

Chapter 72

FARMING

GENERAL REFERENCES

Fire prevention and building Subdivision of land — See Ch. 120.
construction — See Ch. 74.

Zoning — See Ch. 143.

§ 72-1. Legislative finding and intent.

- A. It is hereby found and declared by the Town Board of the Town of Red Hook that agricultural lands are irreplaceable assets. To that end, the Town Board finds farming to be an essential activity within the town which greatly contributes to the economic viability of the town. Farming also reinforces the special quality of life enjoyed by the town's residents, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Town Board emphasizes to both the town's current residents and prospective newcomers to the town that it is the policy of this town to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products and also for its natural and ecological value.
- B. Furthermore, the Town Board hereby supports those farmers, as well as all those employed, retained or otherwise authorized to act on behalf of farmers, in their efforts to lawfully and responsibly engage in the time-honored profession of farming. The Town Board hereby expresses its support of the enactment by the State Legislature of Chapter 797 of the Law of 1992 of the State of New York¹ which, among other things, added a new section to the Agriculture and Markets Law of the State of New York by establishing for the first time a statutory right to farm by prohibiting the commencement of private nuisance suits against farmers who engage in sound agricultural practices.
- C. The Town Board, in an effort to promote and foster a harmonious relationship between the residents of the town and those who contemplate purchasing land with the Town of Red Hook and to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products, hereby declares that it shall be the policy of this town to provide reasonable notice to prospective landowners that farming activities may occur on neighboring lands.

§ 72-2. Notice to prospective grantees.

1. Editor's Note: See § 301 et seq. and Article 25-AAA of the Agricultural and Markets Law.

- A. Upon the submission of a preliminary subdivision plat or a multifamily residential site plan to the Planning Board of the Town of Red Hook, pursuant to Article 16 of the Town Law of the State of New York, the applicant, in addition to any other requirement, shall submit a separate statement to the Planning Board stating whether the boundaries of the proposed subdivision or multifamily residential dwelling are to be located partially, wholly or within or are within 500 feet of either an Agricultural District or land for which an individual commitment has been received pursuant to § 305 or 306 of the Agriculture and Markets Law of the State of New York.
- B. Should any proposed subdivision or multifamily residence be located partially, wholly or within 500 feet of either an Agricultural District or land for which an individual commitment has been received pursuant to § 305 or 306 of the Agriculture and Markets Law of the State of New York, then the following notice shall appear on either the final subdivision plat or final site plan: "It is the policy of the Town of Red Hook to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products and also for its natural ecological value. This notice is to inform the prospective grantee that the property he is about to acquire lies partially, wholly or within 500 feet of either an agricultural district or land for which an individual commitment has been received pursuant to § 305 or 306 of the Agriculture and Markets Law of the State of New York and that farming activities may occur on such property. Such farming activities may include but not be limited to activities that cause noise, dust and odors."
- C. In addition to the requirements of Subsection B, the Planning Board shall also require as a condition of final subdivision or site plan approval that, prior to the initial sale, purchase or exchange of any real property within any such subdivision or multifamily residence, the grantor shall also deliver to the prospective grantee a typewritten document containing the notice set forth in Subsection B. Further, the grantor shall incorporate said notice in any deeds wherein title to any such property is to be initially conveyed to a grantee.