

TOWN OF CONCORD PLANNING BOARD
Court Room

June 5, 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
James Jozwiak
Joseph Edbauer
Karl R. Lux

Also Present:

Darlene Schweikert
Clyde Drake, Supervisor
Jeffrey Singleton, CEO
Tiffany Pompeo

Not Present:

Bruce Luno
Julie Zybert

ITEM #3: Citizen Participation

a) Tiffany Pompeo – Ms. Pompeo is in the process of purchasing the property located at 5962 Collins Springville Road. This property is currently owned by the Mortons Corners Baptist Church is the current owner. For the sale to be finalized, the Attorney General's approval is necessary and that has not yet been received. Ms. Pompeo would like to discuss with the Board her plans for the property. The property has a three bedroom apartment upstairs which she would like to redo and she would like to add a second three bedroom apartment upstairs. Her plan for the downstairs is an ice cream shop on one side and a restaurant on the other side which would sell pulled pork, hamburgers, hot dogs as well as a seating area. The building has a handicap bathroom already. On the side of the property, there are about four or five very large trees which they would take down and putting up a vinyl fence between the neighbor and this property and putting a new entrance up the back. There is a small back storage area which is kind of dilapidated and has some foundation issues and that would be removed and put a set of stairs up to the apartment. There would be a wraparound deck where the trees; maybe a swing set area. She plans to do new siding, roof and windows, stone the parking lot. Right now the restaurant may not be year around at this point; may be just seasonal closed November, December, January and February. She is aware of the amount of traffic on Route 39 and thinks that the bigger trucks and construction people would pull in for something to eat. The building itself is about 8000 square feet. A lot of work has already been done in the basement. There is one wall inside that she would like to move; it is a supporting wall so she would have to put in a beam. This would allow her to open up the kitchen space.

The property is currently zoned C-1. Ms. Pompeo reviewed the property dimensions with J. Edbauer and showed where the driveway would be put in from Route 39 and where the deck and the vinyl fence would be located. K. Lux advised her to be

concerned about is the distance from the property line to make sure she meets the Code requirements. A survey is being done.

Ms. Pompeo noted that they are not sure where the well is located. Erie County has not yet been out. She needs 30 days occupancy before the Health Department will come out. The members discussed with Ms. Pompeo about the size of the septic capacity with the addition of another apartment. J. Edbauer noted that she will need to make sure she has the correct distances from the well and septic.

Zone C-1 does allow restaurants Code Section 150-73 (27)(e) and also two-family dwelling Code Section 150-73 (8) so she would be in compliance with the Code.

Chairman Kelly advised Ms. Pompeo to contact CEO Singleton after her closing takes place. CEO Singleton's advice to Ms. Pompeo to contact the gas company to see if a different meter may be necessary; to check the Erie County Health Department about the well water for a restaurant for any special instructions (filters). The septic system may need to be expanded. Ms. Pompeo advised that if Erie County comes in and there are too many issues, she could change her plan and she would come back to the Planning Board with a different idea which may just be apartments. Ms. Pompeo noted that the building has a lot of potential.

Chairman Kelly thanked Ms. Pompeo for reviewing her plan with the Board and wished her good luck on her endeavor. Ms. Pompeo left the meeting at 7:15 p.m.

b) CEO Singleton would like to review the Town's road setback distance. CEO Singleton wants to make sure that he and the Planning Board are on the same page. CEO Singleton questions if the members read the Code to say that the distance is the 33 foot road right of way plus the 50 feet setback for a total of 83 feet. J. Edbauer advised that the centerline of the road being the basepoint. CEO Singleton would like to see this in black and white so he can refer to it when residents come in. The members reviewed Code Section 150-143. CEO Singleton interprets this as 50 feet from centerline of the road. K. Lux noted Code Section 150-57 which states: Front yard: 50 feet from right-of-way; the centerline is not the right-of-way. CEO Singleton would like to see that in the Code. The members thought that Hwy Supt Dains may be able to provide CEO Singleton with a description of right-of-way. K. Lux noted that the centerline is sometimes not in the center of the right-of-way. CEO Singleton noted that the 83 feet requires the resident to put in more electric line, gas line, water line, driveway or they might not be able to build on the property. CEO Singleton said that he doesn't understand that distance. There was discussion about the highway doing something in the 33 foot right-of-way and if that could make any structure 17 feet away. CEO Singleton would like to see some language in our Code that he could refer to if a resident had any problems. A survey would show the right-of-way. CEO Singleton advised if the Code is to be updated, he would like to see some language added on this setback. The Planning Board had been reviewing the Code in the past; Secretary Schweikert will include that listing of proposed changes to the Minutes.

CEO Singleton thanked the Board for their clarification.

ITEM #4: Approval of Minutes

a) May 1, 2018 – K. Lux made the motion, seconded by J. Jozwiak, to approve the Minutes as presented. All in favor. Carried.

ITEM #5: Review Fee Schedules

The Planning Board had reviewed the Application Fee Schedule at their March 7, 2017 meeting. The Town Board has not yet approved these changes. J. Jozwiak made the motion, seconded by K. Edbauer, to re-present the revised Fee Schedules to the Town Board for approval. All in favor. Carried.

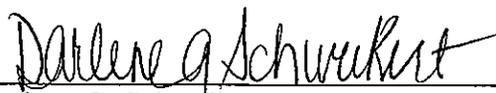
ITEM #6: Business from the Members

a) Chairman Kelly reminded the Board that their next meeting will be July 3rd. The members did not believe that the date would be a problem.

b) G. Donhauser asked CEO Singleton about the recent work on the Genesee Road cell tower. G. Donhauser asked if a structural analysis had been received. CEO Singleton wasn't involved at the start of this project (CEO Pirro was here at that time) but a structural analysis had received one and reviewed it; he advised that some accessories were taken off and different ones were added.

ITEM #7: Motion of Adjourn

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



Darlene G. Schweikert
Planning Board Secretary

Application Fee Schedule:

- A. Rezoning Application: \$100
Increase to \$500. Increase because there are costs involved to the town and the fee should cover those. J. Jozwiak made the motion, seconded by G. Donhauser. All in favor. Carried.
- B. Special Use Permit: \$100
No Change
- C. Zoning Board of Appeals Application: \$100
Increase to \$500. Increase because there are costs involved to the town and the fee should cover those. J. Jozwiak made the motion, seconded by G. Donhauser. All in favor. Carried.
- D. Site Plan for Subdivision Application, \$100, plus \$50 per lot.
No Change
- E. Mobile Home Court Application: \$200 per annum
Increase to \$300. Increase because CEO has to go out to these trailer parks a couple of times. G. Donhauser made the motion, seconded by K. Lux. All in favor. Carried.

CEO Pirro also would like to do these inspections in the Spring to allow the residents to avail themselves to the Town-wide Trash Pick up which occurs in early May. The members feel the Code as written would allow CEO Pirro to inspect at any time during the year and not necessarily at the time of license renewal in November.

- F. Mining and reclamation: \$200 per annum, plus any required bonds
No Change
- G. Temporary Mobile Home Permit per annum on individual lots: \$100
DELETE J. Edbauer made the motion, seconded by J. Zybert. All in favor. Carried.
- H. Temporary Mobile Home Permit, if permitted, not to exceed a period of more than three years: \$50
Increase to \$100 per annum. J. Edbauer made the motion, seconded by J. Zybert. All in favor. Carried.

Discussion ensued about a resident who had a trailer which was allowed under the Ag & Markets Law for his farm workers. Resident has not farmed in many years and the trailer has been vacant. They would request CEO Pirro to check into this matter.

- I. Temporary permit to store mobile homes for sale purposes for six months: \$50
Increase to \$100. K. Lux made the motion, seconded by J. Edbauer. All in favor. Carried.
- J. Business Permit: \$100
The members will review the Code to see when this permit is used. Planning Board Secretary Schweikert will attach a copy of the Business Permit Form to the Minutes.

- K. Sign Permit: \$35
Increase to \$50. J. Edbauer made the motion, seconded by G. Donhauser.
All in favor. Carried.
- L. Junkyard Permit, per annum: \$50
No Change
- M. Home Occupation: \$100
No Change
- N. Solar Panel Fee per application: \$100
No Change. Electrical inspection needs to inspect.
- O. Special Use Permit – Telecommunications Tower: \$1,500
*each co-location/accessory/alteration: \$500
Increase Tower to \$2,500 and increase co-location/accessory/alteration to \$1,000. J. Edbauer made the motion, seconded by G. Donhauser. All in favor.
Carried.
- P. Sewer Tap, per sewer connection: \$500.
Increase to \$1,000. K. Lux made the motion, seconded by G. Donhauser.
J. Jozwiak opposed. Carried.

Building Permit Fee Schedule:

The members do not feel that any of these fees need to be increased but would recommend to the Town Board that the Re-Issue of a building permit be changed. Currently it is "Fee is half of the original permit fee". The members recommend that the re-issue fee be the same price as the original permit fee, payable yearly. The members feel that this would make residents finish their construction more quickly because the Town has in past have residents re-new their permit for several years at this reduced rate. K. Lux made the motion, seconded by J. Jozwiak. All in favor. Carried.