

Town of Red Hook

Agriculture and Open Space Committee

Minutes of March 26, 2013

Attendance: Co-chairperson Norman Greig, John Hardeman, Marina Michahelles, Michael Grady Robertson, Richard Biezynski, Ken Migliorelli and Secretary Linda Keeling

Absent: Co-chairperson Pete Hubbell, Mary Ann Johnson and James Stagias

Guests: Town Board Councilman William O'Neill (liaison) (7:15 pm)

Location: Red Hook Town Hall, meeting room.

Meeting Opened: The Co-chairman Norman Greig opened the meeting at 7:01 pm.

Minutes: There was a quorum. The minutes of February 25, 2013 were voted on and approved.

Motion: *John Hardeman* motioned to accept the minutes, *Mike Robertson* seconded and all agreed.

Old Business:

1. Agricultural Fences: *Co-chairman Norman Greig* initiated the discussion on “fencing” as it is written in the town code. Norman Greig would like to write a resolution so the fencing law can be changed. The wording should be something like “any agricultural fencing in the ABD should be exempt.”

Kenny Migliorelli stated there would have to be a public hearing in order to change the law.

Richard Biezynski stated that the fencing restrictions were in the 1995 law for which he felt was not good for the farmer. The problem is that the permit is still \$50 but an exemption is not written into the law. Richard Biezynski felt that one day the permit would be denied to farmers even if it were free. Presently, the law states 48 inches near the road with higher heights not allowed. *Richard, Norman and Kenny* felt they didn't want to visit the Zoning Enforcement Officer every time they go to work.

Norman Greig indicated that deer are clever and young does made a hole in page wire fencing with their noses in pursuit of their mother.

Richard Biezynski felt that even a 10 ft. fence can be jumped by deer.

It was also felt that there should not be restrictions on the type of agricultural fencing especially regarding height as some deer fencing needs to be 9 ft. tall or more in order to protect the farmer's crops.

Co-chairman Norman Greig read the section of the Legislative Intent of the Farm Law and the Ag and Markets section. This is the boiler plate that farmers operate under. Yet, under the new law, it is not as easy to operate compared to the old law. The present law is in conflict with the Right-to-Farm Law.

The Town Board claims they never received a letter from AOSC on the fencing issue but the AOSC believes they submitted a letter. Secretary, Linda Keeling, thought Chairman Pete Hubbell made an oral presentation to the Town Board about the fencing issue. *John Hardeman* and *Norman Greig* agreed a letter should be written stating that agricultural fencing should be removed from the Code.

The problem can be rectified with a submitted resolution for the Town Board to consider.

As an example, Chuck Mead's farm uses 18 ft. fencing over the blueberries.

Trellises and tomato cages should not be considered structures just as greenhouses should not be considered as structures as it has a discontinuous foundation and therefore not a structure according to Ag & Markets.

It was felt that there should be no permit fee involved as fencing is a natural process with the farming community. At present the fee is overlooked by the town's representatives. It was felt that the text of the Code should be rewritten so future Town Board members can follow the actual written intent of the law.

Motion: *Richard Biezynski* motioned that the AOSC review and recommend changes to the fence law. *Kenneth Migliorelli* seconded and all agreed.

In abbreviated form, the AOSC wants the following:

1. No Ag permit required
2. Ag fences exempted
3. No height restrictions
4. No defined structural type (strawberries, tomatoes, grapes, apples)
5. The style of fence is dependent on the use (deer)

Richard Biezynski stated according to Ag & Markets Ag buildings do not require a permit. It will only uphold laws the towns make. Millbrook does not require building permits for Agriculture. Our Code is unreasonable.

Town Councilman Bill O'Neill explained the issues considered by the Intermunicipal Task Force (ITF) like the Lakes Kill proposal, Anderson Commons, Hoffman Farm and the developer's request regarding the Traditional Neighborhood Development (TND) in regards to a single family backyard lot line. Bill has prepared his 100th report.

Bill O'Neill felt that some people want restrictions on farm fencing as a very high fence might block their view. The farmers felt certain types of fences are needed to protect their crops and there should be no restrictions.

Bill O'Neill suggested running these recommended revisions through the Zoning Review Committee first. He suggested defining Ag fencing and come up with the language. He felt that the fencing should be a see-through type. Norman Greig countered by stating the type of fencing depends on the purpose and the type of material should not be stated.

Marina Michahelles felt the AOSC represents the needs of the farmers. Fences are erected based on need and affordability to protect their crops which is a matter of communicating this to the public.

Bill O'Neill felt the Town Board is not going to allow no restriction on farmer's fences. There could be an Agricultural fence definition that could be exempt from any zoning regulation. Nobody ever came up with a definition of agricultural fencing.

Richard Biezynski stated orange fences, fences in the middle of the road and any "spite" fence are not appropriate. The non-farming communities are afraid of the farmers.

John Hardeman stated ten years ago you wouldn't have to define Ag fencing because the deer population was not explosive. If you define it, it should be written open-ended which facilitates the production of agricultural products.

Marina Michahelles volunteered to look around to see what other communities have in regards to defining agricultural fencing.

Bill O'Neill stated in the definition of fencing, mention the use.

Norman Greig countered that the style fencing should not be defined because a stonewall is useful, as in the historical past, to contain cows.

Kenny Migliorelli stated a 9 ft. fence with page wire and one string of barbed wire will cost him \$40,000. It is very expensive but required for the needs of the farmer's business operation.

Bill O'Neill referred to a Beekman property that wanted to raise deer and put up a very tall fence. Pictures were taken for the Ag easement but complaints were filed about blocking the view.

Norman Greig enlightened the group on this case. The development rights were sold. The new owner wanted to raise deer and put up a tall fence. It was claimed that the fence was not in keeping with traditional agriculture. As a result a lawsuit was filed. It is the belief of the public that the property is in the public domain but rather it is just the promise not to build houses on it.

Bill O'Neill reiterated the word "transparency" should be mentioned that serves a purpose. Come up with a "reasonable" definition for the farmer's interests.

Norman Greig reemphasized that the purpose of the AOSC is to encourage and enhance agriculture according to the legislative intent and Ag & Markets. If there is something that is in conflict it should be fixed.

2. Permit Fees and Escrow: *Co-chairman Norman Greig* stated the current Zoning Code's various costs are imposed for a permit and there are hidden costs related to escrow fees. These are not tracked for the applicant's information by the Planning Board.

The Zoning Code is supposed to be interpreted by the Zoning Enforcement Officer for the Planning Board and the ZBA. That is what is not happening. Presently, the interpretation is done by GreenPlan which is the same company that wrote the Code. This then becomes an additional cost to the applicant.

John Hardeman, a former Planning Board member, explained that other specialists are hired without limit. The applicant is supposed to get an itemized copy of the fees and how they are applied to the project.

Richard Biezyński and *Norman Greig* each felt that the base permit is high in addition to the Planner's fees. They felt it was financially abusive to the applicant especially for farmers since the total costs are an undetermined amount.

The \$250 permit fee doesn't cover anything directly related to the project according to *Norman Greig*. The fees are not stated and therefore a project's costs can escalate beyond one's expectations.

Richard Biezyński feels this is an unreasonable cost to farmers.

John Hardeman stated that in the past only major projects required escrow and didn't depend on a paid Planner with the potential for double billing. A project shouldn't be an interpretation but rather a review by the Planning Board.

Richard Biezyński indicated he will have an open-ended discussion with Ag & Markets.

Norman Greig noted that Bucky Coon had to put up a \$50,000 bond for his project on Rt. 9. Escrow accounts are skyrocketing. There should be a controlled fee use to contain the costs.

John Hardeman stated the permit fee should cover the postage, etc. with the procedure done properly by the Planning Board. If an engineer is needed then escrow should be enacted.

Norman Greig stated that if the Planning Board is not happy with a project they use escrow in a punitive manner. His 2 acres of grass for the airfield was \$1600. It is difficult to do business in Red Hook. He feels the "don't ask, don't tell" posture by the town is not right. Unless a neighbor complains, it is unequal enforcement.

Richard Biezyński felt the process needs to be streamlined for an applicant with a limitation just to the application fee of \$250 for farmers.

John Hardeman felt costs to the farmers could be reduced by allowing a sketch drawing to scale rather than the Planning Board requiring an architect or engineer. Also, if the Planning Board members are taking accreditation courses they should be able to review a project without the added expense of having GreenPlan at every meeting. They should be consulted only when really needed.

Bill O'Neill referenced Mike Robertson's case for a farm market at his farm and the need to use an engineer to determine the exact dimensions. Mike Robertson stated he was new to the process and needed to use an engineer in order to get an accurate mapping. The review by others was helpful to him in regards to issues he did not consider on his own.

Bill O'Neill stated he will research the fee schedule in respect to farmers and look into the Centers and Greenspace document.

Norman Greig stated in 1985 it didn't cost much then. The economy hasn't changed and not a lot of money was put into the facility. Now it takes the first half of the year to pay the taxes. There is competition from places like Ecuador whereby their cost per day for workers is much less. In Columbia County, there is no fee for the farmers. In order for farming to succeed in Dutchess costs need to be contained.

Bill O'Neill and *John Hardeman* both agreed that the Planning Board is not making it any harder for some projects.

Norman Greig has not heard from Jim Stagias if he is still on the Committee. Bill O'Neill noted Jim Stagias should submit a letter of resignation if not interested so another person can fill the slot.

Conclusion Task Assignments:

1. Norman Greig: Write up a resolution and email to group for approval; contact Jim Stagias
2. Rich Biezynski: Speak with Ag & Markets, fees
3. Bill O'Neill: get info on fee schedule, escrow payments and hidden costs; how to streamline the application process for farmers

There was some discussion related to a recent news article on Hops. It was determined that it is not practical to grow it locally as it requires dry conditions, very tall trellising (18 ft.) and must be picked at its prime which is September, a very busy time for picking crops.

Motion: *Richard Biezynski* motioned to adjourn the meeting and *Ken Migliorelli* seconded. All agreed.

Next meeting: The next regular meeting will be the **4th Tuesday of the month, April 23, 2013 at 7:00 pm.**

Adjournment: The meeting adjourned at 8:45 pm.

Respectfully submitted,

Linda J. Keeling, Secretary

Approved 4/23/13