

January 14, 2020

Schultzville, NY

A public hearing the **proposed Local Law XX of 2020 Ag Events Law** was held on this day in the Town Hall. Present were Supervisor Oberly, Councilmen Chris Juliano, Michael Whitton, Nancy Cunningham, Dean Michael and Town Clerk Carol-Jean Mackin. There were 8 people in the audience.

PLEDGE OF ALLEGIANCE

At 6:00 PM, Supervisor Oberly called the public hearing to order and led the Pledge of Allegiance.

The Town Clerk read the public hearing notice aloud.

Supervisor Oberly opened the floor for comments.

Rebecca Valk - speaking to the parts of the law that are protected under the ag and markets law- Sect 305a, says an agricultural establishment get to use a streamlined special permit process and that should be reflected here. Remove the annual renewal period, it is onerous at one year, suggests every four years. Concerned that the definition of agricultural event venue is ambiguous and it is not clear whether the Town wants to regulate the farm or regulate the events on the farm.

Scott Hues - gave his concerns to Dean Michael who read them allowed. Attached. Dean explained the conference center law has been separated from the agricultural event law and explained the process of developing this law. Said that he and Councilman Juliano reviewed this law with the professionals at DC Planning, the Town Attorneys and Ag and Markets, this is draft is the result. Scott Hues feels some establishments are becoming a commercial facility in neighborhoods and it is disruptive. Dean explained that the farms are limited in the amount of money (30% of their income) the farm can make from these types of events. Nancy Cunningham said this is a zoning enforcement problem. There are two people who will be considered in the coming weeks for Zoning Administrator and assistant. Chris Juliano said we are trying to find a way to allow these venues but also protecting the neighbors' property rights. Scott asks for the setback measurements for ag buildings to be from the property lines not the neighbor's house.

Mike Parella - agrees with Scott. 200 feet from the residence is ridiculous as a setback, but feels each establishment needs to be looked at individually. He wants clarification on who is running the events at these venues; you need to look at: is the landowner running events, or the farmer who is leasing the property. Dean said if the property is in an ag district then they are protected.

Allyson Phillips – attached comments. Talked about the modified special use permit. Concerned about due process. Wants the neighboring property owner notified of the event venue for due process with mandatory public hearing and notice to neighbors. Set backs are a concern, the minimum setbacks should be measured from the property line,

not the home. Dean said most farms located the buildings on one side of the property so they can use the property for farming. The thinking about setbacks in our law was to consider this, but Rebecca said we are now talking about large scale events on properties that are right on the property line. The number of events being limited in number should be reintroduced in the law. Ag and markets makes recommendations on how to do this in their guidelines for reasonable regulations to the frequency of these events. Dean said that DC Planning does not agree with limiting the frequency of events.

Jeff Newman – discussed different set back requirements and the use of buffers; its better delineation to use the property line as the set back point. Glad to see the buildings used for events that house the public must be built to code. Regarding sound needing to be contained to the farm, that is impossible to enforce. The point is to mitigate and limit the sound. The renewal process is of concern, a farm can invest a lot of money in its production so an annual review could be onerous, suggests a review process, not a renewal process. Noticed the proposed law he is reading is not the current version.

Mike Parella – concerned new construction on the farms are close to the property line and that should be controlled.

Arlene Campbell – wants the law to refer to the site plan process in the Town Code 250 96 and 97, the Building Inspector is more capable to inspect the venue not the ZA. Also suggests adding the Planning Board has the discretion to waive certain items in the site plan process. Re: the checklist: add the purpose of the events. How do you alleviate the noise, as it travels? Dean Michael said it is impossible to limit the sound and to ask to soundproof is cost prohibitive, but he pointed out we do have a noise ordinance.

Ray Oberly - you need to put a date on these laws, so we know which one is which. We should keep the public hearing open so people can comment on the current version.

MM Councilman Michael, 2nd Councilman Whitton to keep the public hearing open until Feb. 11, 2020 at 6:00 PM in the Town Hall to address additional comments on the most current version of the local law. All aye. Motion carried.

At 7:04 PM, There being no further comments, MM Supervisor Oberly, 2nd Councilman Michael to close the public hearing. All aye. Motion carried.

ADJOURNMENT

At 7:04 PM, MM Supervisor Oberly, 2nd Councilman Michael to adjourn the public hearing. All aye. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol-Jean Mackin".

Carol-Jean Mackin,
Town Clerk