

**Town of Eden - Planning Board Minutes**  
February 3, 2021 7:00 pm

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.

- MEMBERS**

William Mahoney, Chairman
- PRESENT**

Andy Romanowski, Vice Chairman  
Brian Reed  
Frank Meyer, DDS  
Joseph Eppolito  
Bethany Fancher-Herbert
- EXCUSED:**

Dave Brodzinski  
Bill Zittel
- ABSENT:**

Tony Weiss
- OTHERS:**

Town Council - Susan Wilhelm, Richard Ventry  
Code Enforcement Officer – Dave Rice  
Applicant – Tyler Gallman  
Applicant – Don Schreiber

Mr. Mahoney called the meeting to order at 7:00pm

**Minutes from last meeting:**  
**Mr. Romanowski made a motion to approve the minutes from the January 6, 2021 meeting. Seconded by Mr. Eppolito; Motion approved unanimously.**

**Tyler Gallman – 2235 Carpenter Road Pond Permit:**  
Tyler Gallman submitted pond plans from Erie County Soil and Water for 2235 Carpenter Road. The proposed pond is 135’ x 125’ and is intended for recreational use. The plans were reviewed by the Planning Board and the Town Engineer. Mr. Mahoney stated that the plans submitted are lacking a site plan, test pit data and a watershed map. These documents, when prepared, can be submitted and approved via email.

**Schreiber & Winkelman Inc. – Sonnybrook Subdivision Phase III Part 2:**  
Don Schreiber Jr. was present to represent Schreiber & Winkelman for the proposed subdivision pre-submission conference. They are proposing a major subdivision of four lots at 1 ¼ acres each as opposed to the original 26 lot proposal from 2003, which presently is left with 14 undeveloped lots. Mr. Schreiber stated that the cost to develop a lot today has significantly increased since 2003 which is why they are proposing the four lots as opposed to the original 14 lots remaining.

Mr. Mahoney reviewed the history of the Sonnybrook Subdivision (**see attached documents**) which began with Phase I in 1989, Phase II in 1990 and then Phase III in 2003. Questions were raised about the current site plan submitted and the fact that part of the property that was approved for the subdivision in 2008 is not included in this proposal. Mr. Schreiber explained that he is under contract with a neighboring resident on Hillbrook Drive to split and merge a portion of the property, lots 7,8 and 9, to them. Mr. Mahoney stated that the site plan does not show the whole picture. Furthermore, a split and merger would not be appropriate in this situation. Why not include lots 7,8 and 9 in the site plan, these lots are part of this major subdivision and should be included. Discussion continued in regards to lot frontage requirements, sewer and water extension, utilities and size of the turnaround areas.

The Planning Board concluded that Mr. Schreiber’s submission was incomplete. Mr. Mahoney stated that the following items will be necessary for a resubmission. A full site plan showing all of the property, to include lots 7,8,9 and 21. The full long form of SEQRA and a storm water pollution prevention plan.

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

The next meeting is tentatively scheduled for March 6, 2021 at 7:00 pm.

Respectfully submitted,  
Jen Crowe, Secretary  
Town of Eden Planning Board

## **Sonnybrook Subdivision - History**

### **I Sonnybrook Phase I** (Hillbrook and E. Pleasant almost to Sonnybrook)

- 1/13/1989 Final Plat approved by the Planning Board (**see attachment 1**)
- 9/15/1989 Final Plat filed with Erie County Clerk

### **II Sonnybrook Phase II** (Hillbrook from Sonnybrook to current location and Randall Place)

- 12/6/1990 Final Plat approved by the Planning Board (**see attachment 2**)
- 12/21/1990 Final Plat Filed with Erie County Clerk

### **III Sonnybrook Phase III** (Parts 1, 2 & 3)

- 1/1/2003 Proposed Final Plat submitted (**see attachment 3**)
- 1/8/2003 SEQR submitted (**see attachment 4**)
- 5/1/2003 Planning Board declared a negative impact for Phase III (**see attachment 5**)
- 7/1/2003 Erie County Water Authority declared a water moratorium
- 1/1/2008 Water moratorium was lifted
- 5/27/2008 Final Plat was approved (**see attachment 6**)
- 11/19/2008 Town Board Resolution accepting Sonnybrook Phase III (**attachment 7**)
- 12/15/2008 Part 1 Final Plat approved by the Planning Board (**attachment 8**)
- 12/15/2008 Part 1 Final Plat filed with Erie County Clerk

## **Sonnybrook Subdivision - Current Proposal**

### **IV Sonnybrook Phase III** (Part 2)

- 1/21/2021 Proposed Preliminary Plat submitted (**see attachment 9**)
- 1/21/2021 SEQR submitted (**see attachment 10**)
- 1/21/2021 Subdivision application submitted (**see attachment 11**)

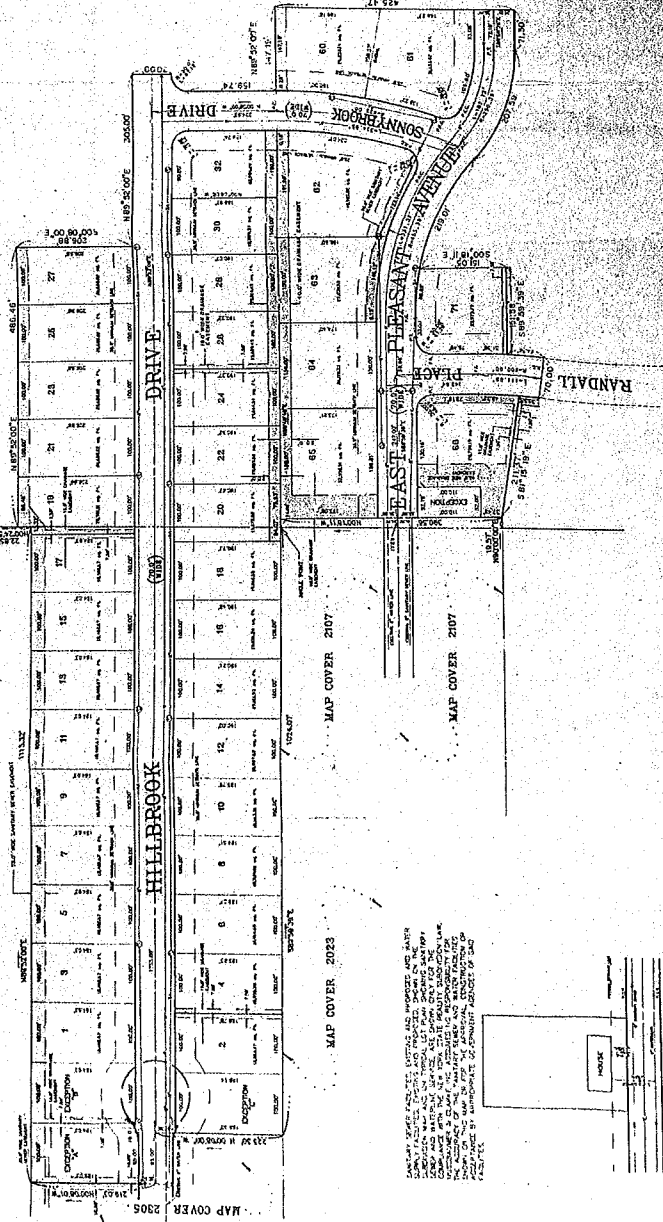
# SONNYBROOK

PART OF LOTS: 29 & 37 ; TOWNSHIP 8; RANGE 8.

Town Of Eden : County Of Erie  
State Of New York

EASTERN LINE OF LOT 29

WESTERN LINE OF LOT 37



Notes :  
1. EASEMENTS TO BE  
CONVEYED TO THE TOWN OF EDEN.  
2. ALL SANITARY SEWER EASEMENTS  
TO BE CONVEYED TO THE ERIE  
COUNTY SEWER DISTRICT INC.

Certificates of approval by the Planning Board.  
The Planning Board of the Town of Eden has reviewed the  
proposed subdivision and has found that the same complies with  
all the requirements of approval having  
been fulfilled, this area has been given final approval  
by the Town of Eden on 10/27/2023.

ERIE COUNTY CLERK'S OFFICE  
MAP COVER No. 20552 DATE: 9/5/23  
COUNTY CLERK

The foregoing certificate was taken on this 5th day of September 2023  
at the County Clerk's Office in the County of Erie, New York.  
The County Clerk, after a review of the records of the County of Erie, New York,  
has found that the same is in conformity with the laws of the State of New York,  
and that the same is a true and correct copy of the original as filed in the  
County Clerk's Office.

ERIE COUNTY HEALTH DEPARTMENT  
DATE: 9/5/23  
COUNTY HEALTH DEPARTMENT

The foregoing certificate was taken on this 5th day of September 2023  
at the County Health Department in the County of Erie, New York.  
The County Health Department, after a review of the records of the County of Erie, New York,  
has found that the same is in conformity with the laws of the State of New York,  
and that the same is a true and correct copy of the original as filed in the  
County Health Department's Office.

ERIE COUNTY DEPARTMENT OF PLANNING  
DATE: 9/5/23  
COUNTY DEPARTMENT OF PLANNING

The foregoing certificate was taken on this 5th day of September 2023  
at the County Department of Planning in the County of Erie, New York.  
The County Department of Planning, after a review of the records of the County of Erie, New York,  
has found that the same is in conformity with the laws of the State of New York,  
and that the same is a true and correct copy of the original as filed in the  
County Department of Planning's Office.

SONNYBROOK SUBDIVISION  
SCHREIBER & MINKELMAN INC.  
ENGINEERS AND SURVEYORS  
100 E. LAKESIDE AVENUE  
BUFFALO, NY 14203

DATE OF PREPARATION: 9/5/23  
DATE OF RECORDING: 9/5/23  
BOOK: 20552  
PAGE: 1

PLEASE 1

TOTAL NUMBER OF SUBLOTS: 38  
AREA: 25.74 AC.

Attachment 1

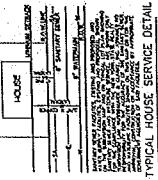
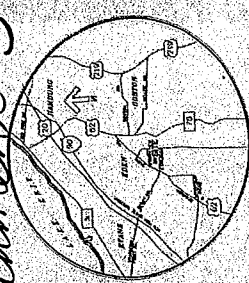




attachment 3

# SONNYBROOK SUBDIVISION - PHASE III

38 LOTS - 24.0 ACRES  
PART OF LOT 29, TOWNSHIP 8, RANGE 8  
Erie County, State of New York



TYPICAL HOUSE SERVICE DETAIL

NOTES:  
1. ALL LOTS AND EASEMENTS SHOWN ARE SUBJECT TO THE TOWN OF SONNYBROOK'S ZONING ORDINANCES AND ANY OTHER ORDINANCES THAT MAY BE ADOPTED BY THE TOWN OF SONNYBROOK.  
2. THE TOWN OF SONNYBROOK IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.  
3. THE TOWN OF SONNYBROOK IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

GRAPHIC SCALE  
1" = 100'

DATE: 08-08-2004  
DRAWN BY: JAG  
CHECKED BY: JAG  
DATE: 08-08-2004  
DRAWN BY: JAG  
CHECKED BY: JAG

MAP COVER  
SONNYBROOK SUBDIVISION PHASE III

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SONNYBROOK SUBDIVISION PHASE III

617.20  
Appendix A  
State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☒ Part 1 ☐ Part 2 ☐ Part 3  
Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared.\*
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

Sonnybrook Subdivision Phase III  
Name of Action

Town of Eden Planning Board  
Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

Signature of Responsible Officer in Lead Agency Signature of Preparer (If different from responsible officer)

**PART 1--PROJECT INFORMATION**  
**Prepared by Project Sponsor**

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Sonnybrook Subdivision Phase III

Location of Action (include Street Address, Municipality and County)

East Pleasant Ave, Hillbrook Drive, Cherry Lane  
Town of Eden, Erie County, NY

Name of Applicant/Sponsor Mr. Donald Schreiber Jr. SCHREIBER & WINKELMAN INC.

Address 4240 Schreiber Dr.

City / PO Eden State NY Zip Code 14075

Business Telephone 716.992.4332

Name of Owner (if different) \_\_\_\_\_

Address \_\_\_\_\_

City / PO \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Telephone \_\_\_\_\_

Description of Action:

Subdivision of approximately 20-acres into 26 single-family residential lots. Additional improvements include:

- Construction of approximately 1,930 feet of 26 ft wide paved roadway
- Sanitary Sewer & Waterline extension to service 26 lots
- Construction of stormwater sewer system and detention basin
- Conveyance of approximately 3.91 acres of forested land to the Town of Eden as open space/parkland.



Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☒ Rural (non-farm)  
☒ Forest ☐ Agriculture ☐ Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Total acreage of project area: \_\_\_\_\_ acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	<u>20.1</u> acres	<u>3.91</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) <u>Residential Subdivision / Right-of-way</u>	<u>0</u> acres	<u>16.19</u> acres

3. What is predominant soil type(s) on project site?

a. Soil drainage: ☒ Well drained 100 % of site ☐ Moderately well drained \_\_\_\_\_ % of site.  
☐ Poorly drained \_\_\_\_\_ % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? \_\_\_\_\_ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

a. What is depth to bedrock +/- 12 (in feet)

5. Approximate percentage of proposed project site with slopes:

☒ 0-10% 100 % ☐ 10- 15% \_\_\_\_\_ % ☐ 15% or greater \_\_\_\_\_ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? ~ 15 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

NYS DEC

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

15. Streams within or contiguous to project area:

n/a

a. Name of Stream and name of River to which it is tributary

n/a

16. Lakes, ponds, wetland areas within or contiguous to project area:

Yes - wetland area

b. Size (in acres):

.204 acres

17. Is the site served by existing public utilities? ☒ Yes ☐ No
- a. If **YES**, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
- b. If **YES**, will improvements be necessary to allow connection? ☒ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 20.1 acres.
- b. Project acreage to be developed: 7.17 acres initially; 16.19 acres ultimately.
- c. Project acreage to remain undeveloped: 3.91 acres.
- d. Length of project, in miles: n/a (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. n/a %
- f. Number of off-street parking spaces existing n/a; proposed n/a
- g. Maximum vehicular trips generated per hour: 26-27 (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | <u>10</u>  | <u></u>    | <u></u>         | <u></u>     |
| Ultimately | <u>26</u>  | <u></u>    | <u></u>         | <u></u>     |
- i. Dimensions (in feet) of largest proposed structure: S.F.H. height;  width;  length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 1930 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.

3. Will disturbed areas be reclaimed ☐ Yes ☐ No ☒ N/A

a. If yes, for what intended purpose is the site being reclaimed?

b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No

c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 13 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: \_\_\_\_\_ months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 2 (number)

b. Anticipated date of commencement phase 1: 5 month 2003 year, (including demolition)

c. Approximate completion date of final phase: 10 month 2005 year.

d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☒ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction +/- 10 ; after project is complete

10. Number of jobs eliminated by this project 0 .

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount \_\_\_\_\_

b. Name of water body into which effluent will be discharged \_\_\_\_\_

13. Is subsurface liquid waste disposal involved? ☒ Yes ☐ No Type Storm water / sewer

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☒ Yes ☐ No

a. If yes, what is the amount per month? unk. tons

b. If yes, will an existing solid waste facility be used? ☒ Yes ☐ No

c. If yes, give name E.C.S.D. #2 Big Sister Treatment Plant ; location Lake Shore Road

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.

b. If yes, what is the anticipated site life? \_\_\_\_\_ years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☐ Yes ☒ No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity n/a gallons/minute.

23. Total anticipated water usage per day 2000 gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Final Plat</u>	
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Final Plat</u>	
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
City, County Health Department	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
			<u>Erie Co. Health Dept.</u>	<u>Jan 2003</u>
			<u>Erie Co. D.S.M.</u>	<u>Jan 2003</u>
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Town Engineering</u>	
			<u>Consultant</u>	<u>Jan 2003</u>
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
State Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Federal Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
			<u>Army Corps of Engineers</u>	<u>Nov. 2002</u>
			<u>(wetlands determination)</u>	

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

<input type="checkbox"/> Zoning amendment	<input type="checkbox"/> Zoning variance	<input type="checkbox"/> New/revision of master plan	<input checked="" type="checkbox"/> Subdivision
<input type="checkbox"/> Site plan	<input type="checkbox"/> Special use permit	<input type="checkbox"/> Resource management plan	<input type="checkbox"/> Other



2. What is the zoning classification(s) of the site?

HR - Hamlet Residential

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

58 lots - (15,000 sf minimum / lot)

4. What is the proposed zoning of the site?

HR - Hamlet Residential

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

58 lots - not requesting a zoning change as part of this application

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Residential, single-family subdivisions.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? 26

a. What is the minimum lot size proposed? 17,500 sq (100' x 175')

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☒ Yes ☐ No

a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☒ Yes ☐ No

26 lots estimated to create an additional 26 trips during weekday peak-hours. (ITE Trip Generation Handbook)

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name DONALD C SCHREIBER JR Date 1/8/03

Signature [Signature]

Title V. PRES.

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Eden Planning Board  
Minutes of Meeting  
May 1, 2003

**Members Present:**

Mark Agle  
Kevin O'Gorman  
William Zittel  
Juanita Majewski  
Gerard Schwab  
Andrew Romanowski, Alternate

**Excused:**

Dennis Brawdy

**Absent:**

Anthony Weiss

**Guests:**

Scott Henry  
Drew Reilly  
Don Schreiber  
Patrick Howard  
Supervisor Glenn Nellis  
Councilmen Zittel, Pew, & Vacco  
Jeff Schreiber  
Dave Schreiber

\*\*\*\*\*  
Chairman Agle called the Meeting of the Eden Town Planning Board to order at 8:00 PM. Agle requested a motion to approve the April 3, 2003 minutes as written & submitted; so moved by Bill Zittel, seconded by Juanita Majewski carried all ayes.

**NEW & UNFINISHED BUSINESS**

\* 1. **Don Schreiber – Sonnybrook Phase III Subdivision:** Chairman Agle asked Mr. Schreiber and Drew Reilly what if any progress has been made in addressing the drainage issues. Reilly replied that Nussbaumer & Clarks engineers worked with Kristen from Wendel Duchscherer and have offered about 7 pages of input to be taken into consideration (see Memo to the Eden Planning Board from Andrew C. Reilly and Kristin L. Haight dated 4-1-03, revised 4/30/03). Chairman Agle stated that since the last meeting, the 30-day requirement for receipt of SEQR response has passed and no other letters were received. Reilly stated that agency comments were received, SEQR Part II was completed at the last meeting, now the Board must make a SEQR decision whether or not to declare a Negative Impact on EAF. Whenever there is new construction, there will be an impact on the environment. The Board needs to decide whether or not the impact can be mitigated. Reilly read to the Board a negative declaration draft for review and discussion. (See Negative Impact 5-1-03). Wendel has met with the Nussbaumer engineers several times working on the engineering details of drainage. A downstream pond designed for the entire Sonnybrook area and another pond has been designed to mitigate even further the reduction and the flow of downstream structures and the applicant has agreed that due to the ground water conditions of the area, there will be an addition of ground water to the system up to the surface making it necessary to oversize that system to also reduce the feed runoffs, therefore there are extraordinary engineering requirements for this subdivision. Schreiber also dug test holes, very clay like materials were found. (Pictures of test holes were provided.)

Bill Zittel commented on #7 of Negative impact draft regarding traffic patterns. Is it better to open more roads than less to provide different routes to disperse traffic more

efficiently? Schreiber stated that currently there are 2 streets that are designed to connect through to Weller, however these roads are not a straight away, there will be a stop sign leading to either a right or left turn. O'Gorman stated that Schoolview will most likely remain the straight away between Route 62 and Jennings Road. Regarding the soils, O'Gorman added that this is the ideal location for this subdivision, especially due to the soils, because they have solid footing to build on and there will not be settlement problems here; the engineers should be able to address all the drainage issues. Individual soil tests for each lot are a requirement. Andy Romanowski stated that the soils here may not be particularly well drained but they are certainly workable.

*Chairman Agle called for a motion to declare a Negative Impact under SEQRA based upon the EAF and citing the reasons set forth in draft negative declaration prepared by Wendel dated 5-1- regarding Sonnybrook Phase III Subdivision, Bill Zittel moved, Juanita Majewski seconded, carried all ayes.*

**Conditional Preliminary Plat Approval for Sonnybrook Phase III Subdivision.** The Planning Board motioned to pass a Conditional Preliminary Plat Approval contingent on:

- 1). The Town Board approving the reservation of the parkland shown on the Plan in accordance with 184-19B(1).
- 2). The applicant satisfactorily addresses the drainage system that mitigates the potential problems of the site.
- 3). The Planning Board shall waive the 100' straight tangent requirement in subdivision regulations (183.31L).

***Motioned by Bill Zittel, seconded by Kevin O'Gorman, carried all ayes.***

**2. Don Schreiber – Mini Self Storage located at 8750 S. Main St.:** Mr. Schreiber presented renderings of proposed mini self-storage units. (Contractor's Plaza). Chairman Agle informed the Planning Board that since the April 3<sup>rd</sup> meeting, the Town Board did rezone this area of S. Main Street, making self-storage units permissible by approval of Special Use Permit; the Planning Boards responsibility is as an advisory board only to the Town Board; the final decision rests upon them. Mr. Schreiber stated that Phase I will be to build the 3 storage buildings (consisting of 111 units); when 80% occupancy is met, then phase II would be built (the office/warehouse building). Reilly stated that a contingency could be placed on the Special Use permit by the Town Board to state that before any other storage buildings would be erected, the office building must be built, with an annual special use permit renewal stipulation. Schreiber also submitted to the Planning Board information about taxes from the surrounding businesses and the projection of taxes from his proposal. The prime businesses in that area do not generate a large amount of tax revenue. Phase I alone would potentially generate more taxes for the Town than the other businesses currently generate. Chairman Agle reminded Reilly that when this proposal was discussed by other parties, Reilly's opinion was quite clear that this is was probably not in the best interest of the Town; not good for taxes or jobs. What is your consensus now? Reilly responded that at that time there was only a limited amount of commercial industrial property to the south, and this property should be maintained for business, and not used for storage units. The compromise would be that a certain amount of property be maintained for commercial business and the remainder

could be used for public mini-storage. Schreibers' proposal maintains the front portion of the property for businesses, and the pending minor subdivision of this property would create another location for commercial development; also the Planning Board could make recommendations to the Town Board to impose very specific conditions upon the special use permit, with which the developer would need to comply. Schreiber explained that the office/warehouse building would be a pre-manufactured building with a masonry façade. Each unit is 25'x40', it has its own entrance and 2 parking spots; in the front is a reception area, a small office and a bathroom; in the back is a 25'x20' area with a 10x10 overhead door. The vision is that these would function as incubator businesses and grow as they need more space. As future plans for the "Eden Industrial Park" develop, these thriving incubator businesses could possibly move to the Industrial Park and keep the business in Eden.

***Chairman Agle motioned to table a recommendation regarding a Special Use Permit recommendation to the Town Board until after the Public Hearing (currently set by the Town Board on 5/28/03) has been held and public opinion can be taken into consideration when making such recommendation. Also discussed were the following suggested conditions for consideration by the Town Board before a Special Use Permit should be granted:***

- Special Use Permit should be renewable annually,
- Mr. Schreiber must grant a drainage easement to the Town for the Drainage ditch as relocated,
- Plans should provide for cross access to adjacent future subdivision lot.
- Consider requiring a phasing plan to establish a construction schedule for the storage building and the commercial/office building.

***Bill Zittel seconded the motion, carried all ayes.***

**Minor Subdivision Application of Don Schreiber's Lot:** Chairman Agle stated that as submitted, the bulk requirements have been met. Two conditions of approval are:

- 1) That the existing drainage ditch be relocated as shown on the plans and an easement be granted to the Town for maintenance of said ditch.
- 2) Cross access agreements be required to provide access to future businesses located on adjacent properties.

***Chairman Agle motioned to approve minor subdivision application, Kevin O'Gorman seconded, carried all ayes.***

**3. Pat Howard, Request for Declaration of Open Development Area, 9527 Gowanda State Road:** Chairman Agle excused himself from voting on this issues due to a conflict of interest, Andrew Romanowski, alternate member, was appointed as an acting Planning Board Member. In Dennis Brawdys' absence (vice-chair), Kevin O'Gorman was appointed as acting chairman. Pat Howard distributed a site plan and explained the proposed area to the Board. Drew Reilly interpreted the map: there was a house on the rear lot, the subsequent owner sold off the part of the property that originally provided access to Howard's property. Now Mr. Howard owns 2 pieces of property, one being the rear lot with remains of the original house on it, and one without the house that provides

frontage on, and access to Route 62. Mr. Howard would like to re-establish the primary residence on the rear lot, but the Town law states that he cannot build on a lot that has no frontage; necessitating the rear lot to be joined to the frontage lot, therefore giving up the right to have a house on the back and a house on the front. Mr. Howard asked Reilly if there was any other way to accomplish the re-establishment of the primary residence and leaving the front lot as a separate piece of property? Reilly's response was that the only way it could be done is when you have a lot with a house on it with no public access or public highway is to ask the Town Board to establish an "Open Development Area" with the recommendation of the Planning Board. The Town has declared an "Open Development" twice in its history: Kickbush and Wepax. We do not want to set a precedent that anybody with backlands could build homes on it; the situation here is that we are not creating anymore development than what was in the town before, there was a house there, we are just allowing it to be redeveloped, and give it access over an existing drive through the frontage property. To have an open development area, the property must have access that is approvable by the Fire and Emergency Services Departments; and there must be a permanent easement. Agle clarified that currently Mr. Howard does own both the rear and contiguous frontage parcels and that they were acquired by the same deed. However, they are still considered separate parcels, if the frontage lot were to be sold in the future, he must grant permanent easement to the future owner.

***Motion to recommend to the Town Board to declare an Open Development Area of this +35 acres, allowing Mr. Howard to reestablish the primary residence on the rear lot, and granting a permanent access easement, and thereby allowing 1 other house to be built on the frontage lot, resulting in a total of 2 houses on that Open Development Area, by Kevin O'Gorman, Bill Zittel seconded, carried all ayes.*** Mr. Howard was instructed by the Planning Board to acquire a statement from the Fire and Emergency Services departments declaring that the access to the property meets the requirements for accessibility.

#### **REPORTS:**

**Moratorium on Telecommunication Facilities and WECS:** *Chairman Agle motioned that Planning Board recommends that the Town Board move to enact a 6-month moratorium on telecommunication facilities and WECS,*

The purpose of these moratoriums is to provide an opportunity for the Town to review its current codes with respect to these two rapidly changing areas of technology, and to revise its codes accordingly.

To assist in this process, the Planning board also suggests that the Town Board consider directing the Town Engineer to:

- Review all information and input gathered relative to this matter (other municipal codes, web site information, committee feedback, etc.).
- Compile a list of proposed code revisions for consideration by the Planning Board.

***Juanita Majewski seconded, carried all ayes.***



**ANNOUNCEMENTS:**

Chairman Agle announced that the Town Board adopted Town of Eden Local Law No. 2 of the year 2003. This law allows the Building Inspector to interpret the Code when the code is not explicitly clear.

Respectfully Submitted



Catherine A. Swiech

The Next Meeting will be held on Thursday, June 5<sup>th</sup>, 2003

**FINAL MINUTES**  
**Eden Planning Board**  
**May 27, 2008**

**MEMBERS PRESENT:**

Mark Agle  
William Zittel  
Juanita Majewski  
Kevin O' Gorman  
Andrew Romanowski  
William Mahoney (Alt)  
Frank Meyer (Alt)

**MEMBERS ABSENT:**

Dennis Brawdy  
Anthony Weiss

**GUESTS:**

Scott Henry (Eden Code Enforcement Officer)  
Dana Braun (Engineer – Wendel Duschcherer)  
Dave and Jane Clemens (Subdivision)  
Don Schreiber Jr. (Sonny brook III)  
Renee Adams- (Dog Kennel)  
Andrew Przybysz (Verizon Tower)  
Ed Krycia, Jr. (Town Council)  
Kerri Inserra

~~~~~  
Chairman, Mark Agle called the May 27, 2008 Planning Board meeting to order at 7:06 p.m.

Mark asked for a motion to approve the March Draft 2008 minutes due to them being tabled at the last meeting. William Zittel motioned, Juanita Majewski seconded, hearing no further comments or corrections – Vote: all “Ayes” motion carried. Also to approve the April 2008 minutes, Andrew Romanowski motioned, seconded by Kevin O'Gorman. Being no discussion, Vote: all “Ayes” motion carried.

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**NEW & UNFINISHED BUSINESS:**

**Item 1: Renee Adams – Dog Kennel Request**

This is Renee Adams, here for third time before the board; we referred her to the Zoning Board at a prior meeting to seek variances or other relief. The Zoning Board did grant the variances that were needed and now she is back before the Planning Board. A revised site plan will be required to reflect the conditions placed by the Zoning Board before we can make a recommendation, unless we do so conditionally.

1

**Items needed to be reflected on the Site Plan per Zoning Board direction:**

1. An above ground tank removed to allow additional outdoor 4200 sq ft. of fenced area. (Credit was also given for indoor space due to the small size (9-16 lbs.) of the dogs ).
2. A short form Environmental Assessment Form (EAF) under SEQRA must be submitted.
3. Site Plan must show screening vegetation to be planted along the common property line with neighbor Scheetz.

Renee Adams brought in the original site plan with the proposed areas sketched on freehand that is purported to show the required square footage.

Removal of the above ground water tank was not a necessity she stated, but eventually it will be removed. I will be able to get 6548 sq ft w/o the tank being removed and the screening still has to be done. Renee Adams stated that she did file SEQR forms with Mary Jo Hultquist and one with the Zoning Board.

Mark Agle stated that this plan would just have to be revised by her engineers to show these things to the proper scale on the plans so we can verify that the conditions that were required will be able to be met. In other words ; the screening, plantings, and so forth will all then become part of the permanent plan of record. There was some opposition put forward from some in the surrounding neighborhood but that's typical, with these types of uses. However all of these requirements are being imposed for a reason. The Special Use Permit will also have conditions attached to it, and therefore if you fail to control the dogs there are some potential repercussions for you as well.

Dana stated that with the Special Use Permit you would have a yearly review. Mark stated that we are only the recommending body on this matter as the Town Board has the authority for issuing Special Use Permits. However, once the site plan is revised it will have to be approved by the Planning Board.

Dana stated the proposed use in an unlisted action under SEQRA and the environmental impact is not significant so it would not trigger any further environment review except for looking at the short EAF.

Mark stated that we would make a recommendation to the TB and since they've already held the public hearing they would have the benefit of our recommendation along with the ZBA's input. It would be up to them to decide how they would want to move ahead; either granting the SUP or not.

Mr. O'Gorman stated that it may be better for her to list the adult dogs as over 1 year old.

Our recommendation will be specific as to the size of the dogs because that's the basis for the required area calculation.

All dogs will be licensed after four months of age stated Adams, thru the town.

**Chairman Agle made a motion that the Planning Board make the following recommendation to the Town Board:**

**That they favorably consider the granting of a Special Use Permit for the Renee Adams Dog Kennel Plan, with the following conditions:**

- That a revised site plan be prepared that reflects those conditions imposed as part of the ZBA action: 1) the revision of the site plan to reflect the requisite amount of outdoor fenced area; 2) the placement location, scope, and nature of the screening to be placed along the common property line with Scheetz; 3) submission of the short form environmental assessment form (if one is not already provided); and
- That prior to the issuance of the actual Special Use Permit, the revised site plan be submitted to, and approved by, the Planning Board; and
- Since there is no adverse environmental effect either to the physical environment or the neighborhood or district, we further recommend that the TB further grant a Negative Declaration under SEQRA; and
- That the permit is made to be specific as to the size of dogs (9 to 16 lbs range); and
- That the permit also be specific as to the maximum number of adult dogs (over one year of age) being set at no more than 10; and
- That the permit is nontransferable; and
- That the permit is subject to annual review.

Seconded by William Zittel. Vote on sending the proposed Recommendation to the Town Board for Renee Adams Dog Kennel: motion carried, all "ayes".

## 2. Clemens subdivision

Chairman Agle explained that the Clemens' are back in front of us tonight to propose a minor lot line adjustment of pre-existing lot lines shown under existing Map Cover 2189 filed in the Erie County Clerk's Office. As you recall the Clemens' have been before us with a comprehensive subdivision plan for their property. We held the required public hearing on that plan and had subsequently given sketch plan approval. However, it is our understanding that because of certain considerations; at this point they merely want to move ahead with this reconfiguration which is one of the sublots proposed under that approved sketch plan. The lot line adjustment would affect sub lots 12 and 13 shown under Map Cover 2189. In this way they can move forward and sell 1 lot that has already been proposed and approved as part of their comprehensive plan. Agle asked Dave Clemens if that summary adequately captures why we are here tonight. Clemens concurred that it did.

We've done several of these lot line adjustments over the years. The effect is that, if and when they ever decide to come back with the rest of the plan, it would be just 1 less subplot in their subdivision it doesn't change the scope and nature of that plan at all just merely lets them get underway on this lot for now. However, there are some adverse effects to them if they never elect to move forward with the rest of that subdivision. The two affected sub lots 12 and 13) under the original Map Cover 2189 would be rendered

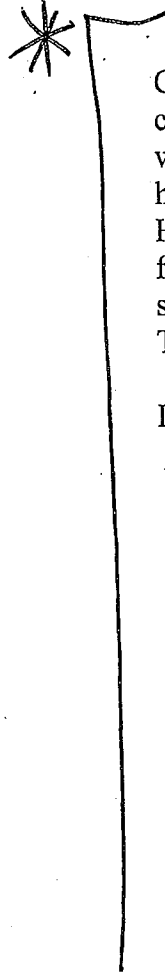
non-build able because the remnant portions of these lots (once the new lot is created) would not conform to the bulk requirements of the zone. I just want to be clear for the record on this point so the applicants understand their future options and constraints. They can either go ahead with the plan as they proposed before or just continue to hold all their property and divide it some other way at a later date.

**Andrew Romanowski announced his intention to abstain from the vote due to a potential conflict of interest.**

**Bill Zittel made motion to approve this lot line adjustment with the understanding that once approved, the remnant portions of the original sub lots 12 and 13 as shown under Map Cover 2189 will no longer be considered viable building lots under the current bulk regulation of the Zone. Juanita Majewski seconded the motion. Vote: all "ayes" motion carried.**

### **3. Minikeme – not present**

### **4. Sonnybrook Phase III**



Chairman Agle gave the following summary. Preliminary plat approval was given, with conditions, to this subdivision in 2004. Final plat approval could not be given due to water moratorium being imposed by ECWA. As of January 2008 the water moratorium has been lifted. Subsequently we have received correspondence from the Erie County Health Department approving the construction of the water lines and also correspondence from the Erie County Water Quality Management Department approving the sanitary sewer lines. This clears the way for us to finally move to the final Plat approval. Our Town Engineer will now bring us up to date on the outstanding issues.

Dana Braun stated that the next steps would be:

A. The Planning Board may consider issuing a final subdivision plan approval conditioned upon:

- Review of project within the MS-4 requirements
- Review and sign off of work completed under the previously filed PIP
- Review/approval of engineering/construction drawings for new PIP applications
- Review of fees for PIP and agreement on fees with Town
- Construction of improvements as per the PIP applications and construction drawings
- Sign-off on the completion of all improvements by the appropriate agency/inspector

- B. Since the plan is the same as the one that received preliminary approval, the Planning Board may choose to hold or waive a second public hearing.
- C. Final sign-off and filing of the Map Cover will happen once all the conditions have been satisfactorily met by the applicant and proof of such has been provided to the Planning Board.

Mr. Schreiber stated that the Notice of Intent (NOI) was filed and we did hear back on that so that the only thing with the MS-4 requirement is that you just need to be copied on the reports. That's taken care of so I can get you that. As far as the drainage goes, everything is in except of course the under drains. As far as sewer can we actually get started on it? The sewer authority will go ahead, they are already to inspect. Since we don't need a PIP from the Town Board, is that a way to get started and move forward? Dana replied that the layout has not changed from the preliminary plan so we will need final drawings that will conform to the reporting requirements for the County. Recommend that the requirement to be waived under the code.

Mark stated the only other condition that he saw that was part of that was the Town Board except the Park Land offer, you were going to keep that green space and I didn't hear anything and I don't in vision it being an issue whether they formally. Schreiber stated that he might have a letter that they formally accepted.

Mark- Just a procedural issue; typically the Health Dept has to sign off first on the Map Cover then we are next. I know you got the letter from them, can get their signatures on there now? I don't know whether they will sign it based on the design or they have to do the testing? But if they sign it, then as long as you have met all of our conditions, then we can sign. However since some of this infrastructure is being dedicated to the Town, then we should wait till they are installed and approved before we sign off. That would be my thought.

**Chairman Agle made a motion that we grant Final Plat Approval conditioned upon receiving all the necessary engineering approvals, the payment of all the applicable fees, and because there is no substantial changes in the layout that we also waive the need for a second public hearing.**

**Seconded by William Zittel.**

**Andrew Romanowski abstaining from the vote due to a potential conflict of interest.**

**Vote: all in favor " ayes" - motion carried.**

#### **5. Verizon Tower**

Chairman Agle provided the following summary. If you recall about a year ago we had made a recommendation to the Town Board for a Special Use Permit for this



communication tower use. We had looked at two sites, one being Eden Bowling Center and the other being the Smith Hardware site. We recommended the Bowling Center site as the primary site but also gave the Town Board a favorable recommendation on the Smith Hardware site should they want to opt for that site. They did hold a public hearing on those sites. Based on feedback from the hearing, the TB took those comments and went back and performed some more due diligence. Since the Smith Hardware site was a viable site from our perspective, they looked at the potential of leasing a portion of Town owned property adjacent to the former Smith Hardware site. There was a general feeling that this case offered several benefits; it met Verizon's location and engineering criteria, it was likely to be acceptable to the Planning Board since we already considered the Smith site as viable, it would provide income stream to the Town, and it mitigated some of the public concerns raised at the public hearing about the Bowling Center site, and the site is wooded and therefore it takes full advantage of the existing natural screening. The Town Board has had some discussions with Verizon and what you have in front of you tonight is a survey of the Town owned property adjacent to Swartz field. As you can see, this area is not a developed recreation area.

This new proposal however requires that we revisit our whole review and approval process again. Meaning that we would have to make a recommendation to the Town Board to hold a public hearing if we feel that this is a viable site. They would tend to do that as early as their next meeting.

Bill Zittel wanted to know how close to the water well is this site, he wanted to be able to access it.

Councilman Krycia stated that he knew the area but not where the water well was located.

Bill Zittel wanted to make sure that if the tower is installed that it not inhibit access to the well.

Of course, any recommendation we would make would require any require any variances to be obtained before we would recommend final site plan approval. There are at least two set back issues that I see right away that would require variances and therefore you would have to end up going to the Zoning Board. We would probably make that referral to the ZBA as part of our recommendation so they can start on their review.

Mr. O'Gorman asked if Verizon had discussed this site with the County of Erie since they own the railroad property?

There will be a SEQR coordinated review. the same we did on the site plan, The Town Board would be the lead agency under SEQRA and the County will automatically be included as an interested agency. Once they get it, they can internally route it to any of their departments that may have an interest.

Dana gave a SEQR update, that the Town Board is, the lead agent for all Cell Towers; the applicant did send me the long EAF today so we have that as records and the Planning Board has a copy as well. I have been talking to the Town Attorney about

what the process will be for reopening the SEQR since they have already progressed it on the previous site and he is aware that the railroad is an interested agency and will be coordinating it with the Town Board to redo the SEQR mailings and make everyone aware of the site changes.

The setback requirement requiring a variance is pursuant to our Town Code whereby the Tower needs to be set back from buildings and property lines the height of the Tower. So in this case, it would need to be 195 feet and it is only proposed to be 80 feet. The south property line also would need a variance.

The tower is taller, for a more effective coverage and its set back 800' from Route 62. The Town is considering the lease but it is not up to us to recommend that they sign the lease or not. That's up to the Town Attorney and the Town Board to make that determination.

Mr. O'Gorman motioned that the Planning Board hereby makes the following recommendation to the Town Board:

That the Town Board schedule the necessary public hearing in order to consider a lease of this site for the proposed use, as requested by Verizon.

We further recommend that if the site is determined to be acceptable to the Town Board; that prior to their issuance of the necessary SUP permit, the Applicant be required to meet and fulfill the following conditions:

- Prepare a final set of plans that are in substantial compliance, in terms of scope and intent, as shown on the submitted preliminary plan that was reviewed by the Planning Board at its May 27, 2008 meeting and which plan serves as the basis for this recommendation. (Said final plans shall depict the location of the "Town well" based upon actual field survey).
- Prepare and Submit a Site Plan in accordance with Town specifications for approval by the Planning Board.
- Secure any and all required zoning variances necessary to accommodate the use as proposed. *Referral to the Eden Zoning Board of Appeals, for consideration of said variances, is hereby made by copy of this memo.*
- Comply with all other applicable laws, codes, ordinances, or directives of the Town or otherwise.
- That as Lead Agency under SEQRA, the Town Board adds Buffalo Southern Railroad as an additional interested agency in its project notification mailings.

Seconded by Mr. Romanowski. Vote: all in favor "ayes" motion carried.

#### 6. Annual training

Mr. O’Gorman presented the Planning Board with a draft letter to Mr. Nellis and the Eden Town Board about requesting the authority be transferred to the Chairman of the Planning Board to determine suitable training for its members as required by law. A copy of the letter was provided to Dana for editing and presentation to the Town Board. The Planning Board discussed staying after their monthly meeting every month for a ½ hour to 1 hour to receive the requisite training from the Town Engineer or other qualified providers.

#### **7. Update: O’Brien’s Paving**

Dana provided an update of discussions between the O’Brien’s and the Town Code Enforcement officer relative to their desire to pave their parking lot. Discussion centered on the preparation of a drainage plan in accordance with the Town Code. This is not on the agenda but wanted to give the Planning Board a heads up on this subject. The O’Brien’s contend that they may fall under the exemption from preparing such a plan as provided for in our code.

Dana stated that her last conversation with O’Briens was that they needed to at least show by calculation that there would be no appreciable change in drainage between a paved lot and what currently exists there now. The feeling of the CEO is that to go from grass and gravel to pavement is a significant change. The Town’s storm water law does have a provision in there that anything over 5000 sq ft that’s paved for commercial or industrial development requires a storm water management plan. They are with in the MS-4, which is under the MS-4 requirement, it doesn’t meet the threshold requirement, the MS-4 is an acre which is the standard speed easy requirement but the Town has this more stringent requirement before industrial, commercial sites that would have a heavy use of traffic. The lot has 25000 sq ft of pavement going down. There is a clause in the law but this is a (gray area).

Dana met with their engineer and architect and they finally relented at least that they would do minimal recalculations to show that it does not adversely effect, if their calculations show it so be it, and if it doesn’t they will have to do the plan.

Mr. O’Gorman suggested that one solution might be for them to donate the land to the Town and let the Town pave it, for a parking lot for the Downtown area.

#### **8. Tim Horton’s Update**

Tim Horton’s SEQR review period is not up till June 8<sup>th</sup>, so they elected not to come back till the June meeting, they didn’t see any need to come and discuss while they were working on it.

The Highway Superintendent has reviewed the plans and his comments included that they might need to replace one of the drainage receivers into which they are running the drainage system and do a couple of other improvements. They have agreed to plant the trees requested and called to verify the species, they are agreeing to stripe the crosswalk At Legion. Right, now we have received no comments from any of the agencies for the SEQR review. The school Superintendent has talked to their

Engineer directly to get more information. Tim Horton's talks to our Engineers on a weekly basis. They are talking to Ron Maggs, Highway Superintendent to make sure he's happy with the drainage and they will likely be back in June.

**Mark Agle made the motion to adjourn the meeting at 8:29p.m. Seconded by Kevin O'Gorman. All "Ayes" motion carried.**

The next meeting is tentatively scheduled for June 24, 2008 at 7:00 p.m.

Respectfully submitted,

Diane Herzog  
June 6, 2008

November 19, 2008

MINUTES

**SPECIAL MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
NOVEMBER 19, 2008  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN ( <i>Deputy Supervisor</i> )
EDWARD KRYCIA, JR.	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN

**OTHERS PRESENT:**

Heather Ohmit	-	Deputy Town Clerk
William Trask	-	Town Attorney
Ron Maggs	-	Highway Superintendent
Robert Cebulski	-	Wendel Duchscherer
Mr. Don Schreiber, Jr.	-	Schreiber & Winkelman
Mr. Jeff Schreiber	-	Schreiber & Winkelman

**Call To Order:**

Supervisor Nellis called the Special Meeting of the Eden Town Board to order at 9:35 P.M.

**New and Unfinished Business:****1. Sonnybrook Stormwater Pond**

Mr. William Trask, Town Attorney, read the following resolution:

**Resolution of the Eden Town Board**

**WHEREAS**, in 2003 Schreiber & Winkelman, Inc. (hereafter “developer”) submitted an application for approval of Sonnybrook Phase III Subdivision, and

**WHEREAS**, In May, 2003, such development received conditional preliminary approval from the Eden Planning Board and final Plat approval was given by the Eden Planning Board in May, 2008, and

**WHEREAS**, the developer applied for and was issued one or more Public Improvement Permits for roadway, drainage, sanitary sewer, and water improvements under Chapter 158 of the Town of Eden Code, and

**WHEREAS**, the developer has installed such public improvements for Sonnybrook Subdivision Phase III, Part 1 and is seeking Town Board acceptance of these public improvements so that the Planning Board Chair can sign-off on the final Plat for this portion of the development, and

**WHEREAS**, the Town Board has received a report from the Highway Superintendent indicating his inspection and approval of such public improvements and has also received a report from Town Engineers, Wendel-Duchscherer (“Wendel”) indicating satisfactory completion of the water and sanitary sewer improvements and the satisfactory completion of drainage improvements, subject to Wendel’s notation that the pond which has been installed by the developer does not meet current stormwater standards but has capacity to handle a 100 year storm,

**NOW, THEREFORE, IT IS**

**RESOLVED**, that the Eden Town Board does hereby accept the public improvements for Sonnybrook Subdivision Phase III, Part 1, subject to the following conditions:

1. Developer to pay any remaining fees in connection with the public improvements and creation of the special improvement drainage district.
2. The Town Attorney to approve all requirements for legal dedication of the roadway, drainage and parkland areas for Sonnybrook Subdivision Phase III, Part 1 to the Town of Eden.
3. Developer to deliver to the Town \$21,000.00(U.S.) in certified funds or a maintenance bond or letter of credit in this amount in form and content satisfactory to the Town Attorney running in favor of the Town of Eden for a period of 1 year to secure the maintenance and, if necessary, redesign and reconstruction of any of the public improvements for Sonnybrook subdivision Phase III, Part 1.
4. That the developer is to enter into a written agreement with the Town of Eden prior to the Planning Board Chair signing off on the Plat for Phase III, Part 1, and that the agreement will be binding upon the developer, any successors or assigns of the developer and will provide that the balance of Sonnybrook Subdivision Phase III will be subject to engineering standards for Stormwater drainage which will require that post-development discharge of the entire Sonnybrook Subdivision Phase III will be equal to or less than the pre-development discharge. This is the standard which Wendel has explained to the Town Board and which the Town Board is requiring as a condition for acceptance of these public improvements, and will require for and as a condition for approval of additional public improvements in future parts of Sonnybrook Phase III. The agreement will specifically acknowledge that if redesign and reconstruction of the pond being accepted tonight is required in order to meet this engineering standard, the developer is acknowledging and agreeing that it will provide the finances required to redesign and reconstruct that pond to meet these standards.
5. Upon satisfactory completion of conditions 1-4 of this Resolution, the Planning Board Chair shall be authorized to sign the Plat for Sonnybrook Subdivision Phase III, Part 1.

Mr. William Trask, Town Attorney, then asked Mr. Don Schreiber if he understood the conditions contained in the Resolution and explained that what the Town Board was saying tonight was that the pond was adequate to handle the Stormwater for the 11 sub-lots that were in Phase III, Part 1 and wanted it to be clearly understood that when he or any successor developer comes in and applies for a Public Improvement Permit for the rest of Sonnybrook Phase III, the Town will require the drainage to be engineered to the standard mentioned in the Resolution and if that meant that the pond needs to be re-designed and re-constructed to handle the additional stormwater from the rest of the development, the developer will be required to pay for the cost of doing that re-design and re-construction on the pond.

Mr. Donald Schreiber, Jr. responded that he understood and agreed with that condition.

**MOTION** was made by Councilman Vacco to accept the resolution as read; seconded by Councilman Krycia; All "Ayes"; Opposed? --None; Abstain? -- None. Motion carried.

**Adjournment:**



November 19, 2008

**MOTION** was made by Councilman Krycia to adjourn the Special Meeting of the Eden Town Board; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None. Motion carried.

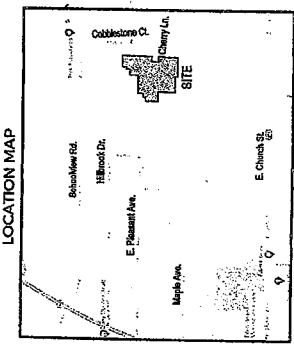
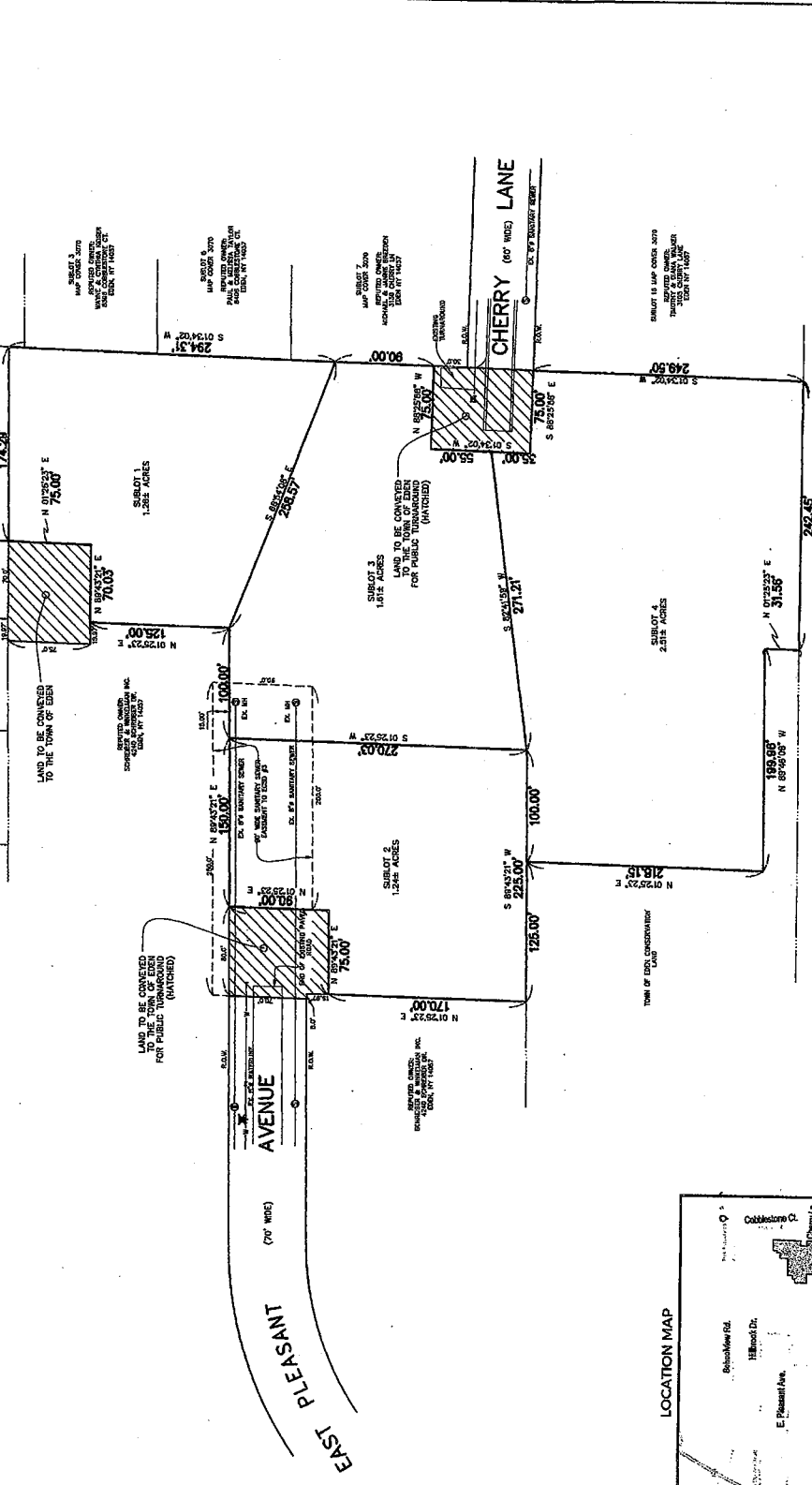
Supervisor Nellis adjourned the Special Meeting of the Eden Town Board at 9:45 P.M.

Respectfully submitted by,

Heather Ohmit  
Deputy Town Clerk



**SONNYBROOK SUBDIVISION III - PART 2**  
**PART OF LOT 29, TOWNSHIP 8, RANGE 8**  
**HOLLAND LAND COMPANY SURVEY**  
**6.55± ACRES**



- NOTES
1. BEARINGS ARE REFERENCED TO NAD 83 DATUM
  2. ZONING CLASSIFICATION: TRF0
  3. REQUIRED FRONT SETBACK: 35'
  4. REQUIRED LOT AREA: 20,000 SQFT. (0.46 AC) (MIN)
  5. REQUIRED REAR YARD SETBACK: 30'

**PRELIMINARY PLAT**  
**SONNYBROOK SUBDIVISION III - PART 2**  
Schreiber & Winkelman  
County of Erie, State of New York  
Date: January 1, 2021  
Scale: 1" = 60'  
Project No.: 0225-0027A

**MUSSELMAN & CLARKE, INC.**  
PLANNING AND ENGINEERING  
3550 Lake Shore Road, Suite 200, Buffalo, NY 14202  
P: 716.835.8000 F: 716.835.8001 www.mussemanandclarke.com

**Short Environmental Assessment Form**  
**Part 1 - Project Information**


**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Sonnybrook Subdivision Phase 3, Part 2			
Project Location (describe, and attach a location map): East Pleasant, Hillbrook Drive, Cherry Lane, Town of Eden NY			
Brief Description of Proposed Action: Sonnybrook III was originally approved by the Town of Eden for the construction of 26 single family homes with associated roadways and utilities. The first phase of this project was constructed in 2008 and is comprised of 11 lots. The remaining 15 lots have not been constructed and are situated on 9.0 acres of land.  The applicant is requesting to re-subdivide 6.55 acres of the remaining 9 acres into 4 residential lots. The remaining lands (2.45 ac.) would be retained by the applicant. The 4 proposed sublots meet the Town of Eden's standards for the HR(b) zoning class. All proposed lots are served by public utilities at the site.			
Name of Applicant or Sponsor: Donald Schreiber - Schreiber & Winkelman		Telephone: 716-992-4332 E-Mail: swdonjr@hotmail.com	
Address: 4240 Schreiber St			
City/PO: Eden	State: NY	Zip Code: 14057	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Eden		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		6.55 acres	
b. Total acreage to be physically disturbed?		<1ac. acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		9.0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Runoff will be directed to existing ditches, swales and storm sewers.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Donald Schreiber Jr.</u> Date: <u>1-20-21</u> Signature: <u></u> Title: <u>VP</u>		

## SUBDIVISION REVIEW APPLICATION

Application Fee \$250

TOWN OF EDEN BUILDING DEPARTMENT  
2795 EAST CHURCH STREET  
EDEN, NY 14057

TEL: 716-992-3576  
FAX: 716-992-4131  
EMAIL: Building@edenny.gov



## APPLICANT INFORMATION:

Name: SCHREIBER'S WINKELMAN INC.Address: 4240 SCHREIBER DR.Telephone: 868-5952 DON SCHREIBER

## PROPERTY INFORMATION:

Location (Street Address) ENDS OF E. ROSSANT • HILLSIDE • CHERRYSBL (Tax I.D.) 023-20-4-0.111Zoning District (taken from Zoning Map) HRTotal existing property frontage 210'Total existing property area (in acres or sq ft.) 6.55Number of sub-lots proposed 4Current use(s) of site(s) VACANT LAND.Proposed use(s) of site(s) BUILDING HOME LOTS

## Please review the following questions:

1. Is the property located with in a flood plain? Y/N
2. Do you know of any nearby hazardous waste site? Y/N
3. Is the property located within a state designated Agricultural district? Y/N
4. Is there a public sewer available to the lot? Y/N
5. Is there public water available to the lot? Y/N

6. Are there any state or federally designated Wetlands on the property? Y(N)
7. Is there any land under water Y(N)
8. Are there any natural land features (i.e. steep slopes, wet soils) which may make development difficult? Y(N)
9. Are there any easements or rights of way on the property? (Y)N
10. Has the property been subdivided with in the past six years? (Y)N  
(If so, how many times? 1)

Please attach any additional information required to explain any "Yes" answers to the above questions.

**SUBMITTALS REQUIRED:**

1. A survey map, prepared by a licensed land surveyor, showing the existing lot of record, and any and all sub-lots as a result of the proposed subdivision. Each survey map must show the shape, dimensions, radii, angles, and area of all existing and proposed lots, as well as the dimensions to any and all buildings or structures that presently exist. (3 copies of each are required)
2. A deed describing the lot of record. (1 copy required)
3. A \$250.00 application fee, payable to the "Eden Town Clerk", to be submitted to the Town Clerk with completed application and submittals.

Fee paid \$250.00 Received by JMC 1/21/21

Copies to:

- ( ) William Mahoney, Chairman Planning Board
- ( ) CPL - Town Engineer
- ( ) David L. Rice, Building and Zoning Inspector  
Code Enforcement Officer

