

## Colden Planning Board Meeting

February 21, 2023

Planning Board  
Members Present: Walt Kammer (Chairman), Dakota Fortune, Jackie May,  
Cheryl Schenne, and Bobby Walker

Excused: Andrew Gow and George Reinhardt

Also Present: Tom Dziulko (Fire Inspector/Asst Code – Enf. Officer)

The February 21, 2023 Planning Board Special Meeting was called to order at 7:05 PM by Walt in the courtroom at the Colden Town Hall.

The Board Members reviewed the January 24, 2023 minutes and Cheryl motioned to approve the minutes and Bobby seconded. All were in favor.

### Site Plan Review: SBA/Verizon Co-Location Application

The Applicants were not present for the meeting. Dakota asked if the drawings were reviewed by the Town Enforcement Officers. Tom did confirm that the drawings were reviewed.

Walt reviewed the following:

- Telecommunications Co-location Application requires Site Plan Review by the Planning Board, per 108-112
- The Colden's Site Plan Review triggers NYS SEQRA (specifically a Short Form SEQR & EAF submission)
- The SBA site has a permitted telecommunications tower governed by the terms of an existing Special Use Permit which will not be revisited for this co-location. SBA, the Tower Owner, has a lease arrangement for the use of the land within the tower compound with the landowner of the parcel. The parcel is identified as SBL 213.00-7-2.1 and is also identified as at or near 7414 State Road.
- Tower/Ownership is consistent with representations and submissions

- Applicant has paid the \$1,000.00 co-location application fee
- The fee for the Building Permit application must be paid at time of submission after the PB Site Plan Review & SEQR approval by the Town Board is completed
- Applicant's Supplemental Submission of Design Drawing package is properly signed and sealed by a NYS Design Professional on behalf of the Applicant
- Applicant's Supplemental Submission of the Structural Analysis Report and the Antenna Mount Analysis Report, in accordance with Code 96-3.A(2)(a) and (b), properly signed/sealed by a NYS Design Professional.
- Lot remains as presently defined in deed and survey. The geometry and extent of the existing SBA Tower Special Use Permit remains unchanged.
- The Application is to co-locate new equipment/antennas on the existing SBA tower. All equipment/antennas on the existing SBA tower. All equipment involved is INSIDE of existing fenced compound.
- The co-location at the tower site is established by right under the existing SPA Tower SUP. The Town of Colden code encourages co-location for new antenna whenever technically feasible. Application is consistent with our Code and our preferred land use.
- The road frontage of this parcel does have restrictive frontage zoning; the first 300' of depth from the road centerline is in R-RB Zoning, and beyond 300' Ag-zoning extends into the backland. All adjoining backland parcels are likewise Ag-zoning. No considerations are triggered due to zoning change boundaries on this Site Plan Review as all co-location activity is performed in Ag-zoning, as are all adjacent and adjoining parcels. However, all activities related to the co-location are executed in the Ag-backland and not within the R-RB frontage zoning. The Planning Board considers this a "flag lot" situation due to the entry/egress geometry for the sole purposes of this SBA Tower Special Use Permit and Co-location activity.
- Code Article XXI, under 108-113 requires a formal Site Plan Review for the Application
- Chapter 108, Ag-zoning Article IX 108-36.A(22)(a) defines permitted use for Telecommunications Facilities as Principal Use va Special Use Permit in accordance with Chapter 96 (Telecommunications)

Applicant's package was received by the Town Clerk on or about 1/12/23

- Parcel is SBL 213.00-7-2.1 being is also identified as at or near 7414 State Rd. The landowner is the not the applicant, as confirmed by Tax Records. However, the existing SBA Tower aspects are governed by an existing Special Use Permit which is issued to SBA, and the application is submitted in association with SBA under the name

of SBA/AT&T as governed by the existing Special Use Permit. Real Property taxation associated with the capital equipment is per related tax billing as under SBL 213.00-7-2.1/A. No changes to any parcel or fenced compound boundary will be made by reason of this application.

- Short Form Part 1 SEQR Part 1 will be reviewed by the Environmental Board at the 2/7/23 Regular Meeting
- Chapter 108 108-36 Applies to the Application; Zoning is at the work site is Agricultural Zoning
- The submission shows the overall tower height will NOT be increased as per 96-3A(2)(c). The height provisions of the existing SBA Tower SUP remain unchanged

Short Form SEQR/EAF part 1 was submitted around 5/5/22 and will be processed by the EB on 2/7/23, with Part 2 filed by EB along with the EB advisory preparation of Part 3. The EB is likely to conclude the action was a Negative Declaration since it is identical to another recent similar co-location action. The Town Board, as lead agency, will process the SEQR Part 3 in accordance with their duties on 2/7/23.

No notice requirements, for parcels within a zone of impact, under Colden Zoning are required for this Application. No Public Hearing is required for this since it is simply a Building Permit matter once the Site Plan Review and SEQR process is completed.

Proposed use is consistent with existing Colden Master Plan and Zoning, and no NEW conversion of Ag land to other purpose is proposed

No roadside signage proposed in the application submitted; will be confirmed during meeting

No provisions of Article XIV, Supplemental Use Regulations seem to apply to this co-location

Other discussions, possible Planning Board action/closure on matter if deemed that no supplemental information is required by Planning Board prior to advisory recommendation to Code Enforcement Department prior to Building Permit issuance after SEQR processing by the Town Board.

Walt reviewed a Planning Board comment, the confirmation for a Port-A-Potty during construction period, properly maintained and managed; confirm and document policy as part of the Building Permit submissions.

Cheryl made the motion to approve the Site Plan change for the Verizon tower and Dakota seconded. All of the Members were in favor.

## New Business

Walt mentioned that the Town of Colden will be reimbursed via grant funds for the mailings that were used for the Ag Plan. This consists of three mailings for the two public hearing meetings.

There's a potential buyer for the Golf Course on Holland Glenwood and it would involve the Planning Board at future meetings. Walt will keep the Planning Board members updated when more information is available.

Walt mentioned that a Town Board Member was looking to clarify or adjust the acreage and animals allowed on parcels. Tom replied that it's best for the Zoning Board of Appeals to review each case and make a decision.

Walt reviewed a topic of interest for Town Houses for Senior Citizens. The concern for aging residents that won't be able to maintain their property might like an alternative housing option. The Town Houses would not be a Senior Center or a skilled nursing establishment. Walt reviewed Chapter 92 regarding sub-division and possibly modifying the code for Town Houses.

Bobby motioned to adjourn the meeting at 7:55 PM, and Jackie seconded. All were in favor.

Submitted by: Crystal Barrett