

**MINUTES
Eden Planning Board
June 30, 2015**

MEMBERS PRESENT:

Mark Agle
Kevin O’Gorman
Bill Zittel
William Mahoney
Juanita Majewski

MEMBERS ABSENT:

Dr. Frank Meyer
Tony Weiss
Andrew Romanowski

GUESTS:

Greg Keyser (Engineer – CRA)
Mr. Dick Minekime
Mr. Thomas Ford
Pastor Larry King
Mr. Donald Lyndsley

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**Chairman Mark Agle called the June 30, 2015 Planning Board meeting to order at 7:02 p.m. Mark asked for a motion to approve the April 2015 minutes as printed and distributed. Bill Mahoney made a motion, Kevin O’Gorman seconded, hearing no further comments or corrections – Vote: all “Ayes” motion carried.**

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NEW & UNFINISHED BUSINESS:

1: Pre-submission for the former Katherine’s Restaurant Site.

Mark asked the applicant to explain to the Board what he would like to do with the former Katherine’s restaurant site.

Mr. Ford said that he understands that there is a special use permit that he will have to apply for to convert the former restaurant into a single- family dwelling. The change of use is needed so I can get a mortgage due to it being a commercial property at this time.

Mark asked the Town Engineer to provide comments about the proposal. Greg Keyser responded by saying that based upon his review, the property is in the Route 62, Hamlet Overlay district. This district envisions commercial uses in the area that you are in. The Code provides for a “single family dwelling” by Special Use Permit from the Town Board.

Mark said that because a Special Use Permit is required under the code, it requires you to go through the process. That is not an action of this Board but rather the Town Board. However that process can be started through either Board. The Special Use Permit process requires there to be a public hearing and also the submission of a site plan. You will need a survey of the property. That will suffice as the site plan as you will not be operating a business out of there so most of the criteria we would be required on a full site plan wouldn’t apply in your case (for example signage, lighting , parking, screening, etc.). We do need a survey which shows the building and improvements that are situated upon the premises as well as any additions or other changes that you may be proposing.

Mr. Ford said that a couple years down the road I would like to change the driveway but that is the only major change. I would like to replace windows some of which are missing in the house, paint falling off the house which may be lead paint, also the gutters on the property. I would just like to clean it up and get rid of the eye sore.

Mark said that he doesn't want to speak for the rest of the Board but he feels that there are no objections to the concept of returning the property back to its original use as a single family dwelling. It's just that you have to follow the procedure and, if approved, it is actually the Town Board that will issue the "Special Use Permit". We [the Planning Board] would then provide our input concerning your proposal to the Town Board for their consideration. The Town Board would then take our input, coupled with whatever feedback they get from the public hearing, and then render their decision regarding the granting of the Special Use Permit. If you receive the Special Use Permit it means that your proposed use has been deemed acceptable for the area. Then your application comes back to this Board for final site approval. Another component of the process is, because the property is located along NY State Route 62, we are required by law to make a 239-m referral. This means that your application also has to be sent for review to the NYSDOT and other agencies like the Erie County Department of Environment and Planning. They have a 30-day review window from the time they receive that information.

Greg Keyser said that, under SEQRA, this is listed as a **Type II** action and thus determined to be of little environmental impact and no further determination by the Board is needed. He also said he does not feel there will be any issues, you are taking a former commercial property and converting back into a single family dwelling.

Mark suggested to Mr. Ford that to expedite things, he can present his completed survey and application to either this Board or the Town Board (which ever meets first after your survey is prepared) and either Board can get begin the 239-m referral process. That will start the agency 30 day review clock in motion. In the meantime, the Town Board can have their public hearing. Likewise, we can provide our input to the Town Board so hopefully everything will marry back up by the end of the 30 day review period and things can then progress accordingly.

Mr. Ford asked how he would get a survey. Mark said to call the last surveying company that did the original survey and have them go out re-survey. They will verify if any changes have been made to the property or its improvements and re-issue the survey with a current date. If you don't have a copy of the original survey, any survey firm can be hired to perform the survey. Once you obtain the survey, provide it to Diane and she will know which Board to give it to first.

2: Baptist Church pre- submission

Mr. Donald Lyndsley, Chairman of the Board at the church stood up to address the Board. He showed a copy of the survey to the Board of the property to show them where they would like to place a pavilion. We would like to tear down the old garage that is 18 x 20 and put this pavilion building up. The total would be 46 feet long including the 8 feet of enclosure for storage. Our other thoughts for down the road, maybe 5 or 10 years from now we would like to maybe add on to this building and make it like a gymnasium. We were thinking of putting a concrete wall all the way around the outside 36 or 42 inches deep whatever the Code requires and then pour a concrete pad so maybe down the road we would have that in place so that if down the road we want to add on or enclose a portion, we could apply for a building permit.

Mark asked Greg Keyser if knew of any issues from the Code prospective.

Greg commented that since you do want to use some as storage it fits nicely into the permitted accessory uses within the zone.

Don Lyndsley said that they are not sure how high they want to go yet or if there are height restrictions? If we put 12 foot walls on the side would that be too high?

Mark commented that he thinks the height requirement in that zone is a maximum of 35 feet overall height for a building. However, you should have your design consultant consult with the building inspector on this point as that is a Code enforcement matter. Obviously your design would also need to take into consideration the proper design loads to anticipate any such future construction to make sure you have the proper support.

Don said that they will talk with an architect first.

Mark said you will need engineer or architect stamped plans and since you are going to have the public congregating there you want to make sure the trusses and everything are sized properly so you don't have a problem. As far as the use there is no issue with it.

Bill Zittel asked if the setbacks and side yards are good.

Mark replied: yes

Don Lyndsley said that they would put tables under pavilion to use for parties, vacation bible school etc.

Pastor Larry said that there is already power to the location.

Bill Mahoney asked about pole lighting in the parking lot and Don Lyndsley said they would have that all on the site plan.

Mark said that would have to go to the building inspector with your actual design plans in order to get a building permit. We are only approving the location and size, the concept.

Diane gave the applicant a demolition permit application to get them started on the old garage demo.

Greg Keyser said that it is less than 4000 sq. ft.

Don Lyndsley said that down the road we were thinking of putting up a gymnasium and it would not be any bigger than 50 x 80 which is 4000 sq. ft. so we could make that a few feet less when the time came.

Greg Keyser asked if the gymnasium would be attached to the pavilion.

Pastor Larry replied that it would be so they would not have two separate buildings.

Mark said we will deal with that if it ever comes to fruition, no need to complicate matters.

Mark asked for a motion to approve the plan for a pavilion, Seconded by Juanita Majewski: motioned carried, all "ayes"

Mark told the applicant to get his plans into the building inspector along with a permit application for the pavilion and storage shed.

3: Mr. Minekime – Eden Hamlet Streetscape Committee

Mark asked Mr. Minekime to tell the Board why he is here tonight. Mr. Minekime stated that he is representing the Eden Chamber of Commerce tonight. But, he is the Chairman of the Eden Hamlet Streetscape Committee, what we are trying to do is see if we can't get a more coherent aesthetic effect for the town. Buildings are so different and radical some are steel, brick, contemporary, Victorian and it's all sort of a miss mash. We keep referring to East Aurora as maybe the town we would like to emulate. The committee was put together to try to lobby to get whatever rules and regulations changed to see that that happens in the future.

The mission of the Eden Hamlet Streetscape Committee is to improve and enhance the general appearance of the community by working with the Town Board, department head employees as well as the Eden Community. We would like to carry a common vision to the structural development and aesthetic design objectives of the Hamlet area. These objectives will be accomplished through implementation facts and plans based on specific strategies, measures and goals as agreed upon in accordance with the historic character of Eden. What this amounts to is that they are going to re-do the Town Master Plan this year possibly. Our feeling is that probably when someone comes before this Board you may not have enough criteria in writing to be able to say "no we don't like the way that looks

or it ought to look more like this". Because, this Board is often the beginning point; it would be helpful when an architect starts a project, if they had something in writing that they could adhere to or at least aspire to.

Mark said to Mr. Minekime that you mentioned in the beginning about modifying rules and regulations things like that. This is essentially where this Board comes in, we don't make the rules we implement the ones that are in place. We are bound by the Code as it exists and then we try to follow the provisions as laid out. What the code does have, which kind of came up in the last Master Plan, is the "Hamlet Overlay" that Greg was talking about before. There are four zones in that overlay: the hamlet transition zone, the central business zone, the residential office zone, and the economic industrial development zone. In addition to sharing the general conditions of the overlay as whole, each of these zones have their own unique guidelines that we follow when reviewing applications. This is just one of the tools that we currently have available to guide us. They are very broad and give us latitude but there are no hard and fast rules or regulations.

Mr. Minekime said that they have looked at 3 or 4 different towns, and some of them get way too restrictive. Hamburg just went through a tremendous renovation it was 22 million dollars. We are not expecting to see that happen; our thought was to see if perhaps we could implement enough things to bring some consistency and some aesthetic pleasing results. Eventually over time, as new building happens and existing buildings get renovated, with the implementation of a certain group of guidelines; we could get a much more attractive town.

Mark said that he thinks that they are on the right track. If the Master Plan is going to be revisited in the near future, that's the perfect time to have these matters properly addressed. During the development of the current Master Plan the town identified several action items. As a result the Town Board incorporated the Hamlet Overlay. Perhaps in the next update of the Master Plan those provisions could be beefed up to include whatever specifics the town feels important without getting to restrictive on new development.

Mr. Minekime said that from his view point one of the things that would help a lot is, if we had in writing someplace, a guideline for design consultants to refer to before they even start design that would tell what types of construction and finishes and design features are preferred in each zone. For example, would you rather see a Victorian looking building here or more than a contemporary one? My prime example is the bank building. When it was built it was the most contemporary building in Western New York at the time and it is sitting next to a beautiful Victorian house. I thought that was a dirty shame then and they are still sitting next to each other. Time sort of blocks it out but that should of never had happened and it has been there for 40-50 years. That's what happens; once it's built it's essentially there forever.

Juanita said that sometimes they are very limited on other things like Dollar General. We couldn't do anything with that project because it was prior to the implementation of the Hamlet Overlay.

Bill Mahoney said that when Tim Horton's originally came in they proposed their traditional flat roof, plain Jane, box building. As did the Credit Union across the street, and there was enough within the current Master Plan and/or the Code that we could follow to encourage them to make the design changes that they did.

Mr. Minekime agreed, but said that the reason the architect, in both of those cases, came in with a box design first was because he read the Code specs and they weren't elaborate enough so he was going to get by with a box. Had the Code been clearer it may have saved him 2 or 4 months maybe?

Bill Mahoney replied that he probably would have come in with the same box anyway because it's probably a percentage cheaper to build it. You will ask for the cheapest most economical to have the most profits. My question to your committee is; based upon your efforts and review of other town's codes, what would you suggest that we change within our Code? There is a very fine line balance between being restrictive and being prohibitive.

Mr. Minekime said that they ran in to a few obstacles, one being that it is hard to get dedicated people that will work at this effort.

Juanita asked how many people on the committee?

Mr. Minekime replied right now there are 5 people: Ann Knack, Christina Abt, Allison Cardarelli, myself, and David Johnson who has been missing due to being too involved in his own business to dedicate any time anymore. We were trying to get some money through the foundation and they turned us down for that. We were going to hire a firm and they were going to dedicate some time and personal to spend a couple of days to come in with some ideas that we could present and kick them around. But we could not have that done since we could not get any money.

Mark said that he thinks everyone agrees it's a worthwhile objective and the results will not happen overnight. As Dick said about the bank building, once built, they are often here forever. Likewise, people don't turn over the houses along here that often either. We do struggle sometimes with our ability to implement the guidelines that we currently have within the Hamlet Overlay. As Bill said, the language of the Code talks about "preserving the character of the neighborhood" and things like that, but that is all very subjective. You've got varying types of construction in this area now. For instance, the Dairy Queen has been there along time, the bank that Dick already cited, and Dollar General all located in the Overlay area. So, when people come in and we say, "preserve the character of the neighborhood", they can always point to examples like those and say "I'm no worse than those so why are you picking on me?" To which we say, "they were all built before the Overlay went into effect" or "we have to start somewhere". Both of which are true statements but not the strongest position from which to enforce our guidelines.

Mr. Minekime said that the committee does not have a solution; we know that there are some things that are necessary and none of the committee members are experts at this. They all know that, if this is viewed by the Town as a worthy objective, something should be done to strengthen our Code so eventually the Community will have a more aesthetic pleasing look to it. I really feel good coming home to Eden but it could be a lot better looking. There are dilapidated buildings and there are excuses but even our new builds are not what they could be or our major renovations could do more to enhance the community. We want to know what we should do, or where we should push, or even if you want us to push? Do you agree that it needs to be done? We don't have any timeline with what we want to accomplished we just want to raise the level.

Juanita asked is part of your mission to re-hab existing buildings?

Mr. Minekime replied, no not at this point; I don't think you will get a law passed if you are talking about rehabbing that's my opinion. I think you start out by saying any new builds will adhere to this Overlay etc . . . etc. That's a start but within that you've got to have more particulars, more design standards. After that then you get someone who comes in and wants to remodel something, say there is a snow- storm the building comes down they want to rebuild. Now, they can't re-build it like it was because we have new laws and you have to build it more to these architectural standards or something.

Mark said that we are a little unique from some of those other villages (East Aurora, Orchard Park) in that they have concentrated business sections where our hamlet is more fragmented,. That is the reasoning for the four different zones within the Overlay.

Mr. Minekime said they have one street going thru their town.

Mark said that when you come south into our Hamlet area you have clusters of business then you have some residential, then you get more business, then you got a long stretch of residential, then more business, then back to residential, then lastly commercial as you leave the Hamlet area. It is not as homogeneous as some of those other communities and thus it is a little more challenging to put together a comprehensive set of criteria to steer development throughout the entire Hamlet area.

Mr. Minekime said they would like to see the town hire a firm and come back with suggestions. Our committee is not capable of doing this.

Mark replied: that's why I said if the Master Plan is going to be re-visited in the near future, that may be the most opportune time to try and address this issue as the Town will need to commit the necessary resources for such an undertaking.

Mr. Minekime said, maybe I'm asking if you think this is a good objective?, are you on board with the concept?, and do you as a Planning Board want us to keep lobbying to get the town to do this? would you as a Board endorse this and sort of push the Town Board too?

Bill Zittel commented that he didn't think that anyone would disagree; it would be nice if your group keeps doing the homework. Keep doing the pushing and keep figuring out when this Master Plan comes along I think of us as individuals and as a Board.

Kevin O'Gorman said that we have been trying to do this for years, we see where we could have done more and next time we try to do better. If you had a committee to get together to have some guidelines I think that would be very helpful.

Mr. Minekime said that we don't have the expertise we have to hire a firm; we do not have the money to do that.

Bill Zittel said that the Chamber is going to have to go to the Town Board.

Mr. Minekime said they tried the Community Foundation and that ran into politics, with my mouth and a few other things that it blocked.

Bill Zittel said not to give up on it we all think it's a good idea and the Master Plan is coming up.

Mr. Minekime said that he did go in front of the Town Board with this and I told them pretty much what I told you and I think no one is in opposition. A couple of them are for it but it is going to take a little pressure.

Mark said that whenever the Town as a whole is going to re-visit and address the Master Plan, that is key time to move this initiative into high gear.

Mr. Minekime asked the Board: What if the Chamber wrote a letter to the Town expressing how desirous this is, do you think that would get any action? Where do we start and stop?

Mark said why don't you put a suggestion box out at the Chamber display at the Corn festival and solicit input from Town residents only?

Juanita asked if they had an opportunity at the general membership drive.

Greg said that there is grant money out there for state highways.

Mark said that the Master Plan is intended to be a living document, one that needs to be updated and kept current with the times, and that's why it is visited every so often. The next time that the Town Board decides to revisit the Master Plan, is the time to really push this objective.

Mr. Minekime said that he felt everyone in this room is together on this one and would love any suggestions or ideas. Paul is president of the Chamber so you could go to him also anyone on the committee. Thank you for time and anything you think we could use for support or something, give me a shout and we will push on it.

Bill Zittel made the motion to adjourn the meeting at 7:50p.m. Seconded by Kevin O'Gorman. All "Ayes" motion carried.

The next meeting is tentatively scheduled for July 28, 2015 at 7:00 p.m.

Respectfully submitted

Diane Herzog

