

Colden Planning Board Meeting

April 16, 2024

Planning Board Members Present:

Walt Kammer (Chairman), Dakota Forgione, John Riley,
Cheryl Schenne and Bobby Walker

Excused:

Andy Gow and George Reinhardt

Also Present:

Brett Kelly, Christopher Koepf, Ryan McCarthy (Representative Ryan Solem), Jesse Hrycik (Councilman), and approximately 2 Colden Citizens, and 1 non-Colden citizen. The Town Constable was present.

The April 16, 2024 Planning Board Meeting was called to order at 7:01 PM by Walt in the courtroom at the Colden Town Hall.

The Board Members reviewed the February 20, 2024 minutes and Cheryl motioned to approve the minutes and Dakota seconded. All were in favor.

Special Use Permit (SUP) – 9034 Maltby Drive for Lisa Holmer

Walt reviewed the process of the application with the Planning Board Members and explained that the Applicant's absence was permitted and would not impact Board actions. Walt stated that the ZBA granted their approval of the kennel permit on December 21, 2023. The area variances were not reviewed by the ZBA but the approval for six dogs as the applicant requested was granted through the kennel permit application. The ZBA did set a condition that the six dogs cannot be replaced.

The Environmental Board reviewed the SEQR Part 1 short form on February 6, 2024 and declared a negative impact. Walt did review with the Board Members that the Kennel Permit will require an annual inspection and can be denied by the Town if issues occur.

Bobby confirmed that the letters received by the Town Clerk were all supportive without any objections. Walt again confirmed that all the letters were in favor. Dakota verified that it will not be a business generating any revenue, but rather only a "family dog" situation. Walt reviewed the Kennel Permit will allow the Applicant to keep her six dogs per the ZBA determination. It was reviewed that the dogs will be contained by an invisible fence that's already installed. A motion by Bobby to approve the SUP for the Kennel Permit requested by

Lisa Holmer was made and Dakota seconded. There was no discussion. All were in favor. Walt will submit a summary of the approval to the Town Board for the May 9, 2024 meeting.

Change of Use (CoU) 9190 Center Street for Brett Kelly & Christopher Koepf

Walt reviewed the Applicant's application with the Planning Board Members.

The Environmental Board reviewed the SEQR Part 1 short form on April 2, 2024, and declared a negative impact. Walt reviewed the applicant's sealed survey and confirmed a 450-road footage existed and that adequate acreage existed for the parcel. The Environmental Board also noted the adequate road footage.

The Planning Board Members reviewed the traffic patterns and the existing driveway for tractor trailers to turn around without backing out onto the road. The applicant submitted an acceptable traffic pattern plan, with flagman present, for deliveries.

The Planning Board Members reviewed the two letters of objections received from the Town Clerk's office. The Applicant stated that he receives anywhere from 0-12 trucks a month as it varies substantially due to project needs. Some deliveries are batteries for project work. All the batteries are non-spill and minimal requirements are required as per the NYS DOT and a handout of the applicable US Federal requirements defined in 49 CFR. That document was provided by the applicant. The applicant's existing business is relocating from the Town of Elma to the Town of Colden. Prior to the meeting, Bobby did confirm the requirements with a battery vendor that he contacted. The batteries will be covered under the existing barn's roof and will be kept dry. Bobby also confirmed he validated that the batteries won't be charging, all sealed, or connected to an energize system. In response to a question from Bobby, the applicant confirmed there will also be no washing of the batteries that might result in hazardous runoff. Cheryl also confirmed, per her investigations, that the batteries are not hazardous. Dakota's questions to the applicant confirmed that the batteries are not for retail resale but for use on electrical contracts.

The Colden CEO performed a site inspection. Bobby asked a question and it was confirmed that there won't be any roadside signage, and the Applicant agreed that if future signage will be used it will be compliant with the code.

Bobby and Dakota reviewed the 55-speed limit and that a flagman will be utilized for trucks backing off the road onto the parcel during shipments, per the acceptable traffic pattern submitted by the applicant. The Applicant confirmed that all shipments are by appointment only and a flagman would always be present.

A motion was made by John to approve the CoU requested by Brett Kelly and Christopher Koepf and Bobby seconded. There was no discussion on the motion. All were in favor. Walt will submit a summary of the approval to the Town Board for the May 9, 2024 meeting.

Change of Use (CoU) Vacant Land – Blanchard Road for CG Land/Ryan Solem – Represented by Ryan McCarthy

Walt reviewed the Applicant's application with the Planning Board Members.

The Environmental Board reviewed the SEQR short form on April 2, 2024 and declared a negative impact with one condition.

Walt reviewed the different aerial views from 2017 and 2021 with the Board Members. Walt noted the changes on the property and the structures that were added without any building permits from the Town. The Board Members reviewed the revised drawing submitted during the meeting by the Applicant's attorney, and Walt reviewed the break room addition. Dakota reviewed the vacant land address given on the application and Cheryl stated that the Town Assessor will assign an address number based upon driveway location. An updated survey was given with a handwritten location of the new building to be constructed. Walt asked for a revised survey with the surveyor placing the building location on the ground and on the drawing. The Applicant's Lawyer requested to be the reviewer of the title, and Walt stated it would be acceptable.

The Planning Board Members discussed outside parking for employees and some company vehicles. Walt requested adequate parking for employees and noted that when personal vehicles are parked a company vehicle will be used for the work and departing the parcel.

The Planning Board Members reviewed the usage of the bay to wash off vehicles and for maintenance of vehicles. The recommendation was to check into an acceptable oil water separator. A discussion was held about a 2ft drainage trench with a removable grate draining into the separator. Walt advised the applicant to contact his engineer or the County for guidance. The Applicant's oil/water separation must be acceptable to Erie County based upon a NYS Professional Engineer design since the effluent ends up in the roadside drainage ditch.

Walt advised the Applicant to take part in the good neighbor method and be courteous.

Bobby wanted to know how many years the Applicant started his business, and the response was that the Applicant started the business when he was about 19 years old. It was determined that the Applicant was in business for well over a decade. Bobby asked about road signage, and it was confirmed that there won't be any road signage in the near future. It was stated by the Planning Board Members that the yard will not become a junkyard for "not in service" or broken vehicles or equipment. Bobby added that he appreciated the berm and trees created by the applicant.

A motion by Cheryl to approve the CoU for requested by Ryan Solem and Cheryl seconded. All were in favor. Walt will submit a summary of the approval to the Town Board for the May 9, 2024, meeting.

General Summary of Planning Board Pending Actions:

Walt reviewed his list of action items to be reviewed at upcoming Planning Board meetings.

A few items from the future action list are:

- Colden Regulations and Zoning Code for Airbnb and other Short Term Rental situations.

- Shipping containers used for storage or structures.

- The definition of trash verses garbage.

- And review again the about 37 other action items from our old existing PB backlog with the Town Board that was delayed due to COVID and other issues.

Walt added that there was a large public hearing turnout for the pending Comprehensive Plan adoption by the Town Board. About 99% of people supported the Comprehensive Plan. The Town Board made their adoption decision at the next Town Board Meeting in April 2024 so that PB task is completed.

A new Parks and Recreation Master Plan will be created in the future.

The Town Board did recognize the large effort for the Plan and thanked the Planning Board Members for all their hard work.

Bobby suggested everyone review the short-term rental class that's available online. Walt will forward that link to all PB members.

The Town and Topics magazine needs to be updated for John Riley and Walt will follow up with the Clerk's Office. {Note: it was later confirmed that the future issues will be sent to the entire Planning Board team.}

Cheryl motioned to adjourn the meeting at 9:31 PM, and Dakota seconded. All were in favor.

Submitted by: Crystal Barrett