

A Worksession of the Town Board of the Town of Williamson, County of Wayne and State of New York was held in the Town Meeting Room at 7:00 PM on June 8, 2004.

The following were

PRESENT: Supervisor James D. Hoffman
Councilman Anthony Verno
Councilman G. Elliott Warren
Councilman Gary Orbaker
Councilman Charles R. Monsees

ABSENT: None

The Board reviewed bills for payment.

The Regular Meeting of the Town Board of the Town of Williamson was held in the Town Meeting Room following the worksession and was called to order at 7:30 PM on June 8, 2004 by Supervisor Hoffman with the Pledge of Allegiance. The following were

PRESENT: Supervisor James D. Hoffman
Councilman Anthony Verno
Councilman G. Elliott Warren
Councilman Gary Orbaker
Councilman Charles R. Monsees

ABSENT: None

Attorney Arthur Williams; Town Attorney, Lorraine Mason, Herb Aceto, John Ferrante, Loren K. Bock, Anne Marie Bock, Jeremy and Valerie Dysiyer, Beau and Sarah Bendschneider, Jake Lagoner, Mitzi Guzman, Dean and Mary Lagoner, Mark and Diana Lagoner, Dan Lagoner, Daniel G. Barrett Esq., Lyndsay Smith, Marsha VerHeecke, Cindy Smith, Phil Dean, Joyce K. Lochner, Carol Fritz, John W. Palmer, Ronald and Jeanne Cole, Scott Stead, Joe D'Eufemia, David A. Feindel, Tom and Sharon Moenter, Suzanne Mോഗray, Sue Denny, Michael and Wendy Herbert, Liz Minier, Mary Anagnostopoulos, Larry Fisher, Les Cole, Ken Van DeWalle, Gary Buehler, John Paige, Wilma Young, Bill Herbert, and the undersigned Town Clerk were also present.

A notice having been published for a Public Hearing to hear comments for or against the May 18, 2004 revised Farm Market Local Law. Supervisor Hoffman declared the Hearing open at 7:33 PM. The Town Board first made several non-material changes to the Local Law which was as follows: Section A. (2) 30 feet change back to 40 feet, Section G. (third paragraph) removing "farm family products" and add in "the remaining products sold", Section G. (2), Definitions (a) "Farm Stand" honey, maple syrup is repeated, remove duplicate, and Section G. (2) Definitions (b) "Farm Market" add in "i.e." for the examples. Supervisor Hoffman proceeded with the Public Hearing stating the rules and opened it for public comment. Questions and comments were heard from Attorney Daniel Barrett and Lorraine Mason. After hearing everyone who wished to comment or ask questions, the Hearing was closed at 7:44 PM with a motion made by Councilman Warren and seconded by Councilman Monsees. The motion was carried.

Proposed revision to the Williamson Code on Farm Stands and Farm Markets –
5/18/04 – Town Board

§178-26. Multifamily Structures and Farm Markets

In reviewing the proposed site plan for one or more multi-family structures, the Planning Board will be guided by the following regulations:

- A. Maximum length of rows.
- (1) The maximum length of any group of attached structures shall not exceed 100 feet. A building group may not be so arranged as to be inaccessible to emergency vehicles.
 - (2) The front or rear of any building shall be no closer to the front or rear of any other building than 30 feet.
 - (3) The side of any building shall be no closer to the side, front or rear of any other building than 30 feet.
- B. Distance between building and driveways. With the exception of an attached garage or carport, no driveway or parking lot should be closer than 25 feet to the front of any building nor closer than 10 feet to the side or rear of any building.

- C. Recreation space. There shall be provided on the site of such development an area or areas devoted to the joint recreational use of the residents thereof. Such recreation space shall consist of no less than 400 square feet of space per dwelling unit. Each such recreation space shall be developed with passive and active recreation facilities and maintained by the management or owner.
- D. Off-street parking spaces. There shall be provided on the site of such development an area or areas devoted to the storage of automobiles. Three parking spaces shall be provided for each two dwelling units on the site. Parking areas shall contain a minimum of 200 square feet per space, excluding all driveway areas.⁹
- E. Landscaping. Trees and shrubs shall be provided along all walks and streets, around recreation areas and along the outer property line of the site. Trees shall be planted at intervals of 50 feet where feasible.
- F. Minimum size requirements for various units:
 - (1) Studio (no separate bedroom): 500 square feet.
 - (2) One Bedroom: 600 square feet.
 - (3) Two Bedrooms: 800 square feet.
 - (4) Three Bedrooms: 950 square feet.
 - (5) Each additional bedroom: 80 square feet.

G. Farm Stands and Farm Markets

- (1) Purpose and Intent - The purpose of these regulations is to provide workable, clearly stated land use regulations that allow farmers in Williamson to market their produce directly to local customers, travelers and tourists.

The intention of the code is to strike a balance between, creating new opportunities to enhance farm family revenues, rural tourism, and neighborhood services, while protecting the surrounding residents from a proliferation or an excessive scale of a traditional retail store or convenience market within the agricultural districts of Williamson. The code uses variables including - farm family ownership, structure size, types of products sold as measured by floor space, a list of specific exclusions, and the use of a special permit to provide judgment/public input on appropriate locations for the larger scale "Farm Market".

Williamson recognizes farming as a cornerstone of the town's economy and rural character. The code provides some flexibility, beyond the right to sell one's own produce to draw customers who otherwise would not stop. However, the vision of a mature farm market is one that not only is profitable, but where farm produce is always predominant, and farm family products reflect a demonstrable tie to agricultural produce, farming heritage, and farm family creation. Non-brand name cottage industry products and packaging should be prevalent.

Any person within an A or A/R Zoning District may erect a farm market or farm stand and sell agricultural products from the same premises, provided that the property otherwise complies with this chapter and the standards set forth herein. The authorized official, code enforcement officer, pursuant to Article II of this chapter, shall permit any such market and its related accessory structures.

Portable carts, wagons, tables or stands consisting of 35 square feet or less, which sell agricultural products grown on the site, are exempt from these regulations.

(2) Definitions

- (a) "Farm Stand" – a temporary, permanent structure or farm wagon no more than 150 square feet in size that's use is accessory to on-site agricultural operations and is used to sell raw, unprocessed fruits, vegetables, nuts, honey, maple syrup and other agricultural produce in its raw or natural state at least 75% of which was grown on the premises. Honey, maple syrup, cider, jams/jellies may also be sold.
- (b) "Farm Market" – an enclosed permanent structure, from which to sell agricultural products, the retail sales area of which shall not exceed 6,000 square feet; however, accessory growing structures (greenhouses) open for retail sales will not be counted as retail space for the purpose of this definition, provided that the principal farm market and said accessory structures maintain a fifty-foot setback. These accessory structures may be attached or separate from the farm market structure. Farm markets also may be used for limited sales of processed foods and non-food items as well as horticultural products, beverages, candy, dairy products (ice cream and frozen desserts), bakery products produced on site, souvenir and handcrafted items.
- (c) A "Farm Operation" is a single or multiple parcels of land listed on the Williamson tax roll under the same owner(s) and approved for an agricultural assessment on a minimum of 10 acres.

(3) General Standards

- (a) The farm stand or farm market shall be setback from any public right-of-way in compliance with the applicable zoning regulations. The yard or setback area shall be kept clear to provide unobstructed visibility for motorists.
 - (b) There shall be safe ingress and egress from the site as determined under review of the site plan by the Planning Board.
 - (c) Site plan and/or special use permit approval shall be contingent upon satisfactorily addressing the impact on adjacent properties, the environment, and pedestrian and motorist safety.
- (4) Farm Stands
- (a) Subject to site plan approval by the Planning Board, a farm stand shall be allowed only if:
 - (i) It is accessory to agricultural production on the same farm operation, and
 - (ii) Both the farm stand and farm operations are owned and operated by the farm stand proprietor or immediate family members.
 - (b) The site plan for a farm stand shall include the information listed in Section 178-19 of the Williamson Code.
 - (c) At least three accessible and usable off-street parking spaces shall be provided. Each parking space shall be at least 10' x 20' in size and shall not encroach upon public right-of-way or create a traffic hazard. Parking spaces for farm stands are exempt from Article IV of the Williamson Code regarding handicapped parking.
 - (d) No electrical wiring or hookups of any kind are allowed.
 - (e) The farm stand operation may be conducted no more than 10 months per year. Months of operation must be consecutive in a calendar year January 1st through December 31st.
 - (f) Farm stands not used for a period of three consecutive years shall be removed from the premises at the landowner's expense.
- (5) Farm Markets
- (a) Subject to a special use permit approval, a farm market shall be allowed if:
 - (i) It is accessory to agricultural production on the same farm operation, and
 - (ii) Both the farm market and farm operation are owned and operated by the farm market proprietor or immediate farm family members.
 - (b) Applications for special use permits for farm markets shall be accompanied by a drawing that shows the proposed roof and exterior wall treatments, including construction materials and colors.
 - (c) One 200 ft. off-street parking space shall be provided for each 200 square feet of gross floor space area, with a minimum of at least three parking spaces including provisions for handicapped parking.
 - (d) Farm market operations are permitted to sell produce and horticultural products, which have been grown on- or off-site:
 - (i) On an annual basis, 40 percent of the gross floor space shall be devoted to produce and horticultural products, which have been grown on- or off-site.
 - (ii) Other permitted activities allowed shall include farm tours, hayrides, you-pick operations and educational activities related to agriculture. Other compatible activities may be allowed subject to a special use permit.
 - (iii) Food franchises are prohibited in any farm market operation.
 - (e) Outside storage and display of produce and plant materials shall be permitted on all portions of the property, with the exception of areas where traffic site distances will be impacted.
 - (f) Outside storage and display of all other items accessory and incidental to a farm market operation shall be in approved areas, no less than 50 feet from any property line other than the public right-of-way. The size of said storage area shall be buffered in a manner that will not create a nuisance to adjacent properties.
 - (g) Absolutely no petroleum products, alcoholic beverages, lottery tickets, tobacco or magazines may be sold or dispensed at farm markets.
 - (h) No subleasing is permitted with the farm market.
 - (i) The farm market operation may be conducted twelve (12) months per year.

Attorney Art Williams advised the Town Board they could not act on the material changes from the Planning Board's recommendations, which include Section G. (2) Definitions (b) Farm Market and Section G. (5) Farm Markets (d), (ii) to the Local Law (revision 5/18/04).

Proposed revision to the Williamson Code on Farm Stands and Farm Markets – 5/18/04 – Town Board – revised with Planning Board 6/1/04 recommendations on food service and other typographical considerations.

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 - (ii) Other permitted activities allowed shall include farm tours, hayrides, you-pick operations and educational activities related to agriculture, and the service of light lunches, i.e., sandwiches, soups, salads, and deserts, never to include full service. Other compatible

activities may be allowed subject to a special use permit.
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- (e) Outside storage and display of produce and plant materials shall be permitted on all portions of the property, with the exception of areas where traffic site distances will be impacted.
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- (h) No subleasing is permitted with the farm market.
- (i) The farm market operation may be conducted twelve (12) months per year.

Public Comment – Joe D’Eufemia, Joyce Lochner, John Paige, Tom Moenter, Lorraine Mason, Diana Lagoner, Sue Denny, David Fiendel, Mary Anagnostopoulos, Carol Fritz, Wendy Herbert, Liz Minier, Mark Lagoner, Larry Fisher, Attorney Daniel Barrett and Jeremy Dysiger commented on the pros and cons of the Farm Market recommendations, the community growing as a whole and restrictions.

Attorney Williams explained when the Town Board gets to the point of adopting the May 18, 2004 revised Farm Market Local Law at the next meeting, he will advise the Board in advance to do a separate resolution to re-reference them and adopt it with the non-material changes.

The Town Board discussed allowing the service of light lunches (i.e. sandwiches, soups, deserts, but never to include full service) to be included in the future amended Farm Market Local Law recommended by the Planning Board from their June 6, 2004 meeting. The Board was split on whether to support this recommendation with Supervisor Hoffman and Councilman Verno voting Naye, Councilman Warren and Councilman Monsees voting Aye and Councilman Orbaker undecided due to lack of clarity in the meaning to “light lunches”. Attorney Art Williams advised the Town Board he would give them a definition of “light lunches”, prepare an advertisement for the next Public Hearing for the new changes, prepare a SEQRA and other notices and then the Board can choose to adopt or not adopt the new amendment to the Farm Market Local Law.

Supervisor Hoffman requested a short recess at 8:35 PM and the Board returned to Open Session at 8:45 PM.

Supervisor Hoffman made a motion, seconded by Councilman Orbaker, to accept and/or file the letters and other forms of communication.

Letter from Dave Feindel to Eagle Board of Review
Discussion ensued. The motion was carried.

Supervisor Hoffman made a motion, seconded by Councilman Verno, to pass the Consent Agenda containing the following items:

- a. previous minutes: May 25, 2004
- b. presentation of Town Clerk’s report and Tax Receiver’s report
- c. accept the Supervisor’s report for May
- d. pay the Library bills as audited by the Library Board of Trustees:
vouchers 123 – 132, total - \$2,609.31
- e. to accept the following budgetary transfers:

<u>From</u>	<u>Amount</u>	<u>To</u>
<u>General Fund</u> A1990.900 Cont. Acct.	\$100.00	A7550.444 Apple Blossom Contr.
<u>H16- Town Hall Complex</u> H16-1620.242 Const. Doc	\$9,000.00	H16-1620.244 Eng. Const. Admin.
H16-1620.281 Site Work	\$190,000.00	H16-1620.280 General Contractor

The motion was carried.

Supervisor Hoffman informed the Town Board regarding what other towns in Wayne County were contributing to the GRE (Greater Rochester Enterprises) program.

Councilman Warren made a motion, seconded by Councilman Orbaker to support the GRE program by contributing \$1,000.00 per year for the next five years. The motion was carried.

Councilman Monsees made a motion, seconded by Councilman Verno, to authorize the Town Clerk to advertise that the Town Offices will be closed on July 2nd and July 5th for the July 4th Holiday. The motion was carried.

Councilman Monsees made a motion, seconded by Councilman Verno, to authorize the Town Clerk to advertise the closing of the Town Offices on June 24th, 25th, and 28th for business. The Town Offices will be moving into the new facilities and will reopen for business on June 29th, 2004 with regular office hours to resume. The motion was carried.

Supervisor Hoffman agreed with the Board to purchase an agreement with Road Runner to service our E-Mail and download needs in the new Town Complex.

The Town Board has received a request from the Zoning Board regarding wind powered electrical generator/towers. Currently, local ordinance does not address this particular issue. The Zoning Board of Appeals is on consensus that a moratorium for permits for said use should be placed in effect until an ordinance can be enacted address this issue. The Zoning Board of Appeals asks that the Planning Board undertake this issue. The Town Board agreed with this recommendation and will ask the Planning Board to write a Local Law for this issue.

Public Comment: Bill Herbert thanked the Town Board for the speedy response in putting up signs on Rt. 21 near the school. He also commented on the work that has been done at the Town Park by REACH program members.

Councilman Warren made a motion, seconded by Councilman Orbaker, to pay the following bills as audited:

Account:	Voucher No.:	Totals:
General Fund	274 through 311	\$ 50,139.55
Youth	20 through 28	
Highway Fund	157 through 174	10,088.32
Water Fund	156 through 170	21,844.77
Sewer District No. 1	109 through 121	5,490.35
Lighting District	6	2,842.02
Business Improv. Dist.	4	36.94
Capital H – 16	48 through 479	184,438.35
Total:		\$ 274,880.30

Supervisor Hoffman made a motion, seconded by Councilman Monsees, to enter into Executive Session for Legal reasons at 8:45 P.M. The motion was carried.

Councilman Warren made a motion, seconded by Councilman Orbaker, to return to Open Session at 9:19 PM. The motion was carried.

Councilman Orbaker made a motion, seconded by Councilman Verno, to adjourn the meeting at 9:20 PM.

Marlene A. Gulick
Town Clerk