

Colden Planning Board Meeting

April 18, 2017

Planning Board
Members Present:

Frank Hrycik, Walt Kammer (Chairman), Linda Kotlarsz,
Peter Newsom, George Reinhardt, and Bobby Walker

Excused:

Rich Sheldon

Also Present:

Jesse Hrycik (Councilman), John Kotlarsz (Bldg. Insp/Code
Enf. Officer) and one Resident

The April 18, 2017 Planning Board Meeting was called to order at 7:05 PM in the courtroom at the Colden Town Hall.

Walt handed Mrs. Farish documents from the Town of Colden Clerk.

I. Old Business

March Minutes

The Board Members reviewed the March minutes and Peter motioned to approve the minutes and Bobby seconded, all were in favor.

II. New Business

The agenda that was distributed by email to the Planning Board Members and pending topics for discussion were tabled for the April meeting. Walt allowed time for scheduled Residents to approach the Planning Board.

Special Use Permit (SUP) for Dog Kennel

Walt explained that the Planning Board is an advisory Board and reviewed the process of granting a Special Use Permit (SUP) for a dog kennel to a Colden Resident. Walt explained to the Residents that restrictions, conditions, and provisions are allowed to be included if a recommendation is submitted to the Town Board by the Planning Board.

After reviewing the documents that were received, the Board Members were concerned about the placement of the kennel on the property because it wasn't clear on the drawing submitted. Walt suggested that a revised drawing to be resubmitted.

Walt asked for Mrs. Farish to explain her intentions to the board:

Mrs. Farish would like to add three extra dogs to the property and is not interested in running a kennel business. Mrs. Farish has no interest in breeding her dogs and will keep them as pets. Mrs. Farish also mentioned that the projects around the yard are being worked on because she has received complaints from her Neighbors.

Walt verified that Mrs. Farish is an operating farm by asking Mrs. Farish. Mrs. Farish responded, yes it's a registered farm with NYS. Roaming chickens were discussed. The applicant stated that her chickens on the property are free range. It's a concern to the Planning Board since they have been on the road and on neighbor's property without permission. Mrs. Farish will look into containing the chickens, so there won't be any issues with the road or interfering with her Neighbors' property. Walt mentioned that there were complaints that various animals escaped from her yard and recommended that the locking mechanism is improved on the gate.

Walt mentioned that the Planning Board won't read the comments that were submitted and advised that the comments will be considered by the Town Board if a Public Hearing is scheduled; at that time residents can speak of the various issues documented via letter; in any case the Planning Board have all been supplied copies of ALL citizen letters and emails. The Planning Board is not responsible for comments to be read into the record. All factors and comments will be taken in an account when the recommendation is submitted to the Town Board, and the Town Board will consider citizen letters at such time. Walt advised that the Petition submitted by the surrounding neighbors won't automatically deny the SUP as the kennel is a permitted use (via Special Use Permit) in Colden's Ag District, and Walt referenced and reviewed code 108-122B(2).

Walt asked for comments from the Neighbors that attended:

The main concern is that the property is not maintained and past and present violations were never corrected. John K. mentioned that a court date has been set to review the violations. Comments were closed at 8:06pm by Walt.

Special Use Permit (SUP) for Dog Kennel (continued after comment period)

After some discussion and deliberation the Planning Board will apply the following restrictions to the SUP, but the formal action was tabled until the revised site plan is obtained. The suggested conditions and restrictions include:

- Will limit the number of dogs to 6.
- There will be no breeding or wholesale/retail transactions of dogs permitted.
- There will be no free running animals and they will be supervised.
- The kennel location will meet the property boundary setback of 100ft.
- There will be no public access to kennel.

- There will be no uncontrolled barking and dogs must be housed.
- No animals left unattended at any time.
- Feces removal is a concern to the Planning Board (and was noted on the SEQR recommendation from the Environmental Board) and must be disposed properly in accordance with an acceptable plan (note that no feces are permitted in the Town's waste pick up service; it is specifically not banned).
- All NYS Farm regulations will be met and not violated for all animals on the property.
- Fencing for all animals needs to be adequate and must have support posts including proper height and size to contain the animals during the normal farm activities.
- The landowner must coordinate with the Town Code Enforcement Officer and make sure fence is permanently attached to the ground in a manner consistent with NYS and Town codes. The fence will also keep animals contained under all circumstances.
- All present and past violations for the parcel must be addressed and resolved prior to any approval of the Special Use Permit (these include any issues with the Town Code, Town Dog Control, and any issues with the SPCA, if any matter outstanding with them)

Walt advised that the Planning Board will wait for the drawing with kennel dimensions from the Town Clerk once the Homeowner provides the drawing. The Planning Board decided to table their recommendation on the SUP because they would like to have a clear drawing with dimensions of the kennel submitted. Peter motioned to table the recommendation and Linda seconded. All were in favor.

General Discussions Related to Tree House's in Colden

John K. asked the Planning Board for some guidance regarding tree house structures in Colden. There is one project which has a stop-work order done when construction was identified because a building permit was not issued. Walt suggested that the Architect should submit PE stamped drawings and for Code Enforcement to discuss the topic with the Town Attorney to determine the project's status as principal or accessory structure. No action was taken, just general discussion of the matter. John K. also commented, as previously, that perhaps the Planning Board should examine possible new code for "tree houses" along with code for the trends elsewhere in NY for "tiny houses". Walt agreed to place this topic on our list of topics for future meetings.

Accessory Structures/Buildings with No Principal Structure/Use on Parcel

A citizen was present with questions regarding previous accessory buildings receiving waivers without a principal that were approved by the Town of Colden Zoning Board of Appeals (ZBA). Walt indicated that the ZBA is an independent board and distinct from the Planning Board. They perform a different function, and only they can grant waivers to the Town's zoning code. Unless asked, the Planning Board is not consulted by the ZBA, although they can take Planning Board recommendations into account during their decision process. The citizen approached the Planning Board and expressed interest regarding an accessory storage building on his property without a principal structure present, which is not permitted in Colden. The citizen asked the Planning Board if he would be able to submit a change of use for his property to allow the storage building without a principal. The property is in Ag-zoning and he intends to use the

building for horticultural and forestry maintenance purposes. The matter was discussed but no action, or recommendation was made. The matter was referred back to the Code Enforcement Officer as this is perhaps a Zoning Compliance matter per code 108-108 Change of Use and a subsequent Certificate of Zoning Compliance procedure. Disposition will be by Code Enforcement.

Fines and Fees

Jesse mentioned that John K. would like to add a new fine to the current chart and will have the information for the next meeting.

Moratorium for Solar Panels

Jesse mentioned that the moratorium will expire in June and the Town Supervisor would not like to have it extended. Jesse asked if the Planning Board could hold a Special Workshop to discuss the draft that Walt is preparing or if the draft could be distributed to the Planning Board Members via email. Walt will check with the Town Attorney to see if it's possible to send a draft to all Board Planning Members for revision before the next meeting.

Accessory Structure without a Principal (old action item)

Bobby spoke with Town Code Enforcement Officers from other Towns that are similar to the Town of Colden. He consulted about their laws regarding an accessory structure without a principal. Bobby went over a few examples although his research was not complete as of the meeting. For example, the Town of Wales and the Town of Boston will not allow an accessory structure without a principal. The Town of Yorkshire will allow an accessory structure without a principal. Bobby is waiting to hear back from the Town of Holland and other towns similar in nature to Colden.

As stated on the agenda:

Defer to 2017:

Moratorium for large Solar/PV Farms

Discussion by PB members as to setback ideas

Meeting After Gathering More Budgetary Information

Due to the duration of the above topics and the late hour, all remaining topics on the planned agenda were tabled until the May meeting.

George motioned to adjourn the meeting at 9:50 PM, and Peter seconded. All were in favor.

Submitted by: Crystal Barrett