

TOWN OF CONCORD PLANNING BOARD
Town Hall

July 1, 2025
7:00 p.m.

ITEM # 1:

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

ITEM #2: Roll Call

Present:

Jospeh Edbauer, Chairman
James Jozwiak
Julie Zybert
Michael Cochran
Guy Marlette
James Miller

Also Present:

Darlene Schweikert
Thomas Roberts, CEO
Kevin Manchester, CEO
Frank Giordano
William Goss

Not Present:

Ryan Ploetz
Clyde M. Drake, Council Member

ITEM #3: Citizen Participation

There was no Citizen Participation.

ITEM #4: Approval of Minutes

- a) May 6, 2025
May 20, 2025
*The June 3, 2025 meeting was cancelled.

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

ITEM #5: Frank Giordano – 11998 Trevett Road

Frank Giodano addressed the Board; he had received a letter from Thomas Roberts, CEO; the members had been provided with a copy of this letter. Mr. Giordano was curious what sparked the letter; what has changed from previous years? Why he should be rezoning? Chairman Edbauer said that he did not think the Board was asking him to rezone; just asking Mr. Giordano to follow the Zoning Code for his zoning district which is R-Ag. G. Marlette advised Mr. Giordano that his use there is non-conforming for an R-Ag district because of the size of the business he is conducting; G. Marlette

noted that one option for Mr. Giordano would be to have that portion of this property rezoned to Commercial and then his business would be a permitted use. Chairman Edbauer advised that the other options would be to move his business to another location or at the least to move the equipment and materials inside a building. Mr. Giordano asked what makes him non-conforming? M. Cochran said that Mr. Giordano has a sign on the property that says he has a construction business there. J. Jozwiak continued that Mr. Giordano has all kinds of construction equipment on site for commercial business and the property is zoned residential. Mr. Giordano said ok. Chairman Edbauer commented that the Town was hoping that Mr. Giordano would make some kind of progress in getting the equipment and supplies inside a building. Mr. Giordano asked the Board for guidance. M. Cochran asked Mr. Giordano if he knew what the zoning code was for his property and he did not. The Board members advised Mr. Giordano to review the Town Code on the Town's website so that he would see what is allowed in an R-Ag zone and what is allowed in a Commercial zone. G. Marlette showed Mr. Giordano what the site looked like and gave him a quick tutorial on use. G. Marlette noted that a rezone to Commercial will require that Mr. Giordano provide site plans. M. Cochran noted that Mr. Giordano's business is getting bigger and bigger and there's a sign. Mr. Giordano said the sign has been there for a few years. M. Cochran asked if a sign permit was obtained; Mr. Giordano said it was. (Secretary Schweikert reviewed the records and Mr. Giordano did obtain a sign permit in 2021 from the CEO Singleton, who was CEO at that time). G. Marlette noted that the option of putting up a building to house the equipment and supplies will only mask the problem; the non-conforming use is still there. The members reviewed the Assessor's Map of the area; about half the one parcel (SBL#305.00-2-42) is in violation. CEO Roberts agreed. Mr. Giordano owns three parcels with a combined total of approximately 16.5 acres. Mr. Goss asked if the Town would spot zone? Would Mr. Giordano need to rezone all three parcels? Mr. Giordano replied that he would have to get a surveyor. G. Marlette noted that Mr. Giordano would have to rezone one of the lots to make it conforming. If the other parcels are not used for commercial purposes, there would be no reason to rezone the other parcels. G. Marlette suggested that the neighbors would probably prefer to have Mr. Giordano rezone as little as possible. Mr. Giordano advised that he has a good rapport with all his neighbors; G. Marlette noted that the neighbors will be notified if Mr. Giordano decides to proceed with a rezoning application. Mr. Giordano has the rezoning application form and has reviewed it; and he will go home this evening and review the Town Code sections. Mr. Giordano noted that he was just thrown off guard when he received CEO Roberts' letter. Mr. Giordano will review everything and then will work with CEO Roberts to proceed. Secretary Schweikert advised that any rezoning application would be filed with her office as Town Clerk and then the whole rezoning process will start; he would appear back before the Planning Board for review of the application and make their determination of recommending the rezoning to the Town Board or send it to the Town Board without their recommendation. The Town Board would then set a Public Hearing date and the Notice of Public Hearing will be advertised in the Springville Journal and mailed to the neighbors within 500 feet will be notified as well as Erie County Planning and Development. The Town Board would make the ultimate decision on any rezoning; the Planning Board does not make the decision. J. Miller reviewed the Assessor's Map for clarification of the parcel in question; that 6.5-acre parcel. Mr. Giordano noted that the

garage and the house are separate anyways. J. Miller asked Mr. Giordano if he was planning on growing his business, building more buildings. Mr. Giordano advised that he really does not know. His equipment is typically not on the property; they are on job sites. Every once in a while, they are home. There is firewood there and some concrete piles. Mr. Giordano does not know how another building would benefit him; but he does not want to say no and then yes, he wants to build one or say yes and then he doesn't need to build one. M. Cochran said that that doesn't really matter if he rezones and says within the zoning. J. Jozwiak agreed with that; Mr. Giordano could just rezone a part of the parcel for his business; it would not matter if the supplies and equipment were outside. J. Miller was just curious if Mr. Giordano would be thinking of expanding his business. J. Jozwiak advised that if Mr. Giordano ever did expand, he would need to make sure that there was enough room with setback requirements. Mr. Giordano said there is a gas line that runs through that parcel as well. J. Miller wondered if Mr. Giordano would need to get permission to build near the gas line; Mr. Giordano thinks he needs to be 50 feet off the right of way. M. Cochran noted that if Mr. Giordano reviews the zoning code, he will find out all the setback information. CEO Roberts and Secretary Schweikert said that they could be available to assist Mr. Giordano. Mr. Giordano said he wants to be in compliance. Mr. Giordano asked the Board if they needed anything else from him; they did not. Mr. Giordano will reach out if he has any questions. Secretary Schweikert advised Mr. Giordano that if he wants to proceed with a rezone application for the August 5th Planning Board meeting, the packet would need to be received by July 25th to allow the members a chance to review the packet prior to the meeting. Mr. Giordano noted that he wants to get the matter resolved. Mr. Giordano thanked the Board and left the meeting at 7:13 p.m. Mr. Goss also left the meeting at that time. J. Miller asked if the Town Code has any penalty for being out of zone; CEO Roberts could cite Mr. Giordano. M. Cochran noted that when Mr. Giordano obtained his sign permit, the CEO at that time should have questioned what was going on. J. Jozwiak agreed with that. Chairman Edbauer commented that the business has gotten bigger and bigger over the years; Mr. Giordano can have a sign on the property. The sign is not out of compliance. The context of the sign can be for his commercial business. Chairman Edbauer commented that he had a couple complaints from residents; J. Jozwiak said he had reached out to a neighbor and that neighbor did not have any issue with Mr. Giordano and his business; he doesn't bother anyone. His equipment comes off of Genesee Road and there are a lot of trucks that drive Genesee Road. Chairman Edbauer said the residents he spoke to live on Trevett Road and are a little worried that the business is going to turn into something much bigger; more industrial. CEO Roberts noted that Mr. Giordano said he does not do retail sales out of the property; this is just overspill from his business to be delivered to a job site which is commercial. J. Miller noted that Mr. Giordano has also started to put in bin sites where he separates his materials. The Board appreciates the fact that Mr. Giordano is cooperating and came to tonight's meeting to review the matter.

ITEM #6: Business from the Members

1. J. Jozwiak noted that there in light of the recent suicides a petition circulating around town to ask New York State to install barriers, wire mesh, on the Route 219 Bridge. There was discussion as to whether this would be beneficial or not; whether people would just go somewhere else. Chairman Edbauer noted what would stop them from going to the big bridge and doing it; Secretary Schweikert noted that the Town Board members already told Holly Hunt, who started the petition, that it should include both bridges. Mrs. Hunt had said that there is grant funding available for these barriers. The discussion continued as to whether this will help with the problem or other locations would just be utilized.

2. J. Zybert wanted to know if the Town knew anything about the Spalti property on Belscher Road that is abandoned? What's going on with that property? CEO Roberts said that it is up to the County of Erie to do something with the property. Secretary Schweikert continued that Erie County decides which parcels go up for the Tax Foreclosure Auction and this particular parcel has not gone to the In Rem sale yet. There are many years of unpaid taxes (since 2016). The members questioned whether the Town should be looking at this property as a safety hazard and see about having the home demolished. CEO Roberts will bring this matter up with Town Attorney Attea to see if the Town can start the process to have the home demolished. It is a safety hazard; the home is not safe. The roof is collapsing on the building; the weeds are really tall around the building. J. Zybert's mother had told her that the home was actually built around a single-wide trailer. Secretary Schweikert said that Town Attorney Attea would need to be contacted as to how this process would start since the owner of the property is deceased. The Board members would not want to see someone get hurt.

3. J. Jozwiak showed the members drone footage of a homeless encampment at the radio tower on the Erie Cattaraugus Rail Trail. This is located in the Village of Springville; not the Town. This is something the Village will need to address. J. Zybert asked if this was located by any residence; and it is not really too close to any home.

4. G. Marlette gave the members an update on his garage project since the fire. The foundation from the barn is being torn out right now; he is hopeful to have a new barn by late September. Chairman Edbauer asked if the cause of the fire was ever determined; G. Marlette and the Sheriff thought it was electrical; starting in the electrical box. The insurance investigator came after the building had been excavated and scattered around. They saw a garage can by the side door that had a black ring from the plastic can and they think it started in the garbage can. G. Marlette did not agree but something needs to go on their report. G. Marlette said that the fire company had a problem getting water on the fire at first so the fire started in the barn and caught onto his fence which started to go toward his house. By the time the fire company got water on the barn, the entire front and side of the barn was engulfed and it eventually spread to the neighbor's barn.

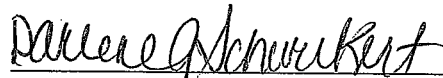
5. CEO Roberts advised that he conducted the Mobile Home Park inspections yesterday. Almost everything that CEO Roberts had cited the Parks for were taken care of. M. Cochran noted that that is pretty much what the Board's plan was during the Code Update process when it was agreed to change the renewal period to be July to allow the residents to take advantage of Spring Trash. CEO Roberts said that there are one or two slight issues but there is nothing that would not allow CEO Roberts to approve the 2025 renewals. The North Street Park did some driveway repair; blacktop patched. Since CEO Roberts is ready to sign off on the renewals, M. Cochran made the motion, seconded by J. Jozwiak, to recommend the two Mobile Home Park Renewals for Year 2025 to the Town Board for approval. CEO Roberts and Chairman Edbauer signed the Mobile Home Park Renewal Forms.

6. Secretary Schweikert advised that the Code Update has been uploaded into General Code and now the Town will wait for them to finish the update and provide the Town with the final draft from review.

7. CEO Roberts noted that Daniel Thiel, the "wood guy," has his property at 5781 Brown Hill Road up for sale. The Board had issues with this property in the past.

ITEM #7: Motion of Adjourn

G. Marlette made the motion, seconded by J. Zybert, to adjourn the meeting at approximately 7:39 p.m. All in favor. Carried. The next meeting will be Tuesday, August 5, 2025.



Darlene G. Schweikert
Planning Board Secretary