

REVISED AS OF JULY 22, 2021

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TOWN OF DUANESBURG LOCAL LAW NO. 2 OF 2021

**A LOCAL LAW AMENDING THE TOWN OF DUANESBURG ZONING ORDINANCE
WITH RESPECT TO COMMERCIAL EVENT VENUES**

BE IT ENACTED by the Town Board of the Town of Duanesburg in the County of Schenectady as follows:

Section 1. Title of the Local Law.

This local law shall be entitled "A Local Law Amending the Town of Duanesburg Zoning Ordinance with Respect to Commercial Event Venues."

Section 2. Authorization.

This local law is enacted pursuant to the Municipal Home Rule Law and Article 16 of the Town Law of the State of New York.

Section 3. Purpose.

The purpose of this local law is to allow within the Town of Duanesburg in all but the ~~L-1~~ and L-2 Districts, the conversion and use of existing structures for temporary events such as weddings, anniversaries, graduation parties, and other similar ~~reasons~~ occasions on a commercial basis. The Town Zoning Ordinance currently addresses mass gatherings but does not address smaller commercial events that may be held in existing structures and/or tents, including Bed and Breakfasts, Agricultural Barns or other accessory structures. Use of Fire Halls, Churches and other buildings already rated for public assemblies for such events is not in any way restricted by the adoption of these regulations which pertain to commercial temporary events. Use of homes and properties on a non-commercial basis for such events is also exempted from the requirements of this local law. For purposes of commercial event venues in the L-1 -District, the intent is to allow such events -in conjunction with approved Bed and Breakfast uses only.

Where an existing structure is going to be used for commercial events the goal is to balance the impacts of such events on the surrounding neighbors and to ensure that the events are carefully regulated to address impacts related to noise, property maintenance, traffic, public health, welfare and safety.

Section 4. Zoning Ordinance Amendment

The Zoning Ordinance is amended to reflect and include the following:

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§ 1-1 Applicability.

A. This section shall apply to the conversion of existing structures, including temporary tents, for the holding of temporary events such as weddings, anniversaries, graduation parties and the like in all zoning districts in the Town, with the exception of the L-2 District.

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B. With regard to the L-1 District, such events shall only be permitted in conjunction with approved Bend and Breakfast uses only.

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C. This section shall not apply to a facility that has been granted a special use permit to hold mass-a-mass gatherings as defined under the Town Zoning Code.

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D. This section shall not prohibit the Planning Board from approving a special use permit for a project in any district, except the L-2 District, where the only access to the property is through the L-1 or L-2 District.

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§ 1-2 Definitions.

A. For purposes of this local law, the term "commercial" shall mean any use related to doing business or for business purposes.

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§ 1-3 Standards.

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A. The Planning Board may grant a special use permit to allow the conversion of existing structures, including temporary tents, for the holding of temporary events such as weddings, anniversaries, graduation parties and the like, pursuant to 1-1, in all zoning districts in the Town with the exception of the L-1 and L-2 Districts, provided that the Planning Board finds that all of the following conditions and standards have been met for the conversion of each existing structure for such purposes and that the structure/event venue:

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1. Will comply with applicable legal requirements, will be consistent with the purposes of the district in which it is located and has been given due consideration by the Planning Board.
2. Will not result in excessive off-premises noise, dust, odors, solid waste nor glare lighting, or create any public or private nuisances.
3. Will not cause significant traffic congestion, will provide adequate parkingparking, will not impair pedestrian safety, will not adversely impact emergency services accessibility or overload existing roads, considering their current width, surfacing, condition and any proposed improvements made to them by the applicant.
4. Will be suitable for the proposed action considering the property's size, location, topography, vegetation, soils, natural habitat, hydrology, and its ability to be buffered or screened from neighboring properties and public roads.

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§ 1-4 Decision.

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The Planning Board may approve the application, approve it subject to modifications, or disapprove the application.

- A. Decision. Any decision by the Planning Board to grant or deny a special use permit shall include either a negative declaration of environmental significance or a written SEQRA findings statement consistent with the requirements of SEQRA. The decision shall contain a statement of its findings regarding the appropriateness of the use so authorized and the conditions required in the special use permit, or its reasons for denial. In granting any approval, the Planning Board shall impose any conditions that may be necessary to ensure that the proposed use will be compatible with its surroundings.
- B. Quantity of Events. The number of events that can be held at a location may be limited at the discretion of the Planning Board depending upon the facts and circumstances of the application.
- C. The Planning Board shall attach to the special use permit such conditions and restrictions as are deemed necessary. Upon its granting of said special use permit, any such conditions must be met by the Applicant prior to the issuance of any permits by the Building Inspector and throughout the operation of the event venue. The special use permit for events may be reviewed at the discretion of the Planning Board on a yearly basis.

§ 2 Event Venue.

§ 2-1 Use Standards.

An event venue must demonstrate compliance with the following standards in addition to the special use standards in § 1-43.

- A. The event venue shall be located on a site with a minimum of five acres, unless the venue includes a permitted bed and breakfast or hotel/motel type facility.
- B. The site of the 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.
- C. The maximum number of attendees at the event venue shall be ~~400~~200.
- D. The applicant shall demonstrate either that all required parking can be accommodated on-site or that sufficient off-site parking areas are under the control of the event operator and shuttle vehicles shall be used by the operator of the event venue for such off-site parking areas. All off-site parking areas shall be reviewed by the Planning Board and are subject to the standards herein. This requirement shall not preclude an event venue from utilizing shuttle buses or other methods of guest transportation.
- E. The applicant shall also submit a traffic study showing that the roadways around, entering and leaving the event venue have sufficient capacity and are safe to accommodate the event venue including event attendees and support employee vehicles as well as emergency vehicles.
- F. All events shall be provided with adequate potable water and sanitary facilities as required by the Planning Board, Building Inspector and/or the NYS Department of Health.

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- G. The Planning Board shall require appropriate buffers between the event venue and off-site parking, if any, and adjoining properties, given the size of parcel, the natural topography and vegetative cover.
- H. The event will not make, continue, cause, or permit, unreasonably intrusive noise. Standards to be considered in determining whether an unreasonably intrusive noise exists include, but are not limited to, the following:
- The volume of the noise.
 - The frequency of the noise.
 - The time of day of the noise.
 - The proximity to any residential, educational, medical, or religious facility.
 - The duration of the noise.
- I. Maximum Sound Levels.
- Events may only take place between the hours of 9:00 AM to 9:10:00 PM, except where otherwise specified by the Planning Board.
 - ~~a.b., and a~~At no time may the maximum sound level exceed 70 decibels measured at any of the property boundaries or at the closest residential receptor, as determined by the Planning Board.
 - ~~b.c.~~The measurement of any sound or noise shall be made with a sound-level meter using the A-weighted scale and slow response, except for sounds or noises which occur in single or multiple bursts with a duration of less than one second, for which fast response shall be used. The sound level determination or measurement shall be conducted not nearer to the sound source than the closest property line of the parcel on which such noise is generated, except where otherwise specified by the Planning Board.
- J. Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event structure meeting the standards in § 2-3 below.
- K. 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 event venue shall, where required, obtain a certificate of occupancy for their intended uses, including an event structure meeting the standards in § 2-3 below.
- L. The Planning Board shall determine the permitted hours of operation of an event venue. Events shall commence no earlier than 9:00 AM and shall terminate no later than 9:10:00 PM Sundays through Saturdays. The Planning Board shall also have the power to modify the commencement and termination times for a particular site based upon the specifics of the application before it as long as 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. A generic event management plan shall be prepared and submitted to the Planning Board for review and approval as part of the special use permit review. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, sanitary facilities and maximum number of guests. The plan shall also include a list of contacts for emergency situations to be used by the guests and

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shall be provided at each event along with the legal name and address of an emergency contact person at the site shall also be provided.

L.M. The Applicant shall provide to the Town a certificate of insurance evidencing coverage in a commercially reasonable amount for the event venue naming the Town as additional insured. Such certificate of insurance shall be provided to the Town Clerk on an annual basis by January 1 of each year or the special use permit will be revoked. An annual certification of compliance with the terms and conditions of the special use permit shall be provided to the Town by the Applicant.

§ 2-3. Event Structures.

Event venues may utilize new structures or former residential, agricultural or accessory structures as a place of public assembly, such as a barn, house or garage, provided the following criteria are satisfied:

- A. The use of any structure for events shall be permitted only after the issuance of a building permit and a certificate of occupancy for public assembly by the Town's Building Inspector.
- B. The applicant shall provide the Building Inspector with a plan prepared by a registered licensed design professional to improve the structure to be used for events to enable the structure to obtain a certificate of occupancy for an assembly area, where none exists. A copy of the plan shall also be submitted to the Planning Board as part of special use permit and site plan review.
- C. The occupancy of the event structure 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 premises by the Town's Building Inspector.

§ 2-4. Special Use Permit.

- A. The special use permit and site plan for an event venue must include:
 1. The maximum number of attendees permitted during any event, but in no event greater than ~~400~~200 attendees.
 2. The hours of operation of the special event venue and whether amplified sound is permitted either outside or inside or both.
 3. 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.
 4. Items in Subsection A(1) through (3) above shall be determined by the Planning Board based on the size of the parcel, location, topography, parking, proximity of neighbors, emergency access and the ability of existing and proposed buffers to provide sound attenuation and visual screening.
 5. This permit is allowed in all districts except ~~the L-1 and~~ L-2. In the L-1 District such events are allowed by special permit only at a Bed and Breakfast that has received all necessary approvals from the Town to operate in the Town.

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6. Trash and other debris shall be stored in containers with lids. Any blowing trash shall not accumulate on any neighboring properties and all trash generated from the event must be removed no later than noon on the day following the event.

- B. Once a special use permit has been granted to permit an event venue at a particular site, individual events may be held at the site without further review by the Planning Board as long as such events are compliant with § 2-1 and with all the conditions of the special use permit and other approvals issued by the Town.

Section 5. Supersession.

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town of Duanesburg Town Code, in so far as such statutes are inconsistent with this Local Law and any other laws or regulations of the Town of Duanesburg are superseded to the extent necessary to give this Local Law full force and effect. All other provisions shall remain the same.

Section 6. Severability.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 7. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York Secretary of State in accordance with Municipal Home Rule Law § 27.