

TOWN OF CONCORD PLANNING BOARD
Court Room

August 7, 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
James Jozwiak
Joseph Edbauer
Julie Zybert
Karl R. Lux

Also Present:

Darlene Schweikert
Clyde Drake, Supervisor
Kevin Thie
Caleb Edbauer

ITEM #3: Citizen Participation

There was no one for Citizen Participation.

ITEM #4: This Property – 10257 Emerling Road Firewood Business

Kevin Thie addressed the Board regarding his firewood business that he started about one year ago. Logs are delivered once or twice a week and he cuts it up, splits it and then delivers the firewood to customers in the area. He follows all DEC laws. Chairman Kelly asked Mr. Thie if he was doing kiln drying because that is only allowed in a commercial zone and Mr. Thie's property is zoned R-Ag. There was discussion about rezoning and Mr. Thie was given the instructions and application form for his review. K. Lux advised Mr. Thie that the Town does not like to "spot zone" properties. His neighboring parcels are zoned R-Ag as well; the members are not aware of any commercial properties in this area. The members feel it would be a long-shot that a rezoning application would be approved. Mr. Thie has spoken with CEO Singleton about the freight container he has in his yard. CEO Singleton had no problem with that. The kiln was just set up last weekend. The kiln would be used to expedite the drying process of the firewood. Chairman Kelly advised that New York State considers firewood agricultural but kiln-dried lumber or pieces/scraps of kiln-dried lumber are not regulated as firewood. Mr. Thie said he is in an interesting predicament. With a Rezoning Application, notice would be sent to the neighboring parcels as well as published in the Springville Times. J. Zybert explained to Mr. Thie that his R-Ag zoning is a rural setting and his neighbors may not want a business next door and if his parcel were rezoned, and Mr. Thie sold the property, it would be commercial and then the new owner could open up a different type of business on the property. J. Zybert asked how

portable the kiln was because maybe Mr. Thie would lease some commercial property. It is not portable. Chairman Kelly told Mr. Thie that he was sorry for the bad news. Mr. Thie said that's life and asked if he was all set with the Planning Board. Chairman Kelly thanked Mr. Thie for coming to the meeting and Mr. Thie left at 7:14 p.m. G. Donhauser noted that sawmills are not allowed in the Town.

ITEM #5: Approval of Minutes

a) June 5, 2018 – J. Edbauer made the motion, seconded by K. Lux, to approve the Minutes as presented. All in favor. Carried.

The July 3rd meeting was cancelled.

ITEM #6: Proposed Code Changes

At past meetings, the Planning Board had reviewed the Code for possible changes and a list of those changes was compiled. These changes are attached to the Minutes. The members will review for next month:

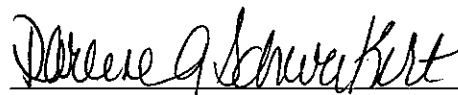
- Business Permit. Currently there is a Business Permit form and an associated fee but no language in the Code Book as to when this form would be utilized. Discussion as to how this differs from a Home Occupation.
- Storage Container. Language will be drafted as to how to handle these storage containers.

ITEM #7: Business from the Members

a) Supervisor Drake informed the members that at the June Town Board meeting, the Board passed the new application fee schedule and the renewal Building Permit fee.

ITEM #8: Motion of Adjourn

J. Jozwiak made the motion, seconded by B. Luno, to adjourn the meeting at approximately 7:40 p.m. All in favor. Carried.



Darlene G. Schweikert
Planning Board Secretary

POSSIBLE CODE CHANGES TO BE DISCUSSED:

1. Farm buildings. Are they exempt from building permits? Paying the permit fee: Section 68:4 and 68:5. **Yes, file permit and charge fee \$.02/sq foot or \$50 minimum.**
2. Clarify Zoning Codes. Is Agriculture allowed in C1, C2 or C? **All set in current Code.**
3. Mining Permits/Junkyard Permits. Include a penalty if not filed on time and make due by January 31st of the year. **Fee should be doubled if not completely filled in and filed on time. That fee would then be \$400 for mining permit" \$100 for junkyards.**
4. Minimum Lot Size: Change back from 1 ½ to 3 acres? **Change to 3 acres.**
5. Mining Permits are controlled by NYS so should they not be doing Special Use Permits and pay a \$200 renewal fee? Make sure Tax Map # included on Application. Renew with the Town of Concord as long as a DEC permit is required (i.e. reclamation process). **Leave as is.**
6. Fee Schedule. Make sure all fees are listed including co-locate fee on same schedule. Do we want to get rid of the fee for a demolition permit? **Combine all on one page including telecommunication fees, farm buildings as discussed above #1 and #7 below.**
7. Application fees Letters G & H don't make sense in our Code. **Delete G and increase the fee at H to \$100.**
8. How many little sheds should be allowed on any parcel? Should a limit be in our Code? Condition of the sheds? **Leave as is.**
9. Sign Code. Difference between Pedestal and Freestanding sign. Add that site plan should be included with application? Wording regarding farm sign regulation should be looked into. **All set in current Code.**
10. Clarify double-wide manufactured homes vs. trailers on foundations. **Replace the definition of a mobile home with new one prepared by J. Edbauer.**
11. Off premises sign. Review language. **All set in current Code.**
12. Home Occupations. Businesses in homes. Retail? Process to start a business in home. Include language. **Leave as it but the Town should encourage small businesses.**
13. Review Code 72-7 Building Permit. 144 sq feet now requires a permit. **Fee for first time renewal would remain ½ of the original fee charged but any subsequent renewals would be charged the full original fee. Include language on the building permit application that drainage from landscaping and/or gutters should comply with NYS requirements.**
14. Building Permit for Roofs. **Require a building permit for a re-roof with proof of insurance for a contractor. Fee of \$50.**
15. Building Permit for permanent generator and what constitutes a permanent generator. **Require a building permit and a fee of \$50 for any stationary generator which would require an inspection by an electrical inspection agency (ie Commonwealth).**
16. General appearance of a home as far as how far the Town can go to have the property cleaned up. **Leave as is.**

17. Roadside vegetable stands and where they can be placed. **Leave as is.**
18. Permits for pools and fences around pools. **Leave as is.**
19. Grandfathered lots? Sub-standard sizes. **Leave as is.**
20. Solicitor License/Application. **Leave as is.**
21. Telecommunications Law. Is a building permit required as well as a Special Use Permit? Is any additional fee to be charged? **A building permit will be required for a new tower or for any modification of an existing tower which is for a building and the applicable building permit fee from our fee schedule should be collected.**
22. What is the front of a house? Is there a description in the State Code? **Require 50 foot from road right of way on front/back/side.**
23. Review set back requirements. You cannot subdivide and create a non-conforming lot. **See #22 above.**
24. Storage Pods. Allowed under which circumstances and for what length of time. **File a permit with CEO, \$25 fee for a sixth month period; renewable one time for a second six-month period.**
25. Solar Energy/photo-voltaic permit fees. CEO requested this change/addition. **Inspection fee of \$50 to be charged.**
26. Building Permits and Sign Permits to be filed with Town Clerk but records to be held by CEO office. **Leave as is.**
27. Signs in residential/agricultural districts. Permit required? All permitted uses or just farms? CEO requested this change/clarification. **Leave as is.**
28. Garage Sale/Yard Sale Ordinance. **No Action. Leave it alone.**
29. Noise Ordinance. **Leave as is.**