

## LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Town Board of the Town of Poughkeepsie does hereby set the 1<sup>st</sup> day of September 2021 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as the time, date and place of a public hearing to adopt a Local Law pursuant to Municipal Home Rule Law §10(1)(a)(12) and Town Law §64(7) to add Chapter 108, entitled “Filming and Photography” to the Town Code, and

PLEASE TAKE FURTHER NOTICE, that the proposed amendment is available in full form in the Town Clerk’s Office and also online at the Town of Poughkeepsie’s website <https://ny-poughkeepsietown.civicplus.com/300/Public-Hearings>

\*Town Hall is now open to the public, *but* with limited space and with special requirements (social distancing, masks if not vaccinated) for public attendance. However, the Town Board meeting, inclusive of this public hearing, will also be accessible to the public through the media platform called Zoom. Board Members will be in person.

Members of the community can access the Town Board meeting through Zoom by entering the

Meeting ID: 858 9915 2579

Password: 720774

; or by following this link:

<https://us06web.zoom.us/j/85899152579?pwd=ekduTTNMMGd5VXVKeiJWdDVmTUVmdz09>

Through Zoom members of the community will be able to participate in the Town Board meeting via computer or phone audio. Members of the community can also simply call into the meeting using the following phone number: 1-929-205-6099 and the meeting ID and meeting password above. The meeting is also broadcast live on Cablevision Channel 22 and Verizon Fios Channel 38.

AND PLEASE ALSO TAKE FURTHER NOTICE that if you wish to provide comments but cannot attend in-person or via Zoom please provide written comments to, [fsalvatore@townofpoughkeepsie-ny.gov](mailto:fsalvatore@townofpoughkeepsie-ny.gov) by Tuesday, August 31, 2021 for distribution to members of the Town Board in advance of the meeting.

PLEASE TAKE FURTHER NOTICE, that said local law, if adopted, shall become effective immediately upon filing with the Secretary of State.

Felicia Salvatore, Town Clerk  
Town of Poughkeepsie  
August 11, 2021

**RESOLUTION 8:4 - # 16 of 2021**

WHEREAS, the Town Board has considered adopting a Local Law pursuant to Municipal Home Rule Law §10(1)(a)(12) and Town Law §64(7) to add Chapter 108, entitled "Filming and Photography" to the Town Code, and

WHEREAS, the proposed amendment is annexed hereto as Exhibit A and incorporated herein as if recited verbatim; and

WHEREAS, the adoption of this Local Law requires a public hearing,

NOW, THEREFORE BE IT RESOLVED THAT:

1. After reviewing the draft Local Law and the Part 1 Environmental Assessment Form annexed hereto at Exhibit B, this Board determines that this is an Unlisted Action under the New York State Environmental Quality Review Act; and
2. Because only the Town Board can consider and adopt changes to the Town Code it is the only involved agency, and declares itself the Lead Agency for purposes of conducting an uncoordinated SEQRA Review of this action; and
3. This Town Board hereby sets a public hearing on this proposed local law, Chapter 108, for September 1, 2021, at 7:00 PM, or as soon thereafter as the matter may come to be heard at the Town Hall, One Overocker Road, Poughkeepsie, New York.

Dated: August 4<sup>th</sup> 2021

Moved: Michael Cifone

Seconded: Stephan Krakover

Motion passes/ fails: Ayes 5 Nays 0

JEN/mem  
t-7/26/2021  
m-8/4/2021

	AYE	NAY	ABSTAIN
<u>PRESENT/ABSENT</u> Councilman Renihan	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u> Councilman Carlos	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u> Councilwoman Lopez	<u>Absent</u>	—	—
<u>PRESENT/ABSENT</u> Councilman Cifone	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u> Councilman Krakower	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u> Councilwoman Shershin	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u> Supervisor Baisley	<u>✓</u>	—	—

Chapter 108

FILMING AND PHOTOGRAPHY

8/4/21  
draft

**§108-1. Findings; purpose.**

- A. The Town Board finds that significant filming, videotaping, photography and recording for commercial purposes is being done on private and public property within the Town of Poughkeepsie.
- B. Due to the potential disruption of traffic on public streets and in private neighborhoods resulting from these productions, the Town Board believes the health and safety of residents and visitors will be best served by the adoption of a local law regulating, by permit, the undertaking of any filming, videotaping or recording, in a commercial manner, on private or public property.
- C. By reason of the foregoing, the Town Board does hereby ordain and enact this chapter to accomplish the aforesaid purposes.

**§ 108-2. Permit required.**

- A. A film permit ("Film Permit" or "Permit") is required for any movie, television program, commercial, online media, still photoshoot, or any portion thereof, that shall be filmed, videotaped, photographed, recorded or otherwise made for commercial purposes where a fee is to be paid or anything of value changes hands for such use of any private or public property within the Town of Poughkeepsie ("Filming").
- B. The permit requirements in this chapter shall not apply to filming or photography by casual photographers, wedding and event photographers, tourists or residents for personal use, or by credentialed members of the news media, or in conjunction with permanent businesses or home occupations which are properly permitted under the Town Code.

**§108-3. Permit types.**

There are three types of Film Permits recognized by the Town of Poughkeepsie. Type shall be determined by the Town Clerk based on the facts presented, including the size and scope of the production as noted in the application and attachments, and its impact on the Town and its residents.

- A. Type I permit (basic).
  - (1) Type I Film Permits may be issued by the Town Clerk if the Filming meets all of the following conditions:
    - (a) It is limited to an indoor or outdoor location contained to private property;
    - (b) The size of the entire cast and crew is limited to 20 individual members or fewer;

Exh. A

- (c) It is limited to daytime hours;
- (d) It is limited to five or fewer continuous days at the location; and
- (e) It involves no potential noise, traffic or light impacts, including, but not limited to, the use of any pyrotechnic device or high-powered artificial lighting other than camera-mounted or handheld equipment.

B. Type II permit.

(1) Type II Film Permits may be issued by the Town Board where the Town Clerk determines that there are or may be any special conditions that could potentially cause additional inconvenience or disruption to neighboring properties or traffic. The Town Clerk shall refer applications for Type II Film Permits to the Town Board for action.

(a) Special conditions include, but are not limited to Filming which:

- [1] Will occur on public property.
- [2] May impede normal vehicular or pedestrian traffic or disturb neighboring property owners.
- [3] Involves an entire cast and crew of greater than 20 individual members.
- [4] Will occur outside normal daytime hours.
- [5] Exceeds five continuous days at the location(s).
- [6] Involves potential noise or light impacts, including, but not limited to, the use of any pyrotechnic device, high-powered artificial lighting, or generators.
- [7] Requires oversized vehicles, such as motorhomes, trailers, and/or box trucks, or an excessive number of vehicles that cannot be contained to private property.
- [8] Requires the use of special effects on the property, such as artificial rain, snow, fire, sound effects or others.
- [9] Requires the use of any off-site or public areas for staging areas, crowd control, parking, sanitary facilities, cleanup or any other use related to the production but not on the permitted property itself.
- [10] Involves drone photography, which must be compliant with FAA regulations and requirements.

C. Type III permits. Applications for Type III Film Permits are those which entail any special conditions set forth in §108-3B above, as to which the Town

## FILMING AND PHOTOGRAPHY

Clerk also determines that such Filming may cause a significant impact on public health or safety, neighboring properties and/or vehicle or pedestrian traffic within the Town of Poughkeepsie. The Town Clerk shall refer applications for Type III Film Permits to the Town Board for action.

- D. In the event an applicant disagrees with the Town Clerk's designation of the type of Permit required, the applicant may appeal the Town Clerk's determination to the Town Board, and the Town Board in its discretion may either affirm the Town Clerk's designation or modify such designation.
- E. In the event that the Town Clerk denies an application for any type of Permit, the applicant may appeal the Town Clerk's determination to the Town Board, and the Town Board in its discretion may affirm the Town Clerk's denial, grant the permit, or grant the permit with revised conditions and/or restrictions.

### **§108-4. Permit applications; conditions.**

All Film Permit applications shall be submitted to the Town Clerk -, by electronic mail, United States mail or in person.

- A. All Permit applications must contain at least the following:
  - (1) The legal name, contact information and address of the applicant.
  - (2) The location(s) of the private and public property where Filming is to take place.
  - (3) The name and written authorization of the owner(s) of the property if the applicant is not the owner.
  - (4) The legal name and the identifying and contact information for all persons and entities proposed to provide other services for the Filming, and the name, local address, telephone/text number and email address of the permit holder's on-site Contact Person who will be available 24 hours a day during the production and who shall have authority, control and responsibility for the direction of all participants in the permitted activity and for the property on which it will be conducted.
  - (5) A use plan giving a brief description with sketch of the location(s) and purposes of the Filming, its title, as well as the days and hours of the proposed production, the size of the cast and crew, vehicle types and numbers, parking plans, etc.
  - (6) A listing of any special conditions applicable to the production and any mitigating measures proposed.
  - (7) A signed hold-harmless, waiver and indemnification agreement running to the Town, its officers, employees and agents, together with a certificate of liability insurance in form and amount acceptable to the Town naming the Town and its officers, employees and agents as

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additional named insureds with waiver of subrogation.

- (8) The Permit fee based on the Town Board's schedule of Filming Permit fees.
  - (9) Such other documents and relevant information as the Town Clerk may require, including an Environmental Assessment Form.
- B. The Town Board and Town Clerk, in reviewing permit applications may seek the advice of Town Departments and require coordination by the applicant with Town Departments.
  - C. For all Type II and Type III Permits, the applicant shall provide proof of notification of the application to all property owners located adjacent to (or directly across from) the property to be utilized for Filming with a copy of its use plan (§108-4(A)(5)) and any additional documentation required by the Town Board or Town Clerk.
  - D. The Town may attach additional conditions and safeguards to any permit to ensure the orderly conduct of the activity and the minimization of impacts of such use and shall specify the duration and hours of operation of such activity.
  - E. The Town Board, for Type II and Type III permits may further require as a condition of any Permit that the applicant contract for traffic control and other services of Town of Poughkeepsie police officers at the rate on file with the Comptroller and Department for each four-hour period or part thereof.
  - F. The applicant shall pay the actual cost including benefits of any Town of Poughkeepsie personnel services required in connection with Filming in excess of the employee's regular duties, and for any Town equipment and required consultant services.
  - G. The Town Board, for Type II and Type III Permits, may require the applicant to post a reasonable bond or cash security to assure adherence to any permit conditions and this Chapter, and to protect against damage to Town property.
  - H. All applicants and Permit holders are responsible for obtaining, maintaining and complying with all other required laws, codes, laws, rules and regulations, all of which are conditions for the continued validity of any Permit.

## FILMING AND PHOTOGRAPHY

### § 108-5. Suspension or revocation of permit.

- A. Any Enforcement Officer (§108-6 below) may revoke or suspend a Film Permit if he or she, after consulting with the Town Supervisor and Town Clerk, determines that:
- (1) The Filming violates this Chapter, any issued Permit or any codes, laws, rules or regulations;
  - (2) The Filming has or will interfere with the use and enjoyment of adjoining properties;
  - (3) The Filming has or will impede the free flow of vehicular or pedestrian traffic to a greater extent than applied for or permitted, or is otherwise being conducted in a manner that endangers the public health, safety or welfare; or
  - (4) The applicant has not established that it has provided adequate measures for parking, sanitary facilities or services, crowd control or cleanup.
- B. Any Filming and related activity shall cease immediately upon the Enforcement Officer's transmission of notification to the contact person (§108-4A(4)) of the suspension or revocation stating the grounds therefore.
- C. In the event of a revocation or suspension a Permit holder may appeal to the Town Board in writing delivered to the Town Clerk or Supervisor. The Town Board may thereon reverse or modify the action of the Enforcement Officer based on the facts presented.

### §108-6. Enforcement.

This Chapter maybe enforced by the Building Inspector, Zoning Administrator, or their deputies, and the Town of Poughkeepsie Police Department.

### §108-7. Penalties for offenses.

- A. Any person, persons, corporation, company, group or other entity of any kind who or which fails to obtain a required Permit, or violates any provision of this Chapter or any issued Permit shall be guilty of a Violation which shall be punishable by a fine of not more than \$1,000 or 15 days in jail, with each day of non-compliance being a separate violation.
- B. The imposition of such fine and/or imprisonment, and a revocation or suspension shall not be the Town's exclusive remedies.



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### **§108-8. Previous violations.**

Notwithstanding any of the foregoing, an applicant who has been previously convicted of or plead guilty to a violation of this chapter shall not be granted a permit hereunder for a period of 18 months from the date of such conviction or plea.

### **§108-9. Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Commercial Filming & Photography Local Law			
Project Location (describe, and attach a location map): Town of Poughkeepsie			
Brief Description of Proposed Action: A local law regulating commercial filming and photography occurring within the Town of Poughkeepsie.			
Name of Applicant or Sponsor: Town of Poughkeepsie Town Board		Telephone: 845-485-3600	
		E-Mail:	
Address: 1 Overocker Road			
City/PO: Poughkeepsie		State: New York	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

Exh. B.

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Town of Poughkeepsie Town Board</u> Date: _____		
Signature: _____      Title: _____		

**August 2, 2021**  
**Short Form EAF Part 1 – Narrative**

The Town Board has found that significant filming, videotaping, photography and recording for commercial purposes is being done on private and public property within the Town of Poughkeepsie.

Due to the potential disruption of traffic on public streets and in private neighborhoods resulting from these productions, the Town Board believes the residents will be best served by the adoption of a local law providing a means of regulating, by permit, the undertaking of any filming, videotaping or recording, in a commercial manner, on private or public property.

This local law will not affect environmental resources in the Town of Poughkeepsie but will merely regulate how commercial filming and photography activities are permitted within the Town.