

## Colden Planning Board Meeting

April 16, 2019

Planning Board  
Members Present: Frank Hrycik, Walt Kammer (Chairman), Linda Kotlarsz,  
Peter Newsom, George Reinhardt, and Bobby Walker

Excused: George Reinhardt and Jesse Hrycik (Councilman)

Absent: Rich Sheldon

Also Present: John Kotlarsz (Bldg. Insp/Code - Enf. Officer), and  
Tom Dziulko (Fire Inspector/Asst Code - Enf. Officer)

The April 16, 2019 Planning Board Meeting was called to order at 7:03 PM in the courtroom at the Colden Town Hall.

### March Minutes

The Board Members reviewed the March minutes and Peter motioned to approve the minutes and Linda seconded. Five out of six Board Members were in favor. Bobby abstained his vote because he was absent from the March meeting.

### ECRT

Walt updated the Planning Board Members that Gary Willert has resigned from the ECRT as co-chair and Deborah Fenn is now the Chairperson.

Peter attended a meeting of the Colden – West Falls Rails to Trails focus group. Peter attended the meeting as an Observer. The focus group is not connected with the ECRT Board of Directors. The Colden – West Falls Rails to Trails focus group will be promoting the trails during upcoming functions this year within Colden and West Falls. They will have a table with banners and information regarding the trails. Two Representatives from the West Falls Fire Department attended the meeting and stated that they're equipped for emergencies related to the trails and will be able to help out in Colden. Peter mentioned that someone suggested mile-markers along the trail to help Emergency Responders, and the suggestion was noted by the group. The group wasn't able to answer questions about financing or grants and they're well aware of the deteriorated conditions along the trail in Colden. Peter sent an email to Walt of the handouts from the meeting. Walt will forward the information to the Planning Board Members. Walt mentioned that there were documents from 2012 that stated the Planning Board was in favor of the Rails to Trails but the Town Board rejected the PB recommendation and passed a resolution

against supporting the ECRT trail. While the memo from then PB Chairman was distributed at the meeting, the subsequent Colden Town Board decision for the Rails to Trails information was left out of the packet distributed by the Colden – West Falls Rails to Trails focus group and the resolution was never mentioned. In any case, Peter stated the message of the meeting was the trails will happen with or without the traversed Town's approval.

#### General Update Regarding Spectrum Cable/Infrastructure Expansion for Colden

Walt mentioned there was a delay related to NYSEG (and in some cases Verizon) in the Spectrum deployment in Colden. The pole owner (NYSEG or in some cases Verizon) must pen individual approvals for Spectrum cable space for each pole; in addition if Spectrum needs power hookups for cable amplifiers or signal conditioning equipment on a pole, there is an additional agreement for those arrangements. As a result of these administrative issues Spectrum's cable and power contractor wasn't able to finish by the end of the month. The new estimated date for orders for service being available is mid-June through mid-July.

#### Colden's Clean Energy Community Initiative Updates

Walt attended the fourth organizational meeting on March 26<sup>th</sup>, 2019, at the Green Springville HQ. Walt supplied dates of all known Colden public events and related activities for promotion of the Solarize Campaign by email to Green Springville. Walt led a discussion regarding NYS policies for Net Metering and how Net Billing will be used instead. Net Metering will expire at the end of 2019, but systems installed prior will be grandfathered in for 20 years and will be using the Net Metering system. The difference between Net Metering and Net Billing is the discount rate of the excess energy produced by a PV installation. Net Metering offers a better (ie. Reimbursed at the energy's Retail value) rate than Net Billing (Reimbursed at a value lower than wholesale value). Additionally the "time-of-day-value" of excess energy disappears in the Net Billing arrangement. So in essence PV energy must be consumed immediately on-site or feed to the grid at minor financial value. Installations installed now, or installed prior to 12/31/19 would be grandfathered to the existing Net Metering arrangement with NYSEG. None the less, for the upcoming Request For Proposals issued by Green Springville under the Solarize initiative, Walt mentioned that 20-30 Bidders will be able to submit a proposal to the Solarize Southtowns consortium which would offer discounted \$/watt quotations for member consortium Towns. There are six Towns that will participate and should attract NYSERDA-Approved PV installers. As stated in Walt's handout the RFP will be sent April 19, 2019 and will be due early May 2019.

#### Planning Board Update at Town Board Workshop

Walt updated the Planning Board regarding the nineteen items that he planned to review at the Town Board Workshop. The topic discussed was dog kennels and they Town Board Members were concerned changing the word Kennel to multiple K-9 families. The Town Board suggested citizens wanting to add additional dogs above the allowed amount would need to meet with the Town Board or increasing the number of dogs allowed in the code. The Town

Board wanted to review the recommendations for grass height within the remaining time of the Workshop. Walt mentioned that he would like to have the code book corrections (named Group 1) that Peter submitted finalized and it was one of the nineteen items to be reviewed.

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

Walt mentioned that the Town Board would like the 10" requirement be changed to 8". Walt asked John Kotlarsz for his input. Walt is waiting for approval to speak with the Town Attorney and will have him draft the code changes. John asked Walt to review the SUP and Change of Use codes and they will discuss at a later time. Walt mentioned to John the topic of NYS Ag and Markets. Walt stated he will be receiving a form and a graphic map from the County by email. Walt will share the information with John.

John and Tom asked Walt to be excused from the meeting at 8:35pm.

#### Renewable Energy Storage Concerns and Issues for Colden

Walt, Peter, and Bobby took part in a 2.5 hour NYSEDA Webinar on April 10<sup>th</sup>, 2019. Walt thought the presentation was well put together and was from an Engineer point of view. Walt mentioned by December 2025 the goal is to be able to store 1.5 Gigawatt either by battery storage in a building, compressing air, using a vessel with a spinning mechanical flywheel, pumped storage and/or other methods. Gov Cuomo's goal for 2030 is to be able to store 3 Gigawatts of energy. The State of New York wants to mandate renewable energy storage in all zoning districts and utilizing Special Use Permits (SUP). Walt started drafting code requirements but will wait until other pending PB topics under review by the TB are resolved before proceeding further. Peter emailed his concerns to Walt and his recommended changes. The agreement among the Board Members is to keep the Solar Code separate from the Renewable Energy Storage Code. Bobby will wait to comment when Walt submits the draft for the Planning Board Members to review.

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

Walt would like the Planning Board to draft a recommendation to the Town Board to define flag lots and add missing verbiage. Bobby contacted the Town of Elma and spoke to the Chairman because the Town was having issues with subdivisions and flag lot parcels. The Town of Elma issued a moratorium for flag lots, as the Town is revising the code. The Planning Board will work on revising the flag lot code pending agreement from the TB.

#### Zoning changes for 5G Cellular Equipment Installations

Walt attended they seminar given by Verizon on March 22, 2019. Walt mentioned his concern regarding the new technology that will be attached to poles and added to stationary items (such as a bench). Walt is working on drafting a code and mentioned that the Town of Clarence has an up-to-date code already established. Walt's main near term goal is to have the Town Board

adopt the fees related to Small Cell Networks/5G deployments before the deadline imposed by the FCC.

#### Prior PB Agenda items B5, B6, B7, B12, B13, and B14

Walt removed the items from the agenda.

#### Local Planning for Agriculture Training Session

Walt asked the Board Members to refer to their handout regarding the attachment from the training session. Walt mentioned that the NYS Ag & Markets review service that is offered is free, however if there are any issues they will need to be resolved. If there are any lawsuits filed and the issues are resolved, the NYS Ag & Markets will support the Land Owner instead of the Town. Walt stated that the Comprehensive Plan needs to be updated along with a Farmland Protection Plan, but as we know this is an ongoing pending action item and Colden budget item.

#### New Town Business

Formal new Town business: Walt reported he didn't receive any topics as he checked with the Town Clerk prior to the Planning Board meeting.

#### Other Such Matters As May Come Before the Board

Bobby asked Walt if anyone on the Planning Board is able to assist Walt with the heavy work load. Walt suggested focusing on the high priority topics and will strategize a new plan. Walt thanked the Board Members for their input and will keep working towards their goals.

Peter motioned to adjourn the meeting at 9:00 PM, and Bobby seconded. All were in favor.

Submitted by: Crystal Barrett