

◦ P L A N N I N G ◦ B O A R D ◦
◦ S e r v i n g ◦
◦ C O L D E N ◦ N E W Y O R K ◦

Agenda - Planning Board Monthly Meeting – 19Feb19 7PM

-Call to Order

-Roll Call

-Approval of Minutes 15Jan19 Regular Meeting

-Main Goal of Tonight's Planning Board Meeting: New Year 2019 Planning & Review, Reports on old business, updates for recent activities, and initiate discussion on any new action items and tasks.

-Old Business: *PB Members, BRING your recent Working Paper Handouts for Reference*

- **LUCA** – Peter complete until August 2019 timeframe, so no updates until then.
- **General Update Regarding Spectrum Cable/Infrastructure Expansion for Colden** – None.
- **Colden's Clean Energy Community Initiative Updates** - Several activities since last meeting took place. They include:
 - Walt attended second organizational meeting 31Jan19, at Green Springville HQ. Continued work to establish a Multi-Community Solarize Consortium in conjunction with UBRI's CEC guidance so that "low cost solar PV" could be offered to Colden's citizens in conjunction with the provisions of the program. The next meeting: late February 2019.
 - The Town Clerk's Office continues gathering the requisite 2018 energy data needed by Colden's Energy Manager in accordance with Colden's Benchmarking resolution. Benchmarking is one of Colden's approved High Impact Areas under the CEC program.
 - Coordination between Walt and UBRI regarding additional CEC High Impact Areas which Colden could perhaps complete. These include the Solarize campaign and other items. Colden accepted the NYSEG LED street light conversion proposal. When 50% of the existing lamps are converted another Colden CEC Milestone will be met.
 - As noted previously, Supervisor DePasquale and WaltK attended a discussion group in Eden with a subgroup of Erie County Town Supervisors. Colden's Town Board goals were solidified after a review of the NYSEG proposal, and a report by the PB Chairman was submitted. Colden has not been, as of this date, given a schedule for the upgrade work, but it is scheduled. This was after Supervisor DePasquale and WaltK attending a

14Jan19 meeting with NYSEG the upgrade of lighting heads to high efficiency LED Luminaires. The objective, of course, is less energy usage costs to the Town. The savings can be significant; Colden's breakeven point is about 8.7 months!

- **Planning Board Update at Town Board Workshop** – Walt presented a progress summary of our recent PB actions during the TB's 7PM 7Feb19 Workshop. He also updated the TB on the Green Springville initiative and reviewed the agreement for Colden to participate in the Solarize CEC High Impact Area. A copy of the TB Handout is attached in the PB Handout. At the workshop we also reviewed the ongoing PB recommendations for **All Zoning and changes to Chapter 108 we previously reaffirmed**. These include Dog Kennel changes, Satellite dish fixups, Permitted Use fixups, and archaic inflammable references. The TB will review and set public hearing after final coordination with Town Attorney.
- **B2: Discussion on possible Peddler, Solicitor and Hawkers Ordinance for Colden**, action item requested by Town Board, item is tabled upon recommendation of Town Attorney.
- **B3: Discussion on 2010 vs. 2015 Grass Height in Zoning (NYS & Colden)** – start dialog with code enforcement officer on local issues and approaches. State code has changed, perhaps Colden should just establish "a 10 inch limit", and then use State Code provision which allows: "...as determined by Municipality..." Issues for rural areas: "...what is lawn and what is field..." etc. Worse yet is the "...how high is high..." debate.
- **B4: Introduction of new potential renewable energy issue to Planning Board and Town Board.** New Gov. Cuomo & NYSEDA initiative under NY-Sun: "Energy Storage Systems". We must examine Zoning issues for this as related to deployment in Colden. But, (1) Unclear position in existing Colden Master Plan. (2) Zoning Code silent on the matter. (3) Home rule impact versus NYS Article X. Energy Storage methods include pumped storage, mechanical, traditional electrochemical batteries, etc. This is presently under review in Wales but via RPTL tax exclusionary approach. If that approach taken unfortunately solar, wind, and other renewables are also impacted; using RPTL can't pick and choose which are afforded tax abatement for initial years.
- **B5: Container Buildings as Principal and/or Accessory Structures in Colden-** Has been past issue, zoning is presently silent, there are multiple cases here of principal and accessory worries. Town of Wales is having this issue examined, will review their status.
- **B6: Tree House Used as Residence** - Item of concern from Code Enforcement legal options will be examined. Should Colden limit tree houses to only Accessory Use and must have a principal structure and principal use present on the parcel? Should keep generic, not just for tree houses so as to cover other possible problematic cases like containers, tiny houses, etc.
- **B7: Refine SUP Procedural Cases including Expedited SUP Renewals:** Limit use of §108-125 by defining the normal procedural cases in Chapt108. The general cases of concern are (1) Automatic SUP renewals, (2) Repeated Special Events/Festivals renewals, (3) Annual inspection

waivers (for example kennels by DCO and not at Annual June SUP inspections). BTW, legal mentioned that Colden is the only nearby rural town which does annual SUP inspections! Comments?

- **B12: Discussion of larger animals on non-conforming lots** (especially for cases of historical usage) – should special cases be carved out in local zoning code? One legal approach could be hoofed versus non-hoofed animals. PB should review Holland code for large and small animals as well as lot sizes required in each District there. Good example per Town Attorney.
- **B13: NYS SEQRA Changes Implemented and now in effect; Additional PB Training Planned.** Please see PB Handout and other resources regarding overview. Watch for suitable training being offered as a couple of PB members should attend that 2019 training. Chairman will advise of known sessions by Erie County or NY Dept. of State or NYS DEC.
- **B14: Should Local Law be established regarding pending NYS Recreational Pot Initiatives?** This has become an issue statewide as to where allowed and what zoning restrictions might apply, for example no shops within 1,000 feet of a school, etc. New discussions warranted. Trade publications advise Towns should be “out front” on this matter to avoid future issues.
- **B15: Flag Lot Cases, and do we need definition of Flag Lot viz-a-viz subdivision issues?** This comes up now and then, so perhaps we could clarify and conform with Code Enforcement’s desires? Perhaps reference 280(A) of NYS Town Law?
- **B16: Zoning changes for 5G Cellular Equipment Installations:** Due to the potential impact of the deployment of this new 5G system in Colden certain considerations should be reviewed, and if appropriate the PB should recommend code for the appropriate aspects (locations, visual barriers, facilities, aesthetics, etc. as might be of concern). See PB Handout.

- New Business:

- **Formal new Town business:** None which required actions were identified for this month, and none were referred to the Planning Board by Code Enforcement, the Town Board, or the Town Clerk, as requested agenda items.
 - **Informational Comment:** The 27th Annual Rural Landowners Workshop will be held in Yorkshire on Saturday 2Mar19, sponsored by the Cornell Cooperative Extension of Allegany County (with participation by the NY Forest Owners Association). See Walt if you want information/brochure.
- **- Other Such Matters As May Come Before the Board**
- **- Adjourn**