Colden Planning Board Meeting

February 18, 2025

Planning Board Members Present:	Walt Kammer (Chairman), Dakota Fortune, Larry Krzeminski, George Reinhardt, John Riley, and Cheryl Schenne
Excused:	Andrew Gow and Georgee Reinhardt
Also Present:	Tom Dziulko (Fire Inspector/Asst Code – Enf. Officer), Jessie Hyrick (Town Councilman)

Walt called the February 18, 2025 Planning Board Meeting to order at 7:16 PM in the courtroom at the Colden Town Hall.

Welcome New Planning Board Member

Walt welcomed Larry to the Planning Board and confirmed that his term is for one year. Larry shared his background with the Planning Board Members and his experience as an engineering tool maker, veteran, and was a the Holland School Board for ten years.

Minutes

The Board Members reviewed the November 19, 2024 minutes and Cheryl motioned to approve the minutes and Dakota seconded and all were in favor. Larry abstained since he was not present to that meeting.

Fees & Fines

Dakota compared fees and fines from similar towns to the Town of Colden. Dakota emailed all the Planning Board Members a spreadsheet that she created with all the data. Dakota stated that most of the fees and fines that are currently charged by the Town of Colden could be doubled. Walt focused on the communication rows and also the cellular 5G fee schedule. The latter are the fees determined to be “reasonable” by the Federal Government and we should not change

those for bureaucratic reasons; the Feds call these small wireless facilities; we show them as 5G Fines and Fees on our schedule.

Walt explained the procedure for our advisory recommendation on “fines and fees”, which is that we pass our recommendation up to the Town Board and that they will do a resolution to adopt them either as we stated them, or they may modify our recommendation as they determine in the best interests of the Town. Walt hoped that at the next Planning Board meeting the board could reach a consensus on the recommended revisions to the schedule. Dakota will update her presentation and data to reflect the dialog from the meeting, and the PB can consider it at our next regular meeting.

There was dialog about the excess costs which the Town incurs when a citizen schedules some sort of code enforcement inspection and then when the CEO arrives at the site the citizen is not even ready for any inspections which were scheduled. Presently there is no “downside” to the citizen, but CEO time, effort, and labor are expended by the Town. The present permit fees were not set to reflect multiple scheduled visits to a project for multiple inspections when the site isn’t ready. The premature inspection problem is one which the CEO and our TB Liaison suggested we should remedy. Speaking informally, Walt presumed that the extra “penalty” fees for the Town of Colden will most probably need a separate resolution and amendments for a code chapter procedure. Presently there is no provisions in Colden Code which defines the basis for these payments. Walt will coordinate with the Town Attorney as to if we have to do more than just include more line-item rows in the “fines and fees” schedule for permit inspection surcharge fees or if we must alter the Colden code chapter dealing with this.

Jesse stated that a similar situation should be implemented for not showing up for court appearances; it delays the process and usually gets rescheduled, sometimes a few months out. This may not be a matter within the authority of the Planning Board due to the judicial nature of the fee collection. But Jesse’s point is valid. More discussion on this is warranted.

There was a discussion on the payment vehicles for permit fees. It was noted that the Town of Aurora established payment via Zelle and Venmo. John suggested that all fees must be paid before the permit is issued. Larry inquired as to the total fees collected during a typical full year. In other words, the sum of the fees that are collected by Code Enforcement for the whole year. Tom reviewed his reports and indicated that $62,000 for 2020-2024, but that total includes fees for telecommunications projects as well as the annual fee for tower inspections and such and therefore does not indicate the subset which is the “typical” residential or commercial building permit cash flow.

Walt suggested not reviewing the communication fees (towers and 5G) and to leave that column alone since they are proven to be consistent with Federal/FCC guidelines.

Walt requested for the next meeting to have Dakota create a proposed fee column to her spreadsheet so that the PB could perhaps act on this matter and provide our recommendation to the Town Board fairly quickly.

Storage Containers

Walt referenced the previous findings submitted by the Planning Board Members regarding storage containers. The Planning Board reviewed the drafted talking points for the storage container document. The Planning Board discussed their edits and Walt will make the changes before the next meeting. 'Walt asked everyone to review and to be prepared to take action next month if the revised draft versions are acceptable.

Short-Term Rental Properties

Walt updated his draft document with the recent NYS government changes made to include the statement that hosts must have a license to operate. Changes were also made to reflect the new NYS law for the Short-Term Rental Registry as was signed by the Governor. It was discussed how the Town of Colden would keep track of short-term rental locations, especially since we are no longer allowed to create our own Town Registry. It is unclear as to the ease by which Colden Officials will be able to access and review the contents of the NYS Registry in order to monitor short term rental sites in Colden. Knowing the site operation is important since the Town has obligations for inspections and an annual inspection to confirm compliance with the NYS Fire Code and other safety issues. Time permitting, Walt will review with the Town Attorney. The topic will be reviewed at the next Planning Board meeting; it is possible that the Planning Board can reach concurrence and pass this advisory recommendation up to the Town Board for consideration.

Adopted Resolution

Walt reviewed an adopted resolution that he drafted for the Town Board to review. The resolution includes a no trucks and local deliveries for Heath Road. The resolution needs to be adopted, and our code Chapter 98 must be updated, before Erie County puts up the signage on the road. The Highway Superintendent will provide the additional information needed in the tables for the amendments to Chapter 98 {Vehicles and Traffic} of our local code. Walt asked the Planning Board Members to consider the distributed draft Chapter 98 (Revision 6) as a future recommendation to the Town Board and Highway Superintendent once we obtain the table data from the Highway Dept.

New Business

Walt mentioned a new program by NYSERDA dealing with adding battery storage to solar panel installations. Details are not yet frozen, but it appears that approximately $200 per kwh incentive program will be announced in 3 weeks or so. The battery storage will also likely have a Federal 30% tax credit for many situations. It's an attractive incentive for some existing solar systems. Wall will provide updated details after NYSERDA does formal final announcement.

Walt mentioned that the Town Board would like us to review a needed update to the Town of Colden Procurement Policy to make sure it is still in like with the guidance issued by New York State to municipalities. Particular attention has to be placed upon when a procurement must go out for bid versus being within the guidance of Town Board and/or Town Supervisory authority to do the procurement. More work will be needed on this matter.

Cheryl motioned to adjourn the meeting at 9:10 PM, and Dakota seconded. All were in favor.

Submitted by: Crystal Barrett