

TOWN OF COEYMANS MEETING MINUTES

February 26, 2026 6:00PM

The Town Board Meeting was held Thursday, February 26, 2026 at 6:00p.m. at 18 Russell Avenue, Ravena N.Y.

PRESENT: Stephen Donnelly, Supervisor
Michael J. Stott, Deputy Supervisor
Stephen J. Schmitt, Council Member
Patricia Grogan, Council Member

ALSO PRESENT: Candace McHugh, Town Clerk
Richard Reilly, Town Attorney
Michael Ravalli, Jr., Town Attorney

Supervisor Donnelly opened the meeting and led the audience in the Pledge of Allegiance. He asked that the record reflect all board members were present.

Motion to Open the Public Hearing

Council member Donnelly made a motion to open the Public Hearing, seconded by Council member Stott. APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT – SO MOVED

Public Hearing: Charter Franchise Agreement

NOTICE IS HEREBY GIVEN that the Town of Coeymans will hold a Public Hearing on February 26, 2026 at 6:00p.m. at the Town Hall located at 18 Russell Ave, Ravena, NY 12143. The purpose of this Public Hearing is to discuss the Franchise Renewal Agreement of the cable television franchise by and between the Town of Coeymans and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc.

A copy of the agreement is available for public inspection during normal business hours at the Town Clerk’s Office, 2524 U.S. Route 9W Ravena, NY 12143. At such public hearing, all persons will be given the opportunity to be heard. Written statements can be submitted to the Town Clerk via email (townclerk@coeymans.org) until 4:30pm the day of the public hearing.

**By Order of the Town Board
Of the Town of Coeymans
Candace McHugh
Town Clerk**

As of 6:51pm no comments were given regarding the public hearing

Motion to Close the Public Hearing

Council member Donnelly made a motion to open the Public Hearing, seconded by Council member Schmitt. APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT – SO MOVED

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

Approval of Minutes: The following minutes were approved:

-February 12, 2026 Town Board Meeting

Council member Donnelly made a motion to accept the minutes for February 12, 2026 Town Board Meeting and Council member Grogan seconded the motion.

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 0 – ABSTAIN - SO MOVED

Department Reports

Supervisor Report – January 2026 report read by Supervisor Donnelly

Motion to Accept Report

Council member Donnelly made a motion to accept the report as read, seconded by Council member Stott. APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT – SO MOVED

Town Clerk Report – January 2026 report read by Town Clerk, Candace McHugh

Motion to Accept Report

Council member Stott made a motion to accept the report as read, seconded by Council member Donnelly. APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT – SO MOVED

Police Department Report – January 2026 Report read by Police Chief Marc Tryon

Motion to Accept the Report

Council member Donnelly made a motion to accept the report as read, seconded by Council member Grogan. APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 0 – SO MOVED

Building Department – January 2026 Report read by Jason Chmielewski

Motion to Accept Reports

Council member Stott made a motion to accept the reports as read, seconded by Council member Donnelly. APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 0 – SO MOVED

Sewer Department Report – January 2026 Sewer Department Report was read by Keith Geraldson

Motion to Accept Report

Council member Donnelly made a motion to accept the report as read, seconded by Council member Grogan. APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 0 – SO MOVED

Highway Department Report- January 2026 Highway Department Report was by Highway Superintendent Dan Baker

Motion to Accept Report

TOWN OF COEYMANS MEETING MINUTES

February 26, 2026 6:00PM

Council member Donnelly made a motion to accept the report as read, seconded by Council member Stott. APPROVED – VOTE – AYES 4– NAYS 0 – ABSENT 0– SO MOVED

Liaison Reports: N/A

Old Business:

Sewer Project Phase 1/Financing. Supervisor Donnelly had asked MJ Engineering to attend but they declined and stated they agreed with Laberge’s assessment. He stated a problem has been documented and a solution has as well. The current administration has received a large amount of funding. Supervisor Donnelly feels the board has to do this to keep the infrastructure in working order. He explained the board is at the point in which they need to pass a bond resolution in order to move forward with bidding.

Council member Grogan stated she has been working on becoming informed about this project. She asked if the project could be modified at this point to lessen the burden on the residents. She does not feel the residents affected have been adequately informed.

Council member Stott said we don’t know what the burden is yet as we don’t have estimates. The bond resolution is needed to get the appropriate numbers from bidders. Supervisor Donnelly said this is the first step into repairing the waste water treatment plant. Conversation became too difficult to hear due to so many speaking out of turn. Mrs. Grogan asked for a public comment from those in attendance regarding this project.

Henry Traver lives in the Hamlett. He urged the board to go through with the grant to get the numbers to see what can be done. In his experience with the Village, he strongly suggested continuing with the grant and to get what you can repaired. Not taking the grant could affect the towns’ ability to get future grants. Mr. Traver suggested trying to complete some of the work in house. Mr. Traver offered his assistance if needed.

Joe Boehlke lives in the Hamlett. He agrees with everything Henry said. He stated we need to be proactive, not reactive.

Lynda Geraldson lives on Fuller Road. Mrs. Geraldson stated she feels all the work needs to be done and shouldn’t be cut back. The health and safety of the people is the job of the board. She does feel this project needs to move forward.

Bridget Engelhardt lives in the Hamlett. She thanked the town officials for their service. She would like to see the board pass the bond resolution and respectfully requested that the board do so.

Donna Pasquini lives on Westerlo St. in the Hamlett. She feels this is a no brainer and should not be passed up. Mrs. Pasquini said this bond is a piece of mind and as a resident of over 50 years she knows a lot has to be done. She asked how in the world is there a 4-person board sitting up front. She hopes this isn’t political. Mrs. Pasquini said the board should be in it for the town residents.

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

Richard Connell Jr. lives in the town. He feels Laberge did an excellent job of explaining the project and out options. He reminded the board there is a time constraint on this project. Mr. Connell asked about the cost if this were to become an emergency situation. The potential of 30-40 dollars per month added to the bill has been mentioned. Mr. Connell stated the underground infrastructure is crumbling and the board needs to start looking at all underground facilities we have. He called the bond a no brainer as well.

New Business: N/A

Resolutions

Resolution #048-26 Authorization of Workshop Dates

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Stephen Donnelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael J. Stott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patricia Grogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>4</u>		<u>4</u>		

I, Council member Grogan offer the following resolution and move its adoption:

WHEREAS, the Town Board of the Town of Coeymans is desirous of scheduling workshops of the Town Board for the remainder of the calendar year 2026, to be held on the first Tuesday of each month.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby set the following dates for the Town Board Workshops for the remainder of 2026, with each meeting to commence at 6:00 p.m.:

- | | |
|-----------------------|---------------------------|
| March 3 rd | August 4 th |
| April 7 th | September 1 st |
| May 5 th | October 6 th |
| June 2 nd | November 10 th |
| July 7 th | December 1 st |

Seconded by Council member Stott, offered for discussion and duly put to a vote, the results of which appear above.

Resolution #049-26 Authorization Execution of Franchise Agreement

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Stephen Donnelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael J. Stott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patricia Grogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>4</u>		<u>4</u>		

I, Council member Stott offer the following resolution and move its adoption:

WHEREAS, an application has been duly made to the Town Board of the Town of Coeymans, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company duly organized, and existing in good standing, under the laws of the State of Delaware, doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a Franchise Renewal Agreement for Charter’s cable television franchise for an initial term of ten (10) years, commencing with the date of approval by the Public Service Commission; and

WHEREAS, the Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and with certain court rulings; and

WHEREAS, a Public Hearing was duly advertised in the official newspaper of the Town of Coeymans and was held on February 26, 2026, at 6:00 pm, at 18 Russell Avenue, Ravena, New York; and all parties in attendance were granted the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize Supervisor Stephen Donnelly to execute the Franchise Renewal Agreement of the cable television franchise by and between the Town of Coeymans and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc.

Seconded by Council member Donnelly, offered for discussion and duly put to a vote, the results of which appear above.

-A resolution regarding Lansing Engineering doing a road study was tabled for the time being. The Supervisor wanted the public to know it is still a relevant topic which will be discussed again.

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

Resolution #050-26 Bond Resolution – Sewer District

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Stephen Donnelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael J. Stott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patricia Grogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>4</u>		<u>4</u>		

BOND RESOLUTION DATED FEBRUARY 26, 2026.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,366,000 BONDS OF THE TOWN OF COEYMANS, ALBANY COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE COEYMANS HAMLET SEWER DISTRICT, IN THE TOWN OF COEYMANS, ALBANY COUNTY, NEW YORK.

I, Council member Donnelly offer the following resolution and move its adoption:

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated September 3, 2025, the Town Board of the Town of Coeymans (the “Board”) has determined it to be in the public interest to improve the facilities of the Coeymans Hamlet Sewer District, in the Town of Coeymans (the “Town”), Albany County, New York, at a maximum estimated cost of \$3,366,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined will not have a significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Coeymans, Albany County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the Coeymans Hamlet Sewer District, in the Town of Coeymans, Albany County, New York, being reconstruction, improvement and rehabilitation of pump stations, replacement of approximately 1,500 LF of 15-inch sewer lines, and the replacement of existing manholes, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$3,366,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$3,366,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of not to exceed the \$3,366,000 bonds of said Town authorized to be issued pursuant to this bond

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

resolution; **PROVIDED, HOWEVER**, that to the extent that any grants-in-aid are received for such specific object or purpose or the Town Board shall appropriate other monies of the Town therefor, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar-for-dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Coeymans, Albany County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Coeymans Hamlet Sewer District as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

Section 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies were, are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law; provided, however, that no obligations shall be issued pursuant to this bond resolution prior to its ratification and confirmation by readoption by this Town Board following outreach to affected residents and businesses.

Seconded by Council member Schmitt, offered for discussion and duly put to a vote, the results of which appear above.

The question of the adoption of the foregoing order was duly put to a vote on roll, which resulted as follows:

Stephen Donnelly	VOTING	<u>Yes</u>
Michael J. Stott	VOTING	<u>Yes</u>
Stephen J. Schmitt	VOTING	<u>Yes</u>

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

Patricia Grogan VOTING Yes

The resolution was thereupon declared duly adopted.

Discussion: Council member Grogan asked this resolution be placed in the News Herald as well as the Times Union. All on the board agreed to publish both papers.

Resolution #051-26 Authorization to Retain Bond Counsel

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Stephen Donnelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael J. Stott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patricia Grogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>4</u>		<u>4</u>		

TO APPLY FOR FUNDING FOR THE 2025 WATER INFRASTRUCTURE IMPROVMENTS ACT (WIIA) GRANT PROGRAM, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL FACILITIES CORPORATION (NYSEFC). “TOWN OF COEYMANS SEWER SYSTEM IMPROVEMENTS PROJECT – PHASE 1”

I, Council member Schmitt offer the following resolution and move its adoption:

WHEREAS, the Town of Coeymans Town Board has caused the preparation of a Water Infrastructure Improvements Act (WIIA) Program Application to be developed and submitted to the New York State Environmental Facilities Corporation (NYSEFC) in connection with the Town of Coeymans Sewer System Improvement Project (the “Project”); and

WHEREAS, the WIIA Program grant request will not exceed the maximum request of \$25,000,000, or 25% (or up to 50% pending eligibility) of net eligible project costs to construct sanitary sewer infrastructure; and

WHEREAS, the Town of Coeymans has committed to completing the project in accordance with the requirements of the WIIA program, including, to the extent necessary, by issuing bonds to pay any costs of the Project that are not funded by other sources; and

WHEREAS, the Town’s engineers, Laberge Engineering and Consulting Group, Ltd., have used Orrick, Herrington & Sutcliffe, LLP (Douglas E. Goodfriend, Of Counsel) in the past to prepare bond financing and associated resolutions that comply with WIIA Program requirements, and have recommended their services to the Town.

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby authorizes and directs Supervisor Stephen Donnelly to retain Orrick, Herrington & Sutcliffe, LLP, for the purpose of preparing a Bond Resolution for the Board’s consideration.

Seconded by Council member Grogan, offered for discussion and duly put to a vote, the results of which appear above.

Discussion: Mr. Stott reiterated the WIIA grant could get us a potential reduction of 25% off the balance above and beyond the grant but the full bond resolution was necessary to do so.

Resolution #052-26 Budget Amendment

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Stephen Donnelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael J. Stott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patricia Grogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>4</u>		<u>4</u>		

I, Council member Grogan offer the following resolution and move its adoption:

WHEREAS, the Chief Fiscal Officer of the Town of Coeymans has determined that in order to maintain proper balances within various accounts, and Amendment to the 2026 Budget is necessary.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize Supervisor Stephen Donnelly to amend the 2026 Budget, as depicted below, for the Budget Year 2026:

<u>Increase</u>	
(A)2680.0 Insurance Recovery	\$44,681.00
<u>Increase</u>	
(A)3120.2 Police Equip.	\$44,681.00

Seconded by Council member Stott, offered for discussion and duly put to a vote, the results of which appear above.

Resolution #053-26 Affirm Appointment of Deputy Supervisor

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Stephen Donnelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael J. Stott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patricia Grogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>4</u>		<u>4</u>		

I, Council member Stott offer the following resolution and move its adoption:

WHEREAS, pursuant to Town Law § 32, the Town Board of the Town of Coeymans previously established the office of Deputy Highway Superintendent; and

WHEREAS, Highway Superintendent Daniel D. Baker, pursuant to Town Law § 32, previously appointed Michael Ferriero to the Deputy Highway Superintendent position; and

WHEREAS, the Town Board seeks to recognize and affirm that appointment.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby acknowledges the Highway Superintendent’s appointment of Michael Ferriero to the position of Deputy Highway Superintendent, effective as of January 1, 2026; and

BE IT FURTHER RESOLVED, that Mr. Ferriero shall serve as Deputy Highway Superintendent until the expiration of the Highway Superintendent’s current term; or until such time as he is removed or otherwise replaced by the Highway Superintendent.

Seconded by Council member Donnelly, offered for discussion and duly put to a vote, the results of which appear above.

Resolution #054-26 Approval of February Abstract

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Stephen Donnelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael J. Stott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patricia Grogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>4</u>		<u>4</u>		

I, Council member Donnelly offer the following resolution and move its adoption:

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

BE IT RESOLVED, that the Town Board has approved the payment of bills as presented in the Abstract for February 2026, as follows:

PRE-PAID VOUCHERS – 25-00078 to 25-00092 and 26-00056 to 26-00117 from the following funds:

General	\$ 1,254,351.93
Part Town	\$ 23,176.75
Highway – Part Town (DB)	\$ 67,058.69
Sewer	\$ 32,164.68
Trust & Agency	\$ 54,722.28

VOUCHER NUMBERS – 25-00093 to 25-00105 and 26-00118 to 26-00213 from the following funds:

General	\$ 80,328.80
Part Town	\$ 9,075.78
Highway (DA)	\$ 16,220.06
Highway-Part Town (DB)	\$ 25,368.36
H - Capital Project	\$ 45,420.52
Sewer	\$ 122,660.96

TOTAL FOR ALL FUNDS – \$ 1,730,548.81

Seconded by Council member Schmitt, offered for discussion and duly put to a vote, the results of which appear above.

Public Comment:

Joe Boehlke Lives on Blaisdell. He talked of the difficulty of parking at the Coeymans Post Office. He suggested the old county sheriffs’ station as a home for the post office. He urged the town to reach out to the postal service. Supervisor Donnelly stated the town has reached out to the postal service about another matter so he has an open line of communication already.

Kent Pugliese lives on River Road. He thanked the board for their service. He thanked Dan for his service and wished him the best. Mr. Pugliese asked the Chief if there could be a plan for when the thruway gets shut down and redirects traffic to route 144. These instances cause a lot of potential near misses. He thanked the board for discussing truck traffic. He is happy to see all have acknowledge the problem. While building a new exit seems to be the ideal option, he has some ideas of what could be done in the meantime. Mr. Pugliese sent a letter and email to every person he could find that represents the area. 2 people got back to him, those people being Kathy Hochul and Dan McCoy. He has been assigned a case # and a representative. He is urging

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

everyone to send a letter and or email every month and keep this item on the agenda under old business. Mr. Pugliese also sent an email regarding the speed limit on 144 and potentially lowering it from the port to Exit 22. He encouraged the board to keep trying and reminded them the squeaky wheel gets the oil. He was happy to hear the businesses are on board as well. Supervisor Donnelly said he was speaking to a council person in New Baltimore because they believe this is a regional issue. They are planning to try to meet with Senator Hinchey. Mr. Pugliese gave his case number for others to reference when writing the state (**com-26-27529**). Council member Grogan urged everyone to send a letter. She suggested creating a template letter and links to our representatives for the community to use. The Town Clerk said that was possible.

Lynda Geraldson lives on Fuller Road. Mrs. Geraldson has been researching the Town Board Meeting Minutes. She stated that most of the things Mr. Pugliese mentioned was done but the town didn't stick to their guns. Mrs. Geraldson went out and drove Jarvis north, Jarvis South and calculated how many people are impacted by truck traffic. She feels Jarvis North is not impacted that much and should have their weight limit lifted. Jarvis South has 19 deeply impacted and Fuller Road has 12 deeply impacted due to the traffic. She would hate to see the town spend money on a road study when they could just open up Jarvis North which is only .48 miles long. Mrs. Geraldson just the actual noise the trucks make violate laws due to the decibel level. Mrs. Geraldson asked if the board reach out to Mr. LaMountain about potentially taking the Superintendent Highway spot. She also asked about Mrs. Demitraszek and why she hasn't been appointed. Council member Schmitt stated she had withdrawn her interest. Council member Grogan stated she has reached out to Annette Demitraszek and George LaMountain. The board has met in executive session regarding this and the board is actively talking about these appointments.

Rich Connell asked about the process of appointing these open positions. The Supervisor stated these are board decisions. Mr. Connell commented on the estimates that will come in for the sewer project and said if they come in way over budget the town can then pull it back and adjust the project at that time. Mr. Connell feels "Old Business" items should stay on agendas until it is resolved and an update provided every meeting. He also stated the video media needs to be improved.

Candace McHugh brought up a petition started by County Legislator Zach Collins regarding truck traffic and asked to place it on the Town of Coeymans Page which was granted.

Keith Geraldson thanked the board for moving forward with the bond resolution.

Henry Traver suggested physically handing out flyers regarding sewer projects within the Hamlett.

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

Council member Grogan suggested posting public hearings on the electronic board throughout town.

Marc Dorsey lives at 880 Bridge St. He presented a packet (see attached) to the Town Board and explained he feels there is a disconnect between what is being asked and what he actually has. He mentioned many references in the town comprehensive plan regarding agritourism/farming which he is trying to do. He explained they have horses and cows and fall under commercial. He referenced Agriculture and Markets law. Mr. Dorsey explained there was already a kitchen on the premise. He read sections of 305-A and 301. He stated he bought a commercial business. He said he has not gotten a notice of violation but has been told he is in violation. He referenced Coeymans Town code 165 in regards to determination of permits. He stated all his structures are existing and should fall under the codes of when the building was first built. Council member Grogan asked that Mr. Dorsey to direct the board, not the attorney. She stated the town has spent over \$6,000 in attorney's fees trying to help him. She feels his project is amazing but the disrespect given to the boards by him is unacceptable. Mrs. Grogan stated he is in this mess due to the fact he did over \$200,000 worth of work without permits. She stated his zone does not allow for a wedding venue. Mr. Dorsey stated he is not looking to build a wedding venue he is asking for a permit for windows, doors, and a roof. She read an email she sent on Mr. Dorsey's behalf to the NYS Agriculture & Markets, she read the response:

"I am glad you reached out! This will be an important learning experience... although we define agritourism in Ag Districts Law(AML 25AA), if the parcel(s) in question are part of a working farm and enrolled in the Albany County Ag District, we are really dealing with direct farm marketing activities. See Guidance document here: <https://agriculture.ny.gov/land-and-water/section-305-review-restrictive-laws>. Before we chat, it would make sense to review this, to begin to learn the jargon used and how we view/define elements of on-farm marketing.

This Guidance explores the effects of Ag District law on local Zoning and Planning processes: <https://agriculture.ny.gov/system/files/documents/2021/06/305-azoningguidelines.pdf>

Finally, here is the link to our landing page to see more specific guidance: <https://agriculture.ny.gov/land-and-water/section-305-review-restrictive-laws>

The most important consideration at this point is to understand whether or not this parcel is associated with a working farm AND enrolled in the AG District. If both conditions are not met, the entire process is up to your Town to determine as we would have no jurisdiction. If both conditions are met, then there will be quite a learning curve, but I can help you with that.

Feel free to reach out next week or we can schedule a time to discuss."

JEFF KEHOE

Associate Environmental Analyst

New York State Department of Agriculture and Markets

TOWN OF COEYMANS MEETING MINUTES
February 26, 2026 6:00PM

Mr. Dorsey stated he has a farm. Council member Schmitt does not believe this should be going on for this long. The land use map in the comprehensive plan lists their property as commercial. Mr. Reilly interjected and stated a back and forth will not be productive. Mr. Reilly has worked with Mr. Dorsey's attorney to complete an application that would suit his needs. Mr. Dorsey wants to know why he has to fill out a different type of application than the standard one. Mr. Reilly stated the town is trying to accommodate Mr. Dorsey but he is unwilling to walk through the open door. Council member Schmitt feels the legal bills are so high due to Mr. Reilly doing the work of our building inspector. Mrs. Grogan stated she feels our building inspector has tried to have the conversations with Mr. Dorsey but the environment has become quite hostile. The Supervisor confirmed that is the case. Mr. Dorsey stated he is passionate. He said Mr. Chmielewski has stated he can't inspect due to closed up walls which is untrue. Mr. Dorsey expressed his frustration in the lack of response he is getting. Council member Schmitt said he is in favor of Mr. Dorsey going to see Mr. Chmielewski regarding this. Mr. Reilly stated he has been the recipient to letters in regards to prior conduct on the part of Mr. Dorsey which relates to the work place violence policy the town has in place and would not recommend Mr. Dorsey going to the building department. The Supervisor stated he closed town hall early one day for safety purposes. Mrs. Grogan agrees and stated she has had police present at PBZBA meetings.

Mrs. Geraldson does not feel Mr. Dorsey is getting proper treatment.

Motion to Adjourn was made by Council member Donnelly and Seconded by Council member Stott- APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT – SO MOVED 8:56pm

Respectfully Submitted,


Candace McHugh, Town Clerk

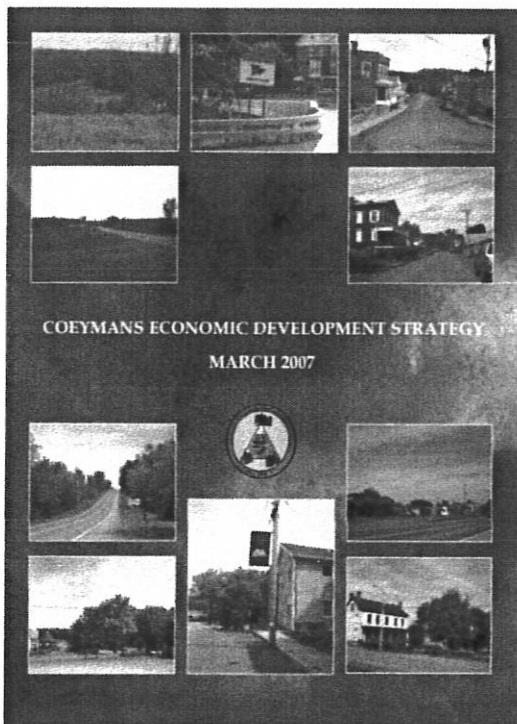


text details the information in the maps, including the ecological importance of the data and its sources. There are seven habitat maps for the Town of Coeymans.

Though the summary does not contain adequate detail for site planning purposes, it can be useful for environmental review and consideration within the Comprehensive Plan Update for policy updates related to areas worthy of additional protections, as well as areas that may be deemed more appropriate for further development. Current use of the document and mapping is very useful in identifying high quality habitats on a municipal-wide scale, also helping land-use decision-makers and applicants understand how a proposed site plan might relate to important natural areas in the community.

Source: <https://coeymans.org/wp-content/uploads/2016/08/Coeymans-Habitat-Summary-FINAL-5-17-17.pdf>

Coeymans Economic Development Plan, 2007



This plan focused on economic development within the Town of Coeymans. The following summarize goals articulated in the plan. In preparing for the Comprehensive Plan update, a review of the information contained within the document, and check-in on progress made towards fulfillment of these goals and whether they are still relevant can be undertaken and results of the effort articulated in the Update.

- Goal 1. Encourage Business Development.
- Goal 2. Foster Revitalization and Reinvestment.
- Goal 3. Investigate Opportunities to Broaden and Strengthen All Industrial Sectors
- Goal 4. Build Tourism.
- Goal 5. Provide Efficient and Cost-Effective Infrastructure and Energy.
- Goal 6. Grow Agricultural Industries.
- Goal 7. Promote, Communicate and Collaborate.

Source: <https://coeymans.org/wp-content/uploads/2016/08/coeymans-economic-development-plan-2007.pdf>

Land Use & Zoning Goals

Goal #1: Preserve and enhance Coeymans existing rural, small town character while accommodating a balanced mix of agricultural, recreational, residential, commercial and industrial uses.

Goal #2: Encourage future development that minimizes negative impacts on natural resources, infrastructure, and neighboring uses in order to safeguard the health, safety, and welfare of the community.

Goal #3: Protect the community's visual character and aesthetics, especially along corridors and at prominent gateways.

Natural Resources

Goal #1: Foster the preservation of the Town's many environmentally sensitive lands, protecting them from any adverse impacts man-made development may have on land, air, water quality, natural habitats, unique land formations and public health, welfare, and safety.

Goal #2: Preserve and protect the Town's water bodies and lands that serve as important natural drainage channels, provide drinking water, and function as wildlife habitat.

Goal #3: Preserve and protect those lands and unique scenic resources that contribute to the Town's unique character and scenic vistas.

Economic Development

Coeymans has a variety of local and regional economic development resources available to encourage the growth and stabilization of the economy. The Town has an active website and Business Association that can be used to promote the Town and generate economic opportunities. The Hamlet contains available properties served by public water and sewer with the potential to be developed as small-scale tourism and service-oriented businesses near the waterfront, and the potential for expansion of water and sewer along NYS Route 144.

Economic Development Goals

Goal #1: Foster the development of a vital business-friendly environment, both for existing businesses and new business enterprises.

Goal #2: Promote economic development that will expand and stabilize the Town's tax base while providing for a range of employment opportunities.

Goal #3: Retain and improve the Town's commercial and industrial base to expand the availability of goods and services to residents and tourists alike.

Goal #4: Foster the development tourism resources in the Town to strengthen the local economy and establish stewardship and preservation of the Town's unique resources.

Albany County Agricultural and Farmland Protection Plan (2018 UPDATE)

New York State's Agricultural and Farmland Protection Program was adopted in 1992 as part of the Agricultural Protection Act (Article 25-AAA). This legislation resulted in a number of initiatives designed to protect the state's agricultural interests. In addition to reformulating the agricultural districts advisory committees into agricultural and farmland protection boards, Article 25-AAA also made planning grants available to counties to prepare Agricultural and Farmland Protection Plans. The goal of these plans is to address agricultural viability and profitability, agricultural land use issues, farmland protection methods, agricultural awareness, public education, municipal land use, and specific regional concerns. Upon completion of a plan, municipalities become eligible for further funding to assist in implementing the plan, which includes funds to support a voluntary program to purchase development rights on productive farmland. In 1999, Albany County was awarded a grant through this program to prepare a County Agricultural and Farmland Protection Plan. The Agricultural and Farmland Protection Board (AFPB) worked with Albany County Office of Natural Resources, Cornell Cooperative Extension of Albany County, and the Agricultural Industry Development, Enhancement and Retention program (AIDER) at Cornell University, to prepare the plan and to initiate various implementation projects.

Coeymans is included in the third district of the Albany County Agricultural and Farmland Protection Plan. The Agricultural and Farmland Protection Plan was developed to serve as a guide for enhancing the agricultural industry in Albany County and protecting the farms and farmland in the county. It identifies issues important to the agricultural community and recommends strategies that will help stimulate the rural economy, maintain active agriculture, and help preserve the valued character of the county's agricultural areas.

The original plan was made in 2004 and updated in 2018.

Source: <https://www.albanycounty.com/home/showdocument?id=286>

Town of Coeymans Draft Local Waterfront Revitalization Program, 1997 (Not officially adopted by town)

The department of state awarded the towns of Coeymans and New Baltimore a \$30,000 grant to prepare a joint Local Waterfront Revitalization Program which was completed and reviewed by the public in the late 1980s which was never adopted. In Feb 1993, Coeymans Town Board decided to pursue the effort without the cooperation of New Baltimore. The Town of Coeymans prepared a new draft.

The Draft LWRP includes eight sections. Section I defines the Waterfront Revitalization Area Boundary. Section II contains a detailed Inventory and Analysis with discussions on Environmental Features; Existing Land and Water Uses; Existing Zoning; Issues and Opportunities; and Key Waterfront Issues. Section III defines policies, plans and projects consistent with the 44 Coastal Policies of the Department of State.

Goal 6. Grow Agricultural Industries

Preservation of the Town's agricultural lands is a critical part of any economic development effort. An effective way to preserve agriculture land is by making agriculture profitable to the farmer. This produces two benefits – preservation of the land in agriculture, and preservation of the agricultural way of life. Farmland retention works best where there is a strong agricultural economy. Coeymans has a strong agricultural history with a local economy based on agriculture and farm protection and promotion efforts. The following goals and strategies promote the use of the Town's available agriculture resources to foster value-added economic opportunities for local property owners and businesses.

- Strategy 6.1: Proactively pursue agriculture development as a form of economic development by developing new markets and products.
 - Action 6.1.1: Promote agriculture and rural lifestyle as important to the economic health and viability of Coeymans.
 - Action 6.1.2: Improve and enhance agricultural marketing and agritourism marketing. Work with farmers to develop agritourism tours, such as visits to maple syrup farms, dairy farms, tree farms, etc. Promote agri-tourism as a viable means to preserving the community's productive agricultural lands. Develop agritourism tours, with visits to apple farms, horse farms, and other tourist activities.
 - Action 6.1.3: Create a marketing brochure promoting the local agricultural industry. Such a brochure could include a map of local roadside stands, farmers' markets, pick-your-own operations, nurseries and other agricultural items of interests such as fruit wineries, maple syrup, dairy, and herbs.
 - Action 6.1.4: Encourage the development of agribusinesses within the Town. In agriculture, agribusiness is a generic term that refers to the various businesses involved in food production, including farming, seed supply, agrichemicals, farm machinery, wholesale and distribution, processing, marketing, and retail sales. Agribusiness refers to the range of activities and disciplines encompassed by modern food production.
- Strategy 6.2: Support, sustain, and market the Town's existing agriculture and agroforestry businesses.
 - Action 6.2.1: Provide information to local farmers on the different mechanisms available to assist farmers in maintaining their properties. These include agricultural assessments, partial reduction in real property taxes for eligible NYS farmland, American Farmland Trust estate planning, and Farm Building Exemptions through NYS Office of Real Property Services (ORPS). Work with farmers to identify ways to reduce taxes.
 - Action 6.2.2: Use available economic development tools to foster a viable agricultural economy. The agricultural industry can be supported through purchase of development rights from farms and open space properties, Agricultural

Strategy (Action Task)				Time Frame	Responsible Party	Possible Funding Source
5.3.3	Provide wireless technology in the Riverfront Target Area to encourage more businesses to locate in this area of the Town.	I	Town Board	Local, ESDC		
Goal 6. Grow Agricultural Industry						
Strategy 6.1: Proactively pursue agriculture development as a form of economic development by developing new markets and products.						
6.1.1	Promote agriculture and rural lifestyle as important to the economic health and viability of Coeymans	O	Town Board	GROW-NY, NYSAG, USDA, PF-Open Spaces Institute		
6.1.2	Improve and enhance agricultural marketing and agritourism marketing. Promote agritourism as a viable means to preserving the community's productive agricultural lands.	S	Town Board	GROW-NY, USDA, NYSAG		
6.1.3	Create a marketing brochure promoting the local agricultural industry.	I	Town Board	A&BC-CTIG, NYSCC, NYSAG GROW-NY, USDA		
6.1.4	Encourage the development of agribusinesses within the Town.	O	Town Board	Local, NYSDOS-QC, NYSAG, USDA		
Strategy 6.2: Support, sustain, and market the Town's existing agriculture and agroforestry businesses.						
6.2.1	Provide information to local farmers on the different mechanisms available to assist farmers in maintaining their properties.	S	Town Board	GROW-NY, USDA, NYSAG, AFT, CCE		

agricultural economy, fewer new young farm operators, rising property and school taxes, and increased development pressure. To address these issues, the document recommends strategies to maintain the character of the County's agricultural areas and stimulate the rural economy. The document also stresses the need to educate governments and non-farmers about the contributions and positive impacts associated with agriculture.

The Agricultural & Farmland Protection Plan serves as a guide for future growth and development of agricultural industry in Albany County and recommends a variety of tools to be incorporated for agricultural and farmland protection. The Albany County Agricultural & Farmland Protection Plan stated the following three major Goals and Recommendations to guide future agricultural and farmland protection efforts.

1. To increase the marketing opportunities, competitiveness, and profitability of farming and the agriculture industry in Albany County. To achieve this goal, the plan recommends various actions like ensuring public policy protects, promotes, and sustains agriculture and that local regulations do not unduly restrict normal farm operations. Also, to support agricultural economic development and tourism efforts, and expand marketing opportunities to promote agricultural products.
2. To increase public recognition of the value of agriculture, farmers, and farmland in Albany County and convey a better understanding of farm issues among non-farmers. Recommended actions to achieve this goal include strengthening the connection between farms and local schools, increasing support for agricultural industry, building community support for agriculture and improving communication between agriculture and the local media.
3. To retain farmland for agricultural purposes by keeping Albany County farms viable. Recommended actions towards achieving this goal include encouraging participation in the Agricultural Districts program and protecting important agricultural lands in Albany County.

The County of Albany Hudson River Waterfront Strategy

The Albany County Hudson River Waterfront Strategy, developed in 1999 by Albany County, identifies various natural and man-made resources, and opportunities to build upon these resources. The Waterfront Strategy recommends actions to address a variety of vital issues facing the County's waterfront communities.

The Hudson River Waterfront Strategy included a Vision referred to as the 3 R's, – Reconnect, Revitalize, and Restore. The Vision aims to build public and private investments in the County and highlights the importance of economic, cultural, and ecological attributes of the Hudson River waterfront to the County's waterfront communities.

The planning process included a survey of municipal and community leaders, stakeholders, and property owners. As a result of this public input, several common themes were identified. These



Building Standards and Codes

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TB-2007-BCNYS

TECHNICAL BULLETIN

Code Effective Date: May 12, 2020¹

Source Document: 19NYCRR 1221 – Building Construction
19NYCRR 1225 – Fire Prevention
19NYCRR 1226 – Property Maintenance²

Topic: Code Provisions Applicable to Agricultural Buildings and Premises

This document was prepared by the Department of State in consultation with the Department of Agriculture and Markets and is intended to clarify the applicability of the Uniform Fire Prevention and Building Code (Uniform Code) to *agricultural buildings*. The document does not address all issues relating to the applicability of the Uniform Code to *agricultural buildings*. Rather, it focuses on some of the most commonly asked questions and misunderstood provisions. It is offered as guidance to code enforcement officers and to the farming community. This document is not intended to cover all scenarios or uses. The applicability to the Uniform Code to each building or use needs to be evaluated individually.

As a preliminary matter, it is important to note that this document deals only with issues relating to the applicability of the Uniform Code. This document does not address other laws of interest to the farming community, such as the Agriculture and Markets Law, the Real Property Tax Law, and local zoning and land use laws and ordinances. This is critical, because the fact that a building is not an *agricultural building* for the purposes of the Uniform Code does not necessarily mean (1) that the building is not part of a “farm operation” for the purposes of Article 25-AA of the Agriculture and Markets Law; or (2) that the land on which the building is located is not “land used in agricultural production” for the purposes of Article 25-AA of the Agriculture and Markets Law and Section 481 of the Real Property Tax Law; or (3) that the building is not an agricultural building, farm building, or the like for the purposes of any applicable local zoning or land use law or ordinance; or (4) that the land on which the building is

¹ The “Code Effective Date” for this Technical Bulletin is May 12, 2020, which is the effective date of the 2020 update of the New York State Uniform Fire Prevention and Building Code (the Uniform Code).

² The Uniform Code is contained in Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York (19 NYCRR) Parts 1220 through 1227 and the publications incorporated by reference into those Parts, including, but not limited to the 2020 NYS specific code books which are based on the 2018 International Code Council books.

located is not a farm, farming operation, or the like for the purposes of any applicable local zoning or land use law or ordinance.

The following questions will be addressed in this document:

- What is the definition of an *agricultural building* for the purposes of applying the Uniform Code?
- What questions should be asked to determine if a structure is an *agricultural building* for the purposes of applying the Uniform Code?
- What does the phrase “a place of human habitation” mean?
- What does the phrase “a place of employment where agricultural products are processed, treated, or packaged” mean?
- What does the phrase “a place used by the public” mean?
- Are *agricultural buildings* exempt from the Uniform Code?
- What does the phrase “used directly and solely for agricultural purposes” mean?
- What about sugarhouses?
- Do setbacks and fire separation requirements apply to exempt agricultural buildings?
- Can a fire wall separate an exempt *agricultural building* from a regulated use?
- Can I follow the Existing Building Code for the Change of Occupancy of a previously exempt *agricultural building*?
- How are solar panels, wind turbines, and ESS installed on or in an exempt *agricultural building* and premises regulated?
- Does an exempt *agricultural building* need a building permit, a certificate of occupancy, or a certificate of compliance?

What is the definition of an *agricultural building* for the purposes of applying the Uniform Code?

Agricultural building is defined in the 2020 Building Code of New York State (2020 BCNYS) as:

A structure designed and constructed to house farm equipment, farm implements, poultry, livestock, hay, grain, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

What questions should be asked to determine if a structure is an *agricultural building* for the purposes of applying the Uniform Code?

QUESTION 1: Is the structure designed and constructed to house farm equipment, farm implements, poultry, livestock, hay, grain, or other horticultural products?

- If the answer to Question 1 is “no” the structure is not an *agricultural building*.
- If the answer to Question 1 is “yes,” ask Questions 2, 3, and 4.

QUESTION 2: Is the structure a place of human habitation?

QUESTION 3: Is the structure a place of employment where agricultural products are processed, treated or packaged?

QUESTION 4: Is the structure a place used by the public?

- If the answer to either Question 2, 3, or 4 is “yes” the structure is not an *agricultural building*.

Please see subsequent questions and answers for additional information on “*place of human habitation*”, “*place of employment where agricultural products are processed, treated or packaged*,” and “*used by the public*.”

What does the phrase “a place of human habitation” mean?

For the purposes of the definition of *agricultural building*, any structure that contains a “habitable space” is “a place of human habitation,” and therefore, cannot be an *agricultural building*. This is based on the definition of “habitable space” found in Section 202 of the 2020 BCNYS and reads as follows:

A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

See the section entitled “What does the phrase “used directly and solely for agricultural purposes” mean?” for a discussion of accessory spaces in a structure that will not necessarily preclude the structure from being an *agricultural building*.

What does the phrase “a place of employment where agricultural products are processed, treated, or packaged” mean?

For the purposes of determining whether a structure is a “place of employment” the first step is to determine if one or more “employees” work in the structure. The Department of State is of the opinion that for this purpose, an “employee” is any individual engaged in or permitted to work on the farm, subject to the following exception: any member of the “immediate family” of the owner or operator of the farm is not considered to be an “employee” if they work on the farm out of familial obligations and are not paid wages or other compensation based on hours or days of work. The “immediate family” of an owner or operator includes persons related to the owner or operator by up to the third degree of blood or law. Therefore, a structure that is used to process, treat, and package agricultural products grown on the farm, where there are no “employees” as described above, could be considered an *agricultural building*, provided the structure meets all other applicable criteria.

To “process, treat, or package” agricultural products means to manipulate any agricultural product(s) in such a way that either increases or creates a safety hazard to building occupants, adjacent properties, or the general public. The use of motorized equipment for the indoor packaging, treatment, or processing of agricultural commodities could potentially increase the level of fire and life safety hazard for buildings and occupants. For instance, the level of hazard resulting from hanging hemp, or any crop, to air dry is considerably lower than the potential hazard of utilizing a commercial heater for the drying of such hemp. Such hazard could be the result of several factors including the following:

- Equipment that imposes loads in the structural system beyond the system’s capacity. For example, heavy equipment suspended from ceiling joists, rafters or trusses.
- Equipment that imposes loads in the electrical system beyond the system’s capacity. For example, equipment requiring a higher voltage or amperage than what is provided or higher than what the existing electrical wiring can support.
- Equipment that generates harmful fumes without adequate ventilation systems. For example, plant oil processing equipment utilizing solvents as a means of extraction.
- Equipment that produces heat or otherwise creates a fire-hazard, particularly in the vicinity of combustible storage such as hay and dry goods.
- Equipment that is not listed and labeled for its intended purpose such as the use of a domestic cooking range to reduce maple sap.

In these cases, the level of safety hazard may exceed what is typically found in a traditional agricultural operation and it is possible that the building no longer meets the definition of an *agricultural building*.

Given the inherent safety hazard of the packaging, treating, or processing operation, a building might be more appropriately classified as a Group F - Factory if larger than 2,500 square feet, or as a Group B - Business if 2,500 square feet in area or less. Even when a change of occupancy classification is not warranted, it would be advisable, for the protection of persons and property, to have the building evaluated by a qualified individual to determine the building's ability to safely accommodate the equipment and use.

What does the phrase "a place used by the public" mean?

For the purposes of the definition of *agricultural building*, a structure is a "place used by the public" if any part of the structure is entered and/or used, other than on the limited basis described below, by persons who are neither the owner or operator, a member of the owner's or operator's immediate family, nor an employee of the agricultural operation (see the discussion of "place of employment," above, regarding the meaning of the terms "immediate family" and "employee"). Some examples of events and activities which, if conducted in a structure, would result in the structure being a "place used by the public" include, but are not limited to, sales and retail activities, tours, demonstrations, weddings, and farm-to-table or other meal service.

The reasonable, occasional, and incidental entry of a structure by persons who are not the owner or operator, a member of the owner or operator's immediate family, or an employee of the agricultural operation does not necessarily cause the structure to be "a place used by the public." Examples include entry by a person to deliver mail, entry by a veterinarian to examine animals housed in the structure, entry by the owner or long-term lessee of a horse being boarded in the structure to feed and care for the horse, and entry by workers for the purpose of repairing the structure or equipment in the structure.

Are agricultural buildings exempt from the Uniform Code?

No. Structures meeting the definition of an *agricultural building* are not exempted from the Uniform Code in its entirety. *Agricultural buildings* are exempt from the *construction-related* provisions of the 2020 Building Code of New York State (the 2020 BCNYS) and from the *construction-related* provisions of the 2020 Fire Code of New York State (the 2020 FCNYS).

The exemption of *agricultural buildings* from the construction-related provisions of the 2020 BCNYS is found in Exception 2 to Section 101.2 of that code, which reads as follows:

2. *Agricultural buildings*, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of [the 2020 BCNYS].

The exception of *agricultural buildings* from the construction-related provisions of the 2020 FCNYS are found in the Exception to Section 102.2 of that code, which reads as follows:

Exception: *Agricultural buildings*, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of [the 2020 FCNYS].

The exceptions provide that *agricultural buildings* shall not be subject to the construction-related provisions of the 2020 BCNYS and 2020 FCNYS, and provide several examples of buildings (*barns, sheds, poultry houses, and other buildings and equipment on the premises used directly and solely for*

agricultural purposes) that would typically be considered to be *agricultural buildings*. Any building or structure, including any barn, shed, poultry house, or other building or equipment on the premises that is used directly and solely for agricultural purposes, that does not also meet the definition of *agricultural building*, must be classified in accordance with Chapter 3 of the 2020 BCNYS; and is subject to the construction-related provisions of the 2020 BCNYS, to the construction-related provisions of the 2020 FCNYS, and to all other applicable provisions of the Uniform Code.

Agricultural buildings are subject to the administrative, operational and maintenance provisions of the 2020 FCNYS.

Agricultural buildings are subject to all provisions of the 2020 Property Maintenance Code of New York State (the 2020 PMCNYS).

What does the phrase “used directly and solely for agricultural purposes” mean?

The fact that the exceptions in the 2020 BCNYS and 2020 FCNYS include several examples of structures that might be *agricultural buildings* and the fact that one of those examples includes the phrase “*used directly and solely for agricultural purposes*” has given rise to the question of whether a structure that otherwise meets the definition of *agricultural building* is disqualified from being an *agricultural building* if the structure contains some accessory space that is not “*used directly and solely for agricultural purposes*.”

In the opinion of the Department of State, a structure that is designed and constructed to house farm equipment, farm implements, poultry, livestock, hay, grain, or other horticultural products is an *agricultural building* unless the structure is (1) a place of human habitation; (2) a place of employment where agricultural products are processed, treated or packaged; and/or (3) a place used by the public. The fact that the structure might also contain an accessory space that is not used directly to house farm equipment, farm implements, poultry, livestock, hay, grain, or other horticultural products (such as a restroom, break room, or office space available for use only by persons who are permitted to enter an *agricultural building*), does not disqualify the structure from being an *agricultural building*, provided that the structure continues to be neither a place of human habitation; nor a place of employment where agricultural products are processed, treated or packaged; nor a place used by the public.

What about sugarhouses?

A *sugarhouse* is defined in Chapter 40 of the 2020 FCNYS as “*a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.*”

A *sugarhouse* that is designed and constructed to store maple sap would be a structure designed and constructed or used to “house” a substance (maple sap) that might be considered to be a horticultural product and, therefore, might be an *agricultural building*, provided that it satisfies the other criteria discussed above. However, a *sugarhouse* that is designed and constructed or used for other purposes (such as a place of employment where maple sap is processed into maple syrup and/or maple sugar) would not be an *agricultural building*. Further, a *sugarhouse* that might otherwise qualify as an *agricultural building* will cease to be an *agricultural building* if the *sugarhouse* is used for any of the *alternative activities* described in Chapter 40 of the 2020 FCNYS, since the *sugarhouse* would then become a place used by the public.³ Therefore, except for those *sugarhouses* that (1) are designed, constructed, and used solely to store maple sap, (2) satisfy the other elements of the definition of

³ Chapter 40 of the 2020 FCNYS defines *alternative activity* as “*an activity not normally conducted in a sugarhouse, which supports the maple product industry. Examples of such activities include product sampling, pancake breakfasts, educational tours and activities, and the marketing and sale of merchandise.*”

agricultural building, and (3) are not used for any *alternative activities*, *sugarhouses* are not *agricultural buildings*, and must comply with all applicable provisions of the Uniform Code, including Chapter 40 of the 2020 FCNYS.

Do setbacks and fire separation requirements apply to exempt *agricultural buildings*?

A local municipality may impose setback requirements from *agricultural buildings* to property lines through zoning law (see related document titled Statewide Uniform Code vs. Local Zoning Codes). As it pertains to the Uniform Code, an exempted *agricultural building* is permitted to be located zero feet from a lot line or from the imaginary line separating buildings on the same lot without the need for the typical fire separation of a non-exempted building. However, a building that is not an *agricultural building* but is located on the same lot is not exempted, and therefore, alterations to that existing building may be required for compliance with the fire and smoke protection features of Chapter 7 of the 2020 BCNYS. Some existing buildings may be required to comply with Sections 705.3 and 706.1.1 of the 2020 BCNYS, regardless of the level of alteration, examples as follows:

- Section 705.3 of the 2020 BCNYS “Buildings on the Same Lot”, reads:

For the purposes of determining the required wall and opening protection, projections and roof-covering requirements, buildings on the same lot shall be assumed to have an imaginary line between them.

Where a new building is to be erected on the same lot as an existing building, the location of the assumed imaginary line with relation to the existing building shall be such that the exterior wall and opening protection of the existing building meet the criteria as set forth in Sections 705.5 and 705.8.

- Section 706.1.1 of the 2020 BCNYS “Party Walls”, may apply. The Section requires, in part, that:

Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 706. Party walls shall be constructed without openings and shall create separate buildings (emphasis added).

Can a fire wall separate an exempted *agricultural building* from a regulated use?

While Section 503.1 of the 2020 BCNYS allows portions of a building that are separated by a fire wall to be considered as separate buildings, it does so only for the purposes of that section. A structure that contains a fire wall, is still considered one building for all other purposes. Therefore, a portion of a building that has not been constructed to meet the requirements of the Uniform Code such as an exempted *agricultural building*, cannot be separated from a regulated building solely by the addition of a fire wall for reasons that include:

- The structure is still considered one building for all portions of the Uniform Code, except 503.1, therefore the building is either regulated or it is not but cannot be both.
- The structural stability requirements of a fire wall (Section 706.2 of the 2020 BCNYS) must be designed, constructed, and inspected in accordance with the provisions of Section 706 of the 2020 BCNYS, which requires work to be performed on both sides of the wall.
- The requirements of Section 703 of the 2020 BCNYS, for fire resistance ratings and fire tests, require fire resistance ratings to be established by testing both faces of the subject assembly. This would require the fire wall construction to be inspected from the side designated as exempt.
- Sections 706.5 through 706.11 of the 2020 BCNYS regulate the construction of fire walls on both sides. Without inspections on both sides of the wall, it cannot be determined that compliance has been achieved.

Therefore, the previously exempt portion of the building would require upgrades for compliance with the applicable provisions of the Uniform Code, since it is now part of a regulated building.

Can I use the Existing Building Code for the Change of Occupancy of a previously exempt agricultural building?

The compliance path for the conversion of a previously exempt *agricultural building* begins with the 2020 Existing Building Code of New York State (2020 EBCNYS) by first determining that the building meets the definition of an existing building per Chapter 2 of the 2020 EBCNYS (provided it was legally occupied) and classifying it as a Group U occupancy based on Chapter 3 of the 2020 BCNYS. The scope of the 2020 EBCNYS then indicates that the 2020 EBCNYS applies in part to the change of occupancy of existing buildings. However, each compliance method will likely lead to either substantial application of the 2020 BCNYS or prove difficult to comply with, especially when changing to a higher hazard occupancy. Note the partial listing of 2020 EBCNYS provisions below:

- Prescriptive Method. Section 506.1 indicates, in part, that *“a change of occupancy shall not be made in any building unless that building is made to comply with the requirements of the Building Code of New York State for the use or occupancy.”*
- Work Area Method. For a Change in occupancy classification, Chapter 10 includes multiple references to the applications of the 2020 BCNYS, such as references to heights and areas, structural members, fire protection systems, fire separation, lighting, ventilation, means of egress, electrical, plumbing, and mechanical requirements.
- Performance Compliance Method. The performance-based method relies on a point system that works in concert with the occupancy classifications of Chapter 3 of the 2020 BCNYS. For Group U, only a complete change in occupancy is permitted to use this method, yet Group U is not included in the tables. It is unlikely that enough points would be accrued to demonstrate a satisfactory safety score to meet compliance through this method.

How are solar panels, wind turbines, and ESS installed in or on exempt agricultural buildings and premises regulated?

In the opinion of the Department of State, any appurtenances connected or attached to a building or structure such as equipment and building systems like electrical systems, plumbing systems, mechanical and HVAC systems, which are installed in or on an exempted building, and are in support of the exempted building and its use, are part of the building and are therefore also exempt. Therefore, in the opinion of the Department of State, solar panels, wind turbines, and energy storage systems (ESS) installed in or on exempted *agricultural buildings* and premises, where the energy generated and stored is used *“directly and solely for agricultural purposes,”* are exempt from the construction-related provisions of the Uniform Code. As a general rule, systems generating or storing a maximum of 110% of the energy consumed exclusively by the exempted *agricultural building* or buildings, not to include dwellings or any other uses on the premises, are considered to be used *“directly and solely for agricultural purposes.”* The installation of solar panels, wind turbines, and ESS on or in a previously exempt *agricultural building*, but used for purposes other than agricultural purposes, shall NOT be considered to be exempt from the construction-related provisions of the Uniform Code, and therefore, may also require upgrades to the existing building to permit the installation in accordance with the Uniform Code. However, consistent with the provisions applicable to the building they are installed on or in, solar panels, wind turbines, and ESS are never exempt from the operational and maintenance provisions of the Fire Code and the Property Maintenance Code.

Note that some ESS are exempt from the code by virtue of their size. Chapter 12 of the 2020 FCNYS stipulates the requirements for the installation of ESS. According to Table 1206.1, ESS below the thresholds indicated, are exempt from the requirements of Section 1206.

Since solar panels, wind turbines, and ESS are not exempt from the operational and maintenance provisions, it is advisable that the applicable requirements be evaluated prior to installation, when it is easiest and least costly to make necessary changes.

Ground-mounted photovoltaic systems (solar panels) and wind generation towers (wind turbines) that are not attached to a building are exempt from the Uniform Code. They may, however, be subject to other state or federal regulations.

Does an exempt *agricultural building* need a building permit, a certificate of occupancy, or a certificate of compliance?

In accordance with the minimum standards for administration and enforcement (19 NYCRR Part 1203), *Building permits shall be required for work which must conform to the Uniform Code.* (19 NYCRR Section 1203.3 (a)(1)). Local governments are allowed to require administration and enforcement provisions above and beyond 19 NYCRR Part 1203. Therefore, although the minimum standard regulations may not require a building permit be obtained for the construction of a building meeting the definition and exemptions for an *agricultural building*, the local law for the municipality where the building is located may still require a building permit. The building may then be reviewed for compliance with local laws, rules, and regulations other than the Uniform Code, such as local zoning provisions.

In accordance with 19 NYCRR Section 1203.3 (d), *“a certificate of occupancy or a certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another.”* As such, an *agricultural building* that is not subject to the building permit requirements of 19 NYCRR Part 1203 and is not converted from one use to another, would also not be subject to a certificate of occupancy or certificate of compliance per the minimum standards. Similar to building permits however, local governments are allowed to require administration and enforcement provisions above and beyond 19 NYCRR Part 1203. Therefore, although the minimum standard regulations may not require that a certificate of occupancy or compliance be obtained in order to use or occupy a building which meets the definition and exemptions for an *agricultural building*, the local law for the municipality where the building is located may still require a certificate. This certificate may show, for example, that the building is in compliance with local laws, rules, and regulations other than the Uniform Code, such as local zoning provisions.

Variations

As a reminder, in a case where the owner believes that strict compliance with all applicable code provisions would be unwarranted, the owner can consider applying for a variance, in accordance with 19 NYCRR Part 1205. A variance may be granted where the Board of Review finds, that:

- *“strict compliance with such [code] provision or requirement would entail practical difficulties or unnecessary hardship or would otherwise be unwarranted; provided, however, that any such variance or modification shall not substantially adversely affect provisions for health, safety and security and that equally safe and proper alternatives may be prescribed.”* and
- the party seeking the variance or modification has shown by the weight of the evidence that strict compliance with the particular provision or requirement:
 - would create an excessive and unreasonable economic burden;
 - would not achieve the code's intended objective;

- would inhibit achievement of some other important public policy;
- would be physically or legally impracticable;
- would be unnecessary in light of alternatives which ensure the achievement of the code's intended objective or in light of alternatives which, without a loss in the level of safety, achieve the code's intended objective more efficiently, effectively, or economically; or
- would entail a change so slight as to produce a negligible additional benefit consonant with the purposes of the code.

Voluntary Compliance

The fact that a building qualifies as an *agricultural building* and is, therefore, exempt from the construction-related provisions of the 2020 BCNYS and 2020 FCNYS, does not preclude voluntary compliance with those provisions. Any owner contemplating construction of an *agricultural building* may wish to consider designing and constructing the building in compliance with those construction-related provisions to enhance the health and safety of the persons who will be using the building and any livestock that will be housed in the building, and to extend the expected useful life of the building.

The information contained in this bulletin is not intended as a comprehensive listing of all Uniform Code requirements applicable to *agricultural buildings*. Other provisions of the Uniform Code may apply.

John R. Addario, PE, Director
Division of Building Standards and Codes

**Guidelines for Review of Local Laws
Affecting Direct Farm Marketing Activities**

Agriculture and Markets Law (AML) §300 provides that it is the policy of the State to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other agricultural products. The promotion of on-farm marketing of crops, livestock and livestock products supports and promotes the viability of farm operations, as well as, preserves the land base. The definition of "farm operation" [AML §301(11)] specifically includes the land, buildings, equipment and practices that contribute to the production, preparation, and marketing of crops, livestock and livestock products as a commercial enterprise. The primary purpose of a farm operation's marketing events or activities must be to sell the farm's crops, livestock and livestock products. Further, the events or activities must be sufficiently related to the farm operation and the farm must produce enough of its own crops or livestock products to substantiate the need for a particular type of marketing tool.

Typically, "direct farm marketing" encompasses roadside stands, farm markets, farmers' markets, "u-pick" or "pick your own operations" and to a limited extent, cafes. However, the Agriculture and Markets Law (AML) definition of "farm operation" [§301(11)] has been amended in recent years to include "commercial horse boarding operation," "compost, mulch or other organic biomass crops," "commercial equine operation" and "timber operation." Each of these activities may require an on-farm marketing component that may differ from the typical direct farm market. Additionally, greenhouse and nursery operations may also market agricultural products produced on their farms directly to the public.¹

~~X~~ Direct farm marketing should be allowed in all areas within a county-adopted, State certified agricultural district. The degree of regulation of the various forms of direct farm marketing that is considered unreasonable, however, depends on the nature of the proposed activities and the size and complexity of the proposed structure. A requirement to apply for a permit is generally not unreasonable. Depending upon the size and scope of the retail facility or activity, greater regulation, such as site plan review, may be reasonable.² The Department urges local governments to take into account the size and nature of the particular farm market or activity when setting and administering such requirements. For example, to require a small farm market which sells only a minimal amount of off-farm product to obtain site plan approval, may be unreasonably restrictive.

In some instances, farmers should exhaust their local administrative remedies and seek, for example, certain permits, exemptions available under a local law or area variances, before the Department reviews a local law or its administration. However, an administrative requirement/process may, itself, be unreasonably restrictive. The Department evaluates the reasonableness of the specific requirement/process, as well as the substantive requirements imposed on the farm operation. Local laws that the Department has found not to be unreasonably restrictive include those which regulate the health and safety aspects of the construction of farm buildings through provisions to meet local building codes or the State Uniform Fire Prevention and Building Code [("Uniform Code")] [unless exempt from the Uniform Code under Building Code §101.2(2) and Fire Code §102.1(5)] and Health Department requirements (e.g., for concessions, sanitary facilities, drinking water, etc.). Requirements for

¹ Please see *Guidelines for Review of Local Laws Affecting Temporary Greenhouses and Review of Local Laws Affecting Nursery Operations.*

² Please see *Guidelines for Review of Local Zoning and Planning Laws* for discussion of Site Plan Review and State Building Code.

local building permits and certificates of occupancy to ensure that health and safety requirements are met and a review of a site's ingress and egress as well as parking requirements are also generally not unreasonably restrictive. Noise may also become an issue. Farmers need to work with the municipality and neighbors to mitigate noise impacts and/or place reasonable limits on the hours of operation.

The following are some of the specific matters that the Department considers when reviewing a local law that affects direct farm marketing:

A. Maximum Dimensions:

Generally, the Department considers whether maximum dimensions imposed by a local law are sufficient to meet existing and/or future farm needs. For example, many roadside stands are located within existing garages, barns, and outbuildings that may have dimensions greater than those set by a local ordinance. Buildings specifically designed and constructed to accommodate the sale of farm products may also not meet the local requirements. The size and scope of the farm operation is also considered. Larger farms, for example, cannot effectively market their produce through a traditional roadside stand

B. Sign Limitations:

Whether or not a limitation on the size and/or number of signs that may be used to advertise a roadside stand is unreasonable depends upon the location of the stand and the type of produce sold. A farmer who is located on a principally traveled road probably will not need as many signs as one who is located on a less traveled road and may need directional signs to direct the public to their stand. The size of a sign needed may depend on whether the farmer needs to advertise the availability of several different types of produce or just one or two products.

C. Product Origin:

Some farmers import produce from other farms to sell at their stands to increase the diversity of products offered or to bridge periods of low supply of commodities produced on-farm. Product diversity may attract potential customers to a roadside stand or farm market. The Department believes the sale of some agricultural products grown off the farm should be allowed but has not established a percentage of on-farm versus off-farm products for that purpose. The Department considers the facts of a particular case in making a determination whether a local law is unreasonably restrictive, but generally would view requiring a "predominance"³ of on-farm products as reasonable. The needs of "start-up" farm operations should also be considered. These farms often start out selling a large percentage of agricultural products grown off the farm in order to develop a customer base and maintain income while their farms are growing. If a percentage of on-farm products were required by a locality, allowing such farms a reasonable period of time to meet the percentage would be reasonable (see the

³ At least 51% of the agricultural crops, livestock and livestock products sold, on an annual basis, must be from the farm's own production. Crops, livestock and livestock products that are imported from other farms must be representative of the crops, livestock and livestock products that the farm grows/raises and sells. See *Guideline for Review of Local Laws Affecting Preparation and Marketing Activities by Start-Up Farm Operations*).

Department's *Guideline for Review of Local Laws Affecting Preparation and Marketing Activities by Start-Up Farm Operations*).

The Department considers agricultural commodities produced "on-farm" to include any products that may have been produced by a farmer on their "farm operation," which could include a number of parcels owned or leased by that farmer throughout a town, county, or the State. The Department considers all such land, when it is located in a State certified agricultural district, as part of the farm operation.

D. On-farm preparation and sale of processed foods:

Some larger farm markets may have facilities for the on-site preparation of processed foods (e.g. a kitchen, bakeshop, etc.), as well as facilities for the consumption of foods (e.g., a café). The Department considers these practices to be part of the farm operation as long as the products that are prepared are predominantly composed of ingredients produced on the farm. 100% of products sold from the on-farm kitchen/cafe must be predominantly composed of ingredients produced on the farm.⁴ Crops, livestock and livestock products that are imported from other farms to be used to prepare the farm's processed foods must be representative of the crops, livestock and livestock products that the farm raises. The Department recognizes, however, that a *de minimus* percentage of the overall composition of the food product(s) prepared on-site may include some ancillary ingredients, such as condiments, veggies and bread or rolls (e.g. the farm sells burgers, sandwiches, wraps, tacos/tortillas, soups, etc. using the farm's own meats or vegetables.)

The primary purpose of on-site preparation and sale of processed foods must be to market the farm's crops, livestock and livestock products and the farm must demonstrate that there is a clear connection to the on-farm produced crops, livestock and livestock products. The farm's products must be prominently featured at the point of sale. Marketing materials (e.g. signage noting that the value-added product is composed of on-farm products; brochures, pamphlets, presentations, photos, branded items, etc.) must be prominently displayed.

In all cases, it would not be unreasonable for the municipality to require that the farmer provide proof that their facilities comply with local Health Department and/or Federal, State or reasonable local law requirements.

E. Ag-tourism/recreational activities:

Many farm markets offer some form of on-farm recreational activity such as hayrides, a petting zoo, or a cornfield maze. These activities are often an important component of farm markets since they are a useful tool to attract customers. If it can be shown, on a case by case basis, that an activity will "...*contribute* to the production, preparation and marketing of crops, livestock, or livestock products..." [AML §301(11), emphasis added] it may be considered by the Department to be part of the farm operation. However, the activity, e.g., hayrides, a petting zoo, or a cornfield maze, must be used as part of the direct marketing strategy of the farm operation and the primary purpose of the activity must be to sell the farm's products/services, not to serve as a recreational use of the land. Crops, livestock or livestock products must be grown or raised and sold through direct marketing to the public at the time the activity is in use since these

⁴ The Department does not protect the sales of pre-packaged, processed products that are customarily sold at retail outlets. However, some municipalities may allow the sale of a certain percentage of these products that are locally produced.

activities are designed to attract potential customers to the property so they may purchase crops, livestock or livestock products.⁵

Similarly, the Department has concluded that on-farm special events, such as harvest festivals, help market the farm operation's crops, livestock and livestock products. These activities, as well as on-farm recreational activities, are evaluated on a case-by-case basis to determine whether they are protected as part of the farm operation. The Department interprets AML §301(11) to include such activities as part of a farm operation under certain conditions. The events and activities must be: 1) directly related to the sale and promotion of the crops, livestock and livestock products produced at the farm⁶; 2) incidental and subordinate to the retail sale of the farm's crops, livestock and livestock products; 3) hosted by the farm; and 4) feature the farm's crops, livestock and livestock products.

The Department considers events/activities to be "incidental" only when the gross annual receipts from facility rental/vendor fees, admission fees, sale of non-agricultural products⁷, etc. at such events/activities does not exceed 30% of total gross sales from the retail sale on-site of crops, livestock and livestock products at such events. All products must be sold at a cost no higher than the current retail price of such products sold at the farm. The primary purpose of the event/activity is to sell the farm's agricultural commodities and not to gain admission fees or rental income. **Farmers must keep sufficient records to prove that this requirement is met. Further, local governments can require the farm to submit an annual report to the locality showing that these conditions have been met.**

In cases where the farm operation offers a recreational activity or holds a special event, including charitable events, as part of its overall marketing strategy, the event is open to the general public, the farm's agricultural products/services are sold at the event and no admission, facility rental and/or vendor fees⁸ are involved, these activities are part of the farm operation and an evaluation of fees versus farm product sales would be unnecessary. The primary purpose of the events must still be to market the farm's agricultural commodities and the events must be sufficiently related to the farm operation.

F. Local Permits and Approvals for Marketing Activities

In regulating these activities, local governments may require farm landowners that hold such events to undergo an expedited site plan review process and/or obtain an event permit

⁵ Horse boarding services would be marketed for a "commercial horse boarding operation"; commercial equine services for a "commercial equine operation"; woodland products for a "timber operation"; and "compost, mulch or other biomass crops" for farms removing excess agricultural waste. This guidance document applies to these services/products as well as to "crops, livestock and livestock products."

⁶ Crops, livestock and livestock products from other farms may be sold at events/activities when they are representative of the crops, livestock and livestock products that the farm grows/raises and sells and the annual sales of these "off-farm" produced agricultural products does not exceed 49% of total gross sales of all crops, livestock and livestock products.

⁷ If a farm offers food and beverages for sale at such events/activities through vendors, as a convenience to its customers, and the farm is not charging the vendor or sharing in the profits from the sale of these non-agricultural products, these sales would not, of course, be counted as gross sales to the farm.

⁸ Admission fees or minimum donations which are donated to a charity are, of course, not subject to this condition. Further, the fact that admission fees or all, or a portion of sales, from the event are donated to a charity does not mean that the primary purpose is not to market the farm's agricultural products. The Department evaluates all AML §305-a matters on a case-by-case basis. Therefore, if necessary, the Department would examine the specific event(s) to determine whether it is part of the farm operation.

from the regulating municipality. The Department discusses an expedited site plan review process in its *Guideline for the Review of Local Zoning and Planning Laws* (<http://www.agriculture.ny.gov/AP/agsservices/guidancedocuments/305-aZoningGuidelines.pdf>).

If the municipality requires the farm landowner to obtain an event permit, the permit should be issued on an expedited basis and not be excessively costly to obtain. For example, an event permit application meeting these standards might request information on such things as the date(s) of the event, type of event being held, the anticipated number of people in attendance, parking, whether catered food or food prepared on-site, the fee charged to rent the facility or the cost of admission and a description of the buildings to be used during the event. The permit could also make provisions for any inspections that must be made by the Code Enforcement Officer/Building Inspector, Fire Marshall and/or Health Department, and other reasonable requirements that may be pertinent to the holding of such events.

While special use permits should not generally be required for a farm that markets through a limited number of small-scale events; farms which market their produce through multiple, large-scale events on a regular basis could be required to obtain a special use permit. The Department supports such an approach, in certain cases, when the permit process is streamlined, since it allows local governments to comprehensively address specific facts and circumstances presented by the farm's events. If a farm claims that the process to obtain a permit, or the conditions imposed, are unreasonably restrictive, the Department could review the matter under AML §305-a.

The Department reviews all matters under AML §305-a on a case-by-case basis. A Department determination that a farm's marketing activities are part of a farm operation and, therefore, eligible for protection under AML §305-a; does not extend to the sale of products or the use of marketing activities that were not reviewed by the Department. Therefore, a local approval based upon the Department's enforcement of AML §305-a could be revoked if the farm changes the products that it sells or the marketing activities used.

G. What Types of Activities Can Be Offered at a Farm's Marketing Events?

While events held at a farm which markets its crops, livestock and livestock products may be considered part of a farm operation; not all activities which may be offered at such events are part of a farm operation. Specific marketing activities, and the components of those activities, are evaluated on a case-by-case basis. For example, the Department previously found that the following activities/uses at a certain farm's festival were not part of the farm operation: hot air balloon rides, fireworks, pedal karts, cow train and activities such as a jumping pillow and gemstone mining. The town involved in that matter explored a site plan review law to examine public events/venues and gatherings at farms.

The Department carefully evaluates farm marketing activities to ensure that the primary purpose of the events is to sell the farm's products; and that the activities are sufficiently related to the farm. For example, a corn cannon and pumpkin launcher were found to be part of the referenced farm's protected marketing activities since the farm's products were sold and directly used for the activity.



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program

Agriculture & Markets (AGM) CHAPTER 69, ARTICLE
25-AA

§ 305-a. Coordination of local planning and land use decision-making with the agricultural districts program. 1. Policy of local governments.

a. Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article, and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened

practices on behalf of a farm





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would be unreasonably restricted or regulated by proposed changes in local land use regulations, ordinances or local laws pertaining to agricultural practices and to the appropriate local land use enforcement officials administering local land use regulations, ordinances, or local laws or reviewing a permit pertaining to agricultural practices.

c. The commissioner, upon his or her own initiative or upon the receipt of a complaint from a person within an agricultural district, may bring an action to enforce the provisions of this subdivision.



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SECTION 301

Definitions

Agriculture & Markets (AGM) CHAPTER 69, ARTICLE 25-AA

§ 301. Definitions. When used in this article:

4. "Land used in agricultural production" means not less than seven acres of land used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more; or, not less than seven acres of land used in the preceding two years to support a commercial horse boarding operation or a commercial equine operation with annual gross receipts of ten thousand dollars or more. Land used in agricultural production shall not include land or portions thereof used for processing or retail merchandising of such crops, livestock or livestock products. Land used in agricultural production shall also include:

c. Land used in support of a farm operation or land used in agricultural production, constituting a portion of a parcel, as identified on the assessment roll, which also contains land qualified for an agricultural assessment. Such land shall include land used for agricultural amusements which are produced from crops grown or produced on the farm, provided that such crops are harvested and marketed in the same manner as other crops produced on such farm. Such agricultural amusements shall include, but not be limited to, so-called "corn mazes" or "hay bale mazes".

11. "Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this section, a "timber operation" as defined in subdivision fourteen of this section, "compost, mulch or other biomass crops" as defined in subdivision seventeen of this section and "commercial equine operation" as defined in subdivision eighteen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

15. "Agricultural tourism" means activities, including the production of maple sap and pure maple products made therefrom, conducted by a farmer on-farm for the enjoyment and/or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of farming and farm life.

18. "Commercial equine operation" means an agricultural enterprise, consisting of at least seven acres and stabling at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses or through the production for sale of crops, livestock, and livestock products, or through both the provision of such commercial equine activities and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, an agricultural enterprise that is proposed or in its first or second year of operation may qualify as a commercial equine operation if it consists of at least seven acres and stables at least ten horses, regardless of ownership, by the end of the first year of operation.

SECTION 305-A

Coordination of local planning and land use decision-making with the agricultural districts program

Agriculture & Markets (AGM) CHAPTER 69, ARTICLE 25-AA

§ 305-a. Coordination of local planning and land use decision-making with the agricultural districts program. 1. Policy of local governments.

a. Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article, and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened.

b. Upon the request of any municipality, farm owner or operator, or a person or entity performing agricultural practices on behalf of a farm owner or operator, the commissioner shall render an opinion to the appropriate local government officials, as to whether farm operations would be unreasonably restricted or regulated by proposed changes in local land use regulations, ordinances or local laws pertaining to agricultural practices and to the appropriate local land use enforcement officials administering local land use regulations, ordinances, or local laws or reviewing a permit pertaining to agricultural practices.

c. The commissioner, upon his or her own initiative or upon the receipt of a complaint from a person within an agricultural district, may bring an action to enforce the provisions of this subdivision.

3. Notwithstanding any other provisions of law, on any land in an agricultural district created pursuant to section three hundred three or land used in agricultural production subject to an agricultural assessment pursuant to section three hundred six of this article, an agricultural practice shall not constitute a private nuisance, when an action is brought by a person, provided such agricultural practice constitutes a sound agricultural practice pursuant to an opinion issued upon request by the commissioner. Nothing in this section shall be construed to prohibit an aggrieved party from recovering damages for personal injury or wrongful death.

4. The commissioner, in consultation with the state advisory council on agriculture, shall issue an opinion within thirty days upon request from any person as to whether particular land uses are agricultural in nature. Such land use decisions shall be evaluated on a case-by-case basis.

5. The commissioner shall develop and make available to prospective grantors and purchasers of real property located partially or wholly within any agricultural district in this state and to the general public, practical information related to the right to farm as set forth in this article including, but not limited to right to farm disclosure requirements established pursuant to section three hundred ten of this article and section three hundred thirty-three-c of the real property law.

SECTION 308

Right to farm

Agriculture & Markets (AGM) CHAPTER 69, ARTICLE 25-AA

§ 308. Right to farm. 1. a. The commissioner shall, in consultation with the state advisory council on agriculture, issue opinions upon request from any person as to whether particular agricultural practices are sound.

b. Sound agricultural practices refer to those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of activities which entail practices the commissioner may consider include, but are not limited to, operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; agricultural tourism; "timber operation," as defined in subdivision fourteen of section three hundred one of this article and construction and use of farm structures. The commissioner shall consult appropriate state agencies and any guidelines recommended by the advisory council on agriculture. The commissioner may consult as appropriate, the New York state college of agriculture and life sciences and the U.S.D.A. natural resources conservation service, and provide such information, after the issuance of a formal opinion, to the municipality in which the agricultural practice being evaluated is located. The commissioner shall also consider whether the agricultural practices are conducted by a farm owner or operator as part of his or her participation in the AEM program as set forth in article eleven-A of this chapter. Such practices shall be evaluated on a case-by-case basis.

2. Upon the issuance of an opinion pursuant to this section, the commissioner shall publish a notice in a newspaper having a general circulation in the area surrounding the practice and notice shall be given in writing to the owner of the property on which the practice is conducted and any adjoining property owners. The opinion of the commissioner shall be final, unless within thirty days after publication of the notice a person affected thereby institutes a proceeding to review the opinion in the manner provided by article seventy-eight of the civil practice law and rules.

§ 165-12 Enforcement.

A. Building Inspector. The Town Board shall appoint a Building Inspector who shall be charged with the general and executive administration of this chapter. The Town Board shall fix the salary or remuneration of such officer and shall provide for payment thereof. The duties of the Building Inspector shall be as follows:

(1) To enforce all provisions of this chapter and all rules, conditions and requirements adopted or specified pursuant thereto.

(2) To act promptly on all applications for building permits and certificates of occupancy.

(3) To maintain files for all applications for building permits and plans submitted therewith and for certificates of occupancy and for records of all building permits and certificates of occupancy issued by him, **which files and records shall be open to public inspection.**

(4) To record all identifiable complaints of violations of any provision of this chapter, and the subsequent action taken on each such complaint, which shall be public records.

(2) Application.

(b) If approval of plans is required by the Planning Board/Zoning Board of Appeals, Board of Appeals, County Health Department or other agency for any of the proposed work, the applicant shall obtain such approval in writing and submit it along with the application for a building permit. [Amended 2-25-2020 by L.L. No. 1-2020]

(3) Approval.

(a) The **Building Inspector** upon determining that the proposed work, use and occupancy are in compliance with this chapter, and other applicable ordinances and regulations, **shall approve the application within 10 days and issue a building permit in connection therewith.**

(b) If the proposed work, use and occupancy do not comply with all sections of this chapter, a written order issued by the Board of Appeals excepting the applicant from compliance with such provisions shall be deemed sufficient to allow the issuance of a building permit. With the building permit, the Building Inspector shall return one copy of all plans and the application marked as approved.

(4) Disapproval. Should the Building Inspector determine that the proposed work, use and/or occupancy are not in compliance with this and other applicable ordinance, codes or restrictions, **he shall disapprove the application and return one copy of said application and plans marked as disapproved and with a statement of reasons for such disapproval, within 10 days.**

In the New York State (NYS) Building Code, an "**existing building**" is generally defined as a building that is already built, legally occupied, and has a Certificate of Occupancy (CO), applying the code for alterations, repairs, or changes of use to encourage safe reuse without undue cost, differing from new construction requirements. It refers to structures already in place, often with older construction dates, that are subject to specific rules for modifications under the Existing Building Code (EBCNYS).

Key Aspects of the NYS Definition:

- **Already Built:** It's a structure that physically exists and isn't being newly constructed.
- **Legal Occupancy:** It must have a Certificate of Occupancy allowing its use(s).
- **Applies to Modifications:** The EBCNYS regulates its additions, alterations, extensive repairs, or change of occupancy.
- **Encourages Reuse:** The code aims to promote the use and reuse of existing buildings while ensuring public health, safety, and welfare through reasonable upgrades.

In Simple Terms:

If a building was built before the current code cycles, is currently in use, and you're making changes to it, it's considered an "existing building" under the NYS Existing Building Code, which provides separate rules from new construction codes.

Section 202 General Definitions

[A] **ADDITION.** An extension or increase in floor area, number of stories, or height of a building or structure.

[A] **ALTERATION.** Any construction or renovation to an existing structure other than a repair or addition.

[A] **BUILDING.** Any structure utilized or intended for supporting or sheltering any occupancy.

[NY] **EXISTING BUILDING.** A *building* that is legally occupied and/or for which a certificate of occupancy authorizing its use(s) has been issued, without regard to the date on which such legal occupancy began or the date on which such certificate of occupancy was issued.

[NY] **EXISTING STRUCTURE.** A *structure* that is legally occupied and/or for which a certificate of occupancy authorizing its use(s) has been issued, without regard to the date on which such legal occupancy began or the date on which such certificate of occupancy was issued.

[A] **REPAIR.** The reconstruction, replacement or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

[BS] **REROOFING.** The process of recovering or replacing an existing roof covering. See "Roof recover" a [BS] **ROOF REPAIR.** Reconstruction or renewal of any part of an existing roof for the purpose of correcting damage or restoring the predamage condition.

[BS] **ROOF REPAIR.** Reconstruction or renewal of any part of an existing roof for the purpose of correcting damage or restoring the predamage condition.

[BS] **ROOF REPLACEMENT.** The process of removing the existing roof covering, repairing any damaged substrate and installing a new roof covering.

[NY] Section 101 Title, Scope and Purpose

[NY] 101.1 Title

This publication shall be known as the 2020 edition of the Existing Building Code of New York State, hereinafter referred to as "this code." This code is part of the New York State Uniform Fire Prevention and Building Code (the "Uniform Code").

[NY] 101.2 Scope

The provisions of this code shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Exceptions:

1. The provisions of the Residential Code of New York State shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of the following buildings and structures, provided that such buildings or structures are not more than three stories above grade plane in height, and their accessory structures not more than three stories above grade plane in height:

1. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of this code.

[NY] 101.3 Intent

The intent of this code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings.

[NY] 101.4 Applicability

This code shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings, regardless of occupancy, subject to the criteria of Sections 101.4.1 and 101.4.2.

[NY] 103.2 Due Process

Nothing in Chapter 1, or elsewhere in this code, or elsewhere in the *Uniform Code*, or in any regulation promulgated pursuant to Executive Law Section 381(1), shall be construed as authorizing any authority having jurisdiction to administer and enforce the *Uniform Code* in a manner that deprives any person or entity of due process of law. In particular, but not by way of limitation, nothing in Chapter 1, or elsewhere in this code, or elsewhere in the *Uniform Code*, or in any regulation promulgated pursuant to Executive Law Section 381(1), relating to posting, placarding and/or condemnation of *buildings* or *structures* that are unsafe, unfit for human occupancy or unlawful shall be construed as authorizing any authority having jurisdiction to post, placard or condemn any such *building* or *structure* and/or to remove any *owner* or occupant or cause any *owner* or occupant to be removed from any such *building* or *structure* without providing such notice and opportunity to be heard (and, if applicable, the right of appeal) as may be required under the applicable circumstances by applicable Constitutional provisions.

[NY] 103.3 Application for Variance or Appeal

An application for a variance or modification of any provision or requirement of *Uniform Code* shall be in accordance with the provisions of Part 1205. An appeal of any order or determination, or the failure within a reasonable time to make an order or determination, of an administrative official charged to enforce or purporting to enforce the *Uniform Code* may be made in accordance with the provisions of Part

[NY] 104.2 Waivers, Variances, and Modifications

Nothing in this code shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify, or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only in accordance with procedures established by Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

1205.

March 10, 1993

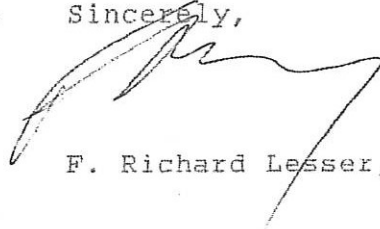
Mr. John Hoose
Building Department
Town of Coeymans
Ravena, New York 12143

Dear Mr. Hoose:

I applied several months ago for a building permit for a horse barn going up on our property. At the time I was told that there was no provisions made in the Town of Coeymans for agricultural building permits and that I would have to pay at the higher residential or commercial rate. I have talked to your office extensively and to Mr. Carrk and to Mr. Frodyma of the planning board. Mr. Frodyma of your planning board evaluated the situation and discovered that there are no agricultural building permits issued in the state of New York. I believe that the misunderstanding arises from the fact that the ordinances that you inherited did not specifically state that there were no building permits required for agricultural building. Based on his information I assume that I do not need a building permit for my construction of my horse barn in your town. If this matter is not correct, please call me at your earliest convenience.

Wat So

Sincerely,



F. Richard Lesser, DVM

FRL/gd

Phone
767-2906

Received
3-23-92
Town of Coeymans
Building Dept.
Planning Bd.

TOWN OF COEYMANS

ALBANY COUNTY

RUSSELL AVENUE, RAVENA, N. Y. 12143

(518) 756-6006

SUPERVISOR

VICTOR J. CARRK, SR.

COUNCILMEN

BRIAN E. PALMER

RALPH F. SCHIMMEL

COUNCILMEN

DONALD E. GRIFFIN

RONALD K. HOTALING, JR.



March 23, 1993

F. Richard Lesser, DVM
RR #2, Box 235
Ravena, NY 12143

Dear Dr. Lesser:

This is to acknowledge receipt of your letter dated March 10, 1993, stating your concern over what you perceive as a misinterpretation by our Building Inspector of current regulations concerning building permit fees for agriculture buildings constructed in the Town of Coeymans.

Please be advised that this issue as well as the entire fee schedule was discussed at our last Board work session. We anticipate a recommendation from Mr. Foronda and Mr. Hoose prior to the public hearing tentatively scheduled for April 26th.

It is our goal to have these questions resolved following the public hearing.

Yours in Service to the Town of Coeymans,

Victor J. Carrk, Sr.
VICTOR J. CARRK, SR.
Supervisor

TOWN OF COEYMANS

ALBANY COUNTY

RUSSELL AVENUE, RAVENA, N. Y. 12143

(518) 756-6006

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COUNCILMEN

BRIAN E. PALMER

RALPH F. SCHIMMEL



June 1, 1993

Dr. F. R. Lesser
R.R. #2
Box 235
Ravena, NY 12143

Dear Dr. Lesser:

In response to your request seeking information on established appeals procedures for individuals who may have a challenge to specific building permit fees, I offer the following:

The fee established for your building was based on Town of Coeymans rules and regulations, therefore, the appeal process dictates that you bring your challenge before our Zoning Board of Appeals. Mr. Kerry Marsh is the Chairman of this Board and has the responsibility of reviewing your concerns.

Please be advised that the fee established for the structure in question was based on the decision of the Building Inspector to classify it as a commercial structure.

Thank you for your patience as we attempted to establish responsibility for the request appeal.

Yours In Service to the Town of Coeymans,

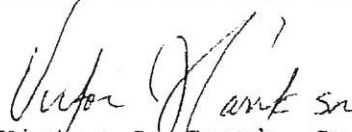
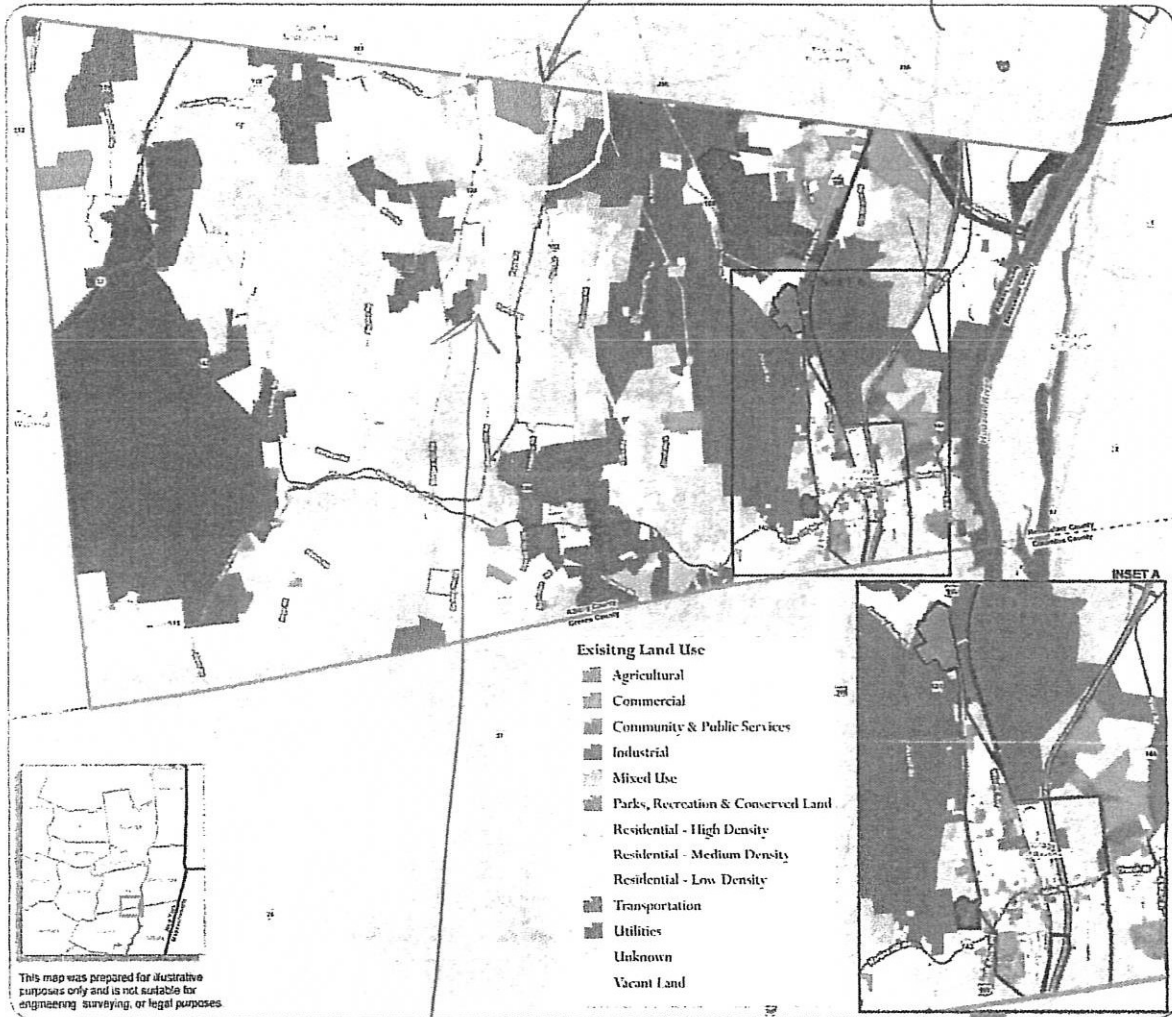

Victor J. Carrk, Sr.
Supervisor



Figure 5. Land Use



Lukens

SBL # 154.-2-42.4

See Attached Permit