

Colden Planning Board Meeting Minutes ***FINAL MINUTES***

July 20, 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. Sansone

The July 20, 2021 Planning Board Meeting was called to order at 7:00 PM by Walt. The meeting was “Virtual Only” hosted via GoToMeeting.

March Minutes

The Board Members reviewed the March minutes. Bobby motioned to approve the revised minutes and George seconded, all were in favor.

May Minutes – Special Meeting

The Board Members reviewed the May minutes. Peter motioned to approve the revised minutes and George seconded, all were in favor.

The Planning Board didn’t have a regular May meeting. The Planning Board also didn’t meet in June due to conflicting schedules.

Mr. Sansone’s Change of Use Application (CoU)

Walt reviewed the CoU process with the Planning Board Members and why the topic is being reviewed for the second time by the Planning Board. The Applicant never submitted the required revised Professional Design requirements prior to the Town Board review. The details were listed in the Planning Board advisory report to the Town Board. On March 21, 2021 the Planning Board recommended and submitted an advisory approval to the Town Board. The Town Board reviewed the material during the April meeting and tabled the CoU due to an inadequate second response from the Applicant. The Town Board attempted a decision during the May meeting and the decision was to refer the topic back to the Planning Board for a resolution due to documents not meeting the Town Code. Walt tried to communicate with the Applicant via telephone and the topic was not resolved. The topic will be reviewed during the

July Planning Board meeting. Walt was advised that the review needs to be performed by the whole Planning Board. Walt reviewed the Environmental Board SEQR results and the negative impact still holds. Walt did give an update that the EC DEP determined this matter is a local concern and won't offer any comments, recommendations, or opinions. This document was received on April 5th, 2021.

The purpose of this review is to highlight the prior recommendation actions items that were requested as part of the conditional approval. Walt reviewed the document on the shared screen with the Planning Board Members. The report from March is for the requested document:

A hand written sketch was provided for approvals for the upgraded septic system. The creek is a concern.

The disturbance of the land was less than an acre. There wasn't a storm water protection plan needed, but the septic is considered a land disturbance due to the construction. A Design Professional needs to provide a signed approval for the egress and parking area, since it's a land disturbance.

A required submission of a properly sealed survey document created by a Professional because the Site Plan was an Applicant inked copy. The placement of the activities and all of the features on the land are required to be reviewed by a Design Professional. We specifically mentioned driveway and egress lanes, parking lot, and parking spots along with structure placement including the setbacks that were grandfathered.

Colden CoU procedure required the submitted survey doesn't show the septic, details of driveway and details of street parking. It requires a Design Professional's signed and sealed approval.

Planning Board Member indicated that the six required parking lot spaces didn't fit in the submitted drawing. A properly sealed drawing needed to be provided by the Applicant to show the six parking spaces. A Town Board Member did recommend to the Planning Board for a drawing to show placement of parking spots on the land allocated for personal vehicles of the land owner. The vehicles are excluded from using the allocated spaces for customers as stated in the Town Code.

The building inspector report clearly recommended proper indication of the mixed used occupancy and details about the building are required. Considerations from a Design Professional or RA with the mixed used situation will only be accepted.

If anything else changes in the design, it will require an amended site plan drawing from the Applicant.

Walt did review a notation made by the CEO that the Applicant must confirm via a Design Professional that the facility details of the mixed use occupancy proposed and provide a letter to the Town Board. The Planning Board would be willing to accept a Professional Engineer (PE) or a registered Architect (RA) seal such as a letter prior to project Building Permit submission by the Applicant.

During the May Town Board meeting prior requests were not met. A signed RA sealed drawing of the parcel was received. The Town Board advised that the Applicant's RA sealed site plan doesn't show relative placement of the septic system as requested by the Planning Board in March. The Applicant's RA sealed site plan shows parking stall size 9'x18', but Town Code requires 10'x20'. The Applicant's RA sealed site plan doesn't indicate preliminary dialog and/or NYS DOT Highway as required by law. Final DOT approval is usually only issued after Town approvals obtained via the Town of Colden CoU process.

Walt reviewed the drawing submitted by the Applicant. Walt asked for comments or recommendations by the Planning Board Members. Bobby mentioned his concern of the 10 foot driveway and pulling off of 240 to enter the parking area. Bobby suggested widening the first 40 feet and bottle neck down to the 10 foot. Andy did submit a comment stating: The existing curb is cut, so the need for a new commercial entrance design may not technically apply. A DOT permit may be required if the Applicant plans on paving, especially in the right of way. The Town of Colden Engineer stated: There's a state requirement that does apply especially after a CoU as the property wasn't a commercial entity. Walt reviewed the advice from the Town Engineer and in this situation the classification is minor commercial with a two lane driveway. It's a two way lane way and it's not a one way or an entrance with a separate exit located on the other side of the building. Walt did discuss the concern with the Applicant and the options mandated by the NYS DOT. Walt recommended that the Applicant coordinate with the RA regarding the driveway and follow the NYS DOT requirements. The Applicant's RA sealed site plan doesn't indicate preliminary dialog and/or NYS DOT comments regarding "curb cut" onto a NYS DOT highway as required by law. Final DOT approval is only issued after Town approvals obtained via Colden CoU process.

Comments from Andy: The plan should include proposed elevations and depict drainage scheme to insure that neighbors are not adversely impacted. The maneuverability on the latest plan is good, 28' wide is generous width. Still need to increase stall size. This will be noted in the curiosity comments for the advisory update for the Applicant. The Applicant responded that the documents for the driveway are in the process and will wait for the Planning Board recommendation. The Applicant is concerned about the drainage plan. Andy's requirement is proposed elevations. Walt advised that the resubmission wasn't sent to the Town Board and Walt mentioned that the highlighted documents weren't addressed. Andy is operating via text due to a broken microphone and Walt will forward the concerns to the Applicant. Andy recommended that the Applicant contact the PE. Walt mentioned as for the record the Town Board did send the CoU back to the Planning Board due to the lack of the documents requested from the Applicant. Walt explained the requirements are by the law and by the Town of Colden for the Applicants benefit to submit the professional drawing. Walt did reiterate that the

Planning Board is not against the CoU and will not take action regarding the topic at this time. Walt asked the Applicant to respond to the original request and submit the required documents.

George is an Architect and did review the drainage plan with the 4 marks on the corner of the paved area and primary where the water will drain. The drawing just needs more information from the Applicant. Andy concurred with George via chat.

George motioned to adjourn the meeting at 7:46 PM, and Bobby seconded. All were in favor.

Submitted by: Crystal Barrett