

TOWN OF CONCORD PLANNING BOARD
Town Hall

September 3, 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
David Dains

Also Present:

Darlene Schweikert
Thomas Roberts, CEO
Jacob Zelig
Scott Zelig

Not Present:

Bruce Luno
Clyde M. Drake, Town Council Liaison

ITEM #3: Citizen Participation

There was no one for Citizen Participation.

ITEM #4: Approval of Minutes

a) August 6, 2024 – M. Cochran made the motion, seconded by J. Zybert, to approve the Minutes as presented. All in favor. Carried.

ITEM #5: Zelig – Home Occupation Cerakote

Jacob Zelig had submitted his Home Occupation Permit packet to the Board which included pictures from his current location on Heinrich Road in the Town of Boston as well as a diagram of the new location and a description of his business dated August 24, 2024. The members have had a chance to review all this information.

J. Jozwiak wanted to ask Mr. Zelig a couple questions for the record, and feels this will also help Mr. Zelig because he had previously mentioned that neighbors have called the NYS Troopers and Sheriffs to come to your property? Mr. Zelig, yes. J. Jozwiak then asked if when the Troopers and Sheriffs came to your property; they never found anything? Mr. Zelig, no. J. Jozwiak said that was all he wanted to clarify for the record; wanted it into the Minutes.

M. Cochran said he had no questions about it; Mr. Zelig has explained this application to the members and is meeting all the requirements of the Code. M. Cochran would like to keep the paragraph of Mr. Zelig's August 24, 2024 description out of this Home Occupation application. It has nothing to do with this Home Occupation.

D. Dains noted that everything that was presented over the last couple of meetings, has been more than forthcoming and he has no further questions. There may be innuendo out there but that has nothing to do with the Home Occupation application.

Chairman Edbauer advised Mr. Zelig that if something in his business model description or application does change, he will have to go through this process again. Mr. Zelig said of course.

J. Zybert thought that when Mr. Zelig did his presentation at the last meeting that Mr. Zelig was forthright and answered all of the member's questions, at least to her satisfaction.

J. Jozwiak noted that as far as the comments that Mr. Zelig was doing illegal stuff, with a Federal Firearms License, Mr. Zelig would be jeopardizing that License if he did something wrong.

D. Dains said that he believes everyone on the Board wants to see Mr. Zelig succeed. He is doing the right process; all the proper to work to get before the Board. Mr. Zelig thanked the Board.

J. Jozwiak made the motion, seconded by M. Cochran, to approve the Cerakote Home Occupation Permit of Jacob Zelig, as presented before the Planning Board. All in favor. Carried. The members wished Mr. Zelig success and Mr. Zelig thanked the Board. Secretary Schweikert will forward the Home Occupation Permit packet to Mr. Zelig for his records. Mr. Zelig and his father, Scott Zelig, left the meeting at 7:06 p.m.

ITEM #6: Code Update

Chairman Edbauer reminded the members that there is a Work Session set for Wednesday, September 11th from 6 p.m. to 8 p.m. to work on the Code update.

Chairman Edbauer provided the members with language for Chapter 94: Mobile Home for their review. There were a couple corrections that the members agreed on:

- Delete at Mobile Home Court: "Prefabricated, modular or sectionalized houses transported on a removal frame and completed on the site are only allowed in Mobile Home courts."
 - Change at (2): "automobile" to "motor vehicle"
 - Change at Mobile Home Court District: "Boston" to "Concord"
- M. Cochran had previously provided language for Chapter 184:

Chapter 184: Grandfathered Lots. This will be reviewed for the next Work Session.

Secretary Schweikert emailed the members copies of the R Districts

The members continued Code Book Review:

Chapter 59: Buildings, Unsafe.

- The reason this was not reviewed previously is because CEO Roberts wanted input from the Town Attorney as far as enforcement and penalties for offences. One question was if the Town wanted to remove jail time in the penalty clause. This matter was discussed with the Town Attorney Attea. It appears that this Chapter is ok written. General Code noted that the Chapter appears suitable as written. Members reviewed General Code Legal Analysis question 59-001; Do Not revise. There is language in the Chapter already at Section 59-12 that expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building and attorney's fees, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided for the levy and collection of real property taxes."

Chapter 68: Building Permits and Applications

- Members reviewed General Code Legal Analysis question 68-001; revise as follows: delete "If requested, in lieu of recreation land dedication, the developer may pay a fee of \$200 per dwelling unit." This is also discussed at Chapter 129: Subdivision of Land; question 129-002 also references this "in lieu of recreation land". M. Cochran noted that he believes Section 68 is for building permits and this language is not needed there; but it should remain in the subdivision section. A subdivision should have green space or recreational land. The members agreed. After discussion, the members agreed to revising Section 129-12(9)(b) to read: Where a subdivision is too small to establish an adequate recreation area site, where the land in a subdivision is unsuitable in character or where the Town Comprehensive Plan or good planning judgment would not locate a recreation area, or in the case of a minor subdivision, the applicant will be required to provide a fee in lieu of recreation area, in an amount as set forth, from time to time, by the Town Board, deposited with the Town Clerk for the account of the Town of Concord Park, Playground and Open Space Trust Fund, to be used for the acquisition of such areas in suitable locations. Such payments shall not be refundable." The members would recommend that the fee added to the Town's fee schedule for this be \$1,000 per dwelling unit.

Chapter 93: Manufactured Homes

- Chairman Edbauer will continue to work on this Chapter and bring to the members.

Chapter 114: Sewers and Chapter 147: Water District No. 2

- These were referred to MDA for review. MDA provided feedback for members to review. The members agreed that MDA should provide their draft of how these Chapters could be revised. Secretary Schweikert will send this back to MDA for further input because they have the knowledge.

- There was discussion about copper pipe to polyethene pipe between the main and the house. Can this be worded to follow New York Code and Standards?

Chapter 142: Vehicles and Traffic

- Waiting to see what the Town Board decides on the proposed Local Law regarding signage.

The members stopped at Section 150 Zoning and will start at this Chapter at the September 11th Work Session.

ITEM #7: Comments from Town Board Liaison Drake

Council Member Drake was absent from tonight's meeting.

ITEM #8: Business from the Members

The members had some general discussion on the residents' comments at the continuation of the Public Hearing for the solar project. They also commented that there will be major infrastructure money spent to upgrade the grid; the federal government will be looking into this. There may need to be more substations built for future growth. It had been asked earlier but there was no answer given as to what a potential tax bill may look like for this project/property; this is something the members would be interested in knowing.

ITEM #9: Motion of Adjourn

J. Jozwiak made the motion, seconded by M. Cochran, to adjourn the meeting at approximately 8:43 p.m. All in favor. Carried. There will be a Code Work Session on Wednesday, September 11, 2024 from 6-8 p.m. The next regular meeting will be Tuesday, October 1, 2024.



Darlene G. Schweikert
Planning Board Secretary