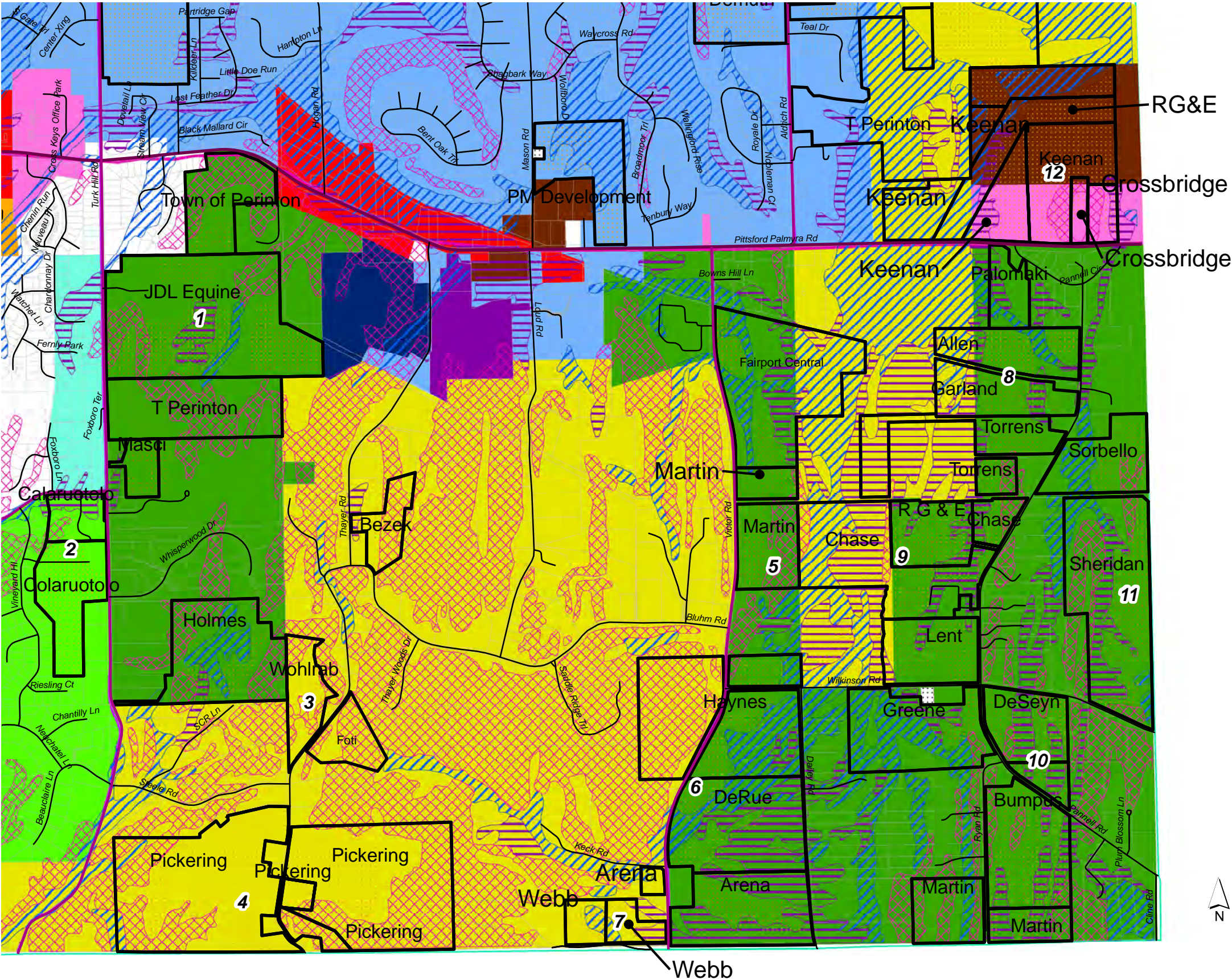
Town of Perinton Agricultural & Farmland Protection Plan

APPENDIX G

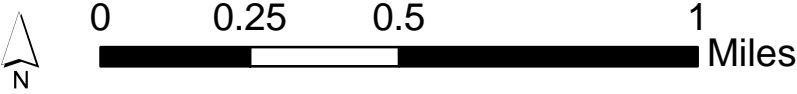
Inventory of Farm Parcels – Southeast Perinton

- Key Map: Inventory of Farm Parcels; Zoning Districts and Limited Development Districts
- List of Farm Parcels in Southeastern Perinton
- Description of Farm Parcels

Inventory of Farm Parcels in SE Perinton



- 1 Inventory page reference**
- Zoning Districts**
- R-S Residential Sensitive
 - RT-1.2.5. Residential Transition
 - RT-2.5. Residential Transition
 - AA Residential AA
 - B Residential B
 - APT Apartments
 - OSP Open Space Preservation
 - PDD Planned Development District
 - RB Restricted Business
 - CO Commercial
 - IND Industrial
 - + Cemetery
- Limited Development Districts**
- > 15% Slope
 - Moderate Susceptibility to Flooding
 - High Susceptibility to Flooding
- Legend**
- Farm Parcels
 - Other Parcels
 - ActiveFarmland



Farm Parcels - Southeastern Perinton

Assessment Information and Protection Status

Assessment Information						Ag. District	Town PDR	Town Term Easement Program (as of 2011)				
Print Key	Parcel Location	Owner1	Owner2	Property Class.	Acres			TYPE	TERM	YEAR	Total Acres	Easement Acres
180.01-1-14	1942 Turk Hill Rd	JDL Equine Inc		117	125.52	Y	PDR					
180.01-1-15	2112 Turk Hill Rd	Town of Perinton		240	57.7							
180.03-1-13	2334 Turk Hill Rd	Holmes, Robert W	Holmes, Ellen	170	61.5			F	12	2015	61	59.5
180.03-1-28.1	2287 Turk Hill Rd	Colaruotolo, Antionette M	Colartotolo, John	421	36.46			F	10	2018	36	29.73
180.03-1-29	Garnsey Rd	Colaruotolo, Antionette M	Colaruotolo, John	152	14.96							
180.03-1-7.2	2160 Turk Hill Rd	Masci, Iginio	Masci, Karen	240	11			F	5	2016	11	7.1
180.04-1-10	10 Bluhm Rd	Bezek, Matthew	Bezek, Linda J	240	16.77			F	15	2020	16	15.77
180.04-1-71.11	719 Thayer Rd	Wohlrab, Carol B	Wohlrab, David	240	21.35			F	5	2014	21	19.35
181.01-1-14.2	23 Pannell Cir	Palomaki Farms LLC		170	15.82							
181.01-1-32.1	Victor Rd	Fairport Central	School District	105	88.39							
181.01-1-35	127 Pannell Rd	Allen, Robert C	Allen, Beverly H	241	32.57							
181.01-1-6	Pittsford Palmyra Rd	Keenan, John		105	46.42			F	15	2021	46	46.42
181.02-1-1	Pittsford Palmyra Rd	Keenan, John		105	66.3			F	15	2021	66	65.8
181.02-1-10	Pittsford Palmyra Rd	Crossbridge Community	Church Inc.	320	10							
181.02-1-2	8146 Pittsford Palmyra Rd	Crossbridge Community	Church Inc.	312	6.1							
181.03-1-12	Pannell Rd	Long, Phillip	Long, Donald	105	10.1							
181.03-1-13.1	Pannell Rd	Torrens, Donna L	Long, Phillip & Donald	105	33			F	6	2012	33	33
181.03-1-13.2	Pannell Rd	Torrens, Donna Lee		314	8							
181.03-1-30.1	270 Wilkinson Rd	Lent, Floris A		241	33.3			F	15	2021	33	23.3
181.03-1-33	Pannell Rd	Chase, Robert W	Chase, John C	120	83.06	Y	PDR	F	30	2015	83	81.56
181.03-1-34	391 Pannell Rd	Rochester Gas & Electric		870	64.35							
181.03-1-35	Victor Rd	Martin, David K		105	40.3			F	15	2026	40	40.3
181.03-1-36.2	Wilkinson Rd	Fulreader, Rufus E		320	29.18							
181.04-1-2	230 Pannell Rd	Sorbello, Leonard J		210	33.4			F	11	2019	33	30.4
181.04-1-3	Wilkinson Rd	Sheridan, Thomas P	Sheridan, Arlene	105	90			F	5	2015	90	90
194.01-1-22.1	960 Thayer Rd	Pickering Family Partnership		241	117.98	Y		F	15	2026	117	105.98
194.02-1-17	865 Victor Rd	Webb, Gary W	Webb, Pamela B	240	11.1			F	10	2020	11	9.6
194.02-1-18.1	6766 Spring Creek Dr	Webb, Gary W	Webb, Pamela B	105	10.56			F	10	2015	10	10.56
194.02-1-20.1	916 Thayer Rd	Pickering, Wayne B		210	5	Y		F	15	2011	5	2
194.02-1-20.21	Thayer Rd	Pickering Family	Partnership	322	101.12	Y		F	15	2026	101	101.12
195.01-1-1	568 Victor Rd	Haynes, Nancy Jane	De Muth, Linda Elizabeth	100	104.42	Y		F	15	2026	104	97.42
195.01-1-10	Wilkinson Rd	DeSeyn, John Peter		105	30.3							
195.01-1-13.1	753 Pannell Rd	Bumpus, Irma C		100	62							
195.01-1-23	433 Ryan Rd	Martin, Carvel B	Martin, Lana L	100	42			F	15	2016	42	40.5
195.01-1-34.11	800 Victor Rd	Aldridge, Charles A	Aldridge, Timothy S	105	53.33							
195.01-1-34.12	Victor Rd	Keck Road, LLC		314	3.47							
195.01-1-34.2	Victor Rd	De Rue, Gary L		105	69.85			F	5	2013	69	69.85
195.01-1-9.1	639 Pannell Rd	Greene, Carl V	Greene, Mary H	105	54.6							
Totals:					1,701.28	13	2	22			1,028	979.26

SOURCE: Assessment and easement information provided by the Town of Perinton

1. JDL Equine—Turk Hill Road



Parcel: 180.01-1-14 (125.5 acres); 180.03-1-7.2 (11 acres).

Location: Turk Hill Road

Owners: JDL Equine (formerly Jensen); Masci

Agricultural Use: **JDL Equine:** 73.8.4 acres used by the owners for field crops, pasture and riding trails, plus 20.8 acres of adjoining Town-owned land; **Masci:** 6.6 acres of cropland/ pasture accessory to residential use.

Conservation Status: **Development rights purchased by** Town of Perinton; Monroe County Agricultural District. (JDL Equine). Town of Perinton farmland term easement (Masci).

Development Potential: **JDL Equine:** Substantially limited by conservation easement from Town Purchase of Development Rights. **Masci:** zoned Residential Transition 1-2-5, which requires 1 acres per dwelling, as public water and sewer service is available.

Scenic Value: Visible from Turk Hill Road.



View to the east from Turk Hill Road

2. Casa Larga —Turk Hill Road



Parcels: 180.03-1-28.1 (36 acres); 180.03-1-29 (15 acres).

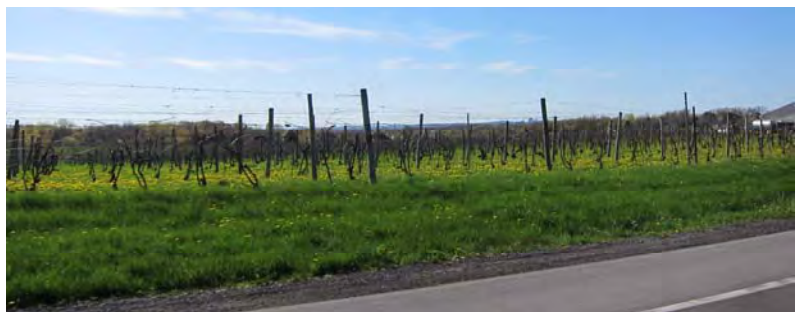
Location: West side of Turk Hill Road, south of Garnsey Road.

Owner: Colaruotolo (Casa Larga)

Agricultural Use: 38.5 acres of grape vineyards.

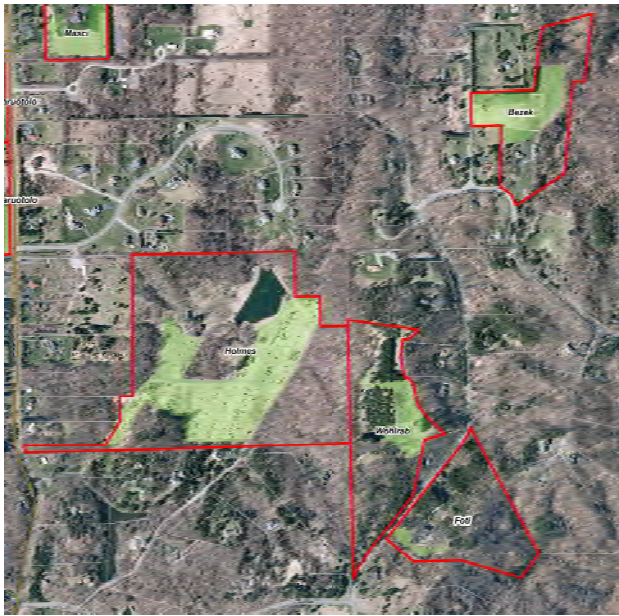
Development Potential: Parcel is zoned Residential Transition 1-2-5, which requires 2 acres per dwelling, as only public water service is available. The continued viability of the Casa Larga winery and associated restaurant reduces the potential for this land to be developed as housing.

Scenic Value: Visible from Turk Hill Road.



View to the west from Turk Hill Road

3. Thayer Road



Parcels: 180.03-1-13 (61.5 acres); 180.04-1-71.11 (21.3 acres); 194.02-1-2.2 (18 acres); 180.04-1-10 (16.8 acres)

Location: Thayer Road

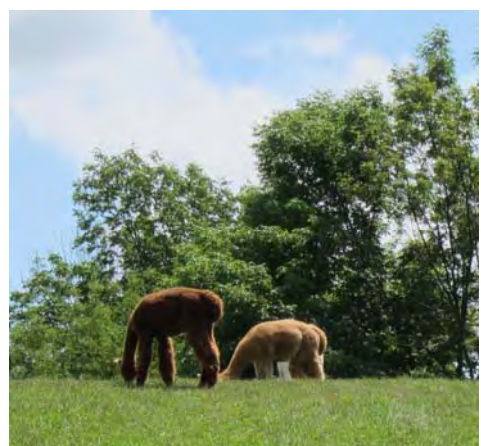
Owner: Holmes, Wohlrab, Foti and Bezek

Agricultural Use: Holmes (19.8 acres): horticultural products. Wohlrab (3.5 acres), Foti (1.9 acres) and Bezek (6.3 acres): small areas of pasture and small-scale crops.

Conservation Status: Perinton farmland term easements

Development Potential: Zoned Residential Transition 2-5, which requires a density of 2 acres per dwelling, as public water service is available. Wohlrab, Bezek and Foti parcels are each already developed with single family dwellings. Further subdivision of these parcels is unlikely in the foreseeable future. Steep slopes and wet soils limit the potential for development on these parcels.

Scenic Value: Bezek and Foti parcels visible from Thayer Road. Wohlrab and Holmes farmland not visible from public roads.



View to the east from Thayer Road

4. Thayer Road—South

Parcels: 194.01-1-22.1 (118 acres);
194.02-1-20.21 (101 acres).

Location: Southern end of Thayer Road.

Owner: Pickering

Agricultural Use: 103.5 acres of field crops (corn, soybeans, grains). Rented by the owner to a commercial farmer. Open land to the north owned by Fairport Central School District.

Conservation Status: Monroe County Agricultural District.

Development Potential: Zoned Residential Transition 2-5, which requires a density of 2 acres per dwelling, as public water service is available. Future development potential is limited by steep slopes and the presence of overhead electric transmission main in the southeast part of the parcel.

Scenic Value: Visible from Thayer Road.



View to the west from Thayer Road

5. Victor Road—Mid

Parcels: 181.03-1-35 (40 acres)

Location: East side of Victor Road between Palmyra and Wilkinson Roads

Owner: Martin

Agricultural Use: 24.6 acres of open land rented by the owner to a commercial farmer.

Conservation Status: Town of Perinton farm easement

Development Potential: Zoned Residential Transition 2-5, which requires a density of 2 acres per dwelling, as public water service is available. Future development potential is limited somewhat by steep slopes and wet soils.

Scenic Value: Visible from Victor Road



View to the east from Victor Road

6. Victor Road—South



Parcels: 195.01-1-1 (104 acres); 195.01-1-34.2 (70 acres); 195.01-1-34.1 (57 acres).

Location: Victor Road east to Dailey Road

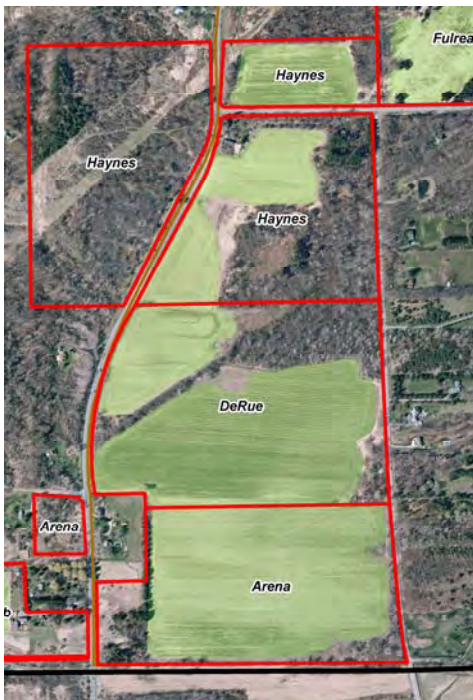
Owner: Haynes, DeRue, Arena (formerly Aldridge)

Agricultural Use: 113.5 acres of field crops farmed by Demuth family

Conservation Status: Monroe County Agricultural District (Hayes). Town of Perinton farmland term easement (DeRue).

Development Potential: Zoned Residential Transition 2-5, which requires a density of 2 acres per dwelling, as public water service is available. Future development potential is limited by the presence of steep slopes and land susceptible to moderate or heavy flooding.

Scenic Value: Visible from Victor Road and Dailey Road.



View to the east from Victor Road

7. West of Victor Road—South

Parcels: 194.02-1-17 (11 acres); 194.02-1-18.1 (11 acres)

Location: West of Victor Road

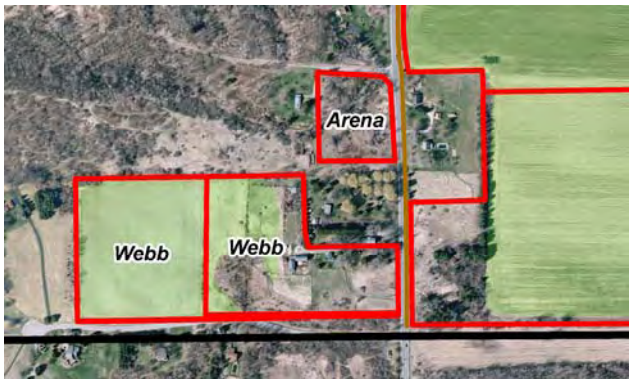
Owner: Webb

Agricultural Use: 13.5 acres of open land suitable for agricultural production.

Conservation Status: Town of Perinton farm easement.

Development Potential: Zoned Residential Transition 2-5, which requires a density of 2 acres per dwelling, as public water service is available. Future development potential is limited by the presence of steep slopes and land susceptible to moderate or heavy flooding.

Scenic Value: Visible only from Spring Creek Drive, a Victor Town road.



View to the north from Spring Creek Drive

8. Pannell Road—North



Parcels: 181.03-1-13.1 (33 acres); 181.03-1-13.2 (8 acres); 184.04-1-2 (33 acres)

Location: Pannell Road

Owners: Torrens, Sorbello

Agricultural Use: 44.4 acres leased by farmer to grow field crops

Conservation Status: Town of Perinton farmland term easements (Sorbello, Torrens) Town of Perinton purchased most of former Allen property and leases a portion for agricultural use.

Development Potential: Zoned Residential Transition 2-5, which requires a density of 2 acres per dwelling, as public water service is available. Future development potential is limited by steep slopes and susceptibility to moderate or heavy flooding.

Scenic Value: Open farmland not visible from Pannell Road (in summer).



127 Pannell Road

9. Pannell Road



Parcels: 181.03-1-33 (83 acres); 181.03-1-34 (64 acres)

Location: East side of Pannell Road between Palmyra and Wilkinson Roads

Owners: Chase, R G & E

Agricultural Use: Chase: 46.8 acres; R G & E (35.0 acres) to produce vegetables, berries, and field crops. Farm stand open seasonally.

Conservation Status: Chase parcel: Monroe County Agricultural District.

Development Potential: Chase parcel: Development rights have been purchased by the Town. R G & E parcel: The R G & E parcel is zoned Residential Transition 2-5, which requires a density of 2 acres per dwelling, as public water service is available, and Residential Sensitive. Future development potential is limited somewhat by steep slopes and wet soils and will depend on the future need for land by R G & E, such as to expand the existing substation. .

Scenic Value: Visible from Pannell Road.



View to the west from Pannell Road

10. Pannell Road/ Ryan Road



Parcels: 195.01-1-23 (42 acres); 195.01-1-13.1 (62 acres); 195.01-1-10 (30 acres)

Location: Pannell Road, Ryan Road

Owner: Martin, Bumpus, DeSeyn

Agricultural Use: Bumpus: 44.9 acres of actively farmed land south of Pannell Road and 12.1 acres north of Pannell Road. Martin: 16.1 acres of land that appear to be actively farmed. DeSeyn: 23.1 acres of actively farmed land.

Conservation Status: Martin: Town of Perinton farm easement. DeSeyn: Monroe County Agricultural District.

Development Potential: Zoned Residential Transition 2-5, which requires a density of 2 acres per dwelling, as public water service is available. Future development potential is limited somewhat by steep slopes and wet soils.

Scenic Value: Visible from Pannell and Ryan Roads .



View to the east from Ryan Road

11. Wilkinson Road—East



Parcel: 181.04-1-3 (90 acres)

Location: Wilkinson Road

Owner: Sheridan

Agricultural Use: 44.4 acres leased by neighboring farmer to grow field crops

Conservation Status: Town of Perinton farmland term easement.

Development Potential: Zoned Residential Transition 2-5, which requires a density of 2 acres per dwelling, as public water service is available. Future development potential is limited by steep slopes and susceptibility to moderate or heavy flooding.

Scenic Value: Visible from Wilkinson Road near Town boundary with Victor



View to the north from Wilkinson Road

12. Palmyra Road (NYS Route 31)



Parcel: 181.01-1-6 (46 acres); 181.02-1-1 (66 acres); 181.02-1-10 (portion); 181.02-1-5 (portion); 167.03-1-11

Location: North side of Palmyra Road (NYS Route 31), between Aldrich Road and Town boundary.

Owner: Keenan, Crossbridge Community Church, Rochester Gas & Electric

Agricultural Use: 113 acres of field crops. Portions of parcels owned by Crossbridge and R G & E are used for agricultural production by a neighboring farmer.

Development Potential: Zoned for business and industrial uses. The Town's Comprehensive Plan recommends "Planned Non-residential" development in this area.

Scenic Value: Visible from Palmyra Road



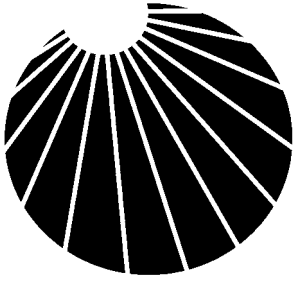
View to north from Palmyra Road

Town of Perinton Agricultural & Farmland Protection Plan

APPENDIX H

Cost of Community Services Studies

- Overview – American Farmland Trust
- Sample Study – Town of Aurora



FARMLAND
INFORMATION
CENTER

FACT SHEET

COST OF COMMUNITY SERVICES STUDIES



American Farmland Trust

FARMLAND INFORMATION CENTER
One Short Street, Suite 2
Northampton, MA 01060
(800) 370-4879
www.farmlandinfo.org

NATIONAL OFFICE
1200 18th Street, NW, Suite 800
Washington, DC 20036
(202) 331-7300
www.farmland.org

DESCRIPTION

Cost of Community Services (COCS) studies are a case study approach used to determine the fiscal contribution of existing local land uses. A subset of the much larger field of fiscal analysis, COCS studies have emerged as an inexpensive and reliable tool to measure direct fiscal relationships. Their particular niche is to evaluate working and open lands on equal ground with residential, commercial and industrial land uses.

COCS studies are a snapshot in time of costs versus revenues for each type of land use. They do not predict future costs or revenues or the impact of future growth. They do provide a baseline of current information to help local officials and citizens make informed land use and policy decisions.

METHODOLOGY

In a COCS study, researchers organize financial records to assign the cost of municipal services to working and open lands, as well as to residential, commercial and industrial development. Researchers meet with local sponsors to define the scope of the project and identify land use categories to study. For example, working lands may include farm, forest and/or ranch lands. Residential development includes all housing, including rentals, but if there is a migrant agricultural work force, temporary housing for these workers would be considered part of agricultural land use. Often in rural communities, commercial and industrial land uses are combined. COCS studies findings are displayed as a set of ratios that compare annual revenues to annual expenditures for a community's unique mix of land uses.

COCS studies involve three basic steps:

1. Collect data on local revenues and expenditures.
2. Group revenues and expenditures and allocate them to the community's major land use categories.
3. Analyze the data and calculate revenue-to-expenditure ratios for each land use category.

The process is straightforward, but ensuring reliable figures requires local oversight. The most complicated task is interpreting existing records to reflect COCS land use categories. Allocating revenues and expenses requires a significant amount of research, including extensive interviews with financial officers and public administrators.

HISTORY

Communities often evaluate the impact of growth on local budgets by conducting or commissioning fiscal impact analyses. Fiscal impact studies project public costs and revenues from different land development patterns. They generally show that residential development is a net fiscal loss for communities and recommend commercial and industrial development as a strategy to balance local budgets.

Rural towns and counties that would benefit from fiscal impact analysis may not have the expertise or resources to conduct a study. Also, fiscal impact analyses rarely consider the contribution of working and other open lands, which is very important to rural economies.

American Farmland Trust (AFT) developed COCS studies in the mid-1980s to provide communities with a straightforward and inexpensive way to measure the contribution of agricultural lands to the local tax base. Since then, COCS studies have been conducted in at least 128 communities in the United States.

FUNCTIONS & PURPOSES

Communities pay a high price for unplanned growth. Scattered development frequently causes traffic congestion, air and water pollution, loss of open space and increased demand for costly public services. This is why it is important for citizens and local leaders to understand the relationships between residential and commercial growth, agricultural land use, conservation and their community's bottom line.

COST OF COMMUNITY SERVICES STUDIES

For additional information on farmland protection and stewardship contact the Farmland Information Center. The FIC offers a staffed answer service, online library, program monitoring, fact sheets and other educational materials.

www.farmlandinfo.org

(800) 370-4879

COCS studies help address three claims that are commonly made in rural or suburban communities facing growth pressures:

1. Open lands—including productive farms and forests—are an interim land use that should be developed to their “highest and best use.”
2. Agricultural land gets an unfair tax break when it is assessed at its current use value for farming or ranching instead of at its potential use value for residential or commercial development.
3. Residential development will lower property taxes by increasing the tax base.

While it is true that an acre of land with a new house generates more total revenue than an acre of hay or corn, this tells us little about a community's bottom line. In areas where agriculture or forestry are major industries, it is especially important to consider the real property tax contribution of privately owned working lands. Working and other open lands may generate less revenue than residential, commercial or industrial properties, but they require little public infrastructure and few services.

COCS studies conducted over the last 20 years show working lands generate more public revenues than they receive back in public services. Their impact on community coffers is similar to that of other commercial and industrial land uses. On average, because residential land uses

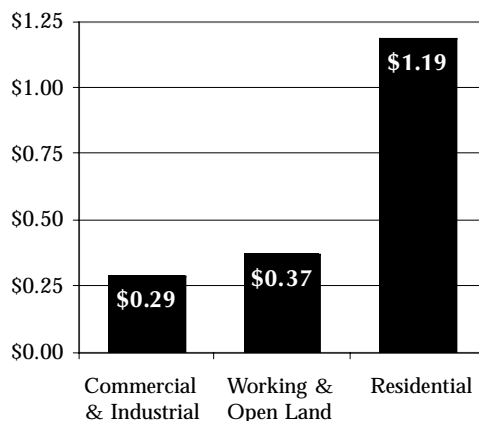
do not cover their costs, they must be subsidized by other community land uses. Converting agricultural land to residential land use should not be seen as a way to balance local budgets.

The findings of COCS studies are consistent with those of conventional fiscal impact analyses, which document the high cost of residential development and recommend commercial and industrial development to help balance local budgets. What is unique about COCS studies is that they show that agricultural land is similar to other commercial and industrial uses. In every community studied, farmland has generated a fiscal surplus to help offset the shortfall created by residential demand for public services. This is true even when the land is assessed at its current, agricultural use. However as more communities invest in agriculture this tendency may change. For example, if a community establishes a purchase of agricultural conservation easement program, working and open lands may generate a net negative.

Communities need reliable information to help them see the full picture of their land uses. COCS studies are an inexpensive way to evaluate the net contribution of working and open lands. They can help local leaders discard the notion that natural resources must be converted to other uses to ensure fiscal stability. They also dispel the myths that residential development leads to lower taxes, that differential assessment programs give landowners an “unfair” tax break and that farmland is an interim land use just waiting around for development.

One type of land use is not intrinsically better than another, and COCS studies are not meant to judge the overall public good or long-term merits of any land use or taxing structure. It is up to communities to balance goals such as maintaining affordable housing, creating jobs and conserving land. With good planning, these goals can complement rather than compete with each other. COCS studies give communities another tool to make decisions about their futures.

Median COCS Results



Median cost per dollar of revenue raised to provide public services to different land uses.

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
Colorado				
Custer County	1 : 1.16	1 : 0.71	1 : 0.54	Haggerty, 2000
Sagauche County	1 : 1.17	1 : 0.53	1 : 0.35	Dirt, Inc., 2001
Connecticut				
Bolton	1 : 1.05	1 : 0.23	1 : 0.50	Geisler, 1998
Durham	1 : 1.07	1 : 0.27	1 : 0.23	Southern New England Forest Consortium, 1995
Farmington	1 : 1.33	1 : 0.32	1 : 0.31	Southern New England Forest Consortium, 1995
Hebron	1 : 1.06	1 : 0.47	1 : 0.43	American Farmland Trust, 1986
Litchfield	1 : 1.11	1 : 0.34	1 : 0.34	Southern New England Forest Consortium, 1995
Pomfret	1 : 1.06	1 : 0.27	1 : 0.86	Southern New England Forest Consortium, 1995
Florida				
Leon County	1 : 1.39	1 : 0.36	1 : 0.42	Dorfman, 2004
Georgia				
Appling County	1 : 2.27	1 : 0.17	1 : 0.35	Dorfman, 2004
Athens-Clarke County	1 : 1.39	1 : 0.41	1 : 2.04	Dorfman, 2004
Brooks County	1 : 1.56	1 : 0.42	1 : 0.39	Dorfman, 2004
Carroll County	1 : 1.29	1 : 0.37	1 : 0.55	Dorfman and Black, 2002
Cherokee County	1 : 1.59	1 : 0.12	1 : 0.20	Dorfman, 2004
Colquitt County	1 : 1.28	1 : 0.45	1 : 0.80	Dorfman, 2004
Dooly County	1 : 2.04	1 : 0.50	1 : 0.27	Dorfman, 2004
Grady County	1 : 1.72	1 : 0.10	1 : 0.38	Dorfman, 2003
Hall County	1 : 1.25	1 : 0.66	1 : 0.22	Dorfman, 2004
Jones County	1 : 1.23	1 : 0.65	1 : 0.35	Dorfman, 2004
Miller County	1 : 1.54	1 : 0.52	1 : 0.53	Dorfman, 2004
Mitchell County	1 : 1.39	1 : 0.46	1 : 0.60	Dorfman, 2004
Thomas County	1 : 1.64	1 : 0.38	1 : 0.67	Dorfman, 2003
Union County	1 : 1.13	1 : 0.43	1 : 0.72	Dorfman and Lavigno, 2006
Idaho				
Canyon County	1 : 1.08	1 : 0.79	1 : 0.54	Hartmans and Meyer, 1997
Cassia County	1 : 1.19	1 : 0.87	1 : 0.41	Hartmans and Meyer, 1997
Kentucky				
Campbell County	1 : 1.21	1 : 0.30	1 : 0.38	American Farmland Trust, 2005
Kenton County	1 : 1.19	1 : 0.19	1 : 0.51	American Farmland Trust, 2005
Lexington-Fayette County	1 : 1.64	1 : 0.22	1 : 0.93	American Farmland Trust, 1999
Oldham County	1 : 1.05	1 : 0.29	1 : 0.44	American Farmland Trust, 2003
Shelby County	1 : 1.21	1 : 0.24	1 : 0.41	American Farmland Trust, 2005
Maine				
Bethel	1 : 1.29	1 : 0.59	1 : 0.06	Good, 1994
Maryland				
Carroll County	1 : 1.15	1 : 0.48	1 : 0.45	Carroll County Dept. of Management & Budget, 1994
Cecil County	1 : 1.17	1 : 0.34	1 : 0.66	American Farmland Trust, 2001
Cecil County	1 : 1.12	1 : 0.28	1 : 0.37	Cecil County Office of Economic Development, 1994

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
Frederick County	1 : 1.14	1 : 0.50	1 : 0.53	American Farmland Trust, 1997
Harford County	1 : 1.11	1 : 0.40	1 : 0.91	American Farmland Trust, 2003
Kent County	1 : 1.05	1 : 0.64	1 : 0.42	American Farmland Trust, 2002
Wicomico County	1 : 1.21	1 : 0.33	1 : 0.96	American Farmland Trust, 2001
Massachusetts				
Agawam	1 : 1.05	1 : 0.44	1 : 0.31	American Farmland Trust, 1992
Becket	1 : 1.02	1 : 0.83	1 : 0.72	Southern New England Forest Consortium, 1995
Deerfield	1 : 1.16	1 : 0.38	1 : 0.29	American Farmland Trust, 1992
Franklin	1 : 1.02	1 : 0.58	1 : 0.40	Southern New England Forest Consortium, 1995
Gill	1 : 1.15	1 : 0.43	1 : 0.38	American Farmland Trust, 1992
Leverett	1 : 1.15	1 : 0.29	1 : 0.25	Southern New England Forest Consortium, 1995
Middleboro	1 : 1.08	1 : 0.47	1 : 0.70	American Farmland Trust, 2001
Southborough	1 : 1.03	1 : 0.26	1 : 0.45	Adams and Hines, 1997
Westford	1 : 1.15	1 : 0.53	1 : 0.39	Southern New England Forest Consortium, 1995
Williamstown	1 : 1.11	1 : 0.34	1 : 0.40	Hazler et al., 1992
Michigan				
Marshall Twp., Calhoun County	1 : 1.47	1 : 0.20	1 : 0.27	American Farmland Trust, 2001
Newton Twp., Calhoun County	1 : 1.20	1 : 0.25	1 : 0.24	American Farmland Trust, 2001
Scio Twp., Washtenaw County	1 : 1.40	1 : 0.28	1 : 0.62	University of Michigan, 1994
Minnesota				
Farmington	1 : 1.02	1 : 0.79	1 : 0.77	American Farmland Trust, 1994
Lake Elmo	1 : 1.07	1 : 0.20	1 : 0.27	American Farmland Trust, 1994
Independence	1 : 1.03	1 : 0.19	1 : 0.47	American Farmland Trust, 1994
Montana				
Carbon County	1 : 1.60	1 : 0.21	1 : 0.34	Prinzing, 1997
Gallatin County	1 : 1.45	1 : 0.16	1 : 0.25	Haggerty, 1996
Flathead County	1 : 1.23	1 : 0.26	1 : 0.34	Citizens for a Better Flathead, 1999
New Hampshire				
Deerfield	1 : 1.15	1 : 0.22	1 : 0.35	Auger, 1994
Dover	1 : 1.15	1 : 0.63	1 : 0.94	Kingsley, et al., 1993
Exeter	1 : 1.07	1 : 0.40	1 : 0.82	Niebling, 1997
Fremont	1 : 1.04	1 : 0.94	1 : 0.36	Auger, 1994
Groton	1 : 1.01	1 : 0.12	1 : 0.88	New Hampshire Wildlife Federation, 2001
Stratham	1 : 1.15	1 : 0.19	1 : 0.40	Auger, 1994
Lyme	1 : 1.05	1 : 0.28	1 : 0.23	Pickard, 2000
New Jersey				
Freehold Township	1 : 1.51	1 : 0.17	1 : 0.33	American Farmland Trust, 1998
Holmdel Township	1 : 1.38	1 : 0.21	1 : 0.66	American Farmland Trust, 1998
Middletown Township	1 : 1.14	1 : 0.34	1 : 0.36	American Farmland Trust, 1998
Upper Freehold Township	1 : 1.18	1 : 0.20	1 : 0.35	American Farmland Trust, 1998
Wall Township	1 : 1.28	1 : 0.30	1 : 0.54	American Farmland Trust, 1998

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
New York				
Amenia	1 : 1.23	1 : 0.25	1 : 0.17	Bucknall, 1989
Beekman	1 : 1.12	1 : 0.18	1 : 0.48	American Farmland Trust, 1989
Dix	1 : 1.51	1 : 0.27	1 : 0.31	Schuyler County League of Women Voters, 1993
Farmington	1 : 1.22	1 : 0.27	1 : 0.72	Kinsman et al., 1991
Fishkill	1 : 1.23	1 : 0.31	1 : 0.74	Bucknall, 1989
Hector	1 : 1.30	1 : 0.15	1 : 0.28	Schuyler County League of Women Voters, 1993
Kinderhook	1 : 1.05	1 : 0.21	1 : 0.17	Concerned Citizens of Kinderhook, 1996
Montour	1 : 1.50	1 : 0.28	1 : 0.29	Schuyler County League of Women Voters, 1992
Northeast	1 : 1.36	1 : 0.29	1 : 0.21	American Farmland Trust, 1989
Reading	1 : 1.88	1 : 0.26	1 : 0.32	Schuyler County League of Women Voters, 1992
Red Hook	1 : 1.11	1 : 0.20	1 : 0.22	Bucknall, 1989
North Carolina				
Alamance County	1 : 1.46	1 : 0.23	1 : 0.59	Renkow, 2006
Chatham County	1 : 1.14	1 : 0.33	1 : 0.58	Renkow, 2007
Orange County	1 : 1.31	1 : 0.24	1 : 0.72	Renkow, 2006
Union County	1 : 1.30	1 : 0.41	1 : 0.24	Dorfman, 2004
Wake County	1 : 1.54	1 : 0.18	1 : 0.49	Renkow, 2001
Ohio				
Butler County	1 : 1.12	1 : 0.45	1 : 0.49	American Farmland Trust, 2003
Clark County	1 : 1.11	1 : 0.38	1 : 0.30	American Farmland Trust, 2003
Knox County	1 : 1.05	1 : 0.38	1 : 0.29	American Farmland Trust, 2003
Madison Village, Lake County	1 : 1.67	1 : 0.20	1 : 0.38	American Farmland Trust, 1993
Madison Twp., Lake County	1 : 1.40	1 : 0.25	1 : 0.30	American Farmland Trust, 1993
Shalersville Township	1 : 1.58	1 : 0.17	1 : 0.31	Portage County Regional Planning Commission, 1997
Pennsylvania				
Allegheny Twp., Westmoreland County	1 : 1.06	1 : 0.14	1 : 0.13	Kelsey, 1997
Bedminster Twp., Bucks County	1 : 1.12	1 : 0.05	1 : 0.04	Kelsey, 1997
Bethel Twp., Lebanon County	1 : 1.08	1 : 0.17	1 : 0.06	Kelsey, 1992
Bingham Twp., Potter County	1 : 1.56	1 : 0.16	1 : 0.15	Kelsey, 1994
Buckingham Twp., Bucks County	1 : 1.04	1 : 0.15	1 : 0.08	Kelsey, 1996
Carroll Twp., Perry County	1 : 1.03	1 : 0.06	1 : 0.02	Kelsey, 1992
Hopewell Twp., York County	1 : 1.27	1 : 0.32	1 : 0.59	The South Central Assembly for Effective Governance, 2002
Maiden Creek Twp., Berks County	1 : 1.28	1 : 0.11	1 : 0.06	Kelsey, 1998
Richmond Twp., Berks County	1 : 1.24	1 : 0.09	1 : 0.04	Kelsey, 1998
Shrewsbury Twp., York County	1 : 1.22	1 : 0.15	1 : 0.17	The South Central Assembly for Effective Governance, 2002
Stewardson Twp., Potter County	1 : 2.11	1 : 0.23	1 : 0.31	Kelsey, 1994
Straban Twp., Adams County	1 : 1.10	1 : 0.16	1 : 0.06	Kelsey, 1992
Sweden Twp., Potter County	1 : 1.38	1 : 0.07	1 : 0.08	Kelsey, 1994
Rhode Island				
Hopkinton	1 : 1.08	1 : 0.31	1 : 0.31	Southern New England Forest Consortium, 1995
Little Compton	1 : 1.05	1 : 0.56	1 : 0.37	Southern New England Forest Consortium, 1995
West Greenwich	1 : 1.46	1 : 0.40	1 : 0.46	Southern New England Forest Consortium, 1995

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
Tennessee				
Blount County	1 : 1.23	1 : 0.25	1 : 0.41	American Farmland Trust, 2006
Robertson County	1 : 1.13	1 : 0.22	1 : 0.26	American Farmland Trust, 2006
Tipton County	1 : 1.07	1 : 0.32	1 : 0.57	American Farmland Trust, 2006
Texas				
Bandera County	1 : 1.10	1 : 0.26	1 : 0.26	American Farmland Trust, 2002
Bexar County	1 : 1.15	1 : 0.20	1 : 0.18	American Farmland Trust, 2004
Hays County	1 : 1.26	1 : 0.30	1 : 0.33	American Farmland Trust, 2000
Utah				
Cache County	1 : 1.27	1 : 0.25	1 : 0.57	Snyder and Ferguson, 1994
Sevier County	1 : 1.11	1 : 0.31	1 : 0.99	Snyder and Ferguson, 1994
Utah County	1 : 1.23	1 : 0.26	1 : 0.82	Snyder and Ferguson, 1994
Virginia				
Augusta County	1 : 1.22	1 : 0.20	1 : 0.80	Valley Conservation Council, 1997
Bedford County	1 : 1.07	1 : 0.40	1 : 0.25	American Farmland Trust, 2005
Clarke County	1 : 1.26	1 : 0.21	1 : 0.15	Piedmont Environmental Council, 1994
Culpepper County	1 : 1.22	1 : 0.41	1 : 0.32	American Farmland Trust, 2003
Frederick County	1 : 1.19	1 : 0.23	1 : 0.33	American Farmland Trust, 2003
Northampton County	1 : 1.13	1 : 0.97	1 : 0.23	American Farmland Trust, 1999
Washington				
Okanogan County	1 : 1.06	1 : 0.59	1 : 0.56	American Farmland Trust, 2007
Skagit County	1 : 1.25	1 : 0.30	1 : 0.51	American Farmland Trust, 1999
Wisconsin				
Dunn	1 : 1.06	1 : 0.29	1 : 0.18	Town of Dunn, 1994
Dunn	1 : 1.02	1 : 0.55	1 : 0.15	Wisconsin Land Use Research Program, 1999
Perry	1 : 1.20	1 : 1.04	1 : 0.41	Wisconsin Land Use Research Program, 1999
Westport	1 : 1.11	1 : 0.31	1 : 0.13	Wisconsin Land Use Research Program, 1999

Note: Some studies break out land uses into more than three distinct categories. For these studies, AFT requested data from the researcher and recalculated the final ratios for the land use categories listed in this table. The Okanogan County, Wash., study is unique in that it analyzed the fiscal contribution of tax-exempt state, federal and tribal lands.

Fiscal Impact of Land Development Alternatives Town of Aurora

July, 2008

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Fiscal Impact of Land Development Alternatives

Town of Aurora

July, 2008

SUMMARY

Erie County's Town of Aurora remains a relatively undeveloped area within reach of the City of Buffalo. The town contains the Village of East Aurora, which contains many historically significant tourist attractions and a small, close knit population. The historic nature of the village and its scenic views, natural resources, thriving tourism industry and strong property values stimulated discussion among Town leaders about how to preserve the character, charm and economic viability of the community. The Aurora Town Board created the Aurora Open Space Committee in January 2007 to address one issue along these lines: open space protection. A community survey confirmed support for this process, and subsequent work by the committee yielded a list of 4,000 acres of parcels with potential for conservation. The Town Board engaged the Center for Governmental Research (CGR) to conduct a fiscal impact analysis of development alternatives for the land that has been targeted for conservation.

The key question put before CGR was this:

If the Town of Aurora took action to prevent an increase in residential development, how would property tax rates be affected?

CGR Fiscal Impact Analysis

Using reasonable assumptions, CGR modeled the impact of incremental changes in land use on population, housing units, town costs, school costs and town and school property tax rates.

Modeling is not an attempt to *forecast* future tax rates. Tax rates—particularly for public education—are determined by a wide range of factors. For this purpose, CGR explores the impact of alternative land use on tax rates, holding all other factors constant. The only changes modeled here are the impacts on costs that are directly influenced by increased development. Other factors, such as increasing community demand for public services, growing cost of state-generated mandates on public schools and the town, rising public sector expenditures like energy,

changes in school or municipal state aid, and evolving costs of labor are all beyond the scope of this study.

CGR modeled several different development scenarios. The various models incorporate different assumptions about the pace of development, the character of new dwellings, the relative impact of the new dwellings on the town's primary school district and other issues. The results presented in this fiscal impact report assume that the underlying cost structure facing the school districts and the town is held constant. The model does not make any forecasts of changes in per-unit costs of public services, nor about the relationship between inflation in service costs and real estate prices. The prices and cost conditions of the year 2007-08 are also assumed to be constant so that the effect of increasing development can be studied separately from other factors affecting the cost of local government.

Findings

Additional residential development in the Town of Aurora appears fiscally neutral for the school district, neither increasing nor decreasing expected property tax rates. Additional development may reduce town tax rates slightly.* This finding depends on a number of assumptions that will be explored in the body of the report.

We acknowledge that it is well beyond the scope of our report to speculate on the merits of protecting open space for other reasons. Development pressures have not yet reached the Town of Aurora, and though actions to protect open space against the problems of future development may be good planning, this particular line of reasoning does not factor into our analysis

Again, tax levies and rates could change for other reasons unrelated to those captured in our model. State and federal policies can impact local municipalities and can strain school districts in the process. State aid ratios may fluctuate and the price of home sales could vary significantly in this uncertain housing market.

Significant factors influencing our conclusions are:

* The property tax rate on services provided to Town of Aurora residents may decline slightly. Increasing development may allow the Town of Aurora to spread the "fixed cost" of public services over a larger number of housing units, slightly reducing the cost of these services. The total impact on the combined tax rate is about 2%. However, this is not a finding based on an analysis of the means of service delivery within the Town and is not a major conclusion of CGR's study.

- Both information from the Census and the school district indicate a relatively low density of school children in the Town of Aurora—about one school-aged child per two dwelling units. The development that is occurring in the town is consistent with this demographic profile.
- State school aid to the East Aurora Union Free School District slightly buffers the community from the cost of development.
- New homes are selling for substantially higher prices than existing homes. The median value of existing single family homes sold in 2006 and 2007 was about \$190,000. Newly constructed homes are priced at \$300,000 or more.

Growth brings many challenges. However, as the community weighs the impact of possible development versus land conservation, it can do so with the knowledge that the impact on tax rates from reducing residential development should not be a significant factor in the decision process.

Acknowledgements

CGR would like to thank the Town of Aurora and the East Aurora Union Free School District for their immense help in collecting and disseminating data to help us accomplish this study.

Staff Team

Staff support was offered during the course of data collection and analysis by Senior Research Associates Jaime Saunders and Scott Sittig and Research Assistant Katherine Corley.

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INTRODUCTION

Local governments have been granted sweeping powers over land use within their boundaries. When accompanied by a Comprehensive Plan, the municipality can establish a zoning ordinance that dictates permissible uses for certain portions of a community's land. Zoning and subdivision requirements can indicate where commercial and industrial uses are allowed, and can control population density and other residential use characteristics in specific neighborhoods.

However, zoning powers are limited. In some communities, the power to regulate development has not been sufficient to maintain community character. Another tool of land use planning is the “purchase of development rights” or PDR. PDR separates the development rights of a parcel from the other components of land ownership. This “right to develop” can be purchased just like any other piece of property and held by a municipality or a private entity like a land trust. The owner of the property retains other rights of ownership, such as the right to cultivate the land or use it for recreational purposes, but not the right to build structures on the parcel. As the owner no longer has the power to develop the property, the property may have a lower market value, as these limited rights are factored into the property assessment.

It is important to strike a balance between land preservation and promotion of economic and community development goals. A vibrant and healthy community includes both open space and developable parcels, the latter of which contributes cost and revenue to the local tax burden, while the former maintains community history and character. By engaging CGR, the Town of Aurora acknowledges this delicate balance and seeks to identify the fiscal impacts of various land use combinations.

CGR'S APPROACH TO ESTIMATING FISCAL IMPACT

This study addresses only impacts on the town and the school district. The goal of the study is to develop reasonable estimates of the impact of land use change on the tax levies and tax rates of the Town of Aurora and the East Aurora Union Free (EAUF) School District. For the purposes of this study, CGR focused exclusively on the EAUF and did not consider the portions of other schools' districts that crossover into the Town. The size and scale of the portion of these districts was too small to significantly influence the final results.

Assumptions in the Model

This fiscal impact model is designed to estimate how service costs and town revenues may change as the community adds residential development. This is different from forecasting the future. The model is a tool that asks the question, “If all else remained the same, what is the impact on tax rates from exchanging X acres of undeveloped land for Y homes.”

The model does not, for example, predict how the average costs of public education may change in the future. In recent decades the costs per child (independent of changes in total enrollment) have been rising steadily, outstripping the general increase in prices. Reasons for this trend are numerous – changes in state and federal regulations for children with special needs, declining class sizes, and increasing teacher salaries are often cited. Whether or not this trend continues into the future is not the concern of this study. The fiscal impact model does not attempt to forecast changes in the real cost of education per child; the only question the model addresses is the tax impact from a change in the number of school children, and how land use decisions might drive this change. The cost of education per child is held constant.

The Pace & Character of Development

At the present time, the Town of Aurora faces very little development pressure, although this may change. CGR obtained all residential home sales for the Town of Aurora from the present through 2005 from the NYS Office of Real Property Services. An analysis of these data revealed that the rate of new development is very low.

New homes are selling for substantially higher prices than existing homes. The median value of existing single family homes sold in 2006 and 2007 was about \$190,000. Newly constructed homes are selling for \$300,000 or more.

Our study assumes a very modest rate of growth, one calculated to consume the Open Space Committee’s 1,500 acre target within the twenty-year timeframe of the model. This rate of growth is 24 units per year, most on relatively large lots, which is a much more rapid rate of development than has occurred in the recent past. However, this is not beyond the range of possibility, and would be a reasonable expectation for certain other communities in Erie County. We assume that new construction will continue to be valued at the higher rates of recent years.

Expansion in the EAUF School District

It is difficult to predict the number of new students added to a district as a result of new construction, the distribution of these new students across

grade levels, or the attendance area in which the students will live. Each of these elements can alter the impact of new construction on school finances, and subsequently on tax rates. This study functions like a Generic Environmental Impact Study, as it considers general impacts in the absence of a specific development proposal on a particular parcel.

The EAUF reported that there is currently no excess capacity in the district. However, CGR noted that enrollment has been declining and that the district has a physical expansion/renovation in process. As a consequence, we built into our assumptions a capacity for fifty additional school children. However, even if we assume zero capacity, expansion of existing school facilities within our model would not be necessary for about five years, and even then, the only expansion necessary would be a few classrooms. The current state building aid ratio applied to the EAUF is 58.5%. We used this figure as the basis for possible future construction costs. We also employed New York State Education Department's (NYSED) cost estimates and effective capacity values for new construction. To the extent that the community chooses to build schools whose construction standards exceed NYSED's aidable values, or chooses to reduce class size considerably, the cost of accommodating growth would increase.

According to the US Bureau of the Census for 2000, the average number of school-aged students per occupied housing unit in the Town of Aurora, was 0.5. This is consistent with figures provided to CGR by the school district. There is no indication that this is will change in the near future. New construction underway consists either of patio homes that cater to "empty nesters" or of large lot developments that, while family friendly, will sell for much more than the average home price in the Town.

Impact of Development on Town Costs

CGR develops assumptions about the fiscal impact of growth in two stages. While it might seem logical to simply divide the total cost of maintaining the town's physical assets and programs by the number of residents, this would not capture the budgetary impact of small expansions of existing programs. The Town of Aurora will probably experience little additional cost in maintaining the Office of the Supervisor or the Town Board if the population were to increase a small amount, like 10%. However, the Office of the Assessor would expect an increase in workload as a consequence of growth. CGR's model applies a set of assumptions to each one of the town budget line items and factors them into a total cost impact of new development within the town.

Given the slow pace of development in the Town, CGR assumes that the modest increase in demand for services envisioned in this study will not force a major expansion of current Town facilities.

FINDINGS OF FISCAL IMPACT ANALYSIS

CGR's analysis suggests that a plausible rate of residential expansion (remembering that the rate assumed in the model exceeds recent experience) will be fiscally neutral for the community. New residential construction can be expected to "pay its own way," generating new tax revenue roughly equal to the cost of new services required to service it.

Factors that drive this conclusion are as follows.

- On average, the Town of Aurora has a relatively low density of school children per dwelling unit. Much of the housing currently being developed is targeting "empty nesters" and thus reinforces this demographic characteristic.
- The market value of new homes is higher than the average for current construction. These new homes will contribute more to the potential revenue of the community than the average home in the Town.

Using our absorption rate of 24 units per year, residential development will consume 1,500 acres in the 20 year period studied in our model. We estimate that there will be no change in the EAUF tax rate over the 20 year period. Town tax rates show a slight decline over 20 years, perhaps 5-8%, but reflecting the fact that the Town's fixed costs have a broader base for sharing as the town develops. **On balance, CGR estimates the decline in the combined school and town tax rate would be about 2%.** However, the result for the town is not based on a rigorous analysis of town services. This is only a general estimate.

Modeling Different Assumptions

Any number of assumptions can change the outcome that we have identified. The most dramatic of these is the school-aged child/housing unit ratio. The Town of Aurora has a much lower than average ratio compared with many other communities that we have studied.

- As noted above, the number of school children per dwelling unit is relatively low.
 - If the number of school children per new housing unit increased from 0.5 to 1.0, the total tax rate would increase about 9% by the end of the 20 year period, relative to the baseline assumptions.

- If the number of school children per new housing unit increased from 0.5 to 1.5, the total tax rate would increase about 20% by the end of the 20 year period, relative to the baseline assumptions.
- State aid is a significant factor affecting the local cost of public education. About ¼ of the operating cost per child is paid by state aid. For purposes of illustration, were no additional state aid provided as new students are added to the district, the school tax rate would increase about 3% by the end of the period.
- The cost of a new home is also a significant factor. CGR assumes that new homes will have an equalized value of \$300,000.
 - If new homes were to be equal in value to the average of existing homes (\$190,000), the average tax rate would rise about 5% by the end of the period, relative to the baseline assumptions.
 - If the cost of new homes were to rise to \$500,000, the total tax rate would decline about 7%, relative to the baseline.

While the slow pace of development in Aurora does not suggest the need for any significant growth in student population, and thus little need for facilities expansion, the costs of the limited facility expansion we have modeled would be substantially higher without the building aid offered by the state.

CONCLUSION

The preservation of current open space by the Town of Aurora would not have a significant impact on the property tax burden anticipated for Town residents. While the fiscal impacts are minimal, we acknowledge that there are other reasons that motivate a community to protect its land from development. In addition, there are other factors that drive tax levies and tax rates that are beyond the scope of our model. Every community is faced with the challenges of finding the right balance between development and open space and the Town of Aurora is wisely conducting a community dialogue about these important issues.