

\*\*\*\*\*

**Members Present:**

Kary Jablonka  
Adrian Ooms (7:09)  
Mike Hart  
David Everett, Chairman  
Mitchell Khosrova  
Suzanne Williams  
Tal Rappleyea, Atty.  
Paul McCreary, Engineer

**Members Absent:**

Robert Leary

**Public Present:**

Christine Piwonka                      Scott Longstreet  
Brandee Nelson                          Judy Grunberg

The January 25, 2007, Zoning Board of Appeals meeting was called to order at 7:02PM by Chairman David Everett. The Pledge of Allegiance was recited. Mitchell Khosrova moved and Kary Jablonka seconded that the modified minutes be accepted. This carried. Chairman Everett announced that he and Mr. Khosrova submitted a list of training organizations to the Town Board. At their meeting, the following list of providers was accepted: NYS Dept. of State (Division of local governments), NY Planning Federation, NY Association of Towns, Columbia County Department of Planning, NY Conference of Mayors, NYS Bar Association and Lorman. Any member of either the Zoning Board of Appeals or of the Planning Board may attend training for credit at any of the conferences provided by those listed above. Any other conference by another provider will be submitted to the Town Board for approval. Kary Jablonka also provided the ZBA members with a packet of training possibilities. Atty. Rappleyea reminded Board members that hours earned this year above and beyond the requirement can be pushed from one year to the next.

**PS/21-REQUEST FOR A MODIFICATION OF SPECIAL USE PERMIT PUBLIC HEARING**

Atty. Scott Longstreet reviewed the request being made. The sound testing done on all performances last season indicated no negative impact to the environment, and all sound limitations were well below those allowable. It is extremely expensive to continue having an engineer reviewing every event. This request is to make testing not mandatory, however if there are complaints and the CEO asks it to be started again, the applicant will comply. At any time the Town can run a test at the expense of the applicant. Engineer Paul McCreary stated that testing indicated that what information was submitted in the Environmental

Impact statement was accurate---there is no significant impact from the noise coming from the tent. Judy Grunberg stated that the types of events held last summer are representative of the types of events that will continue to be scheduled in the future. Mitchell Khosrova felt that the previous testing was helpful in that the Board had decided that this was something that could be done to confirm that the sound limits would be met. However, he felt that going from all to none might not be a good idea. Atty. Longstreet stated that further mandatory testing has no useful purpose. What has been done proved to the Board that PS/21 was what it said it would be. Testing certainly would happen if there is a complaint. There was discussion on how many tests would be done. The CEO could be pressured by some and this would give him a chance to deflect outside pressures. Suzanne Williams said that there are some that will complain—we know that to be a fact—so perhaps having some data would be a good idea. Mike Hart said that we have an idea on which performances might be louder than others, and although what was predicted was true to go to no testing unless there is a complaint would give us nothing to stand on. He feels there needs to be some compromise on this. Brandee Nelson stated that the “worst case scenario” noise-wise still didn’t even come close to the allowable levels of sound. Kary Jablonka asked again if the kinds of performances planned are compatible with those already done. Yes, they are. Mr. Jablonka stated that based on the past experience, he has no problem with no testing. Mr. Khosrova said that he doesn’t agree that it should be all or none, but that he is more concerned as to what the Board decided in the Developer’s Agreement. Chairman Everett remarked that we really have no basis to select a number, since our engineer has said that everything was done properly and the results showed no problems. Plus, we are able to test whenever we wish to. Atty. Longstreet said that PS/21 doesn’t want to violate the agreement at all, as that will put them at risk of losing the permit. Chairman Everett stated that the town can agree to do random testing. The Public Hearing was closed at 7:45. Tal Rappleyea said that we do not have to send this information to the County for approval. Suzanne Williams moved and Kary Jablonka seconded that the attached resolution, with the modifications discussed, be approved. In a roll-call vote, the results were 4 Ayes, 2 Nays, no abstentions and one absent.

Mitch Khosrova moved and Suzanne Williams seconded that the meeting be adjourned. The meeting ended at 7:45 PM.

---

Dave Everett, Chairman

Respectfully submitted,  
Marilyn Cohen, clerk