

TOWN OF CONCORD PLANNING BOARD  
Town Hall

January 7, 2025  
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  
Michael Cochran  
Guy Marlette

Also Present:

Darlene Schweikert, Secretary  
Clyde M. Drake, Town Council Liaison  
Thomas Roberts, CEO  
Kevin Manchester, Building Safety Inspector  
Steven Buckley, MRC Acquisitions, Inc.

Not Present:

Bruce Luno  
Julie Zybert  
David Dains

ITEM #3: Citizen Participation

There was no one for Citizen Participation.

ITEM #4: Comments from Council Liaison Drake

Council Member Drake wished the members a Happy New Year and noted that this is the year to complete the Code Review Update. He knows that the Board has been working diligently on the update and had hoped to get it done last year. Chairman Edbauer would like to have the review complete in March 2025. Once the review is complete, Secretary Schweikert noted that the procedure to finish will include her uploading the additional changes /updates in the General Code program and then General Code getting all the changes made and presenting it back to the Town for the Planning Board/Town Board/Town Attorney final review before holding the Public Hearing hopefully by August or September. It is believed that General Code will do all the "lawyering" wording. M. Cochran questioned if there is a way that the Members can see what Secretary Schweikert has already uploaded; Secretary Schweikert will check Dena at General Code to see. Council Member Drake noted that there has been some suggestion from the Town Board/Town Attorney to have Wendel Companies get involved at this point with the Code update; Council Member Drake noted that the Planning Board is almost complete with the update and have worked too hard on this project to do that now. He just did not want the Members to be surprised if at the end of

the process the Town Board asked Wendel Companies to review the update. Secretary Schweiket added that she had conversation with Andrew Reilly at Wendel Companies and the Town has received a proposal for Code review services with a price-tag more than what General Code's update fee is. Supervisor Drozd has talked with Mr. Reilly and it was agreed that if the Planning Board wanted to send certain questions or sections of the Code to Wendel Companies, Mr. Reilly would review the language/changes and charge an hourly rate for that review. J. Jozwiak said that some of our Code changes will now refer to NYS guidelines. The Zoning Section is what needed review and possible changes. Chairman Edbauer wondered if the M District could be limited to just one area (on Collins Springville Road) and the Town could rezone the M District parcels on Genesee Road. G. Marlette advised that the Town could initiate the rezoning of any parcel; this could be discussed at another time. It doesn't need to be done during the Code Review process. Secretary Schweikert will get a copy of the Legal Analysis questions marked up with the Planning Board members' updates to G. Marlette. M. Cochran would like the General Code uploaded Legal Analysis document as well.

ITEM #5: Approval of Minutes

1. November 5, 2024
2. December 3, 2024

J. Jozwiak made the motion, seconded by M. Cochran, to approve the Minutes as presented. All in favor. Carried.

ITEM #6: Buckley-Stoney Oak Ridge Project Review

Steven Buckley addressed the Board. In late 2021, Mr. Buckley came to the Planning Board with a rezoning request to rezone one acre of his property on Moore Road to Commercial. At that time, the Planning Board wanted Mr. Buckley to merge his two parcels as the location of the building was between his two parcels and the Planning Board recommended that Mr. Buckley operate his wedding venue/event center under a Special Use Permit. Mr. Buckley has since merged the two parcels and would like to proceed with the rezoning of the entire parcel, 7.90 acres which contains the original house, the second residential structure, two storage buildings, a pool and a pond. When Mr. Buckley merged these two parcels, it was transferred into his business name of MRC Acquisitions, Inc.

Chairman Edbauer asked Mr. Buckley why he couldn't proceed with the existing Special Use Permit as granted? Mr. Buckley believed that the Special Use Permit could go away, it could be terminated; it would terminate if MRC did not own the property. Any new owner would need to come before the Town to get a Special Use Permit. Chairman Edbauer advised that he is not in favor of spot zoning; this was discussed at earlier meetings. Although there are other spot zoned commercial businesses on Moore Road but this Board can't change what was allowed in the past by other Boards. M. Cochran's thought was that the Town has spot zoning on all of the commercial locations; pieces here and there. Route 240 was supposed to be the corridor

for commercial but it is not. Chairman Edbauer noted that some residents on Route 240 didn't want to be commercial so that is what happened there causing the chopped up commercial zoning. M. Cochran said his concern is what may happen to the parcel if it becomes zoned commercial; this was discussed during the 2022 meetings; what could go in if the property were sold. Chairman Edbauer agreed. G. Marlette questioned if the rezone could be made to a Commercial Tourism (CT) zoning. Previously the Members had discussed to repeal Zone CT since no parcel in the Town is a CT. The Members reviewed the CT zone and this would be a good solution. Mr. Buckley was not opposed to a rezone to CT. This would allow Mr. Buckley the protection of commercial zoning but also not allow manufacturing at the location. Council Member Drake noted that CT Zone allows at (B) Accessory uses and structures (4) Filling station or gasoline station subject to applicable federal, state and local ordinance. The Members would not want filling stations at this location. Chairman Edbauer noted that the CT zoning section could be modified as part of the Code update to eliminate the filling station or gasoline station. The Members agreed to strike that in the CT section in this update. Mr. Buckley questioned if he wanted to have a snowmobile run as a fundraiser for the school or anything, since the trail is right there, and he had a tank there with fuel in it? CEO Roberts advised that that would be state and federal regulated. This would be different because he would not have an underground tank or pumping stations. J. Jozwiak noted that he would not mind a spot zone to a CT. Members agreed. M. Cochran made the motion, seconded by J. Jozwiak, to recommend the MRC Acquisitions, Inc., rezoning application to the Town Board to rezone the 7.90 acres located at 11655 Moore Road property to Commercial Tourism (CT) with the restriction that (B) Accessory uses and Structures (4) Filling station or gasoline station is not allowed. All in favor. Carried. Mr. Buckley was informed that Council Member Drake will bring this rezoning to the Town Board to set a Public Hearing date and the Public Hearing Notice will be published, sent to the neighboring parcels within 500 feet and forwarded to Erie County for their referral. NYS will also get the notice. J. Jozwiak asked Mr. Buckley how his neighbors have been with this so far? Mr. Buckley said good. Secretary Schweikert noted that there have been no complaints at her office; whether noise or parking on the road. There is a new owner of the neighboring vacant land but this building is already up and operating under the Special Use Permit.

CEO Roberts updated the Members will regard to Mr. Buckley's building permit. The Special Use Permit was issued for the initial building. The new addition does not have a Certificate of Compliance (C of C) yet; he has not yet received approval from the Erie County Health Department so the C of C cannot issue. CEO Roberts gave Mr. Buckley a 30-day compliance notice. Mr. Buckley advised that the ECHD is supposed to come next week and it is expected that their approval will be given at that time. Mr. Buckley has been working with the ECHD on his own public water district for the building since the occupancy will be over 100. This does not impact the rezone application. There are some bookings going into Fall 2025. The end result for occupancy is 250 with the utilities on site; if someone were to rent facilities, toilets. As far as square footage of the building, it could be more. The size of the septic system and design are based on 250. Mr. Buckley thanked the Board and left the meeting at 7:40 p.m.

ITEM #7:     Code Update

Chairman Edbauer noted that the Board would start with the Sign Regulations:

Article XXV Sign Regulations was reviewed by J. Jozwiak. Copies of his findings were provided to the Members and reviewed:

- No change to 150-129 and 150-130.
- Agreed: Section 150-131 eliminate (A) which requires that the sign shall have the number of the permit marked on its face in a permanent manner.
- Illuminated Signs. Section 150-131 (C) Discussed removing the time of 12:01 a.m. Discussion about restriction on lumens on the signs; the Members decided not to include anything about lumens. These signs shall conform to the regulations of the National Board of Fire Underwriters; possibly note to send these to CEO. Discussion about glare and annoyance to passersby or adjacent property. G. Marlette personally thought there should be a separate sign lighting vs the standard lighting; that zoning lighting would deal with parking lots/control of the illumination based on the glare is how you deal with ground level signs.  
**Need new wording for this Section.**
- Agreed to change Section 150-131 (E) Bulletin Boards from 25 square feet to 32 square feet. Now would read: “Church, school or other exterior institutional bullet boards shall not exceed 32 square feet in area. No permit is required for such sign.
- Discussed Section 150-133 (B), (C) and (D) size of 16 square feet. J. Jozwiak thought this should be increased to 20 square feet. After discussion, the Members agreed to leave at 16 square feet in these sections. Smaller signs may be better.
- Definitions of the types of signs are not currently in our Code and that has caused issue in the past. Definitions will be added. G. Marlette advised that the Town of Amherst has definitions in their Code; agreed to include their definitions as a guideline. G. Marlette noted that the Town of Amherst spend a lot of money on their Code update and it was reviewed by many attorneys so their Code would be a good reference.
- Section 150-137 Temporary and special purpose signs. Change the amount of \$50,000.00 to: “in a sum as determined, from time to time, by the Town Board.”
- Section 150-138 Nonconforming Signs was reviewed. No changes are necessary; any nonconforming signs would go to CEO.
- J. Jozwiak does not think there is anything else to review on the sign regulations; just add the definitions and eliminate Section 150-131 (A) and change Section 150-131 (E) to 32 square feet.

Secretary Schweikert advised that Wendel Companies will be working with the Town to update the Town’s local laws for solar, BESS and wind energy. The Town currently has a moratorium on all of these projects. CEO Roberts noted that he has had an inquiry about a BESS project on Vaughn Street.

Chapter 93 Manufactured Homes and Chapter 94 Mobile Homes were assigned to Chairman Edbauer previously. He uploaded his notes onto General Code. These questions were not answered in the Legal Analysis questions; definitions needed to be clarified.

Chapter 184 Grandfathered was discussed. This Chapter 184 should be repealed and be made part of Zoning Section Article XXXI Nonconforming Lot Size, Open Space and Height Regulations. The nonconforming language will need to be reviewed and be very specific especially since the Members have agreed to increase the minimum lot size in most R districts from 1 ½ acre to 3 acres. Mr. Reilly at Wendel Companies would not recommend that the Town increase the minimum lot size but if it is decided to proceed, then he said the Town has to make sure that this Section is rock solid in its wording. Discussion about the increase to 3 acres: allowing for ECHD specifications for septic and well and still allowing for the resident to use their property for any structures; people come to the Town for “space.” At a previous meeting J. Zybert was assigned the task of reviewing this Section; J. Zybert is not in attendance tonight so this can be addressed next month. One question is what is the “new ordinance dated September 15, 1995” actually is? Secretary Schweikert will try to research. G. Marlette cautioned that the Town should not create a lot more nonconforming residential properties in the Town; is there a way to find out how many would be impacted? Secretary Schweikert can check with the Assessor’s Office to see if a list could be generated. This may be a section that should be referred to Mr. Reilly for his review of our proposed changes.

\*Chairman Edbauer noted that this would leave Section 150-166 to 150-217 still to be reviewed. Secretary Schweikert reminded the Board that included in the November 5, 2024 Minutes was a list of open matters still to be addressed; the Members will review those Minutes for the February meeting. Some of these items were discussed at the November 20<sup>th</sup> Code Work Session and have already been answered.

Chapter 199 Smoking was addressed previously. Local Law was adopted. Follow NYS and the Town Employee Manual.

ITEM #8: Business from the Members

1. Secretary Schweikert advised that all renewal permits have now been received and these will be on the February Planning Board Agenda.
2. Chairman Edbauer requested that the February meeting start at 6 p.m. to give the Board an extra hour to work on continuation of the Code Review. The Members agreed; with the time change, G. Marlette said he would be about 10 minutes late.
3. Secretary Schweikert informed the Members that Member B. Luno will be resigning from the Board after the February 3<sup>rd</sup> meeting.

ITEM #9:      Motion of Adjourn

J. Jozwiak made the motion, seconded by M. Cochran to adjourn the meeting at approximately 9:00 p.m. All in favor. Carried. The next meeting will be Tuesday, February 4, 2025 starting at 6 p.m.

  
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Darlene G. Schweikert  
Planning Board Secretary