



# Town Of Marbletown

## Planning and Zoning Committee

**Mailing Address: PO Box 217 Stone Ridge, NY 12484**

**Physical address: 1925 Lucas Avenue Cottekill, NY**

**(845)-687-7500, ext 170;**

**Email: pzc@marbletown.net**

Meeting Minutes for November 14, 2018 meeting

Present: Will Husta, ZBA and PZC Chairman, Rich Parete, Supervisor, Eric Stewart, Town Board Member, Tracy Kellogg, Esq., Dan Proctor, Planning Board Chairman, Harry Hansen, Historic Preservation Representative, Tom Konrad, ECC Chair; Community members-Scott Davis, Stacy Sindt, Laurel Sweeney, Allan Harari, Gary Johnson

Absent:, Roy Carlin, Scott Davis

Guests: MaryEtta Schneider, Shaye Davis, Bill Terpening; Doug Adams; Chris Silva, Stephan Shirak, Jill Obrig, Dan Geissinger

Meeting started at 8:35AM

Chairman Husta stated that the meeting would be focused on reviewing the suggested ideas for edits to the current April 2018 DRAFT Special Events Legislation that had been gathered from the sub-committee and the PZC. He broke the suggested edits into 3 major categories:

1. Characterize the Neighborhood
2. Sound management
3. Limitation for occasional

Dan Proctor, Planning Board Chair and Chair of the Event sub-committee felt a 4<sup>th</sup> category should be added: Enforcement. Chair Husta stated that was included in Characterize neighborhood.

### I. Characterize neighborhood.

A. The current draft April 2018 legislation requirements are summarized as follows:

- Mandatory Site Visits
- Parcel Size & Buffer: 25 Acres & 250 Feet
- Public Road Access, Heads-Up Alerts, On-Site Traffic Directors
- Aerial Photos of Event Site Including Adjacent Homes
- Dimensioned Diagrams...
  - Main Event Site with Features – eg...H/C Parking, Tents, Potties
  - Main Structure Floor Plan-Band, Dance Floor, Guests, Service
  - Event Parking-Space Layout, Lighting, Staff, Transportation
- Max Attendance On-Site = 250 Guests + Staff, Tailored
- Lighting Levels Not to Exceed 2 Ft Candles at Boundaries
- No Overnight Accommodations Unless Separate SUP

B. Current suggested edits:

Requirement	Comment
• Notify Neighbors of Application	Included in Proposed Zoning
• Notify Neighbors of Each Event	Included in Proposed Zoning, if requested
• First Year Allow Only 3 Events	Included as Pre- Cursor, Not Limit
• Absentee Owners Not Permitted	Included Owner Supervises Event



# Town Of Marbletown

## Planning and Zoning Committee

**Mailing Address: PO Box 217 Stone Ridge, NY 12484**

**Physical address: 1925 Lucas Avenue Cottekill, NY**

**(845)-687-7500, ext 170;**

**Email: pzc@marbletown.net**

- Post SUP on Website

-Parcel Size and Buffer

### Requirement

### Comment

- Case by Case Site & Facilities Eval- Included in Proposed Zoning
- Case by Case Buffer Size- Better way to evaluate possible impacts of proposal on neighborhood
- 250 ft Buffer Too Small- Not necessarily true
- Adjust Lot Size to Max Attendance- have scaled maximum based on specific site; access; parking; fire safety
- Event Venue Shall Require Residence- Concerns raised about places like Mohonk preserve
- Unique Site Characteristics & Neighbor Hood Determine Viability- Characterize property to neighborhood
- Property Eval Determines Viability & Certified by Mitigation Program Enforced by Town
- Aerial Photos Shall Include Adjacent Homes- Included in current draft
- Use UC Parcel Viewer or Higher-included in current draft
- Include Neighbors beyond Adjacent Homes. Cover Larger Area- Context for Site Visit that Visits Entire Neighborhood
- Include Surroundings of Event Site-included in current draft
- Is this Possible for 25 Acre Site??- yes
- All Tents & Temp Structures Conform To Approved Layout H/C Pkg, Potties
- Exterior Lighting Downward Directed
- Diagram Shall Include Auto Access, Walkways, Parking
- Notice to Immediate Neighbors
- Direction of Amp/Speakers Indicated & Required for Each Event
- Microphone Levels also Required To Comply with Max Levels
- Locate Receptacles for Trash, Composting & Recycling
- Change Light Measurements to Lumens – 5-Currently 2 footcandles
- Ask an Expert with Both Low Lighting And Safety for Participants Experience for Design Ideas
- Park Cars Facing Out to Reduce Risk Of Departing in Dark
- Determine Max Staff vs Guest Size- included in current draft..refine methodology
- Attendance Limited by Size of Facilities-included as part of ZBA process
- Allow 200; Ration Guests vs Staff
- Max Limited to 150 to 175. No 200!- included in draft; . 250 Too Many for Most Facilities- facility sets maximum
- Define Ratio of Guests to Staff- included in current draft
- Final Determination by Structure Fire Chief or Building Inspector- included
- No Pre-Event Dinners, No Post Event Gatherings; These Considered Additional Events
- Permit Temp Items to Remain if Next Event within x Days?
- Table of Max Guests vs Property Size
- Fine Tune Mandatory Site Visit to be Less Casual



# Town Of Marbletown

## Planning and Zoning Committee

**Mailing Address: PO Box 217 Stone Ridge, NY 12484**

**Physical address: 1925 Lucas Avenue Cottekill, NY**

**(845)-687-7500, ext 170;**

**Email: pzc@marbletown.net**

- Establish Responsibility & Requirements with Event Property Owner before Even Considering Event Application Submission

### C. Items raised at meeting not on above list:

- Detailed diagram of site
- Floorplan of facility in detail
- Parking layout so headlights pointing away from other properties borders
- Be more specific about set-up and take down
- Maximum should be determined by Emergency Services
- Which Districts-Residence Districts (A and Rs) are mixed with certified Ag and Business Districts
- Process must translate to legislation
- Town must own certified Db meter reader
- Health & Safety must be priority

### D. CONCLUSION

All items in both categories above should be included in the next draft of the legislation

## II. Sound Management

### A. Summary of Current:

- Max Levels at Sound Source Control Point
- Max Levels at Adjacent Properties
- Amplified Sound Test at Source Facility
- ZBA Reviews Sound Data & May Require Additional Mitigations
- Enforcement Plan

### B. Suggested Edits:

- Tests Need to Take Readings at Multiple Locations-included in current draft
- Owner Pays for Sound Test-2
- Establish Professional Board to Do Test & Eval Results. Include Neutral Sound Expert for Advice
- 3 Adjustment Points; Volume Knob, Lower Bass & Speaker Location & Orientation (Aim)
- Sound Check from Pre-Approved List of Trained, Certified, Sound Professionals
- Will there be A Device To Measure Sound Over a Time or On a Continuum?
- Owner Measurements? Should be Done by Trained, Unbiased, Town Endorsed, Professionals
- Establish Sound Limits Based on Property. Nearest Neighbor May Not be Most Impacted Neighbor
- Seasonal Variations; Based on Leaves, Air Moisture, etc
- Sound Levels Should be Tighter
- Rather than Looser



# Town Of Marbletown

## Planning and Zoning Committee

**Mailing Address: PO Box 217 Stone Ridge, NY 12484**

**Physical address: 1925 Lucas Avenue Cottekill, NY**

**(845)-687-7500, ext 170;**

**Email: pzc@marbletown.net**

- 60 dBA; 50 dBA; 30 to 35 dBA; Suggested Max Levels
  - What if Neighbor Refuses Access to Property Boundary-Current draft – Measure at Property Driveway & Public Road
  - What Affect Across Lots? Separation?
  - Focus on What Neighbors Can Hear
  - Use Kingston Noise Ordinance as Reference. Rhinebeck Another- PZC has copies of both to use as resources
  - Have Enforcement on Call
  - Event Fee to Pay for Sound Checks
  - Respect Neighbor Outside Living
  - Such as Pool, Patio, Screen Porch, etc
  - No to Trading Buffering for Volume
  - What About Cross-Lots to Closest Neighbor
  - 1 or 2 Events per Year Should be Subject to Looser Requirements
  - Town Should Own It's Own Noise Measuring Equipment. Attributes?
  - Post Permit at Site with Owner Phone #- Provide required *Event Description* if Requested by Emergency Org or Neighbor
  - Trained Professional Sound Person Should Conduct Measurements
  - Automatic Electronic Sound Control to Limit Volume Would Be Plus for Owner
  - Buffers to be Required if Sound Level Out of Spec- included as part of ZBA process
  - Seasonal Changes Could be Considered when Testing; Foliage, etc
  - Sound Enforcement Officer Should be Available
  - Develop List of Sound Level Reduction Techniques for Use with Tents, or Open Spaces, Challenges-have property owner come up with ideas; create fact sheet
  - Violations Repeated & Not Corrected Should Impact Permit Renewal or Result in Fines/Penalties
  - Develop Marbletown Noise Ordinance
  - Town Provide Professional dBA Meter and Trained Code Enforcement Officer to Establish Limited, Random Monitoring and Enforcement Capability for Event Zoning.
- C. No new items raised at meeting
- D. **CONCLUSION:** All items above should be incorporated. However, many of them duplicate each other and can be combined. At least 2 members felt strongly about a Town-wide noise ordinance

### III. Occasional

#### A. Current draft summary

- Max Events per Year = 10
- Max Events per Month = 2
- Max Events per Weekend = 1



# Town Of Marbletown

## Planning and Zoning Committee

**Mailing Address: PO Box 217 Stone Ridge, NY 12484**

**Physical address: 1925 Lucas Avenue Cottekill, NY**

**(845)-687-7500, ext 170;**

**Email: pzc@marbletown.net**

- Interval Between Events = 5 days
- Event Time Window = 10 am to 10 pm
- Duration of Event = 5 Hours
- Duration of Wedding Ceremony = Add 2 Hours to Start Time-Start at 3 pm rather than 5 pm
- Event Shut Down = 10 pm
- Enforcement: Owner Manages Considerately

### B. Suggested Edits

- 3 in 1<sup>st</sup> Year; 5; 10 to Less; 12 to 14; 14; 16
- Limit Number of Venues Permitted In Town
- Is town going to plot locations and proximity in order to manage?
- Allow 3 per month
- Allow to increase to 3/mo after 2 years of no complaints
- OK in Commercial
- 2 per Weekend Town Wide
- Possibly Allow to Increase to 2 per weekend
- No More than Control Setup and Take Down Time Tightly Managed
- Best Time Up to Down = 3 days- End to End Annoyance Time; Leave Temp Facilities Up?
- Minimize Impact on Neighbors- Sunday to Friday = 5 Days; Setup: Tues – Fri
- Interval between Events 7 days
- Eliminate Requirement if No Complaints for 2 years
- Change to 7 Days
- Saturday to Saturday is 6 Days-be clear on meaning
- Establish Setup & Take Down Hours; Not After 4:30 pm & Not Before 9:00 am If On Different Days
- End Loud Music at 10 pm end Time Later Start 12 noon, Event Time Ends 11 pm, Loud music ends 10 pm. Additional hour allows wind down time...coffee, discussion
- Band ends by 10 pm, most guest gone by 11 pm, last guess must be gone by midnight
- Loud Noise & music shuts down at 10 pm, Venue closes at or before midnight
- From Start to Finish 5 hrs; From Start to Finish 6 hrs
- During ceremony (additional 1-2 hours at beginning)- Noise & Music Controls In Place; Why? Same Number of Guests
- Shut down at 10
  - a. Means Shut Down- Cars Gone, Gates Closed, No Drag on Till 11 pm
  - b. Business vs Residential Conflict
  - c. Remove Direction Signs
  - d. Add 1 Hour for Clean Up
  - e. Add Time for Leaving eg 45 min



# Town Of Marbletown

## Planning and Zoning Committee

**Mailing Address: PO Box 217 Stone Ridge, NY 12484**

**Physical address: 1925 Lucas Avenue Cottekill, NY**

**(845)-687-7500, ext 170;**

**Email: pzc@marbletown.net**

- f. Too Early
- g. Total Event Shut Down Should be 11 pm with Alcohol & loud music ceasing at 10 pm. Sober up time
- h. Loud noise & music stops at 10 pm, Venue close at or before midnight

- Enforcement
  - a) Event Manager has List of Responsibilities They Assign to Staff Event Manager Signs Agreement to Do
  - b) Business District Ideas
  - c) Town Should Provide Officer During Event Hours- Owner cell # available during event to neighbors
  - d) Post Complaint Phone Numbers By Driveway
  - e) Impose Fines for Violations \$250, \$500 Varies w Multiple Offenses
  - f) Require Compostables To be Composted
  - g) Event Manager Posted By Driveway
  - h) Single Use Cutlery Not Allowed
  - i) Tent, Potties & Tables, Chairs
  - j) Setup & Removed Separate Days
  - k) Event Notice to Neighbors
- Limit Number of Events in Initial 3 Pilots and 3 Additional when Annual Permit Issued. (ZBA Issues 1<sup>st</sup> Annual Permit w SUP)
- Limit Weekends per Month to 2 Alternate Weekends if Sound Issues Can't be Mitigated Prior to Next Event.

### C. Ideas raised at meeting

- Bon-fires after-loud singing-need strict control
- Differentiate requirements for permanent vs. take away- Mohonk; no take down if it's a barn
- Limit on number may be determined by venue
- Manage drunk drivers-officer at exit??
- Hire Court officer;
- make sure CEO can enforce

D. Conclusion-Enforcement will be the toughest to regulate/manage and write clear regulations about. Sound is very subjective.

a copy of the DRAFT Local Law for

1. Updating Agriculture section and Use table re: certified Ag. District vs. Non certified Ag. Dist;
- 2 Allowing Accessory Apartments in detached buildings;
3. Copying Design Guidelines in Group A to Group B that say in Group B 'same as group A';
4. correct Appeal filing time;
5. remove 'drinking places' from Use Table and clarify remaining food service definitions
6. Add Accessory uses customarily incident to non-residential uses

Summary-The above ideas and recommendations will be reviewed and identified where logical to



**Town Of Marbletown**  
**Planning and Zoning Committee**  
**Mailing Address: PO Box 217 Stone Ridge, NY 12484**  
**Physical address: 1925 Lucas Avenue Cottekill, NY**  
**(845)-687-7500, ext 170;**  
**Email: [pzc@marbletown.net](mailto:pzc@marbletown.net)**

address in current April 2018 draft. Once completed, a new draft will be created.

Meeting adjourned at 10:00

Next meeting date will be January 9, 2019

Respectfully Submitted,

Maggie Colan, PZC Secretary