

**TOWN OF CLAVERACK
PLANNING BOARD
SPECIAL MEETING: May 17, 2013
6:00 p.m.**

APPROVED 6/3/13

Chairman Stephen Hook called the May 17, 2013 Special Meeting to discuss the Special Exception Use Site Plan for the Sam Wright/Shireworks/Big Up Music festival to order at 6:00 p.m.

Members in attendance were: Chairman Hook, Judy Zink, Virginia Ambrose, Scott Cole, Nathan Chess, Gretchen Stearns, engineer Ray Jurkowsky, special counsel Jeffrey Baker and secretary Jodi Keyser

Absent with regret: Brian Goodrich

Wright, Samuel & Levy, Zach dba/Shireworks Productions Inc. Special Exception Use Site Plan Review: 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.

Jeff Baker introduced himself to the members of the Planning Board, applicant's representatives, and to the audience. Mr. Baker informed the Board that he was appointed by the TOC Town Board due to Rob Fitzsimmons recusing himself due to a possible conflict of interest. Mr. Baker informed the Board that he has extensively studied the application and associated information that was provided. Mr. Baker continued that the applicant applied for a Special Exception Use Permit and was granted a conditional approval at the March 2013 meeting of the Town of Claverack Planning Board. Mr. Baker stated that there was some confusion as to whether the approval was actually a conditional approval or an approval with conditions. Mr. Baker continued that there was also confusion whether further actions after a conditional approval are allowed. Mr. Baker stated that this is not the case; conditional approvals usually mean that the application is approved with conditions that must be met prior to the festival. Mr. Baker continued that after the conditional approval the applicant was given new responsibilities i.e. Site Plan, Classified Stream, wetland delineation and impacts. Mr. Baker advised the Board that these items do not require or mandate that the Board rescind the approval or the Negative Declaration on SEQRA. Mr. Baker explained to the Board that they cannot rescind the Neg. Dec. SEQRA only to take into consideration if the impact is significant. Mr. Baker also informed the Board that they have to decide whether the changes to the Site Plan are significant enough to warrant a new public hearing.

Mr. Baker then explained to the Board that the applicant has amended the Site Plan adding an additional 10 acres to the northwest portion of the parcel and designated it as Northwood's parking. Mr. Baker continued that the increase in acreage changes the Site Plan and Special Exception Use permit and may require the Planning Board to revisit the SEQRA and that will determine if the Negative Declaration is o.k. or if the impacts will trigger the applicant to provide an Impact Statement. Mr. Baker continued that he has spoken with CCDOH official Tara Becker who along with the TOC Oversight committee and the TOC officials to coordinate the review.

Mr. Baker informed the Board that Ms. Becker stated that approvals are coming in daily and submitted the camping space waiver from NYS DOH which granted approval to allow for the smaller camping spaces with strong conditions attached. Mr. Baker informed the Board that it is not up to them to second guess the EMS and security experts to determine what is required for the event. Mr. Baker then suggested that the applicant update the Planning Board members so that they can set a public hearing and timeline for new material so that the public can get new information with enough time to review.

Paul Freeman, representative for the applicant addressed the Board. Mr. Freeman stated that the significant change to the Site Plan with the addition of the 10 acres for the Northwood's parking is no longer needed because they received the waiver for the camping space sizes today and therefore they are rescinding the 5/6/13 Site Plan and going back to the original Site Plan. Mr. Freeman stated that they do not need the extra 10 acres for parking and overflow camping. Mr. Freeman informed the Board that the NYS DEC, ACOE, TOC Planning set up and marked the setbacks as per the 4/18 site visit. Mr. Freeman informed the Board that the NYS DEC and ACOE returned to the site and gave an o.k. to the setbacks and these are reflected on the Site Plan. Mr. Freeman continued that the noise mitigation plan was to use hay bales as sound buffers as noted on the Site Plan, DEC crossing bridge noted on map. ACOE and NYS DEC were consulted on the need for a walking bridge to transverse the stream bed. Mr. Freeman stated that the ACOE and NYS DEC suggested to use a 10 foot wide foot bridge to mitigate in the case of water should occur due to rain prior to and during the event. Mr. Freeman informed the Board that there are other simple updates to the original plan.

Mr. Freeman referenced the Town of Claverack Zoning Codes Section 16 which talks about Site Plans and Special Exceptions. Mr. Freeman stated that Mr. Baker used two different statements when referring to the March 2013 approval as a Conditional Approval and as an Approval with Conditions. Mr. Freeman stated that the TOC Zoning Code refers to three types of approvals. Mr. Freeman continued that there is an Approval, Section 16.14.3 refers to an Approval with modifications and number three is Disapproval. Mr. Freeman stated to the Board members that he feels that everyone agrees that they did not disapprove the plan at the March 2013 meeting but that they did an Approval with modifications. Mr. Freeman continued that TOC Zoning Code Section 16.14.3 stated that the applicant shall submit a modified Final Site Plan and it makes no reference to holding another public hearing. Mr. Freeman stated that he cannot understand why the TOC Board is considering another public hearing.

Mr. Freeman stated that his client has kept the Board updated with the CC DOH and all of the other agencies. Mr. Freeman stated that the applicant has rescinded the major change of the additional 10 acres for the parking area.

Jeff Baker asked the applicant about the new Site Plan that shows a change of the 1 day parking along the access road which appears smaller. Jackie Eaton responded that was correct because after reviewing the plan they realized that the ingress is only needed during the Thursday arrival so that area can be added to the single day which is only on Saturday for parking.

Jeff Baker asked if the plan has ingress and egress during the entire event. Jackie Eaton stated that after the first big rush arrives and the incoming cars slow down they break down the ingress lanes which allows for extra parking.

Jeff Baker then about the change to the VIP Grill and Parking appears to be expanded. Jackie Eaton stated that is correct because review of the plan allowed them to be able to provide 10 foot spaces for VIP parking to allow for more space when a grill is involved.

Jeff Baker then asked about the change to the roadway. Jackie Eaton stated that they had missed placing the roadway on the previous Site Plan then they realized they needed an access for emergency vehicles so it is shown with more detail on the current Site Plan.

Jeff Baker then asked the purpose of the 4-foot hay bales. Ms. Eaton explained that the hay bales are part of the sound containment plan and are used as an industry standard. Ms. Eaton continued that the hay bales are 4-foot and are stacked 4' X 6' and 12-feet high to absorb sound. Jeff Baker asked how they are stacked. Ms. Eaton stated they are stacked like a brick wall and that she has spoken with NYS Building Inspector Joe McGrath who gave his approval of the hay bales.

Jeff Baker then asked about the access control for the northeast portion of the parcel. Ms. Eaton stated that they will have security personnel on the rail bed, snow fencing, and signage that states no access. Ms. Eaton continued that she will have eyes and ears all over the site for security and safety.

Gretchen Stearns stated that the original map increased the car camping spaces by 70 cars. Ms. Eaton stated yes because they added to the VIP/Grill area for space to be able to put them into the same area. Gretchen Stearns stated that this is a sizable increase. Ms. Eaton stated that the Site Plan is showing the site a full capacity and the site is not expected to reach full capacity. Ms. Eaton stated that the site allows for 4600 people. Gretchen Stearns then asked why the two footbridges were decreased to only one. Ms. Eaton stated that there are 540 spaces in the woods camping and the east side also has camping. Gretchen Stearns then addressed TOC special counsel that the TOC Zoning Code states that there is no construction within 100 feet of a stream therefore should tents be considered structures and does NYS DEC have any say in this. Jeff Baker stated that NYS DEC does not have a say but the TOC Zoning Code Section 7.1.3 #2 addresses this issue. Ms. Eaton stated that the NYS DEC and ACOE did not have a problem with the camping sites and their proximity to the stream. Jeff Baker informed the Board that personal tents do not count as structures. Ms. Eaton stated that the tent stage is approximately 20' x 20'. Jeff Baker then asked about the addition of a helicopter pad. Jackie Eaton stated yes they are required to have a helicopter landing area and have received an o.k. from Frank Wright to use his property for this site. Ms. Eaton continued that the site will be tracked with GPS in case of an emergency needing medivac. Nathan Chess asked if Ms. Eaton has met with Philmont Fire Department and CC EMS. Ms. Eaton stated that the meeting with CC EMS and CC Fire scheduled for June 4th has been moved up to May 29th.

Gretchen Stearns asked the distance that the hay bales are placed from the tent and stage. Ms. Eaton stated that there is nothing in the NYS Building Code that addresses this. TOC CEO Stan Koloski then read from the NYS Building Code, "Combustible materials shall not be housed within a tent where occupants are gathering and that all combustible material is at least 20' from the tents. Ms. Eaton stated that the hay bale buffers will be 26' from the tent and 20' from the tent stakes. Scott Cole asked how the sound will be contained. Ms. Eaton stated that the tent has 8' walls with 24' peaks to help with the sound they will drop the sides of the tent.

Nathan Chess asked if they are allowing 4600 tickets how many volunteers and staff are included in this number. Ms. Eaton stated that approximately 200 volunteers and staff members are in addition to the 4600 tickets. Nathan Chess then stated that would make the total number of occupants close to the 5,000 mark. Ms. Eaton stated that they expect to be well under that amount even with staff. Jeff Baker asked Ms. Eaton how they plan to limit the number of participants to remain under the 5,000 allowed as per the permitting for the site. Ms. Eaton stated that she anticipates 200 staff members with an additional 50 volunteers at any time.

Gretchen Stearns asked if the roadways being used are existing or do they need to be built. Ms. Eaton stated that the roadways are existing and will be improved with gravel. Gretchen Stearns reminded the applicant that she stated that no new roadways would be built when she gave her initial presentation. Paul Freeman stated that Paul McCreary will review the roadways.

Gretchen Stearns then asked if the rail bed is wide enough for an emergency vehicle. Ms. Eaton stated that the rail bed is 20' wide. Nathan Chess stated that he disagrees with that statement and that the rail bed has a significant slope. Mr. Chess continued that he would not want to be a volunteer fire fighter responding and then falling down the bank. Mr. Chess then referred to the old map showing the NYS right-of-way that shows a width of approximately 10' x 15' wide. Mr. Chess stated that he was unable to stand vertical. Ms. Eaton stated that she is not sure if she knows where he is speaking about because the rail bed is very flat.

Gretchen Stearns then stated that this brings up an issue with the Planning Board member being excluded from a site visit. Ms. Stearns continued that it is difficult to visualize the site by looking at the paper maps. Paul Freeman then stated that the NYS right-of-way is not a problem just firming up with NYSOPRHP for the use of the rail bed as an emergency access road only.

Gretchen Stearns then referred to TOC CEO Stan Koloski not seeing the rail bed as wide enough. Nathan Chess stated that the applicant excluded the TOC Planning Board members from the 4/16 site visit but will they allow PB members to join the May 29th site visit. Paul Freeman stated that the site visit on 5/29/13 is for CC EMS and CC Fire only to finalize the plans then the applicant will arrange for the PB members to visit the site.

Gretchen Stearns stated that the Planning Board requests letters of agreement from CC EMS, CC Safety, and CC Fire officials as per one of the conditions of approval. Ms. Eaton stated that she has tried to be as transparent to keep from getting to this point. Gretchen Stearns then stated that there were some inaccuracies by her telling the Planning Board that she had letters of approval from the agencies when in actuality they were only letters stating that they had attended a meeting on January 27, 2013 but not actually agreeing to anything. Ms. Eaton stated that she has always stated that these agencies do not send approvals or letters of agreement. Ms. Eaton stated that it is not the TOC Planning Board's jurisdiction to approve the security and safety plans. Ms. Eaton continued that she has been open to the public, met with the officials and felt that they were in agreement for the plan. Ms. Eaton stated that she did not mean to misrepresent these letters to the Board. Paul Freeman then referred to the May 6, 2013 letter from NYSP Troop K Captain Patnaude and the May 17, 2013 email from NYS EMS director Joe Farrell which answer to this issue. Gretchen Stearns informed the applicant that the TOC Zoning Code gives the TOC Planning Board the right to consult with experts. Ms. Stearns continued that the Planning Board members feel responsible to the taxpayers to make sure that they have done their due diligence in reviewing the plan to protect the Town of Claverack. Ms. Stearns stated that the CC EMS, CC Fire Coordinator, Philmont Fire Chief and CC Sheriff are the experts that the Planning Board should rely on for their expertise. Ms. Eaton stated that she will set up a big final walk through with TOC CEO Stan Koloski to decide the needed building permits.

Jeff Baker then informed the Board members that they need to decide if the newly submitted information, and with the removal of the 10 acre additional Northwood's camping area, expansion of the VIP/Grill area, expansion of the car camping from 7 rows to 11 rows, decrease of 7 lines of dual parking in Woods camping to 5 lines, 2 footbridges to 1 footbridge, and the change in the circulation to allow for more day parking are significant modifications to warrant another public hearing. Nathan Chess referred to the mass gathering status. Mr. Baker informed Mr. Chess that this application is not considered a mass gathering. Gretchen Stearns stated that

the original public hearing was not held under the applicant supplying the correct information that the site was not within an Ag. District therefore only the abutters within 300 feet of the property were noticed and not the required abutters within 500 feet. Jeff Baker informed the Board that in and of itself that defects in the hearing notice does not automatically void the approval and or the SEQRA declaration. Mr. Baker continued that the time for someone to challenge the approval has passed with no challenge noted. Mr. Baker stated that the TOC Planning Board needs to determine whether the changes to the approved March 2013 Site Plan are significant and if deemed so then the applicant will be responsible to notice the abutters within 500 feet. Jeff Baker informed the Board members that they need to decide if modifications are significant enough of a change between the 5/17/13 Site Plan map and the approved 1/12/13 Site Plan map that was approved. Members reviewed the maps. Paul Freeman pointed out that the TOC Zoning Code allows for the modification to approved Site Plans to meet conditions set by the approval. Mr. Baker asked Mr. Freeman which modifications were made to the Site Plan as per the conditions. Paul Freeman stated that ACOE and NYS DEC declared the areas for camping. Jeff Baker asked Mr. Freeman which one of the conditions is addressed by the ACOE and NYS DEC. Jackie Eaton stated that the DEC camping areas were a condition for the buffer. Jeff Baker stated that the camping areas were not related to the NYS DEC buffer. Paul Freeman stated that the wetlands and Classified stream caused the Site Plan modification to fix the camping areas and once NYS DEC returned and determined the setbacks it needed to be adjusted. Mr. Freeman continued that the car camping waiver was a condition and has been met with the 5/16/13 waiver which was submitted otherwise this would have constituted a major change but it was not required. Jeff Baker indicated that the actual sites for the port-o-lets would be located on the maps. Mr. Baker continued that he does not agree that the parking changes not being a change in the plan. Mr. Baker instructed the Planning Board that they need to decide whether the Site Plan and the Special Exception make sense for parking, lighting, landscaping and how the changes would be significant enough to warrant a new public hearing. Gretchen Stearns asked about the TOC campground laws. Jeff Baker informed Ms. Stearns that this use is not considered a campground but an Outdoor Commercial Recreational Use. Virginia Ambrose asked where the trucks for the equipment will be parking. Ms. Eaton stated that she only expected to have one or two trucks for equipment because the acts arrive on buses, RV's, and vans but does not have a plan yet for the trucks but will check with Pretuim. Gretchen Stearns asked why the applicant is having such a problem with holding another public hearing. Paul Freeman stated that they are not objecting to another public hearing but they are holding to the Town of Claverack Zoning codes. Nathan Chess stated that he SEQRA that the applicant submitted was highly flawed and nothing was noted in the minutes that the action was classified and due to the lack of effective legal counsel at the time of the negative declaration. Mr. Chess continued that he wanted it pointed out in the minutes that there were a number of errors in the SEQRA, inexperienced Planning Board reviewing flawed information and making a negative declaration were unlisted. Jeff Baker cautioned Mr. Chess that the SEQRA issues are not enough for a motion to rescind the SEQRA and conditional approval of the Site Plan. Mr. Baker continued that his legal advice is that Mr. Chess' argument that the errors in the SEQRA are not reason to rescind the negative declaration and that the Board gave approval with conditions in March 2013. Mr. Baker continued that any defects in the SEQRA were not challenged and the timeline for a challenge is past. Mr. Baker continued that it is important to follow the procedures of a SEQRA beyond that adequate information has broad area to take a hard look at environmental issues that might have an impact. Mr. Baker informed the Board that

the Special Exception Use criteria gives the Planning Board a broad area to look at the impacts at a higher level than the SEQRA so giving a negative declaration does not keep the Planning Board from looking into the environmental issues that might be unique to this site and specific use. Mr. Baker stated that if the Board had given a positive declaration on the SEQRA it would have killed the project. Mr. Baker continued that the time for challenging the SEQRA has past and it is now up to the Board to determine whether the modifications of the plan are significant enough to require another public hearing. Gretchen Stearns stated that this is a three day event as correctly stated when going through the SEQRA and that is o.k. not a big deal, but the omission of the Classified stream bothers her. Mr. Baker reminded the Board that this approval is only for this one event during August 8th through August 11th 2013 and as a condition Mr. Wright and Shireworks will be required to attend a post-event meeting to debrief with the Planning Board and TOC officials. Mr. Baker continued that this approval does not grant Mr. Wright to hold another event with XYZ promoter again. This approval is a one-time only permit for 8/8/13 – 8/11/13 and rain dates and the applicants will need to present a new application in the future. Nathan Chess then made a motion to go into executive session. Mr. Baker instructed Mr. Chess that he can only give legal advice and the Planning Board can only ask legal questions which is technically not an executive session only adjourning to seek legal advice. Mr. Baker stated that he will not allow Ray Jurkowsky because he does not represent him with the Town of Claverack. Paul Freeman objected to the adjournment of the Board. Jeff Baker informed Mr. Freeman that the Planning Board is within its legal rights to confer with legal counsel privately. Mr. Freeman stated for the record that he wanted it clarified that the Planning Board members were not going into executive session but only seeking legal advice from counsel. Mr. Freeman continued that he feels that the Planning Board members have sufficient information to make a determination. Mr. Baker noted Mr. Freeman's comments but stated that he does not know what Mr. Chess is questioning. Board adjourned to consult legal counsel at 7:25 p.m. Planning Board members re-entered from adjournment at 7:37 p.m. Jeff Baker stated for the minutes that the discussion was only about legal questions and a potential legal issue. Jackie Eaton addressed the Planning Board members stating that she objects to another public hearing because she has relied on the March approval to start the ball rolling, selling tickets, writing contracts, and spent a large amount of time she has spent. Ms. Eaton continued that she feels that the Planning Board is back pedaling and this is causing bad publicity in the newspapers which is detrimental to her business and the music festival industry. Ms. Eaton stated that she is getting calls from people wanting to know what is happening and whether the festival is canceled or not. Ms. Eaton continued that she has been very forthcoming and open to questions from the Board throughout the process. Ms. Eaton stated that she understands the concerns but one more minute will be harmful. Nathan Chess stated that he understand the concerns because he is a business owner himself but if the applicants had come to the Planning Board in November 2012 instead of going to Red Hook or the Columbia County Planning Board it would have been better. Ms. Eaton stated that she met with TOC CEO Stan Koloski in November to discuss the plan and what they would need to do. Gretchen Stearns stated that she and other Planning Board members have been losing sleep at night because of this event. Ms. Stearns continued that she feels that the Planning Board did not have sufficient time to review the plan and they represent the residents of Claverack and owe it to them to review these plans with the utmost diligence to protect the town. Jeff Baker informed the Board that it is not up to them to determine whether the public has had sufficient time to comment on the project but only to make a determination whether the modifications to the previously approved Site Plan Board cannot deny or turn down the Site Plan or Special

Exception at this time but can add or expand the conditions with regard to the new information. Gretchen Stearns stated that she feels that the issue of the NYS DEC Classified Stream, parking and camping changes to the original Site Plan are real issues and major modifications. Virginia Ambrose agreed that the NYS DEC Classified Stream is a major issue and felt that a sense of dismissiveness from the applicant on this issue. Ms. Ambrose continued that she has conferred with a well-known area biologist who has concerns about how the stream will be protected throughout the festival because any disturbance can be detrimental. Scott Cole asked how the applicants plan to protect the stream. Ms. Eaton explained that the festival goers are made up of a group of environmentally friendly young people. Ms. Eaton continued that the stream will have some snow fencing, roping and signage. Virginia Ambrose stated that she does not doubt that the festival goers are environmentally friendly and the applicants will provide security and fencing but there will still be times when the festival goers will forget the signage and jump into the stream especially if it is a hot summer weekend.

Motion that amendments made to the original previously approved Site Plan are significant enough to require another public hearing was made by Gretchen Stearns with a second from Nathan Chess. Chairman Stephen Hook polled the members of the Planning Board individually as follows: Gretchen Stearns – yes, Nathan Chess – yes, Scott Cole – no, Virginia Ambrose – no, Judy Zink – yes, Chairman Hook – no. Jeff Baker informed the Board members that the tie vote constitutes a failed motion and that the Planning Board has decided that they are not treating the modifications as significant and will not require another public hearing. Paul Freeman informed the Board that the applicants will still listen and work in a cooperative manner with the Planning Board. Scott Cole stated that the applicant should fence the entire Classified Stream with snow fencing on both sides along with adequate signage to protect the stream. Mr. Cole continued that the additional snow fencing and signage should be added regardless of the bushes to close off all access to the stream in an effort to protect and preserve the stream. Virginia Ambrose agreed that the applicant should be required to do their due diligence to protect the stream at all costs. Ms. Eaton stated that she will add fencing to the entire stream on both sides and will add this to the Site Plan maps. Jeff Baker clarified for the Board and applicant that the applicant is agreeing to snow fencing on both sides of the entire section of the Agawamuck Creek along the area of the festival. Jeff Baker continued by informing the applicant that the Town of Claverack had received a letter from the Columbia County Sheriff informing them that the weekend security for the festival will cost approximately \$14,000.00 for deputies and that this amount will be required by the TOC for escrow. Mr. Baker continued that the CC Sheriff's office is also requesting that the TOC be named as an additional insured because of the CC Sheriff's office working for the town. Mr. Baker also suggested that the noise level be monitored by using fixed monitors at locations along the property line to be able to monitor from different sites. Paul Freeman will research and provide information at the next meeting. Jeff Baker also informed the applicant that the TOC is requesting the escrow account to be replenished because the original \$5,000.00 is diminished with the extensive review. Paul Freeman informed the Board that they will not plan to attend the June meeting but will keep the Board informed. Chairman Hook reminded the applicant that it is their responsibility to provide new information to the Board in a timely manner. Virginia Ambrose agreed that she has felt rushed through this process and the lack of adequate information is making her feel very uncomfortable about the decision. Ms. Ambrose also stated that she feels that the applicant is not forthcoming by not allowing the Planning Board members to visit the site during this process. Ms. Eaton explained that the Planning Board's questioning has made her also feel uncomfortable and protective. Ms. Eaton stated that she has a

planned meeting with the CC EMS, CC Fire Coordinator, Philmont Fire Dept., CC DOH Tara Becker to do a walk through to finalize the evacuation and safety plan on May 29th. Ms. Eaton stated that she does not want to muddy the waters by allowing Planning Board members on this visit but would be open to setting up another site visit for Planning Board members to walk the site. Virginia Ambrose stated that the applicant has made her feel uncomfortable with the dismissiveness of the issues and would rather have had more time to review the project. Paul Freeman stated that when someone trespasses on the property during a site visit it also makes the applicant feel uncomfortable and causes concerns. Ms. Eaton stated that she has felt the same uncomfortable feeling and awkwardness at the meetings because of the Planning Board's questioning.

Stan Koloski TOC CEO approached the Board with some issues that he found during the April 18th DEC site visit. Mr. Koloski handed out packets containing photos that he took during the site visit. Mr. Koloski reviewed the photos of the access via the Frank Wright property along the Agawamuck Creek. Mr. Koloski asked festival promoter Jackie Eaton if camping in the Woods Camping area is situated. Ms. Eaton explained that the Woods Camping is on both sides of the hedge row and into the field with about 30 spaces in the field and a port-o-let. Mr. Koloski stated that this is a very unsafe situation in his opinion because people will be camping literally inches from the roadway. Mr. Koloski asked that the applicant give careful consideration how close they will allow camping to the roadway. Ms. Eaton stated that the roadway is not traveled only maybe a truck or two. Stan Koloski continued that this is marked as an emergency access and it would only take one vehicle using the roadway to cause concern. Mr. Koloski continued to review other photos of the access road explaining that even the NYS DEC representatives were concerned with the proximity of the camping spaces to the roadway. Virginia Ambrose asked how the area is marked for the camping and the roadways. Ms. Eaton stated that the festival staff will take campers to different camping spots. Jeff Baker asked other than roping off the creek are the camping spaces being roped off also. Ms. Eaton stated no they will use different colored spray paint to delineate the camping spaces and the roadways which is an industry standard. Ms. Eaton stated that the Woods camping area will be marked with spray paint which will be marked at the access road. Stan Koloski stated that you will not be able to see the painted line at night. Ms. Eaton stated that the festival goers are used to this type of marking and the area will be patrolled by security staff. Stan Koloski stated that an ambulance would not be looking for campers in the roadway when responding to an emergency. Ms. Eaton stated that an ambulance would not necessarily be using that roadway because the staff would bring the person to the ambulance or to an EMS fly car that is on site. Jeff Baker stated that NYS DEC requires all access roads be clear at all times. Stan Koloski reviewed for the Board a photo of the Woods Camping area and the access to the stage is the footbridge. Nathan Chess then asked about the intra-site communications and what method of communication with EMS will be used. Ms. Eaton stated that they have very detailed plans that are well thought out. Gretchen Stearns stated that she thought that the Emergency/Safety plan was confidential and unavailable for the Planning Board. Ms. Eaton stated that the Emergency/Safety plan follows all of the regulations set forth by the NYS Mass Gathering permitting. Gretchen Stearns stated that the evacuation plan should be known by everyone. Ms. Eaton stated that is correct but it is the basic information that would be used. Stan Koloski stated that the old rail bed that is planned to be used for emergency access would not allow for a full sized vehicle unless it receives major work. Mr. Koloski stated that an ambulance would not be able to turn around. Ms. Eaton stated that they will add an area for a vehicle to do a three point turn and that there are also interior roadways.

Stan Koloski stated that the 10-foot wide footbridge is the only way out of the concert. Ms. Eaton stated that the NYS DEC said that this is fine and that the secondary stream can be used because both NYS DEC and ACOE agreed that the stream bed should be dry. Ms. Eaton stated that they will have panel gates in the snow fencing that will drop if necessary. Gretchen Stearns asked if the festival will have EMS vehicles to transport injured festival goers. Ms. Eaton stated that they will have two EMS fly cars on site. Nathan Chess then asked what plan the medical staff will be using to deal with possible designer drug overdoses. Ms. Eaton stated that they will have a physician, RNs and PAs on site at all times. Nathan Chess then asked if the medical control will be using Orange County medical plans. Chairman Hook then reminded Mr. Chess that this issue is not within the TOC Planning Board's jurisdiction. Mr. Chess stated that it was just for information purposes. Mr. Chess left the meeting at 8:20 p.m. Judy Zink asked to set up a date to do a site visit on behalf of the Planning Board. Ms. Eaton took Ms. Zink's information to set up a time. Motion to adjourn the meeting was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Motion approved. Meeting adjourned at 8:30 p.m.

Respectfully submitted,
Jodi Keyser, Secretary