

LOCAL LAW NO. __ OF THE YEAR 2019

**A LOCAL LAW ESTABLISHING AMENDING CHAPTER 215 (ZONING)
OF THE TOWN CODE OF
THE TOWN OF PAWLING
ENTITLED “FARM USES; NEW YORK STATE AGRICULTURAL DISTRICTS”**

BE IT ENACTED by the Town Board of the Town of Pawling, County of Dutchess, as follows:

Section 1: Section 215-3 of the Zoning Code of the Town of Pawling is hereby amended with the insertion of the new definitions for “Agricultural District”, “Agricultural Practices”, “Farm” and “Personal Use Farm” to be read as follows:

AGRICULTURAL DISTRICT- A New York State Agricultural District as defined in Article 25-AA of the New York State Agriculture and Markets Law.

AGRICULTURAL PRACTICES- Includes all practices necessary for the on-farm production, preparation and marketing of agricultural products.

FARM -Includes livestock, dairy, poultry, fur-bearing animal, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations. **PERSONAL FARM USE** – Livestock and crop production for personal use; the keeping, grazing, feeding and care of animals other than household pets and the production of crops.

- A. The minimum lot size (except for farms) shall be one grazing acre for each large animal, including horses, ponies, sheep, goats, pigs or other similar sized animals which are kept, grazed, fed and cared for on the property.
- B. The minimum lot size for keeping, grazing, feeding and caring for small animals shall be one acre. No more than 25 small animals per acre may be kept, grazed, fed or cared for. Small animals include poultry, rabbits and other similarly sized animals.
- C. Adequate fencing must be installed and maintained to contain the livestock within the property and to harmonize with the character of the neighborhood.
- D. Permanent housing, three or four sided, shall be provided for all animals. There shall be no storage of supplies for livestock outside of permanent buildings. The minimum floor space for animal housing and storage shall conform to the current best standards and practices for proper care and welfare of animals.
- E. The owner must demonstrate to the Town that adequate open space and facilities, used for the proper care of such animals, are available and that the maintenance of such animals will not interfere with the reasonable use and enjoyment of the property of others.
- F. Manure shall be stored in an environmentally safe area. The manure storage area shall be screened so that it will not be unsightly.

- G. It shall be unlawful for any owner of livestock in the Town of Pawling to allow such livestock to constitute a nuisance to any other person.

Section 2: Chapter 215-3 of the Zoning Code of the Town of Pawling is hereby amended for the definition of "Farm Use; Customary Farm Occupation" to be read as follows:

FARM USE; CUSTOMARY FARM OCCUPATION - The use of a parcel of land five acres or more, either as a principal or accessory use, for the purpose of producing agricultural, horticultural, floricultural, vegetable and fruit products of the soil, livestock and meats, poultry, eggs, dairy products, nuts, honey, wool and hides for profit, ~~but shall not include the breeding, raising or maintaining of fur-bearing animals, piggeries, abattoirs, riding academies, livery stables or animal kennels.~~ A garden accessory to a residential use shall not be deemed a "farm" or "farm use." A "customary farm occupation" shall be the conducting of usual farm activities and shall include the processing and retail sale of the products of only the farm on which such processing is conducted, including a roadside stand as defined in this chapter. Farm equipment and materials shall not be stored in required yards.

Section 3: Chapter 215-3 of the Zoning Code of the Town of Pawling is hereby amended for the definition of "Animal Husbandry" to be removed as follows:

~~**ANIMAL HUSBANDRY** - Livestock for personal use; the keeping, grazing, feeding and care of animals other than household pets.~~

- ~~A. The minimum lot size (except for farms) shall be one **grazing** acre for each large animal, including horses, ponies, sheep, goats, pigs or other similar sized animals which are kept, grazed, fed and cared for on the property.~~
- ~~B. The minimum lot size for keeping, grazing, feeding and caring for small animals shall be one acre. No more than 25 small animals per acre may be kept, grazed, fed or cared for. Small animals include poultry, rabbits and other similarly sized animals.~~
- ~~C. Adequate fencing must be installed and maintained to contain the livestock within the property and to harmonize with the character of the neighborhood.~~
- ~~D. Permanent housing, three or four sided, shall be provided for all animals. There shall be no storage of supplies for livestock outside of permanent buildings. The minimum floor space for animal housing and storage shall conform to the following requirements:~~

	Dairy Cows	Beef Cows	Horses	Goats or Sheep	Chickens	Rabbits	Hogs
	(1)	(1)	(1)	(2)	(25)	(10 does)	(1)
Floor area, minimum (square feet)	100	100	100	100	100	60	150

- ~~E. Manure shall be stored in an environmentally safe area. The manure storage area shall be screened so that it will not be unsightly.~~
- ~~F. It shall be unlawful for any owner of livestock in the Town of Pawling to allow such livestock to constitute a nuisance to any other person.~~

Section 4: Chapter 215 (Zoning) of the Code of the Town of Pawling is hereby amended with the insertion of a new section 215-17.3 to read as follows:

§ 215-17.3 Farm Uses; New York State Agricultural Districts.

A. Purpose.

1. The Town Board recognizes agriculture as an essential and integral industry in the community that enhances the economic base, stabilizes the tax base, and perpetuates the rural character of the Town of Pawling. The Town Board further declares that it shall be the policy of Pawling to encourage agriculture and foster understanding by all residents of the necessary day-to-day practices associated with farm uses so as to encourage cooperation with those practices.
2. Farming reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Town of Pawling emphasizes to residents that this town encourages its agriculture and requests residents to be understanding of the necessary day-to-day operations.
3. For the purpose of reducing future conflicts between farmers and nonfarmers, it is necessary for notice to be given to future neighbors about the nature of agricultural practices. The following notice shall be included in building permits and on plats of subdivisions, site plans, and special permits submitted for approval pursuant to Town Law § 276:

"This property may border a farm, as defined in Town Law § 276. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and

vibration."

4. The Town Board recognizes that in exercising its powers to enact local laws, ordinances, rules or regulations that apply to farm uses in a New York State certified agricultural district, these laws are necessary to protect the public health and safety, and are not intended to conflict with the purposes of Article 25-AA of the Agriculture and Markets Law of the State of New York.

B. Farm Uses.

1. The following guidelines and standards apply to Farm Uses outside of the Agricultural District. Guidelines are recommended practices and are preceded by "should," while standards are required and are preceded by "shall":
 - a. Building setbacks. Buildings or structures for permitted fowl or livestock should be located not less than 100 feet from any lot line, except where the farm use precedes the residential use, and shall not be located within 200 feet of the nearest neighboring residential structure.
 - b. Manure storage. The storage of manure or odor-producing substances:
 - (i) shall be located at least 150 feet from any lot line, stream or other water body;
 - (ii) shall be located at least 200 feet from the nearest neighboring residential structure or well providing a source of potable water; and
 - (iii) shall be in a container or containment area;
 - (c) The minimum lot size shall be one grazing acre for each large animal, including horses, ponies, sheep, goats, pigs or other similar sized animals which are kept, grazed, fed and cared for on the property; and
 - (d) The minimum lot size for keeping, grazing, feeding and caring for small animals shall be one acre. No more than 25 small animals per acre may be kept, grazed, fed or cared for. Small animals include poultry, rabbits and other similarly sized animals.

- C. Buffers to agriculture required. The policy of the Town of Pawling is to encourage agriculture, so wherever agricultural uses and proposed nonagricultural uses adjoin, the applicant for the nonagricultural use shall provide buffers to reduce the exposure of these abutting uses to odors, noise, and other potential nuisances associated with the farm use. Said buffer strips may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features and, when required, shall be no less than 100 feet in width and may be required up to a width of 300 feet, depending upon the type of adjoining agriculture or farm use, the topography and the proposed design and planting of such buffer. It shall be the responsibility of the applicant, subject to approval by the Planning Board, to provide an

effective buffer that will reasonably protect adjacent residential living areas from agricultural practices and to protect the agricultural use from nuisance complaints and nuisance lawsuits, from their non-farm neighbors, as a result of normal farm uses.

D. Farm Uses in a New York State Agricultural District.

1. The following provisions shall apply to land and buildings for farm use in an Agricultural District consistent with Article 25-AA of the Agriculture and Markets Law of the State of New York:

- (a) There shall be no height limits on agricultural structures, including but not limited to barns, silos, grain bins, and fences, as well as equipment related to such structures, as long as they are being used in a manner that is part of the farm use.
- (b) There shall be no lot line setback restrictions on agricultural structures, except setbacks from lots that are either not within the agricultural district or lots that have existing residential uses. This setback requirement shall not apply to preexisting nonconforming structures.
- (c) Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming, are classified as Type 2 actions under SEQRA.
- (d) The following expedited site plan approval from the Planning Board shall be required for Farm Uses consistent with Article 25-AA of the Agriculture and Markets Law of the State of New York:
 - (i) The applicant shall submit a sketch of the parcel on a location map (such as a copy of a survey or a tax map) showing the boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. On this map, show the existing features of the site, including land and water areas, water and/or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
 - (ii) The sketch should show the proposed location and arrangement of buildings and uses on the site, including access and egress, parking and circulation.
 - (iii) The sketch should show any proposed buildings or structures, including the exterior dimensions and elevations of the front, side and rear views. Include copies of any available plans or drawings prepared by a professional.
 - (iv) Provide a description of the project and a narrative of the intended use of the proposed building(s), including any proposed changes in the existing topography and natural features of the parcel to accommodate the proposed changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property,

provide authorization of the owner.

- (v) The site plan application shall be referred to the Dutchess County Department of Planning and Development prior to site plan approval. The Planning Board may conduct a public hearing on the proposed site plan, depending upon the nature of the application and the degree of public interest.

E. Parcels within 500 feet of a Farm Use

1. The following guidelines and standards apply to parcels within 500 feet of a farm use for which a subdivision, site plan, special use permit, zoning variance or zoning amendment approval is required from the Town of Pawling.

- (a) New development requires deeded declarations. All deeds of new residential units within 500 feet of a farm use shall contain references to notes that shall be placed on the subdivision plat and/or site plans relative to the benefits of agriculture to the Town of Pawling as well as to the potential hazards and nuisances associated with agriculture (such as noise, odors, hazardous chemical use, etc.) to which residents of the dwelling unit(s) willingly subject themselves.
- (b) Agricultural data statement required. An agricultural data statement shall be required for any application for a subdivision, special permit, site plan, area or use variance, or zoning amendment approval by the Town Board, Planning Board, or Zoning Board of Appeals that would occur on property within an agricultural district containing a farm use, or on property with boundaries within 500 feet of a farm use located in an agricultural district. The reviewing board shall evaluate and consider the agricultural data statement and any comments thereon by owners or operators of farm uses potentially affected by such application in its review of the possible impacts of the proposed project upon the functioning of farm uses within the agricultural district.

Section 5. Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Pawling hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 6: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: _____, 2019

BY THE ORDER OF THE TOWN BOARD
TOWN OF PAWLING