

Colden Planning Board Meeting

May 19, 2026

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

Also Present: Jim DePasquale (Town Supervisor) Jesse Hrycik (Town
Councilman), Tom Dziulko (Fire Inspector/Code-Enf. Officer)
Steve Lehman (Town Constable) and Approx. 3 Residents

Walt called the May 19, 2026 Planning Board Meeting to order at 7:01 PM in the courtroom at the Colden Town Hall.

The Board Members reviewed the April 21, 2026 minutes and Cheryl motioned to approve the minutes and George seconded and all were in favor.

Initial Comments by the Chairman

Walt prepared an intro for the STR review. The review was mainly for the PB Members because there are a few new Members on the board. The STR was extensively reviewed and revised at previous Planning Board meetings. Walt explained why the PB considers, creates, reviews and recommends new or changes to local laws for regulating activity in the various zoning Districts. The PB will continue the discussions regarding the Battery Energy Storage Systems (BESS) and other considerations for zoning regulations for Chapter Code 108.

Kummer Park

Walt shared the park grant status and stated that it's a slow process. Walt presented images and renderings of where the new playground and exercise equipment will be located on his slideshow presentation. Walt mentioned that there will be new picnic tables and will be some which are fully ADA compliant. The new park upgrades include new BBQ units and an exercise equipment area in addition to the new playground. Walt encouraged citizens and others to be volunteers for assembling the equipment.

Short Term Rentals (STR)

Walt explained that near the end of year 2024 a state wide STR registry law went into effect when the Governor signed SB885C and it went into effect for STR's. That original law, as passed in December of 2024 included a state wide STR registry to be maintained by the New

York Department of State. Unfortunately, the Senate and Governor, about 90 days later, amended the new law to eliminate the State Wide STR Registry that was the cornerstone of the original legislation. The state defines an STR a dwelling rental of less than 30 days fitting the definition of STR. There is a clear legal distinction between an STR and other forms of rentals such as a hotel, motel, inns, or Bed & Breakfast residential situations. These latter conditions are covered by different NYS and various County legislations. Short Term Rentals (STR) have commonly used monikers such as AirBnB, VRBO, Hostaway, etc. Although some STR's are not participants on the online platforms and rather rent based upon word of mouth or similar referrals. Longer term rental or lease of properties using other arrangements, such as renting a house (with or without a lease), an apartment, bed & breakfast, other common situations are not considered an STR situation. Further, a bed & breakfast Owner/Host is required to be on the parcel and the host/owner must provide a breakfast the next morning after a rental. That is the definition of a Bed and Breakfast arrangement. An STR owner doesn't need to be local, or even in the same state as the STR and is allowed to have a local host acting on behalf of the owner of the STR. Walt reviewed sequence of NYS to Erie County decision making with respect to governmental mandates for a STR Registry. After Albany amended the original 2024 law to eliminate the NYS STR Registry the mandate was passed down to the counties of NYS. The amended law allowed each county to "opt-out" of the responsibility to create their County STR Registry. If a county "opts-out", then it would be up to the municipalities to keep track of STR's. Of course, in the case of the county and municipality it would be an unfunded mandate. Erie County has taken the position that they can execute the functions of an STR Registry via the County Laws which require all STR's to obtain a room tax collection certificate and be in the Erie County Comptroller's office tax files. Any STR must obtain tax numbers from the State and also Erie County so they have the authority to collect the state and county room tax and remit periodically as required. For online platforms, the trouble is STR listings come and go on the various different sites, so it will be difficult for a small municipality like Colden to track. Walt stated that the proposed Colden STR Version #13 was reviewed on May 14, 2026 at the Town Board workshop meeting before the subsequent public hearing took place. Walt reviewed the TB Members changes and edits to the revision. The TB Members wanted to clarify the definition of host. The new Revision #14 was created and supplied to the Planning Board members for consideration and review. On page 5 (A&B) stronger language was added along with emergency personnel. On page 7(G) Fines and fees for judicial action needed to be clarified. A discussion and review of the Version #14 was done. Walt asked for PB Members comments and Paul asked about the 60 minutes that was set for the Owner/Host to respond to a situation. Walt assured the PB Members that it's adequate time and typical for many other rural town situations presently in force. A motion was made by Larry to submit the Revision#14 with a recommendation for adoption by the Town Board, and George seconded. All were in favor.

Battery Energy Storage Systems (BESS)

Walt referenced revision draft # 10 that the PB Members received by email. Walt explained why there's still a moratorium placed on Battery Energy Storage Systems (BESS) in the Town of Colden. All of Andy's revisions are incorporated in draft #10 and Walt reviewed the highlighted

items that were presented in his slideshow. The goal for the PB is to have the final discussion completed by the end of July so that a recommendation can be passed up to the Town Board. The PB Members discussed the various dangerous conditions and extinguishing a fire. Larry asked about the proper building material that would be used. Walt explained, with concurrence from the Code Enforcement Officer present, that a licensed Professional Engineer will need to follow the building to code with non-compostable materials and proper design criteria. George also commented on that matter. Larry also asked if there would be a limit to size, and Walt replied that there won't be a limit to size as long the developer is following the proper code requirements, including superior codes at the Federal and State level. The discussion was concluded for the evening with further dialog and code evolution planned for the next PB meeting.

Chapter 108 {Zoning} to Define and Regulate

Walt explained how this became a controversial topic because of non-facts were distributed on social media. Walt stated that no action will be taken at the May meeting. Walt stated that no version of any draft Colden Code exists in any form. Walt stated that there has not been a limit set by the PB on any poultry issue or property line setbacks. At the April PB meeting, there was a document presented, using code from the Town of Holland (because it's a good example of what was created by a similar town) but the example was NOT to define anything it about limits or setbacks in Colden. As stated at the April meeting and during previous meetings, the purpose of the document was taken out of context and shared on social media. It was only meant to be an example of code implementation, via Special Use Permit, and with consideration as to if Colden should do a Supplemental Use approach, or a "define for each Zoning District" approach. At the April meeting the decision for the latter approach was made. There wasn't a ban discussed either verbally or anything in writing from the PB or any Town official. On related issues, Walt reviewed the right to farm law that was passed during the tenure of a prior Supervisor and Town Board. At that time the PB highly recommended the need to provide an Ag & Farm Protection Plan (AFPP) and the request was made by a previous PB Chairman. But due to cost and other factors at that time no goal of an AFPP was established by the prior Supervisor or TB. An AFPP is needed to make any Right to Farm law truly enforceable. Walt reviewed the right to farm concept and types of activities defined by the AFPP. A few years ago, the PB applied for grant funding for AFPP creation and was awarded the Grant by the New York State Department of Agriculture and Markets (NYSDAM). Then the Town of Colden retained consultants to assist with the AFPP format, research, citizen outreach, and drafting some provisions for PB review. The PB also secured funding for a Colden Comprehensive Plan, done in parallel with the AFPP and involving another consultant for assistance. The PB efforts for the AFPP and Comp took several years for the PB to complete, and were ultimately adopted by the TB. At recent meetings feedback from some citizens implied that the Colden laws were not in compliance with the adopted AFPP. Walt reviewed a letter on his slideshow from WWS Planning stating the confirmation of Pro-Ag Nature of the Colden Local Laws and that one area needed consideration was making hobby farms a permitted use, with regulation, in Colden's restrictive zoning districts. That is exactly what the recent PB initiative is attempting to do; the PB is defining the conditions for restrictive zoning which will make raising of poultry a permitted use, which right now it is not. Walt also shared other towns population comparisons and parcel demographics. Walt also provided that Cornell stated that citizen's land parcel size can impact flocks and code. Walt also reviewed information published by the Food Policy Council for different towns in Erie County. Walt added that the City of Buffalo mailed a letter to their residents with a set flat fee renewal of \$25.00 per chicken with a limit of five chickens,

which the PB considered an oppressive regulation. Nothing like that is being considered for Colden. Walt also provided a review of the City of Buffalo's code showing the fee adopted by the City legislature.

Walt had a "citizen interaction" regarding why the Planning Board should use AI, because it will show that there's a ban for residents in Colden to have chickens. The citizen claimed that he did an AI review and Colden was doing a ban. Walt indicated that was not the case. Walt presented many different attempts to verify that claim by using AI (Gemini, Claude, ChatGPT and Grok). None displayed that there is a ban for chickens in the Town of Colden or any action heading in that direction. The bottom line is not to rely on social media and to fact check what is distributed on the web by going to the source instead. Walt stated for the next meeting the Planning Board will review the comparisons and contrasts between Colden's demographics and other similar municipalities and start the evolution of local code recommendations for Colden which will make raising poultry and fowl a permitted use in our restrictive zoning districts. It is also noted that none of this ongoing work will impact any parcel in Ag-Zoning since raising of poultry and other animal husbandry is already a permitted land use in Ag-zoning.

Kummer Park Volunteering Opportunities

Walt shared that Supervisor DePasquale will coordinate volunteer and contractor donation teams to help build the park equipment and get the items installed.

Park Lighting

Walt stated that per the Sheriff Deputy conversation better area lighting is desired in the park. We are working on a lighting plan for comprehensive lighting, and a more near term plan for specific area lighting to keep stray light at a minimum while also making lighting adequate for security and other law enforcement desires.

The four seasoned concession building design continues for discussion along with the grant funding possibilities for 2027.

The next Planning Board meeting will be on June 16th, with a different location due to the early voting that will take place in the courtroom if we can confirm a venue. Notice will be given. If the TB approves the Rev#14 STR at the June meeting, the PB will need to review the fees for the application and license and recommend amendments to the present Colden Fees & Fines schedule as adopted by the Town Board.

Cheryl motioned to adjourn the meeting at 9:36 PM, and George seconded. All were in favor.

Submitted by: Crystal Barrett