

Colden Planning Board Meeting <<<DRAFT ONLY, DRAFT ONLY, DRAFT ONLY>>>

March 16, 2021

Planning Board Members Present: Walt Kammer (Chairman), Andrew Gow, Jackie May, Peter Newsom, George Reinhardt, and Bobby Walker

Excused: Frank Hrycik

Also Present: Mr. Robert Grom (Applicant), Mr. Chris Sansone (Applicant), Tara Mathias (Applicant), Jesse Hrycik (Town Councilman), John Kotlarsz (Bldg. Insp/Code - Enf. Officer), Tom Dziulko (Fire Inspector/Asst Code – Enf. Officer), Joe Wetzel (Colden Town Engineer), Several other Town Board Members + Supervisor DePasquale

The March 16, 2021 Planning Board Meeting was called to order at 7:00 PM by Walt. The meeting was “Virtual Only” hosted via GoToMeeting.

February Minutes

The Board Members reviewed the February minutes. There wasn't any discussion on the minutes by the Board Members. Bobby motioned to approve the minutes and Jackie seconded, all were in favor.

Change of Use #1

This matter involves a Change of Use application for a parcel in Agricultural Zoning.

Walt reviewed the letter of intent submitted by: Mr. Robert Grom for his request to construct an agricultural building and storage purposes related to the change of use from vacant land to agricultural pursuits. Walt mentioned that the Environmental Board submitted minimal to low impact findings (Negative Declaration) during the SEQR review. The Environmental Board, during their actions recommended that the applicant's letter of intent submitted with the Change of Use application should be changed to eliminate references to “commercial” since this activity is in Agricultural Zoning District. The applicant subsequently submitted a revised letter eliminating an incorrect reference to “commercial”. However, upon review Walt did notate another change to change a reference to the building from “Commercial” to “Agricultural” also.

The change was mutually agreed as a “pen and ink” change to the revised letter so that the first sentence reads “It is my intent to construct a purchased Agricultural building...”. This change, along with the change previously noted by the Environmental Board eliminates confusion and clarifies the applicant’s intent. Andrew motioned to approve the Change of Use (CoU) and Peter seconded, all were in favor. Walt will submit a written document to the Town Board regarding the approval. Walt thanked Mr. Grom for his time and participation in the meeting.

Change of Use #2

This matter involves a change of use for an existing parcel in Commercial Zoning in the southern part of the hamlet.

Walt reviewed the letter of intent submitted by: Mr. Chris Sansone for his request to use his building as a barber shop, wood shop, and showroom all in one existing frame building. Walt mentioned that the Environmental Board submitted minimal to low impact findings (Negative Declaration) during their SEQR review. Walt did clarify that the single parcel (one SBL number) has two addresses and that should be confirmed as still accurate by the applicant, who did so. Walt also suggested contacting, as a courtesy and for possible mutual benefit, the town of Colden’s Historian as the property has some Historical history of note as the Lamm Building. Walt thought this could assist the applicant as the intent was stated in the application that the Lamm Building signage would be displayed on the building façade and that inside the building there was going to be a display about the building’s history. Walt reviewed the section of the SEQR/EAF regarding the proper storage of chemicals in the wood shop area. Mr. Sansone stated that they will be stored in a metal cabinet in accordance with applicable regulations. This should be a matter inspected by the Code Enforcement Officer(s) and Fire Inspector during project execution. Mr. Sansone confirmed that the quantity of chemicals used is very minimal but he would comply. Walt stated that Mr. Sansone will need to submit professional drawings to the Town of Colden Code Enforcement Officers along with a NYS signed P.E. or R.A. stamped submission with his formal building permit. An updated survey showing a professionally prepared drawing of the proposed driveway, entrance, egress, and parking plan should be submitted with the building permit package(s). This is especially important due to the “multiple use” character of the planned building renovations and new use(s). Walt reviewed question ten from the SEQR that the Environmental Board previously reviewed, and in particular and asked about the public/private water supply as the response seemed unclear. Mr. Sansone confirmed that he has Colden public water and that a new septic system will be installed during the project. The replacement will be done with proper Erie County Health Department approvals which will be required by Colden Code Enforcement Officers. Walt also reviewed the parking lot and based upon our code and the calculated square footage of the three activities, a minimum of six parking spots are required and referenced the Town Code 108-56. However, while the handwritten text on the submitted drawing indicates 6 spots are proposed, the “lines” in the

parking lot sketch only show 5 spots. Walt asked Mr. Sansone for his concurrence for a “pen and ink” change to his sketch making the change to show six spaces (one new one on the northern end) on the drawing that was submitted. Mr. Sansone concurred and the change was made. Of course with the building permit submission a proper drawing sealed by a NYS Professional (Eng or Arch) is required. It should show the final arrangement with all dimensions annotated.

Walt asked the Planning Board Members for comments or questions. Andrew asked if the parking lot will be paved and Mr. Sansone responded that it will be paved and widened as well. Walt advised Mr. Sansone to submit a professional drawing of the parking lot to the Town of Colden Code Enforcement Officers and Mr. Sansone agreed. That should be included with his building permit package assuming the Change of Use is approved by the Colden Town Board after a recommendation from the Planning Board.

Bobby motioned to approve the Change of Use and Jackie seconded, all were in favor. Walt will submit a written Planning Board Advisory Recommendation to the Town Board on this matter. Walt thanked Mr. Sansone for his time and participation in the meeting.

Change of Use #3

This matter is a continuation of Planning Board deliberation and action regarding the matter of new construction change of use for a Commercial Zoned parcel.

Walt reviewed the findings from the February Planning Board meeting regarding the Change of Use (CoU) for The Broadway Group, LLC. Walt turned the meeting over to Ms. Mathias representing the Broadway Group, LLC to give her revised presentation which includes additional supplemental information requested by the Planning Board and Town Engineer at the Planning Board’s prior meeting.

Ms. Mathias reviewed the slides that were presented at the February Planning Board meeting. The presentation also covered the new adjustments that were recommended by the Planning Board Members.

- Different building designs were reviewed
 - Shutters options on windows
- Lighting options were discussed
 - Parking lot and outdoor lighting
- Storm water management was discussed
 - A new plan to help prevent flooding
- The Rte240/State Rd traffic study was discussed
 - Minor accidents reported in a five year span
- Screening of adjacent properties options
 - More landscape with fencing options

- Revised parking lot space size was discussed, new size complies with Colden requirements for off street parking
 - Spaces will be 10' X 20'
- Number of parking lot spots was discussed
 - Lot was to be resized a small bit to accommodate the 30 parking spaces of the required dimensions.
 - Town code, for a building of this size and business type, requires 52 parking spots.

The meeting was then turned over to Walt as the Planning Board Members were encouraged to be ready with questions and have their comments ready for Ms. Mathias.

Walt asked Ms. Mathias to submit a drawing so the Town Board will be able to review the new shutter design and options. The options were a darker shade of contrasting shutters.

Walt stated that the responses to the Town of Engineer's Report Questions discussed at the previous Planning Board meeting were received by the Town of Colden Clerk on or about March 12th.

The applicant updated the storm water prevention plan and several drawings related to stormwater and water management at the site as well as water catchment and septic design issues. Joe Wetzel (Town of Colden Engineer) reviewed that the parking spaces are now compliant at 10'x20'.

Joe mentioned that the accident report that was received showed minimal accidents within the five years of the study. The previous concerns of tractor trailer entrance and egress from Rt. 240 and turning in the parking lot was discussed. The applicant submitted a new drawing showing that maneuver process and there is no backing up on the highway at all which resolved the issues previously discussed at the Board's February meeting.

The storm water system was noted as efficient and meets the requirement. Adding additional landscape or bio-prevention river rocks, soil and grass was also reviewed. Joe reviewed signage detail and it appears to meet the Town of Colden code with respect to placement and sizing.

Walt stated that a revised drawing was submitted by the applicant showing the updated parking lot to accommodate the thirty 10'x20' parking spaces. Walt also indicated that the Town of Colden Zoning Board of Appeals will need act upon the variance about the total number of parking spots proposed (30 vs. 52) but that is the only matter on this Change of Use which needs action by the ZBA. All other known zoning and code issues have been resolved as related to the Change of Use.

Walt reviewed the lighting of the signs (at the road and building) and asked if it will be turned off one hour after the store closes. Ms. Mathias will check on the signage and will report back to the Town as to when those signs will be extinguished. It has been previously agreed that all building and area lighting will turn off 60 minutes after store closing to allow employee egress in a safe illuminated manner. There are automatic controls on those lights, but the matter of signage lighting remains open. There was also discussion as to the possibility that the Applicant consider a low profile pedestal style sign such as the nearby one on Rte.20A. The Applicant had no comment but noted that courtesy request commenting that the proposed pole mounted signage was indeed compliant with Colden code. The Planning Board agrees with that compliance, but feels that a lower non-pole mounted sign would be more in character with the existing other signage in the Town. Walt did compare a few nearby Dollar Generals located in the Southtowns, and suggested that "as a good neighbor", perhaps the applicant could consider a pedestal style roadside sign and that the signage illumination can be turned off 60 minutes after closing to be consistent with area and store lighting decisions previously resolved.

Walt asked the Board Members for their questions and comments.

Bobby asked about (1) rush hour traffic and (2) the required number of parking spots would be fifty two parking spaces according to the Town of Colden code. (1) The traffic matter was properly addressed in the originally submitted Traffic Study done by a NYS P.E. The supplemental Accident Report/Study, also done by that same P.E. indicated an acceptable 5 year history. (2) As for the variance about the number of parking spots, that is not a matter which the Planning Board can offer relief on although we have done a comparative review of spots at similar Dollar General facilities in the area, many of which have fewer spots than the proposed 30 spots proposed for this store. That data shall be included in the PB's advisory report and the data was shown on a presentation slide earlier during the meeting. **The applicant must address that one matter (# of proposed parking spots) with the Town of Colden Zoning Board of Appeals, who will determine the resolution of that single issue.**

Discussion was concluded, and Walt asked for a motion to approve the Change of Use (CoU) from The Broadway Group, LLC. Bobby made the motion to approve the Change of Use (CoU) with the stipulation that the Zoning Board of Appeals must resolve the number of parking spots wavier/variance. Jackie seconded the motion. There was no further discussion on the motion and a vote was called. All were in favor. A Planning Board Advisory Recommendation will be prepared and submitted to the Town Board for consideration.

There were no other matters before the Board. George motioned to adjourn the meeting at 8:55 PM, and Andrew seconded. All were in favor.

Submitted by: Crystal Barrett