

Colden Planning Board Meeting

October 21, 2025

Planning Board
Members Present: Walt Kammer (Chairman), Andy Gow, Larry Krzeminski,
George Reinhardt, John Riley, and Cheryl Schenne

Excused: Dakota Forgione

Also Present: Jesse Hrycik (Town Councilman), Tom Dziulko (Fire
Inspector/Code-Enf. Officer), Bobby Walker (Previous
Planning Board Member)

Walt called the October 21, 2025 Planning Board Meeting to order at 7:02 PM in the courtroom at the Colden Town Hall.

The Board Members reviewed the March 18, 2025 minutes and George motioned to approve the minutes and Cheryl seconded and all were in favor.

Battery Energy Storage Systems (BESS)

Walt reviewed the Town of Colden's Special Town Board Meeting to be held on October 28, 2025 at the Senior Center at 7pm. The Town Board will review a resolution for a moratorium on Battery Energy Storage Systems (BESS). Walt also referred to the email that was sent to the Planning Board Members for a possible new battery storage code chapter. Walt invited Bobby Walker (previous Planning Board Member) to address the Planning Board Members. Bobby received a letter from a company that was interested in placing a BESS on his property; Bobby contacted the company to inquire about the details of the requirements for a storage system. It was determined that Bobby's property wasn't a candidate for hosting a BESS due to issues related to hosting capacity of the power grid near Bobby's land. Larry and Walt discussed that many letters must have gone out to canvas the area to find the right property or pique enough interest; we know that landowners in proximity of the existing NYSEG 345kV line were approached. The Board Members discussed the importance of having a comprehensive dialog and going forward the PB will review the battery storage code draft they received by email from the Chair. The open discussion will continue at the next Planning Board meeting. Bobby thanked everyone for their time and departed the meeting at 7:45 PM.

Fees and Fines (F&F)

Walt reviewed the final draft of the fees and fines with the Planning Board Members. Walt stated that while there are 37 code changes that will need to be addressed with the Town Board, the only one potentially impacted by the updated F&F schedule relates to the annual Junkyard fee specifically stated in Chapter 67. The current fee is \$25.00, and the new projected fee is \$125.00. There's an increase of \$100.00. While this increase on a percentage basis is large the study done by Dakota's work indicates that Colden is now more in line with nearby municipalities. Walt asked for a motion to approve the updated schedule as previously evaluated, and now including the new fee for junkyards. Then our recommendation will be submitted to the Town Board for their review and possible approval for adoption at the annual January Organizational Meeting planned for January 2026. George made the motion to approve the updated schedule with the recommended new amendment to Chapter 67. Larry seconded and all were in favor.

Short Term Rentals (STR)

Walt gave an update to the changes that were implemented to Short Term Rentals. There are several online sites that list Airbnb that are available in the area, but the sites are not reliable as the host may not always advertise. The State registry was eliminated, and Albany passed the registry duty down to each NYS county. But the counties can opt-out by year-end and thus will not have to implement a county-wide registry; if Erie County opts-out then each individual town will have to do their own registry. Walt indicated that would be a burden in many ways. To move this along Walt suggested the Planning Board make a conditional recommendation to the Town Board for adoption of the proposed new Code chapter under the assumption that Erie County does implement a county-wide registry. If Erie County does not, then the Town Board will return our recommendation for a future rework; but our conditional recommendation would allow the Town Board to adopt the new chapter early in 2026 if Erie County does theirs. This will save time and allow adoption for 2026. A motion was made by Cheryl for the PB to make a conditional recommendation to the Town Board, dependent on Erie County not opting-out and thus implementing a county-wide STR registry for enforcement and leveraging room tax collections from the STR operators. Andy seconded. All were in favor.

Local Laws for Poultry and Related Birds in Restrictive Zoning and on Small Parcels

Walt referenced the handouts that he provided to the PB members regarding local laws for chickens, peacocks, turkeys on parcels with restrictive road frontage zoning and also thoughts for consideration of appropriate regulations for small and non-conforming parcels in any zoning; Colden's current zoning land use allows poultry only in agricultural zoning. This is similar to nearby surrounding Towns; most nearby rural towns only allow the activity in non-Ag (residential) zoning after an approved Special Use Permit is processed by their governing board. To establish a baseline Walt reviewed some county summaries, Cornell guidance, and also the short and compact Town of Holland code as models. The Planning Board Member will, for non-Ag Zoned land, proceed to draft targeted poultry and animal husbandry regulations balancing hobby use with neighborhood protections. This process will continue at subsequent Planning Board meeting until such time that a recommendation can be made to the Town Board.

Administrative Amendments to Code Chapter 36 {Dogs}

The topic was tabled since upon detailed review no changes were needed to the chapter due to pending adoption of the new Fines and Fees schedule recommended by the PB for TB consideration.

General Updates on Colden's OPRHP Kummer Park Grant

Walt reviewed the Kummer Park project funding and timeline with the Planning Board Members. Walt stated that the initial wetlands classification restricted activity; town secured a 5-year window with no restrictions after the delayed state response and our request for resolution. The CARES funds remaining, and targeted for the project, is about \$117,000 and the funding must be fully liquidated, with canceled checks, by Dec 31, 2025. We are working with our Town Engineer and material vendors to accomplish that goal.

Obviously, there was also a delay with Engineering (Nussbaumer & Clarke) due to potential wetlands uncertainty; now the engineering will be updated and proceed. Walt explained the process to protect the funds: the Town must complete engineering and place a deposit for equipment to ensure March 2026 delivery and installation. The project was extended from 1 year to 3 years due to budget and timing and the delayed award and delayed bilateral execution of the contract agreement documents.

Other Business

Walt gave an update that the Senior Center survey is complete with legal description; documents pending. The Highway Department and Town Hall lack surveys. The plan is to survey the Highway Garage next, with the Town Hall targeted for next year.

At a previous Town Board meeting, cannabis retail/on-site consumption was reviewed as requested by a Resident. The Town Board still maintains a prior opt-out for retail sales and on-site consumption licenses.

Walt stated that some Colden Lakes camping sites will need to be addressed due to the ownership change and some unclear discussions with the new owner and the Town. The current owner is undecided about some extra development, and a new Site Plan is possible soon.

Walt reviewed the community solar participation since April shows \$816 savings through September. The projected savings are about \$1,800 annually, largely from streetlights in the lighting district and corner lighting and the historical hamlet lighting.

Walt gave an updated regarding training and notices for the county processing new ag districts and special use permit training set for Monday, October 27th in Cheektowaga. The Erie County Forestry Management Plan presentation was also the same night as the Planning Board meeting (10-21-25).

Walt will attend Colden's special meeting & public hearing for the Battery Energy Storage Systems (BESS) moratorium on Tuesday, October 28, 2025 at 7 PM at the Senior Center.

Cheryl motioned to adjourn the meeting at 8:50 PM, and George seconded. All were in favor.

Submitted by: Crystal Barrett