

## Town of Eden - Planning Board Minutes

June 3, 2020 7:00 pm

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Due to the COVID-19 Pandemic this meeting was held virtually through GoToMeeting.com. The meeting link was made available to the public so that they had an opportunity to listen.

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**MEMBERS** William Mahoney, Chairman  
**PRESENT** Andy Romanowski, Vice Chairman  
Brian Reed  
Frank Meyer, DDS  
Joseph Eppolito  
Bethany Fancher-Herbert  
Dave Brodzinski  
**ABSENT:** Tony Weiss  
Bill Zittel  
**OTHERS:** Town Engineer – Dave Johnson, Brian Kulpa  
Town Attorney – Bill Trask  
Code Enforcement Officer – Dave Rice  
Nexamp – Alex Curlin, Ari Goldberg, Michael Cucchiara

### **Minutes from last meeting:**

**Dr. Meyer made a motion to approve the minutes of the December 4, 2019 meeting. Seconded by Bethany; Motion approved unanimously.**

### **Welcome new member:**

Board members welcomed Dave Brodzinski, new alternate Planning Board member.

### **Review proposed changes to the ‘Schedule of Fees’ from the Code Review Committee:**

Dr. Meyer is the Chairman of the Code Review Committee and he led the group in discussing the proposed changes to the Schedule of Fees. The goal is to simplify and streamline the way the schedule is written, hoping to make it easier to understand. Suggestions include:

- Creating minimum fees or flat fees for Building Permits as opposed to fees that involve calculating square footage
- Utilizing an escrow account with money up front for businesses that are proposing large projects to the Town, this would alleviate the extra costs that the Town may have to absorb in engineering fees and legal fees.
- Creating a separate application for a split/merge of property
- Adjusting fees for major and minor subdivisions
- Grouping solar and wind tower fees together

Board members discussed the proposed changes, most of the suggestions were found to be favorable. The Board recommended that the Code Review Committee work on the wording for how the escrow account would be handled – identify what fees the escrow will cover and when would the remainder of the account be returned to the business owner.

### **Nexamp / Eden Solar – SEQR Draft Scoping Document:**

The Draft EIS (Environmental Impact Statement) was received by the Town on May 4, 2020.

- No additional comments were made by the Town Engineer
- Mr. Trask, Town Attorney, stated that the Planning Board as Lead Agency has 60 days to provide a final written scope – addressing anything that they feel is missing from the draft
- Bill Mahoney read the comments that were received from involved agencies - Erie County Department of Environmental Planning, NYS Department of Environmental Conservation and Lamont Beers, Chairman of the Eden Conservation Board.

The Board discussed the document and its details were compared to the information in part 2 of the Long EAF which was completed in September of 2019.

The Planning Board recommended the following changes be made to the Draft Scoping Document:

Additions to Agricultural Land Access:

- Excavation or compaction of the soil profile of active agricultural ground
- Irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres in agricultural district #8
- Disrupt or prevent installation of an agricultural land management system
- Result directly or indirectly in increased development potential of pressure on farmland

Additions to Post-Construction Methods, best practices:

- Guarantee of low-cost power to farmers
- Decommission of equipment
- Environmental impact of equipment

Addition to Aesthetic Resources – visibility/view:

- Increase distance from ½ mile to 1 mile
- Diminishment of the public enjoyment and appreciation of the designated aesthetic resources

Changes to Potential Impacts and Mitigation Measures:

- Increase distance from ½ mile to 1 mile

Changes to Community Plans – Existing Conditions:

- Remove Eden 2015 Comprehensive Plan – October 11, 2000
- Add Erie-Niagara Framework for Regional Growth

Additions to Zoning:

- Inconsistent with local land use plans or zoning regulations
- Proposed land use components are different from or in sharp contrast to current surrounding land use patterns
- Inconsistent with any County plans or other regional land use plans
- Density of development that is not supported by existing infrastructure or is distant from existing infrastructure
- The area is characterized by low density development that will require new or expanded public infrastructure
- Induce secondary development impacts either commercial, residential or additional solar fields
- Remove Town of Eden Zoning Chapter 172: Solar Energy Systems — July 12, 2017

Additions to Community Character – Existing Conditions:

- Replace or eliminate existing facilities, structures, or areas of historic importance to this community
- Interfere with the use or enjoyment of officially recognized or designated public resources

- Inconsistent with the character of the existing natural landscape
- Increase distance from ½ mile to 1 mile

Changes to Potential Impacts – Facility/Services and Landscape-Architecture:

- Increase distance from ½ mile to 1 mile

Addition to Unavoidable Adverse Impacts:

- The potential for the permanent loss of farmland

Addition to Irreversible and Irretrievable Commitment of Resources:

- Add Agricultural lands

Changes to Growth Inducing Aspects:

- Remove “if necessary” and “possible”
- Add capacity of existing infrastructure and the need for new / improved infrastructure

In conclusion, the Planning Board will finalize these comments and submit a draft to the Town Engineer and Town Attorney seeking final comments and recommendations. Once all comments are received, the Planning Board will prepare the Final Draft Scoping Document to be returned to Nexamp by the end of June.

**Review proposed Outside Dining Permit process:**

Brian Kulpa proposed a plan to issue temporary permits that would allow restaurants to expand outdoor seating while maintaining social distancing protocol. Given the unprecedented situation caused by COVID-19, the economic implications to restaurant owners and employees, and the social desires of restaurant patrons, the Town would temporarily suspend zoning requirements to allow for exterior dining areas for existing established restaurants that currently have seating. The restaurant owner must provide a legible dimensioned plan that meets all requirements and shall include a detailed seating plan and any barrier protection from vehicles.

Board members discussed the plan and the following recommendation was made:

The Planning Board of the Town of Eden reviewed the proposed Guidelines for ‘Temporary Outside Dining Permit’. The Planning Board supports the adoption of the plan by the Town of Eden, we suggest the town board and building department determine what the appropriate fees should be and ensure each plan maintains public safety.

**Dr. Meyer made a motion to adopt the plan as proposed, seconded by Brian Reed; Motion approved unanimously.**

**Dr. Meyer made a motion to adjourn the Planning Board meeting. Seconded by Bethany; Motion approved unanimously.**

The next meeting is tentatively scheduled for July 1, 2020 at 7:00 pm.

Respectfully submitted,  
Jen Crowe  
Secretary Eden Planning Board