

Colden Planning Board Meeting

March 19, 2019

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

Excused: Bobby Walker

Also Present: Jesse Hycik (Councilman), John Kotlarsz (Bldg. Insp/Code - Enf. Officer), and Tom Dziulko (Fire Inspector/Asst Code - Enf. Officer)

The March 19, 2019 Planning Board Meeting was called to order at 7:02 PM in the courtroom at the Colden Town Hall.

February Minutes

The Board Members reviewed the February minutes and Rich motioned to approve the minutes and Peter seconded. Four out of six Board Members were in favor. Linda and Frank abstained their votes because they were absent from the January meeting.

Welcome – New Member

Walt welcomed Tom Dziulko and introduced the Planning Board Members. Tom is the new Fire Inspector and the Assistant Code Enforcement Officer for the Town of Colden.

Colden's Clean Energy Community Initiative Updates

Walt updated the Planning Board Members regarding the meeting he attended on March 1, 2019 at Green Springville HQ. The following Towns have signed the Participation Agreements: Concord, Colden, Eden, and Sardinia. The Towns of Evans, North Collins, and Boston are still pending as they verbally agreed. Walt reviewed with the Board Members the concepts of the NYSERDA Solar-For-All energy plan that will offer financially qualified Residents of Colden the ability to obtain low cost solar power as a portion of their NYSEG electric bill with the Board Members. The Solar-For-All option will be a component of the Solarize initiative which the consortium of towns taking part in the Green Springville Solarize will offer. We are still awaiting NYSERDA approval of the plan and will keep everyone updated as progress continues.

The conversion of the 232 street lights to new LED technology is still scheduled for hopefully starting sometime in April, weather permitting. As previously indicated Colden's installation order is 10th on the list of the 150 towns which have signed the LED conversion agreement with NYSEG based upon the last update from the utility.

Planning Board Update at Town Board Workshop

Walt advised the Board Members that the Town Board hasn't given any updates regarding the recommendation for zoning changes by the Planning Board.

Discussion on 2010 vs. 2015 Grass Height in Zoning (NYS & Colden)

Walt is waiting for the Town Attorney & Town Board to respond regarding the grass height in specific zoning areas.

Introduction of new potential renewable energy issue to Planning Board and Town Board

Walt mentioned the concern of renewable energy storage facilities being proposed by Governor Cuomo and the NY-Sun program. They will want Colden to allow these projects in Agricultural zoning. Walt addressed his concern to John and Tom as new zoning code needs to be written as soon as possible. Walt will work with the Town Board and Town Attorney to have a code drafted.

Container Buildings as Principal and/or Accessory Structures in Colden and Tree House Used as Residential

Walt is still waiting to hear back from the Town Board & Town Attorney regarding container buildings as principal and/or accessory structures and tree houses being used as Residential.

Refine SUP Procedural Cases including Expedited SUP Renewals

Walt is still waiting to hear back from the Town Board regarding a desire to refine SUP procedural cases including expedited SUP renewals.

Discussion of larger animals on non-confirming lots

Walt provided an attachment of the Holland Zoning requirements for fowl, hoofed, and non-hoofed animals received from Bobby's investigations. Walt asked the Board Members to think about the topic and will discuss at the next meeting. Walt will also try to review the topic with the Town Board and again with the Town Attorney who recommended we examine the Holland code.

NYS SEQRA Changes Implemented and now in effect; Additional PB Training Planned

As stated in the January minutes: Walt will keep the Planning Board Members informed of new training sessions offered by Erie County or NY Dept. of State or NYS DEC.

Discussion: Should Local Law be established regarding pending NYS Recreational Pot Initiatives?

Walt reviewed the concern for establishing zoning codes to define where retail/wholesale store fronts will be allowed in certain zoning areas. The concern of selling at a wholesale level was mentioned and Walt will review with the Town Board and if necessary Town Attorney prior to any recommendation from the Planning Board.

Flag lot cases, and do we need define flag lot viz-a-viz subdivision issues?

Walt addressed, once again, the concern of flag lots with John and Tom. The Code Enforcement department desires that this matter be formally resolved. As an example, Walt provided an attachment of the Marilla's zoning policy for flag lots. Walt suggested that to support Code Enforcement's requests the Town of Colden may want to adopt a few of the Marilla requirements. Walt will review with John and the PB will continue this discussion at our next meeting in April. It was mentioned that Colden's zoning originally had a similar concept called "pot-handle lots" which was removed over the years, and that created the present issue(s) for Code Enforcement.

Zoning changes for 5G Cellular Equipment Installations

Walt reviewed the 5G cellular equipment installations with the Planning Board Members. The concern is that a code and fee schedule needs to be established before time runs out on a Federal FCC mandated period for fee establishment. A suggested fee schedule, per FCC presumptively acceptable criteria, will be submitted to the Town Board at the next workshop in April. After the Planning Board reaches a consensus for recommendation, we will also submit a zoning chapter draft to the Town Board at a future TB workshop. There are many critical issues to address in that new code to protect the Town and allow adequate reimbursement of Code Enforcement (permitting and inspections) for this significant equipment deployment in Colden. Walt will be attending a seminar by Verizon at the Clarence Town Hall on March 22, 2019. Walt asked for the Planning Board Members to call him if they are interested in attending.

Old Item Wrap-up

Walt attended the 27th Annual Rural Landowners Workshop that was held in Yorkshire on March 2, 2019 sponsored by the Cornell cooperative Extension of Alleghany County (with participation by the NY Forest Owners Association). Walt mentioned that it was informative and covered the many invasive species attacking our hardwoods. Walt asked for Planning Board Members to contact him if they would like to review the material from workshop.

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.

Spring 2019 Regional Local Government Workshop held on May 17, 2019

Walt mentioned that he received information regarding the workshop that will be held in Pittsford, NY. Walt asked for Planning Board Members to contact him if they would like to attend the workshop. John and Linda Kotlarsz will be attending a different Government Workshop meeting held on May 9, 2019.

Local Planning for Agriculture Training Session

Walt will be attending a seminar on April 3, 2019 in East Aurora. The topics are:

- Agricultural District Program
- Implementation Grants
- NYSDAM Municipal Planning Grants
- Solar Siting on Agricultural Land
- Agritourism
- Participant Q & A

Rich volunteered to also attend the seminar.

Informational Comment #1

Walt attached the NYS DEC restrictive burning policy to the agenda for review by the Planning Board Members. The restrictions will be effective from March 15, 2019 – May 15, 2019 and it pertains to open burning restrictions within New York State.

Walt asked Rich if he would like to discuss his concern for small homes and tiny houses being developed in the Town of Colden. Rich stated that he wanted to review the topic with John and Tom before discussing it in more detail with the Planning Board. Rich will setup an appointment to meet with John and Tom.

Rich motioned to adjourn the meeting at 8:15 PM, and George seconded. All were in favor.

Submitted by: Crystal Barrett