

**TOWN OF CLAVERACK
PLANNING BOARD
P.O. Box V
Mellenville, NY 12544
Monday, September 30, 2013
Big Up Music Festival Post Review Meeting
Minutes**

APPROVED 11/4/13

The Big Up Music Festival Post Review meeting was called to order by Town of Claverack Planning Board Chairman Stephen Hook at 6:30 p.m. Chairman Hook then turned the Chair position over to acting Chairman Brian Goodrich who volunteered to chair the post review meeting.

Town of Claverack Planning Board members in attendance were: Acting Chairman Brian Goodrich, Stephen Hook, Judy Zink, Nathan Chess, Gretchen Stearns, TOC engineer Paul McCreary, attorney for the TOC Jeffrey Baker, and secretary Jodi Keyser
Absent with regrets: Virginia Ambrose and Scott Cole

Town of Claverack Zoning Board of Appeals members in attendance were: Chairman Frank Clegg, Steven Melnyk and Kim Keil
Town of Claverack Board members in attendance were: Supervisor Robin Andrews and Katy Cashen

Wright, Samuel & Levy, Zach dba/Shireworks Productions Inc.: Tax Map #(SBL)123 . - 2 - 01 . 120 Located at 2177 County Rte. 11. Request for a Special Exception Use for a temporary music, art, and camping festival.

Acting Chairman Brian Goodrich welcomed the representatives from the Big Up/Shireworks and audience members. Acting Chairman Goodrich informed the audience that the meeting is part of the TOC Planning Board's conditions for approval of the Special Exception Use and is for information gathering to both help the Town of Claverack Planning Board to better address future festivals of the same type and to gather information that will garner suggestions for the Town of Claverack to use toward the creation of a mass gathering law. Acting Chairman Goodrich informed the Board that this condition of the Special Exception approval will be completed by the submission of an end report from the Town of Claverack Planning Board. Acting Chairman Goodrich continued to explain that as part of the Post Review Meeting the Town of Claverack Planning Board asked him along with TOC Board member Katy Cashen comprised a list of questions directly conceived from Town of Claverack Zoning Law 16.6.1. Acting Chairman Goodrich informed the Board that he had sent a copy of these questions to Jackie Eaton after the Big Up Festival in August for her to answer at the Post Review Meeting tonight.

Acting Chairman Goodrich reminded the audience, applicants, and the Planning Board members that respectful and courteous behavior is expected at all times during the meeting. Acting Chairman Goodrich read a summary of the Town of Claverack Planning Board's actions during the review of the Big Up Music Festival application for a Special Exception. Acting Chairman Goodrich explained that this summary was comprised using the 27 pages of minutes posted on the TOC website. (Attachment #1)

Acting Chairman Goodrich stated that the summary is to provide the directions with which the TOC Planning Board reviewed all of the aspects of the TOC Zoning Law 16.6.1 page 127 and the wide scope that they considered. Acting Chairman Goodrich continued that the TOC

*Planning Board reviewed with due diligence as shown in the summary. Acting Chairman Goodrich then turned the floor to Jackie Eaton to address the 40 questions for the Planning Board (**Attachment #2**).*

*Jackie Eaton informed the Board that the Big Up Music Festival was held August 8th – 11th at the Hemlock Hollow Farm on County Rte. 11. Ms. Eaton continued that the festival was a great weekend with great fans and was seen as a success according to the industry standard, the media, and the sponsors. Ms. Eaton informed the Board that the total attendance was approximately ½ of what they planned for meaning about a little over 2,000 people attended the event. Ms. Eaton stated that due to many factors the attendance did not meet the expected 4,600. Ms. Eaton stated that there was heavy rain on Friday and that the lengthy review process and countless hours spent on meeting the TOC required compliance kept her from spending the needed time promoting the event. Ms. Eaton stated in her opinion the Town of Claverack's expectations and requirements during the review were daunting and she had never had this problem with other towns for similar festivals. Ms. Eaton continued that Shireworks spent thousands of dollars in Columbia County and the Town of Claverack. Ms. Eaton stated that she personally spent over \$1,000 during the weekend, approximately 200 staff members spent about \$25.00 each and Sam Wright spent a great deal of money to hold the event on his property. Ms. Eaton submitted a "Local Expenditures" report (**Attachment #3**). Ms. Eaton also submitted a projected summary from the American Association of the Arts Economic Impact to support the economic benefits (**Attachment #4**).*

Ms. Eaton answered question #1 by stating that traffic was a non-issue. Ms. Eaton continued that to her knowledge there were no traffic issues.

Ms. Eaton answered question #2 of interior circulation by stating that the Site Plan worked as planned, emergency access was fine, parking was fine, staff access was fine, truck parking-unloading-packing were fine, and the site was adequate for the festival.

Ms. Eaton answered question #3 of character and appearance by stating that she has been in the business for several years and has scouted locations for festivals and found that the Hemlock Hollow Farm site was perfect for this type of event because it is close to a commercial/industrial use, the lack of residential neighbors, good access i.e. TSP, Rte. 23, etc. made it a perfect site. Ms. Eaton stated that the property and surrounding area was cleaned up after the event and looks as good if not better than it did pre-festival.

Ms. Eaton then answered question #4 by stating that there was no impact on the historical and natural resources of the area. Ms. Eaton informed the Board that they came and went and it was a temporary festival.

*Ms. Eaton then answered question #5 by stating that the CC DOH report would answer most of the question. Acting Chairman Brian Goodrich informed the Board that they had received a final report from Tara Becker of the CC DOH which he reviewed and it appeared to be like a restaurant inspection report that found no significant violations (**Attachment #5**). Ms. Eaton stated that the lighting did not cause any electrical outages in the area, mail service was not interrupted, and water and sewer were not impacted in the area.*

*Ms. Eaton then answered question #6 by informing the Board that they provided a full on-site hospital which went above and beyond the required emergency facilities. Ms. Eaton stated that the hospital was staffed by physicians, nurses, and EMTs 24/7 during the festival. Ms. Eaton informed the Board that the on-site hospital reported that it was not very busy with only 47 cases accounting for 45 minor issues i.e. bee stings, scrapes, cuts, not feeling well, headaches, sprained ankles, etc. and 2 cases associated with alcohol with one transported to the hospital (**Attachment #6**). Ms. Eaton stated that there were two calls to Columbia County 911; one was early Friday morning and one on Sunday after the festival (**Attachment #7**). Ms. Eaton continued that the festival goers received quick response to emergency calls because of the emergency plan, communication facilities, and the staff members were well trained for emergency situations. Ms. Eaton reported that life support measures were not needed and the helipad was not used.*

*Ms. Eaton answered question #7 by stating no calls to CC 911 were made because of noise, traffic, trespassing, etc. Ms. Eaton submitted noise meter reading report showing photos of meter readings and the point of the reading (**Attachment #8**). Acting Chairman Goodrich asked Ms. Eaton to explain the positions of the different meter readings and if they were on-site or off-site. Ms. Eaton stated that the readings were taken along the northern side of the property line and west by the teepee site. Ms. Eaton stated that she did not receive any complaints from the neighbors about the noise, trespassing, or security issues. Ms. Eaton submitted hotline reports showing calls started on Tuesday night and were for tickets, directions, etc. (**Attachment #9**) Ms. Eaton stated that at some point the hotline became unplugged somehow so calls were not being recorded. Ms. Eaton continued that she was unaware of the hotline problem until TOC Supervisor Robin Andrews informed her that the hotline was out of order.*

Ms. Eaton then answered question # 8 by informing the Board that the applicant has made escrow payments that were more than enough to cover the TOC expenses. Ms. Eaton continued that Shireworks is requesting that the \$2,000.00 clean-up escrow be returned immediately because this was not necessary. Ms. Eaton stated that the amounts the TOC used out of the escrow account are questionable and she requested that further discussion with regard to the escrow account payments and the TOC payments. Ms. Eaton continued that all of the necessary building permits were applied for and received from the TOC Building Department as required and there were no stop work orders imposed. Ms. Eaton informed the Board that she was pleased with the security and safeguards provided and had no additional comments or suggestions.

Ms. Eaton answered question #9 by stating the festival goers were very respectful of the area and of the Agawamuck Creek, remained on the footbridge, did not go into the creek, and did not disturb the creek in any way. Ms. Eaton continued that they placed adequate signage and fencing to protect the creek.

Ms. Eaton answered question #10 by stating that agriculture was not impacted.

Ms. Eaton answered question #11 by informing the Board that the residential area was not significantly impacted in her opinion. Ms. Eaton continued that arrival and departure was smooth, neighbors did not report trespassing or damage to property, except for local police agencies that set up road blocks around the area near the festival it was just a normal weekend. Ms. Eaton then turned the floor back to the Planning Board.

Gretchen Stearns asked Ms. Eaton about her answer to question #6 asking how many drug/substance abuse cases were reported by the on-site hospital. Ms. Eaton stated that there were 2 cases listed as alcohol and 2 listed as psychological issues. Gretchen Stearns informed Ms. Eaton that the CCDOH report listed 5 patients that were treated for intoxication or substance abuse. Ms. Eaton answered that her report showed only 4.

*Gretchen Stearns stated that the CC DOH report is probably the more accurate accounting. Town of Claverack Zoning Board of Appeals member Steven Melnyk stated that he felt that the Town's resources were taxed by the number of arraignments that TOC Judge Mike Brandon held because he was very busy. Mr. Melnyk continued that the reports in the Register Star newspaper reported numerous arrests which in his opinion are not a non-issue. Mr. Melnyk stated that if this is the result of ½ of the attendance then what would have happened if the full amount of attendance was realized. Mr. Melnyk stated that if the festival is held again and the attendance at the festival increases so will the drug arrests. Ms. Eaton stated that there were 27 arrests with 17 of the arrests being very minor offences for which appearance tickets were issued (**Attachment #10**). Ms. Eaton informed the Board that local members of the New York State Police and CC Sheriffs deputies were on site during the festival and made minor arrests for possession. Ms. Eaton continued that there were a couple of road blocks set up which accounted for the other arrests. Ms. Eaton stated that most of those were people in route to the festival but others were not and one man was just going to his home. Ms. Eaton stated that the road blocks seemed like a form of entrapment.*

Gretchen Stearns then asked about the meter readings that Ms. Eaton supplied stating that she thought that one of the conditions for the approval was that the noise would not exceed 60 decibels and that Ms. Eaton assured the Board during the review process that the music would not exceed the 60 decibel level that was agreed to.

*Acting Chairman Brian Goodrich then asked TOC Code Enforcement Officer Stan Koloski to explain the report that he submitted of sound meter readings for the Board (**Attachment #11**). Stan Koloski informed the Board that he made the meter readings during the early evening between the hours of 8:00 p.m. ad 10:30 p.m. Stan Koloski informed the Board that the music went well into the early morning hours. Mr. Koloski stated that he took readings encircling the stage areas receiving some low readings of 50+ decibels but did get readings above 70 decibels a the Boyles residence on the hill. TOC engineer Paul McCreary submitted a site map plotting the locations of Stan Koloski's meter readings in relation to the stage and festival itself (**Attachment #12**). Paul McCreary continued that the highest decibel reading was along Stever's Crossing Rd location #6 which on 8/10/13 at 9:08 p.m. recorded reading was 72.6 decibels Mr. McCreary continued that based on the distance from the stage the*

output was between 85 and 95 decibels to make that reading at location #6. Mr. McCreary stated that sound travels at different levels but a good educated analysis closer to 70 decibels at the closest point to the festival perimeter. Jackie Eaton stated that measurements were taken during the early evening and not after midnight. Ms. Eaton continued that they did not agree to maintain the sound level at 60 decibels during the day only after midnight in the late night music tent. Acting Chairman Brian Goodrich stated that he did remember the condition of the sound level throughout the festival not during a specific time. Nathan Chess asked Paul McCreary if the sound meters register only the sound and not the physical vibration of the bass. Paul McCreary answered that he sound meters read the amount of sound traveling at a certain frequency and not the vibrations from the bass. Paul McCreary continued that the different frequencies of sound carry differently. Mr. McCreary stated that NYS DEC looks at sound for granting permitting purposes by the attenuation over distance, vegetation, or physical features that could block the sound from traveling. Mr. McCreary continued that it is a reasonable assumption that the area of the festival is very rural so it would not usually have background noise Mr. McCreary informed the Board that certain sounds transmit differently like bass is heard and felt therefore every person reacts differently to the sound which is why the standard is to rely on the meter readings. Mr. McCreary stated that the meters used an A-rated decibel to record the readings. Nathan Chess stated that sound is able to be recorded but the physical portion of sound is not measurable because it is felt different by everyone. Acting Chairman Brian Goodrich informed the Board that he understood that when the decibel level goes from 60 decibels to 70 decibels it is 10 times louder. Paul McCreary stated that 70 decibels is twice as loud as 60 decibels. Gretchen Stearns stated that in the Resolution of Approval that was approved on 7/1/13 item #5 stated that the noise control measurements restricted the sound levels to 60 decibels throughout the festival not during certain hours. Jeff Baker reminded everyone that this meeting is to gather information. Mr. Baker continued that Ms. Eaton was asked to supply a noise report and she agreed to the TOC taking meter readings also to compare and contrast. Mr. Baker informed Ms. Eaton that 60 decibels was a condition of the Special Exception approval and was actually taken from a presentation that was supplied by Ms. Eaton during the review. Mr. Baker informed Ms. Eaton that she was asked to monitor the noise levels and submit this information but the report does not show that she took continuous meter readings so her data is incomplete and cannot be reviewed. Mr. Baker stated that the sound levels were not contiguous on the time of day so in absence of any substantial information supplied by the applicant the Planning Board will use the report submitted by Stan Koloski. Ms. Eaton stated that the sound meter reading report needs to be revisited.

Acting Chairman Brian Goodrich opened the meeting to public comment at 7:25 p.m. Acting Chairman Goodrich read letters and emails from residents that were unable to attend the meeting. **(Attachments #13 - #20)**

Bob Mansfield – owner of the Vanderbilt Restaurant and Hotel – very close to the festival – benefit to be able to meet many different people from around the country and around the

world that stayed at the hotel during the festival. 25+/- performers stayed at the hotel were polite, courteous, and even though they looked a little different he found them very interesting to talk to. Positive experience and noise was not an issue.

Steve Harder – closest neighbor to the festival - commended Shireworks, Jackie Eaton and her staff for their professionalism. Above and beyond to be helpful, toured his property and listened to concerns. Sam Wright worked very hard. Law enforcement did a great job, Judge Brandon worked very hard. Only issue was that he requested the TOC CEO to take sound meter readings from his porch but Stan Koloski took the reading from the cul-de-sac and did not contact him. Mr. Harder requested this information because he would need to disclose this if he sells his house. Mr. Harder stated that the attendees were respectful. Mr. Harder stated that there were some issues that need to be worked out but he would welcome the festival again. Commended the Town of Claverack for taking control and doing a thorough review for the citizens.

Adam Amrod – performer at the festival – thanked the Planning Board for allowing the festival because it opened up opportunities for him that are financially beneficial.

Kim Keil – Dunbar Rd. and TOC Zoning Board member – Speaking for herself and several of her neighbors the noise level was unacceptable on Dunbar Rd. Mrs. Keil was not sure where Ms. Eaton stayed but the noise was very loud especially during the late night/early morning hours. Mrs. Keil stated the event made her feel unsafe and that she felt the need to take extra precautions to protect her home. Mrs. Keil stated that she did not want Sam Wright to take her comments the wrong way but in her opinion the festival was a nuisance. Mrs. Keil informed the Board that she is not supportive of the event.

Max Zacker – attendee and attorney in Hudson – Supports the Big Up festival. Has attended in the past and attended this year. Mr. Zacker stated that the festival had great performers and kind, friendly festival attendees. Not the crazed and violent people as were reported. Mr. Zacker thanked the neighbors for allowing the festival and for putting up with some of the minor nuisances. Mr. Zacker hopes that the TOC will allow the festival in the future.

Deb Barber – neighbor next to Pretium Packaging- Ms. Barber stated that she heard that there would be problems so she and her husband checked the security out prior to the start of the festival and got an impromptu tour. Ms. Barber continued that she thought that the festival site was beautiful and that everyone worked hard to keep it a safe place. Ms. Barber stated that she couldn't hear the music very well. Ms. Barber stated that she hoped that the festival would come back.

Tom Decker – Mr. Decker quoted, “The only thing to fear is fear itself.” Mr. Decker stated that the owner of the Chief Taghakanic Diner was planning to close for the weekend because he feared that there would be problems. Mr. Decker stated that he talked him out of doing this. Mr. Decker stated that the festival attendees were respectful. Mr. Decker stated that it is not a good thing for someone on the Planning Board to state, “We will be counting the number of body bags,” in an interview which gave the wrong impression. Mr. Decker stated that he has seen local game dinners at which beer is served and if the police were setting up

road blocks after these events they would have several arrests for intoxication. Mr. Decker stated that he owns the property next to Mr. Wright and would welcome the event again. Mr. Decker continued stating that the county and town could use the money gained from the event.

Larry Testa – Solar Heights Rd. – Mr. Testa informed the Board that his property is down the road from the previous site of the festival on the Sunny Hill Farm in Ghent. Mr. Testa stated that during the event there were numerous ambulances responding and that he was glad to see the festival move out of his area. Mr. Testa asked the New York State Police Officers in attendance what types of arrests and what amounts of drugs were found. NYS Trooper Michael Jankowiak answered that there were 26 – 30 arrests for possession and some of those arrests were felonies. Trooper Jankowiak continued that he did not have the exact figures for the amounts but that the NYS Police expected this type of activity with the type of event. NYS Trooper Guy informed the Board that there have been several of the same type of festivals in other parts of NYS and drugs such as marijuana, cocaine, and other designer drugs were present. Trooper Guy stated that the drug amounts for this festival were not excessive but the NYS Police were acting more as a deterrent of such activity. Trooper Jankowiak informed the Board that the festival promoters allowed the NYS Police inside the festival also.

Acting Chairman Brian Goodrich stated that as a private citizen appreciated and welcomed the added level of police presence during the event.

Fredericka Wright – neighbor of the festival – Ms. Wright informed the Board that the noise was minimal at her house on Dunbar Rd. Ms. Wright stated that one night during the festival she did hear and feel the bass but it didn't bother her. Ms. Wright continued that she lives alone and she still felt safe and didn't even lock her doors.

Motion to close the meeting and public hearing was made by Stephen Hook with a second from Judy Zink. All members were in favor. Meeting was adjourned at 7:55 p.m.

*Respectfully submitted,
Jodi Keyser, Secretary*