

March 12, 2024

Schultzville, NY

A continued public hearing on proposed local law No. x of 2024 was held on this day in the Town Hall. Present were Supervisor Whitton, Deputy Supervisor Werner, Councilman Dykas, Councilwomen Mustello and Councilwoman Auspitz as well as Town Clerk Carol-Jean Mackin. There were approximately 10 people in the audience.

PLEDGE OF ALLEGIANCE

At 6:15 PM, Supervisor Whitton called the public hearing to order and led the Pledge of Allegiance.

LEGAL NOTICE

The public hearing notice was dispensed with as this is a continuation of the February public hearing.

PUBLIC HEARING

MM Supervisor Whitton, 2nd Councilwoman Mustello to open the floor to public comments. All aye. Motion carried.

Katherine Mustello – re: farm tasting rooms, does that include food trucks? MCEI Newman said they were not as common when we began writing this law, but yes a food truck falls under that category as they require BOH approval, which is the requirement in the law. Regarding agritourism, to qualify under this law, the farm has to be in an ag district but farms can be anywhere. MCEI Newman talked about the expanding definition of farms, but Ag and Markets and THE town attorney agree that the law applies to properties in ag districts only. MCEI Newman thanked all for their work.

Dean Michael – it's a huge document covering a lot of things. Concerning the annual farm operating permit, he has not found this kind of permit in any other town. Feels its intrusive and some of the information serves no purpose, like asking for their annual income, overall value of farm assets, total acreage, or asking for description of the farm practice, etc. He does not see the purpose of collecting this information

MCEI Newman – this information request was suggested by NYS Ag and Markets. The information on the permit was supplied by Ag and Markets, the information is what they use to determine if a case before them is a farm operation. This Law is to give farm operations more opportunity than what Ag and Markets gives them. Its also good for enforcement to clear up any ambiguity of a whether a property is actually a farm.

Dean Michael - Respects the verification process, the assessor should be asking for that information when they are applying for an ag exemption. He feels the form asking for their assets is objectionable.

MCEI Newman - the idea of the form going to the assessor is a good idea, maybe this could be submitted annually to the assessor. The reason we are asking for this information is that Ag and Markets says a farm must be a commercial enterprise. Ag and Markets will use this form if they have a question about a farm operation before them. This is easy information to provide and it should be on the farmer's schedule f tax form.

Ray Oberly – if you are a farm and want an ag exemption, there is a form f for income tax you must file, that should be adequate to label the property a farm. This form is public information so all information is available to the public and some questions may require answers that are proprietary to a particular business. He questions the level of detail; are you going to other businesses and ask them for this type of information to prove they are a business? Like Stewarts for example; feels it is quite intrusive. Suggests the zoning officer can just ask the assessor if a property has an ag exemption.

Arlene Campbell - too much information is being requested on the form; agrees that the form is public information and that is a concern.

Katherine Mustello - asked if we want to separate the farm law from the permit and approve the farm law tonight with the approval of the permit to follow. Deputy Supervisor Werner said the law references the permit. MCEI Newman said we added the form after the drafts because Ag and Markets suggested we add it. If a person interacts with the Town there is certain information we will ask for, which is all public information. A property can be in an ag district and get the ag exemption yet not be a farm operation, for example leased property. The owner of the property leased does not have a farm operation. The information required on the permit forces the applicant to meet the letter of law to own a farm operation. The idea of the law is to give farms more opportunities and a landowner getting an exemption that is not a farmer can not get a permit under this law.

Mike Whitton - Ag and Markets requested the form, so we should approve it.

Dean Michael - we are removing certain definitions from the Law and not replacing them. Feels the revised definitions are different than those of the zoning revision work done and the committee gave careful consideration to the original definitions. Regarding food and beverage services at a tasting room, feels you are limiting the service of food to a prepackaged snack so as to not get the Board of Health involved. He is reading that the law says you can't have a tasting room that requires BOH approval. Councilwoman Mustello and Dean talked about the types of food available to serve. Dean also said you removed the definition of multifamily and did not replace it.

MCEI Newman - applying for a permit for a farm tasting room is to sell beverages with minimal food otherwise you would be a restaurant.

Deputy Supervisor Werner and Mr. Newman talked about the definitions that were removed and not replaced, including multifamily and townhouse. This is a question for the Town Attorney to follow up with.

At 6:42 PM, MM Supervisor Whitton, 2nd Councilman Werner to close the public comment session of the public hearing. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Werner to keep open the public hearing until April 6, 2024 at 6:15 PM in the Town Hall. All aye. Motion carried.

ADJOURNMENT

At 6:42 PM, MM Supervisor Whitton, 2nd Councilman Werner 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