

TOWN OF CONCORD PLANNING BOARD  
Town Hall

May 6, 2025  
7:00 p.m.

**ITEM # 1:**

The meeting was called to order by Planning Board Chairman Edbauer, at 7:15 p.m.

**ITEM #2:     Roll Call**

**Present:**

Jospeh Edbauer, Chairman  
Michael Cochran  
James Miller (arrived 7:15 p.m.)  
Ryan Ploetz (arrived 7:10 p.m.)

**Also Present:**

Darlene Schweikert  
Clyde M. Drake, Town Council Liaison  
James Taravella, RIC Energy

**Not Present:**

James Jozwiak  
Julie Zybert  
Guy Marlette

**ITEM #3:     Citizen Participation**

Chairman Edbauer asked Mr. Taravella if he had anything for Citizen Participation; he did not. There was no Citizen Participation.

**ITEM #4:     Comments from Council Liaison Drake**

Town Board Liaison Drake advised that the Public Scoping Session for the RIC Energy proposed solar project was held on May 1<sup>st</sup>. Peter Sorgi, applicant for RIC Energy, was not provided Notice of the Public Scoping Session; Mr. Sorgi was in attendance at the meeting and asked that the attached letter be made a part of the public record of the proceedings. Town Board Liaison Drake noted that only about five residents and two sheriffs were in attendance for that meeting. This was the forum to offer the public the opportunity to provide comments to the Draft Scoping Document that RIC Energy had submitted to the Town in response to the Town's positive declaration on the original Environmental Impact Statement. Mr. Taravella advised that he believes the big Genesee Road solar project is dead. The funding for the project had been cut.

Chairman Edbauer asked Town Board Liaison Drake if he had anything else; Town Board Liaison Drake advised that there is a lot going on but since the Planning Board had been involved in the RIC Energy project, he wanted to provide the update and will keep the Planning Board informed as the process moves along.

**ITEM #5: Approval of Minutes**

a) April 8, 2025– J. Miller made the motion, seconded by Chairman Edbauer, to approve the Minutes as presented. All in favor. Carried.

**ITEM #6: Code Update**

Chairman Edbauer advised that Secretary Schweikert put a spreadsheet of the Code Update changes together so that the Board could go through the remaining changes quickly. The items highlighted in blue need to be reviewed by the Board.

- Chapter 93 Manufactured Homes – Chairman Edbauer apologized because he had prepared revisions of Chapter 93 and Chapter 94 but there was an issue with his computer and the file was corrupted and he could not get the revisions to print. Chairman Edbauer noted that the past discussion was the Planning Board would like to have double-wides within a mobile home park and not on single or double family building lots (where allowed). Double-wides are not subject to the Town's Code Enforcement Officer's review. It's a HUD classification and do not meet the building requirements for a single-family home. Chairman Edbauer continued that these should fall under the grouping for mobile home parks because the walls are much thinner; there is a placard right on the trailer. Mr. Taravella interjected that a manufactured home is a mobile home whether it is a single-wide or double-wide. A modular home has a fixed foundation. There might be a foundation with a manufactured home/mobile home but a modular home is on a fixed foundation where all the modules go together like Legos and it is not movable. A modular home has to meet building codes

Chapter 93 Manufactured Homes should be renamed "Chapter 93 Modular Homes"

Section 93-1 Permitted locations: restrictions. Delete "double-wide homes" and change "manufactured homes" to "modular homes" will be allowed.

Section 93-3 Definitions. Delete "double-wide home definition" and replace with "modular home – Prefabricated homes built in sections, or modules, in a factory and then transported to the building site and then assembled on a permanent foundation. Modular homes shall be built to adhere to local and state building codes and regulations and, like traditional site-built homes, and are considered permanent residences."

- Chapter 94 Mobile Homes

Section 94-2 Definitions and word usage. Replace "Enforcement Officer" with "Code Enforcement Officer."

Section 94-8 License terms, transfers and renewals.

(A) change shall expire on the “31<sup>st</sup> day of December” to “31<sup>st</sup> day of May” and then change “January 1 date” to “June 1 date.”

(C) change filed with the Town Clerk by “November 30” to “April 31.”

- Chapter 129 Subdivision of Land

Section 129-6 Final Plat for a Subdivision. (F) Submission and approval (1) Change “for not to exceed two additional periods of 90 days each” to “for additional periods of 90 days each.”

Section 129-12 Development standards (B) (9) Parks, playgrounds or open space. (b) “...the applicant will be required to provide a cash equivalent of \$50 per lot,” to “the applicant will be required to provide a fee in lieu of recreation area in such an amount as set forth from time to time by the Concord Town Board.” (Note: Recommend to Town Board a fee of \$1,000)

- Article III Word Usage and Definitions

Section 150-6 Word Usage. Reviewed the definitions.

-Definitions for “campground” and “crypto mining” as defined at previous meetings were added to the list.

-Delete “manufactured housing.”

-Change “modular home” definition to same as Chapter 93 definition. “modular home – Prefabricated homes built in sections, or modules, in a factory and then transported to the building site and then assembled on a permanent foundation. Modular homes shall be built to adhere to local and state building codes and regulations and are considered, like traditional site-built homes, and are considered permanent residences.”

-Include the definitions for: Use, Accessory; Use, Change of; Use, Principal; Use, Prohibited; Use, Temporary; Variance; Variance, Area; Variance, Use.”

- Article VI Classification and Interpretation of Permitted and Prohibited Uses

Section 150-18 (32) add (c) Any permitted storage unit, shipping container or pod. (During 2021 the fee schedule was changed to read: All storage sheds up to 144 square feet including any storage unit, shipping container, semi-truck, pods, old box, tractor trailer, etc., fee is \$50. The fee schedule wording will need to be revised to eliminate “semi-truck, old box, tractor trailer, etc.”)

- Reviewed these zoning districts to confirm that the setbacks for accuracy:

Article VII R-E

Article VIII R-1

Article IX R-2

Article X R-M

Article XI R-AG

Article XII R-RB  
Article XIII R-12  
New District R-Craneridge (R-CRDG)

- Discussed adding Crypto Mining in all C Districts by adding (C) The following use by special use permit: (1) Crypto Mining to the following Sections:

Section 150-73 C-1  
Section 150-80 C-2  
Section 150-87 C-T  
Section 150-91 C-R

- Article XVIII M General Industrial District  
Reviewed the proposed language for Adult Uses eliminating all the specific language to the language used by the Town of Grand Island. Keeping all the other sections that are in our current code at (6) Registration, (7) Prohibition regarding public observation, (8) Additional sign requirement, (9) Limitations on uses.

(1) The following uses by special use permit:

- (a) Wind energy conversion systems (WECS).
- (b) Adult Uses.

(1) It has been acknowledged by communities across the nation that state and local governments have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable secondary effects arising from these enterprises are set forth below.

(2) The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods and important natural and human resources of the Town of Concord, to deter the spread of blight and to protect minors from objectionable characteristics of these adult uses by restricting their proximity to houses of worship, schools, parks, historic and scenic resources, civic and cultural facilities and residential areas.

(3) The operation of adult uses may have serious operational characteristics and damaging effects upon their surroundings as a result of their siting and concentration within the facilities. Special regulations pertaining to these uses are necessary to ensure adverse effects will not contribute to the blighting/downgrading of the surrounding neighborhood. These regulations will help ensure that adverse effects on the public health, safety, morals, comfort, convenience and general welfare are mitigated.

(4) The development and proliferation of adult uses without regulation as to siting and concentration may result in the deterioration of residential and business neighborhoods. If placed near schools and other youth-related facilities, adult uses may adversely impact upon the welfare and morals of minors residing within the Town of Concord.

(5) Location of adult uses. The following provisions shall apply to the location of adult uses:

- (a) Adult uses shall be permitted in the M General Industrial District on approval of a special use permit.
- (b) No adult use shall be permitted within 1,000 feet of the following:
  - [1] The boundaries of any zoning district which is zoned for residential use.
  - [2] A school or nursery school.
  - [3] Religious institution or house of worship.
  - [4] A public or private park, playground or public recreation facility; this distance shall be 300 feet for recreational trails.
  - [5] Historic or scenic resource, civic or cultural facility.
- (c) For measurement purpose, the distance between an adult use and any such other named uses shall be measured in a straight line without regard to intervening structures or objects from the closest structural wall of such adult use to the boundary line of such residential district, school, nursery school, religious institution, house of worship, public park, playground or public recreational facility, historic or scenic resource, civic or cultural facility.
- (d) Not more than one adult use shall be located in the same building or upon the same lot or parcel of land.
- (e) No adult use shall be located within a one-thousand-foot radius of another adult use.
- (f) All building openings, including doors and windows, shall be coated, covered or screened in such a manner as to prevent a view into the establishment from any public street, sidewalk or parking area.
- (g) No loudspeakers or sound equipment shall be used by adult uses that can be heard by the public from outside the establishment.
- (h) As a condition of approval of any adult use, there shall be a restriction that no person under the age of 18 years shall be permitted into or on the premises.

- Article XXV Sign Regulations

Further review of definitions of types of signs. The Town of Amherst sign regulations were used as a template for definitions: awning/canopy, marquee, building face signs; freestanding signs; and pole signs (changed pedestal sign to pole sign).

- Article XXXI Nonconforming Lot Size

Repeal Section 184 Lots, Grandfathered and merge this at Section 150-162. Discussion at previous meeting Change title from "Continuation" to "Nonconforming Lots" and add "(1) The Code Enforcement Officer of the Town of Concord may permit the construction of a building on a lot which does not meet the minimum area size or frontage requirements of Chapter 150: Zoning, provided that the lot is owned by the applicant, and provided further that the ownership was of record prior to the adoption of Chapter 150: Zoning on \_\_\_\_\_ 2025, and provided further that the lot meets Erie County Health Department applications. No such permit shall be granted if the applicant is the owner of adjoining vacant property so that the owner could easily comply with the requirements of Chapter 150: Zoning."

Then (2) would be what is in our current code at Section 150-162.

Chairman Edbauer advised that this would allow for lands that were divided earlier, before this change in lot size, could still be used as long as it meets Erie County Health Department approval. The Board had previously asked Assessor Martin to provide a listing of how many parcels could be affected by this change. On the listing there were 2,681 parcels in the Town with 1,211 having less than 3 acres. A rough estimate would be 263 parcels could be affected by this change depending the zoning district. Some of these are Craneridge parcels and some are too small for building lots.

- Article XXXIII Site Plan Review Sign Regulations

When the members discussed this earlier in this Code update process, the members thought that no changes were necessary. Then there was discussion at the April 2025 meetings to change Section 150-172 to separate major or minor projects, using Town of Amherst as a template. At this time, the members agreed to leave this section as is. It can be addressed at a future Code Update.

Chairman Edbauer noted that the Board should be reviewing and updating the Code on an on-going basis. It would be easier and cleaner if some of these Sections were in table format. Mr. Taravella noted that some towns have tables as attachments and he finds those tables easy to use.

The Code Update by the Planning Board is now complete. Once Secretary Schweikert has approval of tonight's meeting, these final changes will be uploaded into General Code and she will complete the submission. Secretary Schweikert asked General Code how the process would go forward after submission. Once the Town submits the

completed Editorial and Legal Analysis, General Code will proceed with the final editing state to update the Code to incorporate the Town's changes and insert any recently adopted local laws. The Code will be copyread, and titles, cross references and internal references will be checked and updated. This Final Draft of the new Code will be posted on the Town Code's Review site. General Code's timeframe for this is within 145 business days of the Town's submission of the Editorial and Legal Analysis. The Draft is intended to be a quick review, and the Town will have 45 business days to respond before publication of the new Code with delivery of the new Code within 40 days of approval of the Final Draft. Upon publication of the new Code, General Code will provide the Town with a local law to adopt the new code.

M. Cochran made the motion, seconded by J. Miller, to submit the Code Update once Secretary Schweikert includes the changes discussed at tonight's meeting. All in favor. Carried. Chairman Edbauer and M. Cochran thanked Secretary Schweikert for her efforts in this Code Update process.

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

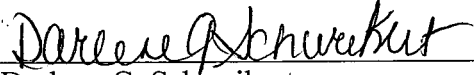
1. J. Miller and M. Cochran attended the Southtowns Planning & Development meeting at Johnson's Landing on April 28<sup>th</sup>. Both members said that this was a very informative meeting. Sarah Gatti, Planner from Erie County Planning, presented on Erie County's Agricultural & Farmland Protection Plan and Rachel Chrostowski, Acquisitions Director, from Western New York Land Conservancy presented "Protect Your Farm's Future." M. Cochran said that the farm preservation presentation by Ms. Chrostowski was wonderful; she was very passionate about this topic. J. Miller wished more people would participate in these meetings. M. Cochran noted that these presenters were advising how they can help residents in these strategic farming areas. M. Cochran noted that the gentleman who was at the meeting committed to providing the town with a map of the areas that, for wind, have the substations and the routes that come closest the areas that fit for wind or solar. J. Miller noted that they want to be within a quarter mile of the line. Mr. Taravella questioned if they were taking into account substation capacity; M. Cochran said yes, that is what it was all about. Mr. Taravella noted that that is the biggest thing. M. Cochran wondered how many other lots in this area fit what would be required? He continued that his comment to that was that they have already committed to those areas before it comes before the Town; all the preparation work had been started before it comes to the Planning Board. Mr. Taravella noted that the reason for that is because a lot of these projects die before they ever get in front of the Planning Board. For every one that comes to a Planning Board, six or seven have already been killed. J. Miller noted that when towns put moratoriums on these projects, the companies are still working on the projects so once the moratorium ends, there could be several projects waiting. Mr. Taravella reminded J. Miller that there is limited capacity at the substations which limits the number of projects. The companies lock in that space on the substations. Secretary Schweikert will reach out to both presenters to obtain copies of the materials discussed.

Chairman Edbauer advised R. Ploetz that annual training is required. These Southtowns Planning & Development meetings count towards the required training. Secretary Schweikert will forward the training logs to the members so they can see where they stand with regard to training for Year 2025. Chairman Edbauer noted that there are also training sessions online that can be used as well.

2. Chairman Edbauer advised that next month is Grievance Day on the regular night for the Planning Board meeting. Chairman Edbauer would like to forego the June meeting and move on to July. This will give the members a break from all their work on the Code Update. The next meeting will be July 1<sup>st</sup> at 7 p.m.

**ITEM #8: Motion of Adjourn**

M. Cochran made the motion, seconded by Chairman Edbauer, to adjourn the meeting at approximately 8:49 p.m. All in favor. Carried. The next meeting will be Tuesday, July 1<sup>st</sup>, 2025.

  
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Darlene G. Schweikert  
Planning Board Secretary



May 1, 2025

Concord Town Board  
86 Franklin Street  
Springville, New York 14141

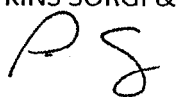
**Re: May 1, 2025 Public Scoping Session  
Solar Energy Development Project  
12119 Springville Boston Road, Town of Concord, NY  
Project Sponsor / Applicant: Concord PV, LLC**

Dear Concord Town Board:

Our firm represents Concord PV, LLC, the Project Sponsor / Applicant regarding the above-referenced project. This letter shall confirm that Concord PV, LLC was not provided Notice of the Public Scoping Session to be held on May 1, 2025 at 6:30 PM before the Concord Town Board. It is hereby requested that this letter be made a part of the public record of these proceedings.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

  
Peter J. Sorgi, Esq.

cc: Darlene G. Schweikert, Concord Town Clerk  
Town of Concord Planning Board  
Brian Attea, Esq., Concord Town Attorney  
Thomas Roberts, Town of Concord Code Enforcement Officer  
Caleb D. Henning, MBA, PE, Engineer for the Town of Concord  
Concord PV, LLC

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