

Marbletown Planning & Zoning Subcommittee

SPECIAL EVENTS VENUE LEGISLATION REVIEW

Presentation Author: Dan Proctor

Sub Committee Agenda

6 PM June 7, 2018

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9/7/2018

**Time/Place: June 7, 2018/ Room M1
Marbletown Government Center**

Agenda

- ▶ Opening Statement By Supervisor
- ▶ Review From Last Mtg
 - ▶ Purpose of Sub Committee
 - ▶ Deliverables
 - ▶ Process (CONOPS)
 - ▶ Strategic Guidance From Last Mtg

Task: Determine if the town supports the addition of Special Event Venue regulations in Zoning Code; Provide a detailed review of the draft legislation and generate recommendations to improve the draft to the Town board.

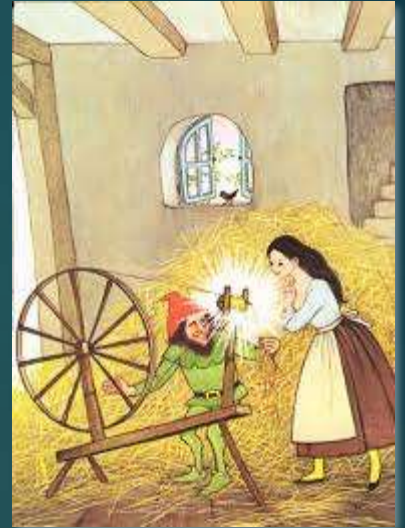
- ▶ Marbletown Zoning Code Alternative Uses of Land Review
- ▶ Strategic Guidance Review (Cont.)
- ▶ Review Lessons Learned Marbletown ZBA and Other Communities that Have Adopted Similar Regulations
- ▶ Identify and Rank Benefits and Challenges of Proposed Legislation
- ▶ Identify Mitigation Strategies for Challenges if Possible
- ▶ Next Meeting Tentative Agenda

CONOPS – 7 Steps to Accomplish Task Assigned

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1. Determine why we as a community should consider such legislation (beyond the interests of the individual applicant).
 - a) What can we learn from our community's strategic development plans that is germane to the consideration of this legislation?
 - b) Are there agricultural protection planning guidance that can shed any light?
 - c) Are there environmental concerns that are relevant?
 - d) Are there economic or cultural trends that we should consider?
 - e) Are there land use trends in other communities that could be relevant?
 - f) Are there lessons learned from communities that have passed similar legislation?



Spinning
Gold From
Straw

CONOPS – 7 Steps to Accomplish Task Assigned

- a. What are some alternative uses of the land considered for special events venue legislation?
 - b. What is the level of interest within our community for pursuing special events venue regulation?
2. Identify the benefits of enacting such legislation based on the guidance above:
 - a. List and rank those benefits by strategic significance to the community
3. Identify the disadvantages of enacting such legislation
 - a. List and rank those disadvantages by strategic significance to the community
4. Identify and list for each disadvantage mitigation strategies - if any
5. Decision: Should the community allow Special Event Venues?
6. Examine the draft legislation and recommend (by majority vote) changes to the draft.
7. Write and forward report and recommendations to the Town Board

Marbletown Strategic Guidance (Relevant of Draft Local Law)

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- ▶ Hamlet Strategic Plan (Prepared as part of a Sustainable Economic Development Plan) June 2011
 - ▶ Visioning: "...Conserve open space, preserve our farmland and promote sound and responsible development..."
 - ▶ Encourage small business, services and four season tourism
 - ▶ Preserve rural character
 - ▶ Promote activity centers
 - ▶ Prevent commercial sprawl and promote hamlet-centered [commerce]
 - ▶ Targeted business niches for Marbletown:
 - ▶ Increase enthusiasm for local food
 - ▶ Promote culture and education
 - ▶ Attract:
 - ▶ Small-scale retail
 - ▶ Health, Wellness & the Healing Arts
 - ▶ Professional, Technical Services
 - ▶ Recreational tourism
 - ▶ Home-Based Occupations and Businesses, Especially Services

Strategic Documents Reviewed:

- Marbletown: Future of Our Community Survey Report
- Marbletown Draft Town Plan 2004
- Town of Marbletown Hamlet Strategic Plan

Special Venue Event Economic Impact -- Tourism

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Statistics On NYS Tourism 2016

- ▶ Travel & tourism is a substantial and growing component of the New York State economy.
- ▶ Direct spending of \$64.8 billion generated nearly \$105 billion in total business sales including indirect and induced impacts.
- ▶ Over 780,000 jobs were sustained by tourism activity in 2016 with total income of \$34.6 billion.
- ▶ 8.3% (1-in-12) of all New York state employment is sustained by tourism, either directly or indirectly.
- ▶ New York State tourism generated \$8.2 billion in state and local taxes in 2016, saving each NYS household an average of \$1,133 in taxes

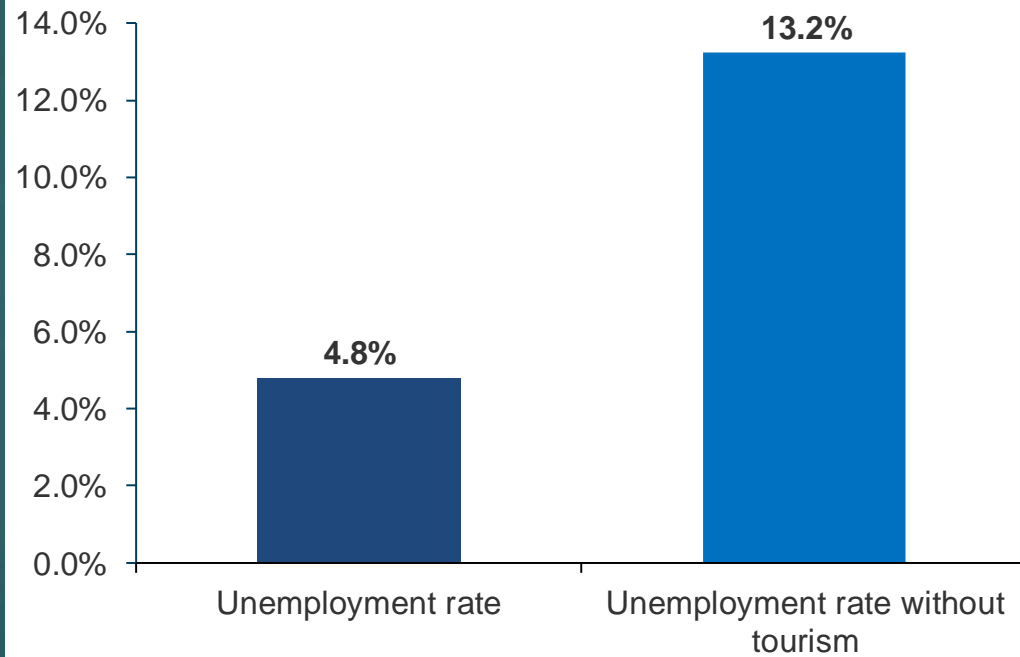
NYS Tourism Impact on Employment

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Unemployment Rate in New York State

2016



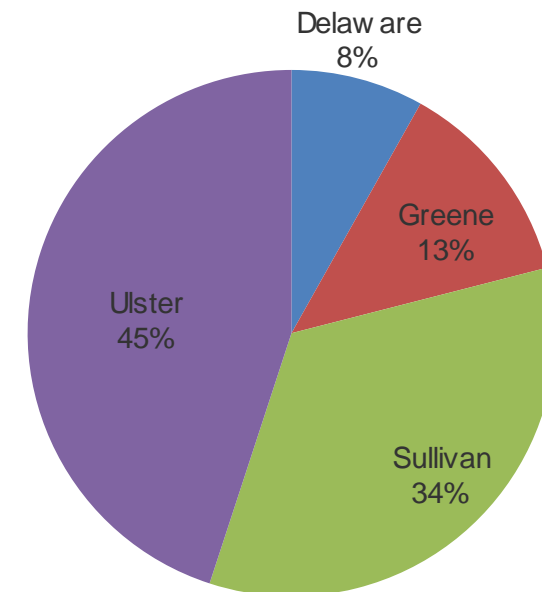
Source: BLS, Tourism Economics

Tourism Impact in Region

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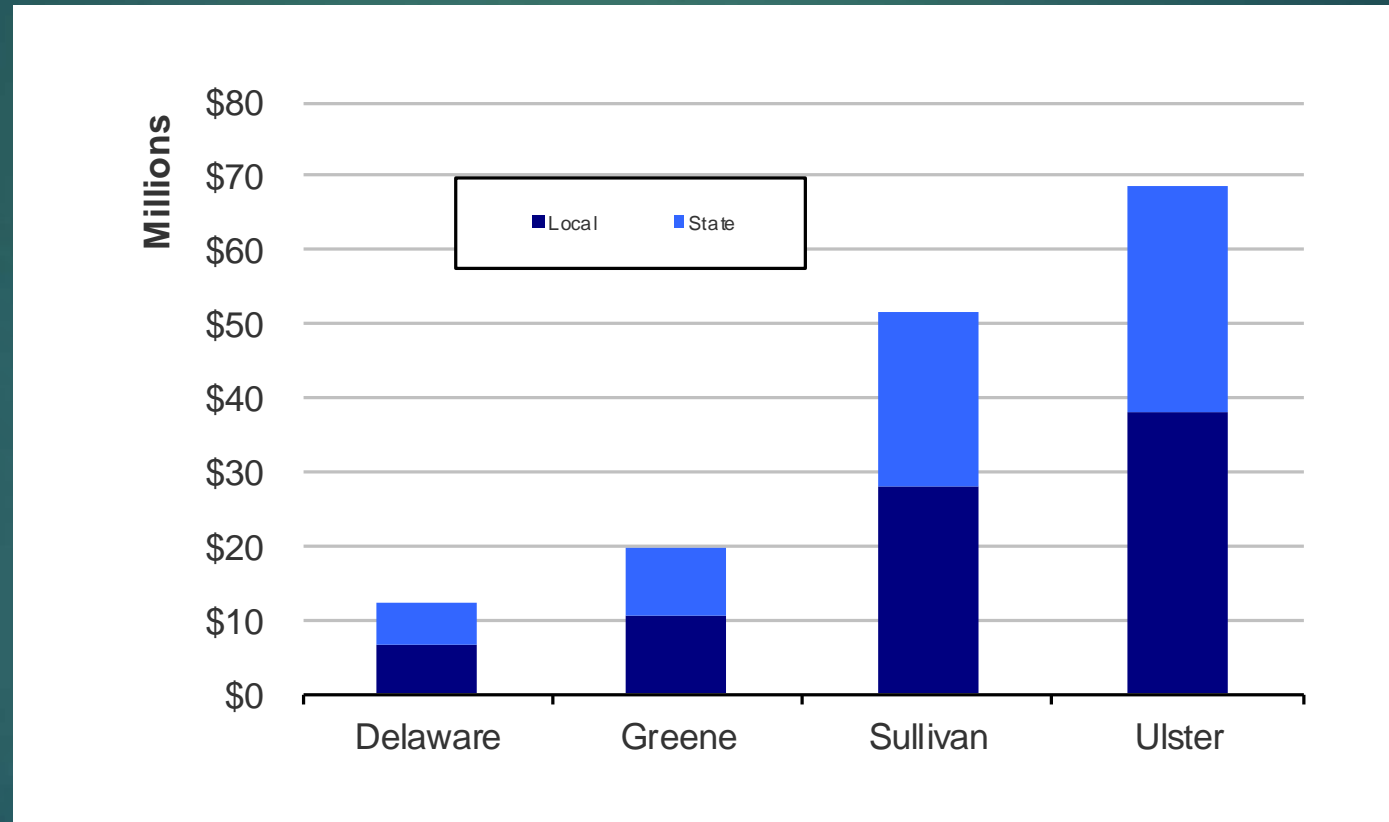
- ▶ Tourism in the Catskills is a \$1.2 billion industry, supporting 17,822 jobs.
- ▶ Ulster County represents 45% of the region's tourism sales with \$554 million in traveler spending.
- ▶ Traveler spending in the region grew by 5.3% in 2016.



Tourism and Taxes (2016)

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Bottom Line: Special Event Legislation will promote tourism for Marbletown

Ag Guidance – Agriculture and Farm Land Protection Plan for Marbletown July, 2010

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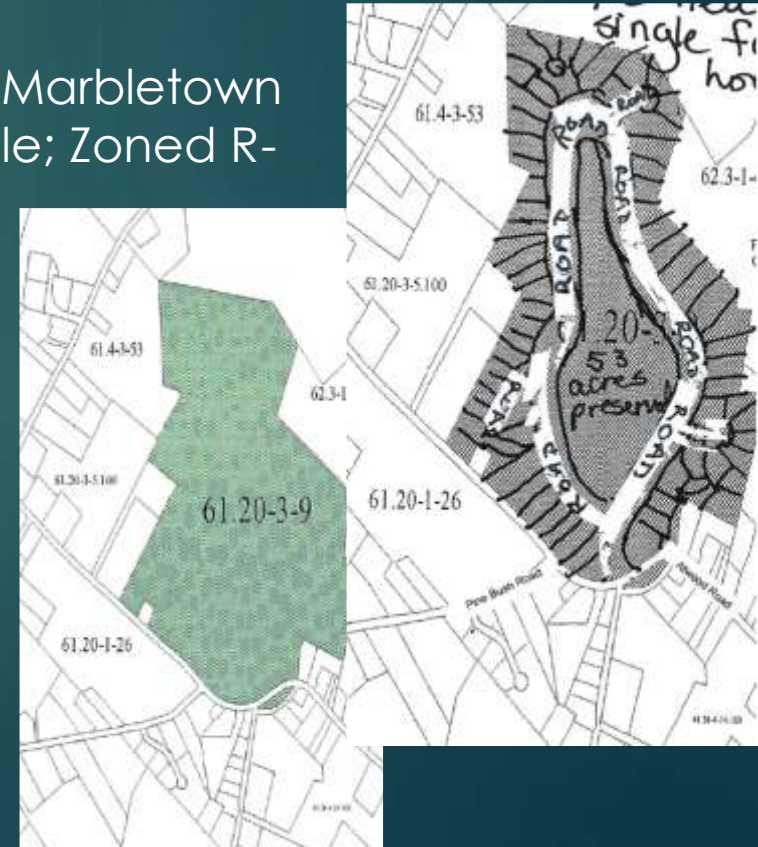
- ▶ Purpose of Plan
 - ▶ Enhance Economic Vitality of Working Lands
 - ▶ Conserve/Protect Open Spaces, Natural Endowments, Local History and Ecosystem (NYS Policy)
- ▶ Guidance:
 - ▶ Allow for innovative and new applications of farmland that allows the community to develop but preserves land.
 - ▶ Promote Agri-tourism: u-picks, CSAs, Road stands, corn mazes....
Weddings and parties, farm markets, Bed and breakfasts, etc.

Alternative Use of Farm Land

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- ▶ Most frequent use of unused Agri-lands is development.
- ▶ What is the impact of residential development:
 - ▶ Example: Claude Osterhoudt's 107 acre parcel across from Marbletown Elementary (adjacent to Mr. Brownlie's land) currently for sale; Zoned R-3 (1 Acre)
 - ▶ Impact if developed:
 - ▶ Loss of Heritage farm land
 - ▶ 70 single family homes
 - ▶ Wells/Septic systems
 - ▶ Roads/congestion
 - ▶ Environmental stress



History of Special Event Venue Applications in Marbletown

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- ▶ Ashokan Dreams B&B
111 High Point Mountain Road
West Shokan, NY 1249
- ▶ Need additional examples

Other Communities Special Event Related Regulations – Town of Rhinebeck

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- ▶ – Conference Centers

- ▶ Specific plans for public address systems, amplified music, and/or outdoor lighting shall be submitted to and approved by the Planning Board, including the specific hours of operation for such facilities. Approval shall be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on neighboring residential properties, will be in compliance with the Town of Rhinebeck noise regulations at Article **V, § 125-58**, and will be in harmony with the rural, historic and scenic character of the district in which they are located. The specific plans for public address systems, amplified music, and/or outdoor lighting shall be subject to such additional restrictions deemed appropriate by the Planning Board.

Other Communities Special Event Related Regulations – Town of Coxsackie

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- ▶ Commercial Event Venue
 - ▶ A location where events are held, including but not limited to weddings, parties, meetings, family reunions, and corporate events . The event locations can include, but not be limited to, tents , gazebos, barns, open areas, and residential structures. Events for which the owner or operator of the venue receives no fee or other remuneration in connection with the event and no fees are charged to attendees shall not be considered commercial events . Events held by not-for-profit organizations by and for their membership shall not be considered commercial events.

Other Communities Special Event Related Regulations – Town of Coxsackie

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- ▶ A Restaurants with banquet facilities where commercial event venues are accessory to the restaurant shall not be subject to this regulation.
- ▶ No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site." "On site" is defined as at least ¹⁰⁰ feet from the property boundaries of the parcel on which the event is permitted.
- ▶ One parking space for every four persons attending the event shall be provided for on-site parking. The board may approve, in its discretion, the use of off-site parking as an alternative, with transportation to the site by attendees through a commercial transportation service.
- ▶ The general event area (the actual location(s) in which the gathering is to occur) shall be located ³⁰⁰ feet from adjacent owners' property lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by Subsection B above.
 - ▶ Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than ^{12:00} p.m., shall be terminated by ^{10:00} p.m. Tents, pavilions and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this code section.

Other Communities Special Event Related Regulations – Town of Coxsackie

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9/7/2018

- ▶ Fireworks, firecrackers and/or loud reports displays are not allowed except as permitted by an agency or department of the State of New York.
- ▶ No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles. Any venues which provide overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.
- ▶ No alcoholic beverages are permitted to be sold. Food and alcoholic beverage may be consumed on site.
- ▶ No more than 300 persons are allowed at a special event venue.
- ▶ Adequate sanitary restroom facilities shall be provided on site, and the type, design and location of such facilities and the method of sewage disposal from restroom facilities shall be subject to the approval of the Planning Board.
- ▶ In each year subsequent to the special permit approval, a person holding a special permit under this section shall submit to the Planning Board a schedule of events for the calendar year. Said submittal shall be made no later than April . At that time the permit holder shall identify any changes that have been made to the venue site since prior events. Material changes shall trigger the need to apply to the Town of Coxsackie Planning Board for a modified site plan approval. At that time the permit holder shall also pay the appropriate fee based on the proposed schedule of events. The Planning Board shall be notified in advance of additional events not appearing on the original schedule of events for that year. Such submittal to the

Other Communities Special Event Related Regulations – Town of Coxsackie

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- ▶ Planning Board shall also include, for each event listed in the schedule of events, the name and phone number of the owner or agent of the owner who shall be on-site for said event.
- ▶ There shall be a fee paid at the time of the initial application, and additional fees upon Planning Board approval based upon the number of anticipated events. The amount of fees shall be established in a schedule of fees set from time to time by the Town Board, under the authority of section **201-104** herein. Not-for-profit organizations shall be exempt from fees. The gathering of the same group, or portions of the same group, on consecutive days shall constitute one event.

Other Communities Special Events Related Regulations – Union Vale, NY

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- ▶ CATERING FACILITY - A facility providing a gathering place for the conduct of scheduled events such as parties, weddings, banquets, business meetings and similar events and food and beverages for invited guests, not to include a bar, tavern or restaurant open to the public though sometimes operated in tandem therewith. May also be referred to as "banquet hall."
 - ▶ Year-round operations may be authorized but shall be restricted to Friday, Saturday and Sunday between the hours of 12 noon and 12 midnight.
 - ▶ Musical entertainment, both as authorized for the public restaurant and including bands, may be provided for guests, however strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at both the property boundaries and at the various golf course greens.
 - ▶ Adequate parking shall be provided for the guests of the catered event and those employed in support of the event with the Planning Board authorized to take into account to the extent it deems practicable joint use of parking spaces that may not be required for golf course, public restaurant or other operations during the time of catered events.
 - ▶ Occupancy standards as established pursuant to the New York State Uniform Fire Prevention and Building Code, ADA and/or Health Department requirements regarding food service operations shall be met.

Other Communities Special Event Related Regulations -- Town of Rochester

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- ▶ Commercial Events Facilities
 - ▶ AR-3 (Ag/Residential Districts)
 - ▶ Permitted by Special Use Permit
 - ▶ Scope: Conferences, Banquets, Festivals, Weddings or other Celebratory of Educational activities
 - ▶ Number of events limited to 12 a year
 - ▶ COE will be notified 3 business days prior; Site Plan Required
 - ▶ Hours limited to 9 AM to 11 PM; Set up/take down 8 AM to 12 Midnight
 - ▶ Site plan must show area of event, parking, temp structures, sanitation facilities
 - ▶ All Parking is off street
 - ▶ Compliance documented with BOH and other applicable health and Safety Regs

Other Communities Special Events Related Regulation – Hyde Park

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► Rural Events

- The rural event venue shall be located on a site with a minimum of 10 acres.
- The site of the rural event venue shall have at least two means of egress, at least one of which is adequate for emergency vehicles, as determined by the Planning Board in consultation with emergency responders based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.
- The maximum number of attendees at a rural event venue shall be 500. The Planning Board may set a lower maximum number for an event venue in its discretion based on the standards in § **10 8-28.3A(4)** .

Other Communities Special Events Related Regulation – Hyde Park

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- ▶ The applicant shall demonstrate that all required parking can be accommodated on-site. This requirement shall not preclude a rural event venue from utilizing shuttle buses or other methods of guest transportation.
 - ▶ All events shall be provided with adequate potable water and sanitary system as determined by the Planning Board Engineer and/or the Department of Health.
 - ▶ The Planning Board shall require appropriate buffers between the rural event venue and adjoining properties, given the size of parcel, the natural topography, and vegetative cover.
- ▶ Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn meeting the standards in § **108-28.2** below.
- ▶ Locations for proposed temporary fabric structures must be included on the site plan. All buildings and structures, including fabric structures, to be used as part of the rural event venue shall, where required, obtain a certificate of occupancy for their intended uses, including an event barn meeting the standards in

Other Communities Special Events Related Regulation – Hyde Park

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- ▶ The Planning Board shall determine the permitted hours of operation of a rural event venue. Events shall commence no earlier than 10. AM and shall terminate no later than midnight on Sundays through Thursdays and no later than 1 AM on Fridays and Saturdays.
- ▶ However, the Planning Board shall have the power to modify the commencement and termination times for a particular site in accordance with § **108- 28.3A(4)** based upon the specifics of the application before it provided the modifications do not impact the health, safety and welfare of the neighborhood and the surrounding community.
- ▶ For purposes of this section, "termination" shall mean the termination of food, drinks, service and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.
- ▶ An event management plan shall be prepared and submitted to the Planning Board for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, toilet facilities and maximum number of guests. The plan shall also include a list of contacts for specific distress or emergency situations to be used by the guests shall be provided at each event and the legal name and address of an emergency contact person at the site shall be provided. The Planning Board may in its discretion require that events with 300 or more attendees provide for adequate on-site ambulance coverage based on the standards in § **108-28.3A(4)**. The event management plan shall be incorporated into the special use permit and site plan approval

Special Event Venue Legislation – Best Practices

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- ▶ The following are best practices taken from a review of Marbletown and other communities experiences attempting to regulate Special Event Venues:
- ▶ Marbletown Lessons Learned:
 - ▶ Complaint: No responsible person directing event process. Lesson Learned- require Owner & Manager on-site
 - ▶ Complaint-No approach to control noise. Lesson Learned-Require sound test during review with neighbor input
 - ▶ Complaint: Tent and Floor/Band layout placed anywhere. Lesson learned: Require specific location of tent and approved floor plan based on noise test and site visit by ZBA, Property owner and any other relevant agencies



Marbletown Lessons Learned, Continued

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- ▶ Complaint: No knowledge when events will happen. Lesson learned: require notification to Town/neighbors 7 days prior
- ▶ Complaint: Hours of operation & duration (ended at 8PM, 10 PM , Midnight). Lesson learned: Limit to 5 hrs./ no more than one a weekend & no more than 2X/month, end @ 10PM
- ▶ Complaint: SUP runs with the land. Lesson learned: Make renewable every year based on previous year's successes/failures

Best Practices (Based on Review of Marbletown Experience and Other Municipalities that have adopted Special Event Venue Regs)

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- ▶ Special use permit required and updated annually
- ▶ Site plan identifying all structures and operations of the event
- ▶ Site survey required by BOH, Fire and Town officials
- ▶ Site must meet Zoning Density Control Schedule requirements and be approved by CEO
- ▶ Event sound must be controlled and monitored throughout the event
 - ▶ Use sound control points
- ▶ Event must have an onsite manager accessible and accountable
- ▶ Site must have adequate parking, ingress, egress, traffic control and sanitary facilities. Parking must be off street and controlled

Special Event Venue Legislation – Best Practices

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- ▶ Event must be held on acceptable dates/times. Hours of operation must include setup and takedown times
- ▶ Event plan must provide expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators/participants.
 - ▶ Expected number of automobiles and other vehicles intended to use the property at one time and collectively.
 - ▶ The name, address and telephone number of the person(s) who will be engaged in the preparation and/or sale of food, alcohol, or beer and a copy of the State Liquor Authority license and County Department of Health Services permit number for the activity.

Special Event Venue Legislation – Best Practices

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- ▶ Certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.
- ▶ The applicant must provide a certificate of general liability insurance naming the Town of Southold as an additional insured with limits of \$1,000,000 per occurrence or such other limit as may be required by the Town Board for events where expected attendance exceeds 500 attendees.

Special Event Venues – Benefits

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9/7/2018

- ▶ Promotes Tourism
- ▶ Provides jobs
- ▶ Allows community to showcase local vegetables/foods
- ▶ Least Impact on Infrastructure
- ▶ Conserves open space, preserve our farmland
- ▶ Encourage small business, services and four season tourism
- ▶ Promote activity centers
- ▶ Slows commercial sprawl and promote hamlet-centered [commerce]

Special Event Venues – Concerns & Mitigations

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9/7/2018

- ▶ Sound/Noise –
 - ▶ Limit decibels allowed and conduct sound checks
- ▶ Enforcement –
 - ▶ Ensure Law provides sufficient remedy to promote compliance
- ▶ Traffic Congestion–
 - ▶ Require applicant to manage traffic and pay for additional costs imposed on town
- ▶ Parking on Roads –
 - ▶ Require applicant to provide sufficient off road parking
- ▶ Impact on sleep/quality of life
 - ▶ Limit hours of operation and provide enforcement

Special Event Venues – Concerns & Mitigations

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9/7/2018

- ▶ Ruins our view of our rural environment
 - ▶ Mitigation
- ▶ Negative Impact on Local Real Estate Values
 - ▶ Mitigation
- ▶ Not appropriate for Residential Zoned Properties
 - ▶ Mitigation
- ▶ Alcohol not allowed to be served in Residential Districts
 - ▶ Mitigation

Next Meeting: 6 PM June 21th, 2018
Same Location

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Tentative Agenda for Next Meeting