S T A T E O F N E W Y O R K

S. 3689 A. 5244

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

February 13, 2015

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments

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:

Section 1. Subdivision 1 of section 64-e of the town law is amended by adding a new paragraph (e) to read as follows:

(E) "RETAIL FARM OPERATION" MEANS A SEASONAL OR ANNUAL ENTERPRISE WITH EITHER PERMANENT OR NONPERMANENT STRUCTURES THAT ARE OPERATED FOR THE PURPOSES OF SELLING PREDOMINATELY FARM AND FOOD PRODUCTS IN CONJUNCTION WITH OR IN SUPPORT OF LAND USED IN AGRICULTURAL PRODUCTION AS DEFINED IN SUBDIVISION FOUR OF SECTION TWO OF THE AGRICULTURE AND MARKETS LAW. SUCH PORTION OF THE FARM AND FOOD PRODUCTS SHALL EXCEED FIFTY PERCENT OF THE GROSS ANNUAL INCOME OF SUCH RETAIL FARM OPERATION. FARM AND FOOD PRODUCTS SHALL MEAN ANY AGRICULTURAL PRODUCT OF THE SOIL OR WATER, INCLUDING BUT NOT LIMITED TO FRESH OR PROCESSED FRUITS, VEGETABLES, EGGS, DAIRY PRODUCTS, MEAT AND MEAT PRODUCTS, POULTRY AND POULTRY PRODUCTS, FISH AND FISH PRODUCTS, APPLE CIDER, FRUIT JUICE, WINE, ORNAMENTAL PLANTS, NURSERY PRODUCTS, FLOWERS, AND CHRISTMAS TREES.

S 2. Subdivision 4 of section 64-e of the town law, as amended by chapter 423 of the laws of 2013, is amended to read as follows:

4. Preservation of community character shall involve one or more of the following: (a) establishment of parks, nature preserves, or recreation areas; (b) preservation of open space, including agricultural lands AND RETAIL FARM OPERATIONS AS AN ACCESSORY USE TO AGRICULTURAL

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

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LANDS; (c) preservation of lands of exceptional scenic value; (d) preservation of fresh and saltwater marshes or other wetlands; (e) preservation of aquifer recharge areas; (f) preservation of undeveloped beachlands or shoreline including those at significant risk of coastal flooding due to projected sea level rise and future storms; (g) establishment of wildlife refuges for the purpose of maintaining native animal species diversity, including the protection of habitat essential to the recovery of rare, threatened or endangered species; (h) preservation of pine barrens consisting of such biota as pitch pine, and scrub oak; (i) preservation of unique or threatened ecological areas; (j) preservation of rivers and river areas in a natural, free-flowing condition; (k) preservation of forested land; (l) preservation of public access to lands for public use including stream rights and waterways; (m) preservation of historic places and properties listed on the New York state register of historic places and/or protected under a municipal historic preservation ordinance or law; and (n) undertaking any of the aforementioned in furtherance of the establishment of a greenbelt.

S 3. This act shall take effect immediately.