

§ 322-104.1. Winery events.

[Added 4-22-2010]

- A.** The Town Board may, upon application and after a public hearing on notice, as provided for in § [322-94](#) for special exception uses, authorize a special exception for specific accessory activity events to be held at a winery, as defined in § [322-3](#), as an accessory use, if said Board shall find that the proposed events are appropriate for such location, and gives due consideration to the character of the neighborhood, and are in keeping with the purposes of this chapter as stated in § [322-2](#). Approval of this special exception shall be limited to the types of events included in an application pursuant to Subsection [B\(2\)](#).
- B.** Each application for a special exception use shall include the following documents:
- (1)** A site plan to scale as required in Article [XIII](#) of this chapter.
 - (2)** A complete and detailed description of the proposed types of events, including time schedules, maximum number of attendees, proposed temporary facilities such as tents, dance floors, sound systems, traffic and parking management practices, and proposed security.
- C.** Before approving such a special exception, the Town Board shall determine that the following minimum conditions will be satisfied:
- (1)** The location of the events shall be limited to the winery property as shown in the site plan approved pursuant to Article [XIII](#) of this chapter.
 - (2)** Sufficient on-site parking shall be provided based on the description of events, but in no case shall it be less than the amount specified for public assembly in § [322-62](#). All on-site parking areas shall be set back at least 50 feet from the property lines of residentially developed properties and shall be separated from said residentially developed property by an opaque barrier consisting of a wall, slatted fence, and/or evergreen plantings sufficient to screen such residentially developed property from fugitive light; provided, however, that said barrier shall not be required where the actual setback is greater than 200 feet.
 - (3)** No exterior amplified music shall be played after 9:00 p.m. After 9:00 p.m., amplified music may be played only within permanent buildings. At all times, the sound levels of on-site music shall be in compliance with the requirements of Noise Control Table I in Chapter [207](#) of the Smithtown Town Code.
 - (4)** All permanent principal buildings shall be set back at least 175 feet from the property lines of residentially developed properties.
 - (5)** All permanent accessory buildings shall be set back at least 150 feet from the property lines of residentially developed properties.
 - (6)** All outdoor dining areas, such as decks or patios, shall be set back at least 200 feet from the property lines of residentially developed properties or shall be fully screened from said residentially developed properties by a permanent building.

- (7) All temporary facilities, such as tents, dance floors, sound systems, or locations of live entertainment, shall be set back at least 200 feet from the property lines of residentially developed properties or shall be fully screened from said residentially developed properties by a permanent building.
 - (8) All on-site lighting shall be shielded from residentially developed properties. Outdoor moving or flashing lighting, including but not limited to spotlights, floodlights, searchlights, or strobe lights, is not permitted at any time. Seasonal decorative lighting displays shall be permitted, provided that all such seasonal decorative lighting shall be located a minimum distance of 50 feet from the property lines of all residentially developed properties, shall not contain or include any bulbs, lamps, or light sources with an individual light output in excess of the equivalent of a one-hundred-watt incandescent bulb or 1,800 lumens, and shall be extinguished no later than 11:00 p.m. each day and remain extinguished until no earlier than 8:00 a.m. the following day.
 - (9) All winery event solid waste must be removed from the site within 72 hours of its generation. All solid waste collection must occur between the hours of 6:00 a.m. and sunset. All on-site solid waste containers must be located at least 100 feet from all residentially developed properties.
 - (10) All wastewater design flows must meet the standards of the Suffolk County Department of Health Services for individual septic systems.
 - (11) The maximum occupancy of a winery site shall not exceed 20 persons per contiguous acre. Lands which are separated from the winery parcel by a roadway or by other publicly or privately owned lands may not be used in the calculation of the maximum occupancy of the winery site.
- D.** The Town Board may impose such additional conditions on the proposed use as it shall deem necessary or desirable before granting such special exception.