

TOWN OF CONCORD PLANNING BOARD
Town Hall

June 1, 2021
7:00 p.m.

ITEM # 1:

The meeting was called to order by Planning Board Chairman Karl R. Lux, at 7 p.m.

ITEM #2: Roll Call

Present:

Karl R. Lux, Chairman
Bruce Luno
James Jozwiak
Joseph Edbauer
Raymond Hilliker
Michael Cochran

Also Present:

Darlene Schweikert
Clyde Drake, Supervisor
Rich Fanelli, Kissing Bridge
Rachel Fanelli, Kissing Bridge

Not Present:

Julie Zybert

ITEM #3: Citizen Participation

There was no one for Citizen Participation.

ITEM #4: Kissing Bridge Special Use Permit

Mr. and Mrs. Fanelli had submitted a Special Use Permit application for a music and art event to be held at their Kissing Bridge property located at 10296 Glenwood Road, Town of Concord, on August 28, 2021. Chairman Lux asked Mr. and Mrs. Fanelli to outline their event for the members. The Town does not need to be involved with the State Liquor License and the Department of Health matters just what might affect the Town and the people living in the area.

Mr. Fanelli highlighted the event:

- They are looking for six music acts/bands. It will be a concert with art/craft vendors and some art on display. One stage will be all acoustic. The stages will face uphill using the hill as an amphitheater.
- Tickets will be sold for general seating or for 8' x 8' pods which will be 6' apart. The pod area will be available for the whole day so people can bring chairs, etc. and leave it there all day.
- Twenty6 Productions is the promoter for the event; they have successfully held events at the drive-ins in Batavia and Delevan. This promoter adopted our plan and liked the fact that the facility was already marked; everything was already in place. The barriers are still there from the ski season.
- The vendors will use the base parking lot area and the brick walk area in front of the lodge.

- There will be food and beverage that Tony Formato (Hanna Ham Foods/Buffalo Best Food) will provide from his food trucks. Nothing will be in the lodge. When KB held the Tough Mudder event and the lodge was open, there was a lot of damage to the carpet and doors. The building will be closed to the public; it will be only be used by staff and Twenty6 Productions stage hands/staff.
- There will be outhouses; the only place that will be used for patrons is Willy's area and the deck area which will be a VIP area. There will be 100 VIP tickets available. These VIP tickets would have bathrooms and food being cooked on the outer deck; Willy's also has a liquor license.
- The event will start at 12 noon.
- The last band would be off stage by 9 p.m. and it is anticipated that the whole event will be closed down and emptied out by 10 p.m.
- People are interested in this event because there is no Allentown Art Fest but they can do this because it is outdoor. New York State approved the acreage and the amount of people allowed. For this event, not using the buildings, there can be up to 4,000 people as long as they were socially distanced or kept in pod format with general admission on the lawn if fully vaccinated and/or they have to wear masks. The mask guidelines keep changing. They have capped the number of people at 2,000 and 2,500 total which includes the VIP and employees. There is ample parking. Shuttles cannot be utilized; they can't move people. They can park and walk. The amount of 2,500 is like a Saturday skiing day for KB.
- The event will continue up the beginner hill. There will be fencing at the end of KB Lane where the houses are and the top of the beginner hill and will hard fence off the area across mid Holly over to the two sheds in the parking lot.
- There will be security coming in for the event.
- Mercy Ambulance will be set up for the event. KB Ski Patrol Director Diane Smith and the KB Ski Patrol will be first aid. Mercy Flight wanted to be involved; the heli-pad located at KB North will be available if needed. Having the helicopter on site is a great attraction but it is tough with people and if the helicopter has to leave there could be damage to tents, etc. Discussion was held about the different ambulance companies: Rural Metro, East Concord Fire Department, AMR Ambulance and which one would be on site.
- The type of music will be 80s and 90s themed because it is for parents and kids. Country is a big seller but it is a hard show. Country concerts can be free-spirited concerts and this is for families.
- Once Kissing Bridge was able to open for skiing, it was encouraging. People came back. This is something KB can do in the summer that does not have a big impact on the hill. The infrastructure is there. Some past summer events were hit or miss. Before COVID hit, KB started advertising that they were going to do this event and there was huge interest. KB was reluctant to do it during the COVID. They need to be open for skiing; this is secondary. KB is trying to keep income coming in during the off season. KB Moto was great; got a ton of exposure for weddings; it was a vehicle to get more exposure. Moto sports is over 35% of the local population; skiing is just 4%. KB Moto increased everything, but the cost was the hill. The hill was not sustainable; there was erosion to the hill. With the lawsuit with the neighbors, a nice agreement was reached. Music

festivals, equestrian. The trucks virtually have no sound or impact because the roads already exist. KB can't survive on just winter income; they need to have something. Taxes and utilities keep increasing and maintenance on a 60-year-old building. This winter was fantastic so it is getting better. There has been an increase in season passes for next year. People are getting re-acquainted with winter! The consistent temperatures helped them this year. KB has been installing snowmaking equipment over the past few years.

- J. Jozwiak noted that when he was traveling in West Virginia, there were pods being used at a baseball field. The pods had LED lights. Twenty6 Productions did talk about using glow sticks.
- Ticket costs will average between \$30-\$50 for General Admission. The pods can hold up to six people.

The members then had an opportunity to ask any questions.

- Chairman Lux asked how the houses that exist in the back of KB will have access that day? Mr. Fanelli advised that attendants will be at the bridge and those residents will have hangtag parking passes like they do for the ski season. Mr. Fanelli noted that they had spoken to the residents before they started this event planning.
- B. Luno asked for confirmation of the hours of operation. If the event goes to 10 p.m., he would think there may be some slack from the neighbors. It was confirmed that the event would start at 12 noon and be done by 9 p.m. There may be some residual noise when people leave but the music will end at 9 p.m. B. Luno felt this information should be explained to the Craneridge residents. Mr. Fanelli noted that if the Town approves the Special Use Permit, they will make sure to reach out to Craneridge. KB does not want to be bad neighbors. It wasn't about being bad neighbors, but some sort of income had to start coming in for the off season. The KB Moto people would ride every day; KB is not sustainable for that. The machines are getting bigger and it would be a matter of time before something terrible would happen or they would destroy all the lands. The dirt bikes and quads were never a problem; it's when the side by side came. These tear up the trails.
- J. Jozwiak recalled KB's submission for this Special Use Permit from last year and how Mr. Fanelli was reluctant to proceed with the COVID pandemic. He liked the pod idea. He had been to the Ellicottville July 4th event and there set up was using the hill as an amphitheater and it really does help with the sound. You walk away from it and you don't hear it. Mr. Fanelli noted that when KB Moto was ongoing that was one of the biggest complaints. The noise would disappear after 45 seconds but after 45 seconds they were at the top of the hill and would have turned. These stages will be backed up against the buildings;
- Mr. Fanelli is checking with his insurance company to see if they can do chairlift rides and do as much as they can do that day. It would be nice to do 2 -3 events like this in the summer and subsidize that income. KB had five bad years in a year. COVID allowed KB to reset the market place. They are now in a good place and do not want to do anything that would jeopardize that.

- M. Cochran asked about the liquor permit and the VIP area. Mr. Fanelli said that there is an annual license for KB. The VIP area is unique because they can serve alcohol and food right out of that building. Otherwise, there will be a fenced off area to meet the liquor requirements. Mrs. Fanelli noted that the VIP area will have their own bathrooms; they will be in front of the stage; there will be a bartender and buffet food.
- R. Hilliker had no questions.
- J. Edbauer noted that the Fanellis came well prepared. Mr. Fanelli joked that they had a year and half to prepare. COVID was a big learning curve. KB did not get any citations or fines during the ski season. KB was one of the only ski areas in NYS that had no citations. Helicopters flew over every weekend; three passes. It was very manageable and KB will keep a lot of the stuff that was put in place will be kept in place moving forward. It worked out so well.
- Mr. Fanelli said that he is privileged to have such a dedicated staff.
- Mr. Fanelli noted that if anything else comes up or changes, he will let the Town know. He will err on the side of caution and being conservative. KB is in a really good spot and he does not want to do anything to jeopardize that but at the same time KB needs to move forward. If this can be established, KB is thinking about having another similar event during the winter at their North location. Chairman Lux noted that that location would even be further away from Craneridge. KB does have two events which according to the lawsuit will be allowed to do; one is July 25th a Hare Scramble: dirt bike, woods, single track timed event which would run from 9 a.m. to 2 p.m. The lawsuit gave KB six of these events. Mr. Fanelli is sending Craneridge a letter to let them know about the event.

There were no other questions or comments. J. Edbauer made a motion, seconded by J. Jozwiak, to accept the Special Use Permit and recommend the Application to the Town Board. All in favor. Carried.

This Special Use Permit Application will be on the June 10th Town Board Agenda to set a Public Hearing date. Notice will be published in the Springville Journal and mailed to the neighbors. Erie County Environment and Planning has already been given the Application packet for their review. Mr. and Mrs. Fanelli do not need to be at the Town Board meeting on June 10th but should be in attending for the Public Hearing. Secretary Schweikert will notify them of the date of the Public Hearing. If the Town Board felt comfortable, they could have a Special Town Board meeting following the Public Hearing to grant the approval that same night if there were no objections to the event. Mrs. Fanelli noted that time is really important because they need to book the artists and see what tours are coming through the area. Mr. and Mrs. Fanelli thanked the Board and left the meeting at 7:35 p.m.

ITEM #5: Comments from Liaison Supervisor Drake

Supervisor Drake shared with the Board that:

a) At the Chamber awards night he spoke with Grover Riefler and confirmed that Mr. Croft has rented a spot from Mr. Riefler's daughter for his Concord Detail business. It appears that, at least for the time being, this matter may be resolved.

b) At the May 13th Town Board meeting the Board approved the new fee schedule with one change. Under Accessory Buildings: \$50 for all storage sheds up to 144 square feet including any storage unit, shipping container, semi-truck, pods, old box, tractor trailer, etc. The Town Board changed that to read \$50 for all storage sheds up to 144 square feet; omitting the language after that.

c) Thanked the members for their input on the Solar Law. The Town Board held the Public Hearing on May 13th and since no one from the public attended the meeting, the Town Board had time to discuss the law with Andrew Reilly from Wendel Companies. The Town had received a letter dated May 12, 2021 from Erie County right before that Public Hearing and Mr. Reilly will be reviewing the County's input. Supervisor Drake reviewed the Department of Environment and Planning comments with the members. See attached Erie County May 12, 2021 letter. Mr. Reilly will be finalizing the law and will be providing the Town Board with the final draft. This law will be on the June Town Board meeting agenda for discussion and if nothing major changes in the law, the law may be passed that evening. R. Hilliker asked if that would mean that the projects would then have to follow the new law and Supervisor Drake said yes. Supervisor Drake informed the members that EDR has requested to be on the Town Board Agenda for August to discuss the Sardinia-Concord Genesee Road solar project.

ITEM #6: Approval of Minutes

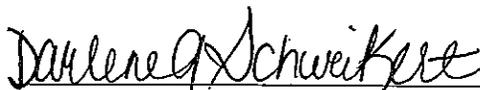
a) May 4, 2021 – J. Jozwiak made the motion, seconded by B. Luno, to approve the Minutes as presented. All in favor. Carried.

ITEM #7: Business from the Members

a) Secretary Schweikert advised the Board that Ashley Smith from GObike will emailed and would like to do a presentation on the Erie-Cattaraugus Rail Trail and the Southern Tier Trail project. Ms. Smith will be at the August 3rd Planning Board meeting.

ITEM #8: Motion of Adjourn

J. Jozwiak made the motion, seconded by J. Edbauer, to adjourn the meeting at approximately 7:44 p.m. All in favor. Carried. The next meeting is July 6th.



Darlene G. Schweikert
Planning Board Secretary





COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 12, 2021

Clyde M. Drake, Supervisor
Town of Concord
86 Franklin St.
P.O. Box 368
Springville, NY 14141

Re: **Revisions to Town Solar Ordinance**

Location: **Town-wide**
Review No.: **ZR-21-256**

Dear Mr. Drake:

Pursuant to New York General Municipal Law Section 239-m, and Article 8 of the New York Environmental Conservation Law, the County of Erie (the "County") has reviewed the above-referenced matter referred to us on April 14, 2021 and consents to the Town of Concord acting as SEQR lead agency.

The Department of Environment and Planning (DEP) offers the following comments:

- For Tier 3 systems, the Town should consider relaxing the proposed 10% lot coverage requirement on Industrial-zoned parcels. There are several parcels in the Mining-Reclamation district that may be suitable for Tier 3 systems following the cessation of mining activities, and such reclaimed areas are desirable sites for solar development. On Commercially zoned parcels, it may be preferable to simply prohibit Tier 3 systems, as there is little to no land area in these districts where such systems would be feasible.
- The Town should consider incorporating a priority ranking system stating which types of sites in the Town are most desirable for solar development. For example, high priority should be given to brownfield sites and fallow farmland, while prime soils should receive lowest priority.
- The proposed screening and visibility requirements for systems larger than 5 acres should be applied to all Tier 3 and Tier 4 systems.
- For Tier 4 systems, the Town may wish to add language stating that any off-site infrastructure, including transmission lines and points of grid interconnection (POI), shall be noted on site plans and be included in the review of the project. Any off-site POI should be subject to the same safety and visibility requirements as the balance of the project.

- The Town may wish to require that any utility poles constructed as part of a project be made available for co-location by other utilities.
- The Town should consider defining "utility-scale" systems as Tier 3 and Tier 4 systems.

This review pertains to the above-referenced action submitted to the Erie County Department of Environment and Planning. This should not be considered sufficient for any County approvals. The Town of Concord must still obtain any other permits and regulatory approvals applicable to this project.

Sincerely,



Timothy P. German
Planner

cc: Mark Rountree