

## **Draft – Local Law #2 of 2025**

### **Chapter 126 Right to Farm**

#### **126-1. Title.**

This chapter shall be known as the “Right to Farm Law of the Town of Stanford.”

#### **126-2. Legislative Intent.**

- A. The Town Board of the Town of Stanford hereby recognizes and declares the communal importance and pride associated with the local agricultural heritage. As proclaimed by George Washington, “Agriculture is the most healthful, most useful, and most noble employment of man.” The rich and beautiful farmlands of Stanford, New York generate viable economic benefits, fresh produce and commodities, environmental quality, and pastoral landscapes—thus defining the rural character of the Town.
- B. It shall be the policy of the Town to preserve, protect, promote, and expand upon current and prospective farming operations, while fostering a harmonious relationship between farmers and neighboring residents. Said relationship includes the understanding and acceptance of day-to-day associated agriculture practices. Doing so with the intention of limiting the circumstances in which farming may be deemed a nuisance and be free of unreasonable and unwarranted interference.
- C. The Town Board recognizes that in exercising its power to enact local laws, ordinances, rules or regulations that apply to farm uses in a New York State certified Agricultural District (District 21), these laws are necessary to protect the public health and safety and are not intended to conflict with the purpose of New York State Department of Agriculture and Markets Law Article 25-AA, as the same may be amended at any time.
- D. The Town ensures that local laws are consistent with New York State Agriculture and Markets Law (Section 305-B) and New York State Town Law (Section 283-A), which requires an agricultural data statement for any application for a special use permit, site plan, use variance, or subdivision that occurs on property within an agricultural district or within 500 feet of a farm operation located in an agricultural district.

#### **126-3. Definitions.**

- A. As used in this chapter, the following terms shall have the meaning indicated:

##### **Agricultural Data Statement**

An identification of farm operations within an agricultural district located within 500 feet of the boundary of property upon which a subdivision is proposed, as provided in § 305-A of the Agriculture and Markets Law. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its

location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a Tax Map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

**Agricultural District**

A parcel of land which has received such designation under the requirements of agricultural district legislation of New York, Article 25-AA, Agricultural Districts, of the New York Agriculture and Markets Law.

**Agricultural Practices**

The necessary activities for an agricultural operation to produce and market products and commodities for profit or personal usage and consumption. Said practices include but are not limited to collection, transportation, storage, and land application of animal wastes; operation, transportation, and storage of farm equipment; crop production methods of tilling, harvesting, cultivating, and irrigating; the proper use of pest and disease management in accordance with local, state, and federal law with respect to legally permitted fertilizers, pesticides, and herbicides; the construction and the subsequent use of agricultural structures for agricultural purposes in compliance with state and local building codes.

**Agricultural Product**

Those products as defined in § 301(2) of Article 25-AA of the Agricultural and Law.

**Agricultural Structure**

- A. A structure designed and constructed—as permitted on parcels within an Agricultural District—to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation but used in the raising, growing, processing, and storage of agricultural products by a farmer engaged in a farming operation, including but not limited to barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes.
- B. Built in compliance with the Bulk Area requirements set forth in Chapter 164 of this Code.
- C. Alternative energy structures including solar panels and wind mills as long as they are used to provide energy for the farm operation.

**Farm Operation**

The use of land, on-farm buildings, equipment, manure storage, processing and handling facilities, housing, and practices which contribute to the production, preparation, storage and marketing of crops, livestock, livestock products and sale of agricultural commodities as a commercial enterprise. Activities include but are not limited to the raising, production, and marketing of caged-type poultry, crop farming, dairy farming, farmers markets, livestock feed and/or sales lots, livestock operations, nursery and horticultural operations—including Christmas tree farms—pig and fur farms.

**Farmer**

Any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.

**Farmers Market**

The use of temporary or portable accessory structures on a parcel of land used as a principal or accessory use by two or more producers for the direct sale of farm produce and farm products to the public, as permitted by § 164-8 and 164-19.4 of this Code. If the use involves the construction or use of permanent structures or other improvements, including paving or signage, the use shall be classified as "outdoor retail" or other use and subject to the provisions of this Code applicable to such use.

**Roadside Stand**

A structure where products grown on the premises or elsewhere may be sold and purchased to the public.

**Sound Agricultural Practice**

Any agricultural practice conducted or maintained in a manner consistent with management practices such as those recommended by state and federal agencies as understood, utilized, and adopted by the local agricultural community, herein and hereafter referred to as "accepted customs and standards."

**126-4. Right-to-Farm Declaration.**

- A. Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within the Town of Stanford at all such times and locations as are reasonably and necessary to carry on an agricultural operation. Determining the reasonableness of the time, place, and methodology, due weight and consideration shall be given to both traditional customs, procedures, sound agricultural practices, and advances resulting from increased knowledge and improved technologies.
- B. Agricultural practices shall not be found to be a public or private nuisance if such agricultural practices are:
  - 1. Conducted on property enrolled in a state-certified agricultural district;
  - 2. Conducted in a reasonable and necessary to the particular farm operation;
    - a. The time, place, methodology, and traditional customs and procedures in the farming industry and advances resulting from increased knowledge, research, and improved technologies shall be considered when determining the reasonability and necessity;
  - 3. Conducted in conformity with generally accepted and sound agricultural practices;
  - 4. Conducted in conformity with all local, state, and federal laws and regulations;
  - 5. Conducted in a manner which is not negligent or reckless;
  - 6. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to any person;
  - 7. Conducted in a manner which does not unreasonably obstruct the free passage or use of navigable water or public roadways.
- C. Nothing in this article shall be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to a failure to follow sound agricultural practices, as outlined in this section.

#### **126-5. Agricultural District Established.**

In the best interest of promoting and protecting agriculture in the Town of Stanford an overlay Agricultural Overlay District (AOD herein and hereafter) is established. The key purpose of the Agricultural District is to conserve land for agricultural practices, benefiting farmers and owners of farmland by providing the framework to limit unreasonable local regulation of accepted agricultural practices. As designated pursuant to New York State Department of Agriculture and Markets Law Article 25-AA, adopted by the county and certified by the state, all parcels that are within the Town of Stanford, Dutchess County Agricultural District 21 (or such subsequent district as the County of Dutchess establishes) shall be grouped into a local agricultural zoning overlay district (AOD).

#### **126-6. Agricultural Overlay District Zoning Exemption.**

The following shall apply to any agricultural operation within the AOD:

1. Agricultural structures shall not be subject to the height limitations of this Zoning Law. Bulk area requirements must be met. See §126-3 “Agricultural Structure” of this Code.
2. Building permits, site plans, special use permits, and permitting fees are not required prior to the construction of agricultural structures. If an agricultural structure is greater than 10,000 square feet in size a special use permit issued by the Planning Board and site plan will be required.
3. A primary residence is a permitted use on any farm operation. The residence will require a building permit and must meet all applicable state and local building code and bulk area requirements. The payment of associate permitting fees shall be borne by the residence.
4. Housing for farm employees is a permitted use. See §164-22 L.
5. In order to further protect and promote agriculture, agricultural operations in existence on the effective date of this chapter shall be deemed a permitted use within any zoning district in which said use is located.

#### **126-7. Agricultural Advisory Committee.**

The Town Board shall create an Agricultural Advisory Committee (AAC) with the purpose of advising the Town on any and all agricultural matters. The Committee shall be composed of five town resident members, including three agriculture business owners, one nonagricultural residential owner, and one member of the Planning Board of the Town of Stanford.

#### **126-8. Resolution of disputes.**

- A. Should any agriculturally related controversy arises, which cannot be settled by direct negotiation between the parties involved may be submitted to the Town of Stanford Agricultural Advisory Committee (AAC) in an attempt to resolve such matter prior to or, if desired, alternatively to filing of any court action.
- B. Any controversy submitted to the Agricultural Advisory Committee (AAC), who's decision shall be advisory only, shall be within thirty (30) days of the date of the occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.
- C. Upon necessary investigation of facts and full presentation and discussion of all pertinent information concerning the dispute from both parties—the committee must hold a meeting within 14 days of the matter to discuss the decision. Within 10 days of the meeting render a written decision to both parties and the Town Clerk.
- D. The time limits provided in this section for action by the Committee process shall be extended upon a written agreement of all parties involved in the dispute.
- E. The decision of the Agricultural Advisory Committee (AAC) shall not be binding. If one party is not satisfied with the Committee's decision, either party may submit the matter to the Town Board according to the procedures set forth.
  - 1. The controversy between the parties shall be submitted to the Town Board upon written request of either party.
  - 2. The Town Board shall review the controversy with a report from the proceedings of the Agricultural Advisory Committee (AAC). Within 30 days of the written request, the Town Board shall render a written decision to the parties.
  - 3. If any persons are aggrieved by any decision of the Town Board, they may apply to the Supreme Court of the State of New York for relief through a proceeding under the specific provision of Article 78 of the Civil Practice Laws and Regulations of the State of New York.

#### **126-9. Notification of real property buyers.**

- A. The prospective grantor shall comply with Article 25-AA, § 310, of the New York State Agriculture and Markets Law, which requires that a disclosure notice be provided to the prospective grantee of real property located partially or wholly within state recognized agricultural district.
- B. When any purchase and sale contract is presented for sale, purchase, or exchange of real property located within 500 feet of the closest boundary line of another real property on which any agricultural farm operation of District 21 is conducted, the prospective grantor shall present to the prospective grantee a disclosure notice at the time of entering a contract for such property transfer and the prospective grantee shall acknowledge receipt thereof.

“The grantee hereby acknowledges notice that agriculture operations are prevalent in the Town of Stanford and that there are presently or in the future farm uses adjacent or in close proximity to the described premised. It is the policy of the state, county, and town to preserve, protect, and encourage current and future farming activities in the production of food, other products, and best practices. The grantee acknowledges that farmers have the right to undertake agriculture practices and potentially introduce the generation of noise, dust, odors, and temporary traffic inconveniences. Said practices are permitted under the Town of Stanford Right to Farm Law. Acceptance of this conveyance declares the grantee does hereby waive objection to such activities and should expect and accept conditions as normal and necessary aspect of the rural heritage of the area.”

#### **126-10. Agricultural Data Statement.**

In accordance with Section 283-A of the New York State Town Law, and Section 305-A of the Agricultural and Markets Law, the Town of Stanford will use this data in this statement to assist in evaluating the impacts of proposed development projects on farm operations in Agricultural Use Districts.

- A. Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval by the Town Board, planning board, or zoning board of appeals that would occur on property within an agricultural district or on a property with boundaries within five hundred feet of the parcel lines of a farm operation located in an agricultural district, shall include an agricultural data statement. Said board shall evaluate and consider the agricultural data statement in its review of possible impacts of the proposed project upon the functioning of farm operations within such agricultural district.
- B. Upon the receipt of such application by the planning board, zoning board of appeals, or town board, the clerk of such board shall mail written notice of such application to the owners of land as identified by the application in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing said notice shall be borne by the applicant.
- C. The clerk of the Town Board, planning board, or zoning board of appeals shall refer all applications requiring an agricultural data statement to the county planning board or agency or regional planning council as required by Section 239-M and 239-N of the general municipal law.

#### **126-11. Agriculture Disclosure Statement.**

Required disclosure. In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides, and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration." This disclosure shall be required as a note on a subdivision plat or site plan and may also be required to be made through other means reasonably calculated to inform a prospective

purchaser, such as by posting, distribution of handbills, or letter of notification. This section may also be applied to any commercial development within the jurisdiction of the Zoning Board of Appeals which abuts agricultural land, at the discretion of the Zoning Board of Appeals.

#### **126-12. Agricultural District Buffer Zones.**

Wherever agricultural uses and other uses unrelated to the agricultural operations abut, the applicant for the nonagricultural use shall provide a buffer strip to reduce the exposure of these abutting uses to odors, noise, and other potential nuisances associated with the agricultural operation. Such buffers may consist of vegetative screening, woodlands, vegetated berms, fences, or natural topographic features, at the discretion of the Planning Board. The buffer strip shall be no less than 100 feet in width. It shall be the responsibility of the applicant, subject to approval by the Planning Board, to provide an effective buffer.

#### **126-13. Development of Land.**

The residents of the Town of Stanford cherish the landscape of the Town, with its pleasing mix of agricultural, forest, and developed land, and the beautiful views afforded from some of the Town's public roads. In the interest of preserving and protecting the key aesthetic qualities, the Planning Board is to consider visual impacts in its review of proposed development projects. The Planning Board should insist on minimizing the removal of native vegetation, retaining, or creating buffer strips of vegetation along roadways to screen developments from view, encourage conservation easements, cluster developments, and other similar developments techniques with respect for future proposals to develop farmland.

#### **126-14. Right-to-Farm Sign.**

At selective locations on the Town borders signs shall be posted stating that the Town of Stanford is a Right-to-Farm community.

Such signs shall be posted on the Town line on Bulls Head Rd, Bangall Amenia Rd, and Route 82 North and South, for a total four signs collectively.



### **126-15. Additional Zoning District Exemptions.**

**A. Youth Education, 4-H and FFA Members.**

Animal husbandry projects shall be permitted as of right for any registered participant in a 4-H or FFA program in all zoning districts.

**B. Chickens, guinea hens, (no rooster) shall be permitted in all zoning districts. The number of chickens and guinea hens will be limited to 12 birds per parcel. The Town of Stanford does not consider such poultry to be a commercial agricultural operation.**

### **Amendments to Chapter 164 Zoning.**

#### **164-4. Zoning Districts Established.**

1. For the purpose of this chapter, the Town of Stanford hereby establishes and divides the Town into the first five zoning districts listed below plus one overlay district, i.e. the Agricultural District.

Conservation Residential District	CR
Agricultural Residential District	AR
Rural Residential District	RR
Rural Central District	RC
Lake Recreation District	LR
<b>Agricultural Overlay District</b>	<b>AOD</b>

#### **164-8 E. District Schedule of Use Regulations.**

Type	CR	AR	RR	RC	LR	AOD
Accessory apartment on residential premises	SP	SP	SP	SP	SP	<b>SP</b>
Animal hospital	X	SP	SP	SP	X	<b>SP</b>
Auditorium or theater	X	X	X	SP	X	<b>X</b>
Bed-and-breakfast establishment	X	SP	SP	SP	SP	<b>SP</b>



Boat moorage or fishing establishment, including incidental commercial or service activities	X	X	X	X	SP	<b>X</b>
Church, synagogue or other house of worship	X	SP	SP	SP	SP	<b>SP</b>
Commercial or other industrial activity directly serving farm operations	X	X	SP	X	X	<b>SP</b>
Convenience store	X	X	X	SP	X	<b>X</b>
Dog kennels, harboring more than 5 dogs	SP	SP	SP	X	X	<b>SP</b>
Duplex, 2-family	X	P	P	P	X	<b>P</b>
Dwelling lawfully existing at time of adoption of this chapter	P	P	P	P	P	<b>P</b>
Elementary and secondary schools	X	SP	SP	SP	X	<b>SP</b>

Farmers' Markets	X	P	X	P	X	<b>P</b>
<b>Farm Operation</b>	X	X	X	X	X	<b>P</b>
Gasoline station	X	X	X	SP	X	<b>X</b>
General repair shops	X	X	X	SP	X	<b>X</b>
Golf course	X	SP	SP	SP	X	<b>SP</b>
Guest cottage on residential premises	SP	SP	SP	SP	SP	<b>SP</b>
Home occupations, excluding kennels	SP	SP	SP	SP	SP	<b>SP</b>
Home professional office	P	P	P	P	P	<b>P</b>
Horses (minimum 1 acre)	P	P	P	P	P	<b>P</b>
Housing for farm employees	SP	SP	SP	X	X	<b>SP</b>
Human interment or cemetery	X	X	X	SP	X	<b>X</b>
Junkyards (as permitted by local law)	X	SP	SP	X	X	<b>SP</b>

Library or museum	X	SP	SP	SP	X	<b>SP</b>
Light industry (excluding mining)	X	SP	SP	SP	X	<b>SP</b>
Logging or timber harvesting	LP	LP	LP	LP	LP	<b>LP</b>
Medical and/or dental clinic	X	X	X	SP	X	<b>X</b>
Mining	X	P	X	X	X	<b>P</b>
Miscellaneous manufacturing, small	X	SP	SP	SP	X	<b>SP</b>
Mobile homes**						
Motor vehicle repair shop	X	X	X	SP	X	<b>X</b>
Multiple dwellings	X	X	X	SP	X	<b>SP</b>
Office or service establishment	X	X	X	SP	X	<b>X</b>
Outdoor retail	X	SP	SP	SP	X	<b>SP</b>
Public utility structures	X	X	SP	X	X	<b>X</b>
Radio and television towers and antennas more than 35 feet in height	SP	SP	SP	SP	SP	<b>SP</b>
Resort and recreation areas	X	SP	SP	X	X	<b>SP</b>
Retail store	X	X	X	SP	X	<b>X</b>
Roadside stand for farm products	P	P	P	P	P	<b>P</b>
Self-storage facility	X	X	X	SP	X	<b>X</b>
Single-family detached home	P	P	P	P	P	P
Tavern or restaurant	X	X	X	SP	X	X
Telecommunications towers more than 35 feet in height	X	SP	SP	X	X	SP
Town park	P	P	P	P	P	P

\*Farm Operation as defined in §126-3.

\*\*As permitted in all zoning districts by Chapter 151 of the Code of the Town of Stanford

#### 164-9. District Schedule of Area and Bulk Regulations.

Area or Bulk Requirement	AOD (feet)
Minimum lot area per principal dwelling unit or permitted nonresidential use § <b>164-12</b>	1.5 acres

Minimum front yard:	
Structures	75
Parking	25
Maximum building height	
Minimum depth of lot	250
Minimum side yard (each):	
Structures	25
Parking	10
Minimum rear yard:	
Structures	75
Parking	25

#### **164-13 E. Accessory Building and Structures.**

~~Barns and silos may be constructed in the AR and RR Zoning Districts, provided that such structures do not exceed 100 feet in height and are not closer than 100 feet to any property line.~~

#### **164-17 Signs**

##### **B (5)**

Two on-site or off-premises signs shall be used for advertisement of roadside stand and farmers' market, with permission of the property owner. They shall not exceed 32 square feet each, are set back at least five feet from the public right-of-way and are removed at the end of the selling season.

##### **C (5)**

For individual farms within AOD, a sign is permitted as long as it does not hinder traffic sight lines..

#### **164-19.4. Farmers Markets.**

"A farmers' market, as that term is defined in § 164-59 of this chapter, shall be permitted as a primary or accessory use in **the Agricultural Overlay District (AOD)**, the Agricultural Residential District (AR), and the Rural Center District (RC) of the Town and shall be subject to the following regulations:"

#### **164-30. Applicability; General Procedure.**

"In accordance with Article **III**, § 164-8, District Schedule of Use Regulations, prior to the issuance of a building permit or certificate of occupancy for a change of use in any district, except

for a one- or two-family dwelling and related accessory uses, including permitted home occupations ~~or agricultural and conservation uses~~ permitted by right, the Building Inspector shall require the preparation and approval of a site plan. The Building Inspector shall refer the applicant to the Planning Board for site plan review and approval in accordance with § 274-A of the Town Law and the more specific design standards and review procedures set forth in this article.”

## **164-59. Definitions**

### **Delete the following definitions.**

Barns and Silos

Caged-Type Poultry House

Crop Farming

Dairy Farm

Farm

Livestock Feed and Sales Lot Livestock

Operations

Nursery and Horticulture Use

Pig and Fur Farms

### **Outdoor Retail.**

A tract of land used for the sale at retail of articles to be used or consumed off premises.

Auctions, flea markets or other short-term seasonal sales events are typical "outdoor retail uses."

~~Commercial establishments which sell only products related to agriculture as defined in this chapter shall not be deemed "outdoor retail."~~