

TOWN OF CONCORD PLANNING BOARD  
Court Room

April 3, 2018  
7:00 p.m.

**ITEM # 1:**

The meeting was called to order by Planning Board Chairman Lawrence J. Kelly, Jr., at 7:00 p.m.

**ITEM #2: Roll Call**

**Present:**

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

**Also Present:**

Darlene Schweikert  
Clyde Drake, Supervisor  
Donna Heft  
Kevin Kowalczyk

**ITEM #3: Citizen Participation**

There was no one for Citizen Participation.

**ITEM #4: Home Occupation Application – Donna Heft**

Donna Heft had submitted a Home Occupation Application for Home Care for WNY DDSO-OPWDD (Western New York Developmental Disabilities State Operations Office-Office for People with Developmental Disabilities). Ms. Heft has been working with the State and her certificate should be coming next month. She has been through training (fire safety and first aid) and is excited. J. Jozwiak advised her that the first thing she should do is to make the phone call; she has the meeting place established. She would be having one person; Donna's parents did this type of care for years; her dad passed away last year and had been doing it for 40 years. First with foster care and then they went to two girls (Julie and Karen) with Down's Syndrome. They did everything together; the girls did not go to respite. That is how she will do this home care; all the love. Her mom still has Julie (for 14 years) and her mom is age 76 now and this is too much for her mom after losing my dad. If all goes well, Ms. Heft will be taking Julie, who is like a sister to her. The State is ok with this. Julie knows their house, the animals, Kevin, her children. If this placement doesn't happen, she will be ok with that because it has to fit like a glove not only for the person coming into her home but also for herself. The State doesn't want them to change their lifestyle; love animals, the country; Springville. K. Lux asked about the layout of her home. Ms. Heft noted that the person she will be getting is just like you and I just that she has Down Syndrome so she functions just like us. She is self-sufficient and high functioning; she would go back to workshop, have a job, make money and also the SASI program so when Ms. Heft's children are in school, Julie would be at the SASI program so her days would be free.

The layout of the home is two bathroom, two story. K. Lux asked if she would be separating an area for Julie and Ms. Heft said no that this is family; this is like no of my children. No separation; she would have her own bedroom but would share the rest of the home. Kevin Kowalczyk has lived there since 2015. NYS is cracking down on new rules and regulations on Home Care and she requires a Certificate of Occupancy. Ms. Heft would be getting money from New York State; she needs to keep records and she will be audited. The State will be coming into her home to make sure she is doing the right thing; there will be a nurse that comes; for the safety of her because the State is there to protect her. J. Zybert noted that this is like adult foster care. Ms. Heft said yes; her parents basically gave her up because they could not take care of her; she becomes the State's property-a ward of the State. What the State wants to do these people get out of those institutional style arrangement. Their target is more a family, normal atmosphere like you and I have at home.

J. Edbauer asked Ms. Heft's intention regarding future residents. Ms. Heft explained that she can only have two. She would be at on a trial for the first year and after that she would get recertified for three years. It is up to her if she would like to try another one. She will have to see how it goes; she is not going to answer that now because she does not know. J. Zybert asked Ms. Heft if she would be open to that and Ms. Heft said she would be; they have enough room/a big enough home. K. Lux noted that he is trying to figure out how this all hooks in with our Code. Our Code details that no more than 20% of the house could be used for this kind of use; not to exceed 300 square feet. Ms. Heft advised that this is not a business. K. Lux and J. Edbauer both noted that she would be making money so it is a business. J. Zybert noted that the Town does not do anything like this for people who want to be foster parents and this is the same thing. Ms. Heft noted that the State requires her to get a Certificate of Occupy so this is getting confusing. The State does not require a Home Occupation Permit. She feels she is caught in the middle; she just wants to do something good. Ms. Heft noted that she would do this for free; the money is a bonus. G. Donhauser and J. Jozwiak noted that it is a business; still constitutes a business. K. Lux noted that it is a professional office use for your house in reality. J. Jozwiak thought that the client's bedroom would be their private area. Ms. Heft noted that the person would not be upstairs at all because she would worry about her going up the stairs and falling. J. Zybert asked if she has any current physical limitations that would not allow her to do that; just that Ms. Heft would choose to have that rule because of safety and it's her child's bedroom. J. Jozwiak noted that it also privacy; most of these have common areas (kitchen, living room, bathroom) and they have their own private bedroom; some have private family space. K. Lux reviewed Section 150:47 of the Code. K. Lux noted that Ms. Heft will not be partitioning an area off for the person; Ms. Heft noted that the State is promoting a family atmosphere. Chairman Kelly noted that our Town Code supersedes the State for the use of it. K. Lux noted that this section is set up that the home will be partitioned off and there would be a separate kitchen, bathroom, living room, bedroom and that would not exceed 600 square feet. This is a totally different scenario. J. Edbauer asked if Ms. Heft is on the deed and she is not. The State does not have a problem with that. Ms. Heft advised that she will be doing this work; she is the one that will be certified; Kevin will continue to work. They are not doing this for the money; they are doing it because they

have good hearts. K. Lux noted that the Town would issue the permit to the owner of the building. Our application notes that the applicant has to be a resident of the property. In the event that the applicant is not the owner thereof, written consent of the owner is required. Mr. Kowalczyk has not yet signed anything but he is in attendance tonight.

J. Jozwiak discussed exit doors. They should be going out and should have the new locks that could never be locked from the inside so that no matter what you do, it is always unlocked from the inside; like a push bar. So if there was a fire, no one would have to fiddle with a lock; they would just need to turn the knob. The doors on the home do not open out. The fire door or main door should swing out. Because the door would swing out, it could not have a storm or screen door. G. Donhauser noted that he had spoken with Village CEO Kaleta who said that these doors are not required. The State safety inspection was done the other day. The State brought them CO detectors; smoke detectors and fire extinguishers which all have specific places to be located. These will be installed and the inspector will come back to check. Other than that, there were a couple of other items that she couldn't remember but the home passed. The doors were fine. J. Edbauer asked if the State was looking for anything else as far as the Code Enforcement; the only thing the State is waiting for is the Certificate of Occupancy which the original build file from 1988 does not contain the Certificate. Planning Board Secretary Schweikert talked to CEO Officer Singleton who noted that the owner will have to apply for a re-issue and he will have to go inspect the property; CEO Singleton would also want to see a copy of the State's inspection report. This Certificate would be a good thing to have just for liability. Planning Board Secretary Schweikert will get Ms. Heft CEO Singleton's contact number.

J. Jozwiak suggested that Ms. Heft contact her insurance carrier just to make certain that she is covered satisfactorily; J. Edbauer noted that she will have nurses coming and you want to make sure you are covered. J. Zybert noted that she should take with her insurance agent to protect herself; to see if you need excess liability, additional coverage.

Chairman Kelly advised Ms. Heft that she needs to start by getting the Certificate of Occupancy from the Code Enforcement Officer. Once that Certificate of Occupancy is given to the State, then Ms. Heft should come back to the Planning Board.

G. Donhauser brought to Ms. Heft's attention that their house number needs to be bigger on the home or on the mailbox. Ms. Heft agreed with him. Just so if something happens, the fire department or paramedics can find your place. G. Donhauser also noted that the CEO will also be asking about all those cars in the yard. CEO Pirro has already been to the property and discussed this matter. She was advised that she is legally allowed to have two unregistered vehicles on her property. G. Donhauser noted that our Code says one unregistered. There was discussion about other properties in the area with violations similar to this. K. Lux noted that CEO Singleton will help clarify these matters. Ms. Heft asked if she would be given more time to remedy this and that is up to CEO Singleton. Ms. Heft noted that they had planned to build a pole barn to put these vehicles in but that didn't happen; things happened in the family; she lost her dad

and two of the vehicles were his and she switched them into her name. G. Donhauser noted that if she builds a pole barn and puts the vehicles inside, she'd be golden. The members reminded her that she would need a building permit to build one. A pole barn would be allowed on her property but there are set back requirements that would need to be met.

Chairman Kelly thanked Ms. Heft and they left the meeting at 7:40 p.m. Ms. Heft stated that this means a lot to her so she will continue to pursue this matter. She thanked the Board.

Chairman Kelly asked the Board if they had anything else on this matter. G. Donhauser questioned if they made Laurie King do anything with her doors when she came before their Board. The doors were not addressed at that time. There was discussion about how New York State is now allowing family members to take care of their relatives like Ms. Heft is trying to accomplish.

**ITEM #5: Approval of Minutes**

a) March 6, 2018 – J. Jozwiak made the motion, seconded by K. Lux, to approve the Minutes as presented. All in favor. Carried.

**ITEM #6: Junkyard Permits-Review Application & Requirements**

At the March meeting the Planning Board members reviewed the Junkyard Permit Renewals and wanted a couple changes made before the next renewal. The Requirements form noted that the Planning Board will make an inspection before a permit is granted. The initial Junkyard Permit Public Hearing in 1960 said that the Planning Board shall promptly cause an inspection to be made of the premises; not that the Planning Board does the inspection. This Requirement form also noted that a sketch was to be provided. The Code Section on Junkyard Permits does not contain any of these requirements. These requirements are not part of the Code so we can ask for them but the Code doesn't require these requirements. If the form goes out in its current state, and there is a complaint filed, then the CEO would have to follow up on a complaint. The old records do not show a sketch of the junkyard; they just give the SBL number. Some of the old records did contain handwritten notes by the Planning Board requesting a sketch but no sketch was attached. Our Code does say that it can't be expanded or enlarged. New Junkyards are not permitted in the Town. G. Donhauser noted that if someone came before the Town and wanted to put in a recycling center and there was a feasible place to have it, he thinks that the Town would want to have it. This might be handled with a Special Use Permit. K. Lux would like to ask for a sketch of the junkyard so Planning Board Secretary Schweikert will add that language.

**ITEM #7: Storage Pods**

Chairman Kelly advised that when the Planning Board reviewed Storage Pods before, Ken Zittel was Chairman and we were thinking about pods like the company. Now there are storage containers/shipping containers being brought on to

lands. These do not necessarily have wheel mounts. These containers are put on trailers to move them. J. Edbauer asked Supervisor Drake what the Town's thought was. Supervisor Drake said it hasn't yet been discussed. K. Lux noted that his land sits back 3700 feet and if he were to pull one back in there, no one would see it. How would the Town control that? G. Donhauser noted that the Planning Board has discussed these storage pods since 2012. The storage pod at Heary's house on Trevett Road has been sitting there since before that time, right in the set back and nothing has been done about it. This one is in violation because it is in the front set back. J. Edbauer said that all he would have to do is move it to another location. They are not buildings; they are metal boxes. J. Edbauer noted that the members would really need to think about how to handle these storage pods. G. Donhauser doesn't know if they should not be allowed if they are decent but they need to be controlled. The ones with wheels on them, or had wheels taken off, that is a van body or semi-trailer, and those are in the Code and not allowed since 1995. The members will think about this matter and see if they can come up with language that would work. Bring back ideas.

**ITEM #8: Business from the Members**

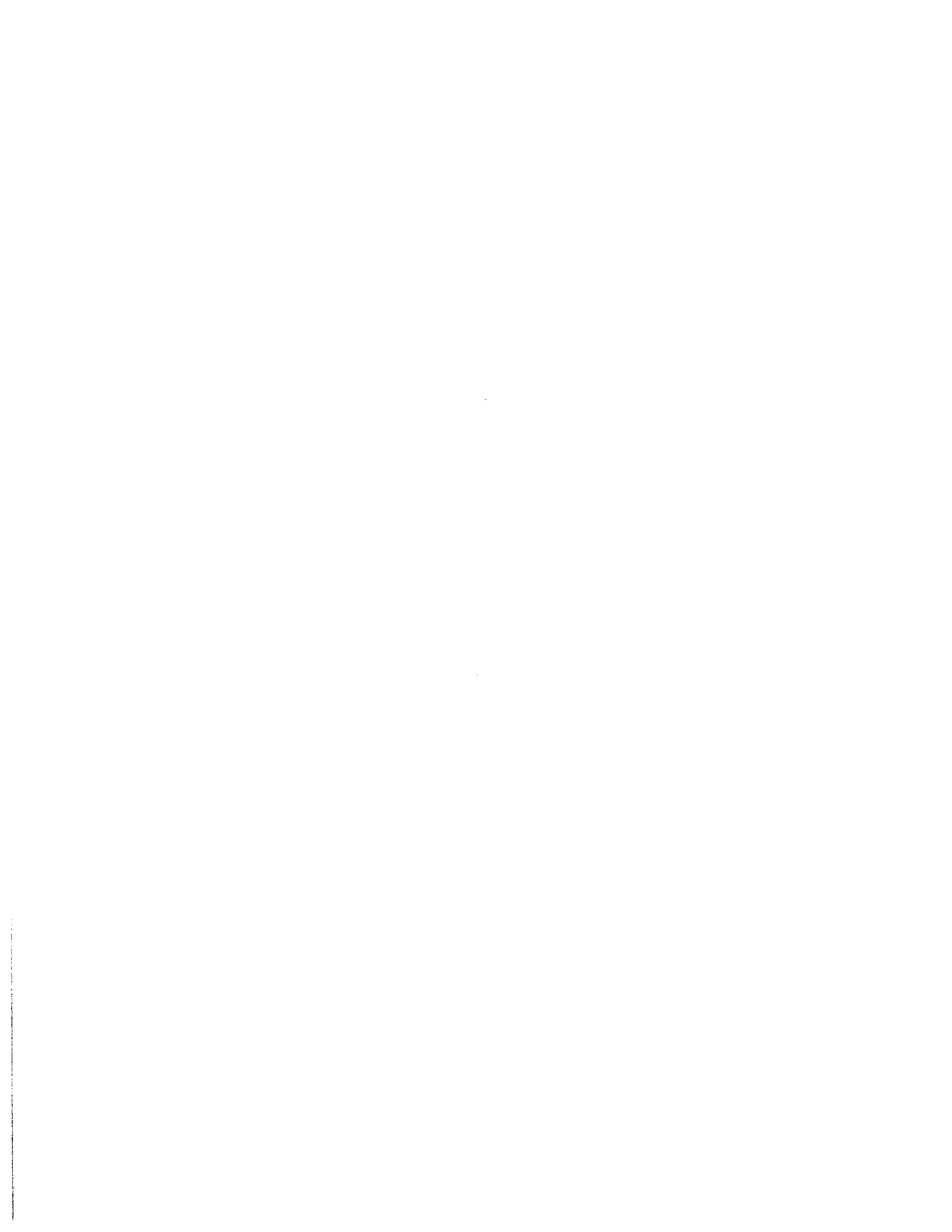
- a) Chairman Kelly congratulated member J. Jozwiak on his engagement.

**ITEM #9: Motion of Adjourn**

K. Lux made the motion, seconded by J. Zybert, to adjourn the meeting at approximately 8:05 p.m. All in favor. Carried.



Darlene G. Schweikert  
Planning Board Secretary



**TOWN OF CONCORD**  
86 Franklin Street  
PO Box 368  
Springville, New York 14141  
(716) 592-4946

**RENEWAL APPLICATION FOR A JUNKYARD LICENSE**

Date: \_\_\_\_\_

Name of Person or Firm: \_\_\_\_\_

Address of Business: \_\_\_\_\_

Description of Business: \_\_\_\_\_

\*Please provide a sketch of your property designating the junkyard location

Kinds of Materials Dealt in: \_\_\_\_\_

Does Applicant Own or Lease premises: \_\_\_\_\_

Has Applicant ever been convicted of a misdemeanor or felony with regards to the  
junkyard business: \_\_\_\_\_ Place and Date of Conviction: \_\_\_\_\_

Acreage in Yard: \_\_\_\_\_

Property owners within 1,000 feet of boundaries of premises:

**SIGN AND PRINT YOUR NAME**

1. \_\_\_\_\_ 3. \_\_\_\_\_

2. \_\_\_\_\_ 4. \_\_\_\_\_

Number of Vehicles this date: \_\_\_\_\_

Number of Vehicles this date last year: \_\_\_\_\_

Number of Vehicles entering junkyard this year: \_\_\_\_\_

Number of Vehicles existing junkyard last year: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

