

TB Mtg July 8, 2021  
REGULAR TOWN BOARD MEETING  
VIA – Go To Meeting at Colden Town Hall & Virtual

MEETING CALLED TO ORDER AT 7:02pm

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR RENA KIST FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

PRESENT: Councilman David Arcara  
Councilman Jesse Hrycik  
Councilwoman Patricia Zurbrick  
Councilman Gerald Pietraszek  
Supervisor James DePasquale

ALSO

PRESENT: Town Attorney Ronald Bennett  
Planning Board Chairman Walt Kammer  
Bldg. Insp/Code Enf. Officer John Kotlarsz  
Asst. Bldg. Insp/Fire Insp. Thomas Dzuilko  
Highway Superintendent Paul Clarkson  
Asst. Rec Carrie DePasquale  
Town Clerk Christina Kerlin  
Approximately 12 Residents

MINUTES:

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved the minutes of the June 3, 2021, Town Board Workshop meeting and the June 10, 2021 Town Board Regular meeting as presented.

Amend the Meeting.

Supervisor DePasquale amended the meeting to move New Business for the Town Board to readdress the Change of Use at 8680 State Road, The Broadway Group Development -Proposed Dollar General to be heard at this time.

Supervisor DePasquale stated that a letter was sent to Town Attorney Ronald Bennett from Attorney Marc Romanowski representing the Broadway Group regarding the denial of the Dollar General Store at 8680 State Road. The letter is written to respectfully ask the Town Board for reconsideration of the denial. The letter was read at the workshop, the Town Board was asked if they understood the obligations in the letter and had any questions regarding the letter.

Accept the Reconsideration of the Proposed Dollar General Store

MOTION made by Councilman Arcara and seconded by Councilman Pietraszek to accept the letter into record from Attorney marc Romanowski from The Broadway Group / Proposed Dollar General Store to reconsider the denial of the Change of Use.

On the Vote: Councilman David Arcara - yes  
Councilman Jesse Hrycik - yes  
Councilwoman Patricia Zurbrick - yes  
Councilman Gerald Pietraszek - yes  
Supervisor James DePasquale - yes

Supervisor DePasquale stated that a Change of Use permit from the Broadway Group with new stipulations is being brought up tonight to reconsider the proposed Dollar General.

The following Change of Use Permit was read by Councilman Hrycik.

**CHANGE OF USE PERMIT**

Pursuant to Article XXI of the Zoning Code of the Town of Colden, a Change of Use Permit is hereby granted by the Town Board of the Town of Colden in accordance with the following:

**APPLICANT:** The Broadway Group, LLC  
\_\_\_\_\_

**PREMISES:** 8680 State Road, Colden, New York  
\_\_\_\_\_

**CODE:** Article X, 108-44  
\_\_\_\_\_

**USE:** General variety retail store  
\_\_\_\_\_

Additional conditions and safeguards are deemed necessary by the Town Board to implement the purpose and intent of the Change of Use Permit. This permit is contingent and subject to the following:

1. Code Requirements: Full compliance with all sections of the Colden Code as presently codified or as may be amended from time to time.
2. Application and Planning Board: Subject to all plans and specifications submitted with the application, recommendations of the Planning Board and additional conditions and terms as approved by the Town Board.
3. Violation: Any violation of the provisions of the Permit or any other applicable law, code, rule or regulation of any government or department shall subject this Permit to suspension or revocation in the discretion of the Town Board.
4. Amendment: Any amendment or modification to this Change of Use Permit is subject to approval by the Town Board in its sole discretion.

This permit is contingent and subject to the following Special Conditions:

1. Zoning Compliance: The Town of Colden Building Inspector issued the Change of Use Building Inspector Report dated January 21, 2021. The Report indicated that the proposed use does conform to the requirements of Zoning Code Section 108-44 (A) 25.

2. Site Development Plan: The Application includes a Site Development Plan originally dated October 23, 2020, and revised as of June 9, 2021, prepared by Costich Engineering, for the use of the premises as a new retail store. The development plans included general notes, existing features/demolition plan, site plan, utility plan, grading and erosion plan, landscape plan with details in support of the site development. The Plan must comply with all Local and State

regulations. A New York State Department of Transportation Permit is required which will include a two-way lane Commercial Driveway Access Permit.

3. Storm Water Management: The site plan shall be in accordance with the Draining and Drainage Plan and Storm Water Pollution Prevention Plan (“SWPPP”) dated December 2020 and as revised as of March 12, 2021, by Costich Engineering. Compliance with the plan must be implemented at the first element of construction at the construction site and must be maintained in compliance with the use and operation of the proposed retail store. The proposed storm water drainage must be contained within the lot lines of the project. The on-site drainage shall not have any adverse impact on neighboring properties. The post construction run-off shall be reduced from the existing to developed conditions as described in the SWPPP and as permitted by the New York State Department of Environmental Conservation.

4. Report by Town Engineer: By Memorandum dated February 14, 2021, the Town Engineer submitted a review of submitted documents. The documents included the Storm Water Prevention Environmental Assessment forms, Storm Water Pollution Prevention Plan dated December 2020, GHD Memorandum to the Colden Environmental Board dated January 29, 2021, Full Environmental Assessment Form dated November 17, 2020, from GHD dated January 29, 2021, Site Design Plan drawings revised February 11, 2021, Photometric Analysis dated January 6, 2021, Conceptual Building Design renderings and Traffic Report dated January 17, 2021. A copy of such Memorandum is incorporated by reference. The findings and determination of the Town Engineer are incorporated in the proposed use as each item is applied.

5. Planning Board Report: The Town Planning Board submitted its final report on May 13, 2021. It recommends to the Town Board an approval of the Change of Use Permit with consideration of its recommendations. The Town Board has given careful and thorough consideration of the recommendations of the Planning Board in its consideration of the approval of the Change of Use Permit.

6. State Pollution Discharge Elimination System (“SPDES”) General Permit: A SPDES Permit must be secured prior to site preparation and ongoing obligations adhered to throughout the use and occupancy of the property.

7. State Environmental Quality Review Act (SEQRA): The applicant has submitted Part 1 of the Full Environmental Assessment Form. With the assistance of the Town Engineer, the Board has reviewed Part 2 and finds that there is no, or small impact that may be applicable to the proposed use. The Town Board finds that there is no significant environmental concern in its consideration of the issuance of a Negative Declaration.

8. Wastewater Treatment: The applicant must obtain a Construction permit issued by the Erie County Department of Health which shall set forth requirements for the Wastewater Treatment System. Full compliance with the permit is required both during construction and the subsequent use of the subject property.

9. Site Lighting: The Photometric Plan dated February 26, 2021, identifies the site lighting for the subject premises. There shall be no lighting spills beyond the lot lines of the subject premises. All connections will be underground. Light poles are downward facing/full cut-off and dark sky compliant. Approved pack lighting shall surround the perimeter of the building. Exterior lighting will be shut off no later than 1 hour after the closing and may be turned on 1 hour prior to opening if darkness exists.

10. Parking Requirements: The Site Plan includes parking requirements. All parking stalls shall be ten feet by twenty feet in compliance with Zoning Code §108-60. By variance, the parking area has been reduced to 30 parking spaces. Parking shall be in strict compliance with the provisions of the Zoning Code. All parking spaces, passageways and driveways will be clearly defined and marked and maintained throughout the use and occupancy of the property.

11. Retail Operation: It is anticipated that the store facility shall be open from 8:00 a.m. until 10:00 p.m. It is anticipated that there shall be eight to ten full-time and part-time employees.

12. Refuse Building: The construction of a gated refuse area shall be located to the side of the building. It shall be a completely fenced in area sufficient to cover any interior use. There shall be no refuse located or stored in any fashion outside of the gated refuse area. Refuse containers must be available for public use on perimeter of business and maintained throughout the use and occupancy of the property.

13. Building Rendering: The applicant has submitted proposed renderings of the building and sign contained in elevation plans dated October 22, 2020, and revised on April 27, 2021, renderings approved by the Town Board. Compliance with the rendering selected by the Town Board shall be included in the required issuance of the Building Permit. The dimensions of the building as submitted by the applicant shall be included in the Building Permit.

14. Exterior Sign: A single exterior sign shall be permitted. The sign will have a maximum height of Six feet and shall comply with the rendering included in the Site Development Plan.

15. Stormwater Run-Off: The Applicant will be responsible for any Storm water run-off originating on its property which negatively impact any surrounding properties.

16. Landscaping: The applicant shall submit a maintenance plan which will be in effect throughout the use of the property. The proposed landscaping will comply with the Site Development Plan. Plantings shall be limited to living or erected in accordance with its plans which require approval of the site plan by the Town Board. All plantings shall be properly maintained.

17. Operation: All display of merchandise and sales shall be within the interior of the building. There shall be no exterior display of product except for propane and ice which will be located on the side of the building.

18. General Standards: The Town Board will consider the basic general standards set forth in Article XXI of the Zoning Code. The Board shall determine any additional matters in its approval of the specific standards.

ACKNOWLEDGMENT: The undersigned as applicant for this Change of Use Permit does hereby acknowledge receipt of a copy of this Permit and agrees and accepts the provisions herein. The applicant further acknowledges that a violation or breach of any covenants, provisions or conditions of this Change of Use Permit will result in suspension or revocation of this Change of Use Permit. The undersigned agrees to all terms and provisions of this Change of Use Permit as herein stated or as hereafter may be amended.

THE BROADWAY GROUP, LLC

DATED: \_\_\_\_\_, 2021

By: \_\_\_\_\_

ACKNOWLEDGED AND APPROVED AS TO FORM AND SUBSTANCE.

DATED: \_\_\_\_\_, 2021

\_\_\_\_\_  
JAMES DEPASQUALE, Supervisor  
Town of Colden

Supervisor DePasquale asked Attorney Marc Romanowski representing the Broadway Group if he accepts the Change of Use as read (changes made are highlighted). Attorney Romanowski accepted the Change of Use as read.

Change of Use Permit – 8680 State Road The Broadway Group/ Dollar General

MOTION made by Councilman Hrycik and seconded by Councilman Arcara to accept the above written Change of Use permit for 8680 State Road, The Broadway Group/Dollar General.

On the Vote: Councilman David Arcara - yes  
Councilman Jesse Hrycik - yes  
Councilwoman Patricia Zurbrick - yes  
Councilman Gerald Pietraszek - yes  
Supervisor James DePasquale - yes

The following resolution was read by Supervisor DePasquale.

TOWN OF COLDEN  
COLDEN, N.Y. 14033  
RESOLUTION #2021 - 04  
RESOLUTION TO APPROVE THE CHANGE OF USE PERMIT  
FOR THE BROADWAY GROUP, LLC

WHEREAS, The Broadway Group, LLC has applied for a Change of Use Permit for a Dollar General to be located at 8680 State Road, Colden, New York, and

WHEREAS, the applicant has submitted a Site Plan Development for the proposed project, and

WHEREAS, the Town of Colden Zoning Board of Appeals has approved a variance regarding requiring thirty parking spaces based upon the proposed 9,100 square foot retail store, and

WHEREAS, the necessary application materials incorporated in the application include the site development plan, surveys, landscaping plans, utility and construction details, elevation

and rendering, traffic reports, grading and drainage plan and storm water pollution prevention plan (“SWPPP”), Deed and landowner authorization, a full Environmental Assessment Form, the Change of Use Permit Application form, the Variance Application form, Report of the Erie County Planning Department, Report and Recommendation of the Town Planning Board and various reports submitted by the Town Engineer which are documents the Town Board has relied upon in its consideration of the issuance of a Change of Use Permit, and

WHEREAS, in compliance with the requirements for New York State SEQR, the applicant has submitted a Full Environmental Assessment Form Part I, reviewed the Part II preparation including an analysis prepared by the Town Engineer concluding non-significance, The Town Board acting as lead agency completed Part III and found that the project will result in no significant adverse impacts on the environment, therefore an Environmental Impact Statement is not required to be prepared and this Board has approved a Negative Declaration, and

WHEREAS, the Town Planning Board has issued its report and recommendations at a meeting held on March 16, 2021 voting unanimously to approve the issuance of the Change of Use Permit, and

WHEREAS, the proposed Change of Use Permit to be issued to The Broadway Group, LLC sets forth in detail those Special Conditions upon which the permit is contingent and subject to.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does approve the Change of Use Permit with its Special Conditions, a copy being attached to this Resolution as Exhibit A, and be it further

RESOLVED, that the Change of Use Permit shall become effective upon the written approval of the representative of The Broadway Group, LLC and acknowledgment approval by the Supervisor of the Town of Colden and be it further



RESOLVED, that a Certificate of Occupancy shall not be issued until the applicant has completed the project in full compliance with the conditions of the Change of Use Permit, and be it further

RESOLVED, that a certified copy of this Resolution shall be submitted to The Broadway Group, LLC for its written acknowledgment.

Duly adopted this 8<sup>th</sup> day of July 2021, by the following vote.

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik,

On the Vote:            Councilman David Arcara - yes  
                              Councilman Jesse Hrycik – yes  
                              Councilwoman Patricia Zurbrick – yes  
                              Councilman Gerald Pietraszek – yes  
                              Supervisor James P. DePasquale – yes

Supervisor DePasquale stated that the action is now closed for this application of Change of Use from the Broadway Group/Dollar General.

Attorney Marc Romanowski “Thanked the Town Board” on behalf of the Broadway Group/Dollar General.

Some residents in attendance at tonight’s meeting were not happy with the outcome of the Change of Use permit vote and voiced their discontent with the Town Board.

#### Hazardous Waste Pickup Program

Supervisor DePasquale introduced Patrick Martino from Waste Management who will be introducing a new program called “At Your Door Service” a Hazardous Waste Pickup Program, and if the Town Board approves the program, it would be implemented in 2022.

Pat Martino stated that this program has been in the makings for 3 years and is called “At Your Door Service” for Household Hazardous Waste. There is a definite need for this, and it comes at a reasonable cost. Some of the items that would be eligible would-be household chemicals, automotive products, garden chemicals, paint products, batteries, swimming pool chemicals, florescent bulbs, electronics, and mercury are just some of the items. At the present time the town offers one drop off collection a year. With this new program the resident would be allowed a once a month pick up, the resident would call for an appointment and receive a kit with a bag

and or tag depending on the item to be disposed. A team would come out and pick up the item which would be left by the front door. The program is being refined for interest in towns and establish the cost of the program. Which looks to be about \$2.00 per home per month. A survey card would be sent out and returned to the town to see how the program is running. The program would be tracked for any abuse of the program.

Pat presented a slideshow as well on the program. Information will follow once the program is finalized.

Supervisor DePasquale “Thanked” Pat for attending tonight’s meeting and looks forward to hearing from him on the finalized program. Supervisor DePasquale stated that each year in the town budget monies are allocated for the “Hazardous Waste Pick Up” which is provided one day out of the year. The funds that were used for that event would be used in the future for this new program if approved to help with the cost to each resident that is eligible.

## COMMITTEE REPORTS

### BUILDING REPORT

Councilman Arcara reported that Erie County is implementing safety protocols in Senior Centers throughout the county. Colden Senior Center will be receiving an upgrade to the heating and cooling system as well as touchless bathroom fixtures. The project is being spearheaded by C. J. Brown Energy, P.C./Energy Utilization & Commissioning Specialists. The project is in the initial stages and there will be more information to follow in the future.

### CODE ENFORCEMENT OFFICER REPORT

Report for the month of June 2021 – Bldg. Insp/Code Enf. Officer, John Kotlarsz reported that there were:

- 18 Building permits Issued
- 1 New Dwelling Permit Issued
- 1 Certificate of Occupancy Issued
- 19 Certificates of Compliance
- 1 Order to Remedy Violation
- 2 pending Court Appearance
- 5 Fire inspections
- 4 Phone Complaints
- 1 Building Permit Denied

CEO Kotlarsz met with Social Services and a Sheriff for a welfare check on a resident in town. The resident refused any assistance and asked for everyone to leave his property.

Additional Annual Special Use Permit Inspection Reports:

The following SUP Inspections were read by CEO John Kotlarsz:

Keith VanLew-Mechanical Service, Minor Collision & Resale  
8207 Hayes Hollow Road

- Type of Special Use Permit – Shop/Mechanical Trades
- General Appearance – Good
- Conformity to SUP – Yes
- Recommendations – None
- Inspected by: CEO John Kotlarsz

Gene Long-“2<sup>nd</sup> Hand Lions” Retail Automobile Dealer  
8561 Falls Road

- Type of Special Use Permit – Retail Automobile Dealer
- General Appearance – Good
- Conformity to SUP – Yes
- Recommendations – None
- Inspected by: CEO John Kotlarsz

Charles McMicken-McMicken Motorsports, LLC Retail Automobile  
Dealer License  
10818 Crump Road

- Type of Special Use Permit – Sale of Motor Vehicles
- General Appearance – Good
- Conformity to SUP – Yes
- Recommendations – None
- Inspected by: CEO John Kotlarsz

Frank Hrycik-Junkyard  
8698 Lower East Hill Road

- Type of Special Use Permit – Junkyard Permit
- Inventory of Vehicles – 31
- General Appearance – Good
- Fencing & Shrubs – Good
- Disposition of Oil – N/A
- Recommendations – None
- Inspected by: CEO John Kotlarsz,

Approval of Annual Special Use Permits

MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously approved the following Special Use Permits, Keith VanLew/ Shop/Mechanical Trades, Gene Long/ Retail Automobile Dealer, Charles McMicken/ Sale of Motor Vehicles, Frank Hrycik/ Junkyard Permit. (Councilman Hrycik refrained from voting on Frank Hrycik's JunkYard permit.)

Buffalo Ski Club is the only outstanding Special Use Permit once work is completed on the bridge repair CEO John Kotlarsz will revisit for an inspection.

CEO John Kotlarsz was “Thanked” for all his work with electrical repairs that were needed up at the park for the July 3<sup>rd</sup> concert event at Kummer Park.

**COMMUNITY DEVELOPMENT REPORT**

Councilwoman Zurbrick reported that the July 3<sup>rd</sup> concert event at Kummer Park was beautiful and “Thanked Supervisor DePasquale for all his help with coordinating the event and all the vendors that were able to make it at the last minute, the firework display was amazing. John Kotlarsz was “Thanked” for all his electrical work. “Thanked” Jeffrey Shelley, Gloria Marinaccio, and a young girl who helped park cars as well as the fireman the food truck vendor. The event was such a nice, happy family event with everyone coming together. A special event will be held on 9/11 with many activities taking place for residents from town who helped out at ground zero twenty years ago.

**Bread of Life Outreach and Gabe’s on the Hill Hours:**

Tuesday, 10am – 5pm  
Wednesday, 2pm – 7pm  
Friday, 10am – 6pm  
Saturday, 9am – 2pm

**Food Pantry Hours:**

Thursday, 3pm – 6pm  
Saturday, 9am – 12pm

“Spice Up Your Cooking” A live cooking demonstration show is starting up check the website or Facebook page.

**Farmers Market**

Starts Saturday in May and runs through October from 9am – 1pm  
Food Truck give away takes place the 4<sup>th</sup> Thursday of the month at the Colden Fire Hall from 1:30 – 3:30

**DOG CONTROL OFFICER REPORT**

Councilman Arcara read the following DCO report for June 1, 2021 – June 30, 2021.  
Received numerous calls relating to lost dogs in neighboring towns.  
Dogs that were reported running loose and returned on their own.  
Animal Health Inspector Emily Bailey from Ag & Markets will be coming out to check on kennel requirements as well as training courses available for the DCO Shannon Miller.  
Administrative secretary Tammy Nuttle provided information on training courses for Comp Alliance on Workplace Violence, Blood Borne Pathogens and Right to Know which Shannon is in the process of completing.

**ENVIRONMENTAL BOARD REPORT**

No report.

**HIGHWAY REPORT & PARKS**

Highway Superintendent Clarkson reported that mowing on the side of the roads is being completed. Culvert replacements in Seneca Brook will be going on in the next few weeks. Park looks good the highway department mowed some paths through the new section. Discussion took place on the purchase of a bush hog for the tractor at the park to maintain the trails.

Approve Bush Hog Purchase

MOTION made by Councilman Arcara and seconded by Councilwoman Zurbrick and unanimously approved the purchase of a 3pt Woods RC5 (5ft) cutter at a cost of \$1,853.00 from Java Farm Supply.

Discussion on fixing the salt barn wall before winter arrives.

**INSURANCE REPORT**

Councilman Arcara reported that health insurance renewal cost came down 1% this year and that next year will probably see a big increase, we will not know the increase till next year. The renewal for the remaining year and next is due in August.

Approve Health Insurance Renewal

MOTION made by Councilman Arcara and seconded by Supervisor DePasquale and unanimously approved the renewal for Health Insurance to eligible employees at a cost of

Employee only	\$632.71	Employee & child(ren)	\$1,075.61
Employee & Spouse	\$1,265.42	Family	\$1,803.22

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#### LIBRARY REPORT

Councilman Hrycik reported that the Boston Free Library now has chrome books with a hotspot for a 7-day loan as well as yard games available for a 7-day loan period. They have Corn Hole, Bocce, Giant Jenga, Volleyball/Badminton, Croquet, Kubb, Can Jam, and Ladder Ball.

#### PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reported that the annual training has been completed by the highway department and the employees who have completed the training is on file in the supervisor's office.

#### Approve Recreation Employee

MOTION made by Councilwoman Zurbrick and seconded by Supervisor DePasquale and unanimously approved to hire Garret Goetz as a recreation employee at minimum wage.

#### PLANNING BOARD REPORT

No report

#### WATER REPORT

Councilman Pietraszek reported at the present time water consumption billed to ECWA for the prior month was 2,238,000. gallons at a cost of \$6,266.40 + \$278.37 = \$6,544.77 expenditure.

-Jerry Grudzien on South Hill has been hooked up as an out-of-district water customer as of 6/4/2021.

-Radio rebuilt kits ordered to resolve our 10yr battery life span. At present time we have 7 radios needed to swap out. New and rebuilt ordered and pending.

-Minimal flushing at ends thus far.

-Talked with NYRWA, they suggest testing service valves ten curb box issues

-Continue to look for leaks, will split legs again and then curb key to see what they hear on service leak.

-Working on new "in district" and "out of district" language for defining water hookup requests.

-Chlorine residuals are good.

Discussion on water usage for a fire that took place at a residence out of the water district and the cost of the water that was used. The cost amounted to \$17.49.

#### YOUTH/ADULT RECREATION REPORT

Asst. Rec Director Carrie DePasquale reported that the summer program is well underway. The kids and staff are having a great time back to life as it was. Tennis and swim lessons are going great. Sixty children have signed up for the summer program.

#### OLD BUSINESS

None

NEW BUSINESS

Amended to the beginning of Town Board meeting.

RESOLUTIONS

None

BUDGET TRANSFERS

None

TOWN CLERK REPORT

Town Clerk Kerlin reported that New York State hunting license for 2021-2022 go on sale starting August 2, 2021.

A request was made for the use of Kummer Park Shelter, on August 15<sup>th</sup> by the Colden Methodist Church., from 12-3pm.

SUPERVISOR’S REPORT

Supervisor DePasquale reported a letter was receive from Southtowns Rural Home Improvement Funds asking for support. They are supporting a home in Colden this year as well.

TownBoard discussed changing the Town Board meeting from August 12<sup>th</sup> to August 19<sup>th</sup> all agreed. Meeting change will be posted.

Approve Support for Southtowns Rural Home Improvement

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved to send a letter from the Town of Colden in support of the Southtown Rural Home Improvement Fund.

Supervisor DePasquale stated that this has not been a very easy time deciding on the Dollar General. The decision was based on Town Codes that have been in place and codes that are to be followed by anyone of us in the town who owns property. What is stated in the Town Code book even if we did not want the Dollar General the codes written and the zoning in that area proved it was an allowable building.

PAY BILLS

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved to pay the following bills:

General Fund Warrant Voucher #2021-214 to #2021 -259	\$ 30,858.08
Highway Fund Abstract Voucher #2021-80 to #2021-99	\$183,226.74
Water District Voucher #2021-35 to #2021-40	\$ 7,725.45
Lighting District Voucher #2021-11	\$ 100.10
Refuse Fund Voucher #2021-06	\$ 21,712.02

#### PRIVILEGE OF THE FLOOR

Peter Baker stated that he thought that the July 3<sup>rd</sup> event was a great success he had a lot of fun, and it was great time for everyone. Peter “Thanked” the Town Board and anyone else who had a hand in the event.

Peter addressed the Town Board on the Dollar General and his concerns on the harmonious fit for a building of that size in that residential area. Peter lives right next door to the site and has concerns with the traffic, noise, size of the building the effect it will have on the corner market as well as it not fitting into the character of the Town of Colden. Peter stated that he heard rumors that the town was afraid of being sued by Dollar General if the Change of Use was turned down, he thought that the Town Board should have taken a chance and voted against the Dollar General.

Town Board stated that the Dollar General Change of Use has restrictions on the permit to enforce the Change of Use to be adhered to and to be a good neighbor and if the stipulations are broken the penalty will be enforced. There are Town Codes setup so people can build and to have the Town Board decide not to follow the codes based upon people not wanting something even thou the code says differently just would not be right or fair. It was a very hard decision for the Town Board even if they do not support the building of the Dollar General the Town Codes said differently.

Town Board talked about placing a moratorium regarding commercial buildings with 4000square feet or more being built in the commercial district. The Town Attorney will be contacted to draw up a draft local law on a commercial building of 4000 square feet or more being built in a commercial district.

#### ADJOURN

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously adjourned the meeting at 9:03pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk