

3689--A

Cal. No. 327

2015-2016 Regular Sessions

I N S E N A T E

February 13, 2015

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommended to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the town law, in relation to permitting retail farm operations as an accessory use to agricultural lands pursuant to the Peconic Bay region community preservation fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 4 of section 64-e of the town law, as amended
2 by chapter 551 of the laws of 2015, is amended to read as follows:
3 4. Preservation of community character shall involve one or more of
4 the following: (a) establishment of parks, nature preserves, or recre-
5 ation areas; (b) preservation of open space, including agricultural
6 lands PROVIDED, HOWEVER, THAT FARM BUILDINGS AND STRUCTURES USED FOR THE
7 MARKETING OF FARM PRODUCTS PRODUCED ON SUCH AGRICULTURAL LANDS WHERE AT
8 LEAST FIFTY PERCENT OF THE GROSS ANNUAL INCOME RESULTS FROM SALES OF
9 PRODUCTS PRODUCED ON SUCH LANDS AND, IN ADDITION THE SALE OF ANY OTHER
10 LOCALLY SOURCED AND/OR PRODUCED FOOD AND PLANT PRODUCTS SHALL BE PERMIT-
11 TED; (c) preservation of lands of exceptional scenic value; (d) preser-
12 vation of fresh and saltwater marshes or other wetlands; (e) preserva-
13 tion of aquifer recharge areas; (f) preservation of undeveloped
14 beachlands or shoreline including those at significant risk of coastal
15 flooding due to projected sea level rise and future storms; (g) estab-
16 lishment of wildlife refuges for the purpose of maintaining native
17 animal species diversity, including the protection of habitat essential
18 to the recovery of rare, threatened or endangered species; (h) preserva-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 tion of pine barrens consisting of such biota as pitch pine, and scrub
2 oak; (i) preservation of unique or threatened ecological areas; (j)
3 preservation of rivers and river areas in a natural, free-flowing condi-
4 tion; (k) preservation of forested land; (l) preservation of public
5 access to lands for public use including stream rights and waterways;
6 (m) preservation of historic places and properties listed on the New
7 York state register of historic places and/or protected under a municipi-
8 pal historic preservation ordinance or law; and (n) undertaking any of
9 the aforementioned in furtherance of the establishment of a greenbelt.
10 Preservation of community character shall also include the protection
11 and improvement of the quality of all water resources.
12 S 2. This act shall take effect immediately.