

Local Law No. _____ of 2019, entitled: “Event Center Law”

BE IT ENACTED BY, the Town Board of the Town of Clinton as follows:

1. Section 104 of Chapter 250 of the Town Code is hereby amended repealing and removing the following definitions contained therein: CONFERENCE CENTER and DUDE RANCH and adding the following new or revised definitions:

EVENT – A private activity or gathering of 30 or more people for a business, social, recreational, or similar purpose, regardless of whether people spend the night onsite.

The following activities and gatherings, in all cases without profitmaking intent, shall not be considered “Events” for the purposes of this section: (a) community, civic, or religious activities or gatherings; (b) activities or gatherings of a private club or nonprofit organization for the benefit of its members; and (c) personal or private activities or gatherings hosted by the owner of a lot or a tenant on such owner’s or tenant’s property.

EVENT CENTER – Privately owned land or structures regularly used for Events where compensation is paid to the owner of the lot for said Event, such as but not limited to wedding receptions, parties, fundraisers, seminars, conferences, and other similar functions.

2. Chapter 250 of the Town Code is hereby amended by repealing the existing Section 250-45 in its entirety and replacing it with a new Section 250-45, which shall read as follows:

§250-45 EVENT CENTERS

A. Purpose. The purpose of this section is to regulate the location, design, and use of Event Centers in the Town of Clinton, including but not limited to current or former agricultural or accessory structures, in order to:

1. Protect the health, safety, and general welfare of the residents of the Town of Clinton.
2. Preserve the historic rural character and qualities of the Town by regulating the location, design, and use of Event Centers.
3. Minimize the impact of Event Centers on the natural and built environment and ensure harmony and compatibility with surrounding land use patterns.

B. Type of Facilities and Uses To Be Regulated

1. This section regulates the location, design, and use of all Event Centers, including but not limited to current or former agricultural or accessory structures.
2. This section does not apply to Town property, firehouses, places of religious worship, and similar facilities that host Events sponsored by a legally established nonprofit organization or Events sponsored by an organization or a group of individuals for civic or community benefit, in either case without profitmaking intent.

C. Compliance with the State Environmental Quality Review Act (SEQRA)

1. The Town Board designates the Planning Board of the Town of Clinton as the reviewing body responsible to determine the lead agency for applications made under this section.

2. The Planning Board and the applicant shall comply with all provisions of SEQRA under Article 3 of the Environmental Quality Review Act and its implementing regulations. An application for an Event Center that conforms to the regulations of this section and this chapter shall be an unlisted action unless otherwise designated by SEQRA. Should any variance from these regulations be requested and deemed substantial by the Planning Board, the application for a special use permit for the proposed Event Center shall be considered a Type I action and subject to Subsection H below.

D. Approval Process

1. A special use permit shall be required for the construction and/or use of all Event Centers.
2. If an applicant for a special use permit proposes an Event Center that does not meet all requirements of this section, the Planning Board may, at its discretion and at any point in the review process, suspend review of the application until necessary variances are obtained.

E. Location of Facilities. An Event Center must be in compliance with the following standards:

1. The Event Center shall be located on a site with a minimum of 100 acres, except where a golf course is provided, in which case the minimum acreage shall be 125 acres. When the maximum number of attendees at an Event is 100 or more, an additional 10 acres shall be provided for each 20 attendees or portion thereof.

2. The site of the Event Center shall have at least two means of access, 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.
3. The lot shall have no less than 150 feet of contiguous and continuous frontage on a state or county highway, and access to the Event Center shall be solely from such state or county highway frontage. Access to an Event Center from a Town road is not permitted.
4. No structure or parking area associated with the Event Center shall be located closer than 300 feet to any lot line, nor within 350 feet of any neighboring residence.
5. Formal and informal landscaping, stonewalls, entrance gates, and similar features shall be preserved whenever feasible.
6. To the greatest extent practicable, existing open space and unique natural areas such as streams, ponds, marshes, steep slopes, and woodlands shall be preserved.
7. New construction shall be sited so as to have a minimum impact on fields, meadows, and woodlands. Major grading or changing of topography shall not be permitted.
8. The exterior of existing residences, barns, and related structures shall be appropriately rehabilitated and restored whenever feasible. Consideration shall be given to quality of original architecture and subsequent modifications, current condition, and relationship of the structures to the overall lot or area when considering the feasibility of appropriate rehabilitation and/or restoration.
9. The applicant shall demonstrate that all required parking can be accommodated onsite. This requirement shall not preclude an Event Center from utilizing shuttle buses

or other methods of transportation for attendees.

10. All Event Centers shall be provided with adequate potable water and sanitary system as determined by the Town Engineer and/or the Department of Health.

11. The Planning Board shall require appropriate buffers between the Event Center and adjoining lots given the size of the lot, natural topography, and vegetative cover.

12. Locations for proposed temporary facilities or structures, including cooking facilities such as outdoor grills and fabric structures such as tents, must be included on the site plan. All structures, including fabric structures, to be used as part of the Event Center shall, where required, obtain a certificate of occupancy for their intended uses, including an Event barn meeting the standards in **Subsection G** below.

F. Use of Facilities

1. An Event management plan, which shall include provisions for traffic and parking management, hours of operation, lighting, noise abatement, toilet facilities, maximum number of events per week, and maximum number of attendees, shall be prepared and submitted to the Planning Board for review and approval. The Event management plan shall be incorporated into the special use permit and site plan approval.

2. The maximum number of attendees at an Event Center shall be 300. The Planning Board may set a lower maximum number for an Event Center based on the standards in **Subsection H** below.

3. Provisions for noise abatement shall comply with §250-28(A) of this chapter.

4. Provisions for lighting shall comply with §250-28(C) of this chapter.

5. Provisions for the posting of advertising signs shall comply with §250-70 of this

chapter.

6. Provisions for the keeping of horses or other livestock shall comply with §250-66 of this chapter.

7. Provisions for golf courses shall comply with §250-54 of this chapter.

8. Provisions for swimming pools shall comply with §250-74 of this chapter.

9. Dining facilities shall be solely for the use by attendees of the Event Center and shall not be open to the general public. Onsite kitchen facilities shall comply with the Dutchess County Board of Health guidelines.

10. Provisions for the serving of alcoholic beverages shall comply with the New York State Alcoholic Beverage Control Law.

11. Housing facilities shall be for the express use of Event Center attendees and shall comply with the New York State Building Code.

12. Events may occur outdoors, or under a fabric structure temporarily constructed on the lot, or in a structure meeting the standards in **Subsection G** below.

13. The Planning Board shall determine the permitted hours of operation of an Event Center. Events shall commence no earlier than 10:00 a.m. and shall terminate no later than 11:00 p.m. on Sundays through Thursdays, and shall commence no earlier than 10:00 a.m. and terminate no later than 12:00 midnight on Fridays and Saturdays. For purposes of this section, "termination" shall mean the termination of food, drinks, service, music, and entertainment, with the understanding that attendees and workers will need a reasonable amount of time after termination to exit the lot or retire to their accommodations.

14. The Event management plan shall also include a list of contacts to be used by the

attendees for specific distress or emergency situations and the legal name and address of an emergency contact person shall be provided to all attendees. The Planning Board may require that events with 200 or more attendees provide for adequate onsite private security and ambulance coverage based on the standards in Subsection H below.

15. The application, site plan, and Event management plan shall be referred by the Planning Board to the appropriate fire district, fire department, or other fire and safety provider for comment and recommendations with regard to fire and safety issues associated with the operation of the Event Center and the use of an event barn, if proposed.

G. Event Barns. Event Centers may utilize former agricultural or accessory structures (such as a barn) as a place of assembly for an Event, provided the following criteria are satisfied:

1. The use of an Event barn shall be permitted only after issuance of a building permit and a certificate of occupancy for public assembly by the Building Inspector. Event barns are permitted only on the premises of Event Centers approved under this section and not as stand-alone structures.

2. The applicant shall provide the Building Inspector with a plan prepared by a registered licensed design professional to improve the Event barn to enable it to obtain a certificate of occupancy for an assembly area, where no such certificate of occupancy exists. A copy of the plan shall also be submitted to the Planning Board as part of site plan review.

C. The occupancy of the Event barn shall not exceed occupancy load and exiting

provisions of the New York State Uniform Code and those occupancy load limits shall be posted at the lot by the Building Inspector.

H. Special Use Permits

1. The special use permit and site plan for an Event Center must include:

(a) The maximum number of attendees permitted during any Event.

(b) The hours of the Events.

(c) The maximum number of events per week.

(d) Whether amplified sound is permitted and other sound-related restrictions, including but not limited to maximum decibels and location and orientation of sound amplification equipment.

(e) Any other conditions on operation, design, and layout reasonably necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town.

(f) Items in Subsections 1(a) through 1(e) above shall be determined by the Planning Board based on the size of the lot, location, topography, parking, proximity of neighbors, emergency access, and the ability of existing and proposed buffers to provide sound attenuation and viewshed protection.

(g) No special use permit shall be issued unless the applicant furnishes to the Town of Clinton a comprehensive liability insurance policy insuring the Town against liability for damage to persons or property with limits of not less than \$3,000,000 per occurrence for bodily injury or death and limits of not less than \$500,000 for property damage, sufficient in form to insure, indemnify, and save the Town harmless from any liability or

causes of action that might arise by use of the Event Center.

2. A special use permit shall be issued through no longer than the end of the next calendar year, and a new special use permit must be issued for subsequent calendar years upon application for such permit renewal and a public hearing before the Planning Board. Once a special use permit has been granted to permit an Event Center, Events may be held at the lot for the duration of the special use permit without further review by the Planning Board, so long as such Events comply with the limitations in the Event management plan and special use permit.

3. The Planning Board shall renew a special use permit for an Event Center on substantially the same terms as the existing special use permit, unless the Planning Board determines that there is a strong justification to impose modifications on such permit or reject the renewal application, which justification may include failure by the Event Center to comply with the limitations set forth in the Event management plan or this section.

4. Notice of individual Events of 200 or more attendees shall be provided via electronic mail to the Zoning Administrator; Town, County, and State police departments; and the applicable fire district 30 days before each Event, or as soon as possible for Events scheduled on less than 30 days' notice.

I. Event Centers on Agricultural Lots

Where an Event Center is proposed for a lot being used for agriculture and the income from Events held at the Event Center is not expected to be a primary source of income for such property owner, the Planning Board shall consider the Town's stated goal in its

Comprehensive Plan of maintaining a rural and agricultural community and supporting local farmers when deciding whether and to what extent to grant variances to the Event Center regulations described herein.