

Colden Planning Board Meeting

June 18, 2024

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

Also Present: Mr. & Mrs. Wales, Tom Dziulko (Fire Inspector/Asst Code – Enf.
Officer), Jesse Hyrick (Town Councilman) – arrived at 8pm

The June 18, 2024 Planning Board Meeting was called to order at 7:06 PM by Walt at the Colden Senior Center.

The Board Members reviewed the May 16, 2024 minutes and Cheryl motioned to approve the minutes and John seconded. All were in favor except for George; he abstained due to his excused absence.

Mr. & Mrs. Wales

Walt reviewed the kennel permit process for having more than three dogs and the requirements per code. The applicants are zoned Ag and didn't need a variance from the Zoning Board of Appeals for any aspect of their application. The applicants did meet with the Environmental Board on June 4, 2024 and the SEQR was determined to have a negative declaration. Walt reviewed the map of the property with the Board Members and reviewed a few facts that needed clarity. Walt confirmed, after an earlier consultation with the with the applicants, that the "so called fence" is underground electronic canine fence, and therefore it isn't a physical fence with gates, posts, wire, etc. This is important due to an easement on the parcel. Walt made a pen and ink change to the application to include that the fence is underground and not a physical fence. Walt reviewed having a letter stating permission from National Fuel if the applicants decide to install a physical fence, but at this time no letter was required. The controlled area is a dog run and the actual dog kennel is defined as inside the applicant's residence where the dogs are housed, sleep, and live.

The applicants spoke and explained that their dogs are their lives and they're never left outside unattended. The applicants did have the underground electronic fence inspected before they moved into their home. As required by the Dog Kennel Special Use Permit procedures, they sent letters to surrounding residents that are 1,000 ft from their property line. Bobby questioned the one objection letter, and the applicants explained that they objected based on the previous owner because their dogs constantly barked. Walt confirmed that the house is the kennel and there isn't

any outdoor living space for the dogs. Cheryl confirmed that the fence was recently checked by the company that installed the fence and the applicants had the fence updated in August of 2023.

Cheryl made a motion to approve the kennel permit and George seconded. All were in favor. Walt will submit the Planning Board findings to the Town Board in his report. Walt recommended that the applicants provide the National Fuel easement to the Town Clerks for the file in the event that their situation changes and a decision is made to install a physical fence, at which point the Code Enforcement Department would need to review that easement. The Town is not a party to the easement, but Colden officials should be informed as to any easement restrictions defined.

Continued Discussion on Storage Containers

Walt reviewed the topic from the May meeting and asked for additional feedback from the Board Members. Dakota reviewed the short-term allowance in the approved zoning and gave an example where a delay would cause the container to be long-term. Tom stated a building permit would be required if it was an extended amount of time and suggested a gravel base underneath the container to mitigate sinking into the ground and becoming difficult to move or remove. The container would not be allowed in front yards / building line and would need to be approved by the Code Enforcement Officers. The containers would need to be in good condition without any advertising, signage, or peeling paint. Walt and Andy questioned state code to define suitable base, and Tom would need to review the site before determining the base requirements due to variations in soil type, moisture, and similar factors at each proposed location, short term or longer term. Jesse's concern was that the floor could rust and rot even with a suitable base; Jesse also stated that many, if not all, modern containers have floor structure made of wooden components. Tom clarified that the containers would be restricted and only be allowed for storage and not habitable. Discussion then moved to considerations which would make use of metal containers as a building material for accessory or principal structures. The purpose of any proposed code for short and long term use of storage containers will not address the issue of containers as a building material for other uses. The use of container elements for accessory structures as an example, would have to meet all building permit requirements and the design would have to be done by a NYS Licensed Design Professional, such as a PE or RA. In those cases, Walt indicated that the permitting process would reference accessory structures, would have PE signed design drawing(s) and be in conformance with all Colden and NYS building codes. The Board agreed on the general provisions from the draft Andy prepared and the Board members commented on. All of those factors, as well as factors discussed during the meeting will be consolidated and integrated into a proposed Code section for the Town Board to consider after the Planning Board reviews the integrated document one last time. Walt will draft the changes in an integrated manner to fit into our Code as a chapter or section in our zoning requirements.

Short-term Rentals and Air BnB

Due to schedule and meeting duration, we had a fairly short discussion to initiate proposed code for what is generally called Short Term Rentals, commercially under trade names such as AirBnB.

Presently our local laws do not adequately address these land uses. Andy volunteered to put together a draft for everyone's review before the next Planning Board meeting.

New Business

Walt complimented Andy Gow and his Nussbaumer team on the Kummer Park Legal Description search, and for their field survey work at the park. Those documents will be secured and retained for subsequent action such as merging of the two park parcels and other actions. That will be reported at a later date.

Walt also mentioned that Supervisor DePasquale signed the Town Engineer for Special Projects agreement with Nussbaumer & Clarke. They will be helping on several projects and for specialized engineering support related to Grant Submissions.

Walt also indicated that the Town Board declined, due to budget considerations, the gabled rework of the Highway Garage roof. Instead, the issues there will be mitigated through a flat roof approach, since the peaked roof bids were greatly over planned budget costs.

Andy gave a brief review from his training that took place on June 6th at Houghton College. He reviewed the 239M referral to county submittal form and stated that the training recommended that a blanket form can be used for certain classes of 239M county referrals. The PB will continue to monitor that and how it might be applicable to situations here in Colden.

Walt reviewed the next month agenda and stated there will be a Change of Use to review. Jesse mentioned that he will submit his paperwork for his Change of Use to the Town Clerk's office. Walt also indicated that another Change of Use was pending for a State Rd business site.

Walt mentioned that the 37-item proposed code change action item list will need to be addressed at future meetings as it will require a large amount of effort and time to review once again.

Cheryl motioned to adjourn the meeting at 8:31 PM, and Bobby seconded. All were in favor.

Submitted by: Crystal Barrett