



TOWN OF RIVERHEAD

New York

Town Board Work Session Agenda Thursday, July 23, 2026

Jerry Halpin
Supervisor

Kenneth Rothwell
Councilman

Robert Kern
Councilman

Denise Merrifield
Councilwoman

Joann Waski
Councilwoman

James Wooten
Town Clerk

10:00 AM WORK SESSION

OPEN SESSION

1. Matters surrounding possible Private Special Event Legislation - WASKI/THOMAS/HOWARD/DOWNS
2. Julie Wesnofske, Peconic Land Trust: Matters surrounding preservation of 4-H Camp - HALPIN

EXECUTIVE SESSION

LEGAL

1. Legislator Greg Doroski and Julie Wesnofske, Peconic Land Trust: Matters surrounding possible acquisition of real property - HALPIN
2. Julie Wesnofske, Peconic Land Trust: Matters surrounding possible acquisition of real property - WASKI/HURLEY
3. Matters surrounding update on litigation between the Town of Riverhead and URT - HOWARD
4. Matters surrounding update on litigation between the Town of Riverhead and SCWA - HOWARD

PERSONNEL

- Matters surrounding change in status of an employee - SHANDEL/STRIPLIN-TIO
- Matters surrounding update on misc. personnel matters - HOWARD
- Matters surrounding possible change in status of an employee - STRIPLIN-TIO

ADJOURN

Chapter 255

Article III: Private Events on Private Property

§ 255-22. Purpose and Intent and Regulatory Scope.

The purpose of this Article is to establish clear and equitable regulations governing private events conducted on private property within the Town of Riverhead that are not ordinarily open to the general public. This Article is intended to protect the public health, safety, and welfare; preserve the rural and residential character of the Town; and ensure compatibility among agricultural, residential, and commercial land uses.

This Article is adopted and shall be administered in a manner consistent with Article 25-AA of the New York State Agriculture and Markets Law. Nothing herein shall be construed to regulate or restrict bona fide Farm Operations or on-farm marketing activities protected under State law. However, the Town retains its authority to regulate private event and assembly uses where such activities create impacts on traffic, emergency access, fire and life safety, noise, or other conditions affecting the public health, safety, and welfare.

The Town finds that recurring or large-scale private events and assemblies may generate significant land-use and public safety impacts, including traffic congestion, limitations on emergency access, fire and life-safety risks, noise, lighting, and demands on public infrastructure. Accordingly, this Article establishes a structured framework for permitting, review, and enforcement to prevent the unregulated commercialization of residential or agricultural properties while allowing lawful and responsibly managed uses to continue.

The Town further recognizes that wineries, vineyards, and other bona fide agricultural enterprises may host activities that are directly tied to the marketing and sale of their own on-site products. This Article provides a lawful pathway for such operations to conduct incidental events consistent with their principal agricultural use, while distinguishing such activities from properties primarily operated as event venues.

Regulatory Scope.

Nothing in this Article shall be construed to regulate or restrict bona fide Farm Operations or Agritourism activities that remain incidental to agricultural production and are conducted in a manner consistent with Article 25-AA of the New York State Agriculture and Markets Law. This Article is intended to be consistent with §305-a of the Agriculture and Markets Law and shall not be construed to unreasonably restrict farm operations.

However, where an activity generates impacts consistent with assembly-type private event use—regardless of how the activity is characterized—including but not limited to

attendance scale, traffic generation, emergency access limitations, outdoor amplification, temporary structures, or commercial event infrastructure, such activity shall be subject to the provisions of this Article regardless of the underlying zoning classification or agricultural status of the property.

§ 255-23. Definitions.

For the purposes of this Article, the following terms shall have the meanings indicated. Words used in the singular shall include the plural, and words used in the plural shall include the singular, unless the context clearly indicates otherwise. Terms not defined herein shall have the meaning assigned in other chapters of the Code of the Town of Riverhead or, if undefined, their generally accepted meaning within the context of this Article.

Where a term is defined both in this Article and elsewhere in the Code of the Town of Riverhead, the definition set forth herein shall control.

Terms not defined in this Article shall have the meanings assigned to them elsewhere in the Code, and where applicable, may be interpreted consistent with the intent of Article 25-AA of the New York State Agriculture and Markets Law, provided such interpretation does not conflict with the provisions or intent of this Article.

Any term not defined in the Code or otherwise herein shall be construed in accordance with its generally accepted meaning within the context of land use, zoning, and municipal regulation.

Where a term is subject to multiple interpretations, the meaning that best advances the purpose and intent of this Article shall govern.

AGRITOURISM (AGRICULTURAL TOURISM)

The marketing of farm products, services, or experiences directly to the public in a manner consistent with New York Agriculture and Markets Law Article 25-AA, for the primary purpose of promoting, enhancing, or supporting a bona fide *Farm Operation*. *Agritourism* may include, but is not limited to, activities such as farm tours, pick-your-own operations, educational programs, agricultural demonstrations, tasting rooms associated with a licensed farm winery or brewery, seasonal harvest festivals, and other similar farm-centered experiences. *Agritourism* activities shall not be subject to the *private event permit* requirement. The presence, sale, or consumption of farm products at a private social event shall not, by itself, render such event Agritourism where the primary purpose of the gathering is private entertainment rather than agricultural promotion. Agritourism shall not include activities whose primary purpose is private social entertainment or venue rental, regardless of whether agricultural products are present or sold at the event.

For the purposes of this Article, the following standards and limitations shall apply:

A. Non-qualifying Activities.

Consistent with state law, private events such as weddings, receptions, bar/bat mitzvahs, birthdays, reunions, galas, corporate functions, or other social gatherings **primarily intended for private entertainment or commercial event hosting** do not constitute Agritourism when they are not directly related to the property's Principal Use as an established Farm Operation or to on-site agricultural production or Farm Operation marketing activities. Where an activity includes both Farm Operations and Substantial Non-Agricultural Components as defined in § 255-23, a minimum of fifty-one percent (51%) of the activity's gross on-site revenue or operational purpose may be considered as one factor in evaluating whether the activity is directly tied to bona fide agricultural production or marketing, but shall not be determinative and shall be considered together with, but not dispositive of, the overall character, primary purpose, and scale of the activity to determine whether it qualifies as *Agritourism*.

B. Evaluation and Burden of Proof.

The incidental service of non-farm alcoholic beverages or food shall not, in and of itself, disqualify an activity as Agritourism; however, where *Substantial Non-Agricultural Component* services become the primary feature or a substantial portion of the event, the activity shall be deemed a *private event* subject to the permitting requirements of this Article. The burden shall rest on the property owner or operator to demonstrate, upon request, that an event qualifies as Agritourism under this definition. Failure to provide sufficient documentation or other proof upon request to any *Code Enforcement Official* performing his or her duties in conformance with this Code shall result in the event being classified and enforced as a private event subject to the permitting requirements of this Article. Such classification may be made based upon presumptive evidence as set forth in §§ 255-34 and 255-35.

BREWERY OR DISTILLERY (for purposes of this Article).

A licensed farm brewery, microbrewery, or farm distillery that produces alcoholic beverages on-site and engages in direct-to-consumer sales as part of a bona fide agricultural or farm operation. For purposes of this Article only, an eligible Brewery or Distillery shall be treated the same as a Winery or Vineyard, provided it satisfies the Principal Use requirements set forth herein and demonstrates that its operations are primarily related to bona fide agricultural production or marketing, consistent with the standards of this Article.

CHANGE OF OCCUPANCY

A reclassification of a structure's use group under the New York State Building Code that triggers review and possible improvements to life safety systems, such as alarms, sprinklers, egress, or structural components.

CHANGE OF USE

Any material changes in the use, operation, or manner of occupancy of a property or

structure that differs from the use previously approved, permitted, or lawfully existing, including where the practical or functional use of the property shifts even if the underlying zoning classification or permitted use designation remains the same.

CODE ENFORCEMENT OFFICIAL

The officer that currently holds the title and certification of "New York State Code Enforcement Official," as designated by the Department of State Division of Code Enforcement and Administration pursuant to Article 18 of the New York State Executive Law, who is charged with the enforcement of this Article.

COMMERCIAL EVENT HOSTING

The use of any property, structure, or portion thereof for compensation, consideration, or any form of remuneration, whether monetary or in-kind, for the purpose of accommodating, organizing, promoting, advertising, or facilitating a *Private Event*. Such use shall include, but not be limited to, rentals, leases, admissions, ticket sales, service fees, vendor charges, package pricing, site fees, "barn rental" fees, required vendor lists, or similar arrangements by which the property owner, operator, or any affiliated person derives a financial, commercial, or promotional benefit.

Commercial Event Hosting includes recurring or venue-for-hire use of a property for weddings, receptions, or similar private social events, whether arranged directly or through a third party, and whether or not agricultural products are displayed, sold, or consumed in connection with such event.

Commercial Event Hosting shall be deemed a Private Event use and subject to the permitting requirements and limitations of this Article, unless the activity clearly qualifies as *Agritourism* pursuant to § 255-23.

COMMERCIAL PROPERTY

A parcel of land or structure whose *Principal Use* is non-residential and that does not contain any *Dwelling(s)* upon it. For the purposes of this definition, such properties shall include, but are not limited to, retail, restaurant, office, industrial, or other similar commercial uses as defined under Chapter 301 of the Code of the Town of Riverhead.

DWELLING

Any building or portion thereof designed or used exclusively for residential occupancy, including one-family, two-family, and multifamily residences.

EVENT LAYOUT PLAN

A scaled diagram of the *Event Site* submitted as part of a private event application, identifying the proposed placement of *Tents*, *Temporary Structures*, parking areas, bathroom facilities, ingress and egress routes, emergency access, and designated noise mitigation areas. The *Event Layout Plan* shall not constitute a site plan under Chapter 301 of the Town Code.

EVENT SCHEDULE

A written schedule submitted by a property owner or operator to the issuing department as part of, or in connection with, a *private event, permit* application, identifying all planned private events for the calendar year. An Event Schedule shall include the proposed dates, times, and nature of each event and may be amended from time to time, subject to review and approval by the issuing department. Event Schedules shall be administered in accordance with the permitting provisions of **§ 255-26**.

EVENT SITE

The area of a property, including land and any structures or temporary facilities, where a private event is held or planned to be held.

IMMEDIATE FAMILY MEMBER

For the purposes of this Article, Immediate Family Member shall mean a spouse, domestic partner, parent, child, sibling, grandparent, grandchild, or legal guardian of the applicant, whether by blood, marriage, or legal adoption. The term shall also include individuals who hold joint ownership of the property with the applicant. The burden of proof to establish family relationship or joint ownership for the purposes of an exemption or waiver under **§ 255-26(A)(3)(a)** shall rest with the applicant and shall be demonstrated through documentation acceptable to the Town.

INCIDENTAL USE

A use or activity that is subordinate and clearly secondary to the *Principal Use* of the property and which does not alter, dominate, or conflict with its character. An Incidental Use shall be minor in extent, frequency, and scale, and shall exist only in connection with, and for the purpose of furthering, the property's *Principal Use*. Any activity that materially alters the character of the property or increases in frequency or scale to the point of predominance shall no longer be deemed incidental and shall be regulated in accordance with the applicable provisions of this Article. In the case of agricultural properties, determination of whether an activity constitutes an Incidental Use shall be made consistent with **§ 255-34** (Presumptive Evidence of *Substantial Non-Agricultural Components for Related Events*) and **§ 255-27** (Event Cap Exception — *Winery or Vineyard Use*).

FARM OPERATION

As defined by Article 25-AA (§301[11]) of the New York State Agriculture and Markets Law, including the on-farm production, preparation, and marketing of crops, livestock, and livestock products. This definition is current as of the date of adoption of this Article and may be amended from time to time by the State of New York; in the event of any discrepancy, the State definition shall govern.

NOISE MITIGATION PLAN

A written plan submitted by the applicant seeking outdoor entertainment or outdoor use of tents in conjunction with any noise amplifying equipment as part of a *private*

event that identifies anticipated sources of sound associated with the event and sets forth measures to minimize noise impacts on surrounding properties. A *Noise Mitigation Plan* shall, at a minimum, include:

- A. The location and orientation of any amplified sound equipment, speakers, stages, or entertainment areas;
- B. Proposed sound levels and direction of sound projection relative to property lines and nearby dwellings;
- C. Hours during which amplified sound will be used;
- D. Any proposed physical noise controls, such as sound walls, baffles, *Tents*, or barriers;
- E. Administrative or operational controls, including volume monitoring, sound cutoff times, or *On-Site Manager* responsible for noise compliance; and
- F. A statement of compliance with **Chapter 251 (Noise)** of the Town Code and any other applicable state or local regulations.

The *Noise Mitigation Plan* shall be reviewed as part of the application process and may be incorporated as a condition of approval. Failure to comply with an approved *Noise Mitigation Plan* shall constitute a violation of this Article.

ON-SITE MANAGER

A person designated by the *Permittee* who is present at the *Event Site* for the full duration of setup, operation, and breakdown, and who is responsible for ensuring compliance with all conditions of the *private event permit* and the provisions of this Article.

The *On-Site Manager* shall serve as the primary point of contact for the Town and must be reachable by telephone at all times during the event as required under § 255-33(F).

PERMIT

A *private event permit* issued pursuant to this Article authorizing the temporary use of a property for a Private Event in accordance with the terms, conditions, and limitations set forth herein.

PERMITTEE

The individual or entity to whom a *private event permit* is issued, and who is responsible for compliance with all applicable terms, conditions, and code provisions.

PRINCIPAL USE

The primary or predominant use of a lot or structure as determined by its zoning classification under Chapter 301 of the Town Code. The *Principal Use* shall be the main or chief activity for which the property is designed, intended, or lawfully occupied. Accessory or *Incidental Uses* may be permitted only when they are subordinate to and customarily incidental to the *Principal Use*.

For the purposes of this Article, the *Principal Use* shall be understood as the activity that materially defines the property's overall character, operation, and economic function. Where agricultural and non-agricultural activities coexist, the *Principal Use* shall be determined by which activity constitutes the dominant operational and revenue-generating function of the property, consistent with the standards established in § 255-27 (Event Cap Exception — *Winery or Vineyard Use*). Any property or activity found to be primarily operated for the purpose of hosting or facilitating Private Events shall not be deemed the *Principal Use*, but instead shall be regulated as a Private Event venue pursuant to this Article.

PRIVATE EVENT (*Also referred to herein as- "event"*)

A temporary gathering, assembly, or activity conducted for a defined duration by invitation, reservation, or restricted admission, and not open to the general public, held for social, ceremonial, recreational, or entertainment purposes. Private Events may involve the use of structures, *Tents*, catering, music, staging, alcohol service, or similar amenities.

For the purposes of this Article, Private Events are distinguished from *Agritourism* activities and bona fide *Farm Operations* in that they are not directly related to, or incidental to, on-site agricultural production or marketing conducted as part of a lawful *Farm Operation*. Private Events shall include gatherings that generate assembly-type impacts on the property, including but not limited to the use of tents or temporary structures, amplified sound, catering, event infrastructure, or coordinated traffic and parking management. This classification shall apply regardless of whether the property is located within an agricultural zoning district or is otherwise associated with a *Farm Operation*. The following factors and examples shall be used in determining whether an activity constitutes a Private Event:

- A. Private Events include, but are not limited to, weddings, receptions, birthday parties, anniversaries, fundraisers, galas, corporate functions, private performances, or other gatherings conducted for private entertainment or *commercial event hosting* defined in this chapter.
- B. **Use of a Venue for Hire:**
Any property or portion thereof used as a venue for hire, or for activities primarily intended to generate revenue from private or social gatherings, shall be deemed a Private Event use and subject to the permitting requirements and event limitations of this Article.
- C. **Regulatory Clarification.**
Where a property hosts both agricultural and non-agricultural activities, an event shall be classified and enforced as a Private Event subject to this Article where credible evidence demonstrates that the event is primarily conducted for private social entertainment or *Commercial Event Hosting*, or where the scale, frequency, physical setup, or impacts of the activity are consistent with an event venue use. The fifty-one percent (51%) agricultural production or marketing threshold referenced in § 255-27 may be considered as one factor in determining eligibility

for modified event limitations, but shall not be dispositive of whether an activity constitutes *Agritourism* or is exempt from the permitting requirements of this Article..

See also §§ 255-27 (Event Cap), 255-28 (Event Limitations), and 255-34 (Presumptive Evidence of Non-Agritourism Events) for additional standards governing classification and enforcement of Private Events.

RESIDENTIAL PROPERTY

A parcel of land containing one or more *dwelling(s)*, including single-family, two-family, or multifamily buildings, townhouses, or condominiums, the *Principal Use* of which is residential in nature. *Residential Properties* are distinguished from commercial, industrial, or mixed-use properties as defined under **Chapter 301** of the Town Code.

SUBSTANTIAL NON-AGRICULTURAL COMPONENT

Any element of a Private Event that is unrelated to, or not incidental to, the *Principal Use* of the property and that shifts the character of the activity away from bona fide agricultural production or marketing conducted as part of a *Farm Operation*.

For the purposes of this Article, the following standards shall apply:

A. Examples of Substantial Non-Agricultural Components.

Such components may include, but are not limited to, outside catering not involving on-site agricultural products; alcohol service not produced on the premises (in the case of a Winery or Vineyard); third-party entertainment; amplified music or staging; temporary event infrastructure such as *Tents*, platforms, or lighting systems; or other services, features, or amenities typically associated with private or commercial event venues otherwise not open to the general public.

Nothing in this definition shall preclude an event that is demonstrably and primarily agricultural in nature, or directly promotes the products and marketing of a lawful *Farm Operation*, from qualifying as Agritourism under § 255-23, provided the event demonstrates that it is primarily related to the production or marketing of agricultural products in a manner consistent with the standards of this Article.

B. Regulatory Determination

Activities determined to contain one or more *Substantial Non-Agricultural Components* shall be reviewed in accordance with the presumptive-evidence standards set forth in § 255-34 (*Presumptive Evidence of Substantial Non-Agritourism Activities*) and shall be regulated and enforced as *Private Events* under this Article and subject to the permitting requirements of § 255-26.

See also §§255-23, 255-27, and 255-34 for related classification and enforcement provisions.

WINERY OR VINEYARD

A property whose *Principal Use*, as defined herein, is the cultivation and processing of grapes into wine, where wine is produced and may include bottling and/or on-site sales. A *Winery or Vineyard* may also include accessory tasting rooms, product sampling, and direct on-site sales that are directly related to the production and sale of wine. For the purposes of this Code, a *Winery or Vineyard* shall be deemed an established and lawful use only where the property has obtained all applicable Certificates of Occupancy, Use Permits, and Building Permits required under the Code of the Town of Riverhead for such operation.

TEMPORARY STRUCTURE

Any portable or movable assembly or facility, other than a *Tent* or membrane structure, that is not permanently affixed to the ground, including but not limited to stages, restroom trailers, portable fencing, concessions stand, and similar installations.

TENT

A structure, enclosure, or shelter constructed of fabric or pliable material supported in any manner except by air or the contents it protects, intended for temporary use, as defined by the New York State Uniform Fire Prevention and Building Code.

UNPERMITTED EVENT

Any private event subject to this Article that is conducted without an approved *private event permit* issued pursuant to § 255-26.

§ 255-24 Exemptions to this Article.

- A. *Agritourism Activities.* Premises on which a bona fide *Farm Operation* exists and that are engaged in bona fide Agritourism activities, as both defined in §255-23, shall be exempt from the *private event permit* requirement, provided the activities remain consistent with the definition and standards set forth in that section. This exemption shall apply only where such activities remain incidental to a bona fide *Farm Operation* and do not constitute *Private Events* or *Commercial Event Hosting* as defined in § 255-23.
- B. *Residential Properties.* Customary, non-commercial private gatherings that are accessory and incidental to a lawful residential use, including family events, celebrations, and similar social gatherings, shall not be subject to the private event permit requirements of this Article, provided that no fee, rental charge, or other form of monetary or in-kind compensation is received in connection with the use of the property for such gathering, and the activity does not otherwise constitute *Commercial Event Hosting* as defined in § 255-23.
- C. Any use of a Residential Property for recurring, advertised, or revenue-generating private events, or for venue-for-hire purposes, shall constitute a Private Event subject to the permitting requirements and limitations of this Article.
- D. For purposes of any buffer, waiver, or proximity analysis under this Article, a residence shall not be considered a separate residential property if it is owned and occupied by

the applicant or by an Immediate Family Member, as defined herein, provided that the burden of establishing such ownership and occupancy remains with the applicant.

- E. *Commercial Properties.* Private events conducted by legally operating restaurants, bars, or catering establishments within zones where such use is permitted shall not require a *private event permit* if the event is wholly incidental and accessory to the *Principal Use* and occurs within the approved footprint and operating hours of the establishment.
- F. Religious ceremonies. *Private events* conducted as bona fide religious ceremonies held on the grounds of duly recognized houses of worship shall be exempt from the provisions of this Article, provided such events are directly related to the religious mission or customary practices of the institution and are not conducted as a commercial enterprise or for private profit. Any non-religious or commercial private event occurring on the same property shall remain subject to all provisions of this Article.
- G. Verification of Exemptions. The Town may, upon request, require reasonable documentation or a written attestation from any property owner or operator claiming an exemption under this section—including Agricultural (*Agritourism*), *Residential*, *Commercial*, or religious properties—to confirm compliance with the intent of this Article and the true nature of the event. Failure to provide such documentation upon request may result in the event being deemed subject to the Private Event *permit* requirements of this Article.

§ 255-25 Prohibited Conduct.

- A. It shall be unlawful to conduct any private event subject to the *private event permit* requirements of this Article on any property without a valid *private event permit* issued and properly displayed.
- B. No *private event* shall be conducted in a manner that violates the New York State Fire Code, New York State Building Code, Town Zoning Regulations, or applicable Sanitary Code. Whenever the Fire Marshal or Code Enforcement Officer identifies any dangerous or hazardous condition or material in any building or upon any premises, such condition or material shall be ordered removed or remedied in the manner specified by the Fire Marshal or Code Enforcement Officer.
 - 1. Any violation of the New York State Fire Prevention and Building Code Act, as promulgated pursuant to Article 18 of the Executive Law of the State of New York, shall be deemed a violation of this section and subject to the penalties set forth herein.
- C. No *private event* shall exceed the maximum occupancy rating established by the Building Department, Fire Marshal or any Code Enforcement Official.
- D. No *private event* subject to this Article shall be conducted on any Residential Property containing one or more Dwellings, except where such activity qualifies as an exempt residential accessory use incidental to a household use pursuant to **§ 255-24(B)**.

Residential Properties that do not meet the exemption criteria set forth in **§ 255-24(B)** shall not be eligible for private event permitting under this Article, and any such event conducted on a Residential Property outside of those exemptions shall constitute a violation of this Article.

- E. No *private event permit* shall be issued for any structure or property that has not obtained the required *Change of Use* or occupancy classification when triggered under applicable state or local law.
- F. Presumptive Violations. Conducting a *private event* without a required *private event permit*, exceeding the eight (8)-event-per-year limitation, holding more than two (2) events within a single calendar week, scheduling an event within seven (7) days of another on the same parcel, or violating any condition of an approved *private event permit* shall constitute a presumptive violation of this Article. Such violations shall be evaluated and enforced in accordance with the presumptive-evidence standards set forth in **§§ 255-34 and 255-35** and shall be deemed willful violations for purposes of penalties and enforcement under this Article.

§ 255-26 Permit Requirements and Event Limitations.

- A. Private Event Permit Requirement.

No person shall conduct or allow any Private Event within the Town of Riverhead without first obtaining a private event permit issued pursuant to this Article where such activity constitutes a Private Event or Commercial Event Hosting as defined in § 255-23 and is not exempt under § 255-24. This requirement applies to all properties, including Wineries and Vineyards, and shall apply regardless of how the activity is characterized or described by the property owner or operator, unless the activity is expressly exempt pursuant to § 255-24.

- B. Event Limitations and Conditions.

A Private Event permit shall be required for any activity meeting the definition of a Private Event or Commercial Event Hosting under § 255-23:

- 1. Annual and Weekly Event Limits.**

- The total number of permitted Private Events held on any parcel shall not exceed eight (8) per calendar year, and no more than two (2) Private Events shall be held on the same parcel within any seven (7) day period.

Properties whose Principal Use is a Winery or Vineyard and that qualify pursuant to § 255-27 may exceed these limitations in accordance with that section, provided they demonstrate compliance with the agricultural production or marketing standards set forth therein.

All other properties, including commercial, residential, or agricultural parcels not qualifying under § 255-27 and not expressly exempt pursuant to § 255-24, shall comply with the event limitations established in this subsection without exception and shall not be eligible for waiver except as expressly authorized under § 255-28.

2. **Residential Buffer and Waiver Requirement.**

Private Events shall comply with the following proximity and waiver standards:

- a) No Private Event shall be conducted within five hundred (500) feet, measured from the Event Site to any Dwelling located on a Residential Property, unless a waiver has been issued by the Zoning Board of Appeals pursuant to **§ 255-30**.
- b) A waiver shall not be required in cases where the only *Residential Properties* within the five-hundred-foot buffer are owned and occupied by the applicant or an *Immediate Family Member*, as defined in **§255-23**. The applicant must submit an affidavit or other documentation acceptable to the Town verifying ownership and occupancy.
- c) Any Private Event held in violation of this subsection shall constitute a presumptive violation under **§ 255-35**.

3. **Permit Requirement per Private Event.**

Each *Private Event* conducted on a parcel shall require a valid *private event* permit issued pursuant to this **Article**. Multiple *Private Events* may be authorized under a single permit only where an Event Schedule has been submitted and approved in accordance with **§ 255-31(A)(4)**, in which case each event listed on the approved *Event Schedule* shall be deemed a separately authorized and counted event for purposes of compliance with the event limitations set forth in this Article.

4. **Per-Parcel Limitation.**

Event limitations shall apply on a per-parcel basis, regardless of the number of applicants, permit holders, operators, or ownership changes occurring within the same calendar year.

- C. Any *Permittee* who exceeds the eight (8) event limit, conducts *Unpermitted Events*, or misrepresents event frequency, scale, or nature shall be subject to the *private event permit* revocation and penalties under **§ 255-39** of this Article.
- D. For enforcement purposes, the Town may rely upon the presumptive evidence standards set forth in **§§ 255-34** and **255-35**, together with any other credible evidence demonstrating that a Private Event has occurred or that the activity constitutes *Commercial Event Hosting* as defined in **§ 255-23**.
- E. All Private Events shall comply with the provisions of **Chapter 251, Article I** ("Noise"), including the definitions of "Plainly Audible," "Noise Pollution," and "Unreasonable Noise." Amplified sound associated with any Private Event shall cease no later than 8:00 p.m., unless such sound is not plainly audible beyond the property line. In that case, amplified sound may continue until 10:00 p.m., provided the ambient sound level does not exceed sixty-five (65) dBA prior to 8:00 p.m. and fifty (50) dBA after 8:00 p.m., as measured in accordance with **§ 251-5** of the Town Code. Nothing herein shall be construed to permit noise levels or sound conditions otherwise prohibited by **Chapter 251**. The Code Enforcement Official or Fire Marshal may require immediate reduction or cessation of amplified sound where

noise conditions are found to be in violation of **Chapter 251**. Failure to comply with a directive issued pursuant to this subsection shall constitute a violation of this Article and grounds for permit revocation under **§255-36**.

- F. All lighting associated with a Private Event, including temporary, portable, or event-specific lighting, shall comply with the standards set forth in Chapter 301, Article LIX (“Outdoor Lighting”), including but not limited to the definitions and performance standards for Glare, Light Trespass, and Fully Shielded Fixtures.

All event lighting shall:

1. be installed, positioned, and maintained to prevent glare or light trespass onto adjacent properties, public roadways, or residential dwellings, and;
2. not exceed the illumination limits prescribed in § 301-375, and;
3. be extinguished within thirty (30) minutes following the conclusion of the event, except for minimal lighting required for safe egress or security purposes.

§ 255-27 Event Cap Exception — *Winery or Vineyard Use*.

- A. The ability to exceed the annual event limitations established in **§ 255-26** shall be available only to properties whose Principal Use is a *Winery or Vineyard*, as defined in **§ 255-23**, and which also qualify as a bona fide *Farm Operation* under Article 25-AA of the New York State Agriculture and Markets Law.

All such properties remain subject to the *private event permit* requirement set forth in **§ 255-26** and to all applicable public health, safety, building, fire, and land-use regulations of the Town.

Eligibility under this section shall be construed solely as a limited allowance to exceed event frequency thresholds and shall not be interpreted as a waiver of the Town’s authority to regulate assembly-type event uses based on their impacts to public safety, infrastructure, or surrounding properties. Such eligibility shall not be deemed an exemption from the requirements of this Article, nor shall it be construed to authorize or legitimize Commercial Event Hosting as a Principal Use of the property.

To qualify for this exemption, the following conditions must be met:

1. The applicant demonstrates, through credible documentation, that the property’s *Principal Use* remains bona fide *agricultural production* or marketing as a *Winery or Vineyard*. Evidence may include revenue, production volume, retail sales, or other operational indicators demonstrating that event activity is secondary to the agricultural function of the property.
2. Any *Private Event* conducted on the property shall remain an Incidental Use to the parcel’s Principal Use as a *Winery or Vineyard* and shall not, by frequency, scale, or operational character, transform the property into a *primary event venue*.

3. The applicant shall comply with all permitting, safety, and noise requirements of this Article and all other applicable provisions of law.

Discretionary Designation of Comparable Farm Operations.

The Town Board may, by resolution, designate additional classes of bona fide Farm Operations as eligible for modified event limitations under this section upon a finding that such operations are functionally comparable to wineries or vineyards in their marketing and promotional structure, and that their event activities are directly and primarily related to the on-farm production or sale of agricultural products. Any such designation shall be based on documentation submitted by the applicant demonstrating that the operation's principal function remains bona fide *agricultural production* or marketing, consistent with the standards of this Article, including but not limited to the factors set forth in §255-27(A).

- B. **Loss of Eligibility.** A property otherwise eligible to exceed the annual event limitation under this section may lose such eligibility, and any related *private event permit* may be revoked pursuant to § 255-36, if the Code Enforcement Official determines that the property no longer meets the requirements of this section or if presumptive evidence, as defined in § 255-35, demonstrates that private events conducted on the property have not complied with the provisions of this Article. Upon such finding, the property shall:
 1. Become subject to the standard event limitations established in § 255-26 until eligibility is reinstated; and
 2. Remain ineligible to exceed such limitations until the owner submits satisfactory documentation to the Code Enforcement Official or Town Attorney's Office demonstrating that all violations have been corrected and the property is again in full compliance with this Article.

§ 255-28 Waivers on Event Limitations.

- A. **Waivers of Event Limitations.** Any private event subject to the event limitations of eight (8) events per calendar year set forth in **§ 255-26** may apply to the Zoning Board of Appeals for a waiver to exceed the annual event limitation subject to the following conditions:
 1. A waiver may be granted only upon a showing of good cause and upon a finding that the proposed additional events will not adversely affect public health, safety, or welfare, will not create traffic, noise, or infrastructure impacts inconsistent with the surrounding area, and will not conflict with the purpose and intent of this Article.
Each application shall be evaluated on a case-by-case basis, and no property shall be deemed entitled to a waiver under this section.
 2. In no case shall a waiver permit more than twelve (12) private events in a single calendar year, and no more than one (1) waiver may be issued per calendar year for any parcel. The Code Enforcement Official, in consultation with the Building and Planning Departments, may provide advisory

comments or recommendations to the Zoning Board of Appeals as part of its deliberation.

3. In granting any waiver, the Zoning Board of Appeals shall also consider whether the proposed number and frequency of events would remain incidental to the property's Principal Use, as defined in § 255-23.

B. As part of the waiver application, the applicant shall submit:

1. An event layout plan identifying all assembly areas, structures, Tents, and related facilities, with occupant load calculations certified by the Building Department and Fire Marshal;
2. A narrative describing the methods by which the applicant will manage attendance, including ticketing, access control, and monitoring to ensure compliance with approved limits; and
3. Proof of neighbor notification, as required under **subsection C** of this section, including documentation of mailing or hand delivery, shall be submitted to the Town as part of the waiver application. The applicant may also provide written statements of consent from affected property owners for consideration by the Zoning Board of Appeals. Neighbor consent is not required for approval, but any written comments or statements received shall be taken into account by the Zoning Board of Appeals in determining whether the waiver should be granted. Upon review of a waiver request, the reviewing body may grant or deny the waiver based upon a determination of whether any condition should be imposed, taking into consideration the standards set forth in this Article.

C. **Proof of Neighbor Notification.** For purposes of subsection B(3), the applicant shall provide written notice to all property owners with a *Dwelling* located within five hundred (500) feet of the proposed *Event Site*. The notice shall be sent by certified mail, return receipt requested, or hand-delivered with signed acknowledgment of receipt, and shall include, at a minimum:

1. Date and time of the event.
2. The location of the event and a general description of the type of activity to be conducted;
3. The applicant's name and contact information, including a telephone number and email address where they can be reached before and during the event;
4. A statement that the applicant has submitted a waiver application to the Town to exceed the annual event limitation of eight (8) and hold up to the amount requested not to exceed twelve (12) per calendar year;
5. The date, time, and location of any public hearing or meeting at which the waiver application will be considered; and
6. Instructions that any property owner wishing to submit comments for or against the waiver may do so in writing to the Riverhead Zoning Board of Appeals, c/o the Office of the Town Clerk, 4 West Second Street, Riverhead, NY 11901, or by email to the Town Clerk.

- D. The Findings. In considering any waiver under this Section, the Zoning Board of Appeals shall place upon the record its findings and rationale, including but not limited to consideration of whether:
1. The proposed waiver is consistent with the intent and purpose of this Article;
 2. The waiver, if granted, will not result in conditions that unreasonably impact the surrounding area with respect to noise, traffic, lighting, or similar disturbances;
 3. The event and associated use will comply with applicable health, safety, building, and fire code requirements; and
 4. Granting the waiver will not adversely affect public health, safety, or welfare.
 5. Whether the requested waiver would, by frequency or operational scale, effectively convert the property into a *commercial event venue* inconsistent with its *Principal Use*.

§ 255-29 Waivers of Attendance Limits.

- A. The Zoning Board of Appeals, following a duly noticed hearing and consultation with the Fire Marshal and Code Enforcement Department, may grant a waiver to allow attendance in excess of the limits established in **§ 255-32** only upon a showing of good cause and upon a finding that the proposed increase is consistent with public health, safety, and welfare, site capacity, and applicable Building and Fire Code requirements.
- Each application shall be evaluated on a case-by-case basis, and no property shall be deemed entitled to an attendance waiver under this section.

Any such waiver may be granted only where the applicant demonstrates compliance with the following:

1. The proposed attendance does not exceed the maximum occupant load established by the New York State Uniform Fire Prevention and Building Code for any permanent building, *Tent*, or other assembly space used in connection with the event;
 2. Where multiple venues or assembly areas are used on the same parcel, the combined attendance shall not exceed the sum of the approved occupant loads for each such area, as determined by the Building Department and Fire Marshal, as specified; and
 3. Adequate parking, emergency access, sanitation, noise mitigation, lighting control, and other health and safety measures are provided to accommodate the proposed attendance.
- B. Limitation on Effect of Waiver.
- No waiver of attendance granted pursuant to this section shall be construed to authorize, legitimize, or establish *Commercial Event Hosting* as a *Principal Use* where such use is otherwise prohibited or regulated under this Article. Any attendance waiver shall apply only to the specific event or events approved and shall not alter

the classification of the property's *Principal Use* or exempt the property from any other applicable requirements of this Article.

- C. As part of the waiver application, the applicant shall submit:
1. An event layout plan identifying all assembly areas, structures, *Tents*, and related facilities, with occupant load calculations certified by the Building Department and Fire Marshal;
 2. In the case of any *Tent* usage or other staging area involving outdoor amplified music, a *Noise Mitigation Plan*, as defined in **§255-23**, shall be required.
 3. A narrative describing the methods by which the applicant will manage attendance, including ticketing, access control, and monitoring to ensure compliance with approved limits; and
 4. Proof of neighbor notification, as required under subsection C of this section, including documentation of mailing or hand delivery, shall be submitted to the Town as part of the waiver application. The applicant may also provide written statements of consent from affected property owners for consideration by the Zoning Board of Appeals. Neighbor consent is not required for approval, but any written comments or statements received shall be taken into account by the Zoning Board of Appeals in determining whether the waiver should be granted.
- D. Proof of Neighbor Notification. For purposes of subsection B(3), the applicant shall provide written notice to all property owners with a Dwelling located within five hundred (500) feet of the proposed Event Site. The notice shall be sent by certified mail, return receipt requested, or hand-delivered with signed acknowledgment of receipt, and shall include, at a minimum:
1. Date and time of the event.
 2. The location of the event and a general description of the type of activity to be conducted;
 3. The applicant's name and contact information, including a telephone number and email address where they can be reached before and during the event;
 4. A statement that the applicant has submitted a waiver application to the Town to exceed the annual or weekly event limitations under this Article; and
 5. The date, time, and location of any public hearing or meeting at which the waiver application will be considered; and
 6. Instructions that any property owner wishing to submit comments for or against the waiver may do so in writing to the Riverhead Zoning Board of Appeals, c/o the Office of the Town Clerk, 4 West Second Street, Riverhead, NY 11901, or by email to the Town Clerk.
- E. The Findings. In considering any waiver under this Section, the Zoning Board of Appeals shall place upon the record its findings and rationale, including but not limited to consideration of whether:

1. The proposed waiver is consistent with the intent and purpose of this Article;
 2. The waiver, if granted, will not result in conditions that unreasonably impact the surrounding area with respect to noise, traffic, lighting, or similar disturbances;
 3. The event and associated use will comply with applicable health, safety, building, and fire code requirements; and
 4. Granting the waiver will not adversely affect public health, safety, or welfare.
- F. In no case shall a waiver under this subsection authorize attendance exceeding the maximum allowable occupant load for the combined event facilities under the New York State Uniform Fire Prevention and Building Code. Attendance waivers granted under this subsection shall supersede the limits set forth in **§ 255-32** only to the extent expressly approved by the Zoning Board of Appeals in conjunction with consultation and guidance with the Fire Marshal and/or Code Enforcement Official.

§ 255-30 Waivers of the Five-Hundred-Foot Distance Requirement.

- A. A waiver from the five-hundred-foot (500-foot) residential buffer set forth in this Article may be granted by the Zoning Board of Appeals following a duly noticed hearing, upon written recommendation of the Fire Marshal and Code Enforcement Division regarding life safety, emergency access, and site capacity, and upon a finding that site conditions and operational controls adequately mitigate potential impacts to nearby residential properties, and that the following conditions are satisfied:
1. Substantial visual or acoustic screening, natural buffers, or site-specific conditions are present that effectively mitigate potential impacts on neighboring residences;
 2. The proposed event will not result in noise, traffic, light trespass, or other disturbances inconsistent with the character of the surrounding area;
 3. Granting the waiver will not compromise public health, safety, or welfare;
 4. All other applicable provisions of this Article, as well as all relevant building, zoning, and fire codes, are satisfied.

*No waiver application shall be accepted for filing unless accompanied by an Affidavit of Notice Compliance, on a form provided by the Issuing Department, affirming that all property owners within five hundred (500) feet of the Event Site have been properly notified in accordance with **subsection C** of this section. Failure to submit such affidavit shall render the application incomplete and ineligible for consideration by the Zoning Board of Appeals.*

Each waiver application shall be evaluated on a case-by-case basis, and no property shall be deemed entitled to a waiver under this section.

- B. As part of the waiver application, the applicant shall submit:

1. An event layout plan identifying all assembly areas, structures, *Tents*, and related facilities, with occupant load calculations certified by the Building Department and Fire Marshal;
 2. In case of any *Tent* usage or other staging area of entertainment involving outdoor amplified music, a *Noise Mitigation Plan* as specifically specified in §255-23 of this Article.
 3. A narrative describing the methods by which the applicant will manage attendance, including ticketing, access control, and monitoring to ensure compliance with approved limits; and
 4. Proof of neighbor notification, as required under subsection C of this section, including documentation of mailing or hand delivery, shall be submitted to the Town as part of the waiver application. The applicant may also provide written statements of consent from affected property owners for consideration by the Zoning Board of Appeals. Neighbor consent is not required for approval, but any written comments or statements received shall be taken into account by the Zoning Board of Appeals in determining whether the waiver should be granted.
 5. In addition to the items set forth above, the applicant shall provide an affidavit on a form provided by the issuing department to be distributed for signature from all property owners within 500 feet of the Event Site, if not provided such waiver can not be considered.
- C. Proof of Neighbor Notification. For purposes of subsection B(3), the applicant shall provide written notice to all property owners with a Dwelling located within five hundred (500) feet of the proposed Event Site. The notice shall be sent by certified mail, return receipt requested, or hand-delivered with signed acknowledgment of receipt, and shall include, at a minimum:
1. Date and time of the event.
 2. The location of the event and a general description of the type of activity to be conducted;
 3. The applicant's name and contact information, including a telephone number and email address where they can be reached before and during the event;
 4. A statement that the applicant has submitted a waiver application to the Town to exceed the (500) ft buffer limitations under this Article; and
 5. The date, time, and location of any public hearing or meeting at which the waiver application will be considered; and
 6. Instructions that any property owner wishing to submit comments for or against the waiver may do so in writing to the Riverhead Zoning Board of Appeals, c/o the Office of the Town Clerk, 4 West Second Street, Riverhead, NY 11901, or by email to the Town Clerk.
- D. The Findings. In considering any waiver under this Section, the Zoning Board of Appeals shall place upon the record its findings and rationale, including but not limited to consideration of whether:

1. The proposed waiver is consistent with the intent and purpose of this Article;
2. The waiver, if granted, will not result in conditions that unreasonably impact the surrounding area with respect to noise, traffic, lighting, or similar disturbances;
3. The event and associated use will comply with applicable health, safety, building, and fire code requirements; and
4. Granting the waiver will not adversely affect public health, safety, or welfare.
5. The proposed event use is compatible with the character of the surrounding area and will not result in a change in the predominant use of the parcel to Commercial Event Hosting.

§ 255-31 Private Event Permit Application.

- A. Private event permit applications shall be submitted to the Issuing Department no less than sixty (60) days before the scheduled event and shall include sufficient information to allow the Town to evaluate public safety, site capacity, and compliance with this Article such applications shall include:
 1. The name, mailing address, email, and daytime and 24-hour phone number of the property owner, and if different, the applicant.
 2. The name, mailing address, email, and 24-hour phone number for the On-Site Manager, as defined in §255-23, who shall be present for the full duration of setup, operation, and breakdown of the event and serve as the primary point of contact for the Town pursuant to § 255-33(F).
 3. The name, address, phone number, and point of contact for any *Tent* rental company, temporary power provider, or other principal contractor engaged for the event.
 4. The application shall include an itemized *Event Schedule* identifying the date(s) and nature of each proposed Private Event. An *Event Schedule* may consist of a single event or multiple events.
 - a) The *Event Schedule* shall be submitted at the time of application or by amendment filed not less than thirty (30) days prior to the occurrence of any new or rescheduled event.
 - b) An *Event Schedule* may be submitted as part of a single annual application covering multiple events, provided that all applicable *private event permit* requirements of this Article are satisfied for each event listed.
 - c) Each event listed on an approved *Event Schedule* shall be deemed a separately authorized Private Event for purposes of compliance with the event limitations set forth in § 255-26 and enforcement under this Article.
 5. An *Event Layout Plan* as defined in **§255-23**, showing the location of all activity areas, structures, parking, ingress/egress, and emergency access. Where multiple assembly areas or venues are proposed (such as a building

and one or more *Tents*), the plan shall depict all such areas, the access control measures between them, and the combined site circulation pattern.

6. A written description of the nature and purpose of the event, including whether the event is social, ceremonial, promotional, or otherwise, and the relationship of the event to the Principal Use of the property.
7. The dates and hours of the event, including setup and breakdown.
8. The maximum number of attendees and vehicles expected.
9. If the applicant is not the property owner, written consent of the property owner on a form provided by the issuing department.
10. Copies of any required *Tent* or *Temporary Structure* permits when issued, or documentation demonstrating that such permits have been applied for or approved by the Fire Marshal, including proof of compliance with the New York State Uniform Fire Prevention and Building Code. Any private event permit may be conditioned upon obtaining all required approvals prior to the event.
11. A sanitation plan, including restroom and handwashing facilities.
12. A parking and traffic management plan, including off-site parking arrangements if applicable. (May be part of the event layout plan)
13. A waste management plan for refuse and recycling.
14. A *Noise Mitigation Plan*, as specifically defined in §255-23, shall be required whenever outdoor music is proposed or amplified sound will be used outdoors, and shall demonstrate compliance with Chapter 251, Article I, entitled Noise.
15. Proof of Liability Insurance. A certificate of general liability insurance naming the Town of Riverhead as an additional insured, with coverage in amounts not less than those required for Special Events under Chapter ___ of the Town Code, including but not limited to: \$1,000,000 per occurrence for bodily injury and property damage; and \$2,000,000 general aggregate. Such insurance shall be issued by an insurer licensed to do business in New York State and shall remain in effect for the duration of the permitted private event.
16. Contact information for the on-site manager responsible for event compliance, accompanied by an affidavit signed by the manager acknowledging the duties and responsibilities set forth in § 255-33(F).
17. If applicable, any *Tents* or *Temporary Structures* used in connection with a private event shall:
 - a) Obtain a separate *Tent* permit from the Town Fire Marshal's Office prior to installation, in accordance with the New York State Uniform Fire Prevention and Building Code and any applicable standards adopted by the Town.
 - b) Include an occupant load certification for each assembly area, issued or verified by the Building Department and/or Fire Marshal, and

where multiple venues are used, the total combined occupant load for the event.

- c) Comply with all inspection and safety requirements imposed by the Fire Marshal, including but not limited to structural stability, flame resistance, and anchoring.
- d) Also be subject to a separate Fire Marshal *Tent* permit fee, in addition to any *private event permit* fee required under this Article.

B. Independent Nature of Tent Permits.

The issuance of any Tent permit or Temporary Structure permit by the Fire Marshal or any other Town department shall be separate and distinct from the issuance of a *Private Event Permit* under this Article.

The issuance of a Tent permit shall not, in and of itself, authorize the use of any property for a *Private Event* or *Commercial Event Hosting*, and no person shall conduct or allow a Private Event without a valid *Private Event Permit* where required under § 255-26.

§ 255-32 Application Review Process.

- A. In reviewing private event applications, the Town shall consider the following:
 - 1. Proximity of the *Event Site* to residential dwellings.
 - 2. Availability of on-site parking to avoid street congestion.
 - 3. Sufficiency of emergency vehicle access and fire safety.
 - 4. Compliance with applicable zoning limitations, including *Change of Use* triggers.
 - 5. Whether any structure proposed for use in connection with the event complies with the applicable New York State Building and Fire Code occupancy classification requirements, including designation as an appropriate Assembly (A-use) occupancy, where applicable.
- B. Upon receipt of a *Private Event Permit* application, the issuing department shall circulate the application to the departments identified below, which shall serve as coordinating agencies for interdepartmental review. Each reviewing department shall conduct its respective review and provide written comments identifying any deficiencies to the issuing department within **thirty (30) days** of circulation. The issuing department shall collaborate with the applicant to address and correct such deficiencies. If all deficiencies are not remedied within the timeframe established by the coordinating agencies, the application shall be denied. No *Private Event Permit* shall be issued unless all of the following departments provide written sign-off indicating approval of their respective review areas:
 - 1. Fire Marshal's Office – to review any *Tent* locations and associated permits, evaluate the *Event Layout Plan* for compliance with the New York State Uniform Fire Prevention and Building Code, ensure adequate emergency vehicle access, verify life safety systems, and confirm overall fire safety.

2. Building Department – to review all structures and event-related facilities for compliance with the New York State Uniform Fire Prevention and Building Code including but not limited to N.Y.S. Building Code occupancy classification, egress, accessibility, and life safety standards, and to confirm that all structures proposed to be used for the event have a valid and appropriate Certificate of Occupancy or Certificate of Compliance consistent with the intended use.
 3. Planning Department – to review parking capacity and layout, traffic circulation, access, drainage, sanitation facilities, lighting, proximity to residential dwellings, buffering, and compatibility with surrounding land uses. Compliance with applicable zoning limitations, including change of use triggers.
 4. Code Enforcement Division – to verify compliance with this Article, including whether the review of noise mitigation measures under Chapter 251, verification of event tracking requirements under **§ 255-33**, and general compliance with zoning and site use limitations.
- C. No *private event permit* shall be issued for any structure or property that has not obtained the required *change of use* or *change of occupancy* classification when triggered under applicable state or local law.
- D. Lot Size and Attendance Scaling. Except as otherwise provided for by waiver under **§255-29**, the maximum permitted attendance for a private event, once a *private event permit* is required under **§ 255-26**, shall be scaled in proportion to the lot area of the parcel on which the event is held, as follows:
1. Parcels under one (1) acre: Attendance shall not exceed seventy-five (75) persons at any one time, provided the maximum occupant load established by the New York State Uniform Fire Prevention and Building Code for any permanent building, *Tent*, or other assembly space used in connection with the event is not exceeded, without obtaining a waiver pursuant to **§ 255-28**.
 2. Parcels between one (1) acre and two (2) acres: Attendance shall not exceed one hundred twenty-five (125) persons at any one time, provided the maximum occupant load established by the New York State Uniform Fire Prevention and Building Code for any permanent building, *Tent*, or other assembly space used in connection with the event is not exceeded, without obtaining a waiver pursuant to **§ 255-28**.
 3. Parcels greater than two (2) acres: Attendance shall not exceed one hundred seventy-five (175) persons at any one time, provided the maximum occupant load established by the New York State Uniform Fire Prevention and Building Code for any permanent building, *Tent*, or other assembly space used in connection with the event is not exceeded, without obtaining a waiver pursuant to **§ 255-28**.
- E. Additional Attendance Determinations: The attendance limits set forth above may be further refined on a case-by-case basis by the Code Enforcement Official, in

consultation with the Fire Marshal and Planning Department, considering available parking, access, noise mitigation, and proximity to dwellings.

- F. **Multiple Assembly Areas:** Where a private event includes multiple assembly areas on the same parcel, including any combination of permanent buildings, tents, or other temporary structures, such assemblies shall be reviewed collectively as part of a single private event. This subsection is not intended to prohibit customary event sequencing, but to ensure that all assemblies associated with a single coordinated event are conditioned together.
- G. **Methods of Determination:** Attendance may be determined by direct headcount or, where direct headcount is not feasible, by a reasonable estimate based upon the number of vehicles parked on site or at off-site parking areas under the control of the *Permittee*, using an average occupancy factor of two and one-half (2.5) persons per vehicle.

§ 255-33 Permit Posting, Tracking and Compliance During and After Event.

- A. **Private Event Permit numbering and Cross-Reference.** Each *private event permit* shall be assigned a unique tracking number and logged into the Town's central *private event permit* registry maintained by the Building/Planning Department. Each log entry shall include:
 - 1. The *private event permit* number and date of issuance;
 - 2. The property address and Suffolk County Tax Map Number;
 - 3. *Private event* dates and estimated attendance;
 - 4. A section for Departmental approvals and compliance notes.
- B. **On-Site Display and Verification.** A laminated or weatherproof copy of the aforementioned *private event permit*, including a calendar of all scheduled *private events* under the *permit*, shall be displayed prominently at the *Event Site* and made available for inspection by Town officials.
- C. **All tents and Temporary Structures,** portable restroom facilities, temporary lighting, temporary power cords, staging, sound equipment, and other event-related installations shall be fully removed from the *Event Site* within five (5) calendar days following the conclusion of the permitted event, unless otherwise approved in writing by the Code Enforcement Official. Each subsequent event shall require its own separate setup and shall independently comply with the removal requirements set forth herein.
- D. **Interior and Site Access for Inspection.** As a condition of any *private event permit*, the *Permittee* shall grant any Code Enforcement Official, Fire Marshal, or other duly authorized Town representative access to all portions of the *Event Site*, including the interior of any structure, *Tent*, or temporary facility used in connection with the event, for the purpose of verifying compliance with this Article and other applicable laws. Such access may occur at any reasonable time during the setup, conduct, or breakdown of the event, and at any time thereafter where there is reasonable cause to believe a violation exists.

- E. The *Permittee* or designated *On-Site Manager*, as defined in **§255-23**, shall be reachable by telephone at all times during the event and shall respond to any call or message from Town officials within forty-five (45) minutes. Failure of the On-Site Manager to respond within the required timeframe shall constitute a violation of this Article and may result in fines, *private event permit* revocation, or both

§ 255-34 Presumptive Evidence of non-Agritourism related events.

- A. For enforcement purposes, the following shall constitute presumptive evidence that an event or activity is a *Private Event* or *Commercial Event Hosting* use subject to this Article, and that the activity does not qualify as an incidental *Agritourism* activity or bona fide *Farm Operation*:
1. The scale, frequency, or physical setup of the activity generates assembly-type impacts including but not limited to traffic generation, on-site parking management, amplified sound, temporary structures, or event infrastructure.
 2. The event's advertised or apparent purpose is primarily social, ceremonial, or entertainment-oriented in nature, including but not limited to weddings, receptions, banquets, or private parties.
 3. The event involves the use of *Temporary Structures*, *Tents*, portable restrooms, catering facilities, amplified music, or similar amenities commonly associated with private or *commercial event venues*.
 4. The property does not maintain an active and bona fide on-site agricultural production or retail component that is regularly open to the public for agricultural sales or tastings.
 5. Promotional materials, contracts, or online listings omit any agricultural or farm-related purpose or depict the venue primarily as a rental location for private gatherings.
 6. The number or frequency of events held on the property exceeds what would reasonably be considered incidental in relation to the property's *Principal Use of Farm Operations*.
 7. Noise, parking, lighting, or crowd conditions are consistent with commercial or entertainment-venue activity rather than agricultural production.
 8. The property fails to demonstrate that its overall operations and event activities are primarily related to bona fide agricultural production or marketing, when considered together with the nature, frequency, scale, and physical characteristics of event activity on the property.

9. Any other credible evidence demonstrating that the event's primary character or revenue source is non-agricultural.
- B. When such presumptive evidence exists, the activity shall be deemed a Private Event or Commercial Event Hosting use, as defined in §255-23, and shall be regulated for all enforcement purposes under this Article and counted toward the maximum number of allowable events pursuant to §255-26.
- C. **Rebuttal.** The property owner or responsible party may submit documentary evidence within ten (10) calendar days of written notice to demonstrate that the activity:
1. is directly related to on-site agricultural production or a bona fide Farm Operation;
 2. constitutes an Incidental Use to such Farm Operation; or
 3. otherwise qualifies as Agritourism as defined in this Article.

Evidence submitted in support of a rebuttal may include, but is not limited to:

4. Sales receipts, product display records, New York State ST-100 filings, or other credible proof linking the activity to on-site agricultural production or marketing;
5. Documentation demonstrating the ongoing agricultural character and operation of the property; and
6. Any other competent evidence demonstrating that the activity is not being conducted as a Private Event or Commercial Event Hosting use as defined in § 255-23.
7. Failure to submit sufficient credible evidence within the specified period shall result in the presumption being deemed conclusive.

The burden of proof shall rest solely with the property owner or responsible party. Failure to submit sufficient credible evidence within the specified period shall result in the presumption being deemed conclusive.

- D. Nothing in this section shall be construed to limit the Town's authority to enforce any other provision of this Article, the Town Code, or applicable state law, or to rely upon other credible evidence, inspections, or testimony to establish that an activity constitutes a *Private Event* or *Commercial Event Hosting* use.
- E. Violations established under this section shall constitute presumptive evidence that the activity is a *Private Event* or *Commercial Event Hosting* use subject to the permitting requirements, limitations, and enforcement provisions of this Article, and such activity shall be counted toward the event limitations set forth in **§ 255-26**.

§ 255-35 Presumptive Evidence (General).

- A. For enforcement purposes, the following shall constitute **presumptive evidence** that a Private Event occurred, regardless of whether admission fees were charged or the property owner claims the event was private:
 1. Public or private advertisements, online listings, ticketing platforms, or promotional materials.
 2. Vendor contracts or service agreements (including but not limited to catering, tenting, entertainment, or event coordination).
 3. Observations or documentation by Town personnel, including photographs, video, or audio recordings.
 4. Complaints or corroborated statements from neighboring property owners or occupants.
 5. Noise complaints, amplified music, or sound readings consistent with a Private Event.
 6. Aerial or drone photography, utility usage records, or other objective indicators of event activity.
 7. Any other credible evidence that reasonably demonstrates an event was conducted on the subject premises.
- B. For the purposes of determining event counts and violations, any day on which presumptive evidence of a Private Event is documented shall be deemed an event date for enforcement and penalty calculation purposes.
- C. **Rebuttal.** The property owner or responsible party may submit documentary evidence to rebut a presumption of event activity within ten (10) calendar days of receiving written notice of violation.
 1. Rebuttal evidence may include, but is not limited to, affidavits, guest lists, or other credible documentation demonstrating that the activity did not constitute a Private Event as defined in this Article.
 2. The burden of proof shall rest solely with the property owner or responsible party. Failure to submit sufficient credible evidence within the specified time period shall result in the presumption being deemed conclusive for enforcement purposes.
- D. Nothing in this section shall preclude the Town from relying on other credible evidence or testimony to establish that a Private Event occurred.

§ 255-36 Permit Revocation.

A. Grounds for Revocation.

A *private event permit* may be revoked at any time by the Code Enforcement Department, in consultation with the Town Attorney's Office, upon a determination that the *private event permit* holder has:

1. Made a false or misleading statement or material omission in the *private event permit* application or in any documentation required under this Article, including but not limited to ST-100 filings or other financial disclosures.

2. Failed to comply with any condition of the *private event permit*, this Article, or any applicable provision of law, rule, or regulation.
3. Hosted or allowed a *private event* to occur that was not listed on the approved *Event Schedule* pursuant to **§ 255-31**.
4. Refused or failed to provide documentation required for verification of eligibility, including but not limited to ST-100 filings, or failed to make the premises available for inspection as required by **§ 255-31**.
5. Repeatedly violated the provisions of this Article, resulting in multiple enforcement actions or violations.

B. Procedure.

The Code Enforcement Department shall provide written notice of the revocation to the *permit* holder stating the grounds for revocation. The revocation shall take effect immediately upon service of the notice, and in addition;

1. The *permit* holder may request an administrative review before the Zoning Board of Appeals within 15 days of service. Filing of a request for review shall not stay the revocation unless expressly ordered by the Zoning Board of Appeals.
2. During such revocation period, no additional *Private Events* may be conducted on the property upon revocation of a *permit* and;
3. Any event held after a *private event permit* has been revoked shall constitute a separate and distinct violation of this Article, subject to all applicable penalties.
4. Reinstatement of a revoked *private event permit* shall require proof of compliance with the requirements of this Article to the satisfaction of the Code Enforcement Department or the Town Attorney's Office.

§ 255-37 Enforcement and Inspections.

- A. This Article shall be enforced by the Code Enforcement Department and Fire Marshal's Office in consultation with the Town Attorney's Office. Violations may result in tickets, *private event permit* revocation, or legal action.
- B. Any Code Enforcement Official(s) shall have the authority to inspect any private *Event Site*, including both exterior and interior areas, before, during, and after the event for compliance with this Article and any applicable codes. The *Permittee* and/or property owner shall grant immediate access upon request to any area used in connection with the event. Refusal of access shall constitute a violation of this Article and shall result in the immediate revocation of the permit, cessation of the event, and the issuance of applicable summonses.
- C. Failure or refusal to grant access for inspection as provided in **§ 255-33**, or failure of the *On-Site Manager* to respond to a Code Enforcement Official within forty-five (45) minutes of a request for inspection, as likewise provided in **§ 255-33**, shall constitute a violation of this Article. Such violation shall result in immediate revocation of the *private event permit* pursuant to **§ 255-36**, cessation of all event activity, and the issuance of applicable summonses.

1. Each instance of denied access or non-response shall be deemed a separate offense for purposes of penalties under §§ 255-39 and 255-37, and may also constitute grounds for the *private event permit* revocation under this section.
 2. For the purposes of this section, “access” shall include reasonable entry to the premises, structures, and any temporary or event-related facilities necessary for inspection, verification, or enforcement of this Article.
- D. Failure to comply with any *private event permit* conditions shall be grounds for revocation of the permit and issuance of summonses.

§ 255-38 Fees.

- A. All applications submitted pursuant to this Article shall be accompanied by a non-refundable application fee established by resolution of the Town Board. Such fees shall apply to:
1. *Private event permit* applications;
 2. *Event Schedule* filings or amendments;
 3. Applications for waivers or variances under this Article, including but not limited to:
 - a) Waivers of annual or weekly event limitations pursuant to § 255-29;
 - b) Waivers of the 500-foot residential buffer distance pursuant to § 255-30; and
 - c) Any other waiver expressly authorized under this Article or approved by the Zoning Board of Appeals.
- B. Separate fees may be charged for inspections, public hearings, or notices required in connection with any *private event permit* or waiver application under this Article.
- C. The Town Board may, by resolution, adjust such fees from time to time to reflect administrative costs or enforcement needs.

§ 255-39 Justice Court Penalties for Offences.

- A. A violation of any provision of this Article, or of any term or condition of a *private event permit* issued under this Article, shall, upon conviction, be punishable by a fine of:
1. Not less than \$1,500 nor more than \$2,500 for the first offense and;
 2. Not less than \$2,500 nor more than \$3,500 for the second offense, and;
 3. Not less than \$3,500 nor more than \$5,000 for any third or subsequent offense;
- B. Each day that an event is conducted in violation of this Article shall be considered a separate offense.
- C. In addition to any other remedies provided in this chapter, the Town may commence a civil action seeking the imposition of civil penalties or injunctive relief for any violation of this Article pursuant to § 255-40.

§ 255-40 Civil Penalties.

- A. In addition to any other remedies provided in this Chapter, the Town of Riverhead may commence a civil action seeking the imposition of civil penalties and/or injunctive relief for any violation of this Article or any condition of an approved *private event permit*.
- B. Upon the failure of any responsible party to remedy a violation within fifteen (15) days of written notice issued by the Code Enforcement Official or Town Attorney's Office, the Town may assess a civil penalty of up to five thousand dollars (\$5,000) per day for each day the violation remains unabated.
- C. Each day that a violation continues shall constitute a separate and distinct offense. Violations established through presumptive evidence pursuant to § 255-34 or § 255-35 may also be subject to civil penalties under this section.
- D. The Town may also seek injunctive relief to restrain or enjoin any use, event, or condition that violates the provisions of this Article, any *private event permit* issued hereunder, or any order of the Code Enforcement Official or Fire Marshal issued pursuant thereto.
- E. In addition to civil penalties, the Town may revoke any active *private event permit* upon determination of two (2) or more violations of this Article within a twelve-month (12-month) period. Such revocation may be imposed without further hearing, provided that the *Permittee* was afforded notice and an opportunity to respond to each violation. Revocation shall be effective upon written notice to the *Permittee* and shall remain in effect until reinstated by the Town, and all revocation proceedings and related enforcement actions shall be conducted in accordance with § 255-36 of this Article.

§ 255-41. Appeals and Administrative Review.

- A. Appeals. Any person aggrieved by the denial, suspension, or revocation of a *private event permit* under this Article may file an appeal with the Zoning Board of Appeals within thirty (30) days of the determination. The appeal shall be filed in writing, stating the specific grounds for review.
- B. Effect of Appeal. Filing an appeal shall not stay enforcement or revocation unless expressly authorized in writing by the Zoning Board of Appeals upon a showing of good cause.
- C. Scope of Review. The Zoning Board of Appeals may affirm, modify, or reverse the decision appealed from and may impose such conditions as it deems necessary to further the intent of this Article and to protect the public health, safety, and welfare.

§ 255-42. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Article shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part

thereof directly involved in the controversy in which such judgment shall have been rendered.

DRAFT

Proposed Private Events Law

Section-by-Section Summary

§255-22 – Purpose, Intent and Regulatory Scope

What it does:

- Explains why the Town is adopting the law.
- Protects public health, safety and neighborhood character.
- Creates a framework for regulating assembly-type private events.
- Clarifies that the law is intended to work alongside New York Agriculture & Markets Law.

What it does not do:

- Does not regulate bona fide farm operations or protected agritourism activities.
 - Does not prohibit lawful agricultural businesses.
-

§255-23 – Definitions

What it does:

- Establishes clear definitions used throughout the law.
- Distinguishes Private Events from Agritourism.
- Defines Commercial Event Hosting, Principal Use, Winery/Vineyard, Incidental Use and other key terms.

Why it's important:

Clear definitions prevent confusion and improve consistent enforcement.

§255-24 – Exemptions

What it does:

- Identifies activities that do not require a Private Event Permit.
- Exempts normal residential family gatherings.
- Exempts legitimate agritourism.
- Exempts restaurants operating within their approved use.
- Exempts bona fide religious ceremonies.

What it does not do:

- Does not exempt commercial event venues simply because they are located on residential or agricultural property.
-

§255-25 – Prohibited Conduct

What it does:

- Establishes activities that are prohibited.
 - Prohibits unpermitted private events.
 - Requires compliance with Building, Fire and Zoning Codes.
 - Prohibits using residential properties as commercial event venues unless otherwise exempt.
-

§255-26 – Permit Requirements and Event Limitations

What it does:

- Requires permits for qualifying private events.
- Limits most properties to eight events annually.
- Limits events to no more than two within seven days.
- Requires each event to be tracked.
- Establishes the 500-foot residential buffer.
- Incorporates noise and lighting standards.

Why it's important:

This section forms the core regulatory framework of the law.

§255-27 – Winery/Vineyard Event Exception

What it does:

- Allows qualifying wineries and vineyards to exceed standard event limits.
- Requires agriculture to remain the property's principal use.
- Requires event activity to remain incidental.

What it does not do:

- Does not exempt wineries from permits or public safety regulations.

- Does not allow agricultural properties to become unrestricted event venues.
-

§255-28 – Waiver of Event Limitations

What it does:

- Allows applicants to seek relief from the annual event cap.
- Requires review by the Zoning Board of Appeals.
- Requires public notification and supporting documentation.

Purpose:

Provides flexibility while maintaining public oversight.

§255-29 – Waiver of Attendance Limits

What it does:

- Allows applicants to request larger attendance.
 - Requires review of fire safety, parking, emergency access and occupancy.
 - Ensures Building and Fire Code limits are never exceeded.
-

§255-30 – Waiver of the 500-Foot Residential Buffer

What it does:

- Allows applicants to seek relief from the residential setback requirement.
- Requires neighboring property owner notification.
- Requires Zoning Board review.

Purpose:

Allows site-specific flexibility where impacts can be adequately mitigated.

§255-31 – Permit Application Requirements

What it does:

- Lists all required application materials.

- Requires event schedules, site plans, parking plans, sanitation plans, insurance and contact information.
- Requires documentation necessary for Town review.

Purpose:

Ensures complete applications before permits are issued.

§255-32 – Application Review Process

What it does:

- Establishes interdepartmental review.
 - Requires approvals from Building, Fire Marshal, Planning and Code Enforcement.
 - Establishes attendance limits based upon parcel size.
 - Ensures public safety issues are addressed before approval.
-

§255-33 – Permit Tracking and Compliance

What it does:

- Creates a permit tracking system.
- Requires permits to be posted on site.
- Requires removal of temporary event structures.
- Requires access for inspections.
- Requires an on-site manager during events.

Purpose:

Provides accountability before, during and after each event.

§255-34 – Presumptive Evidence of Non-Agritourism Events

What it does:

- Establishes objective factors used to determine whether an activity is actually a private event rather than protected agritourism.
- Allows property owners the opportunity to rebut the presumption.

Purpose:

Provides consistent enforcement while preserving due process.

§255-35 – General Presumptive Evidence

What it does:

- Identifies evidence that may demonstrate a private event occurred.
- Includes advertising, contracts, photographs, complaints and similar evidence.
- Allows rebuttal by the property owner.

Purpose:

Creates practical enforcement standards for recurring violations.

§255-36 – Permit Revocation

What it does:

- Establishes grounds for revoking permits.
 - Addresses false applications, repeated violations and failure to comply.
 - Provides an administrative review process.
-

§255-37 – Enforcement and Inspections

What it does:

- Authorizes inspections.
 - Establishes enforcement authority.
 - Requires cooperation with Town officials.
 - Provides consequences for refusing inspections.
-

§255-38 – Fees

What it does:

- Authorizes application fees.
 - Authorizes waiver application fees.
 - Allows the Town Board to establish fees by resolution.
-

§255-39 – Justice Court Penalties

What it does:

- Establishes escalating fines for violations.
 - Treats each day of a continuing violation as a separate offense.
-

§255-40 – Civil Penalties

What it does:

- Authorizes civil enforcement by the Town.
 - Allows injunctions and civil penalties.
 - Provides additional enforcement tools beyond Justice Court.
-

Overall Summary

This legislation establishes a comprehensive regulatory framework for private event venues while preserving legitimate residential activities and bona fide agricultural operations. It creates a predictable permitting process, provides objective enforcement standards, protects public health and safety, and ensures that assembly-type events are conducted responsibly without changing the fundamental character of surrounding neighborhoods.