

TOWN OF CONCORD PLANNING BOARD
Town Hall

November 5, 2024
7:00 p.m.

ITEM # 1:

The meeting was called to order by Planning Board Chairman Joseph Edbauer, at 7:00 p.m.

ITEM #2: Roll Call

Present:
Joseph Edbauer, Chairman
James Jozwiak
Julie Zybert
Ray Hilliker
Michael Cochran

Also Present:
Darlene Schweikert
Clyde Drake, Town Council Liaison
Thomas Roberts, CEO

Not Present:
Bruce Luno
David Dains

ITEM #3: Citizen Participation

There was no one for Citizen Participation.

ITEM #4: Approval of Minutes

a) October 1, 2024 – J. Jozwiak made the motion, seconded by M. Cochran, to approve the Minutes as presented. All in favor. Carried. Chairman Edbauer thanked J. Zybert for acting as Chair for the meeting.

ITEM #5: Code Update

The open items from the General Code Analysis are:

Chapter 72 Administration and Enforcement. This was briefly discussed at the October meeting. Secretary Schweikert will try to clean up the model law and bring back to the members.

Chapter 93 Manufactured Homes and Chapter 94 Mobile Homes. At an earlier meeting, this was assigned to Chairman Edbauer for review. Chairman Edbauer will finalize and bring back to the members.

Chapter 114 Sewers and Chapter 147 Water. These sections were referred to MDA Consulting Engineers for review. Awaiting final drafts from Caleb Henning, MDA.

Chapter 142 V&T. The Town Board was discussing this section. A Local Law was drafted but as of right now, the Town Board has not adopted the new Local Law. If the Local Law is not adopted, the Section will remain “as is”.

Chapter 150 Zoning. At earlier meetings, this Section was reviewed but nothing was finalized. This is the section that will take the most review. Secretary Schweikert will update the sections with the changes discussed at earlier meetings with regard to changes in minimum acreage and setback requirements and bring back to the members.

Chapter 184 Grandfathered Lots. This was reviewed at earlier meetings. It should be changed to “Non-conforming Lots.” This section needs a final review by the members to clarify the language.

There are also Code matters that were discussed over the years at Planning Board meetings that will need to be reviewed; which include:

- definition of a campground
- add costs to tax bills for demolishing or maintenance of properties
- solar, BESS and wind projects-add that the owner must be a Town resident; penalties for non-compliance of the Special Use Permit; number of copies to be provided should be increased to 15
- Signs needs the language reviewed for better clarification in the types of signs. This was assigned to J. Jozwiak
- Rezone Applications needs review
- Tiny homes-definition and allowed in what zoning districts
- Airbnb-definition and allowed in what zoning districts, CEO annual inspections?
- Second structure on same parcel-is this allowed and in what zones
- Horses-requirement for acreage and number of horses allowed or should this just be a referral to the Humane Society?
- Zoning Section 150.181 & Section 150.184-Public Access Trails-Review for possible change for site plan review/change of use?
- Fences – setback requirements to allow for maintenance, finish side to neighbor, fence posts toward homeowner
- Penalties for offenses – CEO Roberts had been discussing with Town Attorney regarding misdemeanors. This was discussed at meeting with Town Attorney Attea, Deputy Town Attorney Rautenstrach, CEO Roberts, Council Liaison Drake and Chairman Edbauer. Sections 59.11, 150.170 and 200.96 may be appropriate as is (as long as the Justice Court, CEO and Town Prosecutor follow the language in the Code). Needs final review to confirm.

- Annual Permits for Mobile Home Parks – change the due date for the renewal period from calendar year to June 1 to May 31 to make it easier for CEO to inspect. The first year the first six months would be free, to get the two mobile home parks on the new schedule. Penalties for not filing timely?

- Annual Permits for Junkyards and Mining Permits – Penalties for not filing timely? Town Attorney Attea advised that our Junkyard Renewal Form should be revised to include a statement that the applicant is aware of and familiar with all the provisions of General Municipal Law Section 136 and the junkyard is in compliance with all the rules and regulations stated therein; and acknowledging that they are properly disposing of any hazardous substances.

- Food Trucks

Council Member Drake advised the members that at the last Town Board meeting a couple Sheriffs came in who are part of the Community Engagement Team. One of the things they mentioned is that the Town should review their Code and try to tighten up their panhandling laws and loitering. At this time, our Code does not address this matter. M. Cochran questioned if this would be part of soliciting; the members felt it was not. The members discussed what other Towns may already have something in place that can be revised to meet our Town's needs. The members had some general discussion on the homeless situation in our Town. This was assigned to M. Cochran.

Zoning was discussed:

- How can the Zoning Districts be structured in the Code to make it easier to determine the allowable uses in each zone? Should some of the districts be combined? CEO Roberts does not think it is necessary to combine zoning districts. The sections in the Code just need to be cleaned up; order may need to be changed. Chairman Edbauer said the Code could say these districts would like these uses. Zoning District CT may not be needed; there was only one parcel in that zoning. CEO Roberts will reach out to the new owner to see what plans he may have for that parcel now that the structure has been demolished.

- CEO Roberts noted that he would like the members to review Section 150-141 Limitations on Automotive Use Areas; the first line "Except for farms or single-family or two-family residences, any portion or a lot used for open off-street parking or reservoir space or for open sales, service or storage areas for motor vehicles, contractor's equipment or boats shall be deemed to be an automotive use area and shall be subject to the following requirements:" CEO Roberts believes that the words "or single-family or two-family residences" should be deleted.

- Crypto mining was discussed. Should this be included in our Code? In what zoning districts? Special Use Permit should be obtained. This is already happening in the Town. J. Jozwiak doesn't think that this is a problem. CEO Roberts noted that there could be a noise issue from the humming. M. Cochran asked if there could be generic language included in the Code like electronic data center applications

(and not state crypto mining specifically). These generate so much heat because they use so much power. Maybe that should be the limitation; go big and say power restriction in one location. This should only be allowed in C Zoning Districts.

- Zoning M General Industrial District Section 150-98 Section (4) Adult Uses. One or two Town parcels are in that District. The area around the parcels is zoned R-AG. Should the district be deleted and make the parcels become Commercial Zoning? The members reviewed this section and would like to have the Town Board put a moratorium in effect to allow for the Code section to be reviewed and updated. J. Jozwiak would recommend the moratorium and a change of the parcel zonings to a Commercial District; removing M General Industrial District. Discussion about if the motion should be to recommend the local law to delete Section (4) or to recommend a moratorium for two years to allow the Code to be updated. Members agreed to recommend the Town Board adopt a local law for a two-year moratorium. This will allow for time to review the section to determine if the M General Industrial District should be deleted and parcel zoned Commercial or delete Section (4). If the zoning is changed at any point because of the Code Update, Town Attorney Attea advised that the Town will have to notify that property owner directly of the change. Chairman Edbauer made the motion, seconded by J. Zybert, to recommend to the Town Board that the Town Board impose a two-year moratorium on M General Industrial District Zoning, Section (4). All in favor. Carried. R. Hilliker noted that the Town will need to determine the parcels that are in the M General District and send the owner a copy of the Public Hearing Notice. The two parcels are manufacturing. CEO Roberts said that the only determination is the old zoning map that was used for the Wendel update. CEO Roberts and Secretary Schweikert will review the Zoning Maps to determine what parcels are M General District. Town Board Liaison Drake will take this matter to the Town Board.

- Cannabis dispensaries were briefly discussed. The Town Board did not opt out so they are allowed in the Town. Waterman opened their dispensary.

Chairman Edbauer asked the members if they would like to schedule another Code Work Session night. J. Jozwiak advised that he will not be at the December meeting. The members agreed on Wednesday, November 20th from 6-8 p.m.

ITEM #6: Comments from Town Board Liaison Drake

Council Member Drake had nothing to bring to the Board tonight. There was discussion about the recent Kissing Bridge sale. Everyone is wishing the new owner success.

ITEM #7: Business from the Members

1. M. Cochran asked if anyone had an update on the John Keem


(Buffalo Flex Business Park) parcel that was rezoned on Route 219 to allow for the storage units. CEO Roberts advised that he had just issued the owner the Certificate of Compliance for the building.

2. R. Hilliker informed the Board that he is resigning from his position on the Board effective tonight; although he doesn't have a vote on his replacement, he would recommend Stephen Myers or Scott Benkelman. R. Hilliker will get Secretary Schweikert a written resignation. Chairman Edbauer, the members and Council Member Drake, thanked R. Hilliker; he will be missed on this Board.

3. Chairman Edbauer asked Council Member Drake for an update on the RIC Energy Solar project. Council Member Drake advised that MDA Consulting Engineers and Town Attorney Attea are reviewing the project. It will not be on the November Town Board Agenda.

ITEM #8: Motion of Adjourn

J. Jozwiak made the motion, seconded by J. Zybert, to adjourn the meeting at approximately 8:15 p.m. All in favor. Carried. There will be a Code Work Session of Wednesday, November 20, 2024 from 6-8 p.m. The next regular meeting will be Tuesday, December 3, 2024.



Darlene G. Schweikert
Planning Board Secretary