

TOWN OF CONCORD PLANNING BOARD  
Code Update Work Session  
Town Hall

May 15, 2024  
6:00 p.m.

The Code Update Work Session was opened by Planning Board Chairman Joseph Edbauer, at 6 p.m.

Roll Call

Present:  
Joseph Edbauer, Chairman  
Julie Zybert  
Ray Hilliker  
Michael Cochran  
David Dains

Also Present:  
Darlene Schweikert  
Clyde M. Drake, Town Council Liaison

Not Present:  
James Jozwiak

The members met to continue review of the Town Code; Legal Analysis questions discussed:

Chapter 59: Unsafe Buildings. Question 59-001. Await input from CEO Roberts and Town Atty Attea. Previous CEO discussion about penalties and enforcement. Discussion about how the matters are handled once at the Court by the Town Prosecutor and Justices.

Chapter 78: Furnaces, Outdoor. Question 78-001 and Question 78-002. The members acknowledge that the reference in our current Code to 6 NYCRR Part 277 is not correct. It should be 6 NYCRR Part 247. The members would like this Chapter amended to follow NYS laws. DEC enacted 6 NYCRR Part 247, Outdoor Wood Boilers on January 11, 2011. M. Cochran asked if this NYCRR language could be further revised as New York goes more and more as everything goes "green". Suggest leave the specific number out of the new language; just say to follow NYS laws. The members would like input from Town Atty Attea as to how to amend this Chapter to follow NYS regulations and how the Town would proceed with any "grandfathered" furnaces. M. Cochran said that when he had conversation with General Code in the past, he was advised that the Town should not "grandfather" anything; if/when

Chapter 93: Manufactured Homes and Chapter 94: Mobile Homes. Question 93-001: the members would like to delete double-wide homes from the first line of Section 93-1 and add "Manufactured modular homes". Changing to: Manufactured modular homes will be allowed in R-1, R-2, R-AG, R-M and R-RB Districts..." This will also need to be

revisited in Chapter 150 Zoning to make sure the permitted uses are the same for the zoning sections; the legal analysis notes a discrepancy in our current code. There was much discussion about the difference between manufactured homes and double-wide homes. R. Hilliker explained that a modular has a wood frame and a mobile has a steel frame; the frame stays with it. Chairman Edbauer noted that mobile homes are only allowed in Mobile Home Courts. R. Hilliker questioned double-wides and Chairman Edbauer said that that would be considered a manufactured home. Discussed where double-wide manufactured homes are currently located in the Town. R. Hilliker would like a harder stance on this: if the term manufactured as a double-wide or mobile home, they are the same product. They come with a metal frame and wheels underneath. He takes that as a manufactured home that the wheels can be thrown onto them and they can be hauled away. A modular home is a wood structure which come in on a crane, in sections. There is a big difference between a double-wide with a metal from and a modular home. A double-wide is no different than a mobile home. Section 93-3 has definitions but only has the definition of a double-wide home; there is no definition of a manufactured home. Chairman Edbauer recalls working on these definitions years ago. Secretary Schweikert will look through prior records to locate the definitions. R. Hilliker noted that Chapter 94 definitions include a definition for mobile home includes a double-wide in that definition because two can be joined together. D. Dains questioned if double-wides should be taken out of Chapter 93 Manufactured Homes and then included in Chapter 94 Mobile Homes. R. Hilliker noted that if he were writing the Code, he would ban mobile homes and double-wide homes entirely in the Town and allow modular homes because modular homes are constructed with full thickness. He thinks mobile homes and double-wide homes are what would be called manufactured homes. R. Hilliker advised that with a modular it has to go on a foundation not on piers like you can with a double-wide. M. Cochran added not putting a skirting on it to hid the wheels; and a double-wide can have a skirt around it. R. Hilliker had discussed this in the past with Council Member Zittel who, years ago, was pushing to ban mobile homes; Chairman Edbauer noted that in the current Code mobile homes can only go in a mobile home park. R. Hilliker stated that that would include a double-wide.

Chairman Edbauer noted that he thinks double-wides are 2"x6" outside and all the interior walls are thin; R. Hilliker said no, even the outside are thin. They are built as a manufactured home and there are a different set of codes for manufactured homes. The insulation requirements are not met in manufactured homes but are required for modular homes. Modular homes need to be inspected the whole time the home is being constructed. The manufactured home companies do need to have a NY Certificate to manufacture. R. Hilliker noted that the primary difference between modular and manufactured homes is that modular homes are held to the same local, state building codes as required for onsite homes and manufactured homes are not. M. Cochran said that manufactured sounds like its mobile home, quality wise. R. Hilliker noted that manufactured homes are held to a federal code set by HUD and they have the ability to move from one location to another. The key difference between the two is the metal frame structure stays with the double-wide and a single-wide and a modular has no metal frame structure. R. Hilliker said that both are technically manufactured but a modular is going to adhere to local and state standards and a manufactured home is built to HUD standards. J. Zybert said she is on board with this until someone who has a double-wide

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that has reached the end of its natural life and the owner wants to replace it with a new double-wide and they wouldn't be allowed to do it. She knows there are some in the Town so when that home, on that parcel, reaches the end of its useful life and they want to replace it, what happens? Chairman Edbauer said that they would have to replace it with a modular. M. Cochran said it needs to be replaced by current Code standards; General Code does not recommend using "grandfathered" in the Code. If someone decides to change something, they must be built to current standards at that time. R. Hilliker thinks that it should say that single-wide or double-wide homes per HUD's definition are not permitted except in mobile home courts and a manufactured modular home that meet all state and local codes are permitted in those districts. M. Cochran said the key is to get mobile homes and double-wides in mobile home courts only.

Chapter 94 Mobile Homes was discussed. Code Enforcement over the years has been difficult because the owner owns the land but not the mobile homes. Chairman Edbauer noted that the Town has no control on how far apart mobile homes can be located. The Code refers to this as Mobile Home Court; not Park. J. Zybert questioned if the definition of mobile home at Section 94-2 should be amended to include double-wide. It is still a single-family unit but a single or double-width. The members think that there are no double-wide homes in either mobile home park currently. The mobile home park owners may not want double-wide homes because they would take up twice the amount of space and not be able to get twice the amount of rent. M. Cochran doesn't think this section needs much work; some sections may be able to be deleted. One of the problems CEO has is the renewal period being January 1 to December 31; having an inspection in Winter is difficult. Section 94-8 was discussed. The mobile home park owners renew by December 31<sup>st</sup> and pay the Town the fee. Even if CEO Roberts could get out to the property to inspect, the violations most likely can't be corrected during the Winter. Discussed moving the renewal to June; Council Member Drake noted that that date allows the residents to take advantage of the town-wide Spring Trash pickup event. The current process the Town follows is that the renewal is paid by December 31<sup>st</sup> but with the caveat that the inspection takes place in Spring and allows CEO final inspection after the Spring Trash date. CEO Roberts has been giving the park owners written notification of violations and is getting some cooperation from the owners. The 2024 renewal for North Street has not yet been signed off on by CEO Roberts. That location has some big projects: roadways, potholes, water. Chairman Edbauer said that what needs to be addressed is having more teeth for inaction items. Does the Town want to allow new mobile home parks to be established? There are sections in the Code for that procedure. Members agreed that Section 94-8 should be changed to have the license year June 1<sup>st</sup> to May 31<sup>st</sup>. This would allow the Town CEO to go to the property and do his inspection. If the renewal dates are changed, the decision would need to be made for the transitional year; do the park owners get six months' free or charge a half year fee for that first year to get on the new cycle. Chairman Edbauer thinks it should be a free six months. Then Section 94-8 (C) would need to be changed from November 30 to April 30<sup>th</sup> for filing with the Town Clerk. R. Hilliker wanted to review Section 94-5(E). Does the Town want to allow a temporary license? M. Cochran said that it could take a year to build a new home. There was a resident who lived in their camping trailer when their modular home was being delivered and constructed. R. Hilliker doesn't mind a temporary camper

but the way the current code is written, someone could bring in a mobile home or a double-wide home and live it in. Chairman Edbauer can't imagine anyone bringing in a mobile home for temporary housing during construction to have to get rid of it later. R. Hilliker would rather see camper not mobile home or delete Section 94-5(E) altogether; the members agreed. The members discussed other parts of Section 94-5. Should the whole section 94-5 be deleted? M. Cochran thinks that there may be other sections in this Chapter that can be deleted also. Chairman Edbauer will review these two Chapters and bring back his proposed language; make it simple. Definitions will need to be reviewed prior to finishing the Code update.

Chapter 103: Peddling and Soliciting. M. Cochran questioned having ID cards. D. Dains questioned whether companies like Schwans considered peddling or soliciting? Secretary Schweikert noted that what the Town currently uses this section for are the people coming in selling books or vacuum cleaners. J. Zybert noted that the Schwans have an app and you go on and order and the order is delivered to you. M. Cochran said that more than once, the Schwans truck pulled into his driveway and said that he had items leftover and would give him a great deal. R. Hilliker said he interprets it as the door-to-door sales. Discussion went to Food Trucks and do they need permits? Most of the Food Trucks are set up in the Village; not the Town. Chairman Edbauer asked what the Town does now? Do we give them anything? Secretary Schweikert advised that they fill out the permit, pay the fee which is currently \$150. The Clerk's Office makes copies of their photo identification and takes down their vehicle information and plate numbers. The peddler gets a copy of the permit. If residents call, the Clerk's Office can tell them what ID we have. The Town does not have a way to make ID badges for the peddlers. R. Hilliker questioned why the peddler can't provide their own with their company name and their name and picture. The Town Clerk could make copies of their company ID as well and then the peddler would need to carry that ID with them. M. Cochran will review this Chapter and bring back his proposed language.

Chapter 106: Records. Chairman Edbauer noted that his notes say to follow NYS rules. The Town already passed a Resolution to use the LGS-1 Retention and Disposition Schedule discussed at Question 106-002. Question 106-003 is satisfactory as written; do not revise. Question 106-001 will be reviewed by Secretary Schweikert.

Chapter 114: Sewers. This is being reviewed by Derek at MDA. Derek emailed Secretary Schweikert to see if language could be changed to say specifications could change "from time to time" and have an appendix filed with the specifications with the Town Clerk/CEO. Then the Town Board could change by Resolution and not Local Law like the Town does with the fee schedule.

Chapter 125: Highways. Secretary Schweikert reviewed this briefly with Hwy Supt Edwards this morning. The first section on Notice of Defects appears satisfactory as written. This is being reviewed by Hwy Supt Edwards.

Chapter 129: Subdivisions. At a previous meeting, the members agreed that Questions 129-001, 129-003 and 129-004 should be revised as suggested by General Code.

Question 129-001 was not tabled for more discussion and review by Town Atty. Council Member Drake noted that if the DRYM Management project goes through, if he works on to the water, it will need to be metered. Does something need to be in this section about water? Since Derek at MDA is looking into Water/Sewer, it may be that language may need to be included in the Subdivision section as well. MDA is currently reviewing the proposed DRYM Management project with regard to the KB Water. At past meetings, the members discussed Section 129-12(B)(9)(b) "fee in lieu of recreation land". Past discussion was to revise to say "per fee schedule" and delete from Section 68-4 the last line: "In lieu of recreation land dedication, the developer may pay a fee of \$200 per dwelling unit." The members would need to determine a fee to be charged; R. Hilliker had previously suggested \$500-\$1000 per dwelling unit. The fee would not appear in this section but would be included in the Town's fee schedule. This Town Board reviews the Fee Schedule annually and approves it at their Organizational Meeting. M. Cochran asked for an explanation; if there is a subdivision you need to have some green space? R. Hilliker and J. Zybert said yes; most require green space or parks. M. Cochran noted that the Village will need to do something like this with the proposed Dygert subdivision project. Section 129-12(B)(9)(b) would allow the owner to not have green space, to pay a fee and be exempt from green space. R. Hilliker doesn't even know if the Code should allow to pay a fee to get out of having green space. Chairman Edbauer thinks the in lieu of recreation land should be deleted; don't give the option. J. Zybert agreed. Possibly change "recreation land" to "green space" in any other references in the Code. J. Zybert said to leave (a) and delete (b) since (b) is in the possibility that the developer does not want to, or does not have the space, then the developer could pay a fee and make it go away. If the Town is saying that it wants land preservation for open space, then would we say it is no longer an option. R. Hilliker stated that a subdivision is if you split a piece of land more than five times. He used the example of his property on Transit Line Road. If he would have split the property into 10 lots which he could have legally done that would have triggered a subdivision but those are rural big lots that really need green space, for example. R. Hilliker said a subdivision may not necessarily what the members are thinking it is. J. Zybert noted that it may not be a developer comes in; R. Hilliker said it could be a property owner dividing his own land. M. Cochran asked if in a Town rural environment, should that wording go away? The Town doesn't have sewer and water. R. Hilliker thinks that the way 9(b) is written in the current Code, it gives the Planning Board an out to say, no, the Town is not accepting your payment. It says "or good planning judgment". R. Hilliker would like to see a differentiation between a subdivision of land and building a subdivision. M. Cochran said that is what he is stuck with: in R. Hilliker's example he had a larger piece of property and were subdividing it to sell pieces of property; that seems different. D. Dains thinks that the Board is looking too hard into this; R. Hilliker subdivided some property which is really not a subdivision; he sold off acreage. Chairman Edbauer said that what the intent is is so that no one buys large chunks of property and break it up. D. Dains noted that if the Abbott Hill Road project goes through, that is a subdivision. They are putting in infrastructure. R. Hilliker did not do that. R. Hilliker noted that a dividing parcels bigger than over acres is not a subdivision. Parcels can be divided as many times as the owner wants with parcels over five acres; it's when you go under five acres. If you are over five acres, you can split off as many times as you want. If the parcels are under

five acres, then there are conditions. B. Luno said that they would have to keep in mind that if the lots were away from the road, then they would need a right of way. This led to a discussion about flag lots. The members discussed how subdivision of land vs. subdivision could be addressed in our Code. R. Hilliker said that this will happen in our Town; there is a need for housing and the sprawl is coming this way. Chairman Edbauer said that it they would need to meet the requirements for septic and well. That may be the difficulty. The Town has a couple areas with public water but not sewer (except Craneridge). R. Hilliker noted what would be more likely to happen in the Town is what happened with Mountainview Builders did on Route 39. It is a larger parcel subdivision so that the properties can have well and septic. The infrastructure would need to be put in for roads. D. Dains said like Eaglecrest. To summarize, the members decided to leave in the “in lieu of recreational land” and then put a fee on the fee schedule that would then change “from time to time.” D. Dains said that the initial fee should be \$1,000. The “good planning judgment” should remain so that the Planning Board could make that determination about green space or in lieu of recreational land. Council Member Drake questioned the “or in the case of a minor subdivision.” The members reviewed the definition of subdivision at Section 129-2.

Chapter 134: Taxation. Question 134-004 needed further review. Article III. Alternative Veterans Exemption. There has been no input back from the Assessor. Council Member Drake knows about that there is one but doesn't know all the details; he'll look into this and advise.

Chapter 137: Telecommunications. The Board previously noted that this section needed to be review. The General Code Legal Analysis noted that no changes are suggested. The members agreed; Do Not Revise.

Chapter 142: Vehicles and Traffic. Secretary Schweikert advised that this is being reviewed by the Town Board. The matter was tabled at their May meeting.

Chapter 144: Vehicles, Junked. Previously the Board wanted input from CEO Roberts. At Question 144-001, General Code Legal Analysis noted no changes are suggested. For Question 144-002, R. Hilliker and J. Zybert thought 30 days was a reasonable amount of time; two vehicles and you can't have the same two vehicles for more than one year.

Chapter 147: Water. This is being reviewed by Derek at MDA.

Chapter 150: Zoning. Needs review.

Chapter 199: No Smoking. The Town Board just passed a Local Law prohibiting smoking on all Town lands, in all Town buildings. D. Dains noted that the non-smokers will enforce this policy. Signage will be going up at all locations.

The work session ended at 8 p.m. The next regular meeting will be Tuesday, June 4, 2024. This meeting will be held in the Conference Room. Chairman Edbauer will be out of town for this meeting; Member Zybert will be acting Chair.



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Darlene G. Schweikert  
Planning Board Secretary