

Colden Planning Board Meeting

March 18, 2025

Planning Board
Members Present: Walt Kammer (Chairman), Dakota Forgione, Andrew Gow,
Larry Krzeminski, George Reinhardt (Arrived at 7:14 PM),
John Riley, and Cheryl Schenne

Also Present: Tom Dziulko (Fire Inspector/Asst Code – Enf. Officer) and
Jessie Hyrick (Town Councilman) (Arrived at 7:21 PM)

Walt called the March 18, 2025 Planning Board Meeting to order at 7:05 PM in the courtroom at the Colden Town Hall.

Former Planning Board Member

Walt was hoping to thank Bobby Walker for his past years with the Planning Board but he wasn't available to attend the meeting.

Minutes

The Board Members reviewed the February 18, 2025 minutes and Cheryl motioned to approve the minutes and John seconded and all were in favor. Andrew abstained as he was absent from the meeting.

Semi-Final Draft of Fees & Fines

Dakota composed a spreadsheet of fees and fines from similar towns to the Town of Colden for the Planning Board Members to review. The Board Members discussed the comparable fees to Colden and debated if Change of Use (CoU) should be included. The concern is that some forms of Change of Use require the Town to expend large amounts of effort and time in order to resolve, especially on complex commercial projects and similar actions. Therefore, consistent with current thinking, a reimbursement via a reasonable applicant fee seems to be a common-sense approach to these more complex situations. A similar discussion ensued for Special Use Permits of a non-routine scope. Walt explained the procedural difference between Special Use Permit (SUP) and Change of Use (CoU) and the fact that presently certain types of Special Use Permits do require a fee as shown in the existing fees and fines schedule. The conclusion was that for large scale projects it's acceptable to have reasonable fees collected. Andy will submit suitable language for CoU in an email to the Board Members with consideration to size and complexity.

Again, the matter of our code not having a definition of Change of Use caused concern to some Planning Board members. In the past Attorney guidance was that the common “dictionary” definition of those word should be adequate. However, Walt will discuss the matter again with the Town Attorney to determine if any revised thinking would require a proper definition for CoU in our existing Chapter 108 Zoning code.

Discussion continued regarding the fee schedule and minor formatting issues in the Excel spreadsheet. Walt asked Dakota to revise the chart and carry over the “N/C” in the appropriate columns, “N/C” meaning, No Change in addition to other minor issues as discussed.

The Town Board desires to add surcharge fees to the schedule of fees to cover dog owners who do not apply for and/or renew their dog licenses and related documentation. The Town Board desires that the Planning Board come up with that recommendation as to language and surcharges. Walt shared the current dog license fees for spayed/neutered and un-altered enforced by the Town of Boston. It was verified that the Town Clerk’s Office collects the fees and reports the registrations to NYS.

If Andy and Dakota can issue their contributions (as noted above), and Dakota can email the updated Excel sheets, Walt stated that the Planning Board will vote via email to submit a recommendation to the Town Board after the updates. In the alternative the PB will process this fee schedule recommendation at our next regular meeting in April 2025.

Final Draft Review for Storage Containers

Walt referenced the “9C” draft submitted to the Planning Board Members regarding storage containers on 3/12/25. Dakota thanked Walt for all his efforts for finalizing the document. The Planning Board reviewed the final changes and concurred that every talking point and concern was covered. Tom (CEO) had no other concerns or changes that needed to be addressed by the Planning Board. John made a motion to recommend to the Town Board a consideration for a new Code Chapter for Storage Containers and Dakota seconded. All were in favor. Walt will issue the Board’s advisory recommendation to the Town Board.

Final Draft for Short-Term Rental (STR) Properties

Walt reviewed the final draft for Short-Term Rental (STR) Properties (such as AirBnB). Walt added language to include impact of the new NYS law dealing with NYS STR Legislation signed by the Governor. This law took effect in January 2025. John questioned the process for an insurance company notifying the Town if the policy is canceled. Walt stated that the insurance company usually will provide an update, but Walt will consult with the Town Attorney to determine exactly the legal term which would apply as some Board members felt the usual “additional insured” provisions are not the proper item to require from the applicant and their insurance carrier. The Board Members reviewed page 5 section B, as the dialog was highlighted. Walt referenced the highlighted sentence for cancelation and Walt suggested having the language of “E” to be reviewed by the Town Attorney, which will be done. Jesse (Councilman) stated that an insurance agent can provide an “additional insured” usually at no cost, but the Board questioned that since the Town is not requesting to be added as an additional insured, we only want notice.

Walt confirmed that Tom (CEO) will still have the right to perform a fire inspection as page1 item #9 addressed safety considerations. It was determined that the Town Attorney to review the language for NYS Fire Code Insurance. Larry asked for verification if we need to differentiate between owner and non-owner occupied STR's. Walt stated that John (Board Member) and himself attended training regarding STR's for owner and non-owner and local owner and out-of-state owner, and it seems it's not allowed differentiate between them.

Larry also asked for clarification regarding how many days per year to allow for a reprieve for the surrounding neighbors as some municipalities have attempted, usually for a village type situation. Andy advised that there's not usually a limit. Andy also added that it's impossible to reinforce a period less than 30 days which the Board members certainly agreed on. Walt referenced the definition of a STR established by our proposed code as well as the language of New York State for STRs.

On the matter of STR signage at the dwelling, it was agreed that any signage must comply with existing sign regulations in our Zoning and in NYS building code language.

Andy made a motion to recommend to the Town Board a consideration for a new Code Chapter for Short Term Rentals and Larry seconded. All were in favor. Walt will issue the advisory recommendation to the Town Board for adoption of this new code chapter.

Update on Kummer Park Grant

Walt discussed the upcoming online meeting with the Regional Grant Administrators (RGA) on 3/25/25 at 10 AM. Walt reviewed the awarded local match grant received by the Town. Walt will submit a plan for the updated playground that the Town will pay for and have the items budgeted throughout a two-year plan.

Evergreen CoU

Walt provided an updated regarding Evergreen CoU with a conditional modification for a land purchase. Walt provided the Town Board with a revision and will be reviewed at the April Town Board meeting or as scheduled by the Supervisor.

Heath Road

Walt is working with the Highway Superintendent to update the code chapter tabulation of various road signage, speed limits, no-parking zones, and other such traffic related signs in Colden. This includes, for example, the pending restrictions such as Heath Road to only allow local deliveries for truck traffic. Walt stated that Chapter 98 needs to be redone and has previously submitted a first draft to the Planning Board at a prior meeting. The next draft will be processed at the April Planning Board meeting, with hopefully the Town Board scheduling the Public Hearing for the new Chapter 98 at their April 2025 regular meeting.

Infrared Study

Walt completed an informal infrared heat loss study for the Town of Colden to detect heat loss causing the ice dam that occurred over the Winter months at the eastern side of Town Hall. Walt offered to email the study to anyone that was interested.

Annual NYS Burn Ban

The annual NYS Burn Ban is in effect from March 16 until May 14 and is highly enforced by the DEC. Walt confirmed that the fines given are a substantial amount of money based upon their enforcement during the prior ban period of 2024.

Mill Street

Walt gave a brief update regarding the Mill Street Bridge status. Walt is drafting a statement of work for Nussbaumer & Clarke requesting a very preliminary study as to approaches for remediation such as a box culvert, grade crossing, etc. Walt will, as needed, keep the Planning Board updated on the situation in the event that we must make a recommendation on the approach to take regarding any changes at the bridge location.

Adjournment

Cheryl motioned to adjourn the meeting at 8:25 PM, and Larry seconded. All were in favor.

Submitted by: Crystal Barrett