

Colden Planning Board Meeting

May 16, 2024

Planning Board
Members Present: Walt Kammer (Chairman), Dakota Fortune, Andy Gow,
John Riley, Cheryl Schenne, and Bobby Walker

Excused: Dakota Fortune and George Reinhardt

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

The May 16, 2024 Planning Board Meeting was called to order at 7:05 PM by Walt in the courtroom at the Colden Town Hall.

The Board Members reviewed the April 20, 2024 minutes and Bobby motioned to approve the minutes and Cheryl seconded. All were in favor with the exception of Andy; he abstained due to his excused absence.

Short-term Placement and Use of Storage Containers (Rentals or Citizen-owned)

Walt stated that the Town Board requested the Planning Board to review the short-term rentals of storage containers and use of citizen-owned storage containers in the various zoning districts for Colden. The units are typically called Multimodal Containers (as used for over the road trucks as well as railroad and marine shipping modes) as well as common terms such as PODs, COWs, etc.). The towns of Wales and Marilla have enacted codes regarding short-term storage and some towns have banned them except for emergency situations. Typical set time limits are 30 days for a short-term rental with an extension to 60 days with additional fees added. The concern that the Planning Board needs to address is for the storage containers and how they fit in the Town of Colden. Walt divided the two topics into short-term containers and long-term containers and noted that they're two different items from the usage standpoint. Tom stated that he received a couple of litigant complaints regarding storage containers on non-conforming lots. Tom also stated that a building permit is required for a shed and a shipping container isn't presently in the code book. Tom brought up that if they were used for storage in Ag-Zoning, with a principal use and structure as an accessory structure it might be useful to store feed or hay so an outright ban may be unwarranted in various situations. Tom mentioned that they are delivered by a roll-off company and most residents wouldn't have a way to move the container on their property once they were placed. He also noted that they will become rotted if they sit for multiple years. The containers will not meet the visual and rural characteristics of Colden. Walt reviewed the issue

with the ZBA and shipping containers before a scheduled hearing earlier this year but the results of a recent decision make the future use unclear from many respects, even for the specific case which was in front of the ZBA.

Walt referenced the definitions for the Town of Wales code with the example of giving cases that are for emergency situations. John suggested setting guidelines for emergency situations verses long-term usage, the latter would clearly need to meet all setbacks and code for an accessory structure. The temporary use of the storage containers would need to be reviewed for each individual request. If an extension is requested, then a fee would be added on, assuming that is stipulated in our proposed zoning section. Walt gave the example of a 10x40 Amish building verses 10x40 containers having two very different appearances and visually harmonious with the rural nature of Colden. Bobby mentioned the 30 day limit wouldn't meet most needs, especially for rebuilding a home after a fire or other unplanned event. Some Board Members reviewed Pods contract provisions, and the company will set a contract for the time frame requested by the landowner. Walt suggested setting a short-term limit for all zoning with an expiration time limit. As far as Code Enforcement considerations, Tom reviewed the order to remedy process and it will need it in the code to reinforce any required CEO actions and/or violation situations. Tom also stated that the Town Board would like the topic to be clarified and added to the zoning code. Walt stated that a new zoning section will need to be added to the code book to address these shipping containers from both the short-term use and the long-term use cases and that both would likely be defined differently for each Colden Zoning District, especially for Ag-zoning accessory uses.

Next Topic: Short Term Real Estate Rentals (including AirBnB and similar services)

Walt mentioned the concern for Airbnb and that the topic will need to be reviewed by the Planning Board as per the Town Board's request. Some Planning Board members have already attended training related to this issue. It was stated that a current Airbnb was reviewed after neighbors addressed the Town Board with their concerns during both an unrelated Public Hearing and again during a Privilege Of The Floor session. There were reports of renters trespassing on their property and not knowing who will be renting the house, and also that the parcel owner is out of state and never present during the various short-term rentals when customers are using the residence via AirBnB type relationships. As of right now, there aren't any Colden codes set for Airbnb. Also, a related concern about tiny houses were mentioned and will need to be reviewed.

Walt will send a draft to all the Planning Board Members and will be open to comments and suggestions. Tom gave examples regarding other residents that, per CEO interactions, wouldn't want to live next to a storage container or next to an AirBnB location.

Review of Business (circa-2019) Concerning Code and Zoning Chapter Changes and other Summary Information:

Walt handed out documents to the Board Members that included a list (a.k.a. the 2019 37-Item list) of action items that will need to be reviewed again during future Planning Board meetings and

the subsequently referred again to the Town Board for decision and action(s). The topics were mainly those reviewed in 2018 & 2019 by the Planning Board; they were submitted to the Town Attorney and Town Board to review. However, after that, the impact of COVID in 2020 caused these actions to be low priority due to inability to sit together and debate the pros and cons of each topic. The PB will refresh this list, determine 2024 relevancy, and resubmit for consideration by the Town Board once again.

Walt reviewed NYSEDA grants and reviewed the process for the Highway Garage Building roof improvements and a possible Solar PV roof mounted system which could be potentially useful for a 62% reduction of Colden's electrical supply billings. This could be impacted financially by the NYS decision to eliminate net-metering of PV generation and a movement to a supply and time of demand model, but that will be in the pending proposal from a potential system supplier. Walt will continue to coordinate with UBRI on this as well as other Clean Energy Community (CEC) High Impact Areas as defined in the NYS CEC 3.0 initiatives.

Walt reviewed the next month agenda and stated there will be a kennel permit application to review.

John motioned to adjourn the meeting at 8:38 PM, and Bobby seconded. All were in favor.

Submitted by: Crystal Barrett