

TOWN OF EDEN
ZONING BOARD OF APPEALS
2795 EAST CHURCH ST, EDEN, NY 14057

PUBLIC HEARING DATE: August 15, 2019

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Philip Muck
Joseph Winiecki
Drew Riedel
Douglas Scheu

BOARD MEMBERS EXCUSED: Candice Pineau
Curtis Neureuter

APPLICANT: Mr. Daniel Pineau

CODE ENFORCEMENT OFFICER: Jesse L. Baker

RESIDENTS PRESENT: None

RE: **Appeal No. 2019-7**
Mr. Daniel Pineau
3133 Bley Road

Ms. Kent called the hearing to order at 7:09 p.m. and requested comments on the June minutes. Mr. Winiecki made a motion to approve the minutes from the June 20, 2019 meeting; this was seconded by Mr. Muck; all members present voted "Aye". The minutes were approved.

Ms. Kent then read the Legal Notice for this matter published in the "The Sun":

Pineau: Application for a special use permit for a home occupation, for a landscaping business at 3133 Bley Road, under Code section 225-44.

Ms. Kent then invited the applicant to explain the reasons he applied for a special permit.

Mr. Pineau said would like to use his home address to store equipment for his landscaping business: a skid steer, dump trailer and mowers. All large equipment would be stored next to the garage which is not visible from the road. Smaller equipment/hand tools would be stored inside the garage. Inside the home - a small desk area could possibly be used as an office in the future. This area would not exceed 15% of the home's square footage.

Mr. Pineau was then asked questions by Ms Kent related to the requirements for a special permit (*his answers are in italics*):

Will this alter the character of Bley Road? *No, nothing will be visible from the road.*
Would it create any traffic hazards? *No, I have a U shaped driveway so there will be no need to back equipment in from the road.* **Will your storage create noise, odors or glare?** *No, operation of the equipment will not take place on the property.* **Will you be making repairs to equipment on the property?** *Nothing out of the ordinary, the noise level would be nothing more than that of the average mower.* **Would the storage negatively affect the welfare of your neighbors, or decrease**

property values? *No. Once again, everything will be out of sight. There will be no permanent structures and no signs.*

The board then reviewed other questions with Mr. Pineau about his property use, including winter storage (it would be stored in the same location, next to the garage, he said). He doesn't have any covered trailers/box trailers at this time, but might in the future.

Mr Riedel explored whether the landscaping business is for residential customers only, and whether materials storage will occur on the property. Mr. Pineau indicated his work is residential now, but he might have commercial customers later. He has no plans to store mulch, stone, etc.

Ms. Kent and Mr Scheu asked whether employees will park their vehicles during the workday (if his business expands and he hires workers; presently he works alone). Mr. Pineau said future employees could park next to the garage, not visible, but if the business grows enough he would rent land elsewhere to store equipment and accommodate day parking.

Mr. Riedel asked about disposal of job site debris – all wood branches, grass clippings, concrete etc. will be disposed of using an outside company.

Mr. Riedel and Mr. Scheu expressed concern about whether the business will include storage of “bulk” landscaping materials such as mulch and stone, and Mr. Pineau indicated his property won't be used for that.

Mr. Riedel made a motion to grant a special use permit for a home occupation at 3133 Bley Road for commercial and residential landscaping projects, with the condition that no bulk storage is allowed at the property. Ms. Kent seconded the motion, and upon a unanimous vote by the board, the motion was approved.

The meeting was adjourned at 7:40 pm.

Respectfully submitted,
Jen Crowe, Secretary Eden Zoning Board of Appeals August 20, 2019

The above minutes were reviewed and approved on October 17, 2019 by

Joe Winiecki and Phil Muck