

TOWN OF CONCORD PLANNING BOARD
Town Hall

August 5, 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
Julie Zybert
Michael Cochran
Guy Marlette
James Miller
Ryan Ploetz

Also Present:

Darlene Schweikert
Clyde M. Drake, Council Member
Kevin Manchester, CEO

Not Present:

James Jozwiak

ITEM #3: Citizen Participation

There was no Citizen Participation.

ITEM #4: Approval of Minutes

a) July 1, 2025

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

ITEM #5: Business from the Members

1) M. Cochran and J. Miller had attended the last Southtowns Planning and Development meeting. The speakers were Mo Sumdundu and Erin Corrado from NYS Empire State Development. M. Cochran noted that Mo Sumdundu's job is to find businesses around NYS that want to expand and want to find out whatever their product or service is would be welcomed in other countries and what the requirements would be. Mo Sumdundu explained how the agency could help in making connections/marketing. There was discussion about the individual needs in our local communities using the Buffalo Bills as an example. The Bills are the draw to the area, not the Town of Hamburg, so the draw is for Springville and others to do things for the Bills. J. Miller said like when people are coming in from other cities for football or concerts and, if

you're here for more than a day, what else can these people do while they are here? Can things be promoted in our Town? M. Cochran said it is a region thing. Eric Corrado provided pamphlets and discussed how there is grant money available. J. Miller said that grants were received by the Villages of Cattaraugus, Angola and Westfield. These grants will help those villages revitalize and promote their communities. M. Cochran noted that the meeting was informative and there are a lot of grant opportunities available. J. Miller said that you listen to what other towns are talking about and trying to do; discussion about how to promote farmer's markets in communities and to get the growers to participate. M. Cochran wondered if the Town received copies of the Minutes from these Southtowns Planning and Development meetings; the Town does not. M. Cochran will reach out to Colette McDonald at Erie County to see if Minutes are available; it would be nice to have these Minutes so the Planning Board members could review them.

2) Council Member Drake asked Secretary Schweikert if there had been any update from General Code on the progress of the Town Code. Secretary Schweikert advised that there has been no update. The update was submitted on May 23, 2025. Secretary Schweikert thought that the timeframe for General Code to get the updates back to the Town was 145 days. The Town will then have 45 business days to review.

3) J. Miller asked if there was any update on the RIC Energy Solar Project. Secretary Schweikert advised that on July 24, 2025 the Town received the Draft Environment Impact Statement from the applicant. This has been forwarded to Caleb Henning, MDA Consulting Engineers for his review. The Town has 45 days to review and respond.

4) J. Miller asked if there was an update on the Giordano rezoning application. Secretary Schweikert said that Mr. Giordano had submitted a partial rezoning application; it was not ready for this month's meeting. Mr. Giordano is completing the rezoning packet to rezone part of the parcel to Commercial; he is reaching out to a surveyor to do the necessary work. Once the packet and fee is submitted, it will be on the September Agenda. Mr. Giordano has been discussing this with his neighbors; letters of support emails are being received. J. Miller asked if the Town had put a time limit on this matter; the Town did not; Mr. Giordano is working on it. Chairman Edbauer advised that he had emailed Mr. Giordano and said that just because a rezoning application is submitted, does not mean that a rezoning will be approved. It is at Mr. Giordano's risk to do all the work and apply and it might not be approved. Chairman Edbauer noted that he is not in favor of rezoning; people asking for forgiveness after the fact; it's a slippery slope then for anyone else that wants to do this; the Town sets a precedence. J. Miller said that the CEO in future has to be aware that if a sign permit is submitted to a business, it should be a red flag to look at the parcel's zoning. If it's a business sign, check to make sure the parcel is zoned appropriately and discuss it with the owner. Mr. Giordano's sign permit was approved by a prior CEO (CEO Singleton). M. Cochran said that the Town has let this go for a long time. J. Miller said in the future this should be reviewed by any CEO so that a business sign is not placed in an R-Ag zone. The members agreed. Chairman Edbauer also thought that the CEO should just tell residents the regulations and not give advice. G. Marlette felt that the CEO should have cited Mr. Giordano because

his use if out of compliance with the R-Ag zone. G. Marlette questioned what the Comprehensive Plan calls for on this parcel; Chairman Edbauer said it is very broad. Section 2.1 talks about preserving the natural beauty of the Town and corridors for Commercial. G. Marlette questioned why the Town wouldn't do a Special Use Permit because then it wouldn't run with the land; it would run with the owner. This had been discussed previously; but does the current Code allow for a Special Use Permit for this? Another option would be to go to the Zoning Board of Appeals for a Use Variance; then the Town could review the site plan and submission packet and determine if restrictions or other regulations should be made a part of the Use Variance. If a Use Variance were to be approved by the ZBA, it would end if Mr. Giordano ceased doing business, or sold his property. Chairman Edbauer noted that Mr. Giordano is not in compliance and should be cited as G. Marlette mentioned earlier. G. Marlette thought that a Special Use Permit is a better avenue for Mr. Giordano because as part of a Special Use Permit, there could be requirements for screening, put limitations on the SUP; once it is rezoned, it is rezoned to Commercial and the floodgates are open. J. Miller said this is what the Town needs to avoid. Secretary Schweikert noted that she thinks Mr. Giordano is cooperating with the Town and is looking for guidance to proceed. G. Marlette said the point is to allow him to do his business with requirements that you don't see if from the road and it runs with him, not with the land. If Mr. Giordano moves or shuts the business down, the next person who buys the property does not have this right. The parcel would remain zoned R-Ag. The members discussed the traffic on Genesee Road; that there are large trucks/equipment used by Mr. Giordano that use Genesee Road to access the property and how fast the traffic on Genesee Road travels; and that there's not good sighting in that location. Council Member Drake feels that there should be a four-way stop at that intersection. Chairman Edbauer said he liked G. Marlette's approach if there is a way to do it with a Special Use Permit. M. Cochran questioned what a Use Variance was. A resident can go to the Zoning Board of Appeals for a Use Variance or an Area Variance. If a resident is denied a building permit because of setbacks or acreage, you can go before the ZBA. If a resident wants to do a Use that is not allowed in their zoning district, they can go before the ZBA for a Use Variance. The cost is \$500 for a ZBA application. The ZBA would hear any Variance application and that Board has the final decision on the matter. It does not go to the Town Board for any approval. A Use Variance runs with the owner and not the land so it would end if Mr. Giordano sold the property. M. Cochran asked how difficult a ZBA application would be; G. Marlette noted that the owner would need to show a site plan, the same parameters as required for a rezoning. Note hours of operation, neighbors' support and even do some screening prior to the application. G. Marlette noted that the neighbors are giving their support; they know him and know that he won't do anything bad but if he sells it, that is the unknown. J. Miller added that Mr. Giordano's business could get bigger. J. Zybert noted that Mr. Giordano said he did firewood, but there is a big pile there and he's bringing in concrete; materials generated from site cleanings. It is hard to do anything with that material to make it look neat. G. Marlette suggested a berm with trees as a sight and noise barrier. J. Miller said he's not sure if that material could be broken up or buried but right now it is right there; that's one of the reasons he has an issue. G. Marlette provided the members with an example from his time in Amherst. There was a big plaza going in on Main Street and there was a residential house behind it that the developer wanted rezoned to Commercial

so that it could be used for parking. Amherst suggested that the owner get a Special Use Variance for parking and leave the property zoned residential; that way the developer couldn't build something there down the road. G. Marlette thinks that the Town may be able to use a Special Use Permit specifically for this property. G. Marlette thought that a ZBA Use application would also be fine. The Town can't advise Mr. Giordano how to proceed; all the Town can do is tell Mr. Giordano his options and he has to decide. J. Zybert questioned that if Mr. Giordano goes down the rezone road, and if the property were rezoned Commercial, conceivably the Town would still have the issues with pulling out onto the road with equipment, piles of supplies and what recourse would the Town have? There would be no recourse to the Town if it were rezoned to Commercial. Mr. Giordano would be able to do any allowable use in the Commercial Zone. M. Cochran said that there would still be those issues with a ZBA; the issues are there no matter what Mr. Giordano does. J. Zybert wondered about the recourse if he is zoned Commercial. G. Marlette noted that if it is rezoned as part of his normal business if he is blocking traffic or cars are parked on the street, he could get fined but he would not lose his zoning. If it is under a Use Variance and he doesn't go by the regulations imposed of the Use Variance, including screening, cars parked on the road, etc., then the Town could revoke the permit. CEO Manchester noted that if it the parcel were rezoned, the Town would have no control. G. Marlette noted that there are conditions within a zoning classification (setbacks, etc.) but if there is a Variance, the Town can add more regulations to it to ensure that the surrounding neighbors are not affected. The Town could put a condition on that Mr. Giordano has to install a gate. A complete plan should be submitted including a site plan with any screening. G. Marlette felt that there may not be enough votes on the Board to do a rezone. J. Zybert asked what would happen then? Chairman Edbauer noted that the Town Board makes the final decision even if the Planning Board does not recommend it. The ZBA does not go to the Town Board for final approval; that Board makes the final decision. J. Miller asked about retail sales; he can use it but he cannot sell it except for his personal business. G. Marlette thought that the Town could prohibit retail sales under a Variance. J. Miller noted that Mr. Giordano's business is growing, he would be better off with a new location. Chairman Edbauer said where this use is allowed. J. Miller said that the business is only going to get bigger. Chairman Edbauer, J. Zybert, J. Miller all said that they like the approach where the Town could put on some limits. The members concluded that how Mr. Giordano decides to proceed is his ultimate decision.

ITEM #6: Motion of Adjourn

M. Cochran made the motion, seconded by G. Marlette, to adjourn the meeting at approximately 7:41 p.m. All in favor. Carried. The next meeting will be Tuesday, September 2, 2025.



Darlene G. Schwikert
Planning Board Secretary