

Testimony of a Public Hearing of the Town of Union Planning Board held relative to an extension of a Special Use Permit for a tavern with outdoor seating, located at 511 Hooper Road, on September 12, 2023, at 7:02 p.m.

PRESENT: Members present: L. Miller, Chairman
M. Jaros
S. McLain
C. Bullock
T. Crowley
N. Sarpolis
G. Ksenak

Others present: Marina Lane
Chad Kies
David Bohrer
Brad Galusha
Frank Goroleski
Chris Lynch
John Perricone
Charlie Arbuiso
Wendy Turner
Tim Turner
Michael Heide
Bob Potochniak
Sharon Mortenson
Aishia Mortenson
Maria Galindo
Michael Casale

MS. MILLER: We will open the Public Hearing, and I will read the public notice.

The Town of Union Planning Board will conduct a public hearing to consider the extension of a special use permit for a tavern with amplified music in a Neighborhood Commercial Zoning District at the Fairways Indoor Golf Company, located in the multi-tenant commercial plaza at 511 Hooper Road (Tax Map #142.13-1-12).

The public hearing will take place on Tuesday, September 12, 2023, at 7:00 PM in the Town Board Meeting Room on the second floor of the Town of Union Office Building located at 3111 East Main Street, Endwell, New York. The project is available for review in the Town of Union Planning Department during normal business hours (8 AM to 4 PM).

Individuals with special needs requiring accommodations may contact the Planning Department at (607) 786-2926 at least 24 hours prior to the scheduled public hearing. Lisa B. Miller, Planning Board Chair

MS. MILLER: Does the audience have any questions or comments on the Fairways Indoor Golf?

MS. LANE: State your name and address, please, if you are going to say something.

MR. BOHRER: David Bohrer, 3401 Country Club Road. I live at the corner of Country Club and Patterson. Last year we were kind of caught by surprise by the very loud music that was coming across; it comes right through the trees and over the creek. We have, on our block alone, I think about four or five kids that are five years old or under. We have a group home on the corner and we have an elderly gentlemen on the street. Even though I live on the corner there, at least three rooms into the house we could hear the music late into the night, even with shutting the windows. That was last October and I think it was one time in November. If anything has changed from this past summer, there hasn't been any noticeable problem this summer. But I just want to clarify that the music doesn't stop at the trees. I know that is a commercial plaza, and I am not opposed to the businesses that are there. However, I do want to speak for the residents that live on that block alone, and over on Smith and the other areas that extend out from there that I am sure the music carries. So that is my statement.

MS. MILLER: Can you explain what you have done since that particular time? Because I think you have made some changes.

MR. KIES: Yes, we stopped the Cans and Clams events that we did last year. Last year we had the music up in the front of the garage door facing out. We were cooking out by the tree line and it was not that loud over there, but we didn't know, obviously, music can carry. We got complaints across Endwell creek area. We stopped Cans and Clams and we just did one event per month in the summer because they were updating the interior space anyway, so it was a pretty low key summer. We put the music in the backbay that faces inside the building, so that nothing is coming out. So there should be no complaints for the summer.

MR. BOHRER: And I would repeat, this summer, if those changes have been made, that has been a fair compromise. When I saw the notice coming up that you were doing this again, I didn't know whether it was a special

October event that you go through like when you had the outdoor concerts through the summer.

MS. LANE: I am going to take a moment to explain what happened. Hopefully the kids can be satisfied and a little quiet because it's distracting, and this is very important to his business. So after receiving the complaints in the fall, we worked with Chad and his partners at that time and discussed the fact that music isn't allowed outdoors in a Neighborhood Commercial zoning district. So when spring was coming and we naively thought that we need to reinforce this with Chad and Chris, unfortunately they had already booked their gigs for this past summer, which we didn't think about. Now we are more aware of how that works. But we held another public hearing for the special use permit to have a tavern, including what were we going to do about the music after a significant investment of money that they made. We gave them a five-month temporary special permit to try and see how it would work, if the garage doors were left open because that is a nice amenity, but by putting the music in the rear and keeping it indoors, which meets the Code, but reiterating with them that you need to be conscious about the volume of music. So we gave them a five-month period so that we could see how everything worked through the summer. So that is why we are now holding another public hearing because a special use permit is renewable. You can either make it permanent or renewable, and we went with renewable. So today we are trying to evaluate how the summer went with these new procedures in place and that is why we welcome the feedback. Many, many people really enjoyed those events but we understand that it is zoned Neighborhood Commercial, and we need to put the neighborhood first, besides the people who want to come in to have a great time.

MR. BOHRER: This summer that just passed, I would say that we heard some music but it was not nearly as loud as it had been last October.

MS. MILLER: And also your hours? Are you done by a certain time?

MR. KIES: We are not open in the summertime. We were open last summer just for the Cans and Clams to offset some summer income. It's like an ice cream shop; it is open just six months out of the year. It is a second business for us here.

MS. MILLER: What hours were you closing at night in the summertime?

MR. KIES: It was only those ten Friday nights when we had Cans and Clams, and that was from 6 p.m. to 10 p.m.

MR. SARPOLIS: Did you close this summer because you didn't do Cans and Clams?

MR. KIES: That factored into it. People aren't playing indoor golf; they play outside. It doesn't make financial sense to have payroll for the setup we have. So we just thought that if we brought in some music and some outdoor food to kind of offset the summer bills.

MR. SARPOLIS: Okay, that's good to know.

MS. MILLER: Does anyone else have any comments or questions? No? Okay, we will close the Public Hearing.

Public Hearing concluded: 7:12 p.m.

I, CAROL M. KRAWCZYK, do hereby certify that the foregoing transcript of a Public Hearing of the Town of Union Planning Board is a true, accurate, and complete transcript of my stenographic notes/tape taken at the above time and place.

CAROL M. KRAWCZYK