

TOWN OF CONCORD PLANNING BOARD
Town Hall

February 6, 2024
7:00 p.m.

ITEM # 1:

The meeting was called to order by Planning Board Chairman Joseph Edbauer, at 7:00 p.m.

ITEM #2: Roll Call

Present:

Joseph Edbauer, Chairman
Bruce Luno
Julie Zybert
Raymond Hilliker
Michael Cochran
David Dains

Also Present:

Darlene Schweikert
Clyde M. Drake, Town Council Liaison
Thomas Roberts, CEO

Not Present:

James Jozwiak

ITEM #3: Citizen Participation

There was no one for Citizen Participation.

ITEM #4: Comments from Council Liaison Drake

Council Member Drake noted that it was a new year with the same goal; to get the Town Code updated.

ITEM #5: Approval of Minutes

a) December 5, 2023– R. Hilliker made the motion, seconded by J. Zybert, to approve the Minutes as presented. All in favor. Carried.

*The January 2, 2024 Meeting was cancelled.

ITEM #6: Mining Permits

- a) McEwan
- b) Cold Spring-Sharp Street Pit
- c) Gernatt Pits: Middle Road-Vaughn/Gentner; Zylinski Clay Mine; Waterman Pit; Wendel Pit.
- d) D&H Materials, Inc.
- e) Triple R. Properties Pit

The McCarthy Pit on Spaulding Road was reclaimed and the Gernatt-Dewald Middle Road Pit was also reclaimed during 2023.

Chairman Edbauer asked if there were any questions or comments regarding the Mining Permits (a-e above). B. Luno made the motion, seconded by M. Cochran, to recommend that the Town Board approve the renewal of the mining permits, a-e, as presented. All in favor. Carried.

ITEM #7: Junkyard Permits

- a) Jordan's Salvage

Chairman Edbauer asked for comments or questions regarding the Junkyard Permits. M. Cochran made the motion, seconded by B. Luno, to recommend that the Town Board approve the renewal of the junkyard permit for Jordan's Salvage. Chairman Edbauer abstained. All in favor. Carried.

- b) Southern Tier Auto Center Inc.
- c) Arthur P. King
- d) Ronald Miller

M. Cochran made the motion, seconded by B. Luno, to recommend that the Town Board approve the renewal of the junkyard permits, b-d above. All in favor. Carried.

B. Luno questioned the fee of the permit and wondered if the fee should be on a sliding scale based on the size of the location and amount of

ITEM #8: Mobile Home Parks

- a) Richard Perkins Mobile Home Permit
- b) Springville Mobile Home Park LLC Permit

The Members discussed the renewals of the Mobile Home Parks; CEO Roberts has not been able to inspect the properties yet this year. CEO Roberts has been working with the park owners to try to remedy the violations. CEO Roberts can only issue violation notices to the property owner and not the tenants who own the mobile homes with the violations. CEO Roberts will do an inspection of both parks and review the violations with the property owners. The Town Spring Trash Collection is in early May of each year and the tenants take advantage of that collection to get rid of their trash. Last year the Springville Mobile Home Park had been working on the road within the park and the water problem. CEO Roberts also noted that the property owners do not have leases with their tenants. R. Hilliker noted that the Town needs to make sure the mobile home park is safe; that the roads are maintained and that there is water and sewer. If the tenants do not clean up their mobile homes, cite the property owner. J. Zybert

made the motion, seconded by M. Cochran, to table the Mobile Home Park renewals until the June Planning Board Meeting to allow CEO Roberts time to do the inspection of the parks and time to remedy any violations. All in favor. Carried.

ITEM #9: Code Update

The Members started the Code Book review at Chapter 1 and continued to Chapter 58:

Chapter 1: General Provisions

- Reviewed General Code Legal Analysis question 1-001; Acknowledged.
- The Adoption of Code date will need to be updated.
- Section 1-9 Sale of Code book. Delete. Available online. Then re-numbering of the sections thereafter.
- Amend Section 1-12 to show the correct section numbers.

Chapter 4: Assessor

- Reviewed General Code Legal Analysis question 4-001; Acknowledged.
- This section will be amended by Local Law 2 of 2023-Appointed Assessor

Chapter 9: Contracts

- Reviewed General Code Legal Analysis question 9-001; Do Not Revise.
- No changes.

Chapter 12: Defense & Indemnification

- Reviewed General Code Legal Analysis question 12-001; Do Not Revise.
- No changes.

Chapter 18: Code of Ethics

- Reviewed General Code Legal Analysis question 18-001; Amend to use Model Law language.

Chapter 40: Planning Board

- Reviewed General Code Legal Analysis question 40-001; Do Not Revise.

Chapter 47: Town Board

- Reviewed General Code Legal Analysis question 47-001; Do Not Revise.

Chapter 53: Animals

- Reviewed General Code Legal Analysis question 53-001; Do Not Revise.
- Reviewed General Code Legal Analysis question 53-001; Acknowledged.
- Reviewed General Code Legal Analysis question 53-003; Acknowledged.
- Reviewed General Code Legal Analysis question 53-004; Section 53-10(C) change: The owner shall pay to the Town Clerk or the DCO a seizure fee, said seizure fee to be increased for each subsequent violation in a year, "**in such amount as set forth from time to time by the Town Board,**" This wording will then match the wording used in Section 53-10(D).
- Reviewed General Code Legal Analysis questions 53-005; Acknowledged.
- Reviewed General Code Legal Analysis question 53-006; Section 53-13 Penalties for offenses and other costs. Needs further review with DCO, Town Attorney and Court.
- Section 53-17 Effective date. Change, update or remove?

Chapter 57: Bingo

- Reviewed Legal Analysis question 57-001; Amend the Chapter in its entirety so it contains both sections set forth in the Legal Analysis.

Chapter 58: Posting of Number Required; display specifications.

- Reviewed Legal Analysis question 58-001; Revise as suggested.

Other question is the numbering of the Chapters. It goes from Chapter 1 to Chapter 4, etc. skipping numbers. The Table of Contents of the Code Book notes that the company built in "Reserve Chapters" so space had been provided for the convenient insertion, alphabetically, of later enactments. Is this necessary?

ITEM #10: Business from the Members

1) R. Hilliker asked if the Members who attended the Southtowns Planning Meeting could share information from the meeting. M. Cochran noted that the topic of the meeting was Erie.Net's fiber infrastructure.

2) J. Zybert discussed the North Collins wind energy informational meeting. The residents' concerns are about their water sources because the proposed wind turbines will have huge foundations underground. It was noted that the residents will be working with the NYS Rural Water Association.

3) J. Zybert asked CEO Roberts about the property at the corner of Trevett and Genesee; there is a lot of material on his property. CEO Roberts has stopped by the property and spoken to the owner. The owner is not doing a retail business at the location. CEO Roberts thought this would be a good area in the Town to consider rezoning to Commercial. The Town does not allow spot zoning. Home Occupation Permits require the business to be contained within the buildings.

4) Council Member Drake advised the Members that the Town Board will be adding a Water Tap Fee to the fee schedule. The Town Supervisor Drozd is recommending the fee of \$1,000 to match the Sewer Tap Fee. This will be discussed at the February 8th Town Board Meeting.

5) Chairman Edbauer advised CEO Roberts that he has noticed several properties in the Town where there are junk vehicles making the properties unsightly. CEO Roberts will look into this matter.

ITEM #11: Motion of Adjourn

B. Luno made the motion, seconded by J. Zybert, to adjourn the meeting at approximately 8:45 p.m. All in favor. Carried. The next meeting will be Tuesday, March 5, 2024.



Darlene G. Schweikert
Planning Board Secretary