

**Town of Eden
Planning Board Minutes
November 1, 2017**

MEMBERS PRESENT:

**Bill Mahoney – Chairman
Dr. Kevin O’Gorman M.D.
Bill Zittel
Brian Reed
David Johnson**

MEMBERS ABSENT:

**Andrew Romanowski
Tony Weiss
Dr. Frank Meyer D.D.S.**

GUESTS:

**Ms. Renee Allen – Catering Business
Richard Ventry – Town Council member
Greg Keyser – Town Engineer
David Rice – Asst. Code Enforcement Officer/Town of Eden Fire Inspector**

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**Chairman Bill Mahoney called the November 1, 2017 Planning Board meeting to order at 7:04 p.m. David Johnson will be an acting member tonight due to the absence of a few members. Bill asked for a motion to approve the October 2017 minutes as printed and distributed. Bill Zittel made a motion, seconded by Dr. O’Gorman; hearing no further comments or corrections – Vote: all “Ayes” motion carried.**  
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NEW & UNFINISHED BUSINESS:

1. PRE-SUBMISSION – RENEE ALLEN – 8593 DEPOT STREET

Ms. Allen explained to the board that she has had a restaurant, food truck and catering business for the past seven years. In August of 2017 there was a fire at the restaurant. I have temporarily closed it until I can get something new going. My plan is to ditch the restaurant and focus on the catering aspect. I would like to build a building in my backyard. My survey shows where the building would be placed. I met with the building inspector to make sure it would meet with the property line setbacks. I’m working with an architect also but do not have official drawings as of now.

Bill Mahoney stated that we do have comments from our Town Engineer and based on the Code Enforcement Officers review you are in the General Business District as a whole. The issues are that the lot that you reside at is a non-conforming pre-existing lot, but the primary function of the lot is a Single-Family Residence. So, based on the building inspectors’ interpretation of the code is basically saying that the catering building would be an accessory type building. That Accessory Building based on the General Business District you are in is the governing factor to the setbacks and permeable surfaces of the lot. Based on the dimensions of the lot you are at .12 acre and about 37% of that is currently under hard surface. Because of that you are outside the bulk requirements, so you will need to get a Zoning Board of Appeals Variance, that is the next step. Once you receive a variance then the Planning Board can review your site plan and comment. The site plan process will remain with the Planning Board and we have a reference sheet for your architect so that you have a complete application. It also will

reference sections of the Town Code like 225-30, 225-15, 225-18, 225-15.1 and those will give you some of those requirements in regards to design. The one thing we would ask you to do is to verify any parking requirements with the Building Inspector. Providing the Zoning board approves the variance the site plan is all identified with in our Town Code. Regarding the SEQR process it would be classified based on a 384sq. ft. accessory structure with an area variance the development coverage is not exceeding any type one thresholds and meets the definition of type II action under SEQR so the applicant would be recommended to fill out the Short Environmental Assessment Form as part of the Site Plan Application. Since this project is within 500' of County Route 32 (West Church Street) we will need to provide a 239m referral to Erie County for any comments or recommendations. The County is given a 30- day period for their review and we cannot give you final approval without that 30- period expiring. Ms. Allen will need to apply for her building permit for the Acc. Structure, have that denied by the building department then fill out an application to the Zoning board for an Appeal.

2. FEE SCHEDULE REVIEW

The Planning Board had a lengthily discussion of the Town of Eden Fee Schedule.

These are the recommendations to the Town Board:

Under “Site Plan Review fees” eliminate D. (3)

Disturbed Acres to be changed to read:

Less than 1 acre	\$250
1 acre to less than 2 acres	\$500
2 acres to less than 3 acres	\$750
3 acres to less than 4 acres	\$1000
4 acres to less than 5 acres	\$1500
5 acres to less than 6 acres	\$2000
Over 6 acres	\$2500

Building Permit Fees:

- Tower Co-location \$250 to \$1000
- Planning board hearing \$125 to \$250

Recreation Fees: Per Dwelling Unit

- Multi Dwellings \$750
- Cluster Dwellings \$750
- Mobile Home Park \$750

Subdivision Fees:

- **Major Subdivision**
 - Sketch Plan \$250
 - Resubmission \$125
 - Preliminary \$250 + \$15/lot
 - Resubmission ½ of preliminary cost

- Final \$250 + \$10/lot
- Resubmission ½ of Final Plat
- **Major Subdivision w/public improvements**
 - Sketch Plan \$250
 - Resubmission \$125
 - Preliminary Plat \$500 + \$30/lot
 - Resubmission ½ of preliminary cost
 - Final Plat \$500 + \$20/lot
 - Resubmission ½ of Final Plat

We also ask the Town Board review the Special Use Permit fees and look into possible percentage of fees for Town Engineering.

3. Planning board Interviews

Two members volunteered to be on the interview board.

- William Zittel
- William Mahoney

The interviews will be set up and the Town Board members will be present also, we have two interviews to do. Dr. Kevin O’Gorman has been a member since January 4, 1990 and also a resident Mr. Scott Green has applied. Mr. Joe Eppolitto was interviewed last year and is still interested in the board. David Johnson was interviewed last year, he will step down from position (time constraints) but if no one applies would gladly stay on.

4. Training Requirements

Tonight’s review and discussion of the Fee Schedule for the Town of Eden will go towards members in attendance for 1.5 hours of training. Bill Zittel handed in approved training documentation, David Johnson was asked to provide documentation and Brian Reed was approved for training for all the time spent on the Solar Law. (TBD)

REPORTS: NONE

ANNOUNCEMENTS: Mr. Galati has agreed to do a Change of Classification to all Storage for his building at 8800 South Main Street.

Bill Zittel made the motion to adjourn the meeting at 8:56 p.m.: Seconded by Brian Reed. All “Ayes” motion carried.

The next meeting is tentatively scheduled for December 6, 2017 at 7:00 p.m.

Respectfully submitted,
Diane Herzog