

TOWN OF CONCORD TOWN BOARD MEETING  
Public Hearing  
Kuhn Special Use Permit

April 13, 2023  
6:15 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR

ROLL CALL: PHILIP DROZD, SUPERVISOR  
CLYDE M. DRAKE, COUNCIL MEMBER  
KENNETH D. ZITTEL, COUNCIL MEMBER  
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

EXCUSED: WILLIAM F. SNYDER, III, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk  
BARRY A. EDWARDS, Hwy Supt.  
DAWN MARTIN, Assessor  
SHERRI ONDESKO, Assessment Clerk  
CAROLYN A. ROBINSON, Dog Control Officer

GEORGE DONHAUSER  
JASON KUHN  
JAIME KUHN  
JULIE FRANCISCO  
SEAN MAHONEY  
LARRY ZABLONSKI

MEAGAN KUHN  
MELYNDA WIELKIE  
NICK MATHEWSON  
ROBIN SION  
GUY MARLETTE

Supervisor Drozd opened the Public Hearing at 6:15 p.m. regarding the proposed Special Use Permit Application for Jason Kuhn.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Concord, will be holding a Public Hearing on Thursday, April 13, 2023 at 6:15 p.m. at the Concord Town Hall, 86 Franklin Street, Springville, New York, to consider the application of Jason Kuhn residing at 10504 Emerling Road, Town of Concord, New York (SBL#273.00-2-19.1) to obtain a Special Use Permit under Section 150-179 for the purpose of a dirt bike race events. All interested parties will be heard at that time.

The Notice of the Public Hearing was published in the Springville Journal on March 16, 2023 and was also posted on the Town's signboard at 86 Franklin Street, Springville, New York, and the Town's website [www.townofconcordny.com](http://www.townofconcordny.com) on March 14, 2023 and mailed to neighboring parcel owners on March 14, 2023. The Erie County Referral was sent to the Department of Environment & Planning on March 14, 2023 and the County responded on April 6, 2023, noting "No Recommendation; proposed action has been reviewed and determined to be of local concerns."

Supervisor Drozd opened the floor to Jason Kuhn. Mr. Kuhn summarized his Special Use Permit to be held on his private property. There will be EMTs, insurance. He can provide the Town with an official insurance policy until specific dates are set. The Planning Board reviewed this application. The maximum number of events to be held is four/annually. Mr. Kuhn has spoken to most of his neighbors who received letters from the Town to let them know of his request. Council Member Drake noted that these are mini dirt bikes/pit bikes. Council Member Krzemien asked if these races would be open to the public with spectators and it would be. Mr. Kuhn advised that there will no food vendors, no alcohol. The area will be fenced off which is required by his insurance company. Rest rooms will be on site. The race day would be Saturday 8 a.m. to before dark; nothing at night. Friday night might be a practice night for a couple people. Mr. Kuhn questioned how the Town would handle a rain date; he would request that the following weekend would be the makeup date. The insurance would require this as well. Proof of insurance would be provided to the Town before every event. If this works out, he would go again next year. The majority of the people racing has a main season for points; this is a fun time event to get friends together. This is not a sanctioned event. Mr. Kuhn asked the Planning Board to allow a maximum of four events annually. Does not want to disrupt his neighbors.

Council Member Zittel noted that he talked to a couple the Kuhn neighbors and they were in favor of this application.

Supervisor Drozd asked if anyone else wished to address this matter.

Larry Zablonksi, who lives on Trevett Road just around the corner from the Kuhn property and asked if this was a one-time event or a four time? Mr. Kuhn noted that he has up to four a year if this permit is approved. Mr. Zablonksi asked what would prevent this from beginning a regular thing and Mr. Kuhn noted that he would be allowed four a calendar. Mr. Zablonksi noted that up to 50 bikes could be pretty noisy; he's not looking to shut down the application but just wants to make sure that this does not get out of hand and becomes every Saturday and Sunday all summer. Mr. Kuhn noted that he does not have the lifestyle for that. Mr. Zablonksi wanted to know how the Board would control that. Supervisor Drozd advised that he is applying for a maximum of four a year. Mr. Zablonksi is concerned if it is going to be a reoccurring event, he would be concerned. Mr. Kuhn stated that he is not running sponsors or making it a professional race; he does not have the time or money. It is just to have people over to have fun and see what his buddies can do on their small bikes. Mr. Kuhn owns 36 acres. Supervisor Drozd noted that he is interpreting this as Mr. Kuhn just wants to have some fun on his property, invite some friends over but wants to do it the right way safely with the Town and get a permit with stipulations from the Town and abide by the permit. Mr. Kuhn noted that even four races a year is questionable. He does not even know that it would be year after year. He has no anticipation of making this an "every weekend" type of event. Council Member Zittel thanked Mr. Kuhn for coming in to the Town to work this Special Use permit application for the races. Meagan Kuhn noted that it is hard to ask for permission to have fun on your own property; after talking with the CEO, they understand. Supervisor Drozd stated that there are certain rules.

George Donhauser wanted to know if it is a renewable permit or good for one year. It is renewable annually without a fee. Code Enforcement will be checking in with anybody who has a Special Use Permit the following year and if there were complaints, those would be addressed at the renewal time. The Special Use Permit is valid as long as every year still have at least one event; if he ceases to have an event, then the Special Use Permit would end. The Special Use Permit would be reviewed annually. Mr. Zablonksi wanted to make sure that the Board reviewed all the angles and that there is enough language and clear parameters so it does not get out of hand; when it was going to be and what are the constraints. When Mr. Kuhn came to the Planning Board, because he did not know if the application would be approved; he could not start the process. Mr. Zablonksi noted that this sets a precedent for others.

Supervisor Drozd asked if there were any other questions. There were none.

Motion by Council Member Zittel, seconded by Council Member Drake, to close the Public Hearing at 6:40 p.m. Council Members Drake, Krzemien & Zittel, Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.



Darlene G. Schweikert  
Town Clerk