

Colden Planning Board Meeting

July 16, 2019

Planning Board
Members Present: Frank Hrycik, Walt Kammer (Chairman), Linda Kotlarsz,
Peter Newsom, George Reinhardt, Rich Sheldon and Bobby Walker

Also Present: Jesse Hrycik (Councilman), John Kotlarsz (Bldg. Insp/Code -
Enf. Officer), Tom Dziulko (Fire Inspector/Asst Code – Enf.
Officer) Mr. Keith Van Lew, and 2 Citizens

The July 16, 2019 Planning Board Meeting was called to order at 7:10 PM in the courtroom at the Colden Town Hall.

June Minutes

The Board Members reviewed the May minutes and Peter asked to make a correction under the ECRT. The ECRT portion was updated to read: Peter mentioned there are right of way signs posted on certain streets (but not all) and roads for the ECRT parcels. Bobby motioned to approve the revised minutes and Linda seconded. All agreed.

Keith Van Lew Special Use Permit (SUP) by Planning Board and CEOs

Walt addressed concerns that needed clarification before proceeding with the Special Use Permit (SUP) review. Walt reviewed why some Planning Board Members questioned the 300 foot from the road requirement during the June meeting; 300' distance begins at road centerline per §108-6 as the 300' defines a zoning district related to road frontage. Walt explained that the Board has two new Members and as a Board concerns are reviewed during the meeting instead of holding questions to after adjournment; this also enhances understanding should citizens be present at the meeting. Walt also referenced code 108-36 (21) along with Article XXII and explained in full detail how it pertains, per the Code Enforcement Officers determination, to Mr. Keith Van Lew's application for a Special Use Permit (SUP).

Walt thanked Mr. Keith Van Lew for updating his letter of intent and for revising the drawings as per the Planning Board request from the June meeting; we also acknowledged receipt of technical specs for the oil mitigation device. Prior to the meeting, after Walt reviewed all the information that was on file, he noticed the Change of Use form was not submitted in response to the April 2019 Order To Remedy. Change of use was also annotated on that Order. Mr. Keith Van Lew was unaware that a form needed to be completed and he will contact the Town Clerk's office the following morning to receive the form and make a timely submission. Walt advised that the Planning Board will continue to review the Special Use Permit (SUP) and it will be notated, as a condition, to the Town Board that a Change of Use needs to be submitted and

approved before proceeding with the Special Use Permit (SUP) in the event the Planning Board makes a positive recommendation to the Town Board.

Walt asked everyone to refer to the Planning Board agenda and began the Board members commenced reviewing the 18 agenda discussion topics regarding the Special Use Permit (SUP). After review the following changes/corrections were made:

- Mr. Keith Van Lew's letter of intent mentioned a salvage yard permit and Walt advised that doesn't exist in the Town of Colden. Walt explained there aren't enough acres to have a junk yard Special Use Permit on the premises even if that was desired; ref. §108-36A(22)(f). After discussion, Walt received Mr. Keith Van Lew's permission to eliminate the salvage yard prose from his letter via a "pen and ink" change to the document. The text on page 2 is revised to read: "I have no desire or intentions to be a salvage yard."
- It was acknowledged per Mr. Keith Van Lew's revised site drawing that per last month's discussion the applicant does desire an area to store work-in-progress and parts awaiting resale or use. To that end Mr. Keith Van Lew revised the site plan, and explained in discussion to the Board members, the amended sketch now includes a 40'x40' non-visible fenced area behind the shop (to the East) for security and storage purposes. Walt clarified that components will be kept in the fenced in area and that it will not become a mini-junk area. The applicant agreed.
- Lean-to clarification: During discussion, and also on page two of the revised letter, Mr. Keith Van Lew indicates that a future lean-to extension was likely on the shop. Walt then referred to the 22Aug16 Colden Building Permit documents on file with the Town. With reference to the "Advanced Motion Systems, Inc. North and South Walls Drawing", Walt inquired as to if he was referring to the portion annotated "No Exterior Walls on N,S,W This Area". The applicant then indicated that area was never built and that the lean-to was not that area. To clarify Mr. Van Lew indicated that the lean-to will be added to the North area of the building to cover part of the parking area. To eliminate any future confusion, Walt asked Mr. Keith Van Lew to clarify the specifics on the revised site plan drawing (of 10Jul19) he submitted. He approached the bench and all Board members made a "pen and ink" change to that drawing to show the applicants clarification. The lean-to extends North and remains in Ag zoning, well away from the R2 zoning segment of the parcel.
- Limit on Vehicles: Walt asked Mr. Keith Van Lew for a maximum number of vehicles that would be on the premises for work or resale at one time. Mr. Keith Van Lew stated 10 maximum including those in-process or for sale. After more discussion Code Enforcement recommended two or less vehicles for sale at a given time; the CEO also indicated that sort of condition was placed on other similar SUP situations in Colden. Walt, in conjunction with the Town Clerk's Office, will review similar prior Special Use Permits (SUP) as to numbers of vehicles allowed along with resale number restrictions. The amount will be determined after the review, and similar conditions will be included in any Planning Board recommendation associated with this SUP application.
- The Code Enforcement Officers then questioned the fenced storage area as designated on the amended 10Jul19 site drawing. The CEO is concerned since area was submitted

as an “L” shape and the fencing would not be a visual barrier for the property boundary to the South. Mr. Keith Van Lew then indicated that the “dashed line” he placed on the site plan should have extended all the way to the SouthEast corner of the existing building. It was agreed upon to change the drawing to a “U” shape via a “pen and ink” change to the drawing. The Eastern side of the building will form the 4th side of the enclosed area which will be a visual barrier to all contents.

- Car Resale Method(s): It was confirmed no random walk-in customers will happen. All potential Buyers will be scheduled by appointment only and there won't be any banners, balloons, or other visual promotion (as done at many car resale outlets) to help advertise the vehicles for sale. Promotion and appointments will be done via the internet similar to other similar SUP situations in Colden. Walt, and Board members, added this matter as Item #19 on the agenda tabulation.

Additional comments: (1) Mr. Keith Van Lew's revised letter, near end of page two, mentioned NYS registration if the SUP was granted. Walt wanted clarification from a Planning Board member knowledgeable in the matter of NYS shop & sale registration requirements so we would all be on the same page about this and the impact to decision(s). Frank was asked to comment. Frank indicated it was likely appropriate to register as a repair shop and display the sign somewhere on the building. Frank also indicated that under these conditions a registration as a dealer may also be applicable and the applicant should confirm those matters. (2) Prior to tonight's deliberations, and to have firsthand knowledge as to the site conditions, Rich visited the shop and indicated it was professionally done; all his concerns regarding fumes, noise, waste fluids, and water were satisfied. (3) Walt reminded Mr. Keith Van Lew that SUP annual inspections will be required (assuming the SUP is granted by the Town Board) and the shop and site will need to be compliant at all times. Any neighbor or citizen concerns/complaints will be addressed, and any pattern of violations or issues may cause any SUP not to be renewed.

There was no other discussion. After deliberation and review, Walt asked for a motion from a Board Member as to action on this matter. A motion to recommend approval the Special Use Permit with the changes noted, and conditions as noted, along with a condition that the Board's recommendation is contingent upon the change of use submittal to the Town being approved. Peter motioned to submit the recommendation and Rich seconded. All were in favor.

Walt will supply the information to the Town Clerk's office before the Workshop meeting scheduled for July 18, 2019. Walt asked Jesse to inform him, if his attendance is needed.

ECRT

Peter didn't have any updates.

Bobby's Action Items

Bobby didn't have any topics to discuss.

Rich's Action Items

Rich is drawing up a model design to submit for pricing in order to have a real world comparison as to the construction cost per square foot of dwelling.

General Update on NYSEG LED Streetlight Conversion Action

Confirmation, via a formal letter from NYSEG, indicates that all agreed roadway luminaire conversion to high efficiency LED "cobra heads" is complete. Walt mentioned that he will need to create a NYSERDA spreadsheet and submit a letter to NYSERDA for the Town of Colden to receive another CEC High Impact Area Credit. Walt advised, based upon discussions with the NYSEG representative, that if any street lights in town were not updated that the Town should be contacted. However, some lighting is not part of this upgrade since it is on private property and not part of the Town's roadway lighting inventory.

Colden's Clean Energy Community Initiative Updates

Walt stated that the interest was good during the 20Jun19 Solarize Southtowns Kickoff public event held in Springville. Some attendees weren't eligible because many have the Springville municipal utility as their energy supplier. For those citizens, since there aren't any payments into SBC, they are not eligible for any NYSERDA Solarize stipends and special processing under CEC or Solarize Southtowns. This was known when the initiative started. The seminar event held at the Colden Fire Hall on July 10, 2019 didn't have a good turnout in Walt's opinion. Even though approximately 20 citizens attended (representing about 11 households), Walt predicted that based upon all the phone calls he got from Colden citizens the turnout would have been 30 to 50 citizens. However, Solar By CIR was pleased since they had 10 new signups for proposals. Walt mentioned that the Installer (in spite of warnings Walt gave them) mailed out the promotional information way too late and appears it wasn't sent out via first class mail. Sadly there is no reason for this since the Supervisor's Office supplied Walt with an electronic mailing list prior to the 20Jun19 Kickoff and told them to do the mailing quickly due to the many rural post offices which serve Colden. After discussion with CIR, they agreed to try to hold another future event in Colden. Walt will advise on that matter when something formal set.

Topics Deferred:

Continued Discussion of procedures and fees for changes, upgrades, modifications and new co-locations

Prior PB Agenda items B3, B4, B5, B6, B7, B12, B13, and B14

B15: Flag Lot Cases, and do we need define flag lot viz-a-viz subdivision issues?

B16: Zoning changes for 5G Cellular Equipment Installations

Local Planning for Agriculture Training Session 3Apr19

NYS Ag&Markets Law Regarding Actions within 500' of Parcel in Ag Overlay District

New Town Business

Formal new Town business: Walt reported he didn't receive any topics as he checked with the Town Clerk prior to the Planning Board meeting.

Other Such Matters As May Come Before the Board

John Kotlarsz asked the Planning Board to review the case of property owned by a citizen located on both sides of the road and whose frontage not zoned in R1 or R2. There are two cases (1) the property is listed on the same deed/SBL and needs to have a principal before an accessory structure, and (2) property on both sides of the road, but with different deed/SBL, but under common ownership. John would like the Planning Board to review the road ROW setback measurement requirements as well as principal/accessory structure considerations. Walt will review the matter with other Board members, and perhaps the Town Attorney, and open a dialog with the CEO team. Apparently these cases have recently come up.

Rich motioned to adjourn the meeting at 9:02 PM, and Linda seconded. All were in favor.

Submitted by: Crystal Barrett