

Adopted Minutes  
Cayuga County Agricultural & Farmland Protection Board  
Tuesday, December 8, 2020, 11:00 A.M.  
Via Conference/Video Call

**Board Members Present:**

Andrew Dennison (Cayuga County Legislator)  
Kelly Anderson, Chair (Cayuga County Real Property Services, Director)  
Steve Lynch (Cayuga County Planning & Economic Development, Director)  
Jason Cuddaback, *designee* (Chairperson of the Board of Directors CCSWCD)  
Dan Welch (CCE Agriculture Educator Representative)  
Dennis Eckel (Agribusiness Representative)  
Craig Culver (Farmer Representative)

**Others present:**

Glenda Neff (Observer/Guest)  
Kari Terwilliger (CCPED Staff to AFPB)

**Absent:**

Jeff Ten Eyck (Agricultural Land Preservation Organization Representative)  
Christopher Gross (Farmer Representative)  
John O'Connell, III (Farmer Representative)  
Thane Benson (Farmer Representative)

**1. Call to Order**

The meeting was called to order by Kelly Anderson at approximately 11:01 A.M. with a quorum of members present.

**2. Approval of Minutes –May 12, 2020 meeting**

Kelly Anderson asked the Board if they had reviewed the minutes from the May 12, 2020 meeting and if they had any questions, comments, or corrections to make. There were none. She asked if there was a motion to approve said minutes. **Andrew Dennison made a motion that the minutes from May 12, 2020 be accepted as written. Motion seconded by Steve Lynch. Motion carried.**

**3. Board Member Terms Ending 12-31-2020**

Kelly Anderson stated that Craig Culver's term is set to expire at the end of 2020 and asked Craig if he would like to serve for another term. Craig stated that he would in fact like to be re-appointed to the AFPB for another term. Kelly then asked if there was a motion to nominate Craig Culver to the County Legislature for another term as a Farmer Representative to the AFPB. **Andrew Dennison made a motion to nominate Craig Culver for re-appointment to the AFPB by the County Legislature. Motion seconded by Dennis Eckel. Motion carried.**

**4. Twelve Corners Rd Solar Installation in the Town of Niles NOI**

Kelly Anderson asked if everyone had reviewed the NOI and for their comments. The Board discussed the proposed solar project on approximately 30 acres in the Town of Niles, mentioning first some errors and inconsistencies in the application versus the included decommissioning plan. Jason Cuddaback stated that he is familiar with this site and the farmer who is currently working the land under an active lease with the landowner, and that he inquired with the County FSA office and learned that the acreage in question has been actively farmed since at least 1936. It was also noted, on a map provided by Kari Terwilliger, that the area for this project is comprised of nearly 90% Prime Soils or Soils of Statewide Significance. Andy Dennison and Dennis Eckel both expressed their concerns over the trends happening of developers selecting highly productive agricultural soils for solar projects rather than being directed by the state (often the funding agency NYSERDA) to place these projects on inactive farmland or lands not best suited for farmland; also siting the cumulative impact on the larger farm community with more and more solar projects being installed. The Board agreed that they want the state to encourage developers to focus on placing solar installations on the least productive lands possible in order to minimize the loss of highly productive

farmland, citing that the loss of active farmland will negatively impact the surrounding farm communities. Steve Lynch mentioned, and the Board agreed, that the Board in its response to NYSDAM should strongly encourage the contractor to follow NYSDAM's guidelines for pre and post construction and decommissioning for solar projects. Kelly asked the Board if there was any further discussion. Hearing none, she asked for a motion for a response to NYSDAM and this solar NOI. **Andrew Dennison made a motion to have Kari Terwilliger draft a letter in response to NYSDAM regarding the Twelve Corners Rd solar project in the Town of Niles summarizing the Board's comments made during the meeting and to circulate a draft of said letter to the Board via email for review and final approval and then authorizing Kelly Anderson to sign said letter and finally for Kari to send the letter to NYSDAM on the Board's behalf. Motion seconded by Dennis Eckel. Motion carried.**

#### **5. Other Business**

Kelly Anderson asked if anyone had anything else they would like to discuss. Kari stated that she had received correspondence for the Board from NYSDAM regarding an Ag & Markets Law §305-a review in the Town of Fleming. She stated that these reviews are conducted by staff at NYSDAM upon request to look into the possibility of unreasonably restrictive local laws or regulations as they apply to farms located in county agricultural districts. Kari stated that the Board had been copied on the letter and materials from NYSDAM back to the Town of Fleming which indicates the nature of the review and that it has been initiated by NYSDAM, the state is not asking for input from the Board at this time. Kari briefly summarized the issue under review stating that a farmer on approximately 53 acres in Fleming in the county's agricultural district, but in the town's Residential-2 zoning district, applied for a building permit and a special use permit to build a barn to store farm equipment in with the intention to then tear down a dilapidated barn on the same property, however both applications were denied by the town. The Board asked Kari to circulate this correspondence package and her brief research via email so they could all look at. Kari stated she would and that she would update the Board if she heard anything further from NYSDAM. Kelly asked if there were any other announcements. There were none.

#### **6. Adjournment**

Kelly Anderson asked if there was any further discussion or business to come before the Board. Hearing none, she asked for a motion to adjourn. **Andrew Dennison made a motion to adjourn the meeting. Motion seconded by Dennis Eckel. Motion carried. Meeting was adjourned at 11:34 A.M.**

Minutes prepared by Kari Terwilliger, staff to the AFPB