

TOWN OF CONCORD PLANNING BOARD  
Town Hall

December 5, 2023  
7:00 p.m.

**ITEM # 1:**

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

**ITEM #2:     Roll Call**

**Present:**

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

**Also Present:**

Darlene G. Schweikert, Town Clerk  
Clyde M. Drake, Council Liaison  
Thomas Roberts, CEO

**Not Present:**

Bruce Luno

**ITEM #3:     Citizen Participation**

There was no one for Citizen Participation.

**ITEM #4:     Approval of Minutes**

a) November 7, 2023 – J. Jozwiak made the motion, seconded by M. Cochran, to approve the Minutes as presented. All in favor. Carried.

**ITEM #5:     Comments from Council Liaison Drake**

Council Member Drake noted the Burke's had their grand opening of the winery on Trevett Road last weekend and the Town received a voicemail complaint from an unidentified caller. The complaint was about mud on the road and also said that no one knew about this winery. J. Zybert and J. Jozwiak had both driven by the location last week and noted that the site was muddy but at that time there was no mud on the road. The Burkes followed the Town's procedure in obtaining a Special Use Permit for the winery, appropriate notice was given to the neighbors and published in the Springville Journal. The Town Board also held a Public Hearing before approving the Special Use Permit.

**ITEM #6: Code Update**

The members reviewed the General Code prepared Editorial and Legal Analysis: Questions 150-001 to 199-001. Secretary Schweikert will be noting the decisions made and uploading them onto the General Code site.

The following Questions need further review:

Question 150-001; Zoning. There was discussion about minimum lot size; whether the lot size should be increased from 1 ½ acres to possibly 2 acres. This would allow more room for the distances between the well and septic. CEO Roberts pointed out that if the lot size were increased, it could slow down development within the Town. Discussion about how changing this could make some lots non-conforming requiring grandfathering these parcels. J. Zybert met with Assessor Martin to discuss this matter. Assessor Martin noted that there is nothing on the property tax bill which identifies a parcel as non-conforming and their office does not get the deeds until after the transaction is closed. R. Hilliker advised that all real estate contracts for vacant land do have Vacant Land Riders as part of the contract. This Rider gives the purchaser 30 days to do their due diligence to see if the parcel can be used for their intended purchase; if not, the contract can be cancelled. The language for grandfathered lots still needs to be addressed and M. Cochran will research other town codes for the members to review.

Question 150-002; Zoning. Needs further review. The Town accepted a Comprehensive Plan in December 2018. Secretary Schweikert will check the latest Town Master Plan to see the date. This section states the Master Plan is Year 2000.

Questions 150-004 to 150-011; Zoning. These need further review by the Planning Board.

Question 157-001; Drug and Alcohol Testing Policy. Discussion as to whether this is necessary to be included in the Town Code. The Town's Employee Manual includes a Drug and Alcohol Testing Policy for the Highway Department. Could the Town Code be revised to state refer to the current NYS Department of Transportation Law and Town Employee Manual?

Question 173-001; Investment Policy. The Town reviews and approves an Investment Policy at their annual January Organizational Meeting. Could the Town Code be revised to state refer to the current Investment Policy on file with the Town Clerk? (The list of designated depositories at Section 173-7 is not the list in the current Investment Policy.)

Question 184-001; Lots, Grandfathered. This has been discussed at numerous Planning Board meetings. The language contained in this Section needs to be clarified. M. Cochran will research other town codes for the members to review.

Question 190-001; Personnel Policy. Could the Town Code be revised to state refer to the current Town Employee Manual on file with the Town Clerk?

Question 199-001; Smoking. Could the Town Code be revised to state refer to NYS Public Health Law and Town Employee Manual?

The Planning Board members will continue this project at the February meeting.

**ITEM #7: Business from the Members**

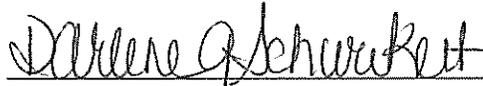
1) J. Zybert noted that the Collins coalition against wind energy will be having a meeting this Thursday, December 7<sup>th</sup> at 7 p.m. at the North Collins Community Center on Route 62. She plans on attending the meeting.

2) J. Zybert had driven by the Giordano property at the corner of Trevett Road and Genesee Road. Some concrete slabs are on the property which the owner could be using for fill on his property or is the owner opening up a business of some sort? This property is not zoning Commercial. CEO Roberts will follow up to see what the owner is doing.

**ITEM #8: Motion to Adjourn**

Chairman Edbauer advised that the next Planning Board Meeting is January 2, 2024 and since this date is so close to the holiday, the members agreed to cancel the January meeting and will next meet on Tuesday, February 6<sup>th</sup>.

M. Cochran made the motion, seconded by J. Jozwiak, to adjourn the meeting at approximately 8:36 p.m. All in favor. Carried.

  
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Darlene G. Schweikert  
Planning Board Secretary