

TOWN OF CONCORD PLANNING BOARD  
Town Hall

April 6, 2021  
7:00 p.m.

**ITEM # 1:**

The meeting was called to order by Planning Board Chairman Lawrence J. Kelly, Jr., at 7 p.m.

**ITEM #2: Roll Call**

**Present:**

Lawrence J. Kelly, Jr., Chairman  
Bruce Luno  
James Jozwiak  
Joseph Edbauer  
Julie Zybert  
Karl R. Lux  
Raymond Hilliker

**Also Present:**

Darlene Schweikert  
Clyde Drake, Supervisor

**ITEM #3: Citizen Participation**

There was no one for Citizen Participation.

**ITEM #4: Comments for Liaison Supervisor Drake**

Supervisor Drake discussed the following with the members:

a) He had received a telephone call from Karen O'Hara who asked for an update on the Croft matter. Mr. Croft is reviewing his options. J. Zybert asked if Mr. Croft was doing anything with cars on his property at this time; Supervisor Drake advised that he was not.

b) Supervisor Drake had emailed Chairman Kelly regarding the new marijuana law. The law is written you can be a producer or a retailer and there can be consumption sites. The law does allow for municipalities to opt out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses by passing a local law by December 31, 2021. These could not be located within 500 feet of a school or 200 feet of a church. Supervisor Drake advised it looks like the Town should look at the opt out to what the Town can do to get more restrictive. This is something that the Planning Board will need to review; the town may need a local law. Some towns have tried to do this by zoning. There are people in the Town growing it now legally with a permit; the Town can't stop people from growing and he doesn't know if the Town wants to because the Town will get the 4% tax. If it is in the Town, the Town would get the whole 4% tax. If it is in the Village, the tax would be split in half between the Village and the Town. Supervisor Drake advised that he will also be working with Town Attorney Attea on this. It was suggested that there be a joint meeting with the Village Board of Trustees and the Town

Board. Chairman Kelly advised that hidden in this law is a clause that if you do not have a pistol permit and you go in and buy marijuana, you cannot get a pistol permit. That's in this new law.

c) Delaware River Solar had emailed CEO Singleton regarding the Hoffman Solar project asking him to make a decision on the application. The Town received a letter from the attorney for Delaware River Solar with case law; the letter was sent to CEO Singleton but addressed to the Town of Hanover. The State law that the Town adopted in 2019 had Zone Ag and our Town Code uses the Code R-Ag. Since this letter contains case law it has been forwarded to Town Atty Attea for his review and guidance. Councilman Drozd, Chairman Kelly and Supervisor Drake met with Andrew Reilly from Wendel for a second time to review the Solar Law update and the Comprehensive Plan. Progress is being made. Chairman Kelly advised that the footprint of the project is the fenced in area. J. Edbauer asked if the Planning Board will get a chance to look at the updated law before the Town adopts it. The Planning Board will have an opportunity to review the law. Supervisor Drake informed the members that at this month's Town Board meeting the Town Board will pass a resolution notifying Erie County so the SEQR process can be started. Chairman Kelly advised that solar energy is inevitable; the Town needs to decide how to address host community agreements in which the Town would get a bigger piece of the pie or the state would get the bigger piece.

**ITEM #5: Approval of Minutes**

a) March 2, 2021 – K. Lux made the motion, seconded by J. Edbauer, to approve the Minutes as presented. All in favor. Carried.

**ITEM #6: Code Changes-Fee Schedule**

During the last month, Chairman Kelly talked to several municipalities in the Western New York area and also some outside of the area. He found out that one of the things that our fee schedule can do is cover the expenses of the CEO/Building Inspector and he questioned whether that was what CEO Singleton or the Town Board was looking at; to cover the costs of the CEO? Is that the objective? Chairman Kelly doesn't have an issue with that rather than the taxpayers as a whole being responsible to cover the costs. Either way the CEO is going to get paid either the Town puts it in their budget and not recoup the amount and/or it goes onto the fee schedule which brings the money into the Town (still coming out of the same pockets), it's just a different way to get there. Rather than the taxpayers paying, let the resident applying for a permit; that way the owner pays for the CEO coming out to the property. K. Lux noted that his only caution is that the Town does not want to make the fees high enough that no one wants to build in the Town. Chairman Kelly asked the members if as a committee feel that there are some areas here that could be increased, these could be recommended to the Town Board. Chairman Kelly noted that he does not see anything on the fee schedule for junk cars. This was something that CEO Singleton had requested. J. Zybert noted that these residents could be fined by the Court or questioned if the resident would pay the Town money and the Town would be ok with the junk cars on their property. CEO Singleton

recommended that after 14 days if the vehicles had not been removed or registered, a charge of \$10 per day would be assessed until the matter was resolved. CEO Singleton wanted an additional penalty if it wasn't taken care of in a certain number of days. Supervisor Drake noted that the Court is not open currently open due to COVID and this is the problem; CEO Singleton is limited in what tickets he can write since he doesn't have the Court date information to include on the ticket. Several tickets that had been written prior to the pandemic are still sitting in the Court. One resident has adjourned several times claiming health issues. J. Jozwiak said the resident could call someone to remove the vehicles; if they are not paying fines, why would the resident pay money as an additional penalty to the CEO? B. Luno questioned if the resident didn't pay fines, could it go on their tax bill? Supervisor Drake noted that that can be done.

Chairman Kelly advised that he has no problem with increasing some of the fees on our fee schedule. J. Zybert wondered if the Town would want to put an escalator clause on the fee schedule so that every January 1<sup>st</sup> there would be a 5% increase on the fees. J. Edbauer felt that was a good suggestion but thinks we should increase the fees now as well. R. Hilliker noted that our fees do seem lower than most other Towns. It is nothing to pay \$700 to \$1,000 for a new house in other towns; here we are \$300. J. Jozwiak agreed; there are things they can do to help the CEO.

#### New Home Permits:

R. Hilliker said that the CEO has to go to the property four or five times at a minimum as well as the plan review for construction. J. Jozwiak feels that our New Home Permits should increase from \$300 to \$500.

K. Lux and J. Jozwiak noted that the additional 1,000 square feet should increase from \$100 to \$200.

#### Accessory Buildings:

All storage sheds up to 144 square feet-fee \$25. J. Edbauer noted that the language that CEO Singleton wanted included with regard to storage units should be included. R. Hilliker felt this should be at least \$50. J. Jozwiak felt \$100 was too much. J. Edbauer agreed with R. Hilliker. J. Jozwiak noted that if someone were to purchase a \$300 shed from Walmart, they will not pay a \$100 fee to place it; they just won't get a permit. J. Zybert said there will always be people who don't comply. K. Lux wondered what is an accessory building in our Code. R. Hilliker likes adding the language about shipping containers because it will bring it to the resident's attention that a permit is needed for those units. Supervisor Drake brought up the question about when people put a roof on these storage units so they don't look like a tractor trailer or cover with wood siding to look like something else; it would still be a shed; people are using them to store stuff in. Change: All storage sheds up to 144 square fee \$25 to All storage sheds up to 144 square feet including any storage unit, shipping container, semi-truck, pods, old box, tractor trailer, etc.; fee \$50.

Chairman Kelly recommended that the \$100 fee to all garages, pole barns, decks, porches, sheds and storage buildings up to 1,000 square feet remain the same but add the language regarding shipping containers. K. Lux agreed. This would now read: All garages, pole barns, decks, porches, sheds and storage buildings including any storage unit, shipping container, semi-truck, pods, old box, tractor trailer, etc. up to 1,000 square feet; fee \$100.

Garage, pole barns, decks, porches, sheds & storage buildings over 1,000 square feet-fee \$150. J. Jozwiak sees no reason why this fee should not be increased to \$200 to be in line with the new home permit fees. There is a lot of engineering for a bigger building.

Chairman Kelly asked the members if they wanted to review the Commercial Permit fees; K. Lux noted that CEO Singleton had not requested these to be reviewed. R. Hilliker believes that the \$500 fee for a Commercial Permit up to 10,000 square feet is very cheap because CEO Singleton has a lot of work to do on a building that size. J. Edbauer agreed. J. Jozwiak questioned what classifies a building as commercial? R. Hilliker felt it would be in a commercial zoning district. J. Jozwiak noted that he has contact with the Village CEO to keep informed on what is going on in the Village. Change would now be increase from \$500 to \$1,000.

Each additional 10,000 square feet or portion thereof fee \$100. R. Hilliker feels it should be higher. J. Jozwiak agreed and suggested \$500; J. Zybert felt it may be too much. Members agreed on fee of \$250. Change would now be increase from \$100 to \$250.

For first addition or alteration of 10,000 square feet or portion thereof fee \$500. J. Zybert questioned if this meant addition at a later time and it does. J. Jozwiak would recommend \$750. J. Edbauer felt that was fair. R. Hilliker noted that the CEO is not looking at site plan but CEO still has a lot of inspection work to do.

Each additional addition or alteration of 10,000 square feet or portion thereof fee \$100. K. Lux recommended \$250 to keep it the same as the other additional 10,000 square feet above.

#### Miscellaneous Permits:

Pools (in-ground and above), spas, hot tubs, etc. fee \$50. J. Edbauer recommended that the fee be increased to \$75. \$50 hardly covers the cost to have the CEO's work.

Solid fuel burning stoves/furnaces or chimney inspections fee \$50. J. Jozwiak questioned if a CEO is qualified to do chimney inspections. J. Edbauer felt that the CEO would check set backs but not do actual inspections. J. Jozwiak noted that if there is a chimney fire, the chimney cannot be used until it is inspected. J. Edbauer stated when he was CEO, he would give the owner a citation stating that they could not use the chimney until

it was inspected; whoever puts in chimneys and is licensed. Chairman Kelly's concern was if we left in the word "inspection" and the house burned, would the town be liable? J. Edbauer recommended that the word "inspection" be taken out. K. Lux questioned woodstoves that use a chimney and Chairman Kelly answered that that would be a solid fuel burning stove.

Members agreed to increase demolition of building from \$50 to \$75 and also the fee for inspections relative to major renovations, insurance requests, realty inspections, mortgagor-mortgagee inspections, estate and litigation, and re-issue of Certificate of Occupancy inspections increase from \$50 to \$75.

Alterations to building fee \$75. The members questioned what an alteration would be. R. Hilliker noted that this would be residing; it would not. The Town does not have a permit for that. Alterations in past have included changing the front entrance way. J. Zybert noted that it would something that would not change the footprint but making a change to the building. J. Edbauer would like to see this left in the schedule so that the CEO has an option to use this fee. R. Hilliker noted that a remodel would be an alteration; making a structural change. After discussion, members agreed to leave this fee at \$75.

Roof permit (all buildings over 144 sq feet) fee \$50. J. Jozwiak recommended increase to \$75. J. Edbauer noted that the CEO would be going out to inspect and that the fee should be increased. Members agreed fee should increase to \$75.

#### Additions:

Up to 500 square feet fee \$75.  
501 to 1,000 square feet fee \$100.  
1,001 to 1,500 square feet fee \$125.  
1,501 to 2,000 square feet fee \$150.  
2,000 square feet and over fee \$175.

J. Zybert advised that if the fee for a roof permit is now \$75, then the fee should be more than \$75 for an addition. R. Hilliker noted that additions are the same inspections as a new home; same number of trips to the property. K. Lux recommended that all of these fees be doubled. K. Lux noted that then these would be in line with the New Home Permit fees.

#### Re-Issue:

R. Hilliker asked if the members were going to change the re-issue fee or the fee if a permit is not obtained. J. Jozwiak thought that these fees could remain the same.

At last month's meeting, the members agreed with CEO Singleton's request for a permit for a permanent standby-backup generator and require an inspection/testing done by a certified electrical inspector with a permit fee of \$75.

K. Lux made the motion, seconded by J. Edbauer, to recommend the above fee schedule changes to the Town Board. All in favor. Carried.

The members did a second review of some of the changes that CEO Singleton detailed in his December 4<sup>th</sup> letter:

Campgrounds-yearly inspection with a fee of \$150. R. Hilliker said he would vote no; all members agreed. CEO Singleton had discussed tent inspections previously; R. Hilliker noted that this would open the Town up to liability. The tent company putting up the tent would be responsible.

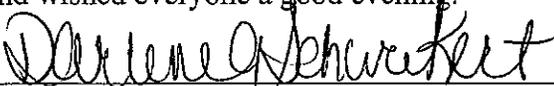
Home Occupation without obtaining a permit-\$100 fee for application and fee for not obtaining a permit could be up to \$500. J. Jozwiak believes that Home Occupation is a gray area especially right now during the pandemic when so many people are working from home. J. Edbauer would think that a home occupation would apply if people were coming and going into the home for the purpose of business. J. Jozwiak stated that the Home Occupation makes sure people are safe, ADA compliant, have smoke detectors etc. At the February and March meetings, there was a lot of conversation about what would be classified as a home occupation. The members do not want to discourage home occupations in the Town. R. Hilliker noted that these same residents working at home are spending money in the Town. The members agreed to leave this as currently in the Code.

**ITEM #7: Business from the Members**

1. B. Luno apologized to the members but he still believes that Gernatt should be renewing each one of their gravel pits as separate permits even though the DEC has combined the two pits into one DEC license. B. Luno thought the Town should contact the DEC and request that. R. Hilliker stated that a change could be made to the permit renewal fee schedule so that each SBL parcel ID would require their own Town permit. Chairman Kelly does not believe the Town can tell the DEC not to combine pits on their licenses; that the Town wants them separate. K. Lux recommended to let the DEC be the controller.

**ITEM #8: Motion of Adjourn**

J. Jozwiak made the motion, seconded by J. Zybert, to adjourn the meeting at approximately 8:03 p.m. All in favor. Carried. Chairman Kelly announced that he was resigning from the Planning Board and as Chairman of the Planning Board. He turned in his key to the Town Hall and his Code Book. Chairman Kelly thanked the members for all their support over the years and wished everyone a good evening.

  
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Darlene G. Schweikert  
Planning Board Secretary

# **TOWN OF CONCORD**

**Jeff Singleton, Code Enforcement/Building Inspector**

**86 Franklin Street  
P.O. Box 368  
Springville, NY 14141  
(716) 592-4946 x 314**

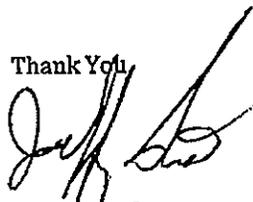
December 4, 2020

Dear Planning Board,

I would like to recommend the following code changes be brought up for review and consideration to be added to our Town of Concord Codes:

- Permit for permanent backup generators and require an inspection/testing done by a certificated electrician. Fee for permit \$50.00
- Permit for any storage units (shipping container, semi truck, old box, etc). Fee for permit will be based on square footage of storage unit.
- Campgrounds-yearly inspection with a fee of \$150.00.
- Code enforcement office should have the x-hunt app which cost is \$29.99/yearly.
- Permit Renewals---if a renewal is not obtained, when needed, fee should be doubled. A possible charge of 50¢ per square foot and/or structure torn down
- Unregistered Vehicles- letter sent giving notice that you have 14 days to remove all vehicles or obtain registration. If after 14 days vehicle (vehicles) have not been removed or registered, a charge of \$10.00 a day until issue is resolved. Also must provide proof of disposal or registration of each vehicle.
- Any work being done without obtaining a permit is subject to a permit fee being doubled/fee of 50¢ per square foot/ possible tearing down or movement of the structure.
- Home Occupation without obtaining a permit-\$100.00 fee for application and fee for not obtaining a permit could be up to \$500.00.

Thank You



Jeffrey Singleton

TOWN OF CONCORD  
BUILDING PERMIT/FEE SCHEDULE §162-1

New Home Permits:

\$300	up to 2,000 square feet
\$100	each additional 1,000 square feet or portion thereof

Accessory Buildings:

\$25	all storage sheds up to 144 square feet
\$100	all garages, pole barns, decks, porches, sheds & storage buildings up to 1,000 square feet
\$150	garages, pole barns, decks, porches, sheds & storage buildings over 1,000 square feet

Commercial Permits:

\$500	for 1 <sup>st</sup> 10,000 square feet
\$100	each additional 10,000 square feet or portion thereof
\$500	for 1 <sup>st</sup> addition or alteration of 10,000 square feet or portion thereof
\$100	each additional addition or alteration of 10,000 square feet or portion thereof

\*Exception: Where owner of residential property located in a commercial district (C2) who wants to improve their residential property, not the commercial property, will be charged the residential building permit fee. If at any time the permitted structure is used for business purposes, it shall void the original fee and the business fee shall be reinstated.

Miscellaneous Permits:

\$50	pools (in ground & above) spas, hot tubs, etc. *See State regulations for fence
\$50	solid fuel burning stoves/furnaces or chimney inspections
\$50	demolition of building
\$50	inspections relative to major renovations, insurance requests, realty inspections, mortgagor-mortgagee inspections, estate and litigation, and re-issue of certificate of occupancy inspection
\$75	alterations to building
\$50	roof permit (all buildings over 144 sq ft)

Additions:

\$75	up to 500 square feet
\$100	501 to 1,000 square feet
\$125	1,001 to 1,500 square feet
\$150	1,501 to 2,000 square feet
\$175	2,000 square feet and over

Re-issue: Fee is the same fee paid for the original permit.  
Fees are doubled for any building which is started without obtaining a building permit

**TOWN OF CONCORD  
BUILDING PERMIT/FEE SCHEDULE §162-1**

**New Home Permits:**

\$500 up to 2,000 square feet  
\$200 each additional 1,000 square feet or portion thereof

**Accessory Buildings:**

\$50 all storage sheds up to 144 square feet including any storage unit, shipping container, semi-truck, pods, old box, tractor trailer, etc.  
\$200 all garages, pole barns, decks, porches, sheds & storage buildings up to 1,000 square feet including any storage unit, shipping container, semi-truck, pods, old box, tractor trailer, etc.  
\$250 garages, pole barns, decks, porches, sheds & storage buildings over 1,000 square feet

**Commercial Permits:**

\$1,000 for 1<sup>st</sup> 10,000 square feet  
\$250 each additional 10,000 square feet or portion thereof  
\$750 for 1<sup>st</sup> addition or alteration of 10,000 square feet or portion thereof  
\$250 each additional addition or alteration of 10,000 square feet or portion thereof  
\*Exception: Where owner of residential property located in a commercial district (C2) who wants to improve their residential property, not the commercial property, will be charged the residential building permit fee. If at any time the permitted structure is used for business purposes, it shall void the original fee and the business fee shall be reinstated.

**Miscellaneous Permits:**

\$75 pools (in ground & above) spas, hot tubs, etc. \*See State regulations for fence  
\$75 solid fuel burning stoves/furnaces or chimney  
\$75 demolition of building  
\$75 inspections relative to major renovations, insurance requests, realty inspections, mortgagor-mortgagee inspections, estate and litigation, and re-issue of certificate of occupancy inspection  
\$75 alterations to building  
\$75 roof permit (all buildings over 144 sq ft)  
\$75 permanent standby-backup generator and require an inspection/testing done by a certified electrical inspector

**Additions:**

\$150 up to 500 square feet  
\$200 501 to 1,000 square feet  
\$250 1,001 to 1,500 square feet  
\$300 1,501 to 2,000 square feet  
\$250 2,000 square feet and over

**Re-issue: Fee is the same fee paid for the original permit.  
Fees are doubled for any building which is started without obtaining a building permit**