

Testimony of a Public Hearing of the Town of Union Planning Board held at the Town Office Building, 3111 East Main Street, Endwell, NY, Tuesday, November 13, 2018, at 7:12 p.m.

PRESENT:

Members present: L. Miller  
L. Cicciarelli  
S. McLain  
S. Forster  
T. Crowley  
M. Jaros

Others present: Marina Lane  
Bob Kashou  
Gary Bush  
Jan Zajac  
Donna Zajac  
Steve Lerche  
Nathan Lerche  
Phil Cesarano  
Ray Shapinas  
Jim Taber  
Steve Harter  
Hebert Joseph

MS. MILLER: We will open the Public Hearing for a Special Permit for up to three overnight sporting events per month at 1500 County Airport Road and I will read the public hearing notice.

The Town of Union Planning Board will conduct a public hearing relative to an application by Kashou Enterprises, Inc. of the Greater Binghamton Sports Dome for a Special Permit to have up to three overnight sporting events per month at 1500 County Airport Road (property tax map number 110.04-1-37.2). Proposed events would be restricted to non-spectator, indoor sporting events.

The public hearing will take place on Tuesday, November 13, 2018, at 7:00 p.m. 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.

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.  
Paul A. Nelson, Secretary.

MR. FORSTER: Do we have an unlisted action?

MS. LANE: We did that all at the previous meeting when you were not here.

MR. FORSTER: It's still on the agenda.

MS. MILLER: No, that is for item E. We went back to C because Mr. Kashou wasn't here.

MR. FORSTER: Okay, I'm sorry.

MS. LANE: Well usually, we will start with the Planning Board members. Let me just read this first part quickly. I think that everybody is familiar with Mr. Kashou's project.

MR. JAROS: He has been in front of us before. We have granted him a permit for an overnight event,

MS. LANE: It was last spring.

MR. KASHOU: Yes, it was a one-time event.

MS. LANE: So, what happened is that the property is zoned Rural Residential, and indoor recreation is a nonconforming legal use, permitted by Special Permit from the Planning Board in 2005 prior to the change to the zoning code in 2011. When approved in 2005, the hours of operation were limited to 8 a.m. through 11 p.m. Therefore, Mr. Kashou has applied to hold up to three overnight indoor non-spectator sporting events per month. Maybe we want to let the gentleman, who is here on behalf of a softball team, tell us about the project? Can you tell us your name?

MR. BUSH: Gary Bush. I'm sorry, I don't hear very well.

MS. MILLER: Would you like to tell us about your events and how they are run?

MR. BUSH: I noticed last year, when we were granted permission to do the one which I thought was very successful, that the major domes or sporting arenas that are able to hold these indoor during the winter, would require the teams from the Corning, Elmira area or Pennsylvania, where I played a lot of softball over the summer, to travel three hours. The nearest place to go is in Victor, NY, which is out by Syracuse, and there is another one out in Harrisburg, which is about a three-hour drive from here.

MS. ZAJAC: Wilkes-Barre.

MR. BUSH: What's that?

MS. ZAJAC: There is one in Wilkes-Barre.

MR. BUSH: Oh, there is?

MS. ZAJAC: Yes.

MR. BUSH: I didn't know there is one in Wilkes-Barre.

MS. LANE: These public hearings are transcribed verbatim. Therefore, the less people are interrupting each other, it makes it much easier for Carol to write comments down. So please keep that in mind.

MR. BUSH: Okay. So it got me thinking, so instead of everyone having to drive two plus hours to go play some softball in the wintertime, why not do it a) in my backyard, because I have to do all the traveling in the summertime, and b) we take some of the proceeds from all of our tournaments and donate a portion of the proceeds to a charity. Like I said, it's a nice facility. We had one last year that I thought was very successful, where there weren't any problems. I am the one running it; that is why I am here. I run a pretty good tournament and a tight ship, and make sure that things go nice and smooth.

MS. LANE: Can you explain what the tournaments are? We really didn't know.

MR. BUSH: They are actually coed softball tournaments. There are guys and girls, seven guys and three girls; and we just have a nice huge place to play softball in the wintertime.

MS. LANE: So, how many teams play at a time?

MR. BUSH: It depends, last year I think we ended up with fifteen.

MS. LANE: For the whole night?

MR. BUSH: Yes. Well, as you get eliminated, teams will be leaving and going home.

MS. MILLER: Does it go twenty-four hours?

MR. BUSH: Not quite twenty-four hours. We usually start around eight or nine o'clock on a Saturday night, and it pretty much depends on how many teams there are. I think last year the championship game was at nine or ten o'clock in the morning on Sunday and then we were done, and that was with fifteen teams. However, I have had a lot more interest for this year, and there is a possibility of getting twenty teams. I would say not any more than twenty.

MS. MILLER: Are all of the teams there at the same time?

MR. BUSH: Not all the time, no, because the teams that come in from the Corning and Elmira area, they get hotel rooms around here too, which I think is nice for the area. They go to restaurants and they get hotel rooms, because there are some times, with us only having three fields, that we have a three or four-hour break where you don't play.

MR. KASHOU: So they may play a game and they go away, and then they come back.

MS. MILLER: So they know what time their team is playing?

MR. BUSH: The whole thing is mapped out so everybody knows what time that they play. After the game that they play, if they win or lose, they know what time their next game is.

MS. MILLER: Okay. Do any other Planning Board members have any questions?

MS. LANE: You plan to do this a couple of times a month?

MR. BUSH: Honestly, probably only once, because I think that people might lose interest. If we do this one time a month, I think it would be a much better turnout. Possibly, maybe two, but not three, that's for sure. However, if I have enough interest where they want to do two, sure.

MS. LANE: And does someone announce during the game?

MR. BUSH: No.

MR. KASHOU: We just had one Sunday but it was in the daytime. There was no noise or anything; they come in, play and then leave.

MR. SHAPINAS: Bob has spoken; may I?

MS. MILLER: If you have a question, we need you to state your name and address.

MR. FORSTER: There are rules.

MR. SHAPINAS: Okay. Ray Shapinas and I am probably the closest and Phil is the next closest.

MS. MILLER: And what is your address?

MR. SHAPINAS: I live at 90 Dimmock Hill Road. They had one this weekend, and do you know how many times we heard “I Am The Champion,” that song by Queen? And all we hear is the bass and the reverb, “ba-boom, ba-boom, ba-boom,” and it doesn’t matter what the tune is. Again, I have to ask what the attraction is that they play all night. Why does it have to be an all-night thing? Because they do sell alcohol, and I’m sure you will be open till 2 a.m. or whatever the legal time is and now you have adults. Whereas the children are a captive audience, the Christian group, they go in and out on buses, or their parents come pick them up. Now you are telling me that they are going to have a three-hour break and go back to a motel.

MS. MILLER: Can I ask a question? When you say that they play that song...

MR. SHAPINAS: Any song, even when they play the radio station 101.5; listen to it. They all have the same beat.

MS. MILLER: You can hear it?

MR. SHAPINAS: Absolutely. It just resonates, “ba-boom, ba-boom, ba-boom, ba-boom” all night.

MS. MILLER: Okay.

MR. CESARANO: My name is Phil Cesarano.

MS. LANE: Please say that again.

MR. CESARANO: My name is Phil Cesarano and I recently purchased the property directly across from the stadium, and Mr. Shapinas is right. The vibrations from the bass shake my home.

MS. LANE: What is your address?

MR. CESARANO: I live at 1417 Middle Stella Ireland Road.

MR. CESARANO: That vibration from the bass goes all through your house. I have a three-year old daughter and she thinks the house is breaking. She’s three years old and she asks me “Is the house going to break, Daddy?” and I say “No.” Yesterday, it was insane.

MS. MILLER: The vibration from the music?

MR. CESARANO: Five weeks ago on a Sunday, on a Sunday night, it was insane. I don’t know what they were doing then. All you heard was the music blasting from stadium speakers.

MR. SHAPINAS: Sometimes I think they are unsupervised, Bob, and they crank up the music.

MR. FORSTER: Are they outside in their cars?

MR. CESARANO: No, inside the dome.

MR. SHAPINAS: You have how many thousand square-feet in the dome and with the echoes, you can hear the bump of a soccer ball. You can hear that low resonance. And I like to hear kids cheer, don't get me wrong; or you might hear the referee hit the buzzer at the end of a quarter. But it's wintertime; they come in September and they leave in March or April. You want to have it yearly. What happens when I start opening my windows? Do you want that next to your house? Would you put up with that two or three times a month?

MR. KASHOU: Can I respond to that? I was there at the championship game and there were no songs played. I don't know what he is talking about. There was a football game outside and they left. But I tell you what, I was at the championship game which finished at three thirty or four o'clock and there were no songs played then. If he is talking about Sunday, I don't know what else he could be talking about. My point is that there were no songs played at the championship game Sunday. If it happened at a different timeframe, I don't remember it.

MR. SHAPINAS: It could have. Could it have been the holiday? You were busy all day yesterday.

MR. KASHOU: If that ever happened, it was never brought to our attention. The point is that I am talking about Sunday and there was no music. There was just a final game.

MR. SHAPINAS: Can we go back to my original question? What is the attraction of adults playing all night?

MR. KASHOU: Are you asking us?

MR. SHAPINAS: I'm asking the softball leader.

MR. KASHOU: That is what they asked for. These are husbands and wives and they go there because they want to have fun and they go out of town.

MR. SHAPINAS: And you serve alcohol, right?

MR. KASHOU: Yes, we serve alcohol. We have been in the business thirteen years and we've never had anybody drunk leave the premises.

MR. SHAPINAS: You've only had the license about eight years.

MS. LANE: Mr. Shapinas, you are to address the Board, not have an argument with the applicant. And if you could speak politely, we are having a public hearing because Mr. Kashou has the right to request it, but that doesn't mean it's approved or anything like that. That is why we are here tonight. So, I understand that you are upset about the dome and all the activity, but the Planning Board didn't do anything to you, so just be polite.

MR. SHAPINAS: And I had to re-ask what's the attraction for adults to play softball all night, especially when alcohol is served until two and in a motel room there's more alcohol. Now they're going to be driving in and out on Airport Road and we are going to be hearing cars "beep, beep" and closing, and people leaving. You wouldn't want that next to your house two or three times a month.

MR. KASHOU: We have had this event before and I believe there were no issues whatsoever. I know, whether it's my wife, my daughter or myself, someone will always be there. We have never had any problems with alcohol and that has never been an issue. If that had been an issue, we would have gotten in trouble and we don't want to get into that. The point is that these teams figure they want to come here and they stay overnight at the hotels. They play the game on Saturday night whether it's ten o'clock, eleven o'clock, or twelve o'clock and they go to the hotel or to a bar, or wherever they want to eat dinner, and then they go to sleep and the next day come in at seven o'clock in the morning to play another game and that's how it is. We do the same thing when we went to play soccer. It's the same situation. It's done all over the country whether it's soccer, lacrosse, baseball and softball; and that's really what it is. We had this event before and we never had any issues. So we are asking for your permission. Do we need three days a month? Probably not, as Gary said, maybe once or maybe twice and that's it.

MR. JAROS: Mr. Kashou, if I could just ask you a quick question. Have you ever been contacted by the neighbors before to keep the noise down?

MR. KASHOU: I'll tell you when we have been contacted. We had an event maybe seven or eight years ago for the overnight event.

MR. JAROS: The buses were running or something?

MR. KASHOU: Mr. Kuzel called us up and said "Listen, the guys are making too much noise. Can you talk to them?". We walked over to them and told them to turn it down, and that was eight or nine years ago whenever we started that program. Since then, we have never had any complaints brought to our attention, or I believe to Marina's attention.

MR. SHAPINAS: I think if the Board checks your records, you will find that it was three years, possibly two ago, when Randy Shear, the fire chief, for Choconut Center, he lived next door to me, he has since moved, said that the noise was so loud his windows rattled and his three-year old cried all night. That was not seven or eight years ago. That was three years ago. Bob admitted at that time that he did not stay for the event. He handed him the keys and left. He had no idea how loud it was. Again, he just admitted he left at four o'clock on Sunday after a softball game but didn't hear the music that was played later. He doesn't know when there are teenagers in there and they crank up the stereo in the middle of the week. They do stop by eleven, I have to give him credit on that, sometimes ten, certainly eleven.

MR. KASHOU: I give Mr. Shapinas the courtesy of not speaking, but when he tells lies and untruths...

MS. MILLER: We're not here to ...

MR. KASHOU: When the truth is not being told it is unacceptable. We have never turned over the facility to anybody. It is either my wife, my daughter, myself are there on the premises; I am there on the premises every time. If I am not there my daughter will be there or my wife. That I can guarantee you. Secondly, I am telling you again, I was there the whole day on Sunday, the whole day. I came in at eight o'clock and left at ten thirty when everybody had left. And I never heard any music or anything to that affect. Now, if he heard it, I'm not sure where he heard it from. It was not from the facility this past Sunday. It could have happened before, but this past Sunday it never happened. The time that Randy Shear reported that, we had known about that; we talked about that, and we corrected that by doing a decibel level test. Is that true, do you remember that? That was the case.

MS. LANE: Yes, but also what helped is that I did manage to speak with the people who were running that event and they had not been aware of the restriction, and the fact that noise had been bothering people. That's why I wanted you, Gary, to come today so that you would be aware of the issues. So once that gentleman learned that the noise had been bothering neighbors, they changed the way they did it. So

one of my recommendations was going to be no loudspeakers, but then it would also have to include obviously no music.

MS. MILLER: The lady in the back has had her hand up. Can you state your name and address?

MS. ZAJAC: Donna Zajac. I live at 1658 Airport Road.

MR. CICCARELLI: Could you repeat the name please.

MS. ZAJAC: Donna Zajac at 1658 Airport Road. I have a different set of questions. These people drive all the way from Elmira to play games starting at ten o'clock at night?

MR. CICCARELLI: Please address the board, if you would, please.

MS. ZAJAC: The tournament isn't making sense to me.

MR. CICCARELLI: Okay.

MS. ZAJAC: There are seven guys and three girls, which is a weird number on a coed team, and there are fifteen or more teams, and three fields set up in the dome, is that true?

MR. BUSH: That's true.

MS. ZAJAC: All right, and sometimes they get a four-hour break, and you don't start until ten or eleven at night, and you go all night and you finish about nine o'clock in the morning.

MR. BUSH: That is right, depending on how many teams we have, yes.

MS. ZAJAC: Is that because you don't have room during the day; that is the only time you can have it? Or that's when they prefer it?

MR. KASHOU: They prefer that.

MS. ZAJAC: This is all new to me. I couldn't figure out what this was; that is why we came here.

MR. KASHOU: That is what they prefer; that is what they ask for. We try and provide them with what they ask for. We have gone to soccer tournaments that run differently. And the same thing when we have gone to Rochester, Syracuse day tournaments, the same thing.

MS. ZAJAC: So you are just looking to have softball. It's only going to be softball, or it could be soccer or it could be lacrosse? This is what I'm trying to understand.

MS. MILLER: The only thing that they are asking for right now is the softball.

MR. SHAPINAS: I request the Board get the meeting minutes from three years ago. Bob called me a liar and you will see in the minutes where he said "I left the event." They have had two events since then where the noise has been lowered. But Bob did state "I don't know, I wasn't there, I left." In addition, the Board questioned him that he left that dome unattended. Soe, if he wants to call me a liar, I would like the Board to pull out those meeting minutes, make copies, and mail one to Bob and one to me. Then Bob can apologize after he reads it.

MS. LANE: What you would have to do is to submit a foil form to the Town Clerk, and you can do that online. Then you can request copies for yourself and then you can distribute them to whomever. However, what you need to understand also is that right now we are in a public meeting, but we are having a public hearing at the meeting. Public hearings only are verbatim. If it was just a meeting, that would not have been recorded verbatim. So the chances are...

MR. SHAPINAS: So we just have witnesses to go on? There were a lot of them at that meeting.

MS. LANE: We have reiterated that it was an issue, and yes, Randy Shear spoke about it; and that's when I made sure to speak with the gentleman running that Word of Life program. I've already said that and I feel that we have already addressed it. Don't worry about petty fighting amongst you here. We have a young man here, a boy scout; I'd like us to all be respectful about the way we talk in front of him.

MR. KASHOU: I'd just like to reiterate that we have never turned over the facility to anybody. We have always had my daughter, my wife or myself at a minimum at the facility. So, the notion that we turned over the keys to the facility to somebody is not true. It has never happened. Secondly, this past Sunday I was there from eight o'clock in the morning to ten-thirty at night, I guarantee you that.

MR. CICCARELLI: We can certainly make provision that oversight part of a requirement.

MS. MILLER: Maybe there has to be some kind of security provision in there, if that is the case.

MR. BUSH: That's where I come into play. I make sure that there is nothing going on. We're there to play softball and have fun. We are not there to cause problems with the neighbors. We are not there to drink and get drunk. We are there because it is a nice big facility for us to be able to swing a softball bat in the wintertime. That is all we are looking to do. We are not going to cause problems with the neighbors by loud music or people getting drunk. We had one last year and it went smooth as can be. There wasn't any problems. Now people might bring blue tooth speakers, but the only people who could hear them were the people sitting near them in the dome. I was playing down in another field at the other end of the dome and I couldn't hear it. That to me is respect.

MR. CICCARELLI: Our position is a neutral position. We have to listen to everyone. We have to understand your concerns.

MR. BUSH: That is pretty much me. I try to make sure that everything stays in order.

MR. CICCARELLI: We have to make recommendations to you as to how we can make this amicable for everyone.

MS. LANE: Let me address the security issue. I don't think anybody from the Fire Department made it tonight. Unfortunately, the new chief, Tyler Kolb, works second shift. He was going to try to get someone else to come, but his concern only was should an accident happen. So he asked about medical security. When I talked to Code Enforcement, I'm pretty sure that they are all firemen, the number of people would be 5,000 before we could require medical people. Let me just finish please. So that everybody understands, we create requirements by listening to your thoughts and concerns. I think that in the future having the music loud will be better controlled in general, all day long. There won't be music at night. I'm pretty sure that is what you have said.

MR. CICCARELLI: These are the stipulations that we can require.

MS. LANE: And, also just one more thought. In my draft, I did say that Mr. Kashou would need to notify Code Enforcement and the Fire Department a week before each event. Then the Fire Department is aware that there may be an event going on in the middle of the night so that they have it in their minds that maybe someone breaks a leg or whatever.

MR. KASHOU: Just to highlight regarding the medical security, we do have a UHS, representative, a trainer, on site whenever we have events.

MS. LANE: Even overnight?

MR. KASHOU: Overnight, we would have to request that; we don't have one now. There is a schedule; they are part of the business. They are always there and they provide medical support to anybody who gets hurt.

MR. CROWLEY: A question, just for the board part here. The way this is written, you made a comment that it would be three baseball events. This just says "events," so it could be anything besides baseball like soccer or lacrosse.

MR. CICCARELLI: There's no stipulation?

MR. CROWLEY: I just want to be sure that we understand that it is not just baseball. Okay, the events could be for something else. Then there is one other thing in here when you read that report, the town does have a noise ordinance that should be followed. However, the Town has no way of enforcing it. Am I correct?

MS. LANE: That is not correct.

MR. CROWLEY: Okay, so explain it to me so that I understand.

MS. LANE: So what happened is that when we were first considering outdoor entertainment events, I think it was 2014, we considered what we were going to require at that time. We asked Bob to use a digital sound decibel measurer, which as I recall Mr. Shapinas knows about those. The way our code is written, there is a certain decibel level that has to be followed at the perimeter of the property. So Mr. Kashou was supposed to take the readings at the perimeter of the property, but I think those events never ended up happening anyway. But that is the same issue that we have had to go through with Mr. McDonough. I think that if they are not having music, and this is specific to the overnight events, so, if they are not having any music at all and no loudspeaker, there shouldn't be that noise. I do understand the concern about the cars, I hate that "beep" noise with the cars.

MR. CROWLEY: You are not going to stop somebody. I don't care who has the event. I have had neighbors when their guests leave their house at midnight; they have to toot their horn to let them know they've left. Now Bob can't stop that; nobody can stop that. There are certain requirements that we can put on him but he can't police everything in reality.

MR. JAROS: What I'm thinking is that maybe this noise isn't going to extend beyond the decibel limit, but it's a nuisance. There's a nuisance law when it comes to noise. Let's say for example, there is a building that is making noise like this (hits the desk to simulate a thumping noise), and your neighbor, even though they are not going past the decibel, it's a nuisance violation issue. Therefore, I am wondering if this plays a role here.

MR. FORSTER: What section is that?

MR. CROWLEY: If there is no law, we can't enforce it.

MS. LANE: What do you mean by no law?

MR. CROWLEY: Well, if they are saying it's a nuisance thing, what determines a nuisance?

MR. JAROS: Well you could have kids next door having a party, playing loud music and not go beyond the decibel level, but it becomes a nuisance. So I am sure our town has a nuisance law that the police would be involved. You can't just disregard everything.

MR. FORSTER: If it is not written down...

MR. JAROS: All I'm saying is I think that this is what we are dealing with. They could be in the cars for all we know, with their music blasting.

MR. FORSTER: If you don't know the chapter and verse of the law, then how do you know it's a law?

MS. LANE: Scott, and just everybody, relax a little bit, thanks. So, what Mark is trying to say is that it may not be in our town code book, although it might be, I don't know that. It doesn't matter. The fact is that if someone creates a nuisance, they can make a complaint to the police, is what it would be. If is something like the music in the future, if someone is playing music so loud, you must call code enforcement.

MS. MILLER: Or call the police.

MR. JAROS: Or call the police; they might not know what is going on.

MR. SHAPINAS: May I speak? I have something to say and it is on topic. When we had that meeting where you remember Randy Shear was there, whether it was three years ago or whatever. I explained that the Town of Union noise code is scattered all through your code. The City of Binghamton has a very clear noise code. It's all on one page

of their code. It has commercial endeavors, commercial and residential areas, daytime, weekends, quitting time, decibel inside, decibel outside, very easy to follow. And we said that should be incorporated. Bob could spend twenty dollars for a noise meter so then he could see that, for example, he is at sixty-five decibels and he's allowed eighty-five decibels. However, remember folks, you are asking for permission, the sign for the variance outside the building for the last week and a half, said monthly overnight events. I come here tonight and I find out it more like bi-weekly, or maybe multiple.

MS. LANE: I am limited as to what I can get on those signs. I'm very proud of how much I get on those signs, and there are phone numbers that you can call.

MR. SHAPINAS: Another instance is when that softball fellow said they have to go to Syracuse. That dome is, I think, in Solvay and it's on Indian reservation property without houses around. It's a big difference between them and us. Bob bought and built knowing that this was residential/agricultural property. I've asked before who in the town gave him permission to raise the lacrosse field six and eight feet above the road surface. That used to be a catch basin for water; we're all concerned about flood runoff. It used to be a cornfield and now it has nowhere to go but around the dome and into us. It surfs right over the road at us and I have asked for ditches and Rose Sotak...

MS. LANE: Mr. Shapinas, this is a public hearing. Your complaints, I'm sorry, allow me to finish, because your complaints are not relevant to this overnight sporting event. If you have a problem, then you need to come into the town and express that. We can answer your questions. We have all the records, and in fact, on this site plan, it has the dates of all the different revisions and what all those revisions were. They were all approved. Right now, this is specifically about having indoor overnight events.

MR. SHAPINAS: And three years ago, when we said "what happens when the noise gets out of hand," we were told to call the sheriff.

MS. LANE: Or us.

MR. SHAPINAS: That is my recourse. Would you like this near your home?

MS. MILLER: Well that is anybody's recourse, really.

MR. SHAPINAS: Well the code department is not there at two o'clock in the morning.

MR. CROWLEY: You mentioned Binghamton. Binghamton has its own police force. This is different. The Town of Union does not have a police force. If you were in the Village of Endicott, they have their own police force. They can enforce noise. Binghamton can enforce noise. Johnson City. The Town of Union do not have a police force.

MR. SHAPINAS: Does that mean that you cannot enforce noise then?

MS. LANE: Here is our noise ordinance. Now, you may not like it, but we have a noise ordinance. And in residential areas, it has to be lowered by ten decibels. Dee does her best; if she hears that there is a complaint, she goes out to whatever the location is. We have another location in the town that has received complaints about excessive noise late at night. She will go at eleven o'clock at night and take a reading. If you have a problem with the noise, please call code enforcement.

MR. KASHOU: Again, we are not here to pick arguments or fights with our neighbors. We really are not. We want to have a good relationship with our neighbors. As I said, when Mr. Kuzel had that issue before, he called me up right in the office. I was right in the office and I answered the phone, went right out there, and resolved it. We have our doors wide open. Anyone can come in and say "can you guys turn the volume down please, we have an issue with it." That has never happened before. The only time it's happened is when Mr. Kuzel called, and he called me on that. I didn't hang up the phone on him. I didn't say "go whatever yourself." The point is our door is always open and if Mr. Shapinas has any issues, he is welcome to call and say "hey Bob." He has my number. "Please tell these guys to cut it out; we want to sleep." That has never been an issue. I stopped at his house a month ago and offered for him to use my bobcat.

MR. SHAPINAS: No, he came to try to buy property. Don't mislead the group, Bob.

MS. MILLER: Sir, this doesn't have anything to do with what we're here to talk about.

MR. SHAPINAS: You came to buy my lower field.

MR. BUSH: Can I just ask one question? The one that we did last year, that we got approved for fifteen teams, is there anything on record, any complaints about last year's tournament? Thank-you; that is all I wanted to know. Thank-you.

MS. ZAJAC: As I said before, I live on Airport Road and my issue is none of this. The speed limit is 55 on Airport Road. And I have to drive down

Airport Road when all these people are coming and going. I'm concerned about adults who are drinking and playing softball and coming out 3:00. I don't often drive at 3:00, but, at a minimum, could you warn people that the speed limit is 55 when they pull out? Because I think they think it is 65 on the four lanes and 45 on the two lanes, when it is 55 the whole way. So our big problem that we have is coming down when these people pull out like it's on Main Street and they think you are going 30, and you are not. I'm waiting, and now with the addition of darkness and wetness at night, I have a real concern with it. There is a light. I'm used to driving the road and I know that there are deer around, and that there are deer everywhere. There were deer all over Airport Road tonight. But that is my one concern, that he makes his teams aware that Airport Road is a 55 mile an hour speed limit from the Airport to Lower Stella from where it comes up. And they have to watch when they are pulling out on Airport Road, because if you are coming at 55 and they are pulling out and talking at 2:00 in the morning and not paying attention, I don't want to hear that happen. We had a big accident there, where the guy happened to have a heart attack, and I don't want to see one of those again. We heard it our house a half a mile away.

MR. CESARANO: It's Phil Cesarano again. My thing is that I live across the street and the driveway goes towards my property. One out of ten cars make U-turns in my driveway. It ruins my driveway and I have to put planters there to stop it. It doesn't work, they pull right into my driveway and it happens at two in the morning when they end the games, it's a nuisance like the gentleman over here said. They pull into my driveway using it like a personal interstate for making U-turns. When he said he was approachable, last year I walked in there because they were plowing snow onto my property. I asked the guys to stop doing that and I got an attitude – "it's just snow." No, it will melt. I get trash from all of the refreshment stands. My wife and I go out in the spring and we're picking up trash. That is coming from their snow that they push onto my property. I get nothing but attitude when I go in so I don't go in anymore. Now I'm going to film it and I'm going to call the sheriff's office if they are putting snow on my property. There was a gentleman with a beard that gave me big attitude. He said "It's just snow, what you want me to do for you?"

MS. LANE: Did you buy Mrs. Plestis's house?

MR. CESARANO: Yes, I did.

MR. SHAPINAS: Jennifer Plestis, kitty corner from my property.

MS. LANE: So on the south side of the dome.

MR. CESARANO: Yes.

MS. LANE: So, your guys should not be pushing snow onto his property. That needs to change.

MR. CESARANO: So then it stops.

MS. LANE: That is not permitted.

MR. KASHOU: Did you go and talk to them?

MR. CESARANO: Yes, I went to whoever was behind the desk, and I told him "please stop putting snow on my property" and he gave me attitude. What about the traffic patterns from these games? The traffic pattern when these games end, my driveway is torn up, torn up. Everybody is making U-turns because instead of making a right there they make the left going out on Airport Road. I have to pay money for this. He's not paying for it. Now two in the morning, I'm going to have traffic like this? They come up to the stop with their music blaring in their car? You have three cars stopping at the stop sign with music blaring in their cars.

MS. LANE: So this happens during the day?

MR. CESARANO: During the day and I don't need this at night. He can do his business during the day, that is no problem. Two or three in the morning, people get up. That is my worry about this.

MS. MILLER: Okay, thank-you. Anyone else?

MR. LERCHE: Yes. My name is Steve Lerche and I live at 1393 Union Center Highway. I live about half a mile from the soccer complex in West Corners, and about half a mile from the McDonough entertainment complex, The Pine Inn. When those events are active, I can hear every word from my property. The regular events, some of the noise is just inherent coming from the fact from the Town of Union. I would like to commend Mr. Kashou for operating fourteen years with no big catastrophes or fourteen years without any problems, even with an alcohol program. As I understand now, he is allowed to operate until 11 p.m. daily; and the permit is asking for up to three per month around the clock.

MS. LANE: Mr. Kashou actually requested two, and then I increased that to three just to include the Word of Life event, which is once a year.

MR. LERCHE: So another way to look at that, you could say almost every weekend this is going to be going on around the clock. I would just urge the owner to be a good neighbor and listen to the concerns of the people around you. And you are to be commended for bringing the business and the event to our area. I hope this can be resolved in the neighborhood. Thank you.

MS. LANE: So, could it be that the music they heard was from the Word of Life event this weekend?

MR. KASHOU: I suspect not, because he is talking about Sunday. Sunday, I'm telling you, I was there when the championship game was on and everybody, and I hate to say this, was tired. They took a picture and these guys left. When they left they might have had their radios blaring, but it was not from inside the dome; that's my point. I was there we had softball, after that we had a break. Then five-thirty we had adult soccer, and after that there were a couple of softball games. Listen, I am not telling you it doesn't happen, but it was not this Sunday, I can guarantee you it was not this Sunday from inside the dome. That's the only thing I'm saying.

MR. SHAPINAS: Again, I'll commend Bob too, for his investment in the dome. Most of us, our investments are in our homes. You may have a 401K or Grandma gave you IBM stock. But how many can say your home is your biggest asset, or close to. We used to get a letter before the Word of Life event. There has been no mention of letters two-three times a month telling us when there is going to be an overnight event. We are losing control and we are losing value. Would you like your house assessment to stand while this goes on around you? I knocked down a fifty-by-eighty barn and you did not lower my assessment. They did a drive-by assessment.

MS. LANE: That's not relevant to the issue.

MR. SHAPINAS: Well, the point is that is my investment. I'm retired; I'm disabled. This is Bob's investment. I don't infringe on him and I don't want his noise and people infringing on me around the clock, twenty-four hours. It does not work in that neighborhood.

MS. MILLER: Okay.

MR. KASHOU: Just for the record, we did send out letters to the neighbors; you sent me the labels I think.

MR. BUSH: Was that gentleman over there, I'm sorry, sir, I did not catch your name.

MR. SHAPINAS: Ray.

MR. BUSH: Were you living there when we had this tournament last year?

MR. SHAPINAS: Well there was no notification, hear me out, there was no notification that you had a tournament. I don't know what day, month or anything about it.

MR. BUSH: Well was there anything on the record about any complaints?

MR. FORSTER: So you didn't even know it happened.

MR. SHAPINAS: We were not notified, we are supposed to get notified.

MR. FORSTER: So there was an overnight event that happened and you didn't even know it happened.

MR. SHAPINAS: Out of 365 days how do I know that he had an overnight event?

MR. FORSTER: Well, obviously, there wasn't any noise that kept you up or anything, if you don't know that it happened.

MR. SHAPINAS: You are biased in his favor.

MR. FORSTER: No. He just asked you if you remembered the event.

MS. MILLER: Okay, Scott.

MR. CESARANO: You didn't send me a letter and I didn't know when it happened.

MR. SHAPINAS: Scott, what's the matter with you? I didn't get a letter for the last weekend's, yesterday's overnight. Did you get a letter saying that there was going to be an overnight? There was a sign in the yard, but no letter came to the house. Now you want to have multiple events during the month.

MS. LANE: Mine came.

MR. SHAPINAS: Fourteen years and Bob has never offered his cell phone if there is a problem. I have to call and ask his daughter. So don't say that we are real copasetic here.

MS. LANE: We hear that you are upset. We have another project on the agenda. Therefore, to move it in a progressive manner, rather than just rehashing old stuff, Bob did receive mailing labels. Not everybody

got their mail. Like Lenny didn't get his mail for this meeting. I'm not sure that there were some issues, but I definitely got the letter that Bob sent to notify, because I include my mailing address with those. I am sure it was a slipup or an oversight. I think that, unless people have something new to add, your concern about your driveway about people turning around in it and the noise issue.

MR. CESARANO: That's one of my concerns, the second is the noise nuisance.

MS. LANE: We can control that stuff, okay? We can control, not the people turning in your driveway, but we can control that there would be no music and no loudspeakers.

MS. MILLER: And we can also do it on a...

MR. CESARANO: What are you going to do when it happens at three in the morning? Do you have to wait until the next day? What's my recourse, calling the sheriff and waiting for them to come. Now I'm losing sleep? I'm the loser from the beginning to the end.

MR. SHAPINAS: And what is your recourse if someone gets injured at four in the morning? Are you going to say that the board gave them permission? Are you going to take that liability?

MS. LANE: There's a bar right up the street.

MR. SHAPINAS: That closes at two o'clock. Two a.m.

MR. FORSTER. Three o'clock.

MR. SHAPINAS: Well, I don't know, I don't go to bars.

MR. FORSTER: The county law is three o'clock from what I understand.

MR. CICCARELLI: Well there are blue laws, right?

MS. MILLER: You can't serve after three o'clock on weekends.

MS. LANE: Well I can read my report. But are you going to close the public hearing?

MS. MILLER: Does anyone have anything new to add? Well then, we will close the public hearing.

Public Hearing concluded: 8:00 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