

Final - Colden Planning Board Meeting

November 18, 2025

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

Excused: Dakota Forgione

Also Present: Jesse Hrycik (Town Councilman) and Tom Dziulko (Fire
Inspector/Asst Code – Enf. Officer)

Walt called the November 18, 2025 Planning Board Meeting to order at 7:02 PM in the courtroom at the Colden Town Hall.

The Board Members reviewed the October 21, 2025 minutes and Cheryl motioned to approve the minutes with the correction to read: The current owner is undecided about some extra development, and a new Site Plan is possible soon. George seconded and all were in favor.

Fees and Fines Dog License

Walt reviewed the request from the Town Clerk's office regarding Purebred License and discussed with the Board Members to modify the fees and fines to include the Purebred License. Walt provided a printout of the town code (36.5B) that specifies special processing for purebred dog situations, which is relevant for breeding and showing. Walt also accepted the request from the Town Clerk's office to modify the late fee for a dog license because the set fee was \$25.00 per dog. The latter matter was also brought up for consideration by a Town Board member. The Planning Board Members concurred that \$5.00 per dog per month with a 30-day grace period was acceptable.

Larry made a motion to amend the dog fees and fines as revision 10 that were discussed and George seconded.

Battery Energy Storage System (BESS)

Walt referenced the draft that was received last month by the Planning Board Members. After a discussion, they determined that large battery storage facilities are unlikely to be placed in the most restrictive zoning areas (300 feet from the road centerline) due to

practical space limitations. A moratorium on Battery Energy Storage System was unanimously passed by the Town Board at a special meeting with no public feedback. This provides the Planning Board ample time to draft, refine, and recommend the new regulations and Code Chapter. A recommendation could be made as early as next month or January/February if substantial changes are agreed upon, but the timeline remains flexible pending discussions. Walt requested to have the Unified Solar Permit (USP) printed out by the Recording Clerk and provided a copy to each Board Member; eventually we will create something similar for the smaller residential and commercial BESS applications. Walt stated that the goal is to potentially create a draft of the new permit application form for the next meeting to clarify what information applicants must submit. Walt asked everyone to prepare specific comments on the draft for next month's meeting.

Continuation: Continue PB dialogs on a New Local Law Amending Chapter 108 {Zoning}

The Board Members discussed the possibility of limiting the number of poultry and/or fowls so as to be reasonable to the majority of landowners in restrictive zoning districts who desire such animal husbandry activities. But adjacent landowners rights must also be considered. The Board Members also considered that new rules will inevitably be restrictive due to required setbacks (from property lines, right-of-way, health department rules regarding distance from a dwelling and domestic water wells, etc.), which may make it impossible for some owners on small or non-conforming lots to comply. The Board Members discussed the possible process of using a Special Use Permit (SUP) process versus a simpler permitted use with conditions. The vast majority of local rural towns use the Special Use Permit (SUP) process to regulate this activity. Walt asked the Planning Board Members to consider the Town of Holland's approach regarding chickens which also uses the SUP methodology to regulate. Walt will try to coordinate a review with the Town Attorney and hopefully "conform" a draft for our next meeting.

General updates on Colden's OPRHP Kummer Park Grant, NYSDOT TAP Safe Routes to School Grant Submissions, Municipal Land Survey work, etc.

Walt reviewed the progress of the Kummer Park Grant. Walt stated that progress was made on a revised design for the placement of the ADA accessible walking trails and the twelve exercise stations planned for the Park. Walt gave an update on the limited topographic completed survey of the park around that walking trail, and stated that the new pavilion's construction is delayed until late 2026. The goal for Spring of 2026 is the new playground equipment, swing sets, exercise stations, gaming stations, and of course the new ADA-accessible trails in the lower soccer/baseball area of the Park. Walt stated that a deposit for the playground equipment will be made in December to secure the equipment delivery in time for the scheduled spring installation and to liquidate our remaining Cares Act funding. Our Town Engineer team is working on the details for the design and installation of the playground, exercise, and trail work to be done in early 2026.

Walt gave an update regarding Nussbaumer & Clarke and that the Town might apply for a Transportation Alternatives Program (TAP) grant from the NYS DOT. Walt reviewed that the grant funding would be used for infrastructure work, specifically on the sidewalks running from the school, down the hill, and over a deteriorating bridge to the senior center. Walt mentioned that the grant is also connected to the "Safe Routes to School" program, which funds pedestrian crossings, sidewalks, and other safety enhancements for children who walk to school. Review of that possible submission is still underway.

Other Business

Walt reviewed that three properties totaling 209.8 acres have been successfully submitted for inclusion in the Erie County Agricultural District. The three properties that were submitted are: on South Hill Road, on State Road, and on Heath Road, for a total of 209.8 acres to be added to the protected agricultural district. Walt stated that the final approval by the County Legislature is expected at one of their December 2025 meetings.

Walt mentioned that a candidate is in contact to fill the Planning Board vacancy left by Dakota's resignation and it will be a candidate who previously applied for the Planning Board and is currently serving on the Environmental Board. Walt verified that the Department of State has confirmed there is no problems with an individual serving on both the Planning Board and the Environmental Board, as neither are elected positions; appropriate usage of the PB recusal process will be enforced when and if there is any issue which arises.

Walt advised all Planning Board Members to meticulously track volunteer hours for the park project to maximize the Town's in-kind service contribution. Walt requested that all the time spent on park-related activities, such as reviewing drawings or attending meetings, to be documented. Walt advised all Board Members to fill out the time slips "contemporaneously," meaning each time they work on a task, not retroactively at the end of a long period.

Walt discussed online sources for fulfilling the annual continuing education requirement for Planning Board Members. Walt confirmed that the annual continuing education requirement, is currently still at four hours, not five. Walt referenced the NYS Department of State website (specifically the Local Government section) which offers online training webinars that produce a printable certificate upon completion. Tom recommended the State Learning Management System (SLMS), which requires creating a username and password but offers a vast library of courses (over 2,600) and tracks learning history over multiple years. Walt noted that seminars or guest speaker presentations held during Planning Board meetings also count as training. Walt will send an email to everyone with a list of recommended online training courses.

Cheryl motioned for adjournment at 8:26 PM, and George seconded. All were in favor.

Submitted by: Crystal Barrett