

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

January 12, 2023
6:00 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR

PRESENT: PHILIP DROZD, SUPERVISOR
CLYDE M. DRAKE, COUNCIL MEMBER
KENNETH D. ZITTEL, COUNCIL MEMBER
WILLIAM F. SNYDER, III, COUNCIL MEMBER
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
CAROLYN ROBINSON, Dog Control Officer

MICHELE BURKE THOMAS D. BURKE
CHUCK STEPHENSON

Supervisor Drozd opened the Public Hearing at 6:00 p.m. regarding the proposed Special Use Permit Application for Thomas & Michele Burke.

The Notice of the Public Hearing was published in the Springville Journal on December 15, 2022 and was also posted on the Town's signboard at 86 Franklin Street, Springville, New York, and the Town's website www.townofconcordny.com on December 9, 2022 and mailed to neighboring parcel owners on December 9, 2022. The Erie County Referral was sent to the Department of Environment & Planning on December 9, 2022 and the County responded on January 9, 2023, noting "No Recommendation; proposed action has been reviewed and determined to be of local concerns."

Supervisor Drozd opened the floor to Mr. and Mrs. Burke. Mrs. Burke summarized their project. They will be building a 52' x 52' one story tasting room/winery. It will be a farm winery using local grapes and local juice; the same with beer, spirits and ciders. They want to be open Friday, Saturday and Sunday 12 noon to 7 p.m.; they will not be a bar; just a place to come taste wine, relax, enjoy and have a nice time.

Supervisor Drozd asked if anyone in attendance wished to address this matter. Chuck Stephenson addressed the Board. He is a neighbor to the Burkes and is here to attest what great people they are, honest people, hardworking people. They are good neighbors and good friends to everyone on the road. He is here to support the motion to allow their project.

Council Member Drake advised that this matter was reviewed by the Planning Board and the Planning Board recommends its approval.

Carolyn Robinson, who lives on the other end of Trevett Road, voiced concerns about parking since their property is on the hill. Will they be able to get all the vehicles off the road for parking? Mrs. Burke advised that the CEO Roberts was on site and walked the property to review parking with the Burkes. There is ample parking on the lower lawn and additional parking in the top in two locations so that people can be kept off Trevett Road. There will be separate entrance and exit driveways. Mr. Burke noted that they will have contact the Erie County Highway Department for approval to put in a culvert to build the driveway. They will be clearing trees so there will be a vision on the hill. They want to make it as safe as possible. Mr. Burke advised that if the business gets too busy, they will shuttle people from an alternate parking lot on a nearby property. They believe they will be able to park about 45 cars on the property. Supervisor Drozd noted that the Erie County Highway permit will be a multi permit for business; a traffic engineer will come out to check out site distance; he encouraged the Burkes to be as precise as they can in that application process. Mr. Burke noted that the more

information they have, the better off they will be. Mr. Burke advised that the property will be a fenced-in area and they will be putting a guardrail up on the one side so that cars are not going to go off so it will be safe and secure; it will be well lite. They don't want any issues.

Council Member Krzemien asked the Burkes what day they plan on opening. They hope to be open October 1st but maybe Halloween. The opening depends on receipt on their State Liquor Authority License. They have hired a company to assist them in the SLA process. They hope to be open for the holiday so that they can have some holiday parties. The drawings for the building are already complete and contractors are hired.

Council Member Zittel questioned if Special Use Permits were transferable if the Burkes were to sell the property. This is not noted in our Code. The Board believes that if the Burkes sold the new owner would need to apply for their own Special Use Permit.

Town Code Section 150-181 Expiration:

A.

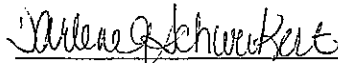
All special use permits, excluding mining special use permits, shall be issued for as long as the activity permitted by said special use permit is ongoing. It will renew automatically on the anniversary of the granting of said permit without a renewal fee. The activity or activities permitted shall be specified on the permit itself, which shall be conspicuously posted at the premises where the special use is occurring. Only those activities shall be permitted. If any additional activities take place besides those specifically listed on the permit, the Code Enforcement Officer will issue a violation citation. This could result in a revocation by the Town Board of the special use permit, after an appropriate hearing.

B.

However, if there is a one-year discontinuance of said permitted use, then § 150-181 of the Concord Town Code shall apply and any resumption of use shall require a new application process, including a public hearing and a permit fee and all other provisions as generally described in § 150-180 of the Concord Town Code shall apply.

The Public Hearing remained opened for 15 minutes.

Motion by Council Member Zittel, seconded by Council Member Krzemien, to close the Public Hearing at 6:16 p.m. Council Members Drake, Krzemien, Snyder & Zittel, Supervisor Drozd, voting aye. Carried.



Darlene G. Schweikert
Town Clerk