

TOWN OF CONCORD PLANNING BOARD
Town Hall

March 7, 2023
7:00 p.m.

ITEM # 1:

The meeting was called to order by Planning Board Chairman Karl R. Lux, at 7:00 p.m.

ITEM #2: Roll Call

Present:

Karl R. Lux, Chairman
Bruce Luno
James Jozwiak
Julie Zybert
Raymond Hilliker
Michael Cochran

Also Present:

Darlene Schweikert
Clyde M. Drake, Council Liaison
Thomas Roberts, CEO
Meagan Kuhn
Jason Kuhn

ITEM #3: Citizen Participation

There was no one for Citizen Participation.

ITEM #4: Kuhn Special Use Permit – Dirt Bike Race

Chairman Lux asked Mr. and Mrs. Kuhn for an overview of their application. Mr. Kuhn advised that he would like to have a dirt bike race event on his property. It would be donation based, homemade trophies would be awarded, no food or food vendors, all parking would be off the road (no street parking). His parcel is over 38 acres so there are no neighbors close by him. Dust should not be an issue. He just wants people over for fun. Mr. Kuhn has spoken to his neighbors to let them know about his Special Use Permit application. The neighbors did not seem to be any problems. The races would be on Saturday and start about 7:30 a.m. and end before dark. Sometimes after work on Fridays, he will ride so he may want to have some races on Friday night after work hours as well. Insurance was discussed. Mr. Kuhn will have a two-day insurance policy in effect for the event naming the LLC, the Kuhns and the Town of Concord as additional insureds. He would intend to race one day but some people may come over on Friday. There will be two porta-johns on site. An EMT will also be on site. Chairman Lux asked if he was aware of any Erie County inspections that would be needed and it appears that there are none. The Special Use Permit Requirements checklist was reviewed. Mr. Kuhn's application notes that the race would be "one day in June". The date has not yet been set. Mr. Kuhn questioned if he would have to reapply if he wanted to do more than the one race. The members agreed that the Special Use Permit is not specific to one race event but Mr. Kuhn would have to provide the Town with proof of insurance for any additional events. J. Jozwiak asked how many people he was anticipated; Mr. Kuhn noted that realistically he thought about 40 bikes. The bikes will be pit bikes 110-125 cc.

Mr. Kuhn also noted that the area would be fenced off 100 foot around the track with orange snow fence with only one entrance for the participants. Spectators would sit on the grass, lawn chairs, outside of the fenced area. J. Edbauer questioned Mr. Kuhn as to what brought on his application. Mr. Kuhn noted that he always wanted to do this and there are not a lot of places around for people to ride their bikes and 4 wheelers. There were no other questions.

The members discussed the wording of a motion to recommend this Special Use Permit application to the Town Board. The application submitted tonight had a specific "trying for June" date. Mr. Kuhn may want to do more than one event during the year, but he would have no more than 4 events a year with the understanding that he would need to provide the Town with proof of insurance for each race event to be held. R. Hilliker made the motion, seconded by M. Cochran, to recommend the Kuhn Special Use Permit Application to the Town Board for their review of the submittals and on the condition that there will be no more than four race events each year and that proof of insurance be provided to the Town prior to each of the events. Members B. Luno, J. Jozwiak, J. Zybert, R. Hilliker and Chairman Lux in favor; J. Edbauer, opposed. Motion carried. Secretary Schweikert reviewed the next steps with Mr. and Mrs. Kuhn. This will be on the March 9th Town Board meeting agenda to set a Public Hearing date for April 13th. The neighboring parcel owners and Erie County Environment & Planning will receive a copy of the Public Hearing Notice and the Notice will be published in the Springville Journal and will be posted on the Town's signboard and website. The Kuhns should be in attendance at the April 13th meeting to answer any questions from the Town Board and those in attendance. The Kuhns thanked the Board and left the meeting.

ITEM #5: Comments from Council Liaison Drake

Council Liaison Drake apologized for missing last month's meeting and asked the members how the Code Update was progressing. Chairman Lux advised that the members were trying to find a path to follow, narrow down the direction to proceed.

ITEM #6: Approval of Minutes

a) February 7, 2023 – J. Jozwiak made the motion, seconded by J. Edbauer, to approve the Minutes as presented. All in favor. Carried.

ITEM #7: Code Update

Chairman Lux asked M. Cochran to explain what progress he had made with regard to the eCode notations. M. Cochran created his Administrator Login on the eCode and was able to take all the Meeting Minutes since he has been a member and put notes on the Code sections where there had been discussion in the past; those notations are now available for our group to see. He showed this information from his laptop and projector screen. M. Cochran had attended a zoom meeting presented by General Code and found it very informational. He also learned that the Town's fee schedule can be posted on the public side of the eCode and that the Town would have the capability to

change the schedule anytime the schedule were to change. Secretary Schweikert will resend the email to the members so that those who would like to create their Administrator Login can do so. The General Code proposal notes that their first step is to provide the Town with an Organizational Analysis and the members are hopeful that this will give them a place to start on this update project. The Organizational Analysis has not yet been received; Secretary Schweikert will reach out to General Code for their timeline on this. M. Cochran noted that General Code has other zoom meetings available and encouraged the members to check into these webinars. Chairman Lux noted that he thinks the approach should be to see what steps General Code is going to take and then the members can start.

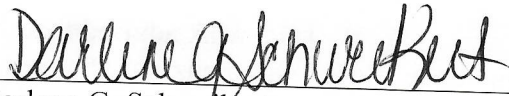
ITEM #8: Business from the Members

- a) J. Jozwiak advised that there are Facebook posts showing the MRC event venue and it looks amazing. Pictures are being posted and he believes this will bring a lot of people to the area.
- b) J. Edbauer had a conversation with a member of the Town of Evans Planning Board. Evans has an inspection of rental properties, houses and apartments, in their town. There is a fee of \$200 every two years. CEO Roberts questioned whether the Town should be adding something to our code with regard to Airbnb transient housing; maybe a Special Use Permit for that type of rentals. Council Member Drake asked what the Town of Evans was looking for with this inspection; J. Edbauer said that there are smoke detectors, CO2 detectors, safe entries and stairs, sanitary conditions. Sometimes renters are afraid to say anything about conditions because they don't want issues with their landlords.
- c) B. Luno asked if the Town had heard back from Schreiber & Winkelman regarding the renewal of their Mining Permit for Year 2023. Secretary Schweikert advised that the Town Board directed her to reach out to Donald Schreiber with the three options recommended by the Planning Board. Today Secretary Schweikert received an email from him nothing that, "As per your letter, we have elected to choose option 3." Option 3 is: If the permit is not renewed and Schreiber & Winkelman want to mine again in the future, Schreiber & Winkelman would have to start the whole Special Use Permit process over by filing a new Special Use Permit application with the Town and work with the DEC for their permitting process."
- d) Council Member Drake advised the members that EDF Renewables solar project is moving forward. He, Supervisor Drozd and Town Attorney Attea will be attending a joint meeting with the Town of Sardinia and their attorney on March 30th and will keep the Planning Board advised of progress.
- e) Chairman Lux advised that Kevin Thie submitted his Special Use Application today and he will be coming to the April 4th Planning Board Meeting.

f) CEO Roberts informed the members that after 437 tickets and 38 Court Appearances, Southwest Supply showed up at Court and plead not guilty. CEO Thomas found the language in the appendix of the Town Code for the procedure to turn the violations into misdemeanors; this should be included in the Code when the update is done. He noted he had found the bite behind the bark. The violations were unsafe water, septic and doing work without building permits.

ITEM #9: Motion of Adjourn

J. Zybert made the motion, seconded by J. Edbauer, to adjourn the meeting at approximately 7:56 p.m. All in favor. Carried. The next meeting will be Tuesday, April 4, 2023.



Darlene G. Schweikert
Planning Board Secretary