

Colden Planning Board Meeting

May 16, 2023

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

Excused: Jackie May

Also Present: Tom Dziulko (Fire Inspector/Asst Code – Enf. Officer)
John Kotlarsz (Bldg. Insp/Code Enf. Officer)
Applicants: Jeffrey Twitty, Robert Wilson, Bruce Mohny, and
Jeff Gerde

The May 16, 2023 Planning Board Meeting was called to order at 7:02 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 Andrew seconded. All were in favor.

Telemetry Co-location Special Use Permit (SUP)

The Board Members reviewed the Channel 4 tower map that was submitted by the Applicant. The property reviewed is located on Partridge and Center. It's identified as a flag-lot. Walt reviewed the parcel (SBL 229.00-2-46) layout with the Board Members. The telecommunications Co-location Application requires a Site Plan Review by the Planning Board per section 108-112. The Site Plan Review also requires NY 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 (SUP). The Applicant has paid the \$1,000 co-location application fee. The fee for the Building Permit application must be paid at the time of submission after the Planning Board Site Plan Review and SEQR approval by the Town Board is completed. The Applicant's Supplemental Submission of Design Drawing package is properly signed and sealed by a NYS Design Professional on behalf of the Applicant. The Applicant's Supplemental Submission of the Structure Analysis Report, in accordance with Code 96.3A(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.

As per 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 a Principal Use via Special Use Permit to accordance with Chapter 96 (Telecommunications).

The Applicant's package was received by the Town Clerk on 4/12/23.

Short Form Part 1 SEQR Part 1 reviewed by Environmental Board at the 5/2/23 meeting. The SEQR form was reviewed by the Environmental Board on 5/2/23 and a negative declaration was issued by the Board. The Town Board will process the SEQR Part # in accordance with their duties.

No notice requirements, for parcels within a zone of impact, under the Colden Zoning are required for the Application. There isn't a need for a Public Hearing as this is simply a Building Permit matter once the Site Plan Review and SEQR process is completed.

During the Planning Board Chairman's review, Walt determined that per NYSDAM AGML there were no AGM-303-B District parcels within a 500' zone of impact of the project site.

NYSDAM Overlay Parcel database confirms no nearby parcels in a AGM-303 B District.

Examination of NYSDAM Agricultural Overlay Districts indicates that the project parcel isn't included in any AGM-303-B overlay.

No EC DEP 239(m) Referral comments received to date if solicited.

No land disturbance. No SWPP is due to any regulatory reason.

The proposed use is consistent with the existing Colden Master Plan and Zoning Plan. No New conversion of Ag land to other purpose is proposed.

No roadside signage proposed in the application submitted; and confirmed during meeting.

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

At the Planning Board Meeting, the Applicant will give a short narrative of the present plans and future plans known at this time.

Walt asked the Applicant for a short narrative. The Applicant stated that Walt captured the project well and didn't have anything to add.

Walt mentioned that he would like to confirm that the proper Port-A-Potty during construction period, properly maintained and managed; confirm and document policy as part of Building Permit submissions.

The Board Members reviewed the propane tank of 500 gallons and is a non-issue. Walt recommended one building permit for co-location and a separate building permit for the road access. There won't be any extra fees for the additional permit. Bobby asked about an ice shelter for the generator and it's not required. Walt did reassure the Applicant that the approval will be met before the deadline. Walt will send the PDF file reviewed during the meeting to the Applicant.

There were no additional comments from the Planning Board.

Dakota made the motion to approve the Site Plan and Cheryl seconded. All were in favor. The Applicant left the meeting at 7:27 PM.

Change of Use for Mr. Bruce Mohney

Walt reviewed the application submitted by Mr. Bruce Mohney. The request will be a new commercial entity. Mr. Mohney confirmed that the location is the building closet to the house. Mr. Mohney will add welding to his business that his son will eventually take over. John and Tom confirmed that all town codes are met. Walt also confirmed that there will be a source for waste water and sanitary facilities. Mr. Mohney confirmed that there is a full restroom in the shop. Walt reviewed the SEQR submitted by the Environmental Board and reviewed the findings. Walt verified that there aren't any buried lines or easements with Mr. Mohney.

Per the Board Members discussion:

- Five persons employed and five is the limit
- Plan for spill for fluids/floor drain
- CEO will need specification sheets
- Will not be a junk yard or storage of vehicles/equipment
- Will not be a high traffic area for Customers
- Courteous operating hours
- Signage won't be used
- Parking must accommodate for vehicles to pass and turn around

Walt asked for additional comments from the Board Members. There weren't any additional comments and Cheryl motioned to approve the Change of Use for Mr. Mohney All were in favor. Walt will add that Mr. Mohney must purchase a catch basin and submit the proof to the Code Enforcement Officers.

Change of Use for Mr. Jeff Gerde

Walt referred to the map submitted by Mr. Jeff Gerde. Walt wanted to clarify that the zoning is R2. The use of the building is a vacant church that will be converted to a single family resident. Walt recommended that Mr. Gerde to obtain a certification of compliance because it's a triangle shape parcel. Walt then reviewed the maps of the parcel. The Board Members reviewed that the septic tank must be exposed for inspection as noted by the CEO.

Short Form Part 1 SEQR Part 1 reviewed by Environmental Board at the 5/2/23 meeting. The SEQR form was reviewed by the Environmental Board on 5/2/23 and a negative declaration was issued by the Board. The Town Board will process the SEQR Part # in accordance with their duties. Walt mentioned that it would be a kind gesture to be a good neighbor and keep the architect the same as much as possible.

Walt reviewed the Change of Use (COU) with the Board Members. The basement needs to be included in the drawings as per Walt's recommendation. Walt the Board Members asked the Applicant if the loft that was used by a choir still existed. The Applicant confirmed that the

building doesn't have a loft. There are no intentions for a second floor. The Applicant would like to expand the lot. Walt advised that drawings will need to be submitted. Another drawing will need to be submitted for a future loft. Walt reviewed the COU will be grandfathered for the R2 zoning with no extension. This will need to be reviewed by the Town of Colden Zoning Board Review.

The Planning Board report confirmed that the location is on a four rod road. The state right of way is 33' on each side of the road. The centerline geometry isn't exact. Walt advised that a legal professional should be consulted before digging on the parcel. The easements should also be reviewed. The findings need to be checked with a surveyor because there's a concern for the old railroad bed that's located on the property.

The pavilion on the property will need to be reviewed and the concrete walkway extends into the 33' right of way (ROW) and Walt referenced the map.

Walt reviewed the Environmental Board findings and concerns from the Planning Board:

- 13A was changed to "yes"
- Waste water treatments
- Well casing – potential contamination. The concern was that the well water casing was cut flush or below the ground surface. Walt advised that a professional and NYS Dept of Health needs to supply a document.
- Future ECRT project will have access to the adjacent railroad
- Construction of a garage isn't grandfathered in and will need to be approved by the Zoning Board of Appeals.
- Any site demolition will mostly be the parking lot and will require permission from the neighbor.
- Garage floor is at the same height as the blacktop. Any change in the driveway will trigger a DOT traffic study from Rt. 240.
- Paving the lot and burying the well in a flower bed will need to be included in the plan submitted.
- Guide anchors will need to be checked before digging.
- Front doors will be changed out and replacement windows will replicate the existing windows
- Septic tank did pass the dye test but the tank will need to be exposed for the final test
- Erie County Health Department letter expired on 6/16/2022 and needs a valid letter to replace the expired letter.

The Board Members concurred to table their decision and Walt will send Mr. Gerde a PDF file of everything that was reviewed at the meeting.

The next Planning Board meeting will be held on June 20, 2023.

The next Special Planning Board meeting will be held on June 27, 2023.

Walt motioned to adjourn the meeting at 9:38 PM, and Bobby seconded. All were in favor.

Submitted by: Crystal Barrett