

**Town of Shandaken
County of Ulster
State of New York**

Minutes of Special Meeting & Public Hearing as noted in the legal notice to hear all in favor of or those opposed to any item or items in the Town of Shandaken ROADSIDE FARM PRODUCE STAND LAW. Held in Shandaken Town Hall – Thursday February 23, 2012. 6pm. Shandaken, NY.

Pledge of Allegiance

Roll Call

Members Presents: **Robert Stanley Supervisor**
 Doris Bartlett – Board Member
 Vincent Bernstein – Board Member
 Jack Jordan – Board Member

Members Absent **Alfred Higley Jr. – Board Member**

Recording Secretary **Joyce Grant – Town Clerk**



Town of Shandaken Town Board Agenda
Special Meeting
Thursday, February 23, 2012

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Supervisor's Comments**
- 4. Open Public Hearing**
 - a. Speakers are asked to limit comments to two (2) minutes
- 5. Close Public Hearing**
- 6. Resolutions:**
 - 68) **SEQR** – Roadside (Farm Produce) Stand Law
 - 69) **Adopt** – Roadside (Farm Stand) Stand Law (#2 – 2012)
- 7. Meeting Adjournment**

Supervisor's Comments:

Welcome and thank you for attending this meeting tonight. We are here tonight to hear comments for or against the proposed Roadside (Farm Produce) Stand Law. Please recognize that this IS NOT a public hearing on any specific business operating in the Town. We are here to hear comments specific to the proposed law itself.

This topic has been in discussion in the Town for a period of not less than eight years. The current law, by all regards, is too restrictive and needs to be amended. The proposal tonight incorporates many of the comments we've received over the past few years. This law attempts to resolve those issues.

- 1) This law removes the restriction of ten feet by ten feet (100 sq. feet). Under current zoning regulations property owners, specifically in most residential areas, are only allowed to develop 10% of their property. This law continues the operation of a Stand as an accessory use, with the understanding that the stand MAY NOT exceed 49% of the available developable area. Meaning 4.9% of their property, including the display and parking areas. There are considerations for other residential areas where municipal water or sewer is available, but these are very limited in our Town and are in the more highly dense Hamlet Residential areas in Phoenicia and Pine Hill.
- 2) This law allows for the sale of food products, specifically. It does not allow for the sale of mechanicals or products derived from anything but food.
- 3) This law promotes locating these businesses along the more heavily traveled routes, those being State and County Highways. This law includes language to double required setbacks if proposed in a residential area. These restrictions are not unique to this law they have been taken from already existing zoning codes for other activities allowed in residential areas of Town.

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- 4) This law mandates that ALL residential applications follow the Special Permit process. That process includes written notification to neighboring property owners and a public hearing where any and all concerns of residents (lighting, visual shielding, hours of operation, etc.) will be considered before the Planning Board issues a Special Permit, if they approve the application.

Again, just to clarify, this is a public hearing on the Roadside Stand Law. The Town Board has forwarded this law to both the County and Town Planning Boards, as legally required, for recommendations with no issues. I will read the correspondence we have received on this and will hear comments from the public. In the interest of time we ask that those present here to comment, limit their comments to two minutes. Please be concise and respectful during tonight's discussion. Barring any substantial changes, the Town Board will be voting on this law tonight following the public hearing.

Correspondence:

Monday, May 23, 2011
VIA PRIORITY MAIL
TIM MALLOY
VINNIE BERNSTEIN
DORIS BARTLETT
JACK JORDAN
ROB STANLEY
Shandaken Town Board
P.O. Box 134
Shandaken, NY 12480-0134
Re: 05/25/11 Meeting
Re-Zoning of Properties in Mt. Tremper
Hanover Farms Retail Business Operated From Residence

Dear Town Board Members:

I am writing to you to voice my opposition to (1) the proposed re-zoning of properties in the hamlet of Mount Tremper and (2) to the creation of a new law to address Farm Stands in the Town.

It would appear that a recital of a brief history of how these 2 issues have come before the Town Board would be appropriate. For several years now, Hanover Farms has been operating a retail business from a residence in Mt. Tremper in violation of existing zoning laws. In response to notices from the Town that this use of the property is in violation of the Town Zoning Laws, Hanover Farms has attempted:

1. To characterize the retail business it is operating as a Farm Stand;
2. To have a new Farm Stand Law enacted which would permit Hanover Farms to continue its retail business from a residence in Mt. Tremper; and
3. To re-zone property adjacent to Hanover Farms to a commercial zone.

If the commercially zoned areas within our Town are not fully developed, why are we now considering creating more commercially zoned areas?

The Town Board is now considering re-zoning properties in Mount Tremper because Hanover Farms wants to continue to operate a retail business from a residence in Mount Tremper. That is called Spot Zoning. Wikipedia states that Spot Zoning is the application of zoning to a specific parcel of land within a larger zoned area when the re-zoning is usually at odds with a town's master plan and current zoning restrictions. The re-zoning may be for the benefit of a particular owner and at odds with pre-existing adjacent property owners. Spot Zoning is detrimental to our Town, to our community, to adjacent landowners and it will discourage other people from establishing residences and businesses within our community because their quality of life, investment and hard work will be devalued by Spot Zoning. It is also illegal.

In regard to a new Farm Stand law, why would we make a new Farm Stand law to permit Hanover Farms to operate a retail business at a residence in Mt. Tremper?

Permitting retail businesses to be operated from residences raises fundamental questions about zoning like why have zoning laws at all? We have zoning laws to segregate uses that are incompatible, to prevent new development from negatively impacting existing residents or businesses and to preserve the character of a community. After all, if you were considering investing the time, effort and expense required to purchase a home, maintain it and improve it, you would not want to make that investment if someone could use adjacent land in a manner which would negatively impact your use and enjoyment and the investment in your home.

Take the Alyce & Rogers Farm Stand for example. They have been there many years and they have played by the rules. Yet, although it is not permitted by the zoning laws, the Town has permitted a competitor to operate next door. By not enforcing the zoning laws, our Town has given this competitor a major advantage over Alyce & Rogers Farm Stand by letting the competitor operate a retail business from a residence thereby significantly reducing the overhead costs and operating expenses of the competitor's business. On this past Sunday when I drove by Allison Rogers Farm Stand, I noticed a sign which said that they were closed due to medical reasons. What if they are unable to open again due to these medical reasons and they want to sell their business. What impact on the sales price of Alyce & Rogers Farm Stand will there be due to Hanover Farms illegally operating a retail business from a residence? What impact in general has Hanover Farms had on Alyce & Rogers Farm Stand business?

It appears to me that our Town Board's failure to enforce the Town's zoning laws in this matter negatively impacts business development within our community. Prospective business owners will be dissuaded from coming to Shandaken due to the failure of our Town Board to enforce our zoning laws and, if the contemplated re-zoning goes forward, due also to spot zoning.

The failure of our Town Board to enforce the zoning laws against Hanover Farms also raises the question of why should I or any other member of our community comply with any of the zoning laws? It also raises the question of the credibility of the Town Board when they attempt to enforce

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zoning laws in other matters. How can the Town Board legitimately enforce a law against one person when they have failed to enforce the law against another?

Perhaps the most important issue regarding Hanover Farms operation of a retail business from a residence in Mount Tremper is the question of safety. The main safety issues include but are not limited to:

1. One traveling westbound on Route 28 (a State Highway where the speed limit is 55 miles per hour) towards Hanover Farms will not see the retail business until they are on top of it due to trees and bushes;
2. One traveling eastbound on Route 28 towards Hanover Farms will not see the retail business until they are on top of it due to a bend in the road;
3. Customers of the retail business use the breakdown lane on the northerly and southerly side of Route 28 for parking; and
4. Customers who use the breakdown lane on the southerly side of Route 28 crossover Route 28 to get to the retail business. Motorists traveling eastbound on Route 28 will not see these pedestrians until they are on top of them due to the bend in the road. It should be noted that one day in January several years ago when I was passing by the retail business in Mount Tremper, I saw an SUV on its side in the retail business area. It appeared to me that if the retail business was open and customers were there, someone may have sustained serious bodily injury or may have been killed by the SUV. Also, on more than one occasion I have had to hit the brakes to avoid hitting a customer crossing over Route 28 who was going to Hanover Farms retail business. Fortunately, I am aware of the dangerous and unsafe conditions at this location and I am able to take precautionary measures. But I cannot speak for everyone in the area and certainly many of the visitors to our area and those passing through are unaware of the dangerous and unsafe conditions at this location.

Consequently, I am hereby formally notifying you of the dangerous and unsafe conditions that exist due to the operation of Hanover Farms retail business at a residence in Mount Tremper which may result in serious bodily injury and/or death.

Thank you for your attention to this matter.

Very Truly Yours,

PAUL W. FRIEARY

36 Rudy Frank Road

P.O. Box 176

Shandaken, NY 12480-0176

Phone: 845-688-2277

Fax: 845-688-1516

Email: pwfe@me.com

To the Supervisor and Town Board Members,

My main question concerning the proposed Farm Stand Law is whether it provides enough protections for adjoining and nearby residents. I believe residents do have the right to be protected against a large, busy, noisy operation starting up in a residential district, especially if they have chosen to purchase their home, often their primary asset, on a quiet road in a residential area. A small stand would not likely be a problem, but a large, busy one could be, especially since this law will allow them in all zoning districts.

What are the protections for nearby and adjoining residents? Will the special permit requirement offer some protections? Unfortunately I am unable to attend tonight's hearing to ask these questions, but would be very interested in hearing the answers.

Please consider this before passing a new law.

Thank you!

Judith Wyman

Chichester, NY 12416

688-7312

catskillmtflower@msn.com

Dear Supervisor Stanley,

Thank you for providing the residents of the Town of Shandaken with the opportunity to present comments regarding the proposed Roadside Stand Law which is under consideration for approval this evening. I must state that I find this law inadequate in the issues that it fails to address, and vague in terminology that is conceivably open to considerable interpretation.

First I must question the definition of the "structure" referred to in the term Roadside Stand, and request that a explicit definition be incorporated into the law. Is a roadside stand merely a table, perhaps under a canopy or pavilion, or can it be an actual building? Apparently, according to the proposed law, it may be on the ground floor of a multi-story structure. Would this be an existing structure, and what effect will the area be considered in terms of the area and bulk regulations? Will bulk use regulations prohibit any additional selling area, such as outdoor tables, display units, or gardening supplies? The proposed law states "such stand shall not exceed....more than 49%, of % of area shown on the District Schedule of Area and Bulk Regulations". Exactly what is meant by "49% of %"?

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I also find the law inadequate in that it does not provide any restrictions as to hours of operation or permitted lighting. The law restricts products sold to "plants, fruits, vegetables, meat, dairy, fish and food products derived from the same". Would this permit a restaurant or other food service establishment to operate under the law?

I understand that the prime motivation for this law is to bring the Hanover Farms business into compliance with our zoning code. The law goes far beyond that, however, and this Town Board must give serious consideration to the possibilities that the law might permit to future development. The former Alyce and Roger's stand, for instance, which is on the market, sits on 19 acres. Would this law permit an 82,000 square foot "roadside stand"? Surely it is not the purpose of this law not the intention of our Town Board to open the way to this extent of enormous enterprise.

I understand that the proposed law is the product of several previous versions and debate, and that this issue has been hotly debated for some years. I believe that it is in the best interest of the Town of Shandaken that we codify the situation with a law that is fair to the vendors, their neighbors, their customers, and our area businesses, but this proposal needs considerable definition and revision before it should be incorporated into our zoning law.

Thank you for your consideration.

Yours truly,
Nick J Alba

Public Comment:

Tom Rinaldo – Roadside stand – fix a maximum size? What if upper limit. I am in favor of the law.

Eric Hanson - Wondering if non food items can be sold under the new law.

Ted Denman – How much acreage will be able to be use?

Stanley – Only food items can be sold. 10 acre parcel approx. allowed ½ acre with no other structures.

Bernie Hanzel – Concerned about entering & exiting highway with shrubbery blocking view of road.

Rich McCarthy – Concerned about acreage & subdivisions. Asked about assessment, commercial vs. private.

Supr. Stanley – What we have come to is equitable across the board.

TOWN OF SHANDAKEN LOCAL LAW NO. 2 OF 2012

A LOCAL LAW TO AMEND CHAPTER 116

OF THE ZONING LAW OF THE TOWN OF SHANDAKEN

BE IT ENACTED by the Town Board of the Town of Shandaken as follows:

SECTION 1. INTENT

It is the intent of this Local Law to amend the existing Zoning Law of the Town of Shandaken relating to Special Permits for Roadside (Farm Produce) Stands as an accessory use in recognition of the benefit to the general welfare of the community by providing for such use under certain conditions and controls as stated within, be lawfully incorporated into the Town Code. All Code section references herein being to the Town of Shandaken Town Code.

SECTION 2. DEFINITION

116-4 B – Amended as follows:

ROADSIDE (FARM PRODUCE) STAND – A structure where plants, fruits, vegetables, meat, dairy, fish and food products derived from the same may be sold and purchased.

SECTION 3. DISTRICT SCHEDULE OF USE REGULATIONS

116-10 C under the heading “Accessory Use” is amended to include the entry Roadside (Farm Produce) Stands as follows:

Structure/ Land Use	R5	R3	R1.5	HR	HC	HB	CLI	FW
Accessory Uses								
Roadside (Farm Produce) Stand	SP	SP	SP	SP	P	P	P	X

SECTION 4. PARKING AND LOADING STANDARDS

116-24 A (1) is amended under the heading “Accessory Uses” to include Roadside (Farm Produce) Stands as follows:

Accessory Uses	Spaces Required
Roadside (Farm Produce) Stand	1 parking space per 150 square feet of sales area, or 1 per 200 feet of gross floor area, whichever is greater.

SECTION 5. ADDITIONAL SPECIFIC STANDARDS FOR CERTAIN USES

116-40 T. is amended as follows:

116-40 T. Roadside (Farm Produce) Stands, as an accessory use, provided that:

- (1) Such stand shall not exceed, in total area, remaining available area, nor more than 49%, of % of area shown on the District Schedule of Area and Bulk Regulations, whichever is less, for the zoning district and parcel in which the stand is proposed. Said stand shall remain a single story structure or operate only on a single story of a multi- storied structure including all display areas and parking.
- (2) Such stand shall be located not less than twenty (20) feet from any street line.
- (3) Such stand shall be solely used for display and sale of plants, fruits, vegetables, meat, dairy, fish and food products derived from the same.
- (4) Signage shall be limited to twelve (12) square feet and be located not less than five (5) feet from any street line if located within R5, R3, R1.5 or HR districts. All other districts shall use standard sign regulations.
- (5) Minimum side and rear yard setback requirements shown on the District Schedule of Area and Bulk Regulations for the zoning district for which the stand is proposed shall be doubled if such yard abuts property in a residential district (R5, R3, R1.5 or HR).
- (6) Minimum side and rear yard setback requirements for off-street parking areas stated in §116-24B shall be doubled if such yard abuts property in a residential district, except if front of lot has a minimum of 100 feet along a state or county owned road.



Town of Shandaken

DISTRICT SCHEDULE OF AREA AND BULK REGULATIONS
 [Amended 12-28-1992 by L.L. No. 3-1992; 4-14-1999 by L.L. No. 1-1999]

Zoning District	Minimum Lot Area per Single-Family Dwelling Unit or Other Permitted Establishments ^a (acres or square feet)	Maximum Structure Coverage	Minimum Open Space	Maximum Structure Height (feet)	Minimum Lot Width (feet)	Minimum Yard Requirements		
						Front ^b (feet)	Side (feet)	Rear (feet)
Residential (R5)	5.0 ^c	10%	80%	35	300	75	75	75
Residential (R3)	3.0 ^c	10%	70%	35	200	60	50	60
Residential (R1.5)	1.5	10%	60%	35	200	50	25	50
Cluster subdivision with central water	1.0	10%	60%	35	150	50	25	50
Cluster subdivision with central water and municipal sewer	0.75	15%	60%	35	120	40	25	40
Hamlet Residential (HR)	1.0	10%	60%	35	150	40	25	40
With central water	0.67	15%	60%	35	120	40	25	40
With central water and municipal sewer	0.5	20%	40%	35	100	30	20	35
Hamlet Commercial (HC)								
With municipal water and municipal sewer	15,000	25%	30%	35	80	25	10	25
With municipal water or municipal sewer	25,000	20%	35%	35	120	30	20	35
Highway Business (HB)	1.5	15%	40%	35	200	60	40	60
Commercial/Light Industrial (CLI)	2.0	20%	40%	35	200	75	50	75
Floodway (FW)	No development permitted							

12 - 20 - 99

NOTES:

1. One acre equals 43,560 square feet of land area.
 2. Minimum lot area per single-family dwelling unit is also applicable to authorized commercial premises, except where a greater minimum acreage is stated in § 116-40 of this chapter for certain special permit uses.
 3. Minimum lot area per single-family dwelling unit shall be increased by 60% to establish minimum lot area per two-family dwelling as permitted in the R5, R3, and R1.5 Districts. No increase in minimum lot area shall be required in the HR District for a two-family dwelling.
- ^a In accordance with § 116-21 of this chapter, not more than 25% of the required minimum lot area may be fulfilled by land which is either designated as a wetland by NYSDEC or as part of a one-hundred-year floodplain by FEMA.
- ^b Minimum front yard shall, however, be 100 feet in all districts if premises fronts on NYS Route 28, except that a lesser setback of at least that otherwise prescribed for the zoning district may be permitted by the Planning Board if the proposed development lies within 200 feet of adjacent structures of less than 100 feet front setback, which structures exist at the time of adoption of this chapter.
- ^c Lot area may be reduced by 50% where a lot is served by and connected to a municipal sewage disposal system.

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Shandaken	2. PROJECT NAME Roadside (Farm Produce) Stand Law
3. PROJECT LOCATION: Municipality Town of Shandaken County Ulster	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Adoption of amendments to the existing Town of Shandaken Roadside (Farm Produce) Stand Law	
7. AMOUNT OF LAND AFFECTED: Initially <u>N/A</u> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: N/A	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE. Applicant/sponsor name: <u>Town of Shandaken Supervisor</u> Date: <u>2/23/12</u> Signature: <u>Robert A. Stanley</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town Board of the Town of Shandaken _____ Date 2/23/12

 Name of Lead Agency

Robert A. Stanley _____
 Print or Type Name of Responsible Officer in Lead Agency

 Signature of Responsible Officer in Lead Agency

Supervisor, Town of Shandaken _____
 Title of Responsible Officer

 Signature of Preparer (if different from responsible officer)

Reset

DATE: February 23, 2012
RESOLUTION #: 68

OFFERED BY: Supervisor Stanley

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHANDAKEN
 DETERMINING THAT THERE ARE NO ADVERSE IMPACTS
 ON THE ENVIRONMENT FROM THE ADOPTION OF A
 ROADSIDE (FARM PRODUCE) STAND LAW (LOCAL LAW #2 OF 2012)**

WHEREAS, the Town Board of the Town of Shandaken is adopting a Roadside (Farm Produce) Stand Law (Local Law #2 of 2012); and

WHEREAS, the possible environmental impacts of the adoption of the Roadside (Farm Produce) Stand Law have been considered by the Town Board; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board has determined that the adoption of the Roadside (Farm Produce) Stand Law for the Town of Shandaken will not have significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to discharge the Board's responsibility as lead agency for this action including, but not limited to, the issuance of a negative declaration consistent with this resolution.

AND MOVE ITS ADOPTION

Seconded by: Jordan
Roll Call: 4 Ayes, 1 Absent (Higley)

TOWN CLERK CERTIFICATION

STATE OF NEW YORK }
COUNTY OF ULSTER }
TOWN OF SHANDAKEN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Shandaken at a regular meeting held January 12, 2012, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Bartlett		Yea/Nay
Bernstein		Yea/Nay
Jordan		Yea/Nay
Higley		Yea/Nay
Stanley		Yea/Nay

_____ Date _____
Town Clerk – Joyce Grant

DATE: February 23, 2012
RESOLUTION #: 69

OFFERED BY: Supervisor Stanley

**RESOLUTION ADOPTING THE ROADSIDE (FARM PRODUCE) STAND LAW
(LOCAL LAW #2 OF 2012)
FOR THE TOWN OF SHANDAKEN**

WHEREAS, the Town Board for the Town of Shandaken has reviewed and extensively considered the proposed Roadside (Farm Produce) Stand Law (Local Law #2 of 2012);

WHEREAS, the Town Board issued a negative declaration with respect to the adoption of the Roadside (Farm Produce) Stand Law and determined that the proposed law will not have a significant adverse impact on the environment;

WHEREAS, the adoption of the Roadside (Farm Produce) Stand Law is consistent with the Negative Declaration;

WHEREAS, the Town Board noticed a Public Hearing held on the 23rd day of February, 2012 at 6 p.m. to provide the public with an opportunity to comment on the proposed Roadside (Farm Produce) Stand Law and allowed written comments to be submitted up until 3p.m on February 23rd, 2012;

WHEREAS, the Town Board has also solicited the comments of involved agencies and the public; and

WHEREAS, the comments received has been given due consideration by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Roadside (Farm Produce) Stand Law, being Local Law No. 2 of 2012, is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

AND MOVE ITS ADOPTION

Seconded by: Jordan

Roll Call: 4 Ayes, 1 Absent (Higley)

TOWN CLERK CERTIFICATION

STATE OF NEW YORK }
COUNTY OF ULSTER }
TOWN OF SHANDAKEN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Shandaken at a regular meeting held _____, 2012, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Bartlet		Yea/Nay
Bernstein		Yea/Nay
	Higley	Yea/Nay
Jordan		Yea/Nay
Stanley		Yea/Nay

All business pertinent having been discussed the Town Board adjourned at 6:39 pm – in memory of Catherine Kay Aspinnall – on a Stanley/Bernstein motion

Signed and certified this 24th day of February, 2012

Joyce Grant – Town Clerk