

TOWN OF EDEN – PLANNING BOARD MINUTES
EDEN TOWN HALL – 7:00PM
AUGUST 1, 2018

MEMBERS: William Mahoney – Chairman
PRESENT: Andrew Romanowski – Vice Chairman
Frank Meyer, D.D.S.
Scott Green
EXCUSED: Brian Reed, Joe Eppolito, Tony Weiss, Dave Johnson, Bill Zittel
OTHERS: Town Council – Susan Wilhelm
Daniel Canfield – DC Farms, LLC
Peter Sorgi – Mr. Canfield’s Attorney
Dr. Kirsten Riester – Pre-Submission – 2763 W. Church St.
Don Schreiber – Public Hearing and Site Plan Review -8750 S. Main St.
Kristen Kent – Zoning Board Chair

Due to prior commitments from other members who could not attend this evenings meeting, Scott Green will be an active voting member tonight.

Minutes from last meeting

Dr. Frank Meyer made a motion to approve the minutes of July 10, 2018 meeting. Seconded by Andy Romanowski; All “Ayes” motion approved.

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**PUBLIC HEARING – SCHREIBER & WINKELMAN MINOR SUB-DIVISION**

Public Hearing open\_at 7:00 pm –

**Legal Notice**

**Application of Schreiber & Winkelman for Final Plat approval of a Minor Sub-division at 8750 South Main Street in the Town of Eden, County of Ere, State of New York into three sub-lots created within SBL# 238.11-6-37. Lot 1 will have the Self-Storage Business, Lot 2 will have the existing plaza and Lot 3 will be a vacant parcel of land.**

Chairman Mahoney - Mr. Schreiber has been in front of this board previously with his Preliminary Plat to which this board gave him guidance as to what we would expect to see on his Final Plat. The board talked about identifying drainage easements between parcels 1 & 2, identifying a common driveway access for parcels 1 & 2, and showing the sanitary and water

lines. It appears that Mr. Schreiber has completed all the things we had asked of him for the Final Plat submission.

The purpose of this hearing is to take input from the public as well as considerations from board members.

Public Hearing closed 7:05 pm- no comments from audience

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1. Final Plat sub-mission - 8750 S. Main Street – Schreiber & Winkelman, Inc.

Chairman Mahoney - we did receive comments back from Erie County Planning and they said this is a local planning concern so no comments on the overall project. The Town Engineer, GHD came back and said the Final Plat Drawing appears to be in substantial conformance with everything we had asked for. The County Health Dept. Endorsement replied that the proposed subdivision is serviced with public water supply by the Erie County Water Authority and sanitary sewers by Erie County Sewer District 3. Therefore, endorsement by the Erie County Health Dept. is not applicable. The proposed lots are numbered in accordance with the Town Assessor’s Office. A Storm water Pollution Prevention Plan (SWPPP) is not required since the proposed subdivision is separating existing uses and does not involve any construction, development or the physical alteration of land.

Mr. Mahoney made a motion for a Negative Declaration under SEQR. Seconded by Mr. Romanowski; All “Ayes” motion approved.

Mr. Romanowski made a motion to approve the Final Plat for the Minor Sub-Division at 8750 S. Main Street, consisting of 3 lots. Lot 1 consists of the Self- Storage building, Lot 2 is the existing plaza and Lot 3 will become a vacant parcel. Seconded by Mr. Mahoney; All “Ayes” motion approved.

2. Pre-Submission – 2763 West Church Street – Dr. Kirsten Riester

Ms. Riester is here tonight for a Pre-Submission for an alteration to her existing Dental business at 2763 W. Church Street. Ms. Riester explained to the board what she would like to do to her property: Andrew Gow from Nussbaumer & Clarke is the Engineer for the project

- Expand the parking lot and add lighting
- Connect the existing building to garage via breezeway hallway

- Garage will be converted into employee work space
- Increase office interior space
- New sign
- Office exterior and new paint

Chairman Mahoney explained how the process works and how to get started with a Site Plan. There is a checklist your engineer can follow or they can also refer to our Town Code online. The Town Engineer, Greg Keyser or Jesse L. Baker can answer any question you or your engineer has. If you need a variance for what you would like to do the Code Enforcement Officer can explain that process, if it is needed?

Jesse Baker, Code Enforcement Officer asked the applicant if she could contact him before she actually makes the purchase of land to make sure both lots are compliant with our Bulk Requirements. Ms. Riester was asked if she could get a survey from her neighbor whom she would like to purchase the land from so that the Code Enforcement Officer can make that determination.

3. DC Farms NY LLC – 7800 Bley Road – Commercial Farming Operations

Chairman Mahoney gave the history of Mr. Canfield's on- going process to be able to be compliant with our Town's Zoning Regulations. Mr. Canfield was told to apply for a Special Use Permit in February 2018. Then the Town Board referred the application to the Planning Board. The Planning Board had a pre-submission conference in March 2018 with Mr. Canfield at that time there were no plans for any growing of landscape stock so it was determined to be a Zoning Board of Appeals variance issue. Mr. Canfield then applied to the Zoning Board of Appeals for a variance and the application was withdrawn. Now, Mr. Canfield's attorney, Peter Sorgi is here tonight to explain how his client would like to pursue a Commercial Agricultural Operations use.

***Mr. Romanowski recused himself from any decisions this evening for DC Farms LLC, since he does business with both the applicant and the firm that represents Mr. Canfield.*

Mr. Peter Sorgi representing Mr. Canfield explained to the board that his client owns 29.1 acres at 7800 Bley Road. Out of that 29.1 acre parcel my client has determined that the back 14 acres would remain vacant and the existing front 15 acres would be used in the following manner;

Primary Use: “Commercial Farming Operation”, consisting of existing crops and proposed planting and farming of trees, shrubs and plants to be utilized for off-site landscaping projects, consisting of 13.5 acres.

Accessory Use: Parking, loading and use of barn for utilization of on-site agricultural products for off-site landscaping projects; consisting of 1.5 acres.

As the plan shows, the parking has been removed from east of Bley Road to the main parcel to the west of Bley Road. There will be no more parking across the street. Additionally, a fifty foot buffer is proposed bordering 7784 Bley Road.

The property is zoned Agricultural. Commercial Agricultural Operations is the primary use of the land to be utilized for this project and is an expressly permitted use in the Agricultural Zoning District. The accessory uses are expressly permitted accessory uses as well. Moreover, the project is consistent with the Comprehensive Plan as it expands and preserves agriculturally utilized land, maintains a rural quality of the area and it fosters economic activity. Finally, there will be no office at this site.

Chairman Mahoney reminded Mr. Canfield that he was asked back in March not to park employee vehicles across the street and that has continued until now. Mr. Canfield replied that as of today there will no longer be any parking across the street. Chairman Mahoney mentioned that he has been informed that Mr. Canfield has stopped burning brush as asked back in March. At the last planning board meeting you told the board that your brother works on cars and would like some space in the barn to do that is that going to continue? Mr. Canfield replied that the barn will be dedicated to the agricultural operations.

Mr. Canfield told the board that the front acreage will be broken up into quarters for his nursery production so he can plant varieties of shrubs and trees. The nursery production will turn over every 3 years. The time frame for the nursery would be to order the stock in December and planting around the middle of April. Mr. Canfield was asked about irrigation of the trees and shrubs and he told the board there is no on site source of water but he is good friends with Russ Gullo and he has told me there are a couple different ways to keep things watered. Mr. Canfield also told the board that there is a natural spring in the back portion of the property, possibly installing a pond in the future if needed.

Chairman Mahoney – the primary use of this parcel is for raising crops and that is in compliance with our Town Code for this district, no site plan is needed for this. The Planning Board has nothing to offer you since you are in compliance with the primary use. We shared our thoughts

with you and just continue to comply with the building codes, provide the 50 feet buffer you committed to install and be a good neighbor.

Ms. Wilhelm asked the Code Enforcement Officer if there have been any recent complaints about the property and Jesse Baker replied that the only complaint was that there shouldn't be any business at that location.

Mr. Sorgi wanted to tell the board that his client is more than willing to file a deed restriction with the Town for the reason of abiding by rules: It was then decided that Mr. Sorgi will put a letter together to give the Code Enforcement Officer about exactly what we are doing. If my client does not do it then I'm sure there will be violations that come out of it that need to be addressed and complied with.

REPORT: Comprehensive Master Plan

The committee has met with Brian Kulpa and there is a need to reach out to outside consultants. Supervisor Hartman is trying to pursue different funding sources to help put that in place so we have taken a small time out. There will be an update on when things will start up again.

ANNOUNCEMENTS

Code Review Meeting will be held August 7, 2018 @ 7 pm always looking for volunteers and your time can be used towards your required training.

Dr. Meyer made a motion to adjourn the Planning Board meeting. Seconded by Scott Green; All "Ayes" motion approved.

The next deadline for September's meeting is August 21, 2018

The next meeting is tentatively scheduled for September 5, 2018 at 7:00 p.m.

Respectfully submitted

Diane Herzog

Secretary Eden Planning Board