

**Planning Board Meeting  
Tuesday, May 11, 2021, 7:00 PM  
Via Zoom**

**Present:** Travis Dubois, Mary Galvez, Elaine Hughes, Michael Welshko, Bettyann Miller, Planning Board Alternate, Kathleen Palmer, Deputy Town Clerk Elisa Robertson, CEO Mark Miller, Town Attorney Nadine Bell, Town Clerk Sue Reymers

**Absent:** 0

**Others:** Cathy and John Oates; Debbie Zahn; Michele Harvey; Aaron Robertson; Steve Skollar; Eve Ann Schwartz; Mr. and Mrs. Mike Cappeto Mike Dunham; William Heitz, esq.; Allie Dunham; Bob Andres

7:01 pm Chairman Mike Welshko calls the meeting to order and reminds the audience that the public hearing for this application is closed. No additional comments will be heard, however, any letters or emails that have been received will be entered into the record.

**Old Business:**

**AMD Holdings; Special Use Permit Amendment, Public Hearing, Poolville Road Tax Map # 184.-1-35,36,37.**

**Resolution 2021-33: Motion to open second review of the AMD amendment application.**

Motion: Bettyann Miller

Second: Mary Galvez

Vote: YES – 5                      NO - 0

ADOPTED

Considering that sound seems to be of the greatest concern this meeting will begin by addressing that.

Chairman Welshko states that there are two main factors that are being considered. The first is the control point, it is being moved from the barn doors to the property line. The second is the outdoor activities, particularly the ceremonies with light amplification and the issue of the barn door being open at times to access the porch.

Chairman Welshko adds that the board has brought back Mr. Robert Andres, who did the most recent sound study for the Dunham application on September 2, 2017. The board has a few questions that they would like to see if he can answer. He asks Mr. Andres to describe the sound study that he performed in 2017.

Mr. Andres explains that he was contacted to review another sound study that was done by Napierala Consulting. Mr. Andres states that the two studies were very alike in their readings.

He does say that he was very concerned about the barn doors being open because they face the valley and the sound will carry.

Chairman Welshko does have some questions that are relative to the report.

Chairman Welshko: "So, I guess what you're telling us is that you didn't... you relied on the sound readings that were conducted by the previous sound study. You didn't conduct any new studies is that true? I thought I read that you did."

Mr. Robert Andres: "I don't...I didn't see that we conducted any particular studies, except we went around and studied the carryover from the barn to the other areas of... but I didn't refute anything that was within the Napierala study, no."

Mr. Mike Welshko: All right, well, now I'm really confused because on page one of your report you talk about...you conducted a sound propagation study on September 2. You list the instrumentation used and this was specifically to measure "C" weighted values most appropriate when considering propagation of low frequency sound; and that is the specific concern of some of the members of the Board and the neighbors. As you noted your report and as we have read online about other situations, the low frequency bass sounds, even at fairly low decibels seem to be quite irritating. And you mentioned that in your report too. So, I get the impression from this report that you did conduct some sound studies, sound meters to measure the "C" weighted values.

Mr. Robert Andres: "C" weighted values, of course, as opposed to "A" weighted, that is that they give us more prominence to lower frequency sounds particularly anything above 100 hertz. We were concentrating on that, because we knew that some of the low frequency sounds would be more prominent to those who are listening to the music, if you will, in this area.

Chairman Mike Welshko: So, this is where we would like a better understanding in the study. The ambient and, I'm assuming these might have been the readings that you borrowed from the Napierala study, but the ambient daytime readings consistently are in the mid-40s. And, that is stated as dBC on page two of the report and then on page three you estimated are presumed that the nighttime ambient levels would be 38 dBA.

So, I guess I'm confused why, in the daytime levels, you use the "C" scale, but then on the nighttime levels you use the "A" scale. You know, I'm a novice, I don't understand all this but; but it seems, are we talking apples and oranges here."

Mr. Andres agrees that it does seem that way, however, he does not have the report in front of him.

Chairman Welshko reiterates that there is a problem for the board because the DEC's recommendations were mentioned and the board is familiar with the standard of 6 dBA above ambient being excessive. In Mr. Andres' report it is suggested that we apply this criterion, the goal is to assure that the sound from the event Center reaching any residential property being

no more than 40 dBC on the average. However, the math states that if the ambient is 38 then the recommendation should be 44 dBC. It is the mix of the A weighted and the C weighted scales that is what is confusing.

Deputy Clerk Robertson brings the Environmental & Safety Associates report that Mr. Andres prepared in 2017 up on the screen for everyone to review.

Chairman Welshko apologizes for seeming accusatory, they just want some clarity to do what is best for the community as a whole. They need some valid recommendations because there is a new control point, which is the property line of the nearest adjacent property line. The board does not think that they have enough know-how to come up a new limit based on the new location, that is why they are asking him for more information. The board was hoping that he could do that based on the info from 2017. Is there enough information for him to do that?

Mr. Andres says yes but that he is also concerned with the cross over with the dBA and dBC.

The applicant reminds the board is that they are only looking to have is amplified music outside for very short periods of time for a ceremony.

Mr. Mike Dunham: "What we've said in our narrative in our application is that we want to maintain all of the parameters that were set out in this study, so that any noise created outside of the barn would still be limited to these parameters at the people's houses, you know in front, the 40 the 38, we want to maintain the same levels."

He does not understand why the control point has changed. They have not asked that DJ's or any amplified music to be outside; they have only asked for music to be conducted for short periods of time for a wedding ceremony. Which will be minorly amplified. What they have in their narrative is that they want to follow the recommendations that were made from this study. So, that any noise that is created outside of the barn, would still meet those limits at the people's property lines.

Mr. Mike Dunham clearly states that they are going to require "all amplified music to remain in the barn and when anytime that the amplified music is on the doors must be closed." However, he then states, "Maybe a little DJ box or something to never exceed the same levels and parameters that were put in place by the sound study, we're not really changing the control point and all amplified music stays in the barn with the door shut."

Mr. Mike Welshko: "We were advised by legal counsel that having the control point on private property is problematic, that the control points should not be on private property. So, in other words, if the Code Enforcement Officer received a complaint, he would have to intrude on your wedding and go measure the sound at the barn door. In fact, that's not really relevant because the issue is impact to neighboring residence. So, that's why the control point has to be moved to the parcel line or a property line at the nearest residence. In addition, now we're creating

sound outside and I know you folks have made a commitment that you're going to be using very lightly amplified music, having the control point at the barn door would not address that."

It is also noted that the permit runs with the property, and if there is not a condition that gives parameters for sound, inside and out, a new owner would have to follow what is in the conditions NOT what the applicant pledges to do. The Town would have no control. The board needs some expert advice about the control points and what the levels should be at those points.

The board is looking to come up with something that is fair for everyone. There are still a few questions about the control point and the "A" weighted versus the "C" weighted sound. Chairman Welshko asks Mr. Andres if he can make a recommendation addressing these issues with the information available at this time.

The Deputy Clerk brings up the map with the distances from each residence.

The closest residences are 538' and another is 588', though there are four residences that are fairly close. There is some discussion as to where the property lines are actually located.

Mr. Andres states that the properties to the north side of the barn are more sheltered from the sound. He continues to say that the south side would have limited exposure especially if the barn doors remain closed.

Chairman Mike Welshko: "So, based on that, and based on the fact that Mr. Dunham stated at that the doors will be closed during the times when music is being played, could you give us a decibel level. That would be appropriate for the control point of those property lines?"

Mr. Dunham confirms the locations of the decibel readings from the original report by Mr. Andres.

The Deputy Clerk sends the entire report to Mr. Andres via Email.

Chairman Welshko asks Mr. Andres if he is confident with the information that he has in front of him; does he feel confident that he can make a recommendation with a decibel limit in the "C" scale that would be consistent with his recommendation that no more than 40 dBC be at the nearest residential property?

There is some discussion about the daytime ambient noise and the nighttime which would be lower. The active readings were:

Chairman Welshko: "I guess we're asking you to extrapolate just like you, you had extrapolated previously the control point at the barn door. You had extrapolated that to 82 decibel dBC when in the active readings, it was measured at 96 dBC, so we're asking for a similar comparison or estimation, that you could give us for those two properties there."

Mr. Andres consults his previous report.

Mr. Andres: "I don't see any problem. if the sound has brought, is down to about 40. An average again, average. You don't want it, you don't want it over 50dBC."

Mr. Andres had given several other recommendations for the mitigation of sound. However, the applicants do not wish to do them.

Mr. Mike Welshko draws the attention to the bullet list at the bottom of the page.

"Going to the next to the last bullet. The greatest invitation for complaints that we have found is amplified bass drum, amplified string bass guitar, and very progressive sounds like a forcefully struck snare drum. Your client contracts must specifically address this, so do you have any other recommendations. That that could be used to mitigate those heavy bass sounds."

Mr. Andres states that this can all be closed with-in the barn, there may be some leaks, but they should have been covered. The problem is bringing that noise outdoors.

Mr. Mike Welshko: "Okay, so well what I'm hearing you say is that all the best, the best opportunity for mitigation is to maintain the sound levels on the C scale at 40 decibels, on average, with a maximum and 50 decibels after control point and doors remain closed during the music, any music playing."

Mr. Mike Dunham: "Can I clarify one thing, I'm confused, because on the list that you showed during the daytime all of the ambient noise was at 48. And you said we could go no more than six above that so during the daytime that would be 54 and a nighttime I must, I guess, my question is... or is the 40 nighttime, is what you're talking about, because during the day it's it would, if there was a wedding during the day. We would have to have...we couldn't be required to be below ambient right?"

Chairman Mike Welshko asks Mr. Andres to address that.

Robert Andres: "No, I think that that's a good observation. I think that; I know that the 40 db was an average but again I'm thinking of it as a nighttime venue. I'm not thinking of this in the daytime and that's going to be a little bit different than what we had."

Mike Welshko: "It's both, it's not only a daytime venue, it's both and I guess what Mr. Dunham was asking is... Does it make sense for them to be held to a decibel standard that was established to address nighttime ambient conditions when the daytime ambient could already be at that average level or exceed at an average level."

There is discussion about the ambient sound levels in the Andres report.

The south side of the Barn has been resided and they filled in all of the vents on both sides of the barn.

After more discussion of daytime versus nighttime Mr. Andres suggests to the board that the decibel readings are usually stated as daytime and nighttime in most ordinances, so he would be most comfortable with including two recommendations.

The discussion centers around nighttime being 40 -50 maximum and daytime would be 45-55 maximum.

The board struggles with the possibility of the numbers being near impossible to maintain, being so close to the ambient. There is discussion about how the dB levels are logarithmic and how they are calculated. The information provided with the two different scales confuses matters even more.

Chairman Welshko asks the board for questions and comments.

Board member Travis Dubois has a question about the instruments ability to measure averages. His concern is about making it too difficult to measure. He asks if the instrument is set there for hours and the averages are calculated later? How long does it take to get a reasonable average?

Mr. Andres states that they put it up, look at the variations in sound and then come up with an average of the peaks and valleys.

It is determined for code enforcement purposes to set a maximum and use that for enforcement. Mr. Andres agrees that he would still stay with the maximum numbers of 55 dBC for daytime and 50 dBC for nighttime.

Mr. Mike Dunham: "Because we can never predict what kind of music, whether it be a cellist, a violin, a guitar player, or amplified or a DJ. When it comes to the barn doors, if we've set these maximum parameters, and we have the doors open so that people could come and go before the dance party starts, and there is some, let's call it, you know, elevator music in the background, as long as we don't exceed those levels at the at the control points... the doors being open are really just a means of controlling that sound to keep it under the max so we shouldn't be required. I wanted the language to maybe be specific, that the doors are used to mitigate sound they aren't required to be closed they're only closed to make sure that we are under the "speed limit", if you will. I mean if the speed limit maximum is set, it's our job, not to break it. Whatever we have to do, whether that's close the doors, or tell them to shut it down or turn down the bass. It's our obligation, as I understand it, to not exceed the max so the doors being open or closed are only relative to the level of the music inside, correct?"

Mr. Andres states that the doors being closed is meant to contain the music and open is to let the music out. Mr. Dunham counters with the statement that the doors are irrelevant if they are staying under the limit at the control point. Mr. Andres agrees.

CEO Mark Miller chimes in that he feels like a maximum number is best and most enforceable.

Chairman Welshko thanks Mr. Andres for his help and information. He is invited to stay for the rest of the meeting. Mr. Andres chooses to log off. Mr. Welshko invites discussion from the board.

Board member Mary Galvez: "I think it's very confusing, to have the doors open or closed based on this, on the level of noise. I think that is where people would start to take advantage, and it

would slowly just encroach, so I think it's either an emergency exit or it's not and I think they just need to either be closed or not.”

This discussion will be continued when the board addresses the potential conditions.

The Board turns their attention to the site plan. The deputy Clerk puts the new site plan that is dated 4/29/2021 on the screen. This is a revised site plan based on the discussion and comments from the last meeting. The following changes have been made:

- The outdoor event area that was located in the 48-space parking lot has been eliminated due to safety concerns.
- The area in front of the barn just to the left of the smoking area has been relabeled as a photo area due to safety concerns.
- Conifer trees added to the east side of the barn in front of the ceremony lawn to help with both visual and audible impacts.

Chairman Welshko asks if there are any questions or discussion regarding the new site plan. There are none.

However, Town Attorney Nadine Bell, Esq. reminds Chairman Welshko that the CEO has requested that the applicant provide a final revision of the site plan showing the entirety of the event area so there is no confusion in the future. The site plan that is presented to night is not a picture of the entire property that will be used for events. It is missing some trees that were included in the original conditions from 2017. The board would like a hard copy of the site plan showing the entire area in a large format print, this is addressed in the conditions. The Dunham's agree to this.

Discussion moves to the proposed conditions. (Please see the attached sheet.) There is no discussion until #6 - Trees to be planted in front of the Ceremony Lawn. The site plan depicts the number of trees, but the height may be important for the board to specify. In the notes on the site plan, it states that the trees are to be 6-8 feet tall. They continue to review the proposed conditions until #11.

This condition will need to be significantly revised as that it deals with sound. The Town Attorney recommends different language to adequately capture what was discussed earlier.

Attorney Nadine Bell: “Because of the very clear professional recommendation that was offered tonight by Mr. Andres. I would not reference... I do not recommend that you both reference the sounds study and the recommendations set forth in the minutes of 2017. I think that will lead to confusion. I think what you're better off to do is, again don't write this yet, but perhaps put in language that says; the applicant must comply with the sound levels recommended by Robert Andres of Environmental Safety Associates consisting of 50 dBC or at a noise level, not to exceed 50 dBC during the nighttime operating hours and not to exceed 55 dBC levels during daytime operating hours. I think it would be cleaner and smoother and then also note the recommendation that the barn door remain closed. I think that's better than having, you know, you can say this is to maintain appropriate noise levels at the control point located at the property line, the property boundary for neighboring properties. You can say something like

that, but I think to reference the minutes from previously and the recommendations of that specific study gets a little muddy after the very clear recommendations this evening. “

It would also offer some clarification by defining what are “daytime” hours and what are “nighttime” hours. That way there will be no confusion for the applicant as well as the neighboring property owners. There is varied discussion as to the hours.

Codes Officer Mark Miller offers a suggestion, “My thought was, the ambient values that we have were taken at around seven o'clock or something like that maybe somewhere in that range, seven or eight, then we switch over to the nighttime value.”

Seven o'clock PM is what the agreed daytime/nighttime cut off point will be.

The Town Attorney works with the Deputy Clerk to get the wording of this condition. There is discussion about boundary lines. The conversation centers around whether the control point should be at their boundary line or the neighbors.

The applicant is concerned with how close the barn is to the neighbor's property line right across the street. That to maintain the sound levels that it would not be possible with the barn being so close to the road and the property across the street is not inhabited. The board is concerned about putting in specific locations because it would make it too complicated. To be exact there would have to be GPS coordinates, and that is not manageable. The applicant gives some examples of the difficulties facing them.

The Town Attorney explains that if the property across the street were to be sold and houses built, the Town needs to protect those potential neighbors too. The applicant counters that if someone were to build a house there, they would never be able to meet the sound limits.

Town Attorney Nadine Bell, Esq. interrupts the discussion to ask what the control points are in the Andres Study. If they can be determined it may clear this up. Chairman Welshko states that the control point stated in the study is at the barn door. Mr. Dunham states that CEO Miller can come at anytime and take readings. Chairman Welshko reads an excerpt from the study where it mentions residential property line.

CEO Miller is asked what the setbacks are in this district for buildings. He replies that for residential buildings that it is 50 ft from the centerline. She is looking for a reasonable compromise. Ms. Allie Dunham suggests using the nearest residence for the control point. Chairman Welshko asks Ms. Bell if it is legally defensible to establish the control point on the property line at the closest point between the event center and residential property. She replies that it needs to be clearly identified where that location is.

The board discusses this proposition.

Ms. Bell expresses that this option would be very difficult to enforce.

Town Supervisor Eve Ann Schwartz weighs in, making it clear that the Town needs to protect not only the current residents but also residents that may be living near in the future.

Mr. Mike Dunham comments that they should not be held to the standard of what happens in the future. If someone builds a house across the street then they should be aware that there is



a wedding venue. They should be able to be “grandfathered in” with the current sound limitations.

Mr. Mike Dunham: “So I don't understand how you could put something in there could just quickly wipe us out because somebody decides to build a house across from the barn in the future. They (will) know it's a wedding venue there's a sign up there, they should be wide open. We're trying to address the situation of the existing residence, not the unknown future, and I don't think it's fair to put in a provision that could eliminate our going to have music. Because we've all spent enough time on the sound study to understand how that music is going to affect; and the fact that it doesn't affect the neighbors very much. Now it's the levels that are determined, was what we put together to satisfy the concerns; so putting something in there that could just take that away from us in the future, because we can no longer comply, because the boundary you draw a straight line from the barn doors across the road and the boundary intersection is on the edge of the road.”

It is reiterated that the Permit goes with the land NOT the owner.

A neighbor interrupts and states that they didn't buy a house across from a wedding venue and that it may contribute to decreased property values. The applicant states that the neighbor has a built-in buyer for life.

Chairman Welshko steers the meeting back to the matter at hand. He asks the Town Attorney if it is reasonable to take the future into account. She explains the criteria for setting reasonable conditions and again states that the permit stays with the land. She expresses that there is always some speculation about the future with a SUP. And that it is the boards job to establish reasonable conditions. Since sound has been identified as the greatest concern and is an issue that the board is well aware of.

Nadine Bell: “There can be debate about the level or severity of the issue, but it's an issue that the Board is well aware of and we have very clear guidelines from an expert as to what sound levels are appropriate. What's acceptable during the day, and what's acceptable at night, so as far as whether or not it's unreasonable to try to regulate for the future.

I would submit to you that because zoning runs with the land; this is a planning board, you're supposed to be planning land uses, and to say we're going to disregard anything in the future completely undercuts the purpose of a Planning Board.”

Ms. Bell asks if it is possible to get Mr. Andres on the phone again, she thinks that his input could be helpful trying to establish the control points.

Chairman Welshko checked with Pictometry and the wedding barn is 108 feet from the line not 50 feet.

Alternate Board Member Kathleen Palmer asks if the sound would only be measured when there is a complaint. CEO Miller explains that they are usually complaint based. She asked if drive by readings could be taken, which is not really a viable option. She was looking for an alternate option for the board.

The applicant's attorney has some questions and comments regarding the control point being the property line and its relation to the residences nearby. He is very concerned that it will effectively eliminate all amplified music therefore impacting their business. He also comments about speculation about the future.

Mr. Bill Heitz, Esq: "By setting the property line as a control point where we're literally not addressing the concept of not disturbing the residents were sending an arbitrary point, with an arbitrarily level, with an arbitrary measurement. So, I would suggest that if we're concerned about the future, which is why I think the issue is, that maybe we have a condition in here that addresses that instead of just setting a point that someday, somehow, someone might just build a house."

Chairman Welshko refers to the DEC recommendations and there is no mention of control points and where they should be located, it refers to receptor sites. Mr. Heitz and Chairman Welshko discuss the DEC report. They also continue to discuss the property line versus where the residence is located. The trick is to craft a condition that will capture the intent and a point needs to be identified. The two attorneys continue this discussion. It is proposed to move the control point from the property line to the closest residential structure.

Board member Mary Galvez: "But then aren't you starting to get into a lot of their complaints that they're out in their yard, or their gazebo. You know, that's if you say structure, that's not taking into account a lot of the other areas that they use. You know their swimming pool or whatever."

Mr. Heitz reminds everyone that though the applicant cannot exceed a certain level that does not mean that the person hearing it doesn't hear any more than they should. That does not mean that they are not supposed to hear anything at all.

Mr. Dunham states: "I think the chairman was on the right track when he said a direct line from the center of the barn doors to the closest existing residential property at a point where it intersects the boundary line. I think that was spot on you just draw a straight line between the neighbor's house and the front door that barn and then where it crosses their property line and the road that's it."

CEO Miller suggests using the language of "nearest dwelling" which would cover future development.

Mike Dunham: "That's what we're saying, then the control point becomes 50 feet or 30 yards or 100 feet, whatever you determine that's the new control point and it's unachievable. Even if the house is 150 feet back that's the point, from the straight line from the doors to that house wherever it is across that little valley."

There is more discussion of where the control point would best be located between the Residences, the property line, and the Barn.

Town attorney Nadine Bell, Esq. suggests, "What if we put in language that says... we can say the current or the existing structure and then, what if you put in language that says in the event that a residential structure or a residence is constructed in closer proximity to the venue, this the board reserves the right to reevaluate the noise, the appropriate noise levels or something like that."

The discussion continues surrounding this suggestion.

Ms. Nadine Bell: "It gives the board the opportunity to re-evaluate, because what if the property, what if there's a house built across the street, but what if it's not built within the 50 foot set back from the middle line, what if it's built 300 feet off the road then it's not an issue. That's something that the planning board can take a look at and say you know what, yes there's a house built across the street that's technically in closer proximity, but the reality is it's not impacted by noise levels, something like that."

It is suggested that it specifically state the Barn.

Board member Galvez asks if someone, who may in the future build a house across the street, will be able to come before the board and ask that the sound be reevaluated?

It is determined that if it is written as recommended the board could revisit this in the future.

Nadine Bell: "We recognize that this is a "moving target", so to speak, and it may not be to Mr. Heitz point I think a little while ago. It could be purely speculative; everyone hopes that every business venture successful. But who knows what the future holds for the business, who knows what future holds for the development of the property. You just don't know. So, this is intended to provide some level of assurance to both the applicant and to people who may have a future interest in developing properties."

Board member Dubois recommends thinking of this in terms of a radius. Draw a radius from the front door of the barn to the Skollar's side yard. Would that address any new buildings across the road. Unfortunately, It still leaves the difficulty of pinpointing an exact location (Control Point) for the CEO to take measurements. The control point needs to be a very defined point for ease of code enforcement. Attorney Bell chimes in with support for Travis Dubois suggestion.

There is discussion surrounding a 500 ft radius and how that can be accomplished by the CEO. CEO Mark Miller agrees that that is a doable concept. Chairman Welshko ask for the board's thoughts. Mary Galvez feels that is doable. The Deputy Clerk and Attorney Bell work of the wording of the condition. They come up with some satisfactory language.

Board member Travis Dubois has some concerns about the noise level of 55. There is much discussion about the different areas where sound readings were taken. Attorney Heitz also joins in the discussion. His point is that it does not matter what the sound levels are in the barn as long as they are under the limit at the control point. Mr. Dunham agrees. The board members discuss the fact that hey do not feel that the sound expert was very prepared for this meeting, and may have rushed to judgement on his recommendations. Some of those readings would actually increase the noise at some of the properties.

Ms. Allie Dunham chimes in reminding everyone that they are talking about averages. She states that averages are often lower, that's why there is an upper limit. She also asks if they could go back to 6 dB above ambient which would be 54.

Chairman Welshko agrees with Mr. Dubois. He is very torn. He introduces the idea of hiring another sound consultant, he does not necessarily want to go there. He is concerned that Mr. Andres recommendation might actually make the problem worse. They are questioning the #55 at the control point. There is continued discussion about the ambient noise levels at the individual properties. The board reviews Mr. Andres Study again specifically the bulleted points, in particular the first bullet, where 50 dB is recommended.

Town Attorney Nadine Bell suggests that since the board has been discussing this for some time and that the board still has some questions about the accuracy of the Andres report and dBA versus dBC. No real clarity was offered, and there was deviation from the original report, the board has a reason to be concerned. However, the applicants wish to move forward. The board may want to schedule a special meeting with an independent person to review the study(s), perform their own study, or give a recommendation. Ms. Bell is concerned with being fair to all parties involved.

The Town Supervisor has been in attendance, and she expresses her concern as well. She expresses some concern over the report and its interpretation this evening. She would like to board to be able to rely on sound advice. She states that the board needs another opinion from someone who is in the prime of their competency.

The board is willing to have a special meeting so things will not be unnecessarily delayed.

There were many things accomplished this evening but this one is still a concern.

Attorney Bell is familiar with a firm that does this sort of work and will contact them and then contact the town with their information.

**Resolution 2021-34: Motion to table the review of this Special Use Amendment application pending the town getting a sound engineer provide us with a recommendation, at which time we will convene a special meeting to continue this review and complete the conditions.**

Motion: Travis Dubois

Second: Bettyann Miller

Vote: YES – 5                      NO - 0

ADOPTED

Ms. Allie Dunham argues that they have done two sound studies, one of their own and the one by Mr. Andres who was chosen by the Town. She asks how many opinions is enough. She asks why the board cannot stick to the 6 dB above ambient recommended by the DEC.

Mr. Mike Welshko tries to explain that the question is how the dBA and the dBC scales are related. He states that the board is trying to do as she asked but that it is like comparing apples and oranges. The board was looking for a way to calculate these two scales and come to a conclusion that it acceptable to the board. They need someone who is well versed to look at

this data and to make a recommendation that is equitable for everyone. One that is clear, concise, and fair to all parties.

Board member Travis Dubois states that going by the numbers that we have to do just simple arithmetic to get to an answer is not necessarily best because these numbers were come up with using logarithms. He feels as if it is in everyone's best interest to have someone help set fair and distinct parameters.

The Town will be responsible for the fees. The Town Supervisor will bring it up at the next Town Board Meeting. She continues on to say that the Planning Board was looking for some real clarification and unfortunately did not get it.

There is the hope that a new sound expert will be able to read the previous reports and make a recommendation from that information. The board hopes to "not reinvent the wheel" but many experts like to use only their own data.

**Resolution 2021-35: Motion to approve of the minutes for the April 13, 2021 meeting.**

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: YES – 5                      NO - 0

ADOPTED

The deputy Clerk has signed the vouchers and has sent them to the Bookkeeper. Spelling mistakes and grammatical errors have been changed in the April minutes.

There is some concern over the 62 day time limit the board has to make a decision on the Dunham application. The 62 days begins with the closure of the public hearing. If there is need the board and the applicant can agree to extend the time period.

**Resolution 2021-36: Motion to adjourn at 10:09 pm.**

Motion: Bettyann Miller

Second: Travis Dubois

Vote: YES – 5                      NO - 0

ADOPTED

Respectfully Submitted by:

Elisa Robertson

Deputy Clerk