

TOWN OF CONCORD PLANNING BOARD
Town Hall

September 6, 2022
7:00 p.m.

ITEM # 1:

The meeting was called to order by Planning Board Chairman Karl R. Lux, at 7:00 p.m.

ITEM #2: Roll Call

Present:

Karl R. Lux, Chairman
James Jozwiak
Joseph Edbauer
Julie Zybert
Raymond Hilliker
Michael Cochran

Also Present:

Darlene Schweikert
Clyde Drake, Town Council Liaison
Thomas Roberts, Code Enforcement Officer
Jeanne Beiter/Buffalo Niagara Waterkeeper

Not Present:

Bruce Luno

ITEM #3: Buffalo Niagara Waterkeeper – Emerling Road Property

Jeanne Beiter, Senior Program Manager for Buffalo Niagara Waterkeeper provided the Board with an overview of their organization and asked the Board for their help in getting the word out about the organization and their programs. Ms. Beiter presented details about the organization's history and future goal to preserve water quality. The organization is interested in purchasing forestry land with tributaries in them to protect the lands in perpetuity to preserve water quality. In this process the organization is reaching out to landowners with this type of property; to purchase the lands or to do place easements on property where certain types of development would not be able to happen or a buffer easement to preserve water quality for the future.

Town Council Liaison Drake asked if the organization acquires property, does the property comes off the tax rolls. For a town like Concord, with no industry, taking these parcels off the tax roll impacts the Town. Ms. Beiter noted that conservation easements do not take the property off the tax rolls and these easements are just as good as ownership of the land for the organization. J. Edbauer asked if their focus was more on clean up or preservation? Ms. Beiter answered that it was preservation. J. Jozwiak asked what was in it for the property owner and Ms. Beiter advised that it is that "feel good" feeling that a property owner would have; that some level of development could not happen on that property for water quality in the future. The property owner does get a little bit of money but it is more the "feel good" feeling. Ms. Beiter advised that having an easement on a property could make it harder for an owner to sell it with the restrictions.

Ms. Beiter reviewed the two parcels in our area that the organization is in the process of trying to obtain; one is in Boston on the Concord line. It's about 50 acres and

the owners decided it was too cost prohibitive to build on the parcel. The second one is on Emerling Road in the Town of Concord. The owner has two parcels; one with her home and the other is vacant land. The owner would retain the home parcel and donate the vacant land. Ms. Beiter noted that there is some question about accessibility to the vacant land and their organization will be having more conversations with the property owner. Chairman Lux advised that some of the members had visited the site and were questioning access. There is a gravel road there which Ms. Beiter does not know if the Town owns it or if it is private; J. Edbauer believes it is a private roadway. Ms. Beiter noted that if their organization does take ownership of this property that it probably would not be available to the public to access on a regular basis. Ms. Beiter noted that the organization does not own either of these two properties at this time. J. Edbauer stated that he thinks it is in the best interest for the Town and the organization not to purchase the lands but to do an easement. R. Hilliker asked if the public has access to these easements; Ms. Beiter noted that they attach to the deed and she believed it would remain private.

ITEM #4: Citizen Participation

There was no one for Citizen Participation.

ITEM #5: Comments from Council Liaison Drake

Council Liaison Drake noted that he did not make any progress with the “wood guy” Kevin Thie. Council Liaison Drake did talk to CEO Roberts; this is something that the Town Attorney’s input. Question whether it is too late to do anything; some people believe it is not and the Town should proceed. Council Liaison Drake noted that neighbors are now doing activities that are not allowed.

ITEM #6: Approval of Minutes

a) August 2, 2022– J. Edbauer made the motion, seconded by J. Jozwiak to approve the Minutes as presented. All in favor. Carried.

ITEM #7: Business from the Members

a) J. Jozwiak questioned the horse situation on Vaughn Street was resolved. Chairman Lux advised that the land changed ownership so that problem has ended. Council Liaison Drake advised that people in the Town think there should be something in our Code where a certain amount of acreage allows the owner to have a certain number of horses.

b) J. Jozwiak questioned CEO Roberts why a Stop Work Order was issued for the property near the East Concord Fire Hall. CEO Roberts explained that the property owner put a storage pod on the property not realizing it was on the neighbor’s

land. The property owner does not meet the back set back requirement of 50 feet. This matter is scheduled before the Zoning Board of Appeals for September 13th.

c) J. Edbauer asked if there was an update on Scooby Dam. Chairman Lux does not believe there are any developments; the project did not receive any funding.

d) CEO Roberts advised the members of a complaint filed by a resident on Trevett Road where it is believed the neighbor has a campground, which is a zoning violation. CEO Roberts is working with the Town Attorney on his matter.

e) R. Hilliker asked if the members were going to discuss the dirt bike race Special Use Permit. Town Clerk Schweikert advised that the owner filed the Special Use Permit application form but has not yet provided the other supporting documentation nor the filing fee. CEO Roberts has been in contact with the owner who said it was a one-time event but there is a parking lot and multiple tracks. The Town did not find out about this event until a couple days before it was scheduled so the event did take place; the owner took down all advertising for the event.

ITEM #7: Motion of Adjourn

J. Zybert made the motion, seconded by M. Cochran, to adjourn the meeting at approximately 7:38 p.m. All in favor. Carried.



Darlene G. Schweikert
Planning Board Secretary

