

Colden Planning Board Meeting

February 19, 2019

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

Excused: Frank Hrycik and Linda Kotlarsz

Also Present: Jesse Hrycik (Councilman)

The February 19, 2019 Planning Board Meeting was called to order at 7:01 PM in the courtroom at the Colden Town Hall.

January Minutes

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

ECRT

ECRT will remain on the agenda and the Planning Board will monitor the process of the Engineering Firm being selected to design the trails. It was mentioned that the Town of Colden was not in favor of the trails when it was first brought to the Town Board about a decade ago. Walt made a suggestion for the Town Board of Colden to remain neutral if a new decision will be voted upon.

LUCA

Peter submitted the data to LUCA and won't receive any updates until August 2019.

General Update Regarding Spectrum Cable/Infrastructure Expansion for Colden

Walt hasn't received any updates from Spectrum.

Colden's Clean Energy Community Initiative Updates

Walt mentioned that the agreement with NSYEG was signed. There are 232 lights to be converted and the Town of the Colden is tenth on the list of the over 150 communities to sign up with NYSEG for the LED conversion; per the NYSEG representative they were surprised by the interest and number of municipalities which have signed. As a result, NYSEG Corporate are in the process of issuance of a new RFP to select a contractor who will ONLY perform LED conversion work and nothing else for NYSEG. They expect to expedite that contract award obviously pending the quality and proposed pricing of the RFP responses they obtain. Walt suggested that the work (weather pending) might start early Summer based upon the initial indications from the NYSEG representative.

Walt mentioned that he attended a second organizational meeting on Jan 31st at Green Springville HQ. Jesse was asked to check with the Town Supervisor to see if the agreement was signed. Jesse received a reply from Jim that he will sign the agreement when he returns to his office.

Walt mentioned there's an energy plan offered by NYSEERDA that will offer them the ability to obtain low cost solar power as a portion of their NYSEG electric bill. This initiative is called Solar-For-All and it will be a portion of the Solarize agreement which the Planning Board is working on with the Green Springville and the UBRI staff; this Southtowns Solarize program (once approved by NYSEERDA) will allow two possible benefits for the Town of Colden Residents. The first would be enhanced discounting of the cost per watt of Solar PV which a citizen would install on their roof on as small ground mounted Solar systems. Citizens who meet certain financial requirements (they are eligible for NYS Erie County HEAP credits) will be able to sign up as Solar-For-All participants which will result in a reduced monthly electric bill from NYSEG for their household. Specific details will be announced when final approvals are obtained from NYSEERDA for the Green Springville/UBRI application. It is envisioned that about a half dozen southern Erie towns will be part of the Southtowns Solarize agreement. With respect to the Solar-For-All portion, Walt mentioned that there's a significant number (based upon the most recent Census Demographics for Colden) of Colden Households that could sign up, meet the financial criteria, and would definitely benefit from the reduced NYSEG billing under the program.

Planning Board Update at Town Board Workshop

Walt updated the Planning Board regarding the recent Town Board workshop he attended and presented information for consideration by the TB. Walt attached his Town Board handout in the Planning Board February handout for member reference. Walt mentioned the Town Board Workshop reviewed the recommendations for all the Zoning and changes to Chapter 108. The Town Board will review and will set a public hearing after final approval from the Town Attorney.

Discussion on possible Peddler, Solicitor and Hawkers Ordinance for Colden

The Town Attorney advised, and the Planning Board and Town Board agreed, to table this topic.

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

Walt will meet with the Town Attorney and review recommendations suggested by John Kotlarsz.

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 Gov Cuomo and the NY-Sun program. It is envisioned that they will want Colden to allow these projects in Agricultural zoning. The storage methods, in general, include large scale traditional lead-acid batteries, new technology batteries (Lithium Ion for example), pumped storage facilities, compressed gas facilities, and mechanical rotating mass kinetic energy storage systems. Walt feels that Colden should address this sort of project in our Chapter 108 Zoning Code. Some of these facilities are very large in terms of geographic footprint, and many have the potential of being an environmental consideration in spite of their association with Green Energy Storage. This should be addressed by the Planning Board and a recommendation supplied to the Town Board for consideration. These projects can be a significant impact to the adjacent parcels. Walt will research this matter and when a draft of items are prepared he will discuss the topic with the Town Attorney. Bobby volunteered to look into the topic as his schedule permits..

Container Buildings as Principal and/or Accessory Structures in Colden

Jesse stated that the Town Attorney responded by email but didn't address the Planning Board concern. Walt will check with the Town of Wales and review their accessory structure method of addressing a part of this matter.

Tree House Used as Residence

Walt mentioned that the Town Attorney stated that perhaps accessory structures such as: tiny houses and tree houses perhaps shouldn't be allowed without a principal structure/use, unless the citizen is granted a waiver by the Zoning Board of Appeals. However in any case it is prudent that we examine this issue and make a recommendation to the Town Board if Zoning changes are sensible and a recommendation can be made. The PB will continue to discuss this.

Refine SUP Procedural Cases including Expedited SUP Renewals

Walt mentioned that the Expedited SUP Renewals need to be defined by code. The suggestion of allowing Special Use Permits (SUP) to expire or run with the land was discussed.

Interestingly our Town Attorney commented that the Town of Colden is the only nearby rural Town that does annual inspections and visits to the parcel(s) involved with the SUP as mandated by Code.

Discussion of larger animals on non-confirming lots

Walt suggested reviewing the Holland code regarding hooved and non-hooved animals. Walt mentioned there should be a code to define the difference between chicken and fowl. Lot sizes and non-confirming lots will need to be defined. Bobby and Rich will look into the topic and will report back.

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

Walt will keep the Planning Board Members informed of new training sessions offered by Erie County or NY Dept. of State or NYS DEC.

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

Walt suggests that Colden establish zoning codes to define where retail/wholesale store fronts will be allowed in certain zoning areas, and likewise define offsets from certain existing land use such as schools, churches, etc. The Planning Board will continue to discuss this matter and make a recommendation to the TB for action.

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

This, in previous years, was written as code but was deleted from the Chapter 108 Zoning during a re-write in the mid-1980's, most likely in error. The feeling is to add it back and the Planning Board will work with the TB and Town Attorney to change the affected page(s) of Chapter 108.

Zoning changes for 5G Cellular Equipment Installations

Walt asked the Planning Board to review the handout. This equipment will be installed in literally hundreds of locations in Colden and we should establish certain Zoning requirements, especially for any ground mounted parts of the deployment. Much of the equipment will be installed on many of the Town's existing power/telephone poles, but we must establish permitting fees and other code definitions ahead of time so that Colden's Code Enforcement Officer has a set list of fees for each type of installation which will be used prior to the expiration of the FCC deadlines for municipalities to establish them.

New Town Business

Walt mentioned that John Kotlarsz has a new assistant and was scheduled to join the Planning Board for the February meeting, but he was absent from the meeting.

Walt informed the Planning Board Members that a 27th Annual Rural Landowner's Workshop will be held in Yorkshire on Saturday March 2nd, sponsored by the Cornell Cooperative Extension of Allegany County.

Rich added to the new business discussion mentioning the popularity of small homes and tiny homes and would like to research the topic. All agreed this should be discussed at future meetings. This will require much subsequent discussion as well as coordination of any requirements in the context of existing NYS building and fire codes.

Peter motioned to adjourn the meeting at 9:45 PM, and Bobby seconded. All were in favor.

Submitted by: Crystal Barrett