

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

PUBLIC HEARING DATE: August 19, 2021

BOARD MEMBERS PRESENT: Kristin Kent, Chair  
Joseph Winiecki  
Drew Riedel  
Doug Scheu  
Candice Pineau

BOARD MEMBERS EXCUSED: Curtis Neureuter

TOWN BOARD: Gary Sam

APPLICANT: Ed Wojcik, Sunset Custom Homes Inc.  
Tom Pecora, Sunset Custom Homes Inc.  
Richard Minekime, Land owner of 8310 Evelyn Dr.

RE: **Appeal No. 2021-7**  
**Sunset Custom Homes, Inc.**  
**8310 Evelyn Dr.**

Ms. Kent called the meeting to order at 7:35 pm and read the Legal Notice for this hearing published in "The Sun":

**Sunset Custom Homes, Inc.:** application for variances to allow a Major Subdivision at 8310 Evelyn Drive, in violation of the lot size, frontage and lot width rules for the proposed parcels, under Code section 225-23.

Ms. Kent confirmed with Ms. Crowe that the property notice list was completed. She noted that when we open for public comments, we may need to limit the comment time to three minutes per person, due to the number of people present. Mr. Minekime confirmed that he authorized Mr. Wojcik of Sunset Custom Homes to apply for the variances, and Mr. Wojcik was asked to explain why he applied for the variances.

Mr. Wojcik said they are requesting a smaller lot size to make the proposed subdivision more affordable. The cost of infrastructure has drastically increased over the past few years. We are trying to keep the cost per lot as affordable as possible. When you add in the expense of building a road and utilities, the price per lot increases. We are here today to request variances on the lot size only. We are not presenting full plans tonight. At this time, we have only prepared the attached Concept Plan. If the variances are approved, we would then apply for a major subdivision and develop a full site plan to present to the Planning Board.

**Mr. Wojcik was then asked questions by the board related to the requirements this board must review for variances** (*his answers are in italics*):

**Will this create an undesirable change in the character of the neighborhood?** *The change in lot size will not be noticeable. We are requesting 75' of frontage as opposed to the 100' minimum and a*

*12,000 sq. ft. lot size as opposed to the 15,000 sq. ft. minimum. We will be building a smaller sized house on these lots, 1200-1500 sq. ft. homes rather than the 1800 sq. ft. homes that we have been building in the area.*

**Is there an alternative method that could provide a solution?** *100' lots are not affordable here. The cost of infrastructure is \$800 per linear foot for development of the road, sewers, water and utilities. This would put the cost per lot at \$60,000 - \$75,000. A 75' lot size would bring that cost down to \$45,000 per lot. This is right in line with what we are selling lots for now in this area.*

**Will this create a substantial variance?** *We are requesting a 12,000 sq. ft. lot as opposed to a 15,000 sq. ft. lot, this is a 20% variance. A 75' lot width as opposed to a 100' lot width is a 25% variance. I don't feel that is substantial. As I said, the difference in size won't be noticeable.*

Mr. Scheu indicated he feels a 25% frontage variance (at 75') is substantial. He explored with Mr. Wojcik whether the subdivision might be configured to hold 20 rather than approximately 30 lots, and infrastructure cost issues. Other board members suggested that smaller lots should be balanced with the Town's desire to support greater residential density in the Hamlet Residential zone.

**Will the variance create an adverse environmental effect on the neighborhood?** *We will be required to complete a SEQR report once we apply for a major subdivision. The land in the area is mostly flat, the grade and topography won't be disturbed. Sewer and water are already there and a small retention area is available on Schreiner Road.*

**Is the need for the variances self-created?** *No, we did not cause the cost of development to increase.*

To help inform the discussion, Ms. Kent then read into the record Objectives from the Town's 2017 Master Plan (pp. 27, 28):

2. Support the continued use of development . . . that maximize[s] open space . . .
3. Prevent urban sprawl from converting extensive open spaces and active agricultural land into developed areas.
10. Review and update existing lot dimension requirements and subdivision regulations to provide flexibility in residential development while retaining valuable land and access to it.

The hearing was opened for comments. Mr. Riedel noted that the Board is only authorized to decide on lot size variances. All other concerns should be addressed during a public hearing if a site plan is presented to the Planning Board.

The following residents spoke about their concerns with the proposed subdivision:

- Tina Powell, 8330 Evelyn Dr.
- Greg Knose, 8676 Violet Pkwy.
- Andy Tarasek, 8331 Evelyn Dr.
- Mary Morrison, 2528 West Church St.
- Tim Johnson, 2549 Beverly Ave.
- Dan Rott, 8323 Evelyn Dr.

- Joe Kuebler, 2497 W. Church St.
- Brian Hubbard, 2558 W. Church St.
- Anna Knack, 2505 W. Church St.
- John W(?), 8300 Schreiner Road
- Sheena Mikac, 8346 Evelyn Dr.

They addressed the following topics:

- Residents are opposed to a crowded neighborhood. This is a peaceful, quiet neighborhood. They don't want another community in their backyards. Open space is what Eden is all about. Some residents stated that if the subdivision is approved, they will move.
 

Mr. Scheu noted that the Master Plan was developed to maintain some open space, but also to encourage growth and development in the Hamlet area. Mr. Riedel added that Town Code is being re-evaluated, to encourage growth. This area is Hamlet Residential and Code revisions likely would allow for a reduced lot size. Ms. Pineau noted that this area is zoned Hamlet Residential, just like Hillbrook and East Pleasant. Ms. Kent added that open spaces aren't guaranteed to remain vacant. For example, the 5-acre parcel at 8314 Evelyn Drive is owned by the Town and is currently vacant, but in the future could be developed for a neighborhood park or another use.
- This neighborhood is not the same as Hillbrook or East Pleasant. Our neighborhood is not like a subdivision.
 

Mr. Minekime stated that this property has been known and referred to as a subdivision since the 1950's.
- 100' wide lots are the standard. Twenty new houses would be easier to accept rather than thirty new houses.
 

Mr. Wojcik stated that the proposed 75' lot width would allow for smaller homes to be built, 12' from each side lot line. The existing homes in the neighborhood are 16' from side lot lines. Our goal is to keep the price of the lots affordable.
- Concerns with parking, traffic, the connection of the new street to Church Street, and no sidewalks. More lots will lead to increased numbers of vehicles and safety concerns.
 

Ms. Kent stated that these concerns should be addressed with the Planning Board during the subdivision site plan review process. Tonight, we are able to decide only the requested variances for lot size.
- Concerns about drainage, referring to the requirements in Code section 184, Subdivisions.
 

Ms. Kent noted that section 184 addresses drainage and infrastructure issues to be considered by the Planning Board; the ZBA doesn't have the authority to review them. Mr. Wojcik stated that all proper drainage would be in place, swales and drain inlets would be required. All drainage plans would be reviewed during the site plan process and would require approval. Mr. Minekime added that he has cleaned out the existing drainage ditch at his cost on several occasions because residents in the area fill it with debris.
- Residents feel this is a "money grab". This type of development would increase profits for the developer only, not the Town or the residents. It could cause property values to rise.
 

Mr. Minekime responded that improvements cost money up front. The road and cost of infrastructure will be \$1,000,000. I have been paying taxes on this property and losing

money for years. Now I wish to develop this land in a way that is affordable to potential buyers in the Eden area. This is an opportunity to increase the tax base, add to the population and add students to the school district.

The board noted that traffic, drainage, new street location and other concerns raised by neighbors are reserved for the Planning Board's review; that concerns about neighborhood open spaces need to be balanced with future development of the Hamlet Residential zone as encouraged by the Master Plan; that development costs make it unlikely an alternate residential plan exists at this time; that the variances at 20% and 25% seem acceptable to most board members when balanced with the Town's interest in increased residential density in this area, and are unlikely to create an undesirable change in the character of this long-planned residential neighborhood.

**Based on these factors, Mr. Riedel made a motion to approve the requested variances for a minimum lot size of 12,000 sq. ft. and 75' frontage and lots widths for a major subdivision at 8310 Evelyn Drive, as shown approximately on the Concept Plan dated June 2021; Seconded by Ms. Kent. Mr. Winiecki, Ms. Pineau, Mr. Riedel and Ms. Kent voted in favor of the motion. Mr. Scheu voted against the motion. Motion approved.**

Meeting was adjourned at 8:40 pm.

Respectfully submitted,

Jen Crowe, Secretary  
Eden Zoning Board of Appeals