

TOWN OF CLAVERACK
PLANNING BOARD
Minutes: March 4, 2013
7:00 p.m.

APPROVED 4/1/13

Acting Chairman Virginia Ambrose called the March 4, 2013 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Acting Chairman Virginia Ambrose, Judy Zink, Scott Cole, Gretchen Stearns, Brian Goodrich, engineer Paul McCreary, attorney Rob Fitzsimmons, and secretary Jodi Keyser

Absent with regret: Chairman Stephen Hook and Nathan Chess

Correspondence: none

Members reviewed the minutes of the February 4, 2013 meeting. Motion to approve the February 4, 2013 minutes was made by Judy Zink with a second from Scott Cole. Gretchen Stearns abstained and the remaining members were in favor. Motion carried.

CONTINUING APPLICATIONS:

Mokotoff, John Subdivision: 331 Rte. 23-B Tax Map#(SBL)120 . – 1 – 4 . 21. Subdivision of 31.7 acres into 4 parcels

Maps were delivered via Dan Russell. Jodi Keyser asked if the check for final fees was included. Mr. Russell stated that he was only delivering the maps and did not have a check. Paul Freeman arrived and informed the Board that Mr. Mokotoff was mailing a check for the final fees. Mr. Freeman was informed that when the check is received the maps will be released.

Hoose, MaryJean/Klima, Donna/Barden, Richard/Woullard, Frances Subdivision: Intersection of Stevers Crossing Rd. and Oak Hill Rd. Tax Map #(SBL) 123 . – 1 – 4 . 111 Subdivision and Boundary Line Adjustment of 19.1 acres.

MaryJean Hoose and Richard Barden were present for the application. Corrected maps were submitted. The applicants are seeking a subdivision and boundary line adjustment. Acting Chairman Virginia Ambrose opened the meeting to public hearing at 7:03 p.m. No comments. Public hearing was closed at 7:04 p.m. Paul McCreary reviewed the SEQRA for the Board. Motion for negative declaration with regard to SEQRA was made by Gretchen Stearns with a second from Judy Zink. All members were in favor. Motion carried.

Motion to approve the Minor Subdivision and Boundary Line Adjustment was made by Gretchen Stearns with a second from Judy Zink. All members were in favor. Motion carried. Maps were stamped and signed and final fees of \$150.00 were paid.

Kipp Subdivision: 708 Rte. 66 Tax Map #(SBL) 101 – 1 – 14 . 1. Subdivision of 43.5 acres from 220 +/- acres of the estate of Robert Kipp.

Dan Russell was present for the application. Mr. Russell submitted new maps and reviewed the application for the Board. Mr. Russell explained that the property is within two different zoning lines that follow the driveway. Mr. Russell continued that the estate has a buyer for the residence and 46 acres. Mr. Russell stated that the new

owner will not renew the lease for the two dilapidated billboards that currently sit on the site and they will be completely removed. Rob Fitzsimmons reminded the Board that they waived the perk testing on the remaining 176 acres and also waived the driveway cuts due to existing driveways. Acting Chairman Virginia Ambrose opened the public hearing at 7:18 p.m. Ellen Henderson asked about the amount of total acres that is in the application. Mr. Russell stated that 220 is an approximate amount of the property because he did not survey the entire parcel only the 46 acres being sold. No further comments. Public hearing was closed at 7:19 p.m. Paul McCreary reviewed the SEQRA for the Board. Motion for a negative declaration with regard to the SEQRA was made by Brian Goodrich with a second from Gretchen Stearns. All members were in favor. Motion carried. Motion to approve the two lot minor subdivision was made by Gretchen Stearns with a second from Scott Cole. All members were in favor. Motion carried. Maps were stamped and signed and final fees of \$200.00 were paid.

Finck, Thomas dba Finck Realty: Tax Map #(SBL)101 . – 1 – 68 Located at 793 Rte. 66 Hudson, corner of NYS Rte. 66 & NYS Rte. 9-H. Site Plan Review for the construction of a new multi-use strip mall. Thomas Finck and Pat Prendergast were present for the application. New site plan maps were submitted. Mr. Prendergast reminded the Board that Mr. Finck owns the property at the intersection of NYS Rtes. 9-H and 66 where the Mobile Mart currently located. Mr. Prendergast informed the Board that Mr. Finck had received a Plan approval in 1998 for a 10,000 square foot retail strip mall but due to circumstances he did not seek a building permit start the construction of the building. Mr. Prendergast informed the Board that Mr. Finck has decided to begin the process of building the strip mall but at 6,000 square feet. Mr. Prendergast continued that the current entrance received NYS DOT approval when the Mobile Mart was constructed and was the same entrance that was approved in the original site plan. Mr. Prendergast stated that the newly planned building will be 120 feet long and he has decreased the parking spaces from the original 56 to now 34 spaces. Mr. Prendergast continued that the lighting and landscaping designs remain the same as the previous site plan. Gretchen Stearns informed Mr. Prendergast that the plan does not follow the design standards in the new Zoning Laws. Gretchen Stearns informed the applicant to read the new Zoning Revision Laws especially Section 14 which states that all parking is in the rear and side of the buildings and more landscaping is required especially around the parking areas. Ms. Stearns continued that Section 14.9.4 has the new Storm water regulations that are more detailed and require more ecological enhancements. Mr. Prendergast stated that to his understanding once a Site Plan is approved it does not expire so this is just a revision of the original approved Site Plan. Rob Fitzsimmons referred to TOC CEO Stan Koloski to explain that a Variance does not expire but Site Plans can expire without any building. Stan Koloski stated yes Site Plan approvals do expire because the time to obtain a building permit to begin construction had lapsed. Gretchen Stearns informed the applicant another requirement is that full detailed architectural drawings are required for buildings larger than 1500 square feet. Pat Prendergast informed the Board that moving the parking to the rear of the building would require moving the building forward and therefore does not allow for adequate setbacks. Mr. Prendergast informed the Board that Mr. Finck has a business interested in renting space within the building for a craft store. Mr. Prendergast stated that he feels that the Town of Claverack is not being business friendly. Ms. Stearns stated that his statement was not true but the applicant needs to read the new Zoning Laws. Ms. Stearns then informed the applicant that retail business is not allowed in the zone which the building is proposed because it is in the Commercial Industrial Park which would require a Variance. Pat Prendergast then asked how zones were changed without telling the property owner and what is allowed in the CIP zone. Ms. Stearns stated that the new Zoning Laws were created to encourage new business but at the same time it protects the Town of Claverack from over development. Ms. Stearns advised the applicant to obtain a copy of the new Zoning Laws from the Town Office. Gretchen Stearns instructed the applicant to follow the procedure and to meet with the TOC CEO Stan Koloski to be sure that the application is up to par. Brian Goodrich stated that the

exit on the Rte. 66 side of the property is a concern to him because many times people use it as an entrance because it is not well marked. Mr. Finck informed the Board that he recently installed new signs as per NYS DOT to mark the exit as an exit only. Mr. Prendergast stated that the applicant did receive some type of variance with the previous Site Plan but was not sure what it was for. Rob Fitzsimmons informed the applicant that even though the proposal is a smaller version of a previously approved Site Plan the new proposal still requires a Site Plan Review under the new Zoning Laws which are more stringent but can be accomplished after meeting the requirements. Continued to April.

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.

Paul Freeman, Jackie Eaton, and Zach Levy were present for the application. Ms. Eaton supplied the Board with new requested items for the Board. Rob Fitzsimmons asked due to the size of the audience if Ms. Eaton would give an overview of the proposal. Ms. Eaton reviewed the project for the audience of the details of the camping/music weekend. Ms. Eaton reviewed the traffic plan, security and searches, camping, hours of music, activities, clean up, and festival attendees. Ms. Eaton explained that they are seeking a Special Exception Use Permit from the Planning Board. Ms. Eaton continued that she has met with several local agencies and received a letter of approval from the CC Traffic Safety Board for the traffic impacts but still has several outstanding items. Ms. Eaton stated that she is working on addressing the CCDOH requirements and has applied for a NYS DOH Part 18 permit, revised emergency plans and has sent the application to the CC Planning Department for review. Ms. Eaton continued that the proposal needs approval from the TOC Planning Board for the Special Exception Use in order to proceed with contracting bands, vendors, security, first aide, etc. Ms. Eaton continued that the weekend is an economic benefit to the County and the Town of Claverack. Ms. Eaton stated that they contract with local vendors whenever possible and have spent at least \$120,000.00 in previous years. Ms. Eaton stated that they plan to use such local businesses as Ginsberg's, St. Charles Hotel, Gabriels, Cantele Tents, Ghent Wood Products, and local professionals for financial purposes. Ms. Eaton then read letters of support from Tim Carr of 15 Arch Bridge Rd. who lives ¼ mile from the previous Big Up festivals in Ghent. Mr. Carr stated in his letter that the impacts of the festival were minor and that he could only hear the music if he was outside of his home. Ms. Eaton also read a letter from Ghent Wood Products stating that the Big Up has purchased supplies in the past. Brian Goodrich stated that on the map it appeared that the only entrance to the festival crosses a bridge or some sort of culvert. Mr. Goodrich asked if there is a stream there and what type of structure crosses it. Ms. Eaton stated that there is a culvert but it is not really a stream it is just a dry gravel area. An un-named audience member stated that it is just an area for the field runoff but not really a stream. Brian Goodrich stated that it drains into a stream. Ms. Eaton stated that it runs into a grassy marsh area with cattails. Ms. Eaton stated that the property has gravel roadways that Mr. Wright used for his gravel mining. Gretchen Stearns asked if the roadways and culvert are wide enough for emergency vehicles. Ms. Eaton again stated that large vehicles should not be a problem because Mr. Wright has used heavy equipment on the roadways and culvert for several years for the gravel bank. Ms. Eaton explained that the acoustics for the festival are being supplied by Atomic Pro Audio. Ms. Eaton continued that they will be using new technology which mitigates the noise and they have a sound containment plan. Ms. Eaton stated that it is not like the big stack speakers of the past but the new technology directs the sound differently so that it drops off as it moves along in space. Ms. Eaton stated that the neighbors should not hear any higher sound then approximately 60 decibels which are no louder than a normal speaking voice. Ms. Eaton stated that the stage is west by northwest facing and is siting within a natural amphitheater. Ms. Eaton stated that the music on the main stage will end about midnight at which point the music will begin in the late night music tent until about 6:00 a.m. Ms. Eaton explained that the late night music tent will have down-facing speakers with directional subwoofers and be

surrounded by hay bales to buffer the noise. Ms. Eaton informed the Board that she will have a hotline number for neighbors for any complaints. Acting Chairman Virginia Ambrose asked the type of acts that will be appearing. Zach Levy stated that the acts will perform a new type of electric rock. Scott Cole asked if the entrance is at Stever's Crossing Rd. or County Rte. 11. Ms. Eaton stated that the property has 4 actual driveways but the main entrance is located on Cty. Rte. 11. Gretchen Stearns asked if they have a finalized evacuation plan. Ms. Eaton stated that the evacuation plan is not yet finalized because she has not been able to walk the property because of the snow. Rob Fitzsimmons stated that the evacuation plan is also a requirement of the mass gathering permit. Gretchen Stearns asked if animals or pets are allowed at the site. Ms. Eaton stated no only service dogs. Ms. Stearns asked if the security plan is finalized. Ms. Eaton stated that the security plan is finalized but due to the contents it is not for public view Ms. Eaton stated that she met on January 23, 2013 with the representatives from all of the local emergency and safety agencies and have their approvals. Ms. Stearns stated that the proposal does not have the approvals from several agencies because the state has different requirements. Ms. Eaton stated that they have applied to the NYS DOH for a part 18 permit. Ms. Stearns stated that is not an approval. Ms. Eaton stated that she might not receive all of the permits until just before the scheduled date of the festival. Ms. Eaton continued that they need to start selling tickets, contracting vendors, signing acts, etc. Ms. Stearns stated that an evacuation plan is important. Ms. Eaton stated that she will finalize the evacuation plan in the Spring. Rob Fitzsimmons then read the response letter from the Columbia County Planning Department with recommendations. Gretchen Stearns stated that a recommendation of the size of the camping sites would require a variance. Ms. Eaton stated that she will do whatever is needed to make it work. Paul McCreary informed the Board that due to the duration of this event it is not actually a considered a camp ground which is what the recommendation is referring to. Mr. McCreary continued that it is like the Columbia County fair group that camp on the property for the duration of the fair. They are required to obtain the permits to do this. Brian Goodrich asked if this is a non-shower weekend. Ms. Eaton stated that the staff have cabins and rooms at local facilities to shower. Brian Goodrich asked if the TOC Planning Board will be receiving the needed approvals as the promoters receive them. Rob Fitzsimmons stated that this is a coordinated event with other agencies and the TOC Planning Board will step in to make sure all the approvals are granted. Ms. Eaton agreed to forward everything to the TOC Planning Board as soon as they are satisfied. Acting Chairman Virginia Ambrose opened the public hearing at 8:26 p.m. Acting Chairman Ambrose read a letter from Robyn Goodman a neighbor asking the TOC Planning Board reject the application. Acting Chairman Ambrose read a letter from a group of neighbors, Mr. Baker, Mr. Thompson, and Ms. Guertin with several questions and concerns and requesting that the public hearing be continued to allow for further information is gathered, and for clarification on approval. Rob Fitzsimmons stated that the application is going through a Site Plan for a Special Exception Use for this event.

Vern Schnackenburg a neighbor of the property informed the Board that there is indeed a stream at the site of the culvert and there is running water in the Spring and Fall and it does not have a culvert. Mr. Schnackenburg informed the Board that he spoke with a public official from the Town of Ghent about the festival. Mr. Schnackenburg stated that the government official stated that the first year of the event was rather quiet but the events became increasingly more trouble. The official informed Mr. Schnackenburg that the last event had several problems with drugs and overdoses. Mr. Schnackenburg asked the Board members if this is what we want the youth of the area exposed to and Claverack known for. Mr. Schnackenburg stated that if it is approved he would not want it every year and would not want the TOC married to it forever, very much against.

Janet Boyles stated that she lives directly across the street and she heard the music from the former site so how will this be different. Ms. Eaton stated that noise will be heard but at a minimal level.

Adam Peck informed the Board and applicant that his property is directly behind the main stage and he is concerned with trespassing. Mr. Peck asked for a fence and any other possible mitigation to keep festival goers

from walking on to his property. Mr. Peck also asked the direction of the music. Ms. Eaton stated that the speakers will be directed downward toward the stream and away from the Peck property.

Mr. Peck stated that not far from the site is a small subdivision where he lives and he is concerned with traffic also. Mr. Peck stated that he wants to be reassured that problems will be handled because he sees issues of liability. Ms. Eaton informed Mr. Peck that she will meet to work with all of the neighbors because they want to be a good neighbor.

Steve Harder of Norwood Rd. stated that he is not opposed to the project but would want the TOC to see what happens this year then decide if it is allowed to continue. Mr. Harder also stated that he is worried about the security because he can see the field from his property and there is nothing to stop people from wandering onto the neighbors land.

Deborah Tuttle was representing Novapac. Ms. Tuttle stated that the company is concerned with the amount of traffic. Ms. Tuttle continued that the business ships and receives deliveries 24-7. Ms. Tuttle stated that she has also received concerns from the employees regarding traffic and the proximity of the entrance to the business. Ms. Eaton stated that they have a very good traffic control plan and will get cars off of the road very fast but there might be a little volume trouble during peak times but they will get cars off as fast as possible.

Laura Risch stated that she has previously attended this festival and it is a drug fest with loud rock music that she feels is not appropriate for the Town of Claverack.

Tom Williams of the TOC Economic Development Committee stated that this event is an economic help for the Town but he does feel that it is important to respect the neighbors and he is concerned with the drugs. Mr. Williams stated that he has spoken about having destination events like this to add to the local economy. Mr. Williams addressed the letter from Mr. Baker stating that he would love to get a two page letter from anyone with ideas to encourage economic growth. Mr. Williams suggested that the event be held on a trial basis then evaluated for the future.

Susan Humphries informed the Board that she has attended the previous Big Up events and it is not a bunch of zombie kids but it is full of arts and culture. Ms. Humphries continued that it is not an ignorant gathering and drugs are a bigger issue than this event.

James Cantele informed the Board that he will be supplying tents for the event this year and has at the previous events. Mr. Cantele stated that companies like his benefit from events like this.

Stephen Keyser of Preusser Rd. asked a question that was asked in the Baker letter. Mr. Keyser asked if a fight or some other security issue were to happen and the need were to arise for additional sheriff's officers or State Police who will pay for that expense.

Robin Andrews informed Mr. Keyser that the Town of Claverack would set up an escrow account for services and the Town of Ghent had required a performance bond for added costs.

Ms. Eaton stated that the event has a private security company on the site that will handle all issues.

Mr. Keyser asked if they are peace officers or police officers.

Gretchen Stearns suggested an escrow account.

Rob Fitzsimmons stated that Sheriff Harrison will deal with the event and will look at the security plan but if a tornado were to happen then the Sheriff's office would respond anyway.

Mr. Keyser stated that a tornado is an act of nature and this event is a created event so they would not be needed if there were no event.

Ms. Eaton stated that extra police was not an issue at previous events.

Beth Keyser of Preusser stated that is untrue because she had listened to her scanner go crazy during previous events with calls for rescue squads and police.

Rob Fitzsimmons stated that issue is outside the realm of the TOC Planning Board but it is a valid issue that the TOC Planning Board could approve something that would not be there and therefore would not require

additional police or ems but it needs to be deferred to the other agencies to decide whether or not the plans need to be buttoned down.

Mike Fredericks informed the Board that he lives directly across the street from the former site of the festival and he had reservations. Mr. Fredericks stated that he has attended two of the previous events held in Ghent and they were very nice and he took his daughter. Mr. Fredericks stated that he did not observe anyone stoned or drunk, no hippies, and he did not smell pot.

Howard Brandston asked if the security members police or peace officers in New York State.

Ms. Eaton stated that they are certified security people but not peace or police officers.

Judy Zink asked who will be doing the traffic control at the Cty. Rte. 11 and Rte. 23 intersection coming off of the TSP.

Ms. Eaton stated that either the CC Sheriff's office, NYS Police or anyone that is certified to direct traffic possibly fire police or someone like that. Stan Koloski Code Enforcement Officer for the Town of Claverack referred to Rob Fitzsimmons that if the application were to be approved for a Special Exception Permit that is granted to the property and the property owner could ultimately have another company organize a similar festival. Rob Fitzsimmons stated that a condition for the Big Up promoters and the TOC Planning Board hold an after-event meeting to discuss the event to determine the fate of future events. Ms. Eaton stated that she would be agreeable to this meeting and that she planned to meet with the County agencies involved after the event.

Peter Bevaqua asked what is to prevent the landowner if he is granted the permit from having another company other than the Big Up and they are not the same. Rob Fitzsimmons answered that the TOC Planning Board is agreeing to the stipulations that are being presented by the promoters of the Big Up and they are acting on behalf of Sam Wright the owner of the property. Rob Fitzsimmons continued that this is a short term event to take place during a limited time and is not being approved to happen every weekend. Gretchen Stearns stated that the new Zoning Laws §16-14 -6 allows for renewal procedure whereby the TOC CEO will make sure that all items are met and if everything is not or if complaints are received the TOC Planning Board can determine that renewal is not advised. Ms. Stearns continued that a meeting after the event is a good idea.

Ellen Henderson stated that the plan seems to have a lot of thought and planning. Mrs. Henderson continued that area has not had too many different events such as this and it seems like a good idea.

Rob Schroepel introduced himself as a local contractor that is working with the Big Up promoters and attested to the economic benefit to the area.

William Michael asked to address question number 4 of the Baker letter asking if it is new for the music to end at midnight because that was not the case with past Big Up events. Ms. Eaton stated that the Main Stage music will end at midnight or close to midnight at which time the music will then begin inside the late night music tent.

Mr. Michael then stated that the TOC does not have a noise ordinance so what happens then.

Ms. Eaton stated that is a good question and as she stated earlier she will make sure that the neighbors have access to the hotline number to voice concerns or complaints about noise, traffic, or anything. Ms. Eaton stated that she wants to be a good neighbor and will do whatever to make that possible.

Matt Perry of the Chatham Brewery introduced himself as a previous supplier of beer to the festival. Mr. Perry stated that the weekend of the festival is the best weekend of his year and it is an economic benefit and important to the small businesses that are involved with the festival.

Vern Schnackenburg stated that the cliental of the event comes with some risks and possible problems and is the TOC selling their soul for a small amount of economic benefit. Mr. Schnackenburg continued that the cost of added emergency agencies, courts, police, etc. be paid by the taxpayers or the promoters.

Unidentified female stated that parents also have responsibility to make sure that their children know the risks of drugs; it is a bigger issue than the festival.

Mr. Schnackenburg asked if there is an age limit.

Ms. Eaton stated that anyone 16 years old and younger must be accompanied by an adult. Ms. Eaton stated that they have a plan in place for an onsite hospital that will be staffed with medical professionals 24 hours a day throughout the event to deal with injuries to minimize any extra costs to the taxpayers.

Mr. Schnackenburg stated to Ms. Eaton that they then are recognizing that there have been problems at previous events.

Brian Goodrich asked if they have considered using drug sniffing dogs. Ms. Eaton stated that the CC Sheriff's office has requested to be more involved with the searches but the promoters also have to ensure the privacy of the festival goers also. Virginia Ambrose closed the public hearing at 9:10 p.m. Gretchen Stearns requested that the public hearing be continued to deal with concerns voiced at the public hearing. Rob Fitzsimmons stated that unless the TOC Planning Board has some definitive requests then they have heard the applicants plan. Rob Fitzsimmons continued that the applicant has applied for the required permits and has informed the TOC Planning Board that some of the permits might not be granted until just prior to the event. Brian Goodrich stated that he would request a definitive listing of all of the different organizations and the permits needed lined up. Rob Fitzsimmons informed the Board that the applicant is before them seeking only a Site Plan Review for a Special Exception Permit as part of the requirements of the CC DOH and the NYS DOH. Rob Fitzsimmons continued that they are lead agencies for this and have jurisdiction to make sure that the promoter has met the requirements set forth by their regulations. Ms. Eaton stated that the CC DOH is the actual lead agency. Ms. Eaton stated that they need the approval of the TOC Planning Board to begin to sell tickets to the event. Ms. Eaton continued that they began the process in November and is now in the beginning of March for an event that will take place in August. Ms. Eaton stated that they need to start ticket sales as soon as possible. Brian Goodrich asked if the NYS DEC is named as an agency to be noticed. Mr. Freeman stated no the NYS DEC approval is not necessary.

Stan Koloski addressed the Board stating that if the TOC Planning Board grants a conditional approval of the Site Plan he is requesting a listing of requirements and conditions to be able to act if necessary. Mr. Koloski continued that if the Board does not make the conditions of the festival approval clear it will be difficult for him to act on issues that arise. Mr. Koloski stated that it is not a simple matter of approving something his office needs to be clear with what is being approved to be able to deal with problems.

Paul Freeman stated that a conditional approval will allow the promoter to get things rolling to be able to start selling tickets. Mr. Freeman continued that the applicant has submitted a file of the proposal and they need a conceptual approval to be able to satisfy the conditions of the CC DOH and NYS DOH. Mr. Freeman stated that they agree to return to update the TOC Planning Board of any new items that are pertinent to the Site Plan. Mr. Freeman stated that the TOC Planning could withdraw the approval if and when they feel that the promoter is not meeting the conditions of the approval. Paul McCreary addressed the concerns of TOC CEO Stan Koloski asking that what would happen if Stan goes to the site and finds too many campers or some other issue. Mr. Freeman stated that he could then go to the County Judge to obtain an order to shut the festival down. Gretchen Stearns asked who is responsible for tracking the contractors for electrical, structures, EMS plan, evacuation plan, etc. Ms. Eaton stated that the EMS plan is part of the confidential emergency plan, letter from CC Office of Emergency Management, Fire Coordinator, and EMS was previously submitted. Acting Chairman Virginia Ambrose asked for clarification of the application asking if it is a temporary approval or permanent. Rob Fitzsimmons stated that Sam Wright is the property owner that is allowing the promoters for the Big Up to apply for a Special Exception Use for this festival. Acting Chairman Virginia Ambrose then asked what would happen if the TOC has problems with this event then what is there to stop from happening in the future. Rob Fitzsimmons stated that the applicant has agreed to a condition of the approval to hold a post event meeting to make sure that all of the items were met. Rob Fitzsimmons continued that this approval will not allow Mr. Wright to hold festivals every weekend it is not a reoccurring permit. Gretchen Stearns asked if

with the approval of a Recreation facility, Commercial Outdoors Use is granted is there some policy in place that if another promoter approaches Mr. Wright for another festival can the TOC Planning Board make sure that every other event is required to receive a review.

Rob Fitzsimmons stated that any additional events would require a Site Plan Review. Paul McCreary informed Ms. Eaton that the neighbors are concerned with festival goers trespassing onto their property. Ms. Eaton stated that she will put up a fence. Paul McCreary informed Ms. Eaton that she will need to revise her Site Plan to show a fence and the details of the fencing material for the TOC CEO. Rob Fitzsimmons stated that no matter what type or size of a fence people will try to go around it. Rob Fitzsimmons continued that a fence combined with signage to delineate the festival property with private property and for the applicant to work with the neighbors would be adequate. Mr. Peck asked if the fencing is his responsibility or the promoters. Ms. Eaton stated that she will be happy to meet with Mr. Peck and other neighbors to plan for fencing and signage to mitigate trespassing.

Paul McCreary reviewed the Long Form EAF for the Board. Gretchen Stearns stated that #11 of the EAF should be amended to add “also EMS along with Columbia County Sheriff’s Office, Medical, and Security, and #12 changed from no to yes.

Motion for a negative declaration with regard to the SEQRA was made by Gretchen Stearns with a second from Judy Zink. All members were in favor. Motion carried.

Motion for conditional preliminary approval of the Site Plan and Special Exception Use Permit for a Recreation facility, Commercial Outdoors Use subject to meeting the conditions set forth by the Town of Claverack Planning Board as follows:

1. Obtain CCDOH gathering permit and all other requirements set by the CCDOH.
(n.b. this includes a statement from the NYSDOH regarding the size of car camping spaces)
2. Obtain NYSDOH part 18 code permit.
3. Give us final EMS and Evacuation plans, and letters of approval from CCEMS and CCEM agencies.
4. Give us a list of contractors for: drinking water, wastewater disposal, garbage removal, portable toilets and handwashing stations, ice and refrigeration, electric power and lighting, food service, private security and emergency medical personnel.
5. Noise control measures as per Atomic Professional Audio plan with sound check of periphery by TOC CEO to confirm level is not over 60 decibels.
6. Escrow account and bond for Town for restoration of site and roads as needed.
7. Crowd control plan and letters of approval from Columbia County Sheriff and State Police.
8. Fire safety plan with letters of approval from Columbia County Fire Commissioner and Columbia County Emergency Management Agency.
9. Approved traffic management plan from Police and Sheriff.
10. Proof of insurance for general liability, property damage, workmen's Comp.
11. Security plan with letters of approval by Sheriff and State Police.
12. Post festival meeting before renewal of permit is considered to determine if all conditions were met, and if complaints were lodged.
13. Adequate fencing and signage agreed upon with the affected neighbors to prevent trespassing on neighboring properties.
14. Communication plan with designated command post and hotline number for the use of near neighbors, TOC CEO, security, police and other staff.
15. Finalize site plan for TOC CEO once above issues are addressed.

Motion as made by Gretchen Stearns with a second from Judy Zink. All members were in favor. Motion carried.

Informal:

Matt Bowe and Ellen Henderson were present. Matt Bowe appeared to present on behalf of Ellen Henderson the sketch plan for a possible 4-lot subdivision of her property located on NYS Rte. 66 across from Ginsberg Lane. Mr. Bowe stated that after reading the new Zoning Laws he realized that the property is within the 5-acre subdivision zone and he only has approximately 17 acres. Mr. Bowe asked the Board if it would be wise to apply for a variance for the substandard lot size. Rob Fitzsimmons stated that unfortunately as the first applicant to seek a variance under the newly approved Zoning Law approval of the variance would be unlikely. Gretchen Stearns also informed Mr. Bowe that only 3 different residential structures are allowed on 18 acres and Mrs. Henderson already resides in a home on one of the proposed parcels so that would only allow for two more homes. Board members also discussed the length of the driveway. Rob Fitzsimmons instructed Mr. Bowe to meet with the TOC Building Department.

Motion to adjourn the February 27, 2013 meeting was made by Gretchen Stearns with a second from Judy Zink. All members were in favor. Motion carried. Meeting adjourned at 11:05 p.m.

Respectfully submitted,
Jodi Keyser, Secretary