

LOCAL LAW _____ 2016

**LOCAL LAW FOR SITE PLAN REVIEW OF
PROPERTIES IN A DESIGNATED AGRICULTURAL
DISTRICT UNDER ARTICLE 25-AA § 305
OF THE AGRICULTURAL AND MARKETS LAW
OF THE STATE OF NEW YORK**

The Code of the Town of Plattekill, New York is amended by adding Section 110-57.5 as follows:

- A. Consistent with New York Town Law Section 283-a, which provides, in part, that Local Governments shall exercise their powers to enact local laws, ordinances, rules or regulations that apply to farm operations within a County designated and State approved Agricultural District under Article 25-AA of the New York State Agricultural and Markets Law in a manner which does not unreasonably restrict or regulate farm operations, unless the public health, safety or welfare is threatened, the Town of Plattekill adopts this local law to encourage the development and improvement of agricultural lands and agricultural uses within such Agricultural Districts and to provide for an expedited site plan review for farm operations located within said Agricultural Districts in the Town of Plattekill.
- B. Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring review and approval by the Town Board or Planning Board or Zoning Board of Appeals, concerning property located within an agricultural district, containing a farm operation, shall include an Agricultural Data Statement.
- C. The Agricultural Data Statement shall include the following information:
 - 1. The name and address of the applicant;
 - 2. A description of the proposed project and its location;
 - 3. The name and address of any owner of land within the agricultural district which land contains farm operations and the name and address of any owner of land that is located within five hundred (500) feet of the boundary of the property upon which the project is proposed.
 - 4. A tax map, scaled sketch or survey showing the site of the proposed project relative to the location of farm operations identified in the Agricultural Data Statement.

5. A copy of the written designation by the County of Ulster and the approval by the State of New York confirming that the property is within a designated Agricultural District under Section 25-AA of the New York State Agricultural Markets Law.
- D. Upon receipt of such application and Agricultural Data Statement by the Town Board, Planning Board, or Zoning Board of Appeals, the Clerk of such Board shall mail written notice of said application to the owners of land identified by the applicant in the Agricultural Data Statement. Such notice shall include a description of the proposed project and its location and shall be sent in conjunction with any other notice required by State or local law, rule or regulation for the proposed project. The cost of mailing said notice shall be borne by the applicant.
- E. The Clerk of the Planning Board shall defer all applications requiring an Agricultural Data Statement to the Ulster County Planning Board or such other agencies or regional planning counsels as may be required under Section 239-m and 239-n of the General Municipal Law of the State of New York.
- F. The construction of farm buildings within a duly designated Agricultural District shall be subject to an expedited site plan review.
- G. The applicant shall submit a rendering, drawing or sketch with a statement of approximate scale, showing the arrangement, layout and design of the proposed agricultural use, including parking, means of ingress and egress, circulation of traffic, screening, signs, landscaping, architectural features, location and dimensions buildings, adjacent land uses and physical features meant to protect adjacent land uses as well as identifying any known easements, rights of ways and roadways. It shall also show, as applicable, existing features of the site, such as land and water areas, wells and septic systems and the approximate locations of all existing structures on or immediately adjacent to the site.
- H. The applicant shall further provide a sketch of any proposed buildings, structure, or sign including exterior dimensions and elevations of front, side and rear view. Available plans or drawings must also be provided.
- I. The applicant shall provide a description of the present farm operation and any change in use of the proposed farm operation, which shall include any intended use or change in use of buildings, structures, signs, topography and other natural features.
- J. The application shall include the full name and address of the applicant and any professional advisors and if the applicant is not the owner, the owner's name and

address shall also be provided.

- K. If any new structures or uses will be located adjacent to a stream or wetlands, a flood plain map and a wetland map that corresponds with the property boundaries shall be provided.
- L. While a formal survey and architectural or engineering drawings are ordinarily not required, the municipal board, in its discretion, may require same if the nature of the proposed activities, including the size and complexity of the said activity and/or the construction of buildings and structures are deemed to have potential significant impacts on surrounding properties.
- M. A decision on the proposed site plan shall be issued within forty-five (45) days after all required materials have been fully submitted and the public hearing has been closed.
- N. Notwithstanding Education Law § 7209(1) which requires that buildings be stamped with a seal of an architect, or professional engineer, Education Law § 7209(7)(b) excepts from said requirements, farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.
- O. Minimum set backs for front, back and side yards, for farm buildings shall apply within designated agricultural districts. Sign limitations of the Town of Plattekill Code shall apply but shall not unreasonably restrict the ability of a farmer to alert the public of the presence of the farm.
- P. Farm operations within an agricultural district shall be allowed the maximum use of available land as long as said use is consistent with the need to protect the public health, safety and welfare.
- Q. Wedding receptions, parties and special events may be held on farms within a duly designated agricultural district under New York Agricultural and Markets Law § 25-AA if they meet the following criteria:
 - 1. The applicant shall pay a fee upon submission of the application which fee shall be commensurate with the level of review and staff needed to review the application.
 - 2. Consistent with the town's obligation to protect the public health, safety and welfare, the town may impose reasonable restrictions on the hours of operation, noise levels, on site parking, flow of cars parked on the farm, the number of events per calendar year, lighting restrictions to maintain

dark sky requirements and to reduce or eliminate stray light.

3. Such on farm events must be directly related to the sale and promotion of the crops, livestock and livestock products produced at the farm and said events must be incidental and subordinate to the retail sale of crops and livestock at the farm. Event income is incidental and subordinate only when the gross annual sales from the non-farm portion of event sales, including any facility rental, vendor fees, admission fees, catering charges, and sales of alcoholic beverages does not exceed 30% of the total gross sales of the crops, livestock, products or beverages produced at the farm.
4. All applicants must provide sufficient records to prove that the “incidental and subordinate” criteria has been met and each applicant must submit an annual report showing that said conditions have been met. Absent such proof, the weddings, parties and social events may not be held at the farm.

This Local Law shall take effect upon filing same with the New York Secretary of State.