

Town of  
Clinton NY  
email

Carol Mackin <townclerk@townofclinton.com>

2-11-2020

## Town of Clinton Proposed "Agricultural Events Law" - Public Hearing Comments

1 message

Allyson Phillips <APhillips@youngsommer.com>

Tue, Feb 11, 2020 at 4:20 PM

To: "townsupervisor@townofclinton.com" <townsupervisor@townofclinton.com>, "whittontownboard@gmail.com" <whittontownboard@gmail.com>, "nancyny33@yahoo.com" <nancyny33@yahoo.com>, "dmichael@getaction.net" <dmichael@getaction.net>, "eliotwerner217@gmail.com" <eliotwerner217@gmail.com>, "townclerk@townofclinton.com" <townclerk@townofclinton.com>

Cc: "Simcock, Stephen" <stephen.simcock@jpmchase.com>, Kristina Magne <kmagne@youngsommer.com>, Elizabeth Wykes <ewykes@youngsommer.com>

Good afternoon Town Board Members,

On behalf of my client, Stephen Simcock, I am attaching the comment letter submitted on January 14, 2020 for the Board's convenience. Again, I request the comments and proposed revisions provided therein are taken into consideration by the Board at tonight's Board meeting. We understand that the Town Board has posted an updated version of the Agricultural Events Law on the Town's website, dated January 14, 2020, which now includes an express requirement that Agricultural Event venues receive a Special Use Permit from the Planning Board pursuant to the procedure in Section 250-97 of the Town Zoning Law (which includes a mandatory public hearing). We believe this clarifying language eliminates the ambiguity noted in our prior comments and is a positive development. We also see Site Plan approval is required, but will be subject to the "modified site plan" requirements set forth in the local law, and that the Board has reduced the maximum number of attendees permitted at any Agricultural Event Venue to 200 people.

While our client is encouraged by the revisions noted above, particularly, clarification that a Special Use Permit review/approval will be required pursuant to Section 250-97, we would like to take this opportunity to revisit other comments raised in our letter of January 14<sup>th</sup> which were not addressed in the latest round of revisions. We again request that the Town Board consider amending the Events Law to provide that parking (Subsection D) and the boundaries of the Event areas (Subsection R) for an Agricultural Event Venue be measured from the "neighboring property line", rather than the "neighboring residence". As noted in the attached comment letter, we believe that measuring these areas from the property lines will ensure there is an adequate buffer between adjoining land uses.

In addition, we would like to take this opportunity to refer the Board to the Ag and Markets Law Guidelines for Review of Local Laws Affecting Farm Operations, which specifically provide that that the Planning Board should have discretion to place limitations on the number of events a venue can hold each year. I have highlighted the relevant language below for your convenience:

**The Department evaluates whether local restrictions, such as limits on the number and size of special events, are unreasonably restrictive of a farm operation. Therefore, a farm that has a limited amount of crop-based beverages to sell, 1,000 gallons of wine for example, would not need multiple, large-scale events to market such beverages. The size and number of events can be limited each year, based upon the previous year's production.**

The language clearly demonstrates that it is reasonable for the Planning Board to place a limit on the number of large scale events that can be held every year and that this limit should bear a rational relation to the prior year's production numbers as reported by the Applicant. Therefore, we propose a revisions to require the prior year's production numbers be required with each Special Use Permit annual review so the Planning Board can consider if there should be an amendment to reduce the permitted number of events that can be held in the next calendar year.

I would like to take this opportunity to thank the board for considering these minor changes to the proposed local law.

Thank you,

Allyson M. Phillips, Esq.

Young / Sommer LLC

ATTORNEYS AT LAW

Tel: 518.438.9907 Ext. 257

fax: 518.438.9914

aphillips@youngsommer.com

Executive Woods, Five Palisades Drive, Albany, NY 12205

www.youngsommer.com

*This e-mail is sent by a law firm and may contain information that is privileged or confidential.*

*If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.*

---

**2 attachments**



**200114 FINAL Comment letter to Town Board.doc.pdf**  
627K



**200114 Events LL.pdf**  
79K

# Young / Sommer LLC

ATTORNEYS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205  
Phone: 518-438-9907 • Fax: 518-438-9914

[www.youngsommer.com](http://www.youngsommer.com)

Allyson M. Phillips, Partner  
Writer's Telephone Extension: 257  
[aphillips@youngsommer.com](mailto:aphillips@youngsommer.com)

January 14, 2020

**VIA EMAIL and  
HAND DELIVERY**

To: Town of Clinton Town Board  
Town of Clinton  
1215 Centre Road  
Rhinebeck, NY 12572

**RE: Town of Clinton Proposed "Agricultural Events Law" – Public Hearing Comments**

Dear Members of the Town Board:

As you know, this firm represents Stephen Simcock, the owner of property in the Town of Clinton located on Rymph Road regarding the above-referenced matter. This letter is being sent on behalf of Mr. Simcock to convey his comments to the Town Board on the revised local law regulating Agricultural Events in the Town of Clinton. It is my understanding the proposed local law will be the subject of a public hearing scheduled to take place on January 14, 2020. Mr. Simcock is planning on attending the public hearing in person due to the importance of the matters under consideration. However, he has also asked me to provide this written summary of his comments in advance of the hearing for the Town Board's convenience.

To begin, I would like to refer the Town Board to my letter of October 7, 2019 which include comments on the prior version of the proposed local law<sup>1</sup>. In these comments, I conveyed Mr. Simcock's appreciation for the tremendous effort that has gone into developing this local law and would like to reiterate that sentiment here. Mr. Simcock shares the Town Board's desire to ensure that commercial uses are adequately regulated in the Town of Clinton and recognizes the Town Board has the right and responsibility to enact reasonable zoning regulations to ensure such uses do not negatively impact the Town's residents and rural community character.

The proposed local law has been introduced to permit and regulate Agricultural Events in the Town of Clinton. There has been much discussion regarding the extent to which the Town

---

<sup>1</sup> I hereby request that this letter be included in the official record of proceedings for the revised local law.

may regulate these activities, however, the N.Y. Department of Agriculture and Markets guidelines clearly provide that a municipality has discretion to impose reasonable regulations and require a thorough review (with opportunity for public comment) before the use is permitted at a given location. The guidelines also specifically state that farms which market crop-based beverages or products through multiple, large-scale events on a regular basis can be required to obtain a special use permit. This is a reasonable approach to regulation that has been adopted by other communities in Dutchess County including the Town of Rhinebeck and the Town of Hyde Park<sup>2</sup>. It is respectfully submitted that this is an appropriate level of regulation for the Town of Clinton that will ensure the goals and recommendations of the Comprehensive Plan are met, and the rural atmosphere of privacy, peace and quiet, that the plan strives to protect, is not adversely impacted.

In the latest version of the local law, the Town Board proposes a revision to Subsection (R) (p. 6) to state, “[w]henver any sections of the Town Code are inconsistent with the express provisions of this Section 250-45, the express provisions of Section 250-45 shall govern, unless explicitly stated otherwise and Agricultural Event Venues shall comply with all local laws and Uniform Code, as amended”. The prior version of the local law included an express reference to Sections 250.96 and 250.97 of the Town Code, which governs site plan and special permit review. By eliminating these specific references, the proposed revision creates an ambiguity as to whether the procedural and substantive requirements for site plan review and special use permits will be applicable to Agricultural Events. This includes a mandatory public hearing and notice to adjacent property owners. The local law includes several references to “Planning Board approval” and/or a “Special Use Permit”, which clearly evidence an intent to require a special use permit for Agricultural Events. However, it is respectfully suggested that the latest revision eliminating reference to Sections 250.96 and 250.97 should be rejected and that additional language added to Section 6 to confirm that review process must include a public hearing with written notice to neighboring property owners.

Additional comments and suggested revisions are offered below for the Town Board’s consideration. These comments reiterate issues that were raised in my prior letter of October 7, but which have not been addressed or discussed during the Town Board’s deliberations on the proposed local law. Comments aimed at the most recent round of revisions are also included. As noted previously, we believe the minor, suggested revisions set forth below are in keeping with the Town Board’s reasonable approach to regulation and are consistent with the guidelines that have been established by the N.Y. Department of Agriculture and Markets.

1. Subsection (F) on page 3 of the Events Law currently provides that “Agricultural Events shall in no case exceed 500” attendees. It is respectfully submitted that each event should be limited to 200 attendees, especially given that Subsection (B) provides that the minimum size of the Lot for an Agricultural Event Venue shall be 10 acres. It is my understanding based on comments made by members of the Board

---

<sup>2</sup> See Town of Rhinebeck’s Events Venue Law (Local Law No. 2 of 2013), and Town of Hyde Park (Local Law No. 10 of 2016), which both require site plan approval and special use permits for event venues; *see also* the Town of Rochester’s Commercial Events Facilities law (§140-35 of the Zoning Code), and Town of Coxsackie Commercial Event Venue law (Local Law No. 1 of 2015).

during the last public hearing that his change will be reflected in the final version of the local law.

2. Subsection (D) on page 3 of the Agricultural Events Law currently provides that "No Parking for an Agricultural Event Venue shall be located less than 100 feet from a Road and 200 feet from any neighboring residences." It is respectfully submitted that "neighboring residence" should be revised to "neighboring property line".

The creation and subsequent use of parking areas to accommodate large numbers of guests, and the impacts of lights and noise that is naturally associated with this activity, has the potential to adversely impact neighboring properties. Creating an area of exclusion with a point of reference at the property line (instead of a residence) will mitigate this impact to the maximum extent practicable. A neighbor may make use of their property in areas contiguous to an Agricultural Event Space for recreation, usual cultivation, the keeping of animals, or any other activities that facilitate the peaceable use and enjoyment of their land. If a residence is located more than 200 feet from the property line, parking for large-scale Agricultural Events could take place right up to the property line<sup>3</sup>. The more practical and reasonable approach would be to measure the minimum setback from the neighboring property line which would ensure an adequate buffer between adjoining land uses. It would also allow for a more accurate site plan as it is unclear how the distance to a neighboring residence can be measured without the consent of a neighboring property. In sum, it is respectfully submitted that the local law should be revised so that that no parking shall be located within 200 feet from "neighboring properties" as measured from the property line. This revision was previously requested but has not been addressed by the Town Board in the latest round of revisions.

3. Subsection (V) on page 6 of the Events Law currently provides that "The boundaries of the Event areas shall be located at least 500 feet from any neighboring residence." For the same reasons stated above, the local law should be revised to state the boundaries of event areas be located at least 500 feet from "neighboring properties" as measured from the property line (not "neighboring residences"). Again, if a neighboring residence is located 500 or more feet from the property line, there will be no buffer required between the Agricultural Event space and the neighboring property. This is unreasonable, considering the latest version of the local law does not place a limit on the number of events that can be held and allows events to continue for up to four (4) days, with hundreds of attendees.
4. Subsection (W) on page 6 of the Events Law currently provides that "in no case may outdoor activities extend beyond the hours of . . . 10:00 a.m. to 11:00 p.m. on Friday and Saturday . . ." It is respectfully submitted that this provision should be revised to make clear that all outdoor activities, should not be permitted to extend beyond 9:00pm on Fridays and Saturdays. It is reasonable to require that outdoor events end by 9:00pm considering the rural atmosphere of privacy, peace and quiet, that

---

<sup>3</sup> The local law does not include reference to any other applicable setbacks.

characterizes the Town of Clinton<sup>4</sup>. This revision also takes into account the fact that guests will still need to leave the venue at the conclusion of the event. If the event can continue to 11:00pm (as proposed in the current draft), it can be assumed that the noise, light, and traffic that will naturally result from guests leaving the facility (i.e., flashing headlights into neighboring residences as cars leave the event) will extend well beyond that hour. The unlimited number of events that will be permitted under this local law must also be considered when thinking about the adverse impact this would bring to neighboring properties and the bucolic community character. Based on the foregoing, it is respectfully submitted that the proposed local law should be revised to state outdoor activities may not extend beyond the hour of 9:00pm on Fridays and Saturdays.

5. Subsection (Y) on page 7 of the Events Law currently provides that ‘No Event shall last longer than four (4) days.’ Aside from this subsection conflicting with the hours of operation noted in Point 1 above, it is unreasonable to allow for events to extend for up to (4) days long in all cases, which will inevitably lead to prolonged impacts on neighboring residents. As such, we proposed that this subsection be revised to make clear that the Planning Board may determine on a case by case basis if an Event Space shall be permitted to host events that last longer than one (1) day.
6. One of the most concerning revisions included in the latest version of the local law is the elimination of former Section U which provided that an Agricultural Event Venue shall not hold more than either” “[t]en (10) events per calendar year with over 50 attendees; with no more than two (2) events per calendar month with over fifty attendees, or thirty (30) events in total in any calendar year.”. This provision has been deleted in its entirety leaving no outer limit on the number of large-scale agricultural events that can be permitted on a given site. This is unreasonable and should be revised. The N.Y. Department of Agriculture and Markets own guidelines state that local regulations that limit the number and size of events may be reasonable where multiple large-scale event are not needed to market crop-based beverages or products. Thus, the local law should be revised to provide, at the least, that the Planning Board shall place limits on the number of events that can be held each year, based upon the previous years’ production numbers which must be provided to the Planning Board on an annual basis as a condition of the special use permit. This revision will ensure Agricultural Events are undertaken for the purpose of promoting agritourism and the marketing of fam products which is the stated intent and purpose of the local law.

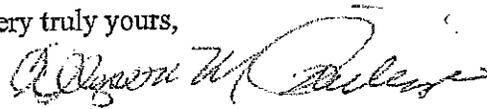
On behalf of Mr. Simcock, I would like to again thank the Town Board for its thoughtful consideration of this matter. We believe the local law developed by the Town Board (within the minor revisions proposed herein) will strike an appropriate balance between permitting value-

---

<sup>4</sup> It is noted that the revised local law maintains the restriction that amplified sound, including but not limited to music, performances, and spoken words, to enclosed structures and specifically provides that tents, pavilions, structures with open doors or windows, and other open or non-enclosed structures shall not be an acceptable location for the source of amplified sound. The Planning Board is also given discretion to specify further restrictions it deems appropriate relating to the use of amplified sound, and compliance with the performance standards in Section 220-28 (including noise limits) are made applicable. We reiterate that these provisions are critical to ensuring the use of amplified sound does not exacerbate impacts on neighboring property owners and the surrounding neighborhood.

added commercial enterprises on agricultural land and protecting the quiet enjoyment of neighboring properties and the community character.

Very truly yours,



Allyson M. Phillips

cc: Town Board:

Ray Oberly, *Town Supervisor* ([townsupervisor@townofclinton.com](mailto:townsupervisor@townofclinton.com))

Michael Whitton, *Councilperson* ([whittontownboard@gmail.com](mailto:whittontownboard@gmail.com))

Nancy Cunningham, *Councilperson* ([nancyny33@yahoo.com](mailto:nancyny33@yahoo.com))

Dean Michael, *Councilperson* ([dmichael@getaction.net](mailto:dmichael@getaction.net))

Eliot Werner, *Councilperson* ([eliotwerner217@gmail.com](mailto:eliotwerner217@gmail.com))

Carol Mackin, *Town Clerk* – [TownClerk@TownofClinton.com](mailto:TownClerk@TownofClinton.com)

2-11-2020



300 Westage Business Center, Suite 380  
Fishkill, New York 12524  
T 845 896 2229  
F 845 896 3672  
cuddyfeder.com

Rebecca A. Valk, Esq.  
[rvalk@cuddyfeder.com](mailto:rvalk@cuddyfeder.com)

February 11, 2020

Supervisor Ray Oberly and  
Members of the Town of Clinton Town Board  
1215 Centre Road  
Rhinebeck, NY 12572

Re: Proposed Local Law of 2019 – “Agricultural Events Law”

Dear Supervisor Oberly and Members of the Town Board:

In furtherance of my written comments submitted to the board on November 12, 2019 (a copy of which is attached for your convenience) and to my verbal comments at the hearings before the Board, I would like to highlight the following comments for the boards consideration with regard to the Proposed Agricultural Events Law:

As with the prior drafts, the law continues to only permit “events” in an “agricultural event venue” which are single, isolated, planned events which may last no longer than four (4) days. Direct marketing farm events and agri-tourism are a component of the use of land as a farm operation, not a series of separate activities to be individually regulated and limited.

Further, the blanket restriction on the number of attendees at each event, without providing for consideration of the circumstances of each farm, such as size of the farm, may be an unreasonable restriction on agriculture.<sup>1</sup>

As raised to the Town both in written comment and during the public hearings, the use of the term “for hire” in the definition of “Agricultural Events Venue”<sup>2</sup> raises uncertainty as to whether the Town intends to authorize and regulate events hosted by the Farm itself or only events when the

---

<sup>1</sup> “Guidelines for Review of Local Laws Affecting Direct Farm Marketing Activities” 9/30/19 at pg. 1 (the degree of regulation depends upon the size and scope of the proposed activity).

<sup>2</sup> “Agricultural Event Venue: A portion of a Farm available for hire as a location for Events...” (Proposed Events Law at Section 1, proposed definition for “Agricultural Events Venue.”)

4380856.v1



February 11, 2020

Page 2

farm is rented. In other words, there is ambiguity as to whether the law even applies to events hosted by the farm itself.

Finally, we repeat our objection to the annual renewal of the special use permit and we again ask the Board to seriously consider eliminating the periodic review. The Town always possesses enforcement authority if a permit holder is violating the terms and conditions of the special use permit. If the periodic review is not eliminated, please consider extending the interim between reviews to a more reasonable level, eliminate the possibility of revocation of the permit, and limit the review topics to reasonable specified performance problems, such as noise or traffic.

Thank you for the continued opportunity to comment on the proposed local law.

Very truly yours,

A handwritten signature in cursive script that reads "Rebecca A. Valk".

Rebecca A. Valk



300 Westage Business Center, Suite 380  
Fishkill, New York 12524  
T 845 896 2229  
F 845 896 3672  
cuddyfeder.com

Rebecca A. Valk, Esq.  
[rvalk@cuddyfeder.com](mailto:rvalk@cuddyfeder.com)

November 12, 2019

Supervisor Ray Oberly and  
Members of the Town of Clinton Town Board  
1215 Centre Road  
Rhinebeck, NY 12572

Re: Proposed Local Law of 2019 – “Events Law”

Dear Supervisor Oberly and Members of the Town Board:

We have been asked to review the Town’s proposed “Events Law,” and submit these comments for the Town Board’s consideration at the continued public hearing tonight. We ask that our comments be made part of the public record of the hearing. We appreciate the hard work that goes into preparing a local law and we thank the Town Board for its efforts to promote agriculture in the Town.

We comment on the local law’s regulations for “Agricultural Events Venues” to the extent that such “venues” are proposed on farm operations that qualify for protection under New York Agriculture and Markets Law Section 305-a (“Section 305-a”).<sup>1</sup> We believe that the provisions which treat agri-tourism and the marketing of products made or grown on the farm as discrete, one-time accessory activities, and not as a component of the primary use of land for agriculture, are inconsistent with the protection granted by the State under Section 305-a.<sup>2</sup>

The state’s definition for “farm operation” specifically includes the land, buildings, equipment and practices that contribute to the production, preparation, and marketing of crops, livestock and livestock products as a commercial operation.<sup>3</sup> The Department of Agriculture and Markets (the “Department”) recognizes that direct marketing events are a component of the use of land as a

---

<sup>1</sup> To qualify as an Agricultural Events Venue, a Farm must meet the requirement for protection under New York Agriculture and Markets Law Section 305-a (“Section 305-a”) or must generate annual gross revenues of at least \$50,000 from Agricultural Operations as defined by Agriculture and Market Law Section 301(2) not including Event proceeds. (Proposed Events Law at Section 1, proposed definition for “Agricultural Events Venue.”)

<sup>2</sup> The definition for an Agricultural Events Venue states that such events are “permitted only as an Accessory Use for the purpose of promoting agri-tourism or marketing products made or grown predominantly on the Farm.”

<sup>3</sup> Agriculture and Markets Law Section 301(11) (emphasis added).

427911



November 12, 2019

Page 2

farm operation, not a series of separate, “accessory” activities which can be separately controlled and limited.<sup>4</sup> Direct marketing events are protected by Section 305-a, which provides that local governments shall not *unreasonably restrict or regulate farm operations* within approved Agricultural Districts.<sup>5</sup> When a municipality seeks to enforce a local law or regulation in a manner that is in conflict with the policy objectives of the Agriculture and Markets Law, the local law or regulation is subject to nullification on the principle that the local regulation is superseded by the State policy.<sup>6</sup>

By regulating events for “promoting agri-tourism or marketing products made or grown predominantly on the Farm” as an accessory use, the proposed local law comes into direct conflict with Section 305-a which protects such direct marketing as a component of the primary use of the property as a farm operation. Numerous regulations in the proposed local law may be deemed by the Department as an unreasonable restriction on farm operations seeking to hold direct marketing events. A few examples are discussed below.

- There is no acreage minimum to qualify as a “farm operation” under state law.<sup>7</sup> Therefore, the minimum acreage requirements in the proposed local law restricting farms under 75 acres from hosting “events” would likely be considered an unreasonable restriction on agriculture if the farm is located within an Agricultural District and qualifies for protection under Section 305-a.
- The Department’s position is that any special use permit and site plan review for direct marketing activities as part of a farm operation should be a streamlined review.<sup>8</sup> The

---

<sup>4</sup> “Guidelines for Review of Local Laws Affecting Direct Farm Marketing Activities” 9/30/19 at pgs. 3-4. Guidance documents from the Department have been included for your convenience and are also available at <https://agriculture.ny.gov/land-and-water/section-305-review-restrictive-laws>.

<sup>5</sup> Policy of local governments. a. Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article, and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened. *Agriculture and Markets Law §305-(1)(a)*.

<sup>6</sup> *Inter-Lakes Health Inc. v. Town of Ticonderoga Town Bd.*, 13 A.D.3d 846, 847 (3d Dept. 2004) [relying upon *Town of Lysander v. Hafner*, 96 N.Y.2d 558 (2001)]

<sup>7</sup> “Guidelines for Review of Local Laws that Define ‘Farm Operation,’ ‘Farm,’ ‘Agriculture,’ ‘Farmland,’ or Any Similar Term.” 8/31/15 at pg 4

<sup>8</sup> *Id.* at pg. 5. See also “Guideline for Review of Local Zoning and Planning Laws” 1/26/10 at pgs. 4-7. This streamlined process generally eliminates the need for expensive site plans and the public hearing



November 12, 2019

Page 3

proposed local law appears to incorporate the Town's standard special use permit and site plan requirements for these agricultural uses which are generally viewed by the Department as unreasonable as applied to farm operations within agricultural districts.

- The blanket restriction on the number of events the farm may host per year and the number of attendees at each event, without providing for consideration of the particular circumstances of each farm, may be an unreasonable restriction on agriculture.<sup>9</sup>
- The use of the term "for hire" in the definition of "Agricultural Events Venue"<sup>10</sup> raises uncertainty as to whether the Town intends to regulate events hosted by the Farm itself or only events when the farm is rented. Notwithstanding this ambiguity in the proposed local law, rental events on farm operations may still receive the protection of Section 305-a if the rental fees received are incidental to the sale of farm crops, livestock or livestock products at the event.<sup>11</sup> The Department has opined wedding receptions and parties may help market the product of certain farm operations, and those events may be protected as a component of the farm operation.<sup>12</sup>
- The renewal of a special use permit on an annual basis is very burdensome, and potentially exceeds the limits on municipal exercise of the zoning power under applicable case law. The renewal procedure subjects the permit holder to constant threat of loss of an important use in which substantial investment has been made, by requiring annual public hearings on the use and unlimited amendments to the special use permit at the Planning Board's discretion. We would ask the Board to seriously consider eliminating the periodic

---

requirement which can delay approval on an application, and recommends the application be processed within 45 days. *Id.*

- <sup>9</sup> "Guidelines for Review of Local Laws Affecting Direct Farm Marketing Activities" 9/30/19 at pg. 1 (the degree of regulation depends upon the size and scope of the proposed activity).
- <sup>10</sup> "Agricultural Event Venue: A portion of a Farm, located in an Agricultural District, available for hire as a location for Events..." (Proposed Events Law at Section 1, proposed definition for "Agricultural Events Venue.")
- <sup>11</sup> "Guidelines for Review of Local Laws Affecting Direct Farm Marketing Activities" 9/30/19 at pg. 4 (discussing that events/activities are "incidental" to the sale of the farm's crops, livestock and livestock products when certain fees, including facility rental/vendor fees, do not exceed 30% of total gross sales)
- <sup>12</sup> "Guidelines for Review of Local Law Affecting Farm Operations Which Produce, Prepare and Market Crops for Wine, Beer, Cider and Distilled Spirits" 1/18/17 at pgs. 2-3.



November 12, 2019

Page 4

review. If it is not eliminated, please consider extending the interim between reviews to a more reasonable level, eliminate the possibility of revocation of the permit, and limit the review topics to reasonable specified performance problems, such as noise or traffic.

- The limitations on the number of events permitted per year also appear overly restrictive, as does the provision that any food service, lodging, recreational or other facilities would be limited to only serving event attendees and staff. It would be cost prohibitive to provide lodging and construct food service facilities that could not be used for two-thirds of the year.<sup>13</sup> The Town should consider regulations to allow the reasonable use of these facilities for other uses, not simply attached to discrete one-time events.<sup>14</sup>

Both the Department and the landowner possess legal remedies to enforce Section 305-a. We would ask the Town to consult with the Department of Agriculture and Markets before adopting this local law.

Thank you for the opportunity to comment on the proposed local law.

Very truly yours,

A handwritten signature in cursive script that reads 'Rebecca A. Valk'.

Rebecca A. Valk

---

<sup>13</sup> The local law permits no more than 30 events per year for up to four (4) days each. Therefore, at maximum, events could be held on 120 days per year.

<sup>14</sup> The last two comments are relevant not only events to be held on a farm operation subject to the protection of Section 305-a, but to any landowner seeking a permit under the proposed local law.