

◦ P L A N N I N G ◦ B O A R D ◦
◦ S e r v i n g ◦
◦ C O L D E N ◦ N E W Y O R K ◦

Agenda - Planning Board Monthly Meeting – 19Mar19 7PM

-Call to Order

-Roll Call

-Approval of Minutes 19Feb19 Regular Meeting

-Main Goal of Tonight's Planning Board Meeting: Reports on old business, updates for recent activities, determine status of ongoing PB actions, and initiate discussion on any new action items and tasks.

-Old Business: *PB Members, BRING your recent Working Paper Handouts for Reference*

- **LUCA** – Peter complete until August 2019 timeframe, so no updates until then.
- **General Update Regarding Spectrum Cable/Infrastructure Expansion for Colden** – None, as of 17Mar19, Chairman will report if anything defined since then.
- **Colden's Clean Energy Community Initiative Updates** - Several activities since last meeting took place. They include:
 - Walt attended third organizational meeting 1Mar19, at Green Springville HQ. Walt supplied Colden's Agreement executed by Colden Supervisor and PB Chairman. Continued work to establish a Multi-Community Solarize Consortium in conjunction with UBRI's CEC guidance so that "low cost solar PV" could be offered to Colden's citizens in conjunction with the provisions of the program. The next meeting: late March 2019.
 - UBRI has submitted the Multi-Community Solarize proposal to NYSERDA and they expect to hear back in the near term. The submission included signed Participation Agreements for Towns of Concord, Colden, Eden and Sardinia, with verbal agreements for Evans and North Collins; pending an upcoming 20Mar19 TB meeting it is likely that Boston will also join the consortium for a total of 7 Towns which should make for attractive proposals from the candidate NYSERDA-Approved PV installers.
 - The Town Clerk's Office completed the 2018 energy data needed by Colden's Energy Manager in accordance with Colden's Benchmarking resolution. This will be entered into the website database as required, in anticipation of timely placement on Colden's

web site once operational issues are resolved by the Town. Benchmarking is one of Colden's approved High Impact Areas under the CEC program.

- Coordination continues with UBRI regarding additional CEC High Impact Areas which Colden could complete. These include this new Solarize campaign and other items. Colden signed the NYSEG LED street light conversion contract so when 50% of the existing lamps are converted another Colden CEC Milestone will be met. As reported verbally last month over 150 towns served by NYSEG have signed up for the LED conversions. Colden's schedule slot is #10 so we expect work completed in early summer 2019.
- **Planning Board Update at Town Board Workshop** – No PB update was done at the March 2019 TB meeting. We are awaiting feedback from the TB on the recommended zoning changes and we will review the Town Attorney documents when the TB sets public hearing and obtains the documents from the Town Attorney.
- **B3: Discussion on 2010 vs. 2015 Grass Height in Zoning (NYS & Colden)** – start dialog with code enforcement officer on local issues and approaches. State code has changed, perhaps Colden should just establish “a 10 inch limit”, and then use State Code provision which allows: “...as determined by Municipality...” Issues for rural areas: “...what is lawn and what is field...” etc. Worse yet is the “...how high is high...” debate. The TB has supplied our comments to the Town Attorney.
- **B4: Introduction of new potential renewable energy issue to Planning Board and Town Board.** Ongoing issue! New Gov. Cuomo & NYSEDA initiative under NY-Sun: “Energy Storage Systems”. We must examine Zoning issues for this as related to deployment in Colden. But, (1) Unclear position in existing Colden Master Plan. (2) Zoning Code silent on the matter. (3) Home rule impact versus NYS Article X. Energy Storage methods include pumped storage, mechanical, traditional electrochemical batteries, etc. This general issue is presently under review in Wales but via RPTL tax exclusionary approach. If that approach is taken unfortunately solar, wind, and other renewables are also impacted; using RPTL can't pick and choose which are afforded tax abatement for initial years. So that approach would be in direct opposition to the ongoing Colden position as taken for Solar and Wind Turbine exclusions.
- **B5: Container Buildings as Principal and/or Accessory Structures in Colden-** Has been past issue, zoning is presently silent, there are multiple cases here of principal and accessory worries. Town of Wales is having this issue examined, will review their status. TB had passed our comments to Town Attorney; we are awaiting feedback.
- **B6: Tree House Used as Residence** - Item of concern from Code Enforcement legal options will be examined. Should Colden limit tree houses to only Accessory Use and must have a principal structure and principal use present on the parcel? Should keep generic, not just for tree houses so as to cover other possible problematic cases like containers, tiny houses, etc. TB had passed our comments to Town Attorney; we are awaiting feedback.

- **B7: Refine SUP Procedural Cases including Expedited SUP Renewals:** Awaiting Feedback. Limit use of §108-125 by defining the normal procedural cases in Chapt108. The general cases of concern are (1) Automatic SUP renewals, (2) Repeated Special Events/Festivals renewals, (3) Annual inspection waivers (for example kennels by DCO and not at Annual June SUP inspections). BTW, legal mentioned that Colden is the only nearby rural town which does annual SUP inspections! Comments?
- **B12: Discussion of larger animals on non-conforming lots** (especially for cases of historical usage) – should special cases be carved out in local zoning code? One legal approach could be hooped versus non-hooped animals. Bobby has reviewed Holland code for large and small animals as well as lot sizes required in each District there. Bobby supplied PB with that example. We will discuss at March meeting.
- **B13: NYS SEQRA Changes Implemented and now in effect; Additional PB Training Planned.** Ongoing issue; no training scheduled in WNY area for us to attend yet! Will advise when session is known. Please see PB February Handout and other resources regarding overview. Watch for suitable training being offered as a couple of PB members should attend that 2019 training. Chairman will advise of known sessions by Erie County or NY Dept. of State or NYS DEC.
- **B14: Should Local Law be established regarding pending NYS Recreational Pot Initiatives?** This has become an issue statewide as to where allowed and what zoning restrictions might apply, for example no shops within 1,000 feet of a school, etc. Discussions warranted prior to making recommendation to the TB. Two more Trade publications advise Towns should be “out front” on this matter to avoid future issues.
- **B15: Flag Lot Cases, and do we need definition of Flag Lot viz-a-viz subdivision issues?** This comes up now and then, so perhaps we could clarify and conform to Code Enforcement’s desires? Perhaps reference 280(A) of NYS Town Law? We could also enhance our local Zoning to better define the flag lot case and how/when it is applied. An example of code from Marilla is supplied by the Chairman for discussion at March meeting.
- **B16: Zoning changes for 5G Cellular Equipment Installations:** Due to the potential impact of the deployment of this new 5G system in Colden certain considerations should be reviewed, and if appropriate the PB should recommend code for the appropriate aspects (locations, visual barriers, facilities, aesthetics, etc. as might be of concern). See PB February Handout. Walt will be attending a seminar by Verizon at Clarence Town Hall at 2PM on 22Mar19 where 5G and Small Cell Network issues will be discussed. If any other PB members would like to attend Walt will supply details for registration. The deployment is very heavily regulated by the FCC at the Federal level and local restrictions/fees are strongly restricted.
- **Old Item Wrap-up:** As mentioned at the February PB meeting, the 27th Annual Rural Landowners Workshop took place in Yorkshire on Saturday 2Mar19, sponsored by the Cornell Cooperative Extension of Allegany County (with participation by the NY Forest Owners Association). The

Chairman attended the Workshop. Sessions this year were very informative. See Walt if you want to see the proceedings handout.

- New Business:

- **Formal new Town business:** None which required actions were identified for this month, and none were referred to the Planning Board by Code Enforcement, the Town Board, or the Town Clerk, as requested agenda items.
 - **Spring 2019 Regional Local Government Workshop 17May19** – Walt has information on the workshop, cost is \$75/person and it will take place in Pittsford, NY. There are 12 topic areas spread over three sessions. As far as important applicability to Colden, it appears that there are possibly only one or two topics which are immediately applicable. If any PB members might be available to attend, get paperwork from Chairman so budgetary planning can be done for payments. (hours of PB Training Credit will depend upon sessions attended).
 - **Local Planning For Agriculture Training Session 3Apr19** – A seminar will be held in East Aurora from 6PM-8PM at the Roycroft Campus, Dard Hunter Hall. Topics will include (1) Agricultural District Program, (2) Implementation Grants, (3) NYSDAM Municipal Planning Grants, (3) Solar Siting on Agricultural Land, (4) Agritourism, (5) Participant Q&A. Registration by 27Mar19 is required. Advise Walt if interested in attending (2 hours PB training credit issued).
 - **NYS Ag&Markets Law Regarding actions within 500' of Parcel in Ag Overlay District** – Erie County has 14 Agricultural Districts. Colden does not have one if it's own, but parcels in the Town of Colden are annexed onto two adjacent Ag Districts, in particular No.11 (Holland) and No.15 (Concord). In late 2018 the Erie County Legislature accepted the recommendation of the Erie County Agricultural & Farmland Protection Board and at their 6Dec18 Meeting approved inclusion of 41 additional parcels into existing Ag Overlay Districts within Erie County. 11 new parcels are in Colden. NYS Ag&Mkts Law requires that when a special use permit, site plan approval, use variance, or subdivision of a parcel, is done within 500 feet of a parcel in an Ag Overlay District then an *Agricultural Data Statement* must be obtained by the citizen, completed, and submitted to the Town Clerk and to the Erie County Department of Environment & Planning. The purpose is to allow evaluation of possible impacts of the proposed project on nearby operations with such Agricultural Districts. The PB will work with the Town Clerk and Town Assessor to develop resources which will assist the Code Enforcement Officer and the PB when determination of the 500' criteria must be considered. The PB will report our recommendation next month.
 - **Informational Comment #1:** New York Codes, Rules & Regulations, Title 6 DEC: **6CRR-NY 215** Relates to Open Burning Restrictions within NYS. These restrictions apply between 15Mar19 and 15May19; there are certain exceptions and exemptions for certain Ag-related burns as defined in **6CRR-NY 215.3 "Exceptions and Restricted Burning"**. A review of that subchapter should be done prior to any open burns during the restricted period.
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- **- Other Such Matters As May Come Before the Board**
 - **- Adjourn**