

**Town of Eden
Planning Board Minutes
January 4, 2017**

MEMBERS PRESENT:

Bill Mahoney – Chairman
Dr. Frank Meyer D.D.S.
Bill Zittel
Brian Reed

MEMBERS ABSENT:

Juanita Majewski
Tony Weiss
Dr. Kevin O’Gorman M.D.
Andrew Romanowski
David Johnson

GUESTS:

Mr. William Drew Eckhardt Road sub-division
Mr. Donald Schreiber – storage facility
Mr. Richard Ventry – Town Council member

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**Chairman Bill Mahoney called the January 4, 2017 Planning Board meeting to order at 7:08 p.m. Brian Reed will be an acting member tonight due to the absence of a few members. Bill asked for a motion to approve the December 7, 2016 minutes as printed and distributed. Bill Zittel made a motion, Dr. Meyer seconded, hearing no further comments or corrections – Vote: all “Ayes” motion carried.**  
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NEW & UNFINISHED BUSINESS:

1: Schreiber – Self-Storage Pre-Submission Conference

Mr. Schreiber was asked what he would like to propose to do with his current self-storage facility. I am proposing 2 additions, extend the climate control building back 45’ to 105’ that building was on the original site plan. We would like to now include this at our site and the other building we would like would be the building labeled number 5 and number 8. There would be a separation between the two buildings by 5’; this separation would be covered by a roof system so there would be coverage between buildings.

Mr. Mahoney summarized Mr. Schreiber’s application: in 3 items

- Additions to the climate control building
- Build additional standalone storage buildings on the existing lot
- A subdivision of the property

Mr Schreiber explained he did talk to Mark Clark, Code Enforcement Officer, about the subdivision of the parcel to just get an idea if he should go ahead with that. After, Mark Clark looked at it; it did not seem like something they would pursue due to needing a frontage variance on it.

Mr. Mahoney then asked Mr. Schreiber about the drawings he submitted and asked about the future and original buildings. Mr. Schreiber showed the board on the site plan map. Mr. Schreiber told the board that they put some future buildings on the original site plan that was approved however these weren't shown as planned and shown on this drawing.

Mr. Mahoney went on to say you have clarified a few things for us in regards to your intention you are spot on about the division of the property.

- The 133' of frontage for this type of use in this zone would need a variance from the Zoning Board that would take a different process through that board if you decided to go that way. Based on your intentions to not subdivide at this time we will remove the subdivision request from your application.
- A Special Use Permit is in place, for this property but due to the fact the proposed buildings and addition weren't originally included they will need to be added and the you will need to go back through the site plan approval process.
- The Town Engineer has provided some preliminary comments these are all consistent with the Town code.
- You will need a Special Use Permit and site plan approval for the changes; it will be very similar to the process you went through originally.

Mr. Schreiber then asked the Chairman if the board is requiring additional work from me or are you just talking about more reviews from the planning board and town engineer?

Mr. Mahoney replied that the next part of the process would be site plan approval so based on that you would have to go through a full site plan and within that plan you would have to show how you would manage water and comply with the town code regarding site plan approval and the special use permit.

Mr. Schreiber said that when this project was designed it took into consideration water for the whole entire site. I guess all I would need is for Nussbaumer & Clarke to update the existing site plan and plot those two additions.

Mr. Mahoney said that you would come back in front of this board for a preliminary site plan review and then onto a final approval. It should be a very straightforward process. You can give your engineer Greg Keyser's number, our Town Engineer if they have any questions. The process includes a public hearing, which is set through our Town Board. Mr. Mahoney asked Mr. Schreiber to talk to his engineers and if a complete submission is received in accordance with the town code we can do this concurrently with the Town Board and get you on our agenda and theirs so your project can be reviewed as fast as possible.

**PUBLIC HEARING: 7:15 PM – 4446 Eckhardt Road Major Subdivision –
Mr. William Drew**

7:16pm start time

Chairman: “At this time we have scheduled a Public Hearing on the matter of (*Drew Major Subdivision*). It should be noted that no action or decision will be made on this matter tonight but rather, the purpose of this hearing is to take public input which will then be carefully considered, along with other factors, by the Board in our deliberations.”

Chairman: The applicant has provided the board a sketch plat that is on display here tonight. The project consists of dividing a single lot into 5 lots as shown on the drawing.

Chairman: “At this time, I would ask the applicant if *he* would like to provide any additional project details or explanations beyond that which I just provided?” *Mr. Drew did not have any additional information to provide at this time.*

Chairman: “Does the Board have any comments or questions for the applicant at this time?”

The board had no additional comments at this time.

Chairman: “Before we begin I would like to review the format for this hearing:

- It should be understood that this is not a debate but rather an opportunity for the public to provide input regarding this project or to raise any issues or concerns that you think the Planning Board should be aware of in our consideration of this proposal.
- Speakers will be required to come forward and clearly state your name and address for the record.
- So at this time, we will take your input at this time.”

Chairman: **“I now DECLARE THIS PUBLIC HEARING OPEN.”**

Chairman: “The public comment portion of the hearing is now open and I would ask that anyone wishing to speak either for or against this project, please be recognized:

1. Debra McCall - 4487 Eckhardt Road - Concerned about drainage onto her property, taking water from both sides of the street is unfair and the water table is very high in that area.
2. Phil Muck – 2763 Oakland Drive - Property behind the two parcels, the L shape what will it be used for? Mr. Mahoney replied it is currently vacant land attached to the existing house per the site plan in front of the board.
3. Mr. Greica -4570 Morningside Drive - Concerned about drainage onto his property his sump pump runs all the time even through the drought of this summer.
4. Ian Cader - 7052 West Lane - Concerned about the two new lots and the drainage it would create.
5. John Callahan – 7056 West Lane - Drainage concerns plus his sump runs every 4 minutes every time it rains.
6. Craig Vogel - 4197 Eckhardt Road – what is the minimum acreage for a home with septic? Mr Mahoney said off the top of his head he could not answer that question but it is attainable through the town code and the Erie county.

7. Tom Snyder - 4540 Eckhardt Road - Concerned with more traffic as a cut thru and if there will be a superficial increase in value of houses and taxes.
8. A question was asked about what is Agricultural District number 2 from the November minutes and it is correct? Mr. Mahoney replied it is an overlay of many different zoning types with in a district.

Chairman: Does anyone else want to be heard?

Chairman: “Based upon the input of the public, does the Board have any follow-up questions of the applicant at this time?”

The board had no additional comments or questions

Chairman: **“I now DECLARE THIS PUBLIC HEARING CLOSED.”**

Mr. Mahoney thanked the residents for coming tonight and voicing their concerns and that the planning board will take all comments into consideration while reviewing this application.

Interviews for planning board members

The Eden Planning board’s designated representatives along with Town Board Liaisons interviewed four applicants for three openings and this was the resulting vote to be recommended to the Town Board:

- **William Zittel – serve another 7 year term**
- **David Johnson – serve another 1 year term as an alternate**
- **Brian Reed – serve another 1 year term as an alternate**

Mr. Mahoney thanked Mr. Eppolito and if there were ever an opening on our board he would be considered for the position.

The Town Board will review our recommendation and let this board know the outcome of their decision.

Bill Mahoney made a motion to approve the three candidates for Eden Planning board, William Zittel, David Johnson and Brian Reed. Seconded by Dr. Meyer. All “Ayes” motion carried.

Solar Code legislation – Drew Reidel – discussion/review

- Mr. Drew Reidel – the code review committee chair explained that the Town Board – asked the code review committee to look into solar code and what follows is a suggested code update. The code review committee wants comments from the planning board accordingly. Mr. Drew went on to explain the code and what follows are comments from the planning board.
- The planning board would like to thank Mr. Reidel for all of his and his committees efforts and hard work drafting this new code.

- Page 2 B. a review needs to be done to ensure the covered zones are consistent with Eden code. Possible remove SR and Conservation overlay areas and replace them with Creekside overlay?
- Page 2. 200-201 B. all other special use permits are granted by the town board therefore we would suggest this code remain consistent with that and changes made to this document accordingly.
- Aesthetics not covered in legislative – Hamlet overlay district considerations need to be reviewed and incorporated. Placement of the panels and within each zone needs to be considered and reviewed. This code needs to be consistent with the comprehensive plan and its current intent.
- Reflection of these panels on to neighboring properties needs to be considered.
- Access by emergency services needs to be considered
 - Eden Fire Dept. – should provide input
- Roof top, ground mount or building mount – roadside, rear lot, side roof, location needs to be clearly defined
- Reflection not onto neighboring properties
- Is the bond- security for removal – in today’s dollars or should it be projected at an inflated rate for the removal 25 years from today?
- The overall arching comments from the planning board is the suggesting that this code remain consistent with the intent of the comprehensive plan and current regulations.

Mr. Mahoney made a motion that the Planning Board has commented on the Solar Legislation proposal and would like this code to remain consistent with the intent of the Master Plan and the Town code. Seconded by Bill Zittel all “Ayes” motion approved.

REPORTS: NONE

ANNOUNCEMENTS:

All members have satisfied their required training hours for 2016.

Bill Zittel made the motion to adjourn the meeting at 8:29p.m. Seconded by Dr. Meyer. All “Ayes” motion carried.

The next meeting is tentatively scheduled for February 1, 2017 at 7:00 p.m.

Respectfully submitted,

Diane Herzog