

Colden Planning Board Meeting

April 19, 2022

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

Absent: Jackie May

Also Present: Mr. Nardolillo (Applicant), Jesse Hrycik (Town Councilman), John Kotlarsz (Bldg. Insp/Code - Enf. Officer), Tom Dziulko (Fire Inspector/Asst Code – Enf. Officer), and Adam Jablonski

Walt called the April 19, 2022 Planning Board Meeting to order at 7:03 PM in the courtroom at the Colden Town Hall. The meeting was also hosted via GoToMeeting.

Minutes

March 15, 2021 Planning Board Meeting Minutes

The Board Members reviewed the minutes from the Regular Planning Board meeting held on 3/15/22. Peter motioned to approve the minutes and George seconded, all were in favor.

The Board Members reviewed the minutes from the Special Planning Board meeting held on 3/22/22. Cheryl motioned to approve the minutes and Andy seconded, all were in favor.

The Board Members reviewed the minutes submitted by Wendy from the Special Planning Board meeting held on 2/22/22. George motioned to approve the minutes and Bobby seconded, all were in favor.

Change of Use Mr. & Mrs. Narodillo

Walt reviewed the updated changes he received regarding Mr. Narodillo's plans for parking commercial vehicles on a parcel that was purchased. Walt stated that the topic was reviewed at the December 2021 Planning Board meeting and all the details of the past will not be reviewed during the April meeting.

- The change of use (CoU) is to change from vacant land to operations and parking for Nards Tree Service's motorized vehicles. It will be the new principal use.
- The New use is classified as operations and parking for tree service commercial vehicles.
- The land is pending under a Conditional Purchase Contract between the Buyer and the Seller. The conditional issue is the land use approval by the Town of Colden via a CoU.
- The parcel is 100% Ag Zoning with no restrictive Road Frontage Zoning. Principal uses in Ag §108-36.A(20) allow landscaping, construction and contracting businesses of this nature. The applicant's business will classify as contracting within this section.
- The examination of Ag §108-36.A(20) allows for up to 10 motorized vehicles of more than 20 horsepower but with a minimum lot size criteria of 6 acres or more.
- The existing business operation is in Ag Zoning but further south on Phillips Rd (west side of Phillips town line). The Applicant's present parcel doesn't meet the 6 acre minimum lot size requirement.
- A CEO violation and notice to remedy was issued against §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 here is the Applicant's method of curing the CEO's violation prior to the upcoming Court date.
- The conditional 10 acre purchase, as contemplated here, will meet the lot size requirements of 108-36.A(20).
- Parking areas for commercial enterprises in Colden must meet the setback and other requirements of §108-59.B(1), (a), (b), and (c). Based upon the information submitted by the Applicant in the CoU there will not be an 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 enclosures). 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.
- §108-78 is applicable; the Applicant must meet all relevant requirements of the Automotive Use Area in Colden's Zoning. This means that the Applicant must:
 - Provide a suitable surface for the driveway and the parking area.
 - Determine if lot lighting will be installed, if so must meet §108-78.B
 - Provide screening and green space, which in this case would remain specifically §108-78C, since all adjoining lots are either existing resident homes or potential future residential building lots and to the southeast, and existing residences nearby to the north and east.
 - With respect to the flag lot driveway access, the provisions of §108-78.D must be in compliance.
 - The vehicles, themselves, must all be in an operational state and comply with §108-78.E that specifically prohibits the parking of the wrecked, partially dismantled, or junked vehicles on the parcel.

- Colden's CoU process is appropriate and reasonable. It's a process which can be reviewed by nearby neighbors via agenda monitoring and other means in Colden.
- 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. A new site plan, properly prepared and sealed by a NYS PE, dated 4/13/22, shows the lot location in the flagpole and all the setbacks and dimensions annotated.
- The Short Form SEQR Part 1, was submitted and processed by the Environmental Board on 12/7/21, Part 2 filed by the Board on 12/8/21. The Environmental Board action was a Negative Declaration.
- The certificate of Zoning Compliance Form was received by the CEO on or about 11/15/21, pending the Planning Board site plan review.
- At the Planning Board meeting held in December the Applicant gave a short narrative for the new usage plans. The Applicant was asked to define the expected business volume, vehicle entry/exits per day, vehicles running per day, and hours of operations. Also, the concerns of conditions which may impact the CoU was also discussed.

- The Planning Board decided to table the topic at the December meeting. The determination was that per the code references, the CoU cannot be processed with the proposed parking area located in the parcel flagpole of the flag lot.
- The flagpole is the entry/egress means (common word "driveway"); it's not adequate in the proposed location for several reasons, including but not limited to:
 - Ability to turn around the truck/tow-vehicle and construction trailers currently seen at the existing business location
 - The ability for reasonable parking area setbacks from the flagpole's side lot lines versus proximity of existing (or future) residential or Ag structure and uses
 - Meeting the general setback requirements of zoning
 - The inability to meet the provisions of the Automotive Use Area requirements in Colden code, greenspace and visual buffer-requirements, among others

- In December the position of the Planning Board was that we can only consider the CoU if the location of the parking area is moved to the "flag" portion of the flag lot and no part of it will remain in the "flagpole" of the lot. (This concern was also shared by the Environmental Board, but needed to be resolved with the Planning Board). The original position, after deliberations and review of supplemental submissions by the applicant's design professional, was moderated during the present session with the applicant. Thus, assuming our final recommended changes to the site plan are made by the applicant's design professionals, and a revised drawing issued prior to the publication of the Planning Board's FINAL Advisory Recommendation to the Town Board, that we recommend approval of the CoU subject to conditions on the new land use, and conditions established by the Town Board relative to the total curing of ALL violations at the present existing business location on the illegal lot's use for the business enterprise.

Walt compared the old and new data submitted by the Applicant throughout the review. The topics reviewed were as follows:

- The construction method and material to be used to construct the driveway
- Planting of visual barrier trees on the new site
- Working on vehicles and maintenance will be done at the Applicant's location which may be a remaining issue for the Town Board.
- There will be no storage of brush and woodchips on the old site, an issue for the Town Board to set conditions on.
- The Applicant confirmed that the logs are sold before the Fall and will be stored at the new parcel location.
- Building an enclosed structure on the site might be in the ten year plan
- Lighting was reviewed and the Applicant addressed the concerns
- Filling in the existing site's ravine, is a DEC concern and Walt advised the Applicant to check with the DEC and that the Town Board should consider this issue as a condition since it is a matter in the complainant's filing which resulted in the Violation and Notice to Remedy.
- Backing of any work or commercial vehicles onto the road will not be allowed at the old or new site, and the Applicant was made aware of it
- The Applicant has agreed to move the driveway length further west, subject to a revised drawing after the Planning Board deliberation.
- The new sub-divided lot will not need to be a large subdivision as it is only a minor subdivision of Mr. Johnson's existing land.

The Planning Board reviewed the drawings and asked to change the first drawing to satisfy the Applicant's needs while at the same time being compliant with the Zoning provisions as well as with any requirements applicable from other agencies. The Board members concurred to change the 200 ft to 700 ft, and the 30 ft to 20 ft wide. The Environmental Board concern for potential wetlands determination in review of Part 1, and completion of Part 2, resulted in their Advisory Recommendation on EAF Part 3 as a Negative Declaration. As Lead Agency the final execution of Part 3 will be by the Town Board. The applicant will remove the driveway lighting and only retain two security solar powered luminaries at the parking area. The applicant's engineer will add a temporary material storage area west of the parking area for storage of chips, logs, firewood, mulch which is produced by the applicant's daily work. The applicant will arrange for long term disposition of such materials and insure they do not encroach or impact adjacent parcels. The applicant's engineer will flare the transition from driveway to parking area such that there is a large apron for flexibility of entry/egress at the parking lot without causing erosion or a mud slog on unprepared soil.

Bobby motioned to approve the motion with all the details noted by the Planning Board and Cheryl seconded. Andy asked to have a notation stating that: The issue is that there are potential wetlands in the area of the project and the Town Board should be aware of that in their deliberations. All were in favor. Motion passed.

Other Old Business:

Walt reviewed that the Town Board approved the two Hardcopy Survey inserts in the Colden Spring Newsletter.

The ECRT representatives will be meeting with First Responders to go over concerns for safety on the trails.

Bobby motioned to adjourn the meeting at 9:08 PM, and George seconded. All were in favor.

Submitted by: Crystal Barrett