

**JANUARY 20, 2010
PUBLIC HEARING**

Agricultural & Farmland Protection Plan

6:30 P.M.

Present: Supervisor Post
Deputy Supervisor Underhill
Councilman Lang
Councilwoman Michalak
Councilman Gerace

Others Present: Town Clerk Morasco
Building Inspector Worthington
Gary Diegelman, Zoning Board of Appeals Chair & Landowner
Joyce Diegelman, Clerk
10 to 15 Landowners
Jim Duval, Genesee County Director of Planning

Supervisor called the Public Hearing to order at 6:32P.M. and the Supervisor presented the notice as published in the Daily News.

Barbara Johnson, Senior Planner of Stuart I. Brown, Associates did a power point presentation summarizing the Agricultural and Farmland Protection Plan. The Town received a \$25,000 grant to create the Agricultural and Farmland Protection Plan, which is a land use policy to keep agricultural land in production and protect it from commercial and residential development.

A question was asked why a Farmland Protection Plan was done. Steve Mountain the Town Engineer and Steering Committee member explained that it came about from the Town's Comprehensive Master Plan. This Farmland Plan is a local plan that would be reviewed every 3 to 5 years and could be amended.

Jeffrey Peters addressed the Town Board on behalf of himself and his sister. Mr. Peter's attorney, Edward Premo, II was also present. They are protesting the reclassification of approximately 120 acres of their land from agricultural-residential to an agricultural production zone. Mr. Peters expressed that under the current zoning he could sell a number of lots but under the proposed rezone it would diminish the number of lots he could sell, creating an economic loss. He stated that the Town Government does not have a compelling reason to take property rights away or significantly reduce them. Mr. Peters submitted a three page statement to the Town Board and filed a "Petition to Protest".

Edward Premo, II, attorney from the law firm of Harter Secrest & Emery LLP distributed a letter to the Town Board suggesting other methods the Town may wish to consider to protect agricultural land and uses in the Town of Batavia. Mr. Premo expressed that the issue they are raising and protesting is the agricultural zone district with the severe restrictions of use. They feel that there are other methods which would better protect agricultural production and allow current landowner's a reasonable return on their investment. Mr. Premo mentioned the four methods suggested and that are

JANUARY 20, 2010
PUBLIC HEARING

explained in his letter, which are Greenprint/Acquisition of Development Rights, Incentive Zoning, "Right to Farm" Local Law and Memoranda of Understanding/Private Right to Form Agreements.

Joe Jaszko spoke against the plan. He disapproves and expressed it is getting to be too much government. He stated, "It is not going to lower taxes" and "it is not broke, do not fix". Mr. Jaszko asked how this "Plan" is funded.

The Supervisor stated that it is funded through sales tax revenue. He expressed that we as a community need to take our country back. Your local government, the "Town" is the lowest form of government and Mr. Post, expressed that he feels strongly about bringing the matters to the public. It allows all to voice their opinion and give all an opportunity to help draft it. The Town is obligated to protect the agricultural land. This "Plan" can be reviewed and amended down the road. If it does not work, we will modify it but we cannot ignore it.

Gary Diegelman questioned whether the "plan" is targeting every parcel north of the thruway and whether tillage areas are targeted. Steve Mountain stated that they are not targeting every parcel north of the Thruway. He explained that it was difficult as a committee to spot place. Mr. Diegelman objects to a parcel that has not been under tillage in a number of years to be considered farmland.

Mr. Diegelman questioned the reduction of fire tax on agricultural land and expressed that the fire tax in the Town of Batavia is ridiculous.

Jim Duval, Genesee County Director of Planning addressed the Town Board and distributed a letter with the County Planning Departments comments. He congratulated the Town for taking the steps to work on this plan. However, the County Planning Department expressed that a large portion of the land to be protected is wet, unproductive ground and that the tools for protection and preservation that are detailed in the plan are not permanent and do not offer long term farmland protections. The County Planning recommended the Town consider revising its proposal to address these issues.

Supervisor Post declared the Public Hearing closed at 7:12 P.M. as there were no other speakers or further comments on the Agricultural & Farmland Protection Plan.

Respectfully submitted,

Teressa M. Morasco
Town Clerk