

TB Wrkshp. Mtg Thursday, November 10, 2022  
REGULAR TOWN BOARD WORKSHOP MEETING  
COLDEN TOWN HALL – 6:00pm

MEETING CALLED TO ORDER AT 6:00pm

PRESENT

Councilman Dennis Robinson  
Councilman Jesse Hrycik  
Councilman Patricia Zurbrick  
Councilman Gerald Pietraszek  
Supervisor James DePasquale

ALSO PRESENT

Town Accountant Mark Adamchick  
Town Clerk Christina M. Kerlin  
Approximately 2 resident

1. Disc Golf – Scott Kirby

Scott Kirby addressed the Town Board on the progress of the Disc Golf Course, he also submitted a bill last month for hours worked using his equipment to clear brush and trees for the Disc Golf course. He stated that after Nick Boldt put his bill in for work done at the park striping trees and brush, he thought that maybe he could get paid for his time using his equipment. Town Board stated that they were under the impression that he was volunteering his time to put in the Disc Golf course and would have volunteers to help with the course. Scott explained that the park land was not an established park setting and that he had to clear most of the area with chainsaws and tractors, and insurance would not cover volunteers working with chainsaws and tractors, so Scott has been doing the work himself. The highway department was going to help out when they had time, but they have enough work in town to do and were not able to help. Town Board stated that he should have come to the board and communicated this with the board and the Town Board would have reevaluated the situation before getting handed a bill that the town can not pay. Moving forward on the next 9 holes the Town Board can try to reevaluate the work to be completed and look at compensating for work with tractors. Discussion took place on moving forward on the next nine holes and having Scott come back to the Town Board and readdress if the town can provide payment for the use of his equipment or bid out the job.

2. Budget Review

Supervisor DePasquale read the following changes or additions to the 2023 budget:

A1460.4 Records Management Contr. add an additional \$ 500.00  
A3620.11 Building Code Clerk Add stipend \$2,743.00  
A6772.4 Aging Programs from \$1,500. To \$3,300. Feedmore WNY asked the Town for a Donation, Town Board agreed to contribute to Feedmore, they do help our community in many ways.  
DA3501 Revenues changed to \$109,297. To \$106,532.  
DA5112.4 CHIPS Contrac. From \$109,297. To \$106,532.  
Refuse units billed from 1444 to 1445 at a rate of \$211.20  
A7110.12 Parks Summer Help additional worker at 560 hours at a rate of \$17.00 = \$9,520.  
Retirement figures came in as well and were updated.  
Highway tax rate will change to \$5.268  
The above changes will be added, and the Town Board will vote at tonight's Regular Town Board meeting.

3. Update Change of Use: Deborah Tatko & Dakota Forgione

Supervisor DePasquale stated he met with the Town attorney with concerns about an agreement for the driveway. The town will not hold any easement with this property the town is only hearing the construction of a shared access lane at 10969 Darien Road.  
Supervisor DePasquale read the following Change of Use conditions:

**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:** Deborah Tatko &  
Dakota Forgione

**PREMISES:** 10969 Darien Road

**CODE:** New York State Law Article 16-280-A (2)

**USE:** Construction of Shared Access Lane at above address

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.

Use is permitted in the underlying Ag zoning, subject to a Change of Use request as per § New York State Law Article 16-280-A (2)

**This Permit is contingent and subject to the following Special Conditions:**

The Change of Use is conditional upon, any activities associated with the development governed by the potential Change of Use must be executed consistent with the general

- submitted site plan scope and use and future new construction must comply with all zoning setback/offset requirements specified by the Colden Code consistent with the approval of the Shared Use Private Roadway.
- **Any building Permit Applications for lots off the shared access road must also have a certified legal easement attached giving permanent rights to the private access lane.**
- Strict compliance with the details presented in Schenne & Associates drawings, sealed by a NYS Professional Engineer, with respect to the site plan details enumerated for the proposed shared access roadway. Strict compliance with all features annotated on Drawings C-1 and C-2 must be done, with special emphasis on the roadway width, surface, vehicle turnouts/turnaround features if required by NYS §511.2 {Driveways}, and all other design criteria noted. **Note: These are critical for First Responders and other Emergency conditions regarding residences who are party to the shared roadway. Address signs must be located at the entrance of the Shared access road at Darien Rd and at the entrance to each building lot of the shared access road to assist emergency responders in finding the location of a lot as quickly as possible.** Failure to comply would impact the CoU approval.
- All Erie County and Town (if applicable), environmental, wastewater, and runoff storm water requirements shall be met. As part of the Building Permit process for project implementation the Colden Code Enforcement Officers will review records as appropriate, with emphasis on County responses for well water and septic provisions and the design criteria which the Applicant's NYS licensed design professionals employ for the project(s).
- Overall condition of the parcel should be maintained in a manner consistent to protect the health, safety, lifestyle, in Colden and for the protection of nearby resident's enjoyment of, and welfare of, their land, and to maintain a safe and healthy environment for all animals present, and for citizen users of the adjacent town and county roads for walking, cycling, and other activities and purposes.
- **The applicant acknowledge that the change of use is for a private Shared access lane and the Town of Colden will not have any liability outside the public right away of Darien Rd. The Shared access lane will not be considered as a Town Rd now or in the future.**

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.

DATED: \_\_\_\_\_, 2022 By: \_\_\_\_\_ Applicant

DATED: \_\_\_\_\_, 2022 By: \_\_\_\_\_ Applicant

ACKNOWLEDGED AND APPROVED AS TO FORM AND SUBSTANCE.

DATED: \_\_\_\_\_, 2022  
\_\_\_\_\_  
JAMES DEPASQUALE, Supervisor  
Town of Colden

Supervisor DePasquale asked the Town Board if they understood the agreement and the response was yes, no questions on the conditions from the Town Board. The applicants will supply a copy of the easement agreement that goes along with the property's being built when they submit for a building permit as well as a copy to the Town Assessor. Again, it was stated that the Change of Use is strictly for driveway access.

MEETING ADJOURNED AT 6:55PM

Respectfully submitted,

Christina M. Kerlin  
Town Clerk