

**RESOLUTION NO. \_\_\_\_ OF 2025**  
**TOWN OF STANFORD**  
**INTRODUCTION OF LOCAL LAW NO. \_\_\_\_ FOR THE YEAR 2025**  
**A LOCAL LAW ADDING CHAPTER 126 TO**  
**CODIFY THE RIGHT TO FARM**

At a meeting of the Town Board of the Town of Stanford (“Town Board”), held at the Town of Stanford Town Hall on the 12th day of June, 2025, at 7:00 PM, Town Supervisor Wendy Burton called the meeting to order, and she, seconded by Councilperson \_\_\_\_\_, moved the following resolution pursuant to Section 20 of the Municipal Home Rule Law to introduce the following proposed local law, to be known as Proposed Local Law No. \_\_\_\_ of 2025, entitled “A Local Law Adding Chapter 126 of the Town Code to Codify the Right to Farm” as follows:

BE IT ENACTED by the Town Board of the Town of Stanford as follows:

**Section 1. Right to Farm.** A new chapter “**Chapter 126 – Right to Farm**”, shall be added to the Town Code as follows:

Chapter 126 - Right to Farm

§ 126-1. Title.

This chapter shall be known as the “Right to Farm Law of the Town of Stanford.”

§ 126-2. Legislative Intent.

- A. The Town Board of the Town of Stanford hereby recognizes and declares the communal importance and pride associated with the local agricultural heritage. As proclaimed by George Washington, “Agriculture is the most healthful, most useful, and most noble employment of man.” The rich and beautiful farmlands of Stanford, New York generate viable economic benefits, fresh produce and commodities, environmental quality, and pastoral landscapes—thus defining the rural character of the Town.
- B. It shall be the policy of the Town to preserve, protect, promote, and expand upon current and prospective Farming Operations, while fostering a harmonious relationship between farmers and neighboring residents. Said relationship includes the understanding and acceptance of day-to-day associated agriculture practices. Doing so with the intention of limiting the circumstances in which

farming may be deemed a nuisance and be free of unreasonable and unwarranted interference.

- C. The Town ensures that local laws are consistent with New York State Agriculture and Markets Law (Section 305-B) and New York State Town Law (Section 283-A), which requires an agricultural data statement for any application for a special use permit, site plan, use variance, or subdivision that occurs on property within an Agricultural District or within 500 feet of a Farm Operation located in an Agricultural District.

#### § 126-3. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

1. Agricultural District - A parcel of land which has received such designation under the requirements of agricultural district legislation of New York, Article 25-AA, Agricultural Districts, of the New York Agriculture and Markets Law.
2. Agricultural Practices - Those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop production methods, and construction and use of farm structures.
3. Agricultural Products - Those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law, including but not limited to:
  - a) Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.
  - b) Fruits, including apples, peaches, grapes, cherries and berries.
  - c) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
  - d) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
  - e) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk and milk products, eggs, furs, and poultry products.
  - f) Maple sap and sugar products.
  - g) Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
  - h) Aquaculture products, including fish, fish products, water plants and shellfish.
  - i) Short rotation woody crops raised for bioenergy.
  - j) Production and sale of woodland products, including but not limited to logs, lumber, posts and firewood.

4. Farm Operation - As defined in section 301 (11) in the State Agriculture and Markets Law.
5. Farmer - Any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.
6. Farmland - Land used in agricultural production, as defined in subdivision four of section 301 of Article 25AA of the State Agriculture and Markets Law.

§ 126-4. Right-to-Farm Declaration.

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of Farmers, may lawfully engage in Agricultural Practices on property enrolled within a state-certified Agricultural District within this Town at all times and all such locations as are reasonably necessary to conduct the business of agriculture. For any Agricultural Practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge, research and improved technologies.

Agricultural Practices conducted on Farmland shall not be found to be a public or private nuisance if such Agricultural Practices are:

1. Reasonable and necessary to the particular farm or Farm Operation,
2. Conducted in a manner which is not negligent or reckless,
3. Conducted in conformity with generally accepted and sound Agricultural Practices,
4. Conducted in conformity with all local state, and federal laws and regulations,
5. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
6. Conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in this local law shall be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to a failure to follow sound agricultural practice, as outlined in this section.

§ 126-5. Notification of Real Estate Buyers.

In order to promote harmony between Farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Section 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies

partially or wholly within an Agricultural District and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors." This notice shall be provided to prospective purchase of property within an Agricultural District or on property with boundaries within 500 feet of a Farm Operation located in an Agricultural District.

A copy of this notice shall be included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

§ 126-6. Agricultural Advisory Committee.

The Town Board shall create an Agricultural Advisory Committee (AAC) with the purpose of advising the Town on any and all agricultural matters. The Committee shall be composed of five town resident members, including three agriculture business owners, one nonagricultural residential owner, and one member of the Planning Board of the Town of Stanford.

§ 126-7. Resolution of disputes.

- A. Should any agriculturally related controversy arise, which cannot be settled by direct negotiation between the parties involved, the controversy may be submitted to the Town of Stanford Agricultural Advisory Committee (AAC) in an attempt to resolve such matter prior to or, if desired, alternatively, to filing of any court action or request for a determination by the Commissioner of Agriculture and Markets about whether the Agricultural Practice is sound pursuant to Article 25-AA, Section 308 of the New York State Agriculture and Markets Law.
- B. Any controversy submitted to the Agricultural Advisory Committee (AAC), whose decision shall be advisory only, shall be submitted within thirty (30) days of the date of the occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.
- C. Upon necessary investigation of facts and full presentation and discussion of all pertinent information concerning the dispute from both parties—the committee must hold a meeting within 14 days of the matter to discuss the decision. Further, the committee shall, within 10 days of the meeting, render a written decision to both parties and the Town Clerk.
- D. The time limits provided in this section for action by the Committee process shall be extended upon a written agreement of all parties involved in the dispute.
- E. The decision of the Agricultural Advisory Committee (AAC) shall not be binding. If a party is not satisfied with the Committee's decision, said party may submit the matter to the Town Board according to the procedures set forth.
  1. The controversy between the parties shall be submitted to the Town Board upon written request of either party.

2. The Town Board shall review the controversy with a report from the proceedings of the Agricultural Advisory Committee (AAC). Within 30 days of the written request, the Town Board shall render a written decision to the parties.

F. The decision of the Town Board shall not be binding.

G. To encourage the use of this mechanism to resolve disputes, the parties requesting to utilize this dispute resolution process shall stipulate, in writing, that the statements made during the process shall be deemed to be in the nature of settlement discussions and that such statements and any agreement reached as part of the dispute resolution process shall not be used for evidentiary purposes in any other action or proceeding.

#### §126-8. Right-to-Farm Sign.

At selective locations on the Town borders signs shall be posted stating that the Town of Stanford is a Right-to-Farm community.

Such signs shall be posted on the Town line on Bulls Head Rd, Bangall Amenias Rd, and Route 82 North and South, for a total four (4) signs collectively.

The sign shall appear substantively as follows:



**Section 2. Numbering for Codification.** It is the intention of the Town of Stanford Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Stanford; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

**Section 3. Severability.** The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

**Section 4. Precedence.** This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

**Section 5. Effective Date.** This Local Law shall take effect as of the date of filing with the New York Secretary of State.

**AND BE IT FURTHER RESOLVED**, pursuant to the applicable standards of the SEQRA regulations contained in 6 NYCRR Part 617, the Town Board hereby declares the enactment of this proposed local law is a Type II Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) pursuant to 6 NYCRR 617.5(c)(26) and (33) and is therefore exempt from environmental review under SEQRA; and

**BE IT FURTHER RESOLVED**, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall on \_\_\_\_\_, 2025, at 7 o’clock P.M., and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Stanford by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

#### NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Stanford will hold a public hearing at the Town Hall, 26 Town Hall Road, Stanfordville, New York 12581, on \_\_\_\_\_, 2025, at 7 o’clock P.M. on Proposed Local Law No. \_\_\_\_ of 2025, entitled “A Local Law Adding Chapter 126 to Codify the Right to Farm.”

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Town of Stanford Town Hall, 26 Town Hall Road, Stanfordville, New York, during normal business hours on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED:           Stanfordville, New York  
                    June 5, 2025

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RITAMARY BELL, TOWN CLERK

The foregoing resolution was voted upon with all Board members voting as follows:

Wendy Burton, Supervisor \_\_\_\_\_

Nathan Lavertue, Councilperson \_\_\_\_\_

Julia Descoteaux, Councilperson \_\_\_\_\_

Eric Haims, Councilperson \_\_\_\_\_

Theodore Secor, Councilperson \_\_\_\_\_

Dated: June 5, 2025

Stanfordville, New York

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RITAMARY BELL, TOWN CLERK