

Town of Lima - Agricultural Advisory Committee  
Meeting Minutes - January 20, 2021, 7 PM

PRESENT: Chairman, Dennis Neenan, Ed Blodgett, Jr., Dick Gruschow, Marc Krieger, Mike Neenan,  
Ted Zornow

EXCUSED: Ron Blodgett, Jr.

GUESTS: Mike Falk, Supervisor, Bruce Mayer, Town Board Liaison, John Bailey, Chairman, ZBA,  
Cathy Gardner

Dennis Neenan called the meeting to order at 7PM and invited Supervisor Falk to lead the Pledge of Allegiance.

Dennis noted that the meeting was called to review and comment on a local law proposed to amend the zoning ordinance for the town's agricultural zoning district. Mike Falk was invited explain the factors that led to the development of the proposal.

Mike explained that he initiated the process with the Town Board. He cited growth in the sector of breweries, distilleries and cideries. He said that he looked at different businesses that are impacted by zoning and currently falling afoul of it, notably several firewood producers and a welding business in South Lima that would lose the ability to continue operations if it were to close for longer than twelve months as it is currently operating as a pre-existing, non-conforming use. J.P. Imports has been closed for more than twelve months and without a change in zoning, could not re-open for automotive service. He is looking for a way to make sure that Lima does not lose any business. He also explained that the recommendation to expand the definition of agribusiness enterprise to include equestrian supplies was in response to an inquiry made to the planning board.

Dennis asked Cathy Gardner to review Lima's Agricultural and Farmland Protection Plan as it pertains to this review. Cathy explained that the plan was developed with broad input gathered from a number of public meetings and more than 40 farmer and landowner interviews conducted by and with assistance from Diane Held, consultant with the American Farmland Trust and George Franz, agricultural consultant associated with Cornell University. Recognizing the value of Lima's agricultural land base, the plan was developed to sustain the town's agricultural business sector. The Agricultural Advisory Committee was formed as part of the plan's recommendations to give the agricultural community a voice in matters affecting the agricultural zoning district. It was noted that local government, as it regulates land use, can help maintain the land base that is needed to sustain agricultural businesses by limiting non-agriculture permitted uses and extension of public infrastructure in the agricultural zoning district. Once the plan was completed, a considerable number of changes were made to make the zoning regulations more supportive of agriculture and, in this process, a number of previously permitted uses were eliminated from the agricultural zoning district as they were identified as better suited to the town's commercial district. Cathy also explained that the town considered expanding the business zoning district during a subsequent zoning update, but acting on advice from the consultant retained for that project (Stuart Brown), decided against that change as the amount of space available for commercial development was found to be adequate at the time, and it was emphasized that filling in available commercial area makes most efficient use of infrastructure and generates activity in the area planned for commerce.

Dennis asked if members were familiar with the "DAN Plan," Livingston County's land use policies plan. He noted that it is a reference used by the Livingston County Planning Board and that it promotes growth in and out from village centers.

Following the opening discussion, the committee undertook review of each of the five changes proposed in the amendment to zoning.

**1. Add permitted uses for BREWERIES and DISTILLERIES, with a special use permit, within the agricultural zoning district.**

Mike explained that there has been growth of these business types in surrounding townships, that Livingston County does not have a distillery and that Livingston County is actively looking to attract one. These businesses are permitted in Lima's business district now.

Ed noted that he supports new business but would like to see a connection to the land and agriculture for business located in the ag zoning district. He expressed concern that softening the laws to allow businesses in the ag zoning district could also lead to open areas in the commercial district remaining vacant. Marc asked if neighboring communities permit these business types to locate in agricultural zoning districts. This has not been reviewed. Ted stated that commercial business in the ag district would not support local agriculture, and for this reason, he is not supportive of this change. Mike did not foresee these business types growing or purchasing enough hops or grains to support local agriculture.

John Bailey recommended that the overall purpose of the Agricultural Zoning District should be considered as part of this entire review and that it would be beneficial to have local boards meet together to discuss the proposed changes and consider public input.

***The Committee notes that these uses, as proposed, are commercial and not likely to operate or support local agriculture and therefore recommends against permitting breweries and distilleries in the agriculture zoning district.***

**2. Add EQUESTRIAN SALES to the definition for Agribusiness Enterprise, thereby permitting the owner of a farm or agricultural operation to engage in the sale of equestrian goods, subject to site plan review.**

Committee members noted that this allowance is consistent with other types of agriculture related on farm sales that are permitted and that the requirement for a special use permit gives the town the ability to establish conditions and remedy the allowance if any unexpected problems develop.

***The Committee notes that this use, as proposed, is consistent with other agribusiness allowances and supports this proposed amendment.***

**3. Add permitted use for FIREWOOD PRODUCTION, subject to Site Plan Review.**

Mike indicated that he knows of at least four parties that are engaged in this activity currently. The committee engaged in lengthy discussion of this topic. It was noted that firewood harvested on site for personal use is an acceptable activity. Marc observed that a larger operation, producing firewood for sale, is pretty much the same as growing any other crop if done on a farm property but would not be the same if done on a 2.5 acre house lot. Ed pointed out the benefits to having people who can help others by removing dead and fallen trees and making good use of the wood for firewood in exchange. Mike doesn't see any issues with firewood production and recognized the value of associated income but noted that waste disposal and noise should be addressed. Dennis advised that firewood production be permitted as an accessory use only, thus requiring that it be tied to a residence and not allow for a tree service enterprise to buy open land for the sole purpose of operating a commercial business. He also noted that "housekeeping" can be an issue. An organized and maintained site is less likely to be problematic than one that is not. John Bailey noted that a key aspect to consider for this type of operation is lot size.

Considerable discussion ensued about how to set conditions with this use that would provide for sound practices and avoid nuisance disturbances for nearby neighbors. Suggestions for the town to consider included minimum setback requirements for firewood processing activities, possible stipulations for a maximum annual number of

cords produced, requirements that any material brought from off-site be limited to firewood logs only, such that tops, limbs and tree waste is not imported from off-site. Reasonable conditions can help avoid nuisance operations and also give the town provisions for oversight and means to take action if there are problems.

***The Committee supports the addition of firewood production, as an accessory use, subject to site plan review, with conditions to be determined that will ensure that the activity and related storage is permitted in a manner that will not create undue disturbance for neighbors.***

**4. Add permitted use for "FARM EQUIPMENT AND VEHICLE REPAIR THAT IS NOT PART OF AN AGRICULTURAL OPERATION OR AGRIBUSINESS ENTERPRISE" with a conditional use permit.**

Mike explained that he was considering the J.P. Imports property. Since Mr. Payne passed away, the family has been liquidating the estate and more than twelve months have passed. Since this business had operated as a pre-existing non-conforming use, and more than twelve months have passed, it could not be sold to operate as a repair shop. He further explained that he does not want to lose business locations.

Dennis explained that zoning was undertaken in 1972 and that some uses at that time were determined not to belong in the district being established but were allowed to continue if established. The agricultural zoning district is also a residential district and it was determined that commercial businesses did not belong in this zone. Dick pointed out that the property condition of the business in question was not good and that it was not an attractive sight for people travelling through Lima. Ed, Mike, Ted and Marc all stated that this commercial type of business does not belong in the agricultural zone and that it is not worth opening up all of the land in the district for this type of business to address this one situation.

***The Committee recommends against permitting this non-agricultural commercial use in the agricultural zoning district.***

**5. Add permitted use for "WELDING/FABRICATION THAT IS NOT PART OF AN AGRICULTURAL OPERATION OR AGRIBUSINESS ENTERPRISE" with a conditional use permit.**

Members of the committee acknowledged that Hill Top Welding is a valued business. It is understood that the business is operating presently. Thus, the consideration to change zoning is to ensure that it would be permitted to continue to operate even if it were to cease operations for a period of more than 12 months and thus lose its status as a pre-existing non-conforming use in accordance with state law.

While opposed to the addition of a permitted use for new welding and fabrication commercial businesses in the agriculture zoning district, the committee supports looking for an alternative means to ensure that this business may continue. Could a small enterprise zone, or a mixed-use hamlet zone be structured to accommodate this use and, with public input from area landowners and residents, be established in a way that might benefit the South Lima area? It was noted that prime farmland should not be included in such a newly formed zone if possible.

***The Committee recommends against permitting this non-agricultural commercial use in the agricultural district but recommends study of alternative zoning options that might accomplish the intended objective.***

Mike Falk requested that the committee consider and provide advisory input on solar battery storage. Another meeting will be scheduled to consider this topic.

Adjourned at 9:15PM

Minutes respectfully submitted by Cathy Gardner, Volunteer Secretary