

TOWN OF CONCORD PLANNING BOARD
Town Hall Auditorium

July 7, 2020
7:00 p.m.

ITEM # 1:

The meeting was called to order by Planning Board Chairman Lawrence J. Kelly, Jr., at 6:55 p.m.

ITEM #2: Roll Call

Present:

Lawrence J. Kelly, Jr., Chairman
Bruce Luno
James Jozwiak
Joseph Edbauer
Karl R. Lux
Raymond Hilliker

Also Present:

Darlene Schweikert
Clyde Drake, Supervisor
Rich Fanelli, Kissing Bridge
Carlee Jackson, Kissing Bridge

Not Present:

Julie Zybert

ITEM #3: Kissing Bridge Special Use Permit

Rich Fanelli, President of Kissing Bridge, submitted a Special Use Application to have a Country Music Festival on Friday, August 21st and Saturday, August 22nd. This event was being planned before the COVID pandemic. There will be camping at KB North and Central; music Friday afternoon until 9 p.m. and then Saturday from 1-9 p.m. with fireworks at 10 p.m. concluding the weekend event. However, in light of the current situation, Mr. Fanelli has been in discussion with the State and different guidelines, it appears that the camping could be done if the number of campers (tents and RVs) were reduced in half from 400 to 200; event goers would need to practice social distancing; KB would grid off the lawn area at Central with 6x6 squares, separate the porta-johns. Approximately 100 porta-johns have been rented and they would need to be sectioned off as far as the space for vending. There would be no inside KB lodge use; even before COVID, the plan was not to go inside the KB lodge. Mr. Fanelli advised that unfortunately there have not been any other events; they were hoping that something would take place prior to their event to see how it would go and if it would work. He had watched the Today show earlier that showed a concert event of about 600 people and that made national headlines; he is apprehensive, doesn't want to be that guy to have the first event and be scrutinized by the Health Department, etc. Last week they had a meeting scheduled when Phase 4 opened, they were excluded from Phase 4. They can do social distance type events like their Jeep event because it is allowed with social distancing but they do need to follow the CDC guidelines.

Mr. Fanelli explained that as it stands, if it wasn't the current situation, the original plan had arranged to end early enough that they felt it would not be a problem with the neighbors. Their facility is limited to 2,500 which was their goal. KB is trying desperately to develop some kind of summer revenue source. That is the plan and as of

right now there is another meeting scheduled next week to see if there is one other venue in Hamburg that is to hold an outdoor event with music and they are watching to see if it will take place and how the event goes. Mr. Fanelli noted that he knows that he is supposed to be pitching this event but he is really concerned about the social backlash. He does not want it to come off as being a selfish move and not take public health into consideration. KB does have a lot of outdoor space for the event. Chairman Kelly asked about the porta-johns and the cleaning process. Clean after every use? Mr. Fanelli noted that this is interesting. He is awaiting contact from BlueMoon for their input. There will be a wash station with hand sanitizer, one station for each two porta-johns; but they do not have to be washed out after every use. The KB lodge will not be open for restroom facilities. Right now BlueMoon has a contract with Promoter Chris Nelson for this event; KB is just basically the land. Mr. Fanelli will let the Town know what he finds out from BlueMoon.

Mr. Fanelli is working with Promoter Chris Nelson on this event. The scheduled dates are Friday, August 21st and Saturday, August 22nd. There are no rain dates. J. Jozwiak related a story about the VFW in Lancaster having a car show. Signs were posted about wearing a mask/social distancing. The State Liquor Authority came in and said to them that if they had another one of these events, they would be shut down and there would be a \$10,000 fine; and the event was following all the guidelines. J. Jozwiak noted that there was less than 150 people there and there is a lot of property. They were told they needed to be 6 feet apart at the stations for food; they did mention about cleaning bathrooms; the VFW decided that it may not be worth it. Mr. Fanelli advised that his food and beverage vendor is Buffalo's Best and at this point owner Tony Formato said the same thing and is very apprehensive as well. Ms. Jackson noted that the Promoter that he has an indoor/outdoor event with 400 people in attendance with the health department and it has been fine; and he doesn't see any problems with this event. Buffalo's Best has three locations and he would not want the SLA to revoke his liquor license. Mr. Fanelli is watching the news, social media and articles and it looks rough. Weddings and graduation parties are being cancelled; no one wants to put themselves in the situation to be the first person to put on an event. The camping part is relatively easy so to say comparatively speaking to a stage and entrusting that people are going to stand 6-feet apart. Chairman Kelly mentioned that with smartphones the event would be on social media with the KB sign visual. Mr. Fanelli agreed but wants to be ahead of it in case something was to change for the better but he really does not see it getting better. He did not want to not present this Special Use Permit just in case they could move forward; to be prepared. Right now, Mr. Fanelli stated that it is almost ridiculous that he is here telling us that he is going to have this big event. The cutoff date to make a decision to cancel would be mid-July. Mr. Fanelli explained that the event has never been off; but no details of the event have been released nor has the event been promoted on the outside. Carlee Jackson advised that it has been promoted on the backside of things. There have been some tickets and campsites sold but it does say on the tickets that the event can be cancelled. J. Edbauer questioned why they started promoting and organizing without first applying for the Special Use Permit. Mr. Fanelli said that he did not apply with the whole COVID pandemic going on, it did not seem like there was even a slim chance. Ms. Jackson advised that the insurance agent said to get the Special Use

Permit as a recommendation just because of the size of the potential event. KB is zoned commercial recreational and is already allowed to hold these types of events. J. Edbauer noted that there are really two events going on here: concert and camping. J. Edbauer asked about security. A security group has been hired that goes around and does these events. There will be 26 licensed security guards there. KB has also rented garbage dumpsters.

Mr. Fanelli noted that in March, April and May, he did not even know if he should try to obtain this Special Use Permit but then things started opening. He is very concerned about social public backlash. They were excited when Buffalo Ski Club was set to do their event; tickets were sold. That event then was cancelled.

Diane Smith, Kissing Bridge, already submitted the Permit for Fireworks to the Town. Mr. Fanelli advised that if it were not for COVID, the event was very well laid out; there were two separate areas. J. Edbauer noted that having the music end at 9 p.m. is reasonable. Mr. Fanelli said they are being conscious of the neighbors. Mr. Fanelli is excited to be working with Promoter Chris Nelson who has done successful and nice events; someone to be partnered with for events. Mr. Nelson does the Woodlawn Beach music and functions.

K. Lux made the motion, seconded by J. Jozwiak, to recommend to the Town Board the Special Use Permit Application of Rich Fanelli for the Country Music Festival on August 21st and August 22nd. J. Edbauer would like the Permit to show some of the details discussed tonight on the Application; the date is not on the Application. Secretary Schweikert will get the Minutes ready for the Board's review. The Town Board would then set a Public Hearing date for public input. The Public Hearing Notice will be published in the Springville Journal and mailed to the neighbors and Erie County Planning Division. It is not required that Mr. Fanelli attend the July 9th Town Board meeting but should attend the Public Hearing meeting.

Chairman Kelly thanked Mr. Fanelli and Ms. Jackson for their presentation and wished them good luck. He advised if this event will be annual, a Special Use Permit Application will be necessary each year. Mr. Fanelli and Ms. Jackson thanked the Board and left the meeting.

ITEM #4: Citizen Participation

There was no one for Citizen Participation.

ITEM #5: Approval of Minutes

a) May 2, 2020 – J. Edbauer made the motion, seconded by B. Luno, to approve the Minutes as presented. All in favor. Carried.

*The June 2, 2020 meeting was cancelled.

ITEM #6: Review of Zoning Districts

Supervisor Drake had asked the Board to start a review of the zoning districts to see if all the current districts were necessary, could be deleted or combined. The Board is being asked to review the uses allowed in each zone. There are property owners that are conducting businesses on their properties, some for many years, which businesses may not be allowed in their zoning district; allow more business options within a certain district. Home Occupation Permits allow businesses to be carried on wholly within the principal or secondary building. Supervisor Drake asked the Board to review that permit process to see if it could be broadened to include more types of businesses (cabinetry, picture framing, car detailing). The Board could also review the Home Occupation Permit to determine if any of that section should be revised. Supervisor Drake advised that the Town has an issue right now with a resident on Transit Line Road, zoned R-AG. The resident is conducting his car detail business at his home and a neighbor has filed a complaint. There are differing stories between the neighbor and the complainant as to how many cars are done in a day and the noise. CEO Singleton has been involved and Supervisor Drake spoke to the attorney for the resident. The only option right now is to go to the Zoning Board of Appeals.

Chairman Kelly noted that this process will not be done in one meeting. There was general discussion about possibly combining some of the zones and possibly even deleting some; like C-T (Commercial Tourism) where it appears that there is just a little parcel in the Town zoned C-T. To assist the Board, Secretary Schweikert will contact General Code to see if they could put together a comparison of the zoning districts on an excel spreadsheet to show what uses are allowed in each zone. If General Code cannot do this, Secretary Schweikert will do it. J. Edbauer will try to get the zoning district map enlarged and copied to better assist in locating the specific zones on the map. Supervisor Drake noted that the next part of this would be to see about updating our Zoning Maps; our current one was done in 1998. Secretary Schweikert had reached out to the company earlier in the year to see if these current 1998 maps could be available in digital format, but they are not.

J. Edbauer discussed the wood guy, Mr. Thie. J. Edbauer called Dana Seymour from the USDA regarding her letter of January 13, 2020. Ms. Seymour did not tell anyone that Mr. Thie is allowed to do his business but only that he is following the agricultural rules; not saying he is allowed to do his business in the Town of Concord. Ms. Seymour is willing to speak to any others who may have questions. K. Lux noted that Mr. Thie is getting away with his business continuing and yet the car detail resident is not able at this time to continue.

ITEM #7: Business from the Members

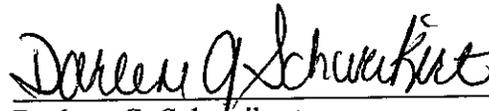
a) Chairman Kelly asked Supervisor Drake about an anticipated re-opening of the Town Hall building to allow public access. Supervisor Drake advised that there are concerns with the bathrooms which do not have locks on the main doors and our custodian is part-time.

b) Chairman Kelly asked J. Jozwiak for an update on the Field & Stream Pond project. J. Jozwiak noted that with the COVID pandemic no fundraiser can be done.

c) J. Edbauer advised that there are illegal "Internet" signs on Transit Line Road. He would like CEO Singleton to contact the number and advise the signs are illegal and need to be removed. Attached is a copy of one of the signs.

ITEM #8: Motion of Adjourn

K. Lux made the motion, seconded by B. Luno, to adjourn the meeting at approximately 7:53 p.m. All in favor. Carried. Chairman Kelly advised that the next meeting is August 4th.



Darlene G. Schweikert
Planning Board Secretary

