

**VILLAGE OF ASHAROKEN
PROPOSED LOCAL LAW NO. #3-2015**

**A LOCAL LAW AMENDING CHAPTER 125 OF THE CODE
OF THE VILLAGE OF ASHAROKEN ENTITLED "ZONING"**

BE IT ENACTED by the Board of Trustees of the Village of Asharoken as follows:

Section One. Legislative Intent. The Board desires to amend Chapter 125 of the Code of the Village of Asharoken entitled "Zoning" to comply with the provisions of Article 25-AA of the New York State Agriculture and Markets Law

Section Two. Amendment to Section 125-7. Section 125-7 is hereby amended to add a new subsection J to provide as follows:

J. Farm Operations

(1) Notwithstanding any other provision of this Chapter, a "farm operation" as defined in New York State Agriculture and Markets Law §301(11) shall be a permitted use on property located within an agricultural district adopted by the County of Suffolk and certified by the Commissioner of Agriculture and Markets pursuant to Article 25AA of the New York State Agriculture and Markets Law, regardless of what zoning district such property is located.

(2) No property shall be used for a "farm operation" and no building or structure utilized or to be utilized in connection with a "farm operation" shall be constructed or altered without site plan review approval by the Board of Trustees in accordance with the provisions of New York State Village Law §7-725-a and this subsection J.

(3) An application for site plan review shall be submitted on forms prepared by the Village Clerk with the following documents:

(a) Scaled site plan drawing of the property, showing boundaries and dimensions of the property; identifying contiguous properties, and any known easements, right-of-ways and roadways; showing the existing features of the property, including land and water areas, water and sewer systems; showing all existing buildings and structures on the property and immediately adjacent to the property; showing the location of the proposed building(s) and structure(s), means of ingress and egress, parking and circulation of traffic; showing the proposed location of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, riding trails and manure storage/manure composting sites.

(b) Scaled floor plans and elevation plans of proposed building(s) and structures(s).

(c) A description of the "farm operation" and a narrative of the intended use of the land and the proposed building(s) and structure(s).

(4) Upon the filing with the Village Clerk of an application for site plan review and upon deposit and payment of the cost of advertising and payment of an application fee, in an amount to be determined from time to time by resolution by the Village Board, the Village Clerk shall fix a time and place for a public hearing thereon. The Village Clerk shall mail notice of such hearing to the applicant and shall give public notice of such hearing in a newspaper of general circulation in the village at least five days prior to the date thereof.

(5) Site plan applications shall be reviewed for the following standards:

(a) Overall impact on the neighborhood, including, but not limited to, compatibility of design considerations and adequacy of setbacks and screening from adjacent properties.

(b) Adequacy of the site plan to avoid a negative impact on the health, safety and general welfare of the public, including, but not limited to, noise and odors.

(c) Adequacy of the site plan to mitigate the impact of traffic on surrounding streets.

(d) Adequacy of drainage systems to contain stormwater on the property.

Section Three. Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Four. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.