

Public Hearing  
Proposed Local Law #1 of 2014  
January 23, 2014

Supervisor Nayer opened the Public Hearing at 6:00 pm with 28 people in attendance. The purpose of the Public Hearing is to introduce Proposed Local Law # 1 of 2014 entitled "A Local Law Regulations Pertaining to Slaughterhouses" amending Town Zoning Code to permit the slaughtering and processing of poultry and rabbits under limited circumstances.

Ejay Eisen spoke in favor of the proposed Local Law # 1 of 2014 and reviewed how this law will help all the farmers in the Town of Copake who choose to raise and sell poultry and rabbits to local residence and businesses.

Bernice O'Connell asked for clarification on the formula in comparing turkeys to chickens that was used in writing of this proposed law. Attorney Dow explained that the law read 8,000 chickens or 2,000 turkeys or any combination thereof. The formula used is one turkey is equivalent to four chickens for the purpose of this law.

George Beneke, Co-chairman of Ag and Farmland Protection Committee reviewed how many Town committees and other resources that worked on the development of this local law and that he felt that it was a very fair and sensible law for both the farmers and residence of the Town of Copake.

Harvey Weber voiced his concerns with safety of our streams and ground water from the waste from the processing of these animals.

Diana Wilson stated that she recognized the importance of farming and commends any person who wants to go into farming. Mrs. Wilson expressed her concerns that this law does not take into consideration the conditions under which these birds and rabbits will be cared for or grown in or whether they will be killed in a humane way. Mrs. Wilson also expressed concern of having a proposed processing building 100 feet from a stream or water supply maybe a pollution issue. She felt that 200 foot sideline set back was not enough to protect the neighbors.

Marcia Becker read the following statement:

It is my understanding that the Copake Town Board is the sponsor of the proposed zoning amendment according to Section 232-29 of the Zoning Code. What SEQR determination if any has been made by the Town Board regarding this proposed revision?

**Modified Site Plan Review Additions**

In order to help avoid potential conflicts when Copake residential neighborhoods exist within Agricultural Districts, I propose that 2 additional items be added to the Copake Modified Site Plan Review included in this amendment (Section (b) Regulations [6]). Add; 1) The identification and location of the water source and waste water disposal system for the processing facility; and 2) Include a sketch plan showing the management of storm water runoff at the facility which insures that all storm water runoff remains on the processing facility site.

## **Environmental Impacts**

I encourage the Town Board to take a hard look at potential environmental impacts before adopting this zoning amendment. Specifically, look at traffic impact, noise, smell, and economic impacts such as how this amendment may impact neighboring property values, the 2<sup>nd</sup> home real estate market, investments made in the promotion of recreation and tourism in Copake, and Copake's ability to satisfy potential housing needs for facility employees. Your hard look should find that the zoning amendment regulations mitigate all potential negative impacts.

Edgar Masters Co-chairmen of the Ag & Farmland Protection Committee reviewed the process, the people and committees that worked on this proposed local law. Mr. Masters went on to break down the numbers of animals referred to in the law and the committees felt that this was a realistic limit for both the farmer and as a cap. Mr. Masters advised the Board that he supported this law as written.

Lindsay LeBrecht spoke in favor of this law.

Diane Wilson added that she was concerned that there was no SERQ being done for this local law.

Supervisor Nayer closed the Public Hearing at 6:24 pm and the Special Meeting of the Town Board followed. The purpose of this Special Meeting was to consider the adoption Local Law # 1 of 2014 entitled "A Local Law Regulations Pertaining to Slaughterhouses".

### **Attorney Ken Dow reiteration of steps taken:**

The Proposed Zoning Amendment, in its final form, was introduced at a Town Board meeting on Jan. 9th.

Section 232-29 of the Copake Code, Chapter 232, Zoning, sets out the process for amending the Copake Zoning Code.

It provides for making amendments pursuant to section 265 of the NYS Town Law.

Section 232-29 also sets out certain other requirements.

All together, the requirements are as follows:

Adoption must be preceded by a public hearing, held on at least 10 days' public notice. Such notice has been completed in accordance with law.

Public notice of the Public Hearing appeared in the Register-Star on January 11, 2014.

Written Notice was made by mail to surrounding towns and other required entities on January 10, 2014.

Referral to the County Planning Board, pursuant to § 239-m of the General Municipal Law has been completed; the County Planning Board issued its approval on Jan. 21.

An Advisory Opinion of the Copake planning Board has been issued approving of the amendment, in conformity with Copake Code section 232-29.

Public hearing has just been held and completed.

### **SEQR.**

Before adoption, the proposal must be considered under SEQR. My opinion is that this proposal is a Type 2 action and requires no EAF or SEQR related action. *[Refer to KD opinion, below]*. I recommend that you make a motion to classify this action as a Type 2 pursuant to those provisions.

***Motion to classify as Type 2.***

With such classification, and the completion of the other requirements just described, this board may enact the proposed Amendment to the Copake Zoning Code by passing the Resolution on the desk, by a simple majority. I would note for the record that the Board has satisfied all prerequisites for the adoption of this Amendment to the Zoning Code, whether such prerequisites fall under section 265 of the NYS Town Law or the NYS Municipal Home Rule Law.

***Read the Resolution.***

Discuss, if necessary.

***Move to Adopt the Resolution by roll call vote.***

**PUBLICATION & FILING to be done.**

**Opinion regarding SEQR.**

It is my opinion that this action is a Type 2 action, which does not need an EAF or SEQR review, because of the following items on the list of Type 2 actions:

- (3) Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;
- (27) Adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;

Because this proposed local law is consistent with an Ag & Mkts opinion that a ban on processing is unreasonably restrictive, adoption of this proposed local law would be a local legislative decision in connection with land use changes consistent with generally accepted principles of farming. That classifies it as a Type 2 action exempt from SEQR. I would note that I called DEC and talked to two SEQR officials, including the SEQR attorney, and they both agreed that this conclusion and classification appeared to be reasonable and valid. It is, therefore, my opinion that no EAF or further action pursuant to SEQR is necessary.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Mettler to classify this proposed local law as a type 2 action. Motion was carried.

Supervisor Nayer addressed some of the public's concerns that were brought up during the public hearing.

Councilperson Mettler read the following statement:

Preliminarily I would like to thank those who spoke, and acknowledge their input, as well as the written submissions. I have also received and reviewed documents offered by residents in the past several months.

I would also like to thank the Farmland Protection Committee and the Land Use Review Committee for their consideration of this subject, and their advice and recommendations. I am particularly familiar with the work of the Farmland Protection Committee. They spent several meetings on this law. Although all the members of that committee are farmers or are connected to farming, their recommendations reflected an effort to balance the needs of farmers with the sensibilities and the needs of neighbors and nearby residents which was admirable.

I will admit that this process has been a learning curve for me. I started out not understanding the need for this law. But through my work with the Farmland Protection Committee I have come to believe that the ability of the farmer to be able to process his or her own poultry is critical to the farmers' ability to survive economically.

Copake benefits from small farms which both provide us with locally produced food—and also help to keep our land open and rural.

Farming has changed dramatically in the past 40 years. There was a time when there were more cows than people in Copake. When our zoning law was passed it prohibited any slaughterhouses. At that time there was not a need for a slaughterhouse in Copake. At that time almost all the farming was dairy farms. And besides, there was a slaughter house right in Hillsdale.

Today's farming is different. Today, to be viable, a farmer who raises chickens has to be able to process his own chickens. To tell him that he cannot process chickens would be like—in the 1950's-- saying that we support farming but telling a dairy farmer that he cannot spread manure.

Our comprehensive plan has stated unequivocally that a goal of Copake is “Thriving Farms”. In my view, that goal translates to approving this law, tonight.

With deference to those who have suggested otherwise, it is now my view that these facilities will have little or no impact. But to protect both the needs and sensibilities of neighbors, we have included a modified site plan review. In most cases, a hearing will be required- and that hearing will provide neighbors with the opportunity to be heard.

I believe that in respecting the needs of the farmer and still accommodating the views of his neighbors, this law presents a balanced, prudent approach.

I will support this law.

Councilperson Miller-Simmons states that she has been on the Board for two years and this is the first time that she has seen such a great number of people, citizens of the Town, and people on different Committees all working together and cooperating with each other and listening and it is very encouraging and I will support this law.

Councilperson Winchell-Sweeney advised the public that this law was carefully and thoughtfully considered and I will support this law.

Councilperson Paciencia thanked everyone who worked on this to bring us to this point tonight and will definitely support this whole heartily.

Marcia Becker Chairperson of the Copake Planning Board did not feel that the Planning had sufficient time to consider this local law. Supervisor Nayer read a letter dated January 17, 2014 from Chris Grant, Vice-Chairman of the Copake Planning Board advising that a motion was unanimously adopted by a quorum of the Planning Board at their January 11, 2014 meeting that the proposed law, as described, is satisfactory to the Planning Board.

The following resolution was offered by Councilperson Miller-Simmons and was seconded by Councilperson Mettler:

#### **RESOLUTION**

**To Amend the Zoning Code of the Town of Copake and**

**Adopt Local Law Number 1 of 2014.**

WHEREAS a proposed Amendment to the Zoning Code of the Town of Copake, entitled "Regulations Pertaining to Slaughterhouses," to permit the on-farm slaughtering and processing of poultry and rabbits under limited circumstances, was introduced at the January 9<sup>th</sup>, 2014 meeting of the Copake Town Board, and

WHEREAS section 232-29 of the Copake Code sets out the requirements for amending Chapter 232 of the Copake Code, which constitutes the Zoning Code of the Town of Copake, and

WHEREAS all requirements that precede the adoption of an amendment to the Zoning Code have been fulfilled,

It is hereby RESOLVED that

The amendment to the Zoning Code of the Town of Copake, entitled "Regulations Pertaining to Slaughterhouses," to permit the on-farm slaughtering and processing of poultry and rabbits under limited circumstances, as introduced at the January 9<sup>th</sup>, 2014 meeting of the Copake Town Board, and designated Local Law No. 1 of 2014, is hereby adopted, and the text of such amendment shall be entered into the minutes of this meeting.

Resolution # 5	Supervisor Nayer	yes
Dated January 23, 2014	Councilperson Winchell-Sweeney	yes
Copake, NY	Councilperson Miller-Simmons	yes
	Councilperson Mettler	yes
	Councilperson Paciencia	yes

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Paciencia that the meeting be adjourned. Motion was carried.

Respectfully submitted,