

Planning Board Minutes

March 2, 2023

Planning Board Members Present: Steve Lester, Julie Pellett, Daniel Compton, Kim Duvall, Matt Rogers, Michelle Rhoda

Absent: Michael Woodruff, Daniel Morley

Others Present: Kim Rayburn (Building & Zoning), Christel Daggett (Planning & Zoning Secretary), Ryan DuVall, William & Marci Hardy, John Welch, George, Amy & Andrew Duvall (Local Farmers & members of the community)

Lester opened the meeting at 7:30 thanking the public for attending. Lester addressed the public stating he would like to gather feelings on Ag changes, current difficulties, or limitations to current code.

I. Discussion on Roadside stands of a permanent nature and temporary and movable roadside stands:

Comprehensive plan review of Code:

Lester stated that the Planning Board is currently reviewing sections of the Town Code. They are looking at what the current code states and how to make it easier for Farmers and easier to enforce.. Should they adjust the Code or leave it as is?

Marci Hardy asked what the Board felt was the definition of a Roadside stand. She felt that it's a residential person that grows produce and sells their excess. Rayburn stated that the definition is listed in the code provided to them and that it does not state that it's just for residential use.

Department of Ag Markets:

Some comments from the public were that roadside stands of a temporary nature don't have the same controls & they do not have to comply with regulations from Ag n Markets. The Town benefits from permanent structures for the sale of agricultural and nursery products in terms of property taxes, sales tax and public health issues.

George Duvall stated that he grows 40 acres of pumpkins which does not fit into a 1,000 sq. ft. display area. He stated that he grows pumpkins and sells them two (2) months out of the year. Therefore, a permanent farm stand would sit empty for (10) months and be costly to build.

George Duvall stated that all his pumpkins are grown on his farm and they are not purchased from other places. The current code seems to be written for the selling of produce from a residence and not from a large farm..

Welch stated he has different concerns about the temporary stand next to his house. He stated that he has witnessed a few close calls to an accident happening. He then stated the stand has not been in compliance in years, and never enforced. Who will enforce it? He then went onto say that this year the property did get cleaned up.

Marci Hardy stated Ag & Markets are not checking temporary roadside stands, and that certain people fall under the radar. She feels that if a person has the intentions of growing product and selling such product, they can get away with selling their items cheaper because they don't have to pay taxes. Roadside stands don't have the same rules to comply with vs a permanent structure for the display and sale of agricultural & nursery products.

William Hardy stated that everyone should have to comply, not reward them with lower restrictions. The rules that are written already do not get enforced. Penalties need to be stronger. He does not want any changes for temporary roadside stands. They should have inspections and follow safety and health guidelines and comply with the same rules as a permanent stand. He also stated that others leave their pumpkins out to rot and that brings rats. That becomes a health issue. Why reward people who won't comply?

Ryan Duvall and Hardy stated if you can't comply and keep the display area to what is currently allowed then you should be required to put in a permanent structure.

Many of the Farmers want to see enforcement of compliance with people who don't follow the rules. Hardy asked Rayburn how many times she had to go speak with George and Rayburn answered by saying a few times. They want to see stiffer penalties for offenders and repeat offenders as a few comments were made about this stand not being in compliance for years.

Ryan Duvall and the Hardy's stated they do not want the Town to give temporary stands more display area. They feel the current code gives more than enough space for a temporary stand.

The Board informed the public that the Planning Board makes recommendations, the Town Board makes changes to the Code.

II. Discussion

Compton asked if there were any updates on when Delaware River Solar was going to start the project on the Bennett property located on St Rt 64 N. Rayburn stated their last communication was that they were going to start the project in the last few quarters of the year.

A brief discussion was held on cannabis, Rayburn advised the Board that the Town Board is not going to make any changes unless a petition is received and a vote is put out to the public.

Daggett advised the Board that a special use permit for storage buildings would be coming in front of them at the next meeting.

III. Minutes

Minutes of January 19, 2023

Rogers motioned and Pellett seconded to approve the minutes of January 19, 2023. **Absent:** Lester
All board members present voted Aye.

Minutes February 2, 2023

Rogers motioned and Pellett seconded to approve the minutes of February 2, 2023. **Absent:** Woodruff
All board members present voted Aye.

Minutes February 16, 2023

Pellett motioned and Lester seconded to approve the minutes of February 16, 2023. **Absent:** Rogers
All board members present voted Aye Rogers Abstained.

Meeting Adjourned

**Lester motioned and Rhoda seconded to adjourn @ 8:15 pm.
All Board members present voted Aye; Vote was carried.**

Respectfully submitted,

**Christel Daggett
Planning & Zoning Board Secretary**