

December 8, 2020

Schultzville, NY

**A public hearing on proposed local law 3 of 2020 Ag Events law, was held on this day, December 8, 2020 via teleconference using Zoom** with a You Tube livestream to the public. This is due to the Novel Coronavirus (COVID-19), Emergency State and Federal bans on large meetings or gatherings, and pursuant to Governor Cuomo's Executive Order 202.1, issued on March 12, 2020, extended by executive order 202.15, suspending the Open Meetings Law.

Audience participation is allowed. The meeting codes are available on the Town's website, townofclinton.com if you wish to make a comment at the public hearing on the law. Members of the public may also view the Board meeting as it is livestreamed on Town Board Videos page of the Town of Clinton Website.

Supervisor Oberly called the public hearing to order at 6:00 PM.

**NO PLEDGE/ NO FLAG PRESENT**

#### **ATTENDANCE**

Supervisor Oberly took attendance to establish a quorum:

Supervisor Oberly	here
Councilwoman Cunningham	here
Councilman Juliano	here
Councilman Dean Michael	here
Councilman Whitton	here
Town Clerk Mackin	here

The Town Clerk read the public hearing notice aloud.

Supervisor Oberly opened the floor for comments and turned the meeting over to Councilman Michael, who asked for comments from the public.

Dean Michael - The law was only just sent to the Dutchess County Planning, so they have 30 days to review and send suggestions. This is a two-phase process, as we have a conference center law already on the books. This law separates ag events, so we need next modify language in the conference center law.

Jeff Neumann – This is the best version yet. The Board should be aware that someone could apply to run an event under the conference center law and circumvent some of the rules in this ag events law. Re: amplified sound, commented that this is unenforceable the way it is written: “all sources of amplified sound, including but not limited to music performances and spoken word, shall be contained entirely within an enclosed structure.” It should be worded differently because of the desire to create to give better enforcement tools to the town. He would suggest wording: “all sources of amplified sound intended as part of the event including but not limited to music performance and spoken words shall be contained entirely within the event area.”

Rebecca Valk – re: renewal and review of special use permit. Comments in attachment regarding revocation of the permit. Provided alternative wording. Councilman Dean Michael explained the permit review incorporates taking comments from neighbors and interested parties to fix, remedy or remove the event center. Rebecca wants to be sure the property owner can appeal to the Board at time of renewal if they suggest revocation.

Jeff Neumann – made certain suggestions, correcting typos throughout the document for clarity. Happy to see the annual review process for the permit and suggests it take place at the anniversary of the approval.

Arlene Campbell asked about how to differentiate between ag events and a wedding event on a farm. On Field Road there is a farm that runs events, and the neighbors are concerned. We talked about limiting the number of events and now farm events can have as many as they want. Dean agreed. Arlene said they can have weddings, they are serving alcohol. Is that allowed? Dean: anyone serving alcohol needs a license. Arlene is concerned about safety to the public. Jeff Neumann read from the law which says the establishment needs a license to serve alcohol and the license holder is responsible for the patrons. Arlene: regarding sound and noise, can we add soundproofing the building? Dean said it would be impractical. Jeff Neumann said the noise ordinance can enforce the noise issue. Arlene asks about the renewal process for the special permit. Jeff Neumann said NYS ag and markets says that a farm operation can only have 30 percent of its operation receipts from events, the rest from their farming products. Arlene wants to define grandfathered as she wants to make sure that people who have had illegal events will not be grandfathered.

Gerry Thorpe – neighbor to Adriance Farm. Wants to see Farm succeed, but as a resident it is taking away his style and quiet life on his road. The traffic creates a hazardous road condition, young people are regulating traffic on the road. The volume and rate of speed of cars are too much. The signage for the farm is everywhere, the lighting there is dangerous; it is a clip-on light on a ladder for the parking area and the noise is too much for their neighborhood. Wanted to know how someone would know about this meeting. Dean explained about Mailchimp and that public hearing notices are posted. Dean said we have a sign law, a noise ordinance and a law to regulate lighting. Gerry asked about the parking issue and that the Adriance Farm does not abide by the regulations in the law as the parking is across the street. Dean said this law does not address issues on a particular property, the planning process will address a particular farm, if they don't comply with the law they have to go for a variance.

Chris Juliano - is concerned about protecting our residents. At the special permit stage, the neighbors will be notified of their neighbor's establishment. Gerry said in this case of the Adriance farm, the farm's use is changing.

Justin Wisnewski – main concern is the noise. Complained to the ZA and nothing has been done so far with the existing laws on the books. Asks how it will be enforced. Dean explained how the ZA will enforce the law.

Gerry asked how many parcels will the ag events impact? Dean said there are about five event centers. Jeff Neumann said the law is written for every property in Clinton that meets requirements. Jeff asked about the staffing in the zoning department will we have a full time ZA and part time code enforcement officer as talked about before the pandemic? Dean said now the pandemic causes people outside once pause is lifted people will go inside. Gerry said the Adriance Farm is open every night, there are alcohol and parking issues. And once the pandemic is lifted there will be more people, not less.

Justin Wisnewski said the outdoors is the draw for the farm, not the barn. The noise is over 1000 feet away and the music is very loud. Feels like he lives next to the fairgrounds. The roadway is one way, and the traffic is atrocious. The farm is placing cones in the roadway to assist their farm and that is illegal. Dean said without a law there is no enforcement, so this is a start. The farm will have to go to the Planning Board to get their permit and these issues will be addressed.

Arlene Campbell suggests leaving public hearing open until we hear back from DC Planning. Carol Mackin said the planning dept did an informal review of this local law, so we don't expect any significant changes.

Gerry asked what permits these venues have, Dean said none, Mike Whitton explained that we have other laws for noise etc. and they are not being enforced. This local law will address certain issues at the Planning Board special permit stage before they become a problem.

Dave Stewart – asked about the noise ordinance, he can't find it on the website. Town Clerk Mackin told him where to find it on the website.

Justin Wisnewski- who deems traffic is unsafe? Jeff Neumann said the PB will determine that in the permitting process. Ag and Markets has specific limitations on farms for events revenues, so enforcing the law does not have to always fall to the Town, the Town can lean on Ag and Markets to enforce the NYS law.

At 7:05 PM, There being no further comments, MM Councilman Michael, 2<sup>nd</sup> Councilman Juliano to close the public hearing.

**ROLL CALL VOTE:**

Oberly AYE  
Cunningham AYE  
Juliano AYE  
Dean Michael AYE  
Whitton AYE

**Motion carried.**

**ADJOURNMENT**

At 7:10 PM, MM Supervisor Oberly, 2<sup>nd</sup> Councilman Juliano to adjourn the meeting.

**ROLL CALL VOTE:**

Oberly AYE

Cunningham AYE

Juliano AYE

Dean Michael AYE

Whitton AYE

**Motion carried.**

Respectfully submitted,

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

Carol-Jean Mackin,  
Town Clerk