

Colden Planning Board Meeting

12-21-21

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

Excused: Frank Hrycik

Also Present: Mr. & Mrs. Zak, Mr. & Mrs. Nardolillo, Jesse Hrycik (Town Councilman), John Kotlarsz (Bldg. Insp/Code - Enf. Officer), Tom Dziulko (Fire Inspector/Asst Code – Enf. Officer), Wendy Salvati (WWS Planning, AFPP Consultant), Justin Steinbach (CPL), and 1 Citizen

Walt called the December 21, 2021 Planning Board Meeting to order at 7:03 PM in the courtroom at the Colden Town Hall. The meeting was also hosted via GoToMeeting.

Walt asked for a moment of silence for a Town of Colden Resident that suddenly passed away in a tragic accident. Mr. Christopher Leipler will be sadly missed.

Minutes

November 16, 2021 Planning Board Meeting Minutes

The Board Members reviewed the minutes from the meeting held on 11/16/21. Peter requested to add Patti Zurbrick (Councilman) and Dennis Robinson (2022 Elected Town Board Councilman) to the attendees. Andy motioned to approve the revised minutes and George seconded, all were in favor.

ECRT – Deferred

Change of Use Mr. & Mrs. Zak

Mr. & Mrs. Zak applied for a Change of Use (CoU) for a Dog Grooming Salon within the structure. Walt reviewed the letter of intent and the Environmental Board negative impact review. The new use is classified as “service”. The new use is a professional service as a Home Occupation defined in the Colden code. The parcel zoning is R-RB Zoning; R-RB zoning

for accessory uses in 108-28.B(1) allows all R-2 accessory uses but without restrictions as in R-2.

Mr. & Mrs. Zak did confirm that there will only be 10 dogs a week scheduled for grooming and it will be by appointment. The dogs that are owned by Mr. & Mrs. Zak will be kept upstairs in their house and won't interfere with the dogs being groomed. There will not be any dogs kept or boarded on the premises. Bobby asked if signage will be placed outside to promote the business. Mr. & Mrs. Zak do not wish to advertise with a sign. There will not be any other employees as Mrs. Zak will do all the grooming of the dogs. Walt made a pen and ink change to the drawing submitted for location of the grooming area to be used.

Peter made a motion to approve the Change of Use (CoU) to be submitted to the Town Board and George seconded it. All were in favor. Mr. & Mrs. Zak departed the meeting at 7:26pm.

Change of Use Mr. & Mrs. Narodillo

Mr. & Mrs. Narodillo applied for a Change of Use (CoU) for a parcel to be purchased for parking commercial vehicles used for his tree business. Walt reviewed the letter of intent and the Environmental Board negative impact review. Walt reviewed the survey that was submitted but commented that it wasn't the final copy. The Planning Board reviewed the parcel size and was concerned as the parcel is a "flag lot" with an extended flagpole portion. This proposed 10 Acre transfer has about 50% of the acreage in the flagpole and the other 50% in the lot's flag portion. These percentages are approximate, subject to change in the formal survey on any real estate closing. The activity will take place on a new 10 Acre parcel of land, north of the existing business/residence parcel on Phillips Rd. The new vacant land parcel is a minor subdivide by the Seller; transfer the new 10 Acres segment to the applicant for new use per the CoU. The business related to the applicant's existing residence 9156 Phillips Rd; the new use will, by necessity, be the principal use of the land. The parcel is 100% Ag Zoning with no restriction Road Frontage Zoning. Principal uses in Ag 108-36A(20) allow construction and contracting businesses of this nature. The applicant's business will classify as contracting within the section. The examination of Ag 108-36.A(20) allows up to 10 motorized vehicles of more than 20 horsepower with a minimum lot size criteria of 6 acres or more. The existing business operation is in AG zoning but further south on Phillips (west side of Phillips town line). The applicant's present parcel does not meet the 6 acre minimum lot size requirement. A CEO violation and notice to remedy was issued per 108-36.A(20). The applicant's existing parcel is about 2 acres, without enclosed covered parking provided for all vehicles; well less than the required 6 acres. The CoU action contemplated regarding the applicant's method of curing the CEO's violation prior to the upcoming Court date. The conditional purchase, as contemplated here, will meet the lot size requirements of 108-36.A(20). The parking areas for commercial enterprises in Colden must meet the setback and other requirements of 108-59.B(1) for Off Street Parking Spaces in Ag Zoning; specifically 108-59.B(1), (a), (b), and (c). Based upon information submitted by the applicant in the CoU there will not be enclosed off-street parking (pole barn, Morton building, or other new structure). There are no existing structures on the parcel involved in the purchase. The parking will be open off-street parking spaces (without enclosure). Therefore in accordance with 108-59.E the provisions contained in Colden Zoning

Article XIV are invoked. Article XIV (Supplemental Use Regulations) 108-78 (Automotive Use Area) becomes operative. As 108-78 is applicable, the applicant must meet all the relevant requirements of the Automotive Used Area in Colden's Zoning. This means the Applicant must: Provide a suitable surface for the driveway and parking area. Determine if lot lighting will be installed; is so meet 108-78.B. Also, provide screening and green space, which in this case would mean specifically 108-78.C since all adjoining lots are potential future building lots and to the southeast there's an existing residence nearby. The letter submitted by the Nardolillo's explains the proposed new use of the land. An old, but acceptable, NYS PLS Sealed parcel Survey was submitted with CoU; Location of parking is hand annotated, and is located in the "flag lot's flagpole" and not in the flag portion of the new parcel. The certificate of Zoning Compliance Form was received by the CEO on or about 11/15/21, pending the PB site plan review. The Environmental Board negative declaration was noted.

It was noted that the site would be used to park equipment used for the tree business. The discussion of vehicles entering the property would be able to turn around. The vehicles wouldn't be left idling and the lot wouldn't be required to be lit. There will be less than ten construction vehicles and equipment parked in the lot. There will not be any vehicles stored for parts or as a junk yard. The driveway might be lined with fabric for a base before material is poured and will have the CEO's approval.

Andy motioned to table the Change of Use (CoU) due to the limited data given regarding the turn around, setbacks, and where the parking lot will be placed on the lot. Bobby seconded it. Mr. & Mrs. Nardolillo departed the meeting at 8:33 PM.

Walt turned the meeting over to Justin Steinback (CPL) to discuss the turnout from the Dec 1st public meeting held at the Colden Firehall. It was well attended and approximately 40-50 people attended. Justin will coordinate with Wendy regarding the Farmers that attended. A brief summary will be submitted before the January Planning Board meeting.

Walt turned the meeting over to Wendy regarding the WSS Planning and finalizing the draft that was emailed to the Planning Board Members. She's working with Justin and Melissa on the project. Wendy is working on the Agricultural and Justin is working on the Comprehensive Plan. Wendy received comments from Peter and Jackie. The request is to send comments to all the Planning Board Members and not to chain link them together. If there isn't any comments, just respond with "no comment" as per Wendy. The number one goal is to protect the land and character of the community. Andy commented to add existing farm and potential farm. Walt mentioned that cultural, forestry, and forestry products need to be added. The Ag Community was absent due to Covid concerns and a supplemental meeting might be needed. Wendy suggested a Zoom meeting as something similar was done in Grand Island. Walt also mentioned that the Equine interest would also need to be reviewed. The second goal would be raising more cows and crops. Peter thought the goal should be prioritized as the first goal. The last goal would be the feedback and leverage support for Agricultural Tourism. Wendy opened the topic up for discussion and Peter suggested phase introductive (B) goals and adjective economy in Chapter 46 (right to farm) on various plans should be in section 1 instead of section

3. Peter suggested the title to include the right to farm and promote agricultural not just planning for the Town of Colden. The agreement was a subtitle to include preserve, protect, and promote agricultural for the Town of Colden.

Walt mentioned to promote renewable energy, conversion of farmland and storage projects for Ag & Markets, Wind / Solar Energy, Commercial and Residential scale. Also, the utility scale, and Special Use Permits (SUP), wind turbines, phototactic storage projects on the larger scale.

Bobby will turn in his response before February as requested by Wendy. Walt mentioned that he's working on agricultural buildings and is working with the Town's Assessor. Wendy asked everyone to review section three and submit comments by 2/15/2022. Walt suggested a public comment meeting for March and needs to give notice to promote the event. Walt asked Wendy to confirm that Justin requires three citizen meetings and Wendy has a requirement of three meetings also that can be combined.

Walt reviewed training requirements for the Planning Board Members and to submit the certificate of completion to Tammy.

Walt reviewed that there are two new Representatives for the ECRT and gave the administrative requests that would allow issuing foil requests. Peter will take on the assignment and Jackie will back Peter up.

Peter motioned to adjourn the meeting at 10:08 PM, and George seconded. All were in favor.

Submitted by: Crystal Barrett